

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 19th July, 2017**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 19th July, 2017**
at **7.30 pm** .

Glen Chipp
Chief Executive

Democratic Services
Officer

V. Messenger Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors G Shiell (Chairman), E Webster (Vice-Chairman), R Bassett, R Butler, D Dorrell, R Gadsby, L Hughes, H Kane, S Kane, Y Knight, J Lea, A Mitchell, M Sartin and S Stavrou

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 32)

To confirm the minutes of the last meeting of the Sub-Committee held on 21 June 2017.

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. DEVELOPMENT CONTROL (Pages 33 - 112)

(Director of Governance) To consider the planning applications set out in the attached schedule

Background Papers

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

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Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Meetings of the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South and Area Plans Sub-Committee West are held at the Civic Offices in Epping..

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by ringing the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East or Area Plans Sub-Committee West, you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of

officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

Area Planning Subcommittee West 2017-18

Members of the Committee and Wards Represented:



**Chairman
Cllr Shiell**
Waltham
Abbey
Honey Lane

**Vice-Chairman
Cllr Webster**
Waltham Abbey
Paternoster

Cllr Bassett
Lower
Nazeing

Cllr Butler
Waltham Abbey
Honey Lane

Cllr Dorrell
Waltham Abbey
Paternoster



Cllr Gadsby
Waltham Abbey
South West

Cllr Hughes
Broadley
Common,
Epping Upland
and Nazeing

Cllr H Kane
Waltham
Abbey
South West

Cllr S Kane
Waltham
Abbey
Honey Lane

Cllr Knight
Lower
Nazeing



Cllr Lea
Waltham
Abbey North
East

Cllr Mitchell
Waltham
Abbey North
East

Cllr Sartin
Roydon

Cllr Stavrou
Waltham
Abbey High
Beach

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 21 June 2017
West

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.30 pm
High Street, Epping

Members Present: G Shiell (Chairman), E Webster (Vice-Chairman), R Bassett, R Butler, D Dorrell, R Gadsby, L Hughes, S Kane, J Lea, M Sartin and S Stavrou

Other Councillors:

Apologies: H Kane, Y Knight and A Mitchell

Officers Present: J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)), J Leither (Democratic Services Officer) and G J Woodhall (Senior Democratic Services Officer)

1. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

2. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

3. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 17 May 2017 be taken as read and signed by the Chairman as a correct record.

4. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Bassett declared a pecuniary interest in the following item of the agenda by virtue of being a Trustee of the Community Bus Service. The applicant has offered a financial contribution to reinstate the Community Bus service in Nazeing. The Councillor had determined that his interest was prejudicial and that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1493/16 Broxlea Nursery, Nursery Road, Nazeing, Essex EN9 2JE

(b) Pursuant to the Council's Code of Member Conduct, Councillors M Sartin and S Stavrou declared non-pecuniary interests in the following item of the agenda by virtue of being District Council appointees to the Lee Valley Regional Park Authority. The Councillors had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration of the item and voting thereon:

- EPF/1493/16 Broxlea Nursery, Nursery Road, Nazeing, Essex EN9 2JE

(d) Pursuant to the Council's Code of Member Conduct, Councillor S Stavrou declared a non-pecuniary interest in the following item of the agenda by virtue of employing the Applicant's Agent in the past. The Councillor had determined that her interest was not prejudicial and that she would remain in the meeting for the consideration of the item and voting thereon.

- EPF/0232/17 Shottentons Farm, Pecks Hill, Nazeing, Essex EN9 2NY

During the presentation of the item the agent disclosed that he had been in close contact with housing officers from the Council. Councillor S Stavrou brought it to the attention of the meeting that she was the Housing Portfolio Holder and she would therefore not take any further part in the discussion and would abstain from the vote.

5. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

6. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That the planning applications numbered 1 – 7 be determined as set out in the schedule attached to these minutes.

7. PROBITY IN PLANNING - APPEAL DECISIONS, 1 OCTOBER 2016 TO 31 MARCH 2017

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions 1 October 2016 to 31 March 2017.

The report advised the decision making committees of the results of all successful allowed appeals, particularly those refused by committee to officer recommendation. The purpose was to inform Members of the consequences of their decisions in this respect and in cases where the refusal was found unsupportable on planning grounds, an award of costs could be made against the Council.

Since 2011/12 there had been two local indicators, one measured all planning application type appeals as a result of committee reversals of officer recommendations (GOV08) and the other measured the performance of officer recommendations and delegated decisions (GOV07).

Over the six-month period between 1 October 2016 and 31 March 2017, the Council received 54 decisions on appeals (51 of which were planning related appeals, the other 3 were enforcement related).

GOV07 and 08 measured planning application decisions taken at appeal and out of a combined total of 51, 16 were allowed (31%). Broken down further, GOV07 officer performance was 8 out of 40 allowed (20%) and GOV08 committee reversal performance was 8 out of 11 (73%) for the 6 month period.

Members noted that the Area Plans West Sub-Committee had no appeals allowed against decisions made.

RESOLVED:

That the Probity in Planning report covering the period 1 October 2016 to 31 March 2017 be noted.

8. AREA PLANS SUB-COMMITTEES - PUBLIC SEATING ARRANGEMENTS

The Sub-Committee considered the current seating arrangements of the Area Plans Sub-Committee West and decided that they would like to keep the current seating arrangements.

RESOLVED:

- (1) That the Sub-Committee keep the same seating arrangements allowing Members to vacate the meeting through the ante-room; and
- (2) That the general public would be seated in the upper public gallery and registered speakers would be seated in the lower council chamber.

CHAIRMAN

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Report Item No: 1

APPLICATION No:	EPF/1493/16
SITE ADDRESS:	Broxlea Nursery Nursery Road Nazeing Waltham Abbey Essex EN9 2JE
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Outline Application for 7 no. Self-Build Houses in accordance with Housing & Planning Act 2016 and Self-Build Act 2015.
DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585015

REASON FOR REFUSAL

- 1 The site is located within the Metropolitan Green Belt and the proposal constitutes inappropriate development that is, by definition, harmful to the Green Belt. Whilst the benefits of providing self-build housing to meet local needs is a material consideration that weighs in favour of the development it is not considered that this, or the other material considerations put forward, are sufficient enough to outweigh the harm to the Green Belt through inappropriate development. Therefore no very special circumstances exist and the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.
- 2 The application site is located within Environment Agency Flood Zones 2 and 3 and the development has not passed the Sequential Test, contrary to the guidance contained within the National Planning Policy Framework, the associated Technical Guidance, the Planning Practice Guidance and policies U2A of the adopted Local Plan and Alterations.
- 3 The provision of a residential development on this agricultural site would result in significant harm to the character and amenity of the Lee Valley Regional Park, contrary to the guidance contained within the National Planning Policy Framework and policy RST24 of the adopted Local Plan and Alterations.

Report Item No: 2

APPLICATION No:	EPF/0114/17
SITE ADDRESS:	Di Rosa Garden Centre & The Leaves Tylers Road Roydon Harlow Essex CM19 5LJ
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Variation of condition 9 (personal consent) of planning permission EPF/2586/15 (Demolition of part of existing glasshouses, erection of building for storage of ice cream vans and re-use of retained glasshouses for ancillary parking)
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590943

CONDITIONS

- 1 The development hereby permitted must be begun not later than the 25/01/2019
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3560/1, 3560/2, 3560/3, 3560/4, 3560/5 of application reference number EPF/2586/15
- 3 Materials to be used for the external finishes of the proposed development shall be green in colour unless otherwise agreed in writing by the Local Planning Authority.
- 4 The use hereby permitted shall not be operated outside the hours of 10:00 to 20:30 on Monday to Sundays and Bank Holidays.
- 5 There shall be no repair works or machined cleaning of the fleet of vehicles or the charging of any refrigeration units outside of the new building hereby approved without the prior written consent of the Local Planning Authority.
- 6 The rating level of noise emitted from the site shall not exceed 5dB(A) above the prevailing background noise level when measured from the edge of the closest residential property.

- 7 Prior to the commencement of the use of the site details of the proposed new hedge planting, as shown on Drawing No. 3560/3, shall be submitted to and approved in writing by the Local Planning Authority. The hedge shall be planted prior to commencement of the use of the site, unless otherwise agreed in writing by the Local Planning Authority. If the hedge dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by new planting of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

- 8 No vehicles over 7.5 Tonnes shall be stored or parked on site.

Report Item No: 3

APPLICATION No:	EPF/0232/17
SITE ADDRESS:	Shottentons Farm Pecks Hill Nazeing Essex EN9 2NY
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Proposed outline application for the erection of 24 x 1 bedroom accommodation units in two blocks for occupation by horticultural workers, with landscaping as a reserved matter (alternative to EPF/0152/16).
DECISION:	Deferred to District Development Management Committee

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591355

Members deferred this application to District Development Management Committee for a decision

Report Item No: 4

APPLICATION No:	EPF/0292/17
SITE ADDRESS:	Land at Bentons Farm Middle Street Nazeing Essex EN9 2LN
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Proposed erection of 4 no. detached four bedroom residential dwellings
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591513

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 12459:- S001-A, P003-C, P004-C, P005-B

- 3 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 4 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

- 5 No development shall take place until a Phase 1 Land

Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 6
- Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
- [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 7
- Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent

version, in relation to the intended use of the land after remediation. [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 8 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 9 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A-E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 11 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any

replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 12 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 13 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 14 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 15 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 16 Prior to first occupation of the development, details of access and vision splays shall be submitted to the Local Planning Authority and agreed in writing.

Report Item No: 5

APPLICATION No:	EPF/0526/17
SITE ADDRESS:	Netherhouse Farm Sewardstone Road Waltham Abbey Essex E4 7RJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Use as a woodland cemetery with the erection of a meeting hall and associated buildings
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592193

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

- 2 The development hereby permitted will be completed strictly in accordance with the following approved documents and drawings:
 1. Site Plan
 2. Drawings Binder 1: Drawings 02, 03, 04, 20
 3. Drawings Binder 2: Drawings 21, 22
 4. Drawings Binder 3: Drawings 23, 24, 30, 31, 33
 5. Drawings Binder 4: Drawings 34, 35, 36, 60, 61, 62
 6. Design and Access Statement
 7. Landscape Plan
 8. Arboricultural Impact Assessment
 9. Transport Statement - Part 1
 10. Transport Statement - Part 2
 11. Transport Statement - Part 3
 12. Transport Statement - Part 4
 13. Transport Statement - Part 5
 14. Transport Statement - Part 6
 15. Transport Statement - Part 7
 16. Transport Statement - Part 8
 17. Ecology Report
 18. Flood Risk Assessment
 19. Contamination Report - Part 1
 20. Contamination Report - Part 2
 21. Contamination Report - Part 3
 22. SW Drainage Strategy

23. Planning Statement

- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 The meeting hall hereby permitted shall not be open to visitors outside the hours of 10:00 to 16:00 on Monday to Saturdays and no times on Sundays and Bank Holidays and only to be used in connection with cemetery activities.
- 5 No development shall take place until details of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 8 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition

and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 10 Prior to the commencement of the development details of the proposed surface materials for the access, driveway, and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first use of the development.
- 11 No means of external lighting shall be installed on the land or buildings without the prior written consent of the Local Planning Authority.
- 12 No marker, headstone or other monument shall be erected unless made entirely out of biodegradable materials.
- 13 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 14 There shall be no importation of material for any earth mounding or landscaping from outside the red lined area of the site for the construction of the development hereby approved.
- 15 No excavations for burials shall be undertaken within the mature established woodlands protected by Tree Preservation Order TPO/EPF/16/09.
- 16 There shall be no vehicular access to the proposed development from the existing access off of Daws Hill, except for Emergency Service Vehicles.
- 17 No development shall take place, until signs have been erected on both sides of the access track at the points where footpaths 67 & 74 Waltham Abbey cross the track, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.
- 18 No development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline

remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 19 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 20 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 21 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 22 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

- 23 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 24 Prior to the commencement of works a habitat suitability survey for Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. Should the Habitat Suitability Index show the likelihood of Great Crested Newts an eDNA survey or Great Crested Newts presence likely absence survey shall be submitted to and agreed in writing by the Local Planning Authority. If this shows the presence of Great Crested Newts a licence may be needed from Natural England and shall be submitted to the Local Planning Authority prior to commencement of works.
- 25 Prior to any works to existing trees on the site a dawn/dusk emergence/re-entry survey for bats shall be submitted to and agreed in writing by the Local Planning Authority. Should the survey show the presence of a bat roost a licence shall be obtained from Natural England and submitted to the Local Planning Authority prior to commencement of works.
- 26 A precautionary approach to clearance shall be taken to avoid harming dormice or reptiles. The approach laid out in sections 4.13 and 4.26 of the preliminary ecological appraisal shall be followed.
- 27 Prior to the commencement of works a walkover of the site by a licenced ecologist shall take place to verify that there are no badger setts on site. If badger setts are found a licence and mitigation statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.
- 28 All works on scrub and hedgerows shall be undertaken outside of bird breeding season. If this is not possible any scrub/hedgerows shall be checked for nesting birds prior to works. Should the presence of nesting birds be found that area must be left until all young have fledged.
- 29 Prior to the first use of the development hereby approved, a five year management plan including the location of wildflower meadow, native scrub planting, bat boxes, barn owl boxes and log piles shall be submitted to and approved in writing by the Local Planning Authority.
- 30 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to

throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Report Item No: 6

APPLICATION No:	EPF/0537/17
SITE ADDRESS:	Garden Centre Crown Hill Waltham Abbey Essex EN9 3TF
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Demolish existing garden centre buildings and build 3 no. houses (2 no. semi-detached houses and 1no. detached house)
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592238

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ELA/1 Rev: 00, ELA/200 Rev: A, ELA/300 Rev: C, ELA/400 Rev: B, ELA/401 Rev: B, ELA/409 Rev: D, ELA/410 Rev: D
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes, including doors and windows, details of boundary treatment and details of surfacing, have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C, D or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 9 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 10 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 11 Prior to first occupation of the development all 3 accesses shall be provided with clear to ground visibility splays with dimensions of 2.4m x 43m to the east and west, as measured to the near side edge of the carriageway edge. These splays shall be retained free of any obstruction in perpetuity.

- 12 Prior to the first occupation of the development all 3 accesses shall be constructed to a minimum width of 3 metres and provided with an appropriate dropped kerb crossing of the verge.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 There shall be no discharge of surface water onto the Highway.
- 15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 16 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 17 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 18 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model

Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 19 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 20 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 21 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 22 A minimum of 1 bat brick per house will be incorporated into the buildings.

- 23 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 7

APPLICATION No:	EPF/0921/17
SITE ADDRESS:	4 Carters Lane Epping Upland Epping Essex CM16 6QJ
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Ground floor front, side and rear extension and a hip to gable loft conversion (Revised application to EPF/0168/17)
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593300

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building and/or those indicated in section 11 of the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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AREA PLANS SUB-COMMITTEE 'WEST'

19 July 2017

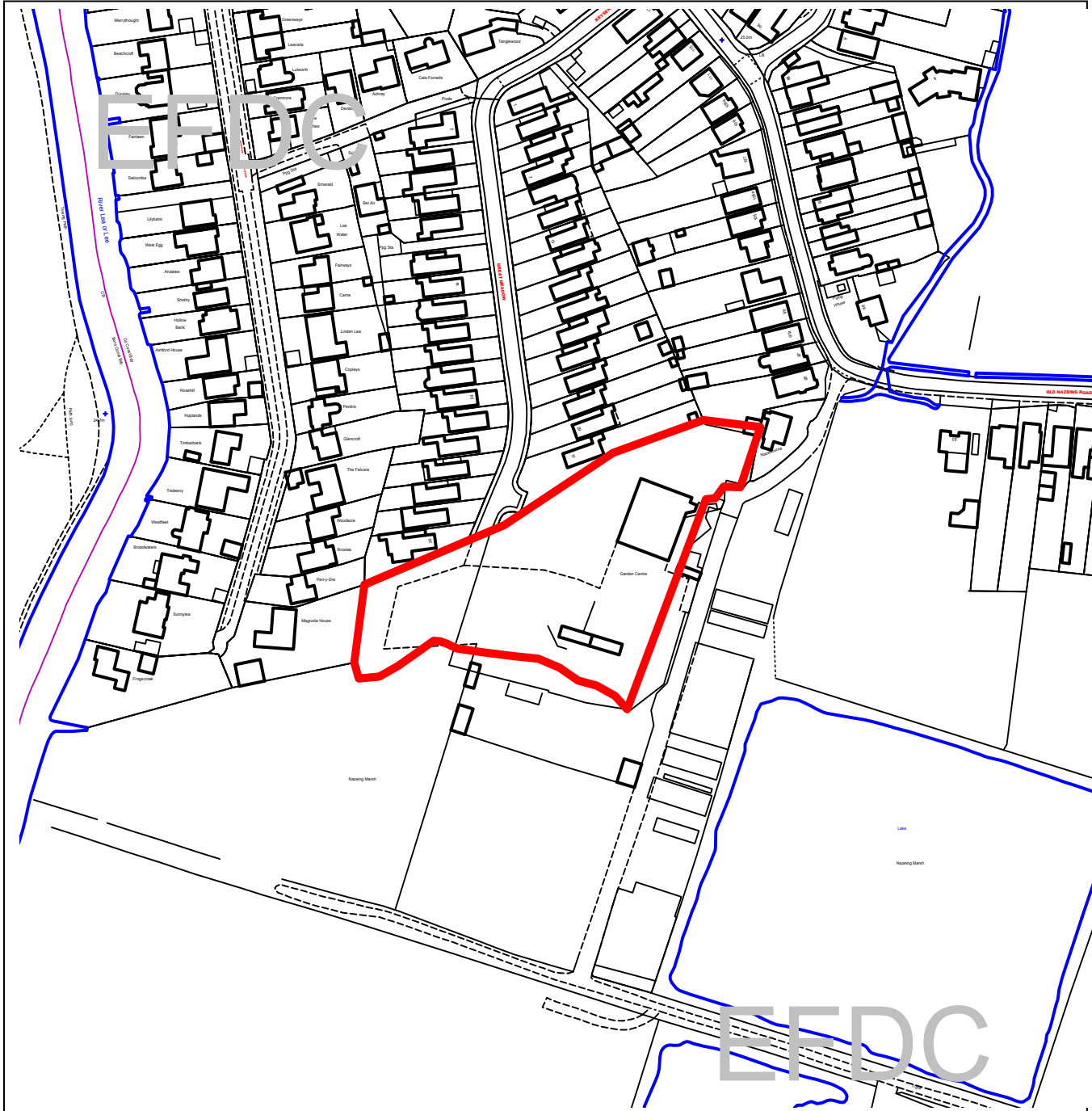
INDEX OF PLANNING APPLICATIONS

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2.	EPF/1492/16	The Chimes Nursery Old Nazeing Road Nazeing Waltham Abbey EN10 6RJ	Refuse Permission	50
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5.	EPF/0792/17	Red Roofs Low Hill Road Roydon Essex CM19 5JN	Grant Permission (With Conditions)	90
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/1232/16
Site Name:	Chime Garden Centre, Old Nazeing Road, Nazeing, EN10 6RJ
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/1232/16
SITE ADDRESS:	Chimes Garden Centre Old Nazeing Road Nazeing Waltham Abbey Essex EN10 6RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Kevin Ellerbeck
DESCRIPTION OF PROPOSAL:	Demolition of existing Garden Centre/Commercial Buildings and erection of 17 (16, 6 bed and 1, 4 bed) dwellings with associated parking and landscaping.
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584476

REASON FOR REFUSAL

- 1 No affordable housing is proposed on site and Inadequate information has been provided to properly assess the viability of the scheme. In the absence of such information it is not accepted that the contribution offered towards the provision of affordable housing meets the requirements of policy H7A of the Adopted Local Plan.

This application is before this Committee since the recommendation is for refusal contrary to an expression of support from a local council (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Members are advised that although this item and the following item on the Agenda have been submitted as separate applications they could potentially be linked via a legal agreement and therefore you are asked to consider them as a whole as well as individually before making a decision on each.

Description of Site:

The application site is a roughly triangular area of land which is predominantly hard surfaced and contains a number of buildings and is currently being used without planning permission for open storage purposes. The site is located to the south of the residential area comprising Riverside Avenue and Great Meadow. The northern boundary of the site is bounded by flank garden boundaries of residential properties. To the south and east is open land. The site is accessed from

Old Nazeing Road. In addition there is currently a gated but disused access from the end of Great Meadow.

The site lies wholly within the Metropolitan Green Belt and is within the Lea Valley Regional Park. (LVRP) It is not within a conservation area.

Description of Proposal:

The proposal is to remove all the existing buildings and hard standing from the site and to redevelop part of the site for 17 detached dwellings. That is, 16 six bedroom two and a half storey dwellings and 1 four bed two storey house in a simple layout off a spine road. Each of the houses has garaging and parking space and has amenity space to the rear. The designs are relatively traditional, of brick with pitched roofs.

The remainder of the site (some 0.65 of a hectare), which is largely currently hard surfaced, is proposed to become an amenity area for the residents of the site. The intention is that this area, which is part of a larger landfill site, is to be decontaminated, landscaped and utilised as an amenity area for the residents of the site which is to be maintained through a management company.

The application refers to the development as Phase 1, with phase 2 being the development of part of the land to the south of this site for 7 self build properties and restoration of another area of landfill, again as an amenity area. However, phase 2 has been submitted as a completely separate application and each proposal must be considered on its own merits.

As part of this application the applicant is proposing to enter into a Legal Agreement to provide £175,000 towards the provision of affordable housing elsewhere within the District as well as contributions towards education provision and education transport costs and the long term management of the communal open space through a residents management company.

Relevant History:

The site has a long and complex planning History. An area of land to the immediate east of the site, which was at one time known as Nazebourne Poultry Farm was included within the same planning file as the application site and the planning history is therefore quite difficult to separate out.

The grant of planning permission in 1971 for a Garden Centre (Sui Generis use) under EPO/0565/71 commenced the current chapter in the planning history of the site. Condition 2 laid out what goods could be sold from the site as an ancillary use of the Garden Centre. Condition 3 stated that the premises should only be used as a Garden Centre and for no other use. The plans show the area of the permission as the area encompassed by the current buildings and an area of land to the west.

It is important at this stage to recognise that there were in 1971, and are in 2017, two separate planning units on the area encompassed by the Planning File (PL000430). One is known as "Chimes Garden Centre" and the other was "Nazebourne Poultry Farm". These two planning units are clearly and separately identified in the Planning Files in the individual applications and their associated plans. Chimes is the subject of the current application and the Nazebourne Poultry Farm site, which had a number of buildings and non conforming uses, has been purchased by the Lee Valley Regional Park Authority (LVRPA), cleared and returned to grass.

"Chimes" then was subject of the following applications (these are a relevant but not an exhaustive list):

1975 - EPF/0668/75 - Rebuilding of nursery as Garden Centre - granted
1975 - EPF/1014/75 - Extraction of sand and gravel - granted (area to west of site)
1982 - EPF/0003/82 - LDC for storage and sale of building materials - refused
1984 - EPF/0689/84 - Extension of garden centre and addition parking - granted
1989 - Section 52 agreement on use of land to south of Chimes site for car parking and no other uses

The Garden Centre changed its name in 1995 to "The Potting Shed". Some time before this the site had encompassed an area to the south of the original planning permission, which was to become, after 2006, used without planning consent by a pallet firm, gas suppliers, flower sales and shed manufactures', which was later destroyed by fire in 2012.

The garden centre closed in about 1999.

It was then allowed to become derelict and was unused until late 2006 when a number of businesses moved on to the site from the adjacent Nazebourne Poultry Farm which was cleared of development as part of a section 106 agreement.

The following applications were received in this time:

2003 - EPF/2211/03 5 dwellings - refused
2004 - EPF/1860/04 5 dwellings - withdrawn
2006 - EPF/0040/06 5 dwellings - refused

In 2002 Essex County Council served an enforcement notice on the west of the site regarding the tipping of waste.

In December 2006 enforcement investigations commenced into building works in two of the garden centre buildings and the new uses of the site which were A1, B1, B2 and B8, and some Sui Generis uses. In 2007 a number of small buildings were erected on the site, large scale fencing erected and an area of hardstanding re-laid with a glasshouse being erected. The enforcement investigation concluded that there had been a change of use and operational development which required planning permission.

Enforcement Notices were served in 2011 (These were withdrawn after protracted negotiations over the submission of a planning application with Kelsworth).

After some considerable delay a planning application for the change of uses was submitted:

2012 - EPF/0969/12 Change of use of Garden centre to horticulture and B1 (Business uses) – This was withdrawn.

In 2012 a fire swept the site and burnt down the majority of the uses to the south of the site. Some uses continued to the north and a new use of car repairs started in building 1.

In 2013 – EPF/0524/13- Replacement buildings damaged in a recent fire and the erection of further amenity buildings for waste disposal and cycle storage facilities in connection with retention of a mixed use of retail garden centre and commercial centre with business uses A1 (retail), B1 (light industrial and office), B2 (general industry) and B8 (storage use) – This was withdrawn.

In 2014, application EPF/0206/14 for redevelopment of this and the adjacent (phase 2) site extending down to the river) for the erection of 43 houses was refused at District Development Control Committee for the following reasons:

1. *The proposed development includes "more*

vulnerable" development located within Flood Zone 3. The development does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. As such the proposal is contrary to the NPPF. Para 102.

2. *The development, due to the amount of built form that will intrude in to the southern half of the site which is currently free of buildings, will have a significantly greater impact on the openness of the Green Belt than the existing development and as such is inappropriate and by definition harmful. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to the NPPF.*
3. *The proposal fails to provide on site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to policies H5A, H6A, and H7A of the adopted Local Plan and Alterations and Para 50 of the NPPF.*
4. *By reason of the site's location beyond the statutory walking distance to a secondary school the proposal will generate an additional cost to the Local Education Authority, Essex County Council, for transporting children to secondary school. However, the proposal does not include any mechanism to meet those additional costs. Since the proposal fails to properly address this matter it is not a sustainable form of development and is consequently contrary to policies CP9 (iii) and I1A of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.*

This decision was upheld on appeal and dismissed.

Members of the District Development Control Committee however considered that there was a way forward and these were minuted as:

1. *That the redevelopment of the northern part of the site could be acceptable, as this would avoid the Flood Risk Zone 3, most of the former landfill site and would likely to be acceptable in Green Belt terms;*
2. *That any proposed scheme should include an appropriate element of affordable housing. Although it was acknowledged that this location was not acceptable for high density housing, a suitable development which respected the character of the area could be achieved.*

Following this, EPF/0570/15 for development of just the northern part of the site (the current application site) site for 26 houses was approved by Committee (without any affordable units on site) subject to a legal agreement requiring £500,000 towards the provision of affordable housing elsewhere and additional monies towards the provision of secondary education and school transport.

Following this approval, the applicant has discovered that the decontamination works involved in removing the landfill from under the site and restoring it to the level necessary to make housing development safe, would make the development not economically viable. The current 17 house proposal has been designed to ensure that the new houses are not built over the landfill area, thereby reducing the costs of development.

Currently the site is covered by two extant enforcement notices and a Section 215 (Untidy Land Notice). The enforcement notices covers use for car repairs, B2 general industrial uses, stationing

of buildings and container and various unauthorised B1 & B8 uses. The S215 notice required the site to be cleared of rubbish, cars, building materials and external storage of rolls of artificial grass. An unauthorised glasshouse has been removed and most of the unauthorised uses have ceased, although there is still some storage of artificial tur, this is being monitored.

SUMMARY OF REPRESENTATIONS

The application was advertised in the Local Press, and site notices were erected
29 neighbours were consulted and the following consultation responses were received:

32 GREAT MEADOW (4 separate letters). I object to this plan as I am concerned that the spine road runs adjacent to the gate into Great Meadow. Agree subject to gates to Great Meadow not being opened. Would like to see a wall built to prevent access and the pavement extended. .Site has been a nuisance too long. I do not trust the developer he is likely to put in for access from Great Meadow.

34 GREAT MEADOW (2 letters)– A wall should be built across the Great Meadow access before work starts, so lorries can not access the site this way. We do not want cars racing up and down and litter being thrown as happened when this access was opened in the past. The current temporary industrial gates with plastic sheeting over it is an eyesore

28 GREAT MEADOW – Object as the road layout has been designed to get access from Great Meadow at a later date, which will adversely impact. The previous application had garden and building here which would have prevented access.

31 GREAT MEADOW – Object as several of the houses will directly overlook my property and will cause loss of privacy and loss of sunlight and tranquil peace. There is no need to build such large houses close to bungalows. The proposed road layout allows future access from Great Meadow, which would change the nature of the cul de sac. Concerned about the removal of the contaminated landfill which could have an adverse impact on their property.

PARISH COUNCIL – No Objection- the Parish Council fully supports this application

LVRPA- Draft Officer response- “There is no objection to the scheme. Conditions should be included in any permission granted, to ensure boundary treatment appropriate to the site’s location in the Green Belt and that these are submitted in advance of the completion of building works.

Policies Applied:

Local Plan Policies

CP1, Sustainable development objectives
CP2 Protecting the Quality of the Rural and built environment
CP3 New Development
CP6 Achieving sustainable development patterns
CP7 Urban Form and Quality
GB2a Development in the Green Belt
BB10 Development in the Lee Valley Regional Park (LVRP)
RP3 Water quality
RP4 Contaminated Land

H1A Housing provision
 H2A Previously Developed Land
 H3A housing density
 H4A Dwelling Mix
 H5A Provision of affordable housing
 H6A Site thresholds for affordable housing
 H7A levels of affordable housing
 H8A Availability of affordable housing in perpetuity
 H9A Lifetime Homes
 RST24 Design and location of development in the LVRP
 U1 Infrastructure adequacy
 U2A Development in Flood Risk Areas
 U2B Flood Risk assessment Zone
 U3A catchment effects
 U3B Sustainable Drainage Systems
 DBE1 design of new buildings
 DBE2 Effect on neighbouring properties
 DBE3 Design in the Green Belt
 DBE5 Design and layout in new development
 DBE6 Car Parking in new development
 DBE7 Public open space
 DBE8 Private Amenity space
 DBE9 Loss of amenity
 LL1 Rural Landscape
 LL2 Inappropriate Rural Development
 LL3 Edge of settlement
 LL7 Planting protection and care of trees
 LL10 Adequacy of provision for landscape retention
 LL12 Landscaping schemes
 ST1 Location of development
 ST2 Accessibility of development
 ST4 Road Safety
 ST6 Vehicle Parking
 I1A Planning Obligations
 I4 Enforcement procedures

The above policies are in accordance with the National Planning Policy Framework (NPPF) and are therefore to be afforded due weight

Epping Forest Draft Local Plan Consultation Document 2016

The Epping Forest District Draft Local Plan is the emerging Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies of the Draft Local Plan are;

SP1	Presumption in favour of sustainable development
SP5	Green Belt and District Open Land
SP6	Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable Housing
T1	Sustainable transport choices
DM5	Green infrastructure – design of development
DM9	High quality design
DM10	Housing design and quality

DM16	Sustainable drainage systems
DM21	Local environmental impacts, pollution and land contamination

Issues and Considerations:

Green Belt.

The site lies wholly within the Metropolitan Green Belt and the first assessment must be whether the proposed development is in accordance with Green Belt policy as set out within the NPPF and the adopted Local Plan.

The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Construction of new buildings is inappropriate in the Green Belt but the NPPF sets out some exceptions to this, these include

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The Council accepts that the majority of the area now proposed for development is previously developed land. It is largely hard surfaced and contains a number of buildings of significant size, which can be used for commercial purposes. (Garden Centre and dog grooming parlour). Redevelopment of the site for housing is therefore not inappropriate provided it would not have a greater impact on openness than the existing built development.

The assessment of the impact on openness is normally based on the volume and spread of built development. In this instance the development will have a greater volume than the existing, but this is tempered by the significant removal of a very large area of hardstanding and the introduction of a large amount of open amenity space, but given the increase in height and volume there still need to be very special circumstances sufficient to outweigh the harm to the green belt in order to justify the increase in built development within the site.

The circumstances which are considered to carry some weight in favour of the development are:

The existence of the current consent for 26 houses, which would have had a greater volume, wider spread of development and a lesser amount of open space.

The visual improvement of what has been a problem site for many years.

A reduction in HGV traffic through Nazeing compared to the lawful use of the site.

The provision of additional housing at a time when the Council does not have an identified 5 year housing land supply

Taken together, it is considered that the advantages of developing the site are sufficient to amount to very special circumstances that outweigh the relatively limited harm to the Green Belt that would result from the increased built form.

Affordable Housing Issues

Policy H6A of the Councils Local Plan requires that a development of this scale would require 40% of the proposed dwellings to be provided as affordable housing and states that *“the levels will apply unless it can be shown that they are inappropriate or that they make a scheme economically unfeasible”*. Since the proposal proposes 17 dwellings in Nazeing, the applicant would normally need to provide at least 7 of the overall number of dwellings as affordable housing, unless it can be demonstrated that such provision would make the development unviable. For a relatively small development such as this, all on site affordable housing should be provided on the basis of affordable rented units in line with the Council’s Shared Ownership Policy.

The proposed development consists of predominantly large 6 bed detached dwellings with garages. Such dwellings (i.e. in excess of 3 bedrooms) and garages are not required for affordable housing. Since large market houses would inevitably take up more land than smaller ones, which would be to the overall detriment of the number of affordable properties provided, some adjustment would need to be made in terms of the mixes of the affordable and market housing to take account of this. This could be achieved by allocating at least 40% of the total number of bedrooms provided overall across the development for on-site affordable housing. Alternatively, 40% of the overall site area could be allocated for on-site affordable housing with the remainder of the site allocated for market housing.

The applicant however does not wish to provide affordable housing on site, and the Council has previously accepted, contrary to the advice of the Housing Officer, that a contribution towards the provision of affordable housing elsewhere in lieu of affordable housing on site would be acceptable here.

No proper viability appraisal has been submitted to demonstrate that this 40% requirement cannot be achieved on the site. The applicant has rather attempted to negotiate on a pro rata basis based on the acceptance by the authority of £500,000 in relation to the approval for 26 houses instead of on site affordable housing. That figure was arrived at after considerable negotiation and many changes to the offer, and was itself based on a pro rata assessment that was based on the original viability assessment for 43 houses, which was validated in 2014.

Despite being asked to provide a viability assessment for this new scheme, the applicant has continued to rely on various adjustments to the original viability assessment that related to the scheme for 43 houses on the site and which is now 4 years old and was for a different site area different house types and different decontamination requirements.

The applicant is seeking to argue that he is still offering £500,000 in connection with the development of 24 houses in total. He is however offering just £175,000 in connection with this application (for 17 houses) and the further £325,000 is being offered (along with other benefits) in connection with the second application EPF/1492/16 (referred to by the applicant as “Phase 2”) for just 7 houses.

Despite officers explaining that this makes no sense, as the 7 house scheme falls below the level which would trigger a need for affordable units, he has persisted with this offer, which appears to be intended to push the Council towards approving the “phase 2” scheme, (which is simply contrary to Green Belt and flood risk policies), whilst failing to demonstrate that a lower contribution is appropriate for the larger 17 house scheme.

Viability and affordable housing contributions are not a matter where figures can simply be adjusted and amended in this ad hoc manner. The advice from the Senior Development Officer, Housing in consultation with Kift Consulting Ltd, (who carried out the validation of the original 43 house viability assessment on behalf of the Council), is as follows.

The NPPF emphasises the link between delivery and viability at para 173 NPPF, 2012:

'...to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking into account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

The NPPF also refers to planning conditions and obligations at sections 203 - 206 where it advises at para 205:

*'..local planning authorities should take account of **changes in market conditions over time***

When undertaking Validations of Viability Assessments KCL relies upon the advice found in the RICS Financial Viability in Planning Guidance Note, which clearly advises that the date of assessment should be:

*'Viability Assessments will usually be dated when **an application is submitted**. Exceptions to this may be pre-application submissions and appeals. Viability assessments may occasionally need to be updated due to market movements or if schemes are amended due to the planning process.'*

The applicant is not amending his planning application due to the planning process he is merely submitting a fresh planning application showing a completely new scheme and therefore, if the applicant is suggesting his new scheme is unable to meet the affordable housing planning obligation on the grounds of viability then he should be asked to submit a completely new Viability Assessment supported by all the evidence he is relying upon to reach this conclusion and submit this to the LPA for validation.

Recommendation

In the absence therefore of an appropriately validated up to date viability assessment for the development, 7 of the proposed houses on the site should be affordable. The Director of Communities states:-

As currently presented, apart from, any other planning reasons that may apply, I would recommend that the application be refused on the basis that the proposal does not include a sufficient amount of affordable housing. The applicant has provided a Viability Assessment which reaches the conclusion that the proposed development cannot meet the Council's requirements in terms of on-site affordable housing contributions and remain viable. However, the Viability Assessment has not been formally validated by the Council's own affordable housing viability consultants and this would be required in order to independently verify that the development would not be viable if the Council's affordable housing requirements were met in full.

5 Year Housing Land Supply

The Council is currently in the process of preparing a new Local Plan and the Draft Local Plan has identified potential sites for residential development, but the plan is at a relatively early stage and therefore carries only very limited weight. The latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes and it is accepted that the lack of a demonstrable five year supply of housing land weighs in favour of granting planning permission. However this lack of housing land supply does not remove the need to provide appropriate affordable housing where it has not been demonstrated that the inclusion of such would make the development unviable. The lack of housing land supply also means that where a site is deemed suitable for housing, it is appropriate to ensure that the best use is made of that land. The erection of just 17 houses, all of which are 6 bedroom properties on the non- landfill area of the site, does not make the best use of this previously developed site. Whilst it is accepted

that the site is not suitable for maximum density development, due to its Green belt and edge of settlement location, there is scope to provide a larger number of smaller family units within the site which would better help meet identified housing need and not have a significantly greater impact on openness.

The evidence submitted in the revised Strategic Housing Market assessment demonstrates that the provision of affordable homes is a key issue for the District in that of all the new homes needed within the District over the Local Plan Period (2011- 2033) some 3152 of those need to be affordable. It is imperative therefore that the ability of a development to contribute towards meeting that need is properly assessed.

Flood Risk.

The site lies within the Environment Agency's (EA) Flood Zone 2.

The NPPF seeks to ensure that new development is directed towards those sites that are at least risk of flooding. Within Flood Zone 2 the Government Guidance and the EA standing advice requires that proposals of this kind need to pass a "Sequential Test" that is, the Local Planning Authority needs to be satisfied that the development could not be provided somewhere else that has a lesser risk of flooding. At the time of the approval of 26 houses on the site, the Council did not have a Strategic Flood Risk Assessment in place, and each application received for development in a flood risk area needed to be accompanied by a sequential test, to show that there was nowhere at lesser risk of flooding and which is available and deliverable, for a development of the type proposed. At the time of the last application the sequential test submitted indicated that there were no sites of sufficient size available and deliverable for 26 houses. Essentially this is because most sites in this District are within the Green Belt and not previously developed land and residential development is therefore inappropriate. The sequential test was therefore accepted.

Since that time the Draft Local Plan has been produced and this identifies potential sites for development in order to meet the Councils future housing need. All sites within flood zones 2 and 3 were automatically rejected as unsuitable and it is clear that there are a large number of potential sites in the District, at lesser risk of flooding, on which 17 houses could be developed, in the event that the Draft Local Plan is adopted. This site appears in the Draft Local Plan simply as it has been identified as having an extant consent for development. Had consent not already been granted here, it would not have been identified as a suitable site for development due to the flood risk and the presence of landfill. However at the current time, the draft Local Plan carried little weight and many of the potential sites identified in the Draft Plan are therefore not currently deliverable as they are on land that is within the Green Belt. The proposed development is in Flood Zone 2 not three and has an existing consent for 26 houses, which is a material consideration, on this basis it is not considered reasonable to recommend refusal on Sequential Test grounds.

Risk of Flooding Elsewhere

The development will result in the removal of a large area of hardstanding and the introduction of sustainable drainage which will help reduce the current level of runoff from the site and reduce the risk of flooding elsewhere.

Risk of Flooding on site;

A flood risk assessment has been submitted which shows that the new dwellings will not be at risk of direct flooding and can be flood resilient therefore The Councils land drainage team and the Environment agency have no objection to the scheme subject to conditions,

Contamination.

Policy RP4 of the adopted Local Plan states:

The Council will not grant planning permission for the development or reuse of land which it considers likely to be contaminated unless:

- (1) prior tests are carried out to establish the existence, type and degree of contamination and*
- (2) if contamination is found, appropriate methods of treatment and monitoring are agreed with the council, pollution authorities and water companies; and*
- (3) the agreed methods of treatment include measures to protect or recreate habitats of nature conservation interest.*

The previous application for 26 houses included housing actually over the existing landfill area and permission was only granted on the basis that the applicant was willing to undertake drainage and complete removal of the landfill material and restoration in order to ensure that the housing development would be safe. He had provided unverified costings and argued that such works were feasible.

However, following further investigation the applicant concluded that the works required are more extensive than he had envisaged and would make the approved 26 house development unviable. This revised application therefore has been designed to avoid building over the identified landfill area. This means that although significant work is still needed to ensure that the new houses are safe from gas and other forms of contamination from the adjoining landfill, there is no longer the costly and complex requirement to remove the landfill material. The landfill area itself is now shown to be intended for use only as an amenity area for the residents of the new housing. This will entail the removal of existing hardstanding and the introduction of landscaping, with the intention that the ongoing management of the land would fall to a resident's management company. Although the use of the land area for open space rather than housing reduces the level of work required with regard to decontamination there will still be a need for decontamination conditions relating to this area, and the amount of work involved will be dependent on the kind of landscaping that is proposed. As yet no landscaping scheme has been put forward.

Prior to the first occupation of any of the new dwellings, it will be necessary to ensure that the former landfill area, intended to be used as communal amenity space by the residents is fully landscaped and measures for the long term management and maintenance of the area are in place. It would clearly be unacceptable to allow the development of just the non landfill area of the site and leave the remaining area of the unsightly hard surfaced previously developed land in close proximity to the new dwellings and with potential long term contamination issues that could impact on the residents of the new properties. The use of this land as a communal amenity area controlled, maintained and managed by the residents of the new dwellings at their expense, is the logical solution, and can be secured by legal agreement should the application be approved

Layout and Design

The proposed development of detached houses has a relatively logical layout, given the need to avoid building on the landfill area, however it results in a road running adjacent to the end of Great Meadow, which has raised concern from residents of Great Meadow, that this may lead to a future intention to open up access from the cul de sac. This issue is addressed below.

The design of 16 of the houses is unusual in that they include garaging to the front which will be relatively prominent in the street scene. On plan this appears strange but elevationally this will create a distinctive and interesting street scene. Subject to the use of suitable materials and the introduction of satisfactory boundary treatments and landscaping the proposed development will fit well within the area. The proposed houses are two and half storeys high, significantly higher to the ridge than the adjacent low level bungalows in Great Meadow, but as they create their own distinct streetscene and are not part of the established street layout it is not considered that they will be over dominant or out of keeping with the area.

However, it is considered important, visually that the wall along the boundary with Great Meadow is extended to close off the cul de sac and separate the new development visually from the bungalows. If the current access is left open then the new dwellings will be viewed as an extension of Great meadow and appear disproportionately large and out of keeping. Details of boundary treatments can be required by condition and for the avoidance of doubt should planning permission be granted a specific condition requiring the closure of the access from Great Meadow should be included.

The development has been carefully designed to minimise inter overlooking between properties and to ensure that adequate parking and amenity space is available for the dwellings.

The density proposed is relatively low and there is scope for a higher density, and smaller houses to make better use of the site to help meet future housing need, but it is accepted that a *significantly* higher density may not be appropriate for this edge of settlement site.

Impact on Neighbouring Amenity

The proposed dwellings are all located sufficient distance from existing properties not to result in excessive loss of light or any significant loss of outlook. Whilst the rear elevations of some of the new dwellings do face towards the sides of properties in Great Meadow and Riverside Avenue the siting is such that there is no direct overlooking into windows. There will be some overlooking of the rear garden areas of properties but the distances to the private amenity areas are considered to be sufficient that there will not be a significantly harmful loss of privacy. The proposal is considered to be acceptable in this respect.

Archaeology

The Archaeology section of Essex County Council were consulted and have suggested conditions to ensure that any archaeological deposits can be properly investigated and recorded. They state:

The Essex Historic Environment (HER) Record shows that the proposed development lies within area with archaeological potential. The underlying gravels date to the Middle-Early Upper Palaeolithic period, in addition the contamination survey has identified the presence of Arctic peat beds. There is therefore the potential for the presence of palaeoenvironmental evidence relating to the earliest phases of human occupation in the area. However the impact of the proposed development on the archaeology is as yet an unknown quantity, as is the degree of disturbance associated with gravel extraction and land-fill on the site. Archaeological deposits and features are both fragile and finite, and this recommendation is made in line with National Planning Policy Framework.

Ecology

A preliminary ecological appraisal was submitted with the original application which identified a need for a follow up reptile and newt survey, and a bat emergence survey. A reptile and Newt survey indicated that the land to the south provides a suitable habitat for reptiles. Grass snakes were found but it would be expected also that slow worms and common lizards may be present. As such mitigation measures would be required should permission be granted, to ensure that reptiles are removed to an appropriate receptor site to avoid any reptiles being killed or injured. Conditions can be imposed to secure this and in addition it is an offence to harm protected species. No great Crested Newts or amphibians were found at the site.

A bat emergence survey was also carried out and this indicates that there are no bat roosts within the site but that the site and surroundings are used for foraging. Mitigation measures can be required by condition should the application be approved.

Highways and Parking

The proposed development takes its access from Old Nazeing Road, via a private access track that runs past the property known as Nazebourne. This is a narrow access but given the previous use of the site and the potential traffic movements that the authorised use could generate the access is considered to be suitable and appropriate for the development now proposed, particularly given that consent already exists for 26 houses utilising this access. Suitable highway conditions can be added should the members consider the development acceptable. The Highways officer from Essex County Council provided the following comments

Further to the receipt of additional information within the amended Transport Statement the applicant has overcome the Highway Authority's previous issues with regard to pedestrian safety into the site.

The proposed development will generate less traffic than the existing use and will reduce movement of HGV's and service vehicles to the site to the benefit of all users of the highway. The access onto Old Nazeing Road has adequate visibility and there have been no recorded accidents at this location in the last 5 years.

Consequently the Highway Authority has concluded that the proposed development will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network

Adequate space is provided on site for the parking of both residents and visitors in accordance with the adopted car parking standards.

Education Contribution

As the proposed dwellings are family houses the Education Authority were consulted with regard to the provision of education spaces. The site falls within the priority admissions area for Nazeing Primary School and a contribution is sought to help provide the additional spaces likely to be required as a result of the development. At secondary level the proposed development is located in the priority admissions area for Stewards Academy in Harlow, as only 5 contributions can now be pooled for any specific infrastructure project, and this development is likely to be smaller than others within the catchment area the Education Authority will not be seeking a contribution to spaces provision at the school from this development. However in addition the school is in excess of the statutory walking distance from the site and ECC is obliged to provide free transport to the school resulting in a long term cost to the County. The cost is estimated at £4.44 per pupil per day. It is best practice for the County to seek costs for a 5 year period. As such the County request that should planning permission be granted contributions in line with their current formula and indexed linked should be required by agreement under section 106. The applicant has confirmed that he is willing to provide these contributions, which can be included in any Legal agreement under Section 106 should members be minded to grant planning permission.

The County advises that should the Council be minded to refuse the application the lack of such contribution should be noted as an additional reason for refusal so that it can be taken into account on appeal.

Impact on the Lee Valley Park

The LVRPA has not objected to the application, subject to conditions regarding boundary treatments. The redevelopment would see the removal of an extensive area of hardstanding and

the introduction of a green amenity area would not have any major adverse impact on the character or visual amenity of the Park, or the use of the park for recreational purposes. The housing will be viewed in the context of the adjacent residential development and will not be excessively intrusive in the landscape.

Conclusion

In conclusion it is considered that the development has some merit, it will provide housing on previously developed land, close to the existing residential area of Nazeing. It will remove an existing “problem” site which has had ongoing enforcement issues for many years and will provide an open green area which, if properly landscaped and managed, will enhance the openness and visual amenity of the wider site.

The fact that there is an existing consent for 26 houses on the site also weighs in favour of the development.

The design and layout of the scheme is acceptable, (although a larger number of smaller dwellings and the provision of affordable units within the site would make better use of the land) and there will not be excessive harm to adjacent residential amenity. Whilst no improvements are proposed to the narrow access to the site, there will not be an increase in traffic over that which could be generated by lawful garden centre use and there will be less traffic than would be generated by the previously approved scheme.

The outstanding issue therefore is the lack of affordable housing provision. Whilst the applicant is offering to provide £175, 000 toward the provision of affordable housing elsewhere, this is not soundly based and acceptance of this low figure without any proper assessment or verification sets a very dangerous precedent which if repeated elsewhere could significantly undermine the ability to meet affordable housing targets in the District, contrary to both the current local Plan and the Draft Local Plan.

The application is therefore recommended for refusal.

If, contrary to officer opinion, members consider that the benefits of the scheme are sufficient to outweigh the need for a proper viability assessment, and wish to grant planning permission, this should be subject to the prior completion of a section 106 agreement within 3 months, to secure:

1. The provision of £175,000 towards the provision of affordable housing within the District.
2. The provision of the appropriate contributions towards the provision of primary school Places and transport to secondary schools for the next 5 years utilising the Education Authority’s standard formula section 106 agreement clauses to ensure that the contribution is fairly and reasonably related in scale and kind to the development. And index linked to April 2017.
3. The landscaping of the identified Former Landfill Area1, on the approved plans, prior to the first occupation of any of the approved dwellings, and the long term management and maintenance of that land for use as a communal amenity area for the residents of the 17 houses through a residents Association.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992 564106***

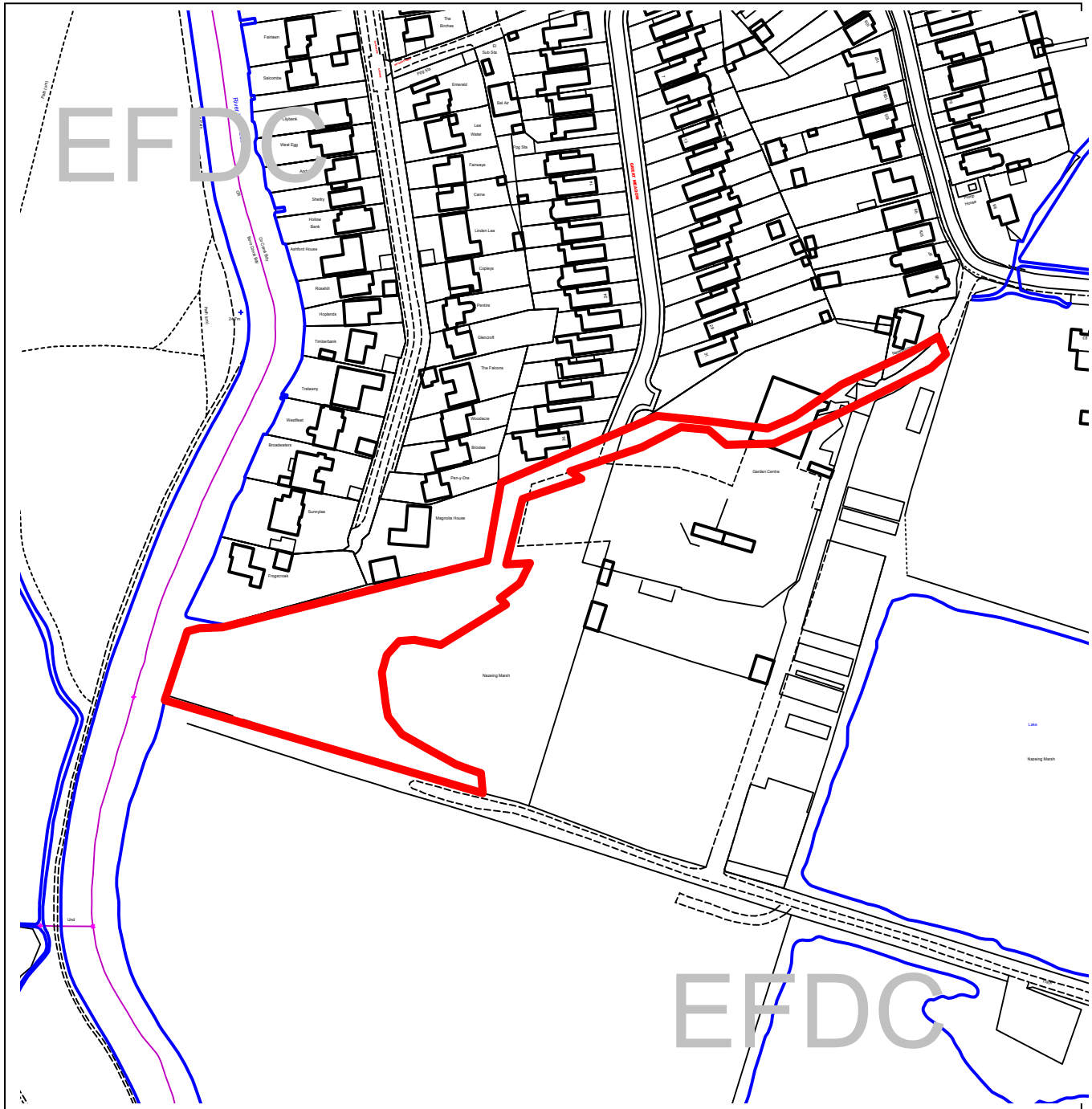
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/1492/16
Site Name:	The Chimes Nursery, Old Nazeing Road, Nazeing, EN10 6RJ
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/1492/16
SITE ADDRESS:	The Chimes Nursery Old Nazeing Road Nazeing Waltham Abbey EN10 6RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Kevin Ellerbeck
DESCRIPTION OF PROPOSAL:	Outline planning application for 7 no. Self-Build Houses in accordance with Self-Build Act 2015 with all matters reserved.
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585014

REASON FOR REFUSAL

- 1 The proposed development includes "more vulnerable" development within Flood Zone 3. The development does not meet the sequential test and does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. The proposal is therefore contrary to the NPPF Para 102 and policy U2A of the Adopted Local Plan and Alterations.
- 2 The development of this green field site within the metropolitan Green Belt amounts to inappropriate development by definition harmful to the Green Belt and to the purposes of including land within the Green Belt, in addition the erection of 6 houses on the site will have a significant physical and visual impact on the openness of the Green Belt. No very special circumstances exist sufficient to outweigh the harm to the Green Belt that would result and the development is therefore contrary to policy GB2A of the adopted Local plan and Alterations and to the NPPF.
- 3 The proposed development will adversely impact on the landscape of the Lee Valley Regional Park contrary to the strategic policies on landscape and detailed proposals which identify the site as within a landscape enhancement area, and adversely impact on the amenity of users of the Regional Park, as such the development is contrary to Policy RST24 of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))

Members are advised that although this item and the previous item on the Agenda have been submitted as separate applications they could potentially be linked via a legal agreement and therefore you are asked to consider them as a whole as well as individually before making a decision on each.

Description of Site:

The application site comprises an irregularly shaped area of open Green Belt land approximately 1 hectare in area, which lies to the south of the Former Chimes garden Centre, and drops down to the river. Roughly half of the land is former landfill that has been backfilled and covered in topsoil and the whole of the site is open and free from development.

The application site is located within the Metropolitan Green Belt and Lee Valley Regional Park. The site is wholly within an Environment Agency Flood Zones 2 and 3a.

Description of Proposal:

Outline consent is being sought for the development of the site for 7 self-build/custom housing plots, together with the creation of a communal amenity area on the former landfill site for the occupants of the 7 dwellings, to be landscaped and managed thereafter through a residents Association. All other matters are reserved.

The applicant has asked that this application be considered as Phase 2 of the comprehensive redevelopment of the whole of the Chimes Garden Centre Site in conjunction with the previous application on the agenda. However two applications have been submitted, not a single application, and they must each be considered on their individual merits. No undertaking has been made by the applicant, to only not develop phase 2 unless phase 1 has been completed. Whilst this is implicit in the application it is not explicitly set out or included in any heads of agreement.

Should members consider that the two are combined they are acceptable, whereas individually they are not, then a legal agreement would be required ensure that one element cannot be implemented without the other.

Relevant History:

The wider site has a long and complex planning History. An area of land to the immediate east of the site, which was at one time known as Nazebourne Poultry Farm was included within the same planning file as the application site and the planning history is therefore quite difficult to separate out.

The grant of planning permission in 1971 for a Garden Centre (Sui Generis use) under EPO/0565/71 commenced the current chapter in the planning history of the site. Condition 2 laid out what goods could be sold from the site as an ancillary use of the Garden Centre. Condition 3 stated that the premises should only be used as a Garden Centre and for no other use. The plans show the area of the permission as the area encompassed by the current buildings and an area of land to the west.

It is important at this stage to recognise that there were in 1971, and are in 2017, two separate planning units on the area encompassed by the Planning File (PL000430). One is known as "Chimes Garden Centre" and the other was "Nazebourne Poultry Farm". These two planning units are clearly and separately identified in the Planning Files in the individual applications and their associated plans. Chimes is the subject of the current application and the Nazebourne Poultry Farm site, which had a number of buildings and non conforming uses, has been purchased by the Lee Valley Regional Park Authority (LVRPA), cleared and returned to grass.

"Chimes" then was subject of the following applications (these are a relevant but not an exhaustive list):

1975 - EPF/0668/75 - Rebuilding of nursery as Garden Centre - granted
1975 - EPF/1014/75 - Extraction of sand and gravel - granted (area to west of site)
1982 - EPF/0003/82 - LDC for storage and sale of building materials - refused
1984 - EPF/0689/84 - Extension of garden centre and addition parking - granted
1989 - Section 52 Agreement on use of land to south of Chimes site for car parking and no other uses

The Garden Centre changed its name in 1995 to "The Potting Shed". Some time before this the site had encompassed an area to the south of the original planning permission, which was to become, after 2006, used without planning consent by a pallet firm, gas suppliers, flower sales and shed manufactures', which was later destroyed by fire in 2012.

The garden centre closed in about 1999.

It was then allowed to become derelict and was unused until late 2006 when a number of businesses moved on to the site from the adjacent Nazebourne Poultry Farm which was cleared of development as part of a section 106 agreement.

The following applications were received in this time:

2003 - EPF/2211/03 5 dwellings - refused
2004 - EPF/1860/04 5 dwellings - withdrawn
2006 - EPF/0040/06 5 dwellings - refused

In 2002 Essex Country Council served an enforcement notice on the west of the site regarding the tipping of waste.

In December 2006 enforcement investigations commenced into building works in two of the garden centre buildings and the new uses of the site which were A1, B1, B2 and B8, and some Sui Generis uses. In 2007 a number of small buildings were erected on the site, large scale fencing erected and an area of hardstanding re-laid with a glasshouse being erected. The enforcement investigation concluded that there had been a change of use and operational development which required planning permission.

Enforcement Notices were served in 2011 (These were withdrawn after protracted negotiations over the submission of a planning application with Kelsworth).

After some considerable delay a planning application for the change of uses was submitted:

2012 - EPF/0969/12 Change of use of Garden centre to horticulture and B1 (Business uses) – This was withdrawn.

In 2012 a fire swept the site and burnt down the majority of the uses to the south of the site. Some uses continued to the north and a new use of car repairs started in building 1.

In 2013 – EPF/0524/13- Replacement buildings damaged in a recent fire and the erection of further amenity buildings for waste disposal and cycle storage facilities in connection with retention of a mixed use of retail garden centre and commercial centre with business uses A1 (retail), B1 (light industrial and office), B2 (general industry) and B8 (storage use) – This was withdrawn.

In 2014, application EPF/0206/14 for redevelopment of this and the adjacent (phase 2) site extending down to the river) for the erection of 43 houses was refused at District Development Control Committee for the following reasons:

5. *The proposed development includes "more vulnerable" development located within Flood Zone 3. The development does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. As such the proposal is contrary to the NPPF. Para 102.*
6. *The development, due to the amount of built form that will intrude in to the southern half of the site which is currently free of buildings, will have a significantly greater impact on the openness of the Green Belt than the existing development and as such is inappropriate and by definition harmful. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to the NPPF.*
7. *The proposal fails to provide on site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to policies H5A, H6A, and H7A of the adopted Local Plan and Alterations and Para 50 of the NPPF.*
8. *By reason of the site's location beyond the statutory walking distance to a secondary school the proposal will generate an additional cost to the Local Education Authority, Essex County Council, for transporting children to secondary school. However, the proposal does not include any mechanism to meet those additional costs. Since the proposal fails to properly address this matter it is not a sustainable form of development and is consequently contrary to policies CP9 (iii) and IIA of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.*

This decision was upheld on appeal and dismissed.

Members of the District Development Control Committee however considered that there was a way forward and these were minuted as:

1. *That the redevelopment of the northern part of the site could be acceptable, as this would avoid the Flood Risk Zone 3, most of the former landfill site and would likely to be acceptable in Green Belt terms;*
2. *That any proposed scheme should include an appropriate element of affordable housing. Although it was acknowledged that this location was not acceptable for high density housing, a suitable development which respected the character of the area could be achieved.*

Following this, application EPF/0570/15, for development of just the northern part of the site (the previously developed area) for 26 houses, was approved by Committee (without any affordable units on site) subject to a legal agreement requiring £500,000 towards the provision of affordable housing elsewhere and additional monies towards the provision of secondary education and school transport.

Following this approval, the applicant has discovered that the decontamination works involved in removing the landfill from under the site and restoring it to the level necessary to make housing development safe, would make the development not economically viable.

The applicant has therefore submitted two separate applications one for 17 houses on the northern part of the site which is the subject of the previous report, and this one for 7 self build houses on the open land to the south, which avoid development over the landfill area.

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1, Sustainable development objectives
CP2 Protecting the Quality of the Rural and built environment
CP3 New Development
CP6 Achieving sustainable development patterns
CP7 Urban Form and Quality
GB2a Development in the Green Belt
BB10 Development in the Lee Valley Regional Park (LVRP)
RP3 Water quality
RP4 Contaminated Land
H1A Housing provision
H2A Previously Developed Land
H3A housing density
H4A Dwelling Mix
H5A Provision of affordable housing
H6A Site thresholds for affordable housing
H7A levels of affordable housing
H8A Availability of affordable housing in perpetuity
H9A Lifetime Homes
RST24 Design and location of development in the LVRP
U1 Infrastructure adequacy
U2A Development in Flood Risk Areas
U2B Flood Risk assessment Zone
U3A catchment effects
U3B Sustainable Drainage Systems
DBE1 design of new buildings
DBE2 Effect on neighbouring properties
DBE3 Design in the Green Belt
DBE5 Design and layout in new development
DBE6 Car Parking in new development
DBE7 Public open space
DBE8 Private Amenity space
DBE9 Loss of amenity
LL1 Rural Landscape
LL2 Inappropriate Rural Development
LL3 Edge of settlement
LL7 Planting protection and care of trees
LL10 Adequacy of provision for landscape retention
LL12 Landscaping schemes
ST1 Location of development
ST2 Accessibility of development
ST4 Road Safety
ST6 Vehicle Parking
I1A Planning Obligations

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where

they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

- SP1 – Presumption in favour of sustainable development
- SP5 – Green Belt and district open land
- SP6 – The natural environment, landscape character and green infrastructure
- H1 – Housing mix and accommodation types
- T1 – Sustainable transport choices
- DM1 – Habitat protection and improving biodiversity
- DM2 – Landscape character and ancient landscapes
- DM9 – High quality design
- DM10 – Housing design and quality
- DM11 – Waste recycling facilities on new development
- DM15 – Managing and reducing flood risk
- DM18 – On site management of waste water and water supply
- DM21 – Local environment impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received:

19 neighbours were consulted and a site notice was erected.
The following responses were received:

PARISH COUNCIL – No objection

31 GREAT MEADOW – Object . Concerned about flood risk, harm to the Green Belt, potential for access to be taken from Great Meadow, harm to the beautiful part of the River Lee.

32 GREAT MEADOW – Object, Concerned about the spine road adjacent to the gate that leads into Great Meadow, this has previously been shown to be closed off. Would not want to see it opened up.

36 GREAT MEADOW –Object, the proposed road will run along our boundary causing noise and pollution issues. Concerned that Great Meadow could become a through road.

WOODACRE, RIVERSIDE AVENUE – Object. Green field land in Flood zone where vulnerable development should not be built. Concerned about increased flood risk, The land used to be covered in nature and trees but the applicant has bulldozed it, filling water holes and raising the land. Wildlife habitat has been lost and toads snakes etc have been displaced. Need to avoid the landfill area. Previous application was refused and dismissed on appeal due to harm to green Belt, Flood Risk, landscape of the Regional park and harm to wildlife. Therefore this application should not now be approved.

LEE VALLEY REGIONAL PARK AUTHORITY - 'The proposed development of seven units of residential accommodation would: adversely impact on the permanence and openness of the green belt contrary to adopted national policy included in the National Planning Policy Framework (2012), adversely impact on the landscapes of the Lee Valley Regional Park contrary to its strategic policies on landscape and detailed proposals which identify the site as within a landscape

enhancement area, and adversely impact on the amenity of users of the Regional Park. The application does not include reasons why exception to these policies should be made.'

Issues and Considerations:

This application is for outline consent with all matters reserved. Therefore the only consideration is the principle of erecting 7 self-build dwellings on the site.

Green Belt:

The application site is within the Metropolitan Green Belt and is free from any built structures, although the applicant has argued that the site should be regarded as previously developed land, the area on which the houses are proposed is simply undeveloped agricultural land and although the former landfill area has been argued to be previously developed, it has the appearance of a greenfield site as it has been backfilled and topsoiled and is indistinguishable from the adjacent agricultural land. In the previous appeal relating to the 43 dwelling application, the appeal inspector concluded that the current application site could not be regarded as previously developed land.

Paragraph 89 of the National Planning Policy Framework states that "a local planning authority should regard the construction of new buildings as inappropriate in Green Belt", with a list of exceptions. These exceptions are listed as follows:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The proposed development does not fall within any of the above categories and is therefore inappropriate development by definition harmful to the Green Belt.

The applicant has put forward what he considers to be very special circumstances sufficient to outweigh the harm to the Green Belt and any other harm and has argued, particularly if this application is considered together with the 17 home application.

'Land swap':

The applicant argues that this application and the current one for the northern part of the Chimes site, together, only result in 24 houses on the combined site, rather than the 26 houses that have previously been approved on the northern part alone.

In addition, he argues that “the revised scheme represents the best use of the *available* developable brownfield land by extending the proposed buildings onto the lower site, whilst reverting some of the brownfield land back to a green field status on a “land swap” basis.”

This argument is not accepted - the proposed buildings on the southern site (this application) will be on land which is not previously developed and therefore inappropriate development in the Green Belt. So in effect what is being proposed is moving some approved housing from previously developed land to greenfield land.

In addition, whilst the combined proposals do result in fewer houses in total than has previously been approved on just the northern part of the site, the applicant has argued that the approved scheme is not viable. If it is not viable, it is considered therefore it cannot be regarded as a true land swap situation.

Finally the combined development of 24 houses while providing a lesser number of houses than the previously approved scheme, proposes larger houses on the northern plot and we have no detail of the proposed scale of the dwellings on the southern plot, so it is by no means clear that the development would result in greater openness than the previous scheme.

Due to the above it is clear that the proposed ‘land swap’ would not allow for the proposed development to constitute an appropriate development within the Green belt.

In addition this argument is only relevant if the two applications are considered as a single entity. Looking at this application in isolation there is no land swap.

Self Build

The applicant puts forward that the proposed houses would be in accordance with the Self-Build Act 2015 and that the LPA does not currently have a five year housing supply or any allocated plots for Self-Build properties.

The Self-Build Act 2015 has been introduced to enable individuals and community groups who want to acquire land for self-build homes to do so. However the Act itself only places a duty on certain public authorities to keep a register of individual and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects. This register was required from the 1st April 2016 and has been set up by Epping Forest District Council. The register is available on the Council's website. Whilst the Self-Build Act requires Local Authorities to have regard to this list when carrying out the functions of planning, housing, the disposal of authority owned land and regeneration it provides no further guidance on this.

Whilst in the context of the Housing & Planning Act 2016, the Self Build Act 2015 and the 2017 Housing White Paper it is clear that the Government is supportive of self-build/custom housing, and the applicant argues that the Council has a statutory duty to identify self-build sites, but this provision has not yet been enacted and the only duty currently on the Council is to maintain a register of self-build interests.

It is accepted that the Housing & Planning Bill places a duty on local planning authorities to provide plots for self-build and custom housing to meet local demand and that this Bill has been enacted. However, whilst there is a need to provide for such housing plots within the district, along with all other housing types, self-build plots must nonetheless be located within relevant and appropriate locations and ideally designated through the Local Plan. It is recognised that the proposed development would assist to meet the needs of individual and associations to acquire sites to bring forward self-build and custom housebuilding projects at this time and therefore this is

given some weight in favour of the development, but this would not be sufficient enough to outweigh the harm from this inappropriate development within the Green Belt.

The appellant highlights the presumption in favour of sustainable development advocated by the NPPF and suggests that the decision taking criteria set out in paragraph 14 should apply in the absence of a five year housing land supply. The applicant makes the case that the Council cannot currently demonstrate a five year supply of housing land. As a consequence of not being able to demonstrate a five year supply the applicant contends that paragraph 49 of the NPPF indicates that considerably less weight be attributed to policies restricting housing development, which includes Green Belt policies.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. It is accepted that the lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. It is also recognised that recent appeal decisions have made it clear that policies for the supply of housing should not be considered 'up-to-date' if the LPA cannot demonstrate a five-year supply of deliverable housing sites. However the Court of Appeal Judgement *Suffolk Coastal District Council v Secretary of State for Communities and Local Government and Richborough Estates v Cheshire East Borough Council* clearly highlights that:

46. *We must emphasize here that the policies in paragraph 14 and 49 of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Nor do they prescribe how much weight should be given to such policies in the decision. Weight is, as ever, a matter for the decision-maker. Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is "out-of-date" should be given no weight, or minimal weight, or, indeed, any specific amount of weight. They do not say that such a policy should simply be ignored or disapplied. That idea appears to have found favour in some of the first instance judgments where this question has arisen. It is incorrect.*
47. *One may, of course, infer from paragraph 49 of the NPPF that in the Government's view the weight to be given to out-of-date policies for the supply of housing will normally be less than the weight due to policies that provide fully for the requisite supply. The weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, nor could it be, fixed by the court. It will vary according to the circumstances, including, for examples, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a "green wedge" or of a gap between settlements. There will be many cases, no doubt, in which restrictive policies, whether general or specific in nature, are given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the policy in paragraph 49 in the absence of a five-year supply of housing land. Such an outcome is clearly contemplated by government policy in the NPPF. It will always be for the decision-maker to judge, in the particular circumstances of the case in hand, how much weight should be given to conflict with policies for the supply of housing that are out-of-date. This is not a matter of law; it is a matter of planning judgment.*

As can be seen above neither paragraph 14 nor paragraph 49 of the NPPF suggest that when an LPA cannot demonstrate a five-year housing land supply any policies relating to the supply of housing should be ignored. Simply that these should be considered out of date and that the LPA may proscribe them with less weight. However even if the Epping Forest District Local Plan policies were completely ignored the entire NPPF is still considered relevant, which includes the paragraph that relate to Green Belt restrictions. This is clearly considered to be an important consideration

since it is one of the stated policies within the Framework that indicates that development should be restricted (footnote to paragraph 14) and it is one of the only parts of the NPPF that specifies that *“when considering any planning application, local planning authorities should ensure that **substantial weight** is given to any harm to the Green Belt”* (paragraph 88 – my emphasis). Furthermore it has been made clear in both the Ministerial Statement from July 2013 and paragraph 034 of the Planning Practice Guidance that *“unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site within the Green Belt”*.

Government White Paper:

The applicant highlights that *“the Government White Paper promotes ‘small sites’ for residential development for self-build housing”* and a full White Paper Report has been submitted highlighting why the applicant considered that this scheme would comply with this Paper.

Notwithstanding this, at present the White Paper is at this stage simply a consultation document which will presumably be followed by legislation. Whilst the White Paper shows a clear ‘direction of travel’ with regards to the provision of self-build properties no weight can be attached to this until clear guidance has been provided by the government in the form of an updated NPPF

Affordable Housing Contribution

The applicant is offering a contribution of £325 000 towards the provision of affordable housing within the District, however as this is an outline application with all matters reserved it is not possible to determine the need or otherwise for an affordable housing contribution, the scale of the development is not known and developments of fewer than 10 houses and with a floor area of less than 1000 square metres would be below the threshold for such a contribution. We are not therefore in a position to require this specific sum. And indeed we would normally be seeking affordable housing provision on site, not a contribution. The applicant again is arguing that the offer is made so that the total offer for the two developments amounts to £500, 000 which is the same as was accepted by the Council with regard to the previous approval for 26 units on the northern site, even though there would be two fewer.

In the absence of an up to date viability assessment and the validation of such an assessment for both developments it is not considered that the offer tied to this application for 7 houses is the appropriate amount. Logically if we were minded to accept a contribution, without any up to date viability assessment we would expect the split between the two sites to reflect the number of houses on each site, with the larger contribution coming from the site with the greater number of units.

Should members consider that both applications are acceptable and that the total £500,000 is required to meet affordable housing policies then legal agreement will be required to secure these contributions.

Money towards a local bus service in Nazeing.

In connection with this 7 house self build scheme the applicant is offering £50 000 to go to the Epping Forest Community Transport, to contribute towards the local bus service in Epping. Whilst this is welcomed and will be a community gain, it is unclear why the applicant feels that the contribution should be linked to with the 7 house scheme and has not proposed the monies are split proportionately between the two schemes.

Country Park

The applicant initially referred to the provision of a country park, and or forest, on the former landfill site and put this forward as part of the very special circumstances, however it became clear in the course of the applications that there was no mechanism in place to create and maintain this land as a public open space or country park and no public body, either Parish Council, District Council or Lee valley Park Authority have been brought on board with such a proposal. The creation of such a facility over a former landfill site, and the long term costs of the maintenance and management of such a development including liability for the safety of users of the “park” would be likely be excessive, for the relatively small public benefit that would result. The offer appeared to be a way of disposing of land which is not developable.

Following discussions therefore, the applicant has changed the offer, to landscaping of the former landfill area and use of the land as communal amenity space for the residents of the new dwellings, with the costs of maintenance and management in the long term to be borne by the occupants of the dwellings and carried out through a residents management company. Whilst this appears to put a relatively high and disproportionate ongoing cost on the 7 householders of the self build properties, it does have the advantage of enabling the long term protection of the contaminated site. This will need to be included in any legal agreement should members be minded to grant permission.

Education Contribution

The applicant has set out a willingness to pay any required education contributions towards the provision of school places and or school transport in accordance with Essex County Council requirements. Taken on its own, however the number of dwellings proposed in this application falls below the threshold for such contributions. If members are minded to link the two applications through a legal agreement then an appropriate contribution for the combined number of dwellings can be calculated.

Green Belt conclusion:

The proposed erection of dwellings on this site whether on its own or in conjunction with the proposed development on the northern part of the Chime site would not fall within any of the exceptions as stated within paragraph 89 of the NPPF and would therefore clearly constitute inappropriate development. The NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.

For the reasons set out above it is clear that the development is inappropriate development of greenfield land and that the benefits offered are not sufficient to outweigh the harm to the Green Belt that would result from the development. Whether there is other harm which also needs to weighed against the proposal will be considered below.

Lee Valley Regional Park:

The Lee Valley Regional Park consists of 4,000 hectares of open space interspersed with various leisure facilities; there are also pockets of residential, industrial or horticultural development. The Park is a key element in the open space network of London and the Region. It is part of London’s Green Belt, a green corridor of countryside penetrating far into the urban area and is one of the

largest concentrations of open space available for informal recreation in London, Hertfordshire and Essex¹.

The Lee Valley Regional Park Authority consider that the development would adversely impact on the landscapes of the Lee Valley Regional Park contrary to its strategic policies on landscape and detailed proposals which identify the site as within a landscape enhancement area, and would adversely impact on the amenity of users of the Regional Park.

Flooding:

The application site is located wholly within an Environment Agency Flood Zone 2 and partially within a Flood Zone 3a, Given that the application seeks to avoid developing on the landfill area of the site, the indicative layout plan shows the proposed 7 houses to be located almost entirely within Flood Zone 3, that is the area most likely to flood. A Sequential Test is required for the proposed development. Paragraph 101 of the NPPF requires decision-makers to steer development to areas with the lowest probability of flooding by applying the sequential test.

The sequential test that has been submitted relates to the combined site, not just the 7 house site and as the applications have been submitted separately and not as a single application it is not accepted that this is the correct method, however, even looking at the combined site it is not accepted that the site passes the sequential test.

At the time of the approval of 26 houses on the site, the Council did not have a Strategic Flood Risk Assessment in place, and each application received for development in a flood risk area needed to be accompanied by a sequential test, to show that there was nowhere at lesser risk of flooding and which is available and deliverable, for a development of the type proposed. At the time of the last application the sequential test submitted indicated that there were no sites of sufficient size available and deliverable for 26 houses. Essentially this is because most sites in this District are within the Green Belt and not previously developed land and residential development is therefore inappropriate. The sequential test was therefore accepted.

Since that time the Draft Local Plan has been produced and this identifies potential sites for development in order to meet the Councils future housing need. All sites within flood zones 2 and 3 were automatically rejected as unsuitable and it is clear that there are a large number of potential sites in the District, at lesser risk of flooding, on which 7 or indeed 24 houses could be developed, in the event that the Draft Local Plan is adopted. This site appears in the Draft Local Plan simply as it has been identified as having an extant consent for development. Had consent not already been granted here, it would not have been identified as a suitable site for development.

However at the current time, the draft Local Plan carries little weight and many of the potential sites identified in the Draft Plan are therefore not currently deliverable as they are on land that is within the Green Belt. For this reason it has been accepted that, particularly given the extant consent on the northern part of the Chimes site, the development of that part of the site, which is flood zone 2, could be regarded as passing the sequential test. However, it is not accepted that the southern site, which is flood zone 3 or the combined areas taken together, can pass the sequential test. The land where the 7 houses are proposed is simply Green Belt land, it is not previously developed land and the Local Plan has identified many sites around Nazeing and the wider District that are Green Belt and outside of Flood Zones 2 and 3 which could be developed for housing.

The appeal Inspector in considering the appeal against the refusal of permission for the 43 house development which included development of this southern part of the site covered the sequential test argument in some detail:

¹ Lee Valley Regional Park Plan (adopted 2000)

“ The western part of the site closest to the river frontage would remain as Zone 3a. That part of the site would be occupied by 6 of the proposed 43 dwellings.

If it is necessary to develop land in the Green Belt in order to satisfy the need for housing, then the sequential test should still be applied to seek out land at a lower risk of flooding, there is no evidence before me of a lack of Zone 1 or Zone 2 land elsewhere in the Green belt. Even if Zone 2 land needs to be developed because of a lack of suitable zone 1 land , then it does not appear that consideration has been given to providing all of the proposed housing on zone 2 land, whilst avoiding zone 3a land. Even if no zone 2 land can be provided elsewhere, then consideration should be given to a revision to the site design and layout in order to avoid siting 6 dwellings on zone 3a land.

It is acknowledged that it is a material consideration that the Council has permitted the development of 26 dwellings on the previously developed part of the site within Flood Zone 2. Other considerations would have been relevant there such as that the site is already occupied by buildings and hardstanding, there would be associated social, economic and environmental benefits of redeveloping this derelict site. However I do not consider that the sequential test has been suitably applied so as to justify the development of the remaining greenfield land within zone 2 and especially zone 3a.

Even were the Sequential Test to be satisfied, then I do not consider that the development of the Zone 3a land has been shown to be justified by wider sustainability benefits for the community, as would be required by the Framework, to pass the Exceptions Test. ... In this case any benefit of the development would be mainly for the occupiers of the houses rather than the wider community. Those occupiers would still be at some risk of flooding themselves, albeit that raised floor levels would reduce the risk of flooding within their homes and it has not been shown to be unsafe for the lifetime of the development.”

It is considered that the same arguments remain entirely applicable to this 7 house scheme and to the combined development.

A flood risk assessment has been provided which has been accepted, subject to conditions, by the Environment Agency and the Councils Land Drainage Team, which indicates that suitable attenuation and mitigation can be put in place to prevent the flooding of the houses themselves and any risk of increased flooding elsewhere, but these factors do not outweigh the fact that the scheme clearly fails to pass the Sequential Test and the Exceptions Test and is therefore contrary to the NPPF and the adopted Policies of the Local Plan and indeed the draft policies of the Draft Local Plan.

Land Contamination:

The development has been designed to avoid building on the former landfill site and it is accepted that suitable contaminated land conditions can be applied that will ensure that the development will not cause or be subject to contamination issues.

The application includes use of the landfill area as amenity space for the proposed 7 dwellings.

Although the use of the land area for open space rather than housing reduces the level of work required with regard to decontamination there will still be a need for decontamination conditions relating to this area, and the amount of work involved will be dependent on the kind of landscaping that is proposed. Landscaping is one of the reserved matters.

Prior to the first occupation of any of the new dwellings it will be necessary to ensure that the former landfill area, intended to be used as communal amenity space by the residents is fully landscaped and measures for the long term management and maintenance of the area are in place. The use of this land as a communal amenity area controlled, maintained and managed by

the residents of the new dwellings at their expense, is the logical solution, and can be secured by legal agreement should the application be approved.

Ecology

A preliminary ecological appraisal was submitted with the original application which identified a need for a follow up reptile and newt survey, and a bat emergence survey. A reptile and Newt survey indicated that the land to the south provides a suitable habitat for reptiles. Grass snakes were found but it would be expected also that slow worms and common lizards may be present. As such mitigation measures would be required should permission be granted, to ensure that reptiles are removed to an appropriate receptor site to avoid any reptiles being killed or injured. Conditions can be imposed to secure this and in addition it is an offence to harm protected species. No great Crested Newts or amphibians were found at the site.

A bat emergence survey was also carried out and this indicates that there are no bat roosts within the site but that the site and surroundings are used for foraging. Mitigation measures can be required by condition should the application be approved and the fact that the proposals site include the retention and enhancement of the existing backfilled landfill area as an area of open space allows for enhancement of the ecological value of the area subject to the imposition of suitable conditions.

Highways

This is an outline application with all matters reserved, including access, however the indicative layout plan that has been submitted indicates that suitable access can be achieved from Old Nazeing Road, via a private access track that runs past the property known as Nazebourne. This is a narrow access but given the previous use of the site and the potential traffic movements that the authorised use could generate the access is considered to be suitable and appropriate for the development now proposed, particularly given that consent already exists for 26 houses utilising this access.

Concern has been raised by neighbours that the development could be accessed from Great Meadow, which is currently a cul de sac. As access is a reserved matter this can be properly considered at the detailed submission stage,

Other considerations:

Amenity considerations:

Given the location of the application site and since this proposal is for outline consent with all matters reserved it is considered that 7 dwellings could be erected on the site without causing any detrimental impact on neighbouring residents.

Conclusion:

In light of the above, despite claims by the applicant, the site does not constitute previously developed (brownfield) land and the proposal does not meet any of the exceptions to inappropriate development as stated within the NPPF. The proposal for a 'land swap' does not render the application as 'not inappropriate' and as such the proposal continues to constitute inappropriate development that is, by definition, harmful to the openness of the Green Belt. In addition the site is located within an Environment Agency Flood Zone 2 and 3a with the proposed housing being shown to be within 3a, which is the highest flood risk and the development has not passed a

Sequential Test or the Exceptions Test which are set out in the NPPF. Additionally the site is within the Lee Valley Regional Park and would harm the character of the Lee Valley Regional Park.

It is accepted that the Council cannot currently demonstrate a five year supply of housing sites, as required by paragraph 49, and it is accepted that the provision of six self-build/custom houses would assist in meeting the need in enabling individuals and community groups who want to acquire land for self-build homes to do so. Whilst both these factors weigh in favour of the development they are not in themselves overriding factors that should allow development with no regard to any other constraints.

The lack of a five year land supply means that Local Plan policies regarding the supply of housing are out-of-date however it does not mean that these should be completely disregarded. The National Planning Policy Framework contains clear policies requiring that "*local planning authority[s] should regard the construction of new buildings as inappropriate in the Green Belt*" (paragraph 89) and stating that "*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk*" (paragraph 100).

It is recognised that the site is in a relatively sustainable location however it is not considered that this, or the other material considerations put forward are sufficient enough to outweigh either the harm to the Green Belt through inappropriate development or the clearly unacceptable nature of this site. Furthermore the proposal would be harmful to the character and amenity of the Lee Valley Regional Park, which is given some weight against the proposal.

As such the proposal continues to be contrary to Government Guidance in the form of the NPPF, the Technical Guidance, the PPG and the Local Plan policies CP2, GB2A, RST24, U2A and RP4, as previously identified, and therefore the application is recommended for refusal.

The applicant has asked that this application and the application for 17 houses on the adjacent site should be considered together, as if they were a single application. Despite being advised that a single phased application would be the appropriate way of ensuring that the proposals were considered in that way, he has chosen to continue with the 2 applications, and then to attach larger contributions to the smaller and most inappropriate development.

The applicant has asked that the fact that the financial benefits of approving **both** schemes, results in a total of 24 houses and a financial contribution towards affordable housing of £500,000 plus £50,000 towards public transport whereas the previously approved scheme for 26 houses on the northern part of the site provided only £500,000 for affordable housing with no other benefits.

The 7 house scheme does not work in isolation and would result in a significant spread of built development into an area that is not previously developed land and the retention of the existing previously developed and hard surfaced area, with no extinction of any existing use rights for that land. Should members therefore be minded to approve this application **together with the 17 house application** it must be subject to a legal agreement that prevents it from being implemented before the completion of the development of the 17 house scheme and the associated remediation of the remaining previously developed area..

Officer advice however remains, that even if the two applications are considered together, the combined development is inappropriate in the Green Belt, causes harm to the character of the LVRP, fails to pass the sequential and exception tests and fails to demonstrate an appropriate affordable housing contribution. As such both applications are recommended for refusal.

Advice - Is there a way forward?

Given the location of the site within the Metropolitan Green Belt, the Lee Valley Regional Park and in an Environment Agency Flood Zone 3 it is not considered that there is any way forward for residential development on this site.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992 564106***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 3

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Application Number:	EPF/2881/16
Site Name:	Pine Tree Nursery Avey Lane Waltham Abbey Essex EN9 3QH
Scale of Plot:	1:1250

Report Item No: 3

APPLICATION No:	EPF/2881/16
SITE ADDRESS:	Pine Tree Nursery Avey Lane Waltham Abbey Essex EN9 3QH
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Bunsford
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings and redevelopment to provide 8 new dwellings with associated access and parking.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588994

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 8428/01, 8428/02, 8428/03, 8428/04, 8428/05A, 8428/06A, 8428/07A, 8428/08A, 8428/09A, 8428/10A, 8428/11A, 8428/12A, 8428/13A, 8428/15A, 8428/16, 8428/17, 8428/DAS 01, 8428/DAS 02, 8428/DAS 03, 8428/DAS 04, 8428/DAS 05, 8428/DAS/A/ 06, 8428/DAS/A/ 07, 8428/DAS/A/ 08, 8428/DAS/A/ 09, 8428/DAS/A/ 10, 8428/DAS/A/ 11, Sustainability Statement by Cornell Warren Associates dated 28/10/16, Ecological Report: Extended Phase 1 Habitat Assessment Bat Scoping Survey ref 161002-ED - 01 October 2016 by Tim Moya Associates, Transport Statement by Waterman 01 November 2016 ref: WIE 12264 - 100 - R-1-7-3-TS.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Prior to the first occupation of the development, the access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 43 metres to the east and west, as measured from and along the nearside edge of the carriageway and retained free of any obstruction in perpetuity.
- 10 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out and shall be retained as such in perpetuity.
- 11 Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 13 There shall be no discharge of private surface water on the highway.
- 14 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 15 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 16 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 17 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 18 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 19 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 20 Prior to the installation of any lighting within the site, details of a bat friendly lighting scheme which accords with Bat Conservation Trust guidance shall be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall be carried out in accordance with the details so approved, and shall be maintained as such thereafter. No other lighting shall be installed within the site.
- 21 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

- 22 This permission shall not be implemented unless the measures contained within pages 3 to 6 (inclusive) of the Sustainability Statement prepared by Carnell Warren Associates Limited (reference Will Harrington 10/28/2016) submitted as part of this application have been fully undertaken and these sustainability measures shall be maintained for the duration of the use.
- 23 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 24 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site covers an area of 6700 sqm and has a rectangular shape. It is located on the northern side of Avey Lane.

The site operates as a garden centre. It contains two glasshouses close to the eastern boundary of the site. The rear section of the site contains pallets, building materials and equipment associated with the Garden Centre use. The central section of the site contains potted plants; within the south western corner is a two storey mobile unit used as an office. The front section is used for the parking of HGVs and other motor vehicles.

Nursery uses adjoin the application site on its east and west; fields adjoin the northern boundary and a mixture of nursery and residential uses are located south of the site.

The site is designated as being within the Green Belt.

Description of Proposal:

Permission is sought for the demolition of the existing buildings and redevelopment to provide 8 new five bedroom detached dwellings with associated access and parking.

The 8 traditionally designed houses are arranged in a cul de sac form each with two car parking spaces, garages and curtilages.

Three house types are proposed, they have a maximum width of 15m, a maximum depth of 12.3m and are 7.7m high to the ridge of their gable roofs. Each unit has an internal area of between 139 and 143 sqm.

An acoustic 1.8m high fence is proposed for the eastern boundary with Beechview Nursery.

Materials include facing brick work render and cladding for the walls. No other information regarding the roof or fenestration has been submitted.

The access to the site will be as exiting. All houses will have their own individual driveways off this access.

Relevant History:

Reference	Description	Decision
EPF/0377/08 CLD	Certificate of lawfulness for the mixed use as the plant nursery and garden centre	Lawful
EPF/0558/17	Certificate of Lawful Development for existing use of glasshouses as garden centre	Lawful

Policies Applied:

Adopted Local Plan:

CP1: Achieving Sustainable Development Objectives
 CP2: Protecting the Quality of the Rural and Built Environment
 CP3: New Development
 DBE1: New Buildings

DBE2: Effect on neighbouring Properties
 DBE4: Design in the Green Belt
 DBE8: Private Amenity Space
 DBE9: Neighbouring Residential amenity
 GB2A: Development in the Green Belt
 GB7A: Conspicuous Development
 LL11 Landscaping Schemes
 ST1: Location of Development
 ST2: Accessibility of Development
 ST4: Road Safety
 ST6: Vehicle Parking
 H2A: Previously Developed Land
 H4A: Dwelling Mix
 NC3: Replacement of lost habitat
 NC4: Protection of established habitat
 RP4: Contaminated Land
 U2: Development within Flood Risk Areas

NPPF:

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans

according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1 – Presumption in favour of sustainable development
SP5 Green Belt and District Open Land
H1 – Housing mix and accommodation types
T1 – Sustainable transport choices
DM1 Habitat protection and improving biodiversity
DM9 – High quality design
DM10 – Housing design and quality
DM 11 – Waste recycling facilities on new developments
DM16 – Sustainable drainage systems
DM18 – On site management of waste water and water supply
DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 12
Site notice posted: Yes
Responses received: No response received from neighbours

PARISH COUNCIL: No objection

Main Issues and Considerations:

Background

Initially the use of the site for as a nursery and garden centre was deemed lawful under reference EPF/0377/08 CLD. This certificate included a map which clearly indicated areas which fell within the sui-generis use and which buildings remained lawfully in horticultural use.

The use of the glasshouses as nurseries was then disputed by the agents and a subsequent certificate for the existing use of glasshouses as garden centre was submitted. Officers found that there was sufficient evidence on the balance of probabilities to demonstrate that the glasshouses had been used to sell items not grown on the premises for a period of at least ten years. The certificate was therefore made lawful.

Is the development appropriate for the Green Belt

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 89 and 90 of the National Planning Policy Framework (NPPF). And provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the limited infilling or partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings) which would not have a

greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The site benefits from a lawful development certificate which confirms that the existing use of the site is as a Garden Centre (EPF/0558/17). The existing glasshouses have no planning restrictions on them and have been in existence for over 20 years, it is therefore considered that the site can be defined as being Previously Developed Land (PDL)

The proposed development involves the removal of all the existing commercial buildings on the site.

The planning statement submitted as part of this application states that the footprint of the existing glasshouses on the site is 1,260.3 sqm. The 8 unit scheme has a building footprint: 1117.3 sqm. This is a reduction of 143 sqm compared to the footprint of existing buildings on site.

The scheme proposes 1,424.1 sqm of built floorspace. The proposed houses are 1.5 storeys high with two storey gable projections and therefore there is an increase of 164.1 sqm of floorspace compared to the 1,260 sqm of glasshouses.

The existing glass houses on the site provide 4,733 m³ of volume. The combined cubic volume of buildings on site which are considered to have permanence on the site and affect the openness of the site total 5034 m³.

The proposed 8 unit residential scheme provides 5,513 m³ of development. Compared to structures on the site this is an increase of 479 m³.

The ridge height of the taller glasshouse is 4.7m compared to the ridge height of the proposed houses which is 7.7sqm.

There is a significant reduction in hardstanding. The site currently has 6,542.4 sqm of hardstanding and the 8 unit scheme proposes 1,190.7sqm. There is therefore a reduction of 5,351.7 sqm of hardstanding.

However, it is considered the increase in height by 3m, the replacement of existing transparent glasshouses with houses that have a solid permanent form, together with the 6% increase in floorspace, is in excess of the existing buildings on the site and does not reflect the character of residential development within this part of Avey Lane. Furthermore as they are all suitable for families they will also have additional paraphernalia associated with this type of dwelling. The proposal is therefore considered to have a greater impact on the openness of the Green Belt compared with the current use on the site. It is therefore considered to be by definition inappropriate development and contrary to paragraph 89 of the NPPF and policy GB2A of the Local Plan.

Sustainability

Paragraph 55 requires that sustainable development should be promoted within rural areas by locating housing where it will enhance or maintain the vitality of rural communities (Local Authorities should avoid new isolated homes in the Countryside.)

The area of Avey Lane surrounding the access for the application site does not include a suitable pedestrian access, however the nearest bus stops are 300 metres from the site which provide a limited bus service.

The proposal will also remove a use which in its self is not sustainably located. The removal of this use could therefore result in the overall reduction in vehicle movements from the site.

The Sustainability Statement submitted as part of the application indicates that the proposed houses will be built to meet the Code for Sustainable Homes criteria. Whilst this assessment is no longer technically required to be complied with, it is more onerous than current Building Regulations which relate to sustainability. Examples of features included are that the houses will be insulated to a higher standard, Individual low NOx high efficiency gas boilers will be installed, high efficiency under floor heating and lighting, features to reduce water usage and energy consumption in heating domestic hot water. All pipework will be insulated to reduce energy wastage. The proposal is therefore considered to make an overall positive contribution to a low carbon future in accordance with chapter 10 of the NPPF and the Core Planning policies within the Local Plan.

Trees

Whilst there is a hedge of conifer trees on the western boundary of the site which is to be retained, the remainder of the site is covered in hardstanding, therefore the Tree Officer is satisfied that the proposal will not necessitate the need for a tree protection condition. However since the proposed layout provides good opportunities for soft landscaping she recommends that this be controlled by condition. The proposal therefore complies with the requirements of chapter 11 of the NPPF and policy LL11 of the Local Plan.

Highways

The proposed access provides adequate visibility splays and the intensity of the use of the site would result in fewer numbers of vehicular movements over and above the existing use of the site. Furthermore the access road is private and the site is far removed from the highway. The proposal therefore accords with the requirements of policies ST4 and ST6 of the Local Plan.

Impact on visual amenity/ Design

Whilst the density of residential development surrounding the site is lower than the 12 dwelling per hectare achieved by the proposal site, this figure is still significantly below the minimum general numerical standard of 30 dwelling per hectare for the District. The height scale, layout and appearance of the dwellings is though similar to other approved developments within other parts of the Green Belt in the District. It is therefore considered acceptable. A condition is recommended to ensure that the proposed materials are of good quality in order to preserve the distinctive local character of the area in accordance with chapter 7 of the NPPF and policies H3A, DBE1, DBE4, DBE5 and DBE6 of the Local Plan.

Ecology

A habitat survey was carried out by Tim Moya Associates and submitted as part of the applications. It included an assessment of the habitats found within the site and the likely impact of the proposed development on habitats of ecological value and protected and notable species. The results were the site contains suitable habitat for nesting birds only and the proposed development would not have impact on designated sites of ecological interest. It therefore recommended that conditions be attached to any permission which requires that the development is carried outside of the nesting bird season and that lighting is restricted to avoid impact on commuting birds. It is on this basis considered that the proposal will make adequate provision for the protection and suitable management of established habitats of local significance for wildlife in accordance with Chapter 11 of the NPPF and policy NC4 of the Local Plan.

Flood risk

The development is of a size where it is necessary to avoid generating additional runoff and therefore the Council's Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage in accordance with policy U2B of the Local Plan.

Land Contamination

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the previous use of the site as horticultural nurseries and commercial (warehouse and haulage) as well as the presence of made ground. They therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

Green Belt Balance / Conclusion

Paragraph 87 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harm.

Given that the site is Previously Developed land, includes existing permanent structures within it, then the principle of some residential on the site is acceptable.

There are other benefits. The proposal will also result in the cessation of heavy goods vehicles potentially using the site on a 24 hour and 7 day basis; the removal of existing 'temporary' buildings on the site, the removal of the unsightly brick a brick and building materials stored on the site; the provision of trees on all boundaries of the site (apart from the access road section of the site) together with the enlarged areas of soft landscaping and the development being built to a high standard of energy efficiency ensure that there is enough very special circumstances to clearly outweigh the limited harm to aims and purposes of the Green Belt as a result of the additional volume and solidity that will be created.

Furthermore, the proposal would also help contribute to the supply of housing within the District.

The proposal is therefore considered to achieve the principles of sustainable development as laid out in the NPPF and Local Plan and very special circumstances are apparent to outweigh in principle green belt harm. As such it is recommended for conditional approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Sukhi Dhadwar

Direct Line Telephone Number: 01992 564597

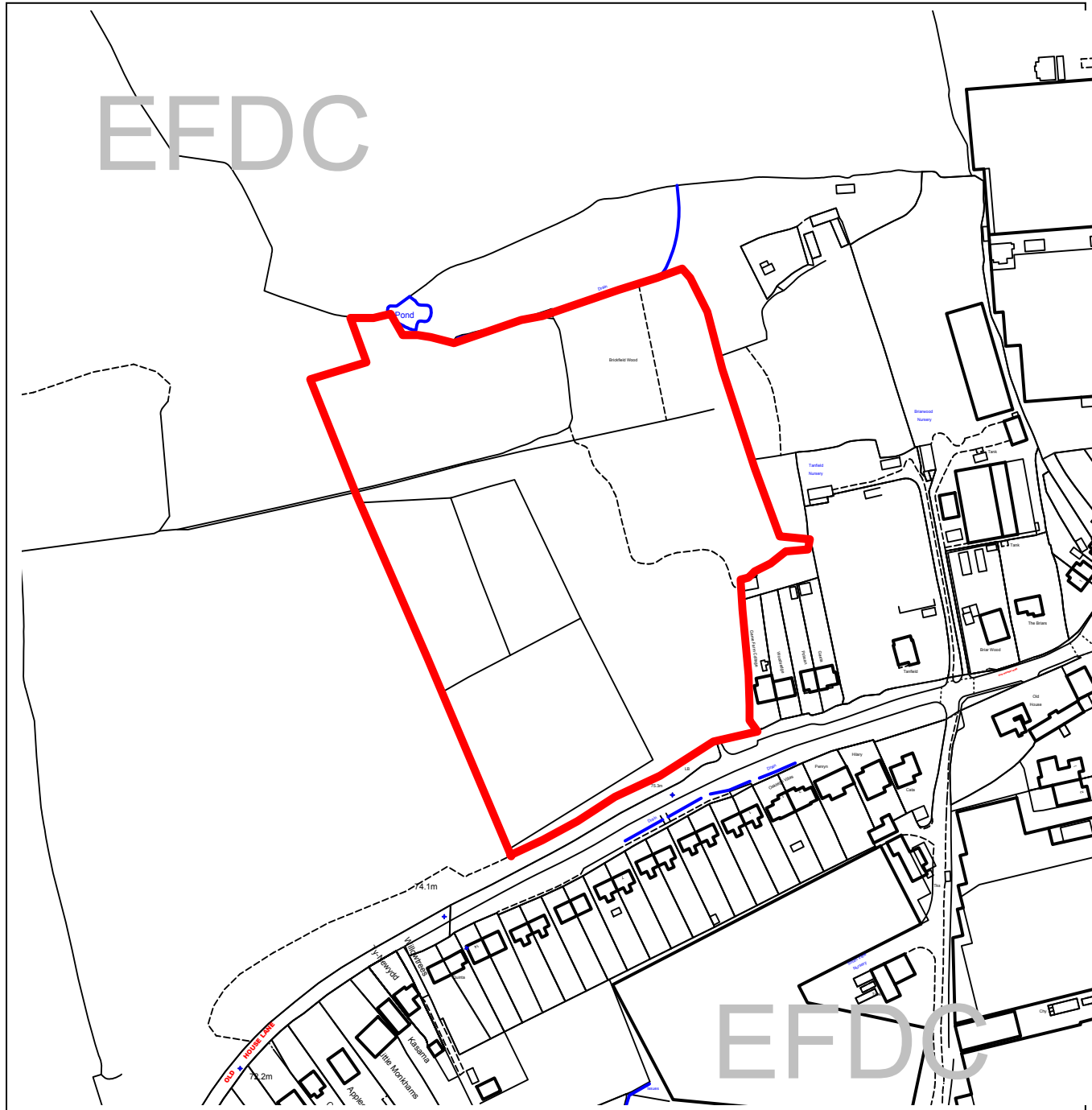
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/0517/17
Site Name:	Land to North of 8 Old House Lane, Roydon, CM19 5DH
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0517/17
SITE ADDRESS:	Land to north of 8 Old House Lane Roydon Harlow Essex CM19 5DH
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Paul Hayden
DESCRIPTION OF PROPOSAL:	Erection of stable block and horse exercise area.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592115

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Plans received 17 May 2017. B283/1, Part site layout of stables and horse exercise area, Elevations of stables and Block Plan.
- 3 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 4 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 5 No above ground work shall have taken place until photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The details shall include timber boarding (for walls) and timber felt shingle (roof). The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 6 The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 7 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 8 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation

scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 14 Prior to the installation of any lighting within the site, details of a bat friendly lighting scheme which accords with Bat Conservation Trust guidance shall be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall be carried out in accordance with the details so approved, and shall be maintained as such thereafter. No other lighting shall be installed within the site.

- 15 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The proposal site comprises It is situated on the northern side of Old House Lane. The site area covers 2.9 hectares and is currently used as a grazing area for horses.

To the east of the site is residential, to the west are further open fields and to the south side of Old house Lane there is a continuous development of semi-detached houses

The site falls within land designated Metropolitan Green Belt and the Nazeing and South Roydon Conservation Area.

Description of Proposal:

Permission is sought for the erection of a stable block and horse exercise area. The stables measure 5m deep by 22m wide and 3.5m high to the ridge of its gable roof

The horse exercise area is 40m long by 20 metres wide and will be surrounded by a 1.5m post and rail fence.

The proposed external finishes for the stables include timber cladding to the walls and three layer hot bonded roofing felt for the roof.

Relevant History:

No relevant history

Policies Applied:

National Planning Policy Framework
National Planning Policy Guidance

Epping Forest District Local Plan (1998) and Alterations (2006).

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB7A – Conspicuous development

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE9 – Loss of amenity

LL10 – Adequacy of provision of landscape retention

NC4 – Protection of established habitat

RST4- Horse Keeping

RST5- Stables

ST1 – Location of development

ST4 – Road safety

ST6 – Vehicle parking

HC 6 – Character, appearance and setting of conservation areas

HC7 – Development within conservation areas

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Draft Local Plan

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP5 Green Belt and District Open Land

DM7 Heritage Assets

DM9 High Quality Design

Consultation Carried out and Representations Received

19 neighbours were consulted and a site notice was displayed.

10 OLD HOUSE LANE: OBJECT: The building will be right opposite our house with very little screening. I am also concerned about vehicle noise, tractors etc especially at the weekend. I would also like to know where the manure will be disposed of, as at present there has only ever been 1 or 2 horses on the field at any one time and now there will be 7 stables equating to a lot of waste. Another point is whether there is an intention to turn this into a commercial business, hence bringing considerable traffic into the lane.

13 OLD HOUSE LANE: OBJECT: The Lane is busy enough as it is without this adding to it. It is nice to have the fields across the road open and natural. If this goes ahead it will not only ruin the area but will increase activity to all hours and increase traffic. We do not need the land developed in this way.

WOODS EDGE OLD HOUSE LANE: OBJECT: Land is already used as a dumping ground, the ditches are laden with waste and gates have already been put up with no permission . there are sometimes caravans kept there to , and it wont be long before people will be living in the barns and they will obviously cause a smell and rodent problem in the area from the stacks of manure .

No specified address, OLD HOUSE LANE: OBJECT: Building will be an eyesore

ROYDON PARISH COUNCIL: NO OBJECTIONS

Main Issues and Considerations:

The issues which are relevant to the determination of this application are:

- (a) Impact on the aims and purposes of the Green Belt
- (b) Impact on the character and appearance of the Nazeing and South Roydon Conservation Area; and
- (c) Impact on neighbouring residential amenity.

Aims and purposes of the Green Belt

The Framework states that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt but lists five exceptions. The second listed exception is the provision of appropriate facilities for outdoor sport and recreation as long as the openness of the Green Belt is preserved and that there is no conflict with any of the five purposes served by the Green Belt, as given with the Framework's paragraph 80. The approach of national policy is broadly reflected by Policy GB2A of the Local Plan. Between them these confirm that planning permission will not be given for purposes other than those appropriate to a Green Belt and that consideration will be given to the purposes of including land within the Green Belt and the effect upon openness.

The proposed stables, and horse exercise area would provide facilities for outdoor sport and recreation The proposal therefore falls within the second exception listed in paragraph 89 of the NPPF. Given that the stable and horse exercise area use can normally only be carried out in the countryside there would be no conflict with the purposes of including land in the Green Belt.

The provision of a 4 horse stables which is not excessive size when compared with current British Horse Society standards for stables, (The society recommends 12ft width all boxes are 3.5m wide). They all have a depth 3.8m. The stable sizes are therefore not considered excessive. Furthermore given that the applicant owns 4 horses and the size of the land on which they graze, it is therefore considered that the number and size of the stables proposed are not excessive.

Furthermore the Conservation Officer and Tree / Landscape Officers are satisfied that the proposal will not have a harmful impact on the character and appearance of the landscape is of an appropriate size and appearance and will not result in any excessive harm to highway safety, rights of way or ecology. The land owner also lives at 8 Old North Lane and therefore would not require additional parking. In these circumstances I conclude that the erection of the proposed

stables and horse exercise area surrounded by a post and rail fence would not amount to inappropriate development within the Green Belt.

Impact on the openness of the Green Belt

The principle of the development is that it is not inappropriate. The proposal is single storey and rural in character, It will be partially screened by existing hedging along the front boundary of the site and trees further west , the overall impact would be the proposal blends in with its surroundings and as such will have a neutral impact on the openness of the site. The proposal is therefore compliant with the requirements of chapter 9 of the NPPF and policies GB2A and GB7 of the Local Plan.

Impact on the character and appearance of the application site and wider Nazeing and South Roydon Conservation Area.

CAs - S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

In determining planning applications, the Council is required by the NPPF to consider the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 134 requires “where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use”.

The Conservation Officer has reviewed the proposal and makes the following comments:-

“There are no objections to the erection of the stable block, the barn and the associated manege. Agricultural in character and sensitively designed (appropriate scale, massing, layout and materials), it is considered that the proposal would preserve the distinctive character and appearance of the conservation area. I, therefore, recommend this application to be approved.

For more clarity in terms of the materials to be used and where, I suggest the applicant to amend the planning application form as such:

WALL // Timber Boarding (Stable Block) / Block + Timber Boarding (Barn)

ROOF // Timber Felt Shingle (Stable Block) / Metal Cladding (Barn)

If the planning application form is not revised as suggested above, please add the following conditions as part of the decision:

If this application is approved, conditions should ensure photographic details of the external materials, details of the hard and soft surfacing and details of the boundary treatment to be submitted and approved by the LPA, prior to the commencement of any work.

This is supported by policies HC6 and HC7 of our Local Plan and Alterations (1998/2006).”

Trees

The Landscape Officer made the following comments regarding the proposal.

“The presence of a fine veteran oak within this Conservation Area, close to the proposed new entrance drive poses a significant constraint on this element of the project. This has not been considered and no Tree Impact Assessment has been submitted. It might be possible, however, to attach a pre-commencement condition requiring a specific methodology of works for and

around this tree. This must include details of a no dig design for the proposed hard surfacing of the approach driveway to ensure that the crown and rooting zone is not harmed.

Where gaps occur in the roadside hedgerow and along the field fencing perpendicular to the road the planting of hedgerow whips to form a screen to soften the bulk of the proposed stable block is required.” He is therefore satisfied that subject further conditions in relation to the protection of trees and soft landscaping the proposal meets the requirements of policies LL10 and LL11 of the Local Plan.

Ecology

A woodland is located to the north east of the site, therefore there is likelihood that protected species or their habitats could be located within the site. The Countryside Team therefore recommend that two conditions be attached to any permission requiring a bat friendly lightning scheme and no removal of hedgerows, trees or shrubs during 1st March and 31 August inclusive It is on this basis considered that the proposal will make adequate provision for the protection and suitable management of established habitats of local significance for wildlife in accordance with Chapter 11 of the NPPF and policy NC4 of the Local Plan.

Impact on neighbouring amenity

The proposal is sufficiently distant from neighbouring residential properties in terms of light, outlook and privacy to ensure that they will not be excessively affected. The proposal therefore complies with the requirements of policy DBE9 of the Local Plan.

Loss of a private view is not a material planning consideration.

Highways

The Highways Authority is satisfied that the proposal will not raise any parking or highway safety concerns. The proposal therefore complies with policies ST4 & ST6 of the Local Plan.

Land Drainage

The Land Drainage Officer considers the size of the proposal to be of a size where a flood risk assessment and surface water drainage details are required, it is therefore recommended these requirements are attached as conditions to any permission in accordance with policies U3A and U3B of the Local Plan.

Contaminated Land

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the previous use of the site as horticultural nurseries. They therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

Conclusion:

The development is not inappropriate development which will only have a limited adverse impact on the openness of the Green Belt. The proposal has a design and appearance which is acceptable and will not impinge neighbouring amenity. The proposal is therefore sustainable development and as such is recommended for approval

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

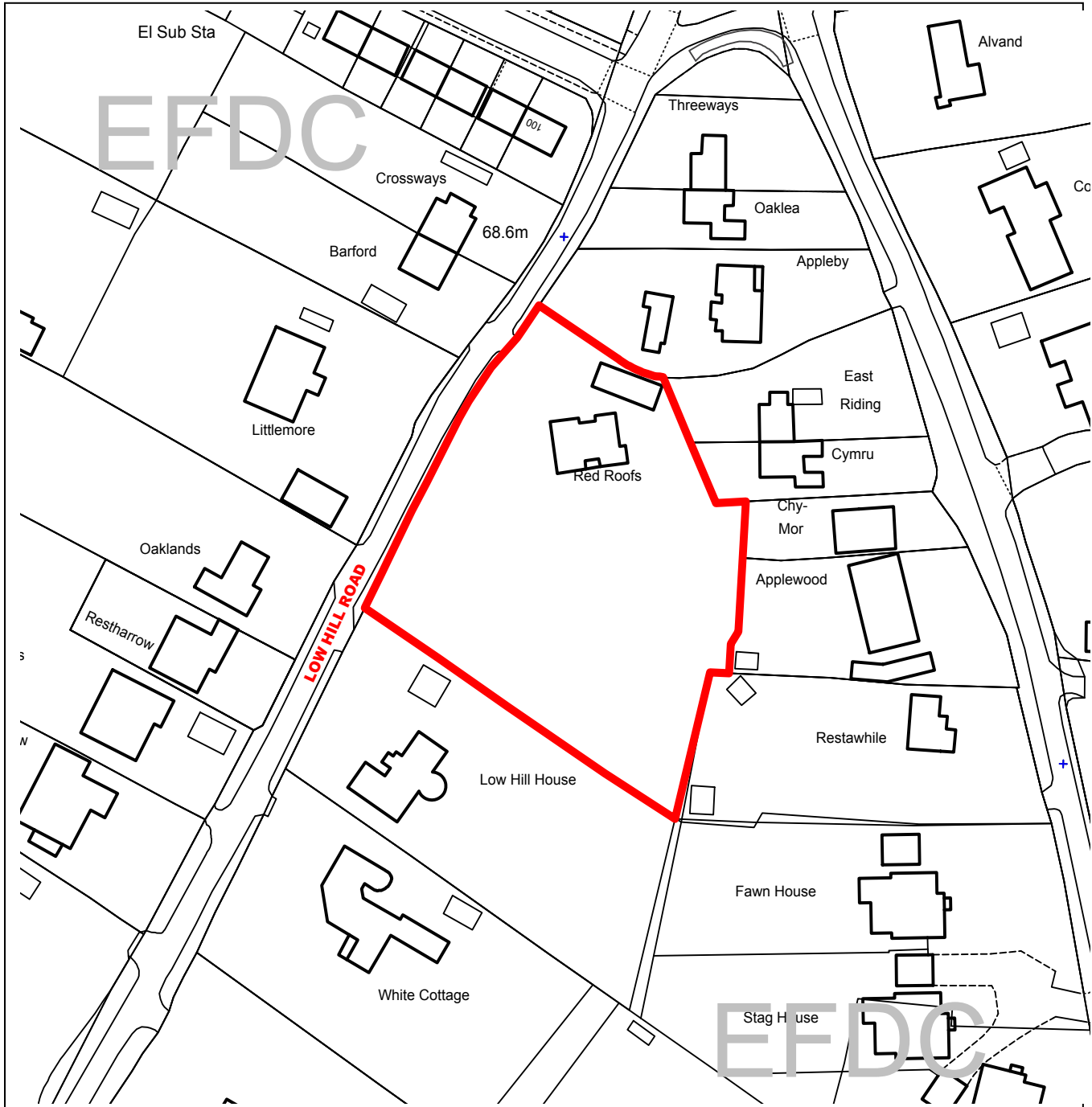
**Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597**

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/0792/17
Site Name:	Red Roofs Low Hill Road Roydon Essex CM19 5JN
Scale of Plot:	1:1250

Report Item No: 5

APPLICATION No:	EPF/0792/17
SITE ADDRESS:	Red Roofs Low Hill Road Roydon Essex CM19 5JN
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr & Mrs Cioffi
DESCRIPTION OF PROPOSAL:	Erection of a new double garage with store room. Amendment in relation to EPF/2445/15.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592895

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08:00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

Red Roofs is located within a cluster of properties close to the junction of Low Hill Road and Epping Road. The property is a short walk from the village centre in Roydon. The site is occupied by a large detached dwelling and is served by an ancillary building adjacent to the dwelling. The plot is extensive with the garden area to the south of the house having been sub divided as it benefitted from a consent for a new dwelling (EPF/2679/13). The site is within the Metropolitan Green Belt.

Description of Proposal:

The applicant seeks consent for a garage on the rear boundary of the property adjacent to the rear garden of a property on Epping Road (Chy-Mor). The building would have a footprint measuring 12.0m wide x 6.0m and an eaves level of 2.5m and a flat roof level of 4.31m. Drawings indicate that parking would be provided for two vehicles on the ground floor with an ancillary storage.

NB: Works have already commenced on site and at the time of the site visit the building was substantially completed. This application has been submitted in order to regularise the situation. It has been noted by Officers that the fenestration and doors have not be sited in accordance with the originally submitted drawing which means the internal layout is swapped over and render used as opposed to the proposed brick. Therefore revised drawings has been submitted which shows the correct arrangement and materials. The size, height and proposed use of the building have not altered. The impact on the neighbours to the east and southeast remains the same and due to this minor change it is not considered prejudicial to neighbours who have not been re-consulted on this alteration.

Relevant History:

EPO/0536/61 - Details of studio extension – approved 02/01/62

EPF/1228/09 - Erection of a detached house and formation of new vehicular access – approved/conditions 02/09/09

EPF/2247/09 - Erection of detached garage with storage/play room above – approved/conditions 18/01/10

EPF/0750/11 - Removal of a detached house and the erection of a replacement detached house and formation of a new vehicular access – approved/conditions 01/06/11

EPF/0255/13 - Erection of garage (revised application) – approved/conditions 02/04/13

EPF/1801/13 - Raising of roof to create additional bedroom and bathrooms – approved/conditions 28/10/13

EPF/2679/13 - Erection of detached dwelling (amended application to EPF/1228/09) – approved/conditions 11/02/14

EPF/0957/14 - Erection of a new detached double garage and store room. Grant Permission (With Conditions) – 20/06/14

EPF/1354/14 - Alterations and conversion of existing barn to annexe accommodation. Grant Permission (With Conditions) – 28/08/14

EPF/0793/15 - Erection of a new double garage with store room with a hipped roof including 3 no. dormer windows to the front – Refused

EPF/2445/15 - Erection of a new double garage with store room – Approved/conditions and S106 17/02/16

Policies Applied:

National Planning Policy Framework 2012

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2/9 – Effect on Neighbouring Properties/Loss of Amenity

DBE4 – Design in the Green Belt

GB2A – Green Belt Constraint

GB7A – Conspicuous Development

ST6 – Vehicle parking

Consultation Carried Out and Summary of Representations received:

PARISH COUNCIL: OBJECTION – This latest proposal is oppressive and has a negative impact on the MGB and the neighbouring property. It appears to have been deliberately built in non-compliance with previously agreed plans.

15 neighbours consulted with two objections being received which are summarised below:

Occupiers at CHY-MOR: OBJECTION –

- The plan shows the original line of the roof. This is incorrect. The amendment is misleading as it indicates that they have lowered the height which they have not.
- By keeping a flat roof the gradient is much steeper and it therefore appears higher our side of the fence. If they were to have pitched it as the original plans the gradient would be less and the structure not so imposing.
- Concern that the intention is to use the roof as a room. By keeping the roof flat it makes the area above an ideal place to use as a room and later install windows, they tried it once what's stopping them doing it again.
- Do not believe therefore that this is simply a garage with some storage if they had kept it a pitch roof to the current height of the flat room it could be storage but in its present form it is clear that they have every intention of using this as a room.
- Was told by the planning office that the plans that were eventually passed with a lower pitched roof would not be like having a double decker bus parked at the bottom of my garden yet by allowing them to have this flat roof the gradient is much higher and it is exactly that.
- The owners have failed to follow the planning constraints, we had to put up with works going on late into the night with people looking into our garden, noise at weekends and only after writing to Robert Halfron did anyone follow this up, their total disregard to original planning constraints is an indication that once completed they will convert and use this as an additional room and we will have continuous noise coming from it, in fact we did hear mention that it would make an ideal games room!

I therefore object to this change and request that the roof is pitched as per original agreed plans.

Occupiers at APPLEWOOD: OBJECTION –

- It would seem that the garage with a storeroom for which consent has been granted has been built at odds with the permission that was granted and with a view to extending the permission to use the storeroom as accommodation.
- Our concerns around this are 3-fold:
 1. The way the roof has been pitched to allow extra headroom in the storeroom means that the overall build is taller than permission was granted for, this creates a bigger impact on the view from our house.
 2. We are uncomfortable with people potentially living so close to our boundary.

3. It doesn't feel right that the system is being 'played' in such a way to ultimately secure permission for a build that wasn't initially granted.

Issues and Considerations:

The main issues to consider relate to the sites setting within the Metropolitan Green Belt, character and appearance and living conditions.

Green Belt

The application site is located within the Metropolitan Green Belt. Whilst outbuildings are not specifically referred to as being an exception to inappropriate development within the NPPF, they are usually considered in the context of 'limited extensions to existing buildings' or a 'not materially larger replacement building'.

As stated in the description of the site, the property is already served by a reasonably sized outbuilding used as annexe accommodation, the alteration and conversion of which was approved in 2014.

A detached garage was previously approved by the Council in 2015 under EPF/2445/15 but has not been built according to these drawings. The current proposal seeks a change to this permission by keeping to the previously approved height but by erecting a crown roof and not a roof with a ridge at 4.310m. The overall footprint has not altered. The building has already been substantially built.

Under the last application concern was raised by Officers that there was also an extant permission for a separate garage that could also be built (EPF/0957/14) along with the proposal under EPF/2445/15 if approved. Therefore a legal agreement was produced which stopped the earlier permission being implemented. As of the 20/06/2017, the earlier permission expired so no such agreement is sought now.

The garage is approximately 72m² in footprint and would be an appropriately scaled outbuilding to this type of dwelling and is similar to others within the surrounding area (and somewhat smaller than the garage at the recently approved new house being constructed to the south).

Importantly, the application site is located in a built-up enclave and within a 'village' for the purposes of paragraph 89 of the NPPF. Limited infills are acceptable within a village and since there is no requirement for 'limited infill' to "*not to have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*" the increased size of the proposed extensions over the original dwelling, in Green Belt terms, is not a factor in whether the proposal is acceptable or not.

In addition, there is no definition of what constitutes "limited" and what constitutes as "infill", whether that is a new dwelling, a garage or extensions attached to the dwelling. Therefore it can be reasonably interpreted that extensions qualify as infill and in this case the extensions are considered limited in relation to the overall size of the application site and as such would not constitute inappropriate development harmful to the Green Belt in line with paragraph 89 of the NPPF 2012.

Therefore the proposal would comply with the NPPF 2012 and policy GB2A of the adopted Local Plan and Alterations.

Character and Appearance

Policies CP2 and DBE10 seek to ensure that a new development is satisfactory located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area.

The submitted plan shows a dotted line of where the ridge was proposed under a previous application EPF/0793/15, however this application also proposed 3 dormer windows and was refused by the Local Planning Authority. The previous roof approved under EPF/2445/15 had a similar ridge design but was the same height as the crown roof height proposed here.

The crown roof design differs in appearance to the previously approved design but the building has been finished at the same ridge height at the previous proposal. This results in a bulkier roof but the overall appearance is not such that Officers consider that it would justify a refusal on design grounds. Materials match the existing dwelling.

Therefore the proposal would comply with policies CP2, DBE4 and DBE10 of the adopted Local Plan and Alterations.

Living Conditions

Policies DBE2 and DBE9 seeks to ensure that an extension would not result in an excessive loss of amenity for neighbouring properties.

An objection has been received from the adjacent neighbour at Chy-Mor that the garage has an excessive impact on their living conditions. The garage has been set slightly away from the boundary with Chy-Mor and is 4.310m in height finished with a crown roof.

Whilst the roof and upper part of the garage is visible from within their dwelling and rear garden area, Officers do not consider that there is a serious impact on amenity. Although the rear garden area is not extensive, it is reasonably generous (circa 18-20m), and whilst the roof is steeper than previously approved it still pitches away from the boundary and Officers consider that the building does not appear materially overbearing and therefore the harm is not so excessive as to recommend refusal in line policy DBE9 of the adopted Local Plan and Alterations.

Similarly, the impact on the living conditions of the neighbours at Applewood, further to the southeast is not considered to be so material as to justify a refusal. The building is further away from this dwelling and their outlook is affected to a lesser degree than the neighbour. Whilst there is no right to a view across third party land, the Council must consider whether outlook is excessively affected. In this instance Officers do not feel this is the case.

In relation to the objectors concern that the building could be converted to residential space, as before, this cannot be considered as part of this application. The proposal applied for is a garage and store room. A material change of use to something other than a garage would require planning permission. Furthermore, a condition could be attached to any permission that restricts the use of the building for the purpose of parking of vehicles and ancillary storage as was attached to the previous permission. If a change of used occurred then this would be assessed at that separate stage.

In terms of noise it is not considered that the proposed garage would result undue to noise and disturbance to the neighbouring occupiers to the east along Epping Road.

By swapping the garage and storage areas around it is not considered that the adjoining neighbours would be materially affected by this change.

As stated in the previous Committee report, there is some overshadowing of the garden area of Cymru, which is a relatively shallow garden, however this would not have an excessive impact on amenity which is what the policy guards against.

The other comments raised by the neighbours relating to enforcement issues are noted but cannot be considered as part of this application. The assessment of this application is based on the proposal submitted.

Therefore notwithstanding the objection from the two neighbouring occupiers and the Parish Council, the proposal is considered acceptable in neighbouring amenity terms and is considered to comply with policies DBE2 and DBE9 of the Local Plan (1998) and Alterations (2006).

Highways

The proposed garage would provide secure off-street parking and has adequate space for several cars to park outside of the garage, and therefore this would have no impact on highway safety or the level of on-street parking.

Response to Third Party Representations

Issues relating to impact on the green belt, impact on neighbouring amenity and potential future use of the building and enforcement concerns have been considered in the main body of the report.

Conclusion:

The proposed development, whilst constituting a detached outbuilding, meets with the general principal of appropriate development within the Green Belt (particularly when assessed as a 'limited extension' to the main dwellinghouse) and as the site is located within an existing village the proposal can be considered as limited infill.

The design is appropriate and there would be no detrimental impact on the level of off-street parking provision or highway safety. Although a neighbours and Parish Council are concerned at the impact of the garage on their living conditions, it is not considered that the harm would be so excessive as to justify a refusal in this instance.

Therefore the application complies with the relevant Local Plan policies and is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564337***

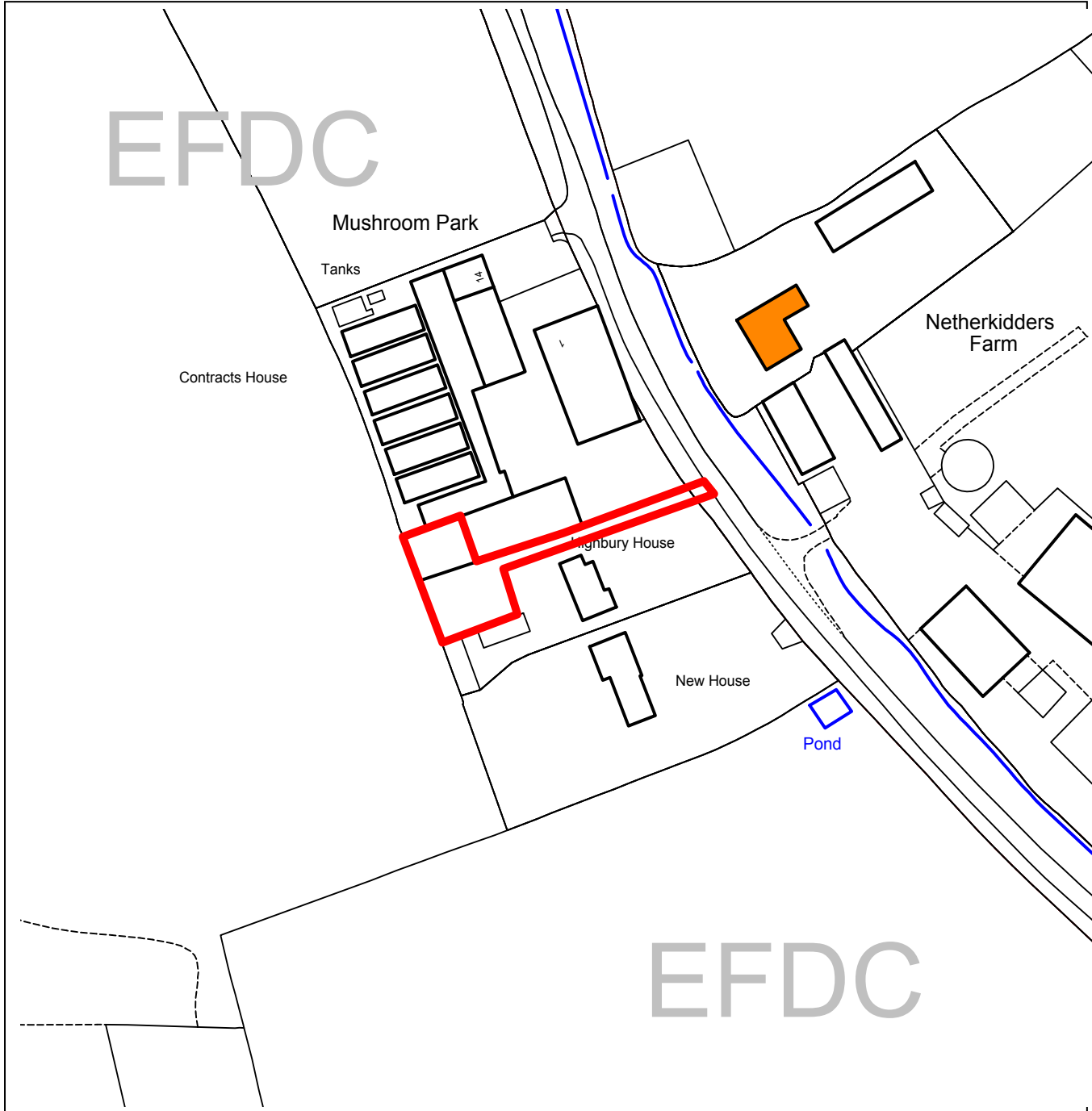
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/1153/17
Site Name:	Units 20-21 Former Mushroom Farm Laundry Lane Nr Waltham Abbey Essex EN9 2DY
Scale of Plot:	1:1250

Report Item No: 6

APPLICATION No:	EPF/1153/17
SITE ADDRESS:	Units 20 -21 Former Mushroom Farm Laundry Lane Nazeing Essex EN9 2DY
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Kevin Butchart
DESCRIPTION OF PROPOSAL:	Use for B1 and/or B8 purposes
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593916

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: NWA-16-005-LOC_P3 Rev: B, NWA-16-005-1 Rev: C
- 2 No machinery shall be operated, no process or work shall be carried out and no deliveries taken at or despatched from the site outside the hours of 0800 to 1800 Mondays to Fridays, 0800 to 1300 hours on Saturday nor at any time on Sundays, Bank or Public Holidays.
- 3 The site shall not be accessed by vehicles over 7.5 tonnes gross vehicle weight.
- 4 There shall be no open storage on the site without the prior written permission of the Local Planning Authority and there shall be no burning of materials, spray painting or external working whatsoever (other than the taking and dispatching of deliveries) in connection with the uses hereby permitted.
- 5 No floodlights shall be installed or operated at the premises without the prior written approval of the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council and two objections from local residents which are material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3) and since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Site Description:

The wider site is a former farmstead that has been divided into separate planning units. The specific part of the site relevant to this application constitutes units 20 and 21 which are located to the rear of Highbury House. The northern boundary of the application site is defined by a long, single storey, pitched roof storage building known as unit 2 Mushroom Park. Unit 20-21 are located within the rear portion of this building which has been extended to abut the common boundary to the west. These units are accessed via an existing track adjacent to Highbury House.

The surrounding area is defined by a further residential dwelling located to the south of the site with large residential curtilage and Netherkidders Farm, which is located on the eastern side of Laundry Lane. The site and surrounding area are located within the Metropolitan Green Belt.

Description of Proposal:

Planning permission is sought to establish the use of units 20 and 21 for the mixed use B1 and/or B8 to include the storage and mechanical repair of cars. The two units are currently occupied by two tenants. One being a mobile mechanic who usually works off site however utilises this unit as a base to bring back cars that require more work or if the weather is particularly inclement. The other occupant is an individual who stores and works on his own vehicles for pleasure. Following the previously refused application the mobile mechanic has been required to vacate, which removes the need for B2 use on the site.

Units 20 and 21 offer a floor area of 140m² and are located to the rear of Unit 2 Mushroom Park which has an established B8 use since 2007. Access to Units 20 and 21 is via the northern boundary to the rear of the site using a shared track access with Highbury House, which runs from laundry Lane adjacent to Highbury House and Unit 2 Mushroom Park. Associated parking for the units is provided within the adjacent yard.

Planning History:

EPF/2304/03 – Retrospective planning permission sought for the change of use of the existing buildings to B2 industrial use i.e. worm farming, joinery and engineering – refused 24/05/04
EPF/0899/07 - Change of use of former mushroom growing and composting shed to B1, B8 and use as a depot for fork lift trucks – refused 15/06/07 (allowed on appeal 21/10/08)
CLD/EPF/1180/16 - Certificate of Lawful Development for existing use of Unit 1 for storage use (B8) and Unit 2 for Office use (B1a) – lawful 06/07/16
EPF/1176/16 - Use of units 20 & 21 for storage of second hand cars including valeting and internet sales – withdrawn 14/10/16
EPF/3163/16 - Change of use to mixed B1, B2 and B8 uses including storage and mechanical repair of cars – refused 07/04/17

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt

GB8A – Change of use or adaptations of buildings
RP5A – Adverse environmental impacts
ST4 – Road Safety
ST6 – Vehicle parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development
SP5 – Green Belt and district open land
E1 – Employment sites
T1 – Sustainable transport choices
DM21 – Local environment impacts, pollution and land contamination

Summary of consultation carried out and responses received:

7 neighbours have been consulted and a Site Notice was displayed.

PARISH COUNCIL – Object to the application on the following grounds:

- i) Laundry Road is a single track lane with no passing places. It is not suitable for servicing commercial premises and if the proposed change of use is permitted, the volume of traffic would increase.
- ii) There are already concerns that there is a breach of conditions of current working outside the permitted hours.
- iii) It is overdevelopment in the Green Belt.
- iv) Inappropriate in a predominantly residential area.

If approval is granted, then conditions stating strict hours of working need to be in place.

NETHERKIDDERS HOUSE – Object as the originally imposed conditions have been breached, car repairs are continuing to take place at the location, the use causes obstruction in the road, as this is inappropriate in a rural Green Belt location, it would result in an increase in traffic and since it would cause highway safety problems.

NEWHOUSE – Object as the buildings are already being used for vehicle repairs, due to the disturbance and impact on residents amenities, as Laundry Lane is not suitable for commercial vehicles, and since the estate already operates with no time restriction.

Main Issues and Considerations:

The main issues to determine are the impact on the Green Belt, on the surrounding neighbours, and with regards to impact on the public highway. The previous application for the retention of the existing uses (B1, B2 and B8) was refused consent in April 2017 for the following reason:

The uses, particularly given there are similar uses and processes taking place on adjoining properties, results in noise and disturbance through the activity taking place on the site and

the vehicles coming and goings to and from the site, that is detrimental to the amenities of residents, living in close proximity, at unreasonable hours of the day, contrary to policies CP2 and RP5A of the Councils Adopted Local Plan and Alterations and to the National Planning Policy Framework.

This latest application is very similar to that previously refused consent, although no longer proposes B2 use on the site since the tenant undertaking car repairs (commercially) has been required to vacate. Therefore consent is now only being sought for B1 (light industrial) and B8 (storage and warehousing) use.

Since the only reason for refusal on the previous application was regarding the impact on neighbouring residents this is main consideration in this revised application.

Impact on surrounding neighbours:

As stated above the adjacent (wider) site is a commercial premises operating to a far greater scale than the application site and was originally granted planning consent on appeal. Unfortunately however the application site (Units 20 & 21) was not included in these applications since the units were separately accessed by way of the driveway accessing Highbury House. Nonetheless these units were used for many years for car repairs up until May 2005 and between then and February 2014 were used for primary storage for a tree felling and landscape business. From Autumn 2014 until the Summer of 2016 the units were occupied by 'Riverside Cars Epping', which was a second hand car sales (via the internet) and associated valeting business. Consent was initially being sought to regularise this former use (EPF/1176/16) however this application was withdrawn following the vacating of the units by Riverside Cars Epping.

The two current tenants undertake car storage and small scale servicing and repairs similar to the use that previously occurred between May 2005 and February 2014 however this constitutes a B1, B2 and B8 use. Retrospective consent for these tenants to remain was refused in April 2017.

Following this previous refusal the tenant undertaking car repairs has been required to vacate. Hence permission is now sought for B1 use which by definition is 'appropriate within a residential area' and B8 use to allow the second tenant, a private individual who stores and works on his own vehicles for pleasure, to remain in occupation.

Within the previous appeal regarding the wider site, consideration was given to the impact on the neighbouring residents amenities with specific issues being raised at the Public Inquiry directly by neighbours. Regarding this matter the Planning Inspector concluded that "*it is clear that the unauthorised activities on the site have, in the past, resulted in intolerable and genuine distress to neighbours. However, I believe that those activities which have previously detracted from neighbours' living conditions could be satisfactorily controlled by means of planning conditions. Such conditions could be used, for example, to restrict the use of the units to Class B1 and B8 purposes, control the installation and use of floodlights and prohibit activities such as outside storage and working, paint spraying, burning of materials and boat repairs. The previously unregulated hours of use could also be controlled in this way... The proposed parking and turning arrangements and the restriction on the weight of vehicles entering the site could also be secured by planning condition. In those circumstances, I do not consider that the scheme would have any unacceptable impact on the living conditions of local residents*".

Despite continued objection from nearby neighbours, and the previous reason for refusal, there has been insufficient evidence provided to Planning Enforcement to show that the application site (as opposed to the much larger adjacent site) has caused any significant harm to the amenities of the neighbours. Comments are still being made about the current conditions of the wider site being breached however, as highlighted within the previous application, this is an issue that Planning Enforcement are investigating however is not a material planning consideration in this application.

The conditions originally imposed by the Planning Inspector are enforceable and reasonable and any similar conditions imposed on this site would equally be reasonable and enforceable. It is thereafter the job of Planning Enforcement to ensure compliance with conditions and any such previous breach (particularly a breach occurring outside of the application site) would not be reason to refuse planning permission on this application.

Due to the above, and particularly the removal of the commercial car repair use from the proposal, it is considered that the change of use of these two units to B1 and B8 purposes would not cause any significant noise and disturbance to surrounding residents, subject to restrictive conditions being imposed.

Other material considerations:

Since the sole reason for refusal on the previous application was regarding the impact on neighbouring amenities it is clear that all other factors are considered acceptable. Nonetheless the assessment of these other material considerations is as follows:

Green Belt:

In line with the 'presumption in favour of sustainable development' contained within the NPPF emerging policy SP1 promotes sustainable development. Paragraph 90 of the NPPF states that the reuse of buildings that are of permanent and substantial construction is 'not inappropriate' in the Green Belt provided openness is preserved and there is no conflict with the purpose of including land in the Green Belt. GB2A and GB8A further support this directive in that the Council will grant planning permission for the change of use and adaption of a building in the Green Belt provided that the building is of permanent and substantial construction and capable of conversion without major or complete reconstruction, is in keeping with the surroundings in terms of bulk and form, and the use would not have a materially greater impact than the present use on the Green Belt. Significantly the policy also requires that the use and associated traffic generation would not have a substantial detrimental impact on the character and amenities of the countryside.

Units 20 and 21, to the rear of unit 2 Mushroom Park, are formed of an extension to the main building which is of permanent and substantial construction. It is unclear when the unit was extended to the western boundary but it appears to be in excess of 10 years. As such the units meet this element of the criteria within policy GB8A. Furthermore the units propose no external alterations and are obscured from the view of public vantage points and will have no impact upon the permanent openness of the Green Belt.

The former Mushroom Farm (wider site) to the north of the site is a commercial site which was granted consent on appeal in October 2008 (following an Enforcement Notice and refused planning application). The activities of the adjacent site include vehicles coming in and out of the site during operational hours with expected noise omitting from the vehicles and the overall use of the site.

In comparison to the significantly larger adjacent site the proposed use within the application site is extremely limited. The proposed use of Units 20 & 21, which are relatively small units, for B1 and B8 purposes would have a minimal impact on the surrounding rural environment and the development would not conflict with the purposes of the Green Belt and therefore the change of use would not constitute inappropriate development harmful to the Green Belt.

Highways:

One of the other continuing concerns raised by the Parish Council and neighbours is with regards to traffic problems since they consider that Laundry Lane is 'not suitable for servicing commercial premises'.

Laundry Lane is an unclassified road that links St Leonards Road and Waltham Road. It is winding in nature throughout its length and varies in width from around 2.3m at its narrowest point to some 6m in width near its junction with St Leonards Road. However, between these extremes for the majority of its length it varies in width between 3m to 3.5m and in the vicinity of the application site is around 3.5m wide. There are no formal passing places for vehicles to pass each other, although there are a few opportunities available in the form of private driveways and field gateways.

There is no disputing that Laundry Lane is far from ideal for any two way traffic use, particularly commercial traffic, and historically traffic levels on this road would have been extremely low. However the traffic levels have now increased in part due to the change of use of the adjacent (wider) site. With regards to this matter the Planning Inspector previously concluded that "*despite the material increase in traffic generated by the development the absolute levels of traffic would remain extremely low*" and "*although the additional traffic generated, including delivery vans, would be material in comparison with historic levels I do not consider that it would be sufficient to have any significant adverse impact on the character or amenities of the countryside*" and "*would not materially affect the safety of people using the public highway*".

The proposed uses within Units 20 & 21 are on a far more limited scale than the adjacent site (if for no other reason other than the scale of the buildings). Due to this Essex County Council Highways have once again concluded "*owing to the scale of the proposal it is very unlikely to generate any significant increase in traffic movements to and from the site*" and therefore no objection is raised to the proposal.

Since the previous, very similar, application was not refused on highway safety grounds the proposed use of these buildings for B1 and B8 purposes would not significantly impact on the highway safety and capacity of Laundry Lane.

Conclusion:

The development is a change of use of permanent and substantial buildings that would not constitute inappropriate development in the Green Belt. Due to the removal of the previously proposed B2 use (the commercial car repairs) and the limited nature of activity on site the impact of the proposal on the surrounding rural environment is anticipated to be minimal and traffic movements are limited and would not significantly impact on the highway safety and capacity of Laundry Lane. Subject to conditions similar to those imposed on the adjacent site, which are enforceable, the proposal would not result in any significant harm to the amenities of neighbouring residents.

Due to the above the application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and therefore is recommended for approval, subject to conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

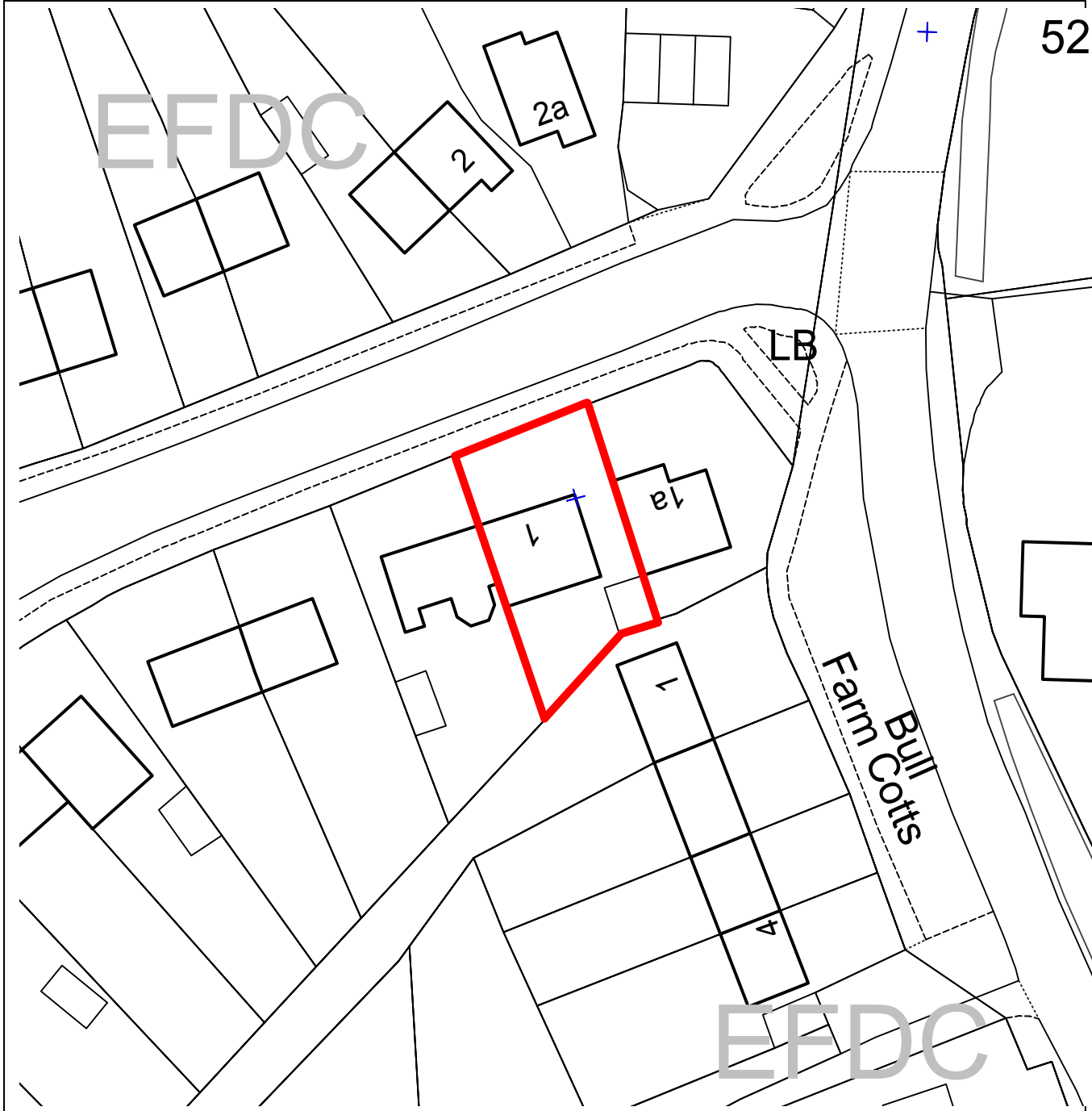
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/1221/17
Site Name:	1 Hansells Mead Roydon Essex CM19 5HY
Scale of Plot:	1:500

Report Item No: 7

APPLICATION No:	EPF/1221/17
SITE ADDRESS:	1 Hansells Mead Roydon Essex CM19 5HY
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr & Mrs D Archer
DESCRIPTION OF PROPOSAL:	To construct a ground floor extension to the front of the dwelling
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594098

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))

Description of Site:

The application site consists of a two storey semi detached dwelling already benefitting from a single storey front extension in the middle of the property. Hardstanding has been laid across the front of the property but a hedge remains to the middle with highways verge separating the site from the pavement.

The dwelling's original plot has been subdivided with a new detached dwelling to the eastern side being erected on what was originally side garden and a 2m wide extension was approved in 2010 which reduced the amount of potential parking spaces from the side and front of the dwelling to just the front.

The site is not within a conservation area nor is the building listed.

Description of Proposal:

Planning permission is sought for the erection of a single storey front extension which would extend across the front of the dwelling for approximately 7.625m with a depth 1.8m. This is a resubmission of an application recently refused on highways and parking grounds.

Materials would be brick and matching tiles.

Planning History:

EPF/0788/06 - Outline application for a three bedroom detached house – approved/conditions 10/08/06

RES/EPF/2454/06 - Reserved matters application for the erection of three bedroom detached house – refused 14/03/07

EPF/0888/07 - Erection of two storey three bedroom detached house – approved/conditions 25/06/07

EPF/1668/10 - Proposed two storey side extension and single storey rear extension to existing residential property – Approved

EPF/0723/13 - Construction of front porch – Approved

EPF/0317/17 - To construct a single storey extension to the front of the dwelling - refused

Policies Applied:

National Planning Policy Framework 2012

Epping Forest Local Plan (1998) and Alterations (2006)

- CP2 – Protecting the rural and built environment
- DBE9 – Loss of Amenity

- DBE10 – Residential Extensions
- ST4 – Road Safety
- ST6 – Vehicle Parking

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

DM9 – High Quality Design

T1 - Sustainable Transport Choices

Summary of Representations

Roydon Parish Council – OBJECTION – Overdevelopment and there remains parking concerns

Neighbours:

7 neighbours consulted - No responses received.

Issues and Considerations:

The main issues to be addressed are:

- Effect on character and appearance
- Effect on neighbours living conditions
- Highways Issues – road safety and vehicle parking

Effect on character and appearance

Policies CP2 and DBE10 seek to ensure that a new development is satisfactory located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and not prejudice the environment of occupiers of adjoining properties.

There are no issues in terms of its design as the extension would appear subservient and in keeping with the host dwelling. Materials would match existing brick.

Although the Parish Council argue that the proposal would amount of overdevelopment, the size of this extension is modest and would not result in the dwelling appearing cramped on the plot when viewed from within the streetscene.

In this instance the design of the extension complies with policies CP2 and DBE10 of the Local Plan (1998) and Alterations (2006).

Effect on neighbours living conditions

Policy DBE9 seeks to ensure that an extension would not result in an excessive loss of amenity for neighbouring properties.

The extension would be located to the front of the existing dwelling and project 1.8m beyond the front elevation. The dwelling is on higher ground than the detached neighbour at 1a Hansells Mead to the east. They have a small window close to the where the extension would be sited. However, notwithstanding the difference in ground levels given the modest depth and height of the flank wall of the extension (2.5m to eaves with roof pitching away) it is not considered that the front addition would appear materially overbearing or reduce their outlook to such a degree as to excessively affect their living conditions. There would be no material level of overshadowing caused.

Given the size of the extension and distance to the boundary with the attached neighbour at 3 Hansells Mead there would be no material impact on that occupier.

Therefore the proposal is considered to comply with policy DBE9 of the Local Plan (1998) and Alterations (2006).

Highways Issues

The plans submitted now satisfy the Highways Engineer that vehicles can be parked off street. His comments are as follows:

The applicant has demonstrated to the satisfaction of the Highway Authority that two vehicles can park on-site with the proposed extension in place so from a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan.

The Parish Council have concerns regarding the parking situation but the Highways Engineer is satisfied with the proposed arrangements. In addition, the supporting statement submitted with the application points out that the applicants rent a garage and parking space opposite adjacent to 2a Hansells Mead in addition to the off street parking provided at the site.

Response to Parish Council Comments

These have been addressed in the main body of the report above.

Conclusion:

The proposed development is appropriate in terms of design and appearance and would not result in excessive harm to the amenities of adjoining property occupiers and now overcomes the previous concern of the Highways Authority and would provide two off street parking spaces. The proposal is now considered to comply with all relevant national and local plan policies.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564 337***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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