

AREA PLANS SUB-COMMITTEE 'WEST'

13 April 2016

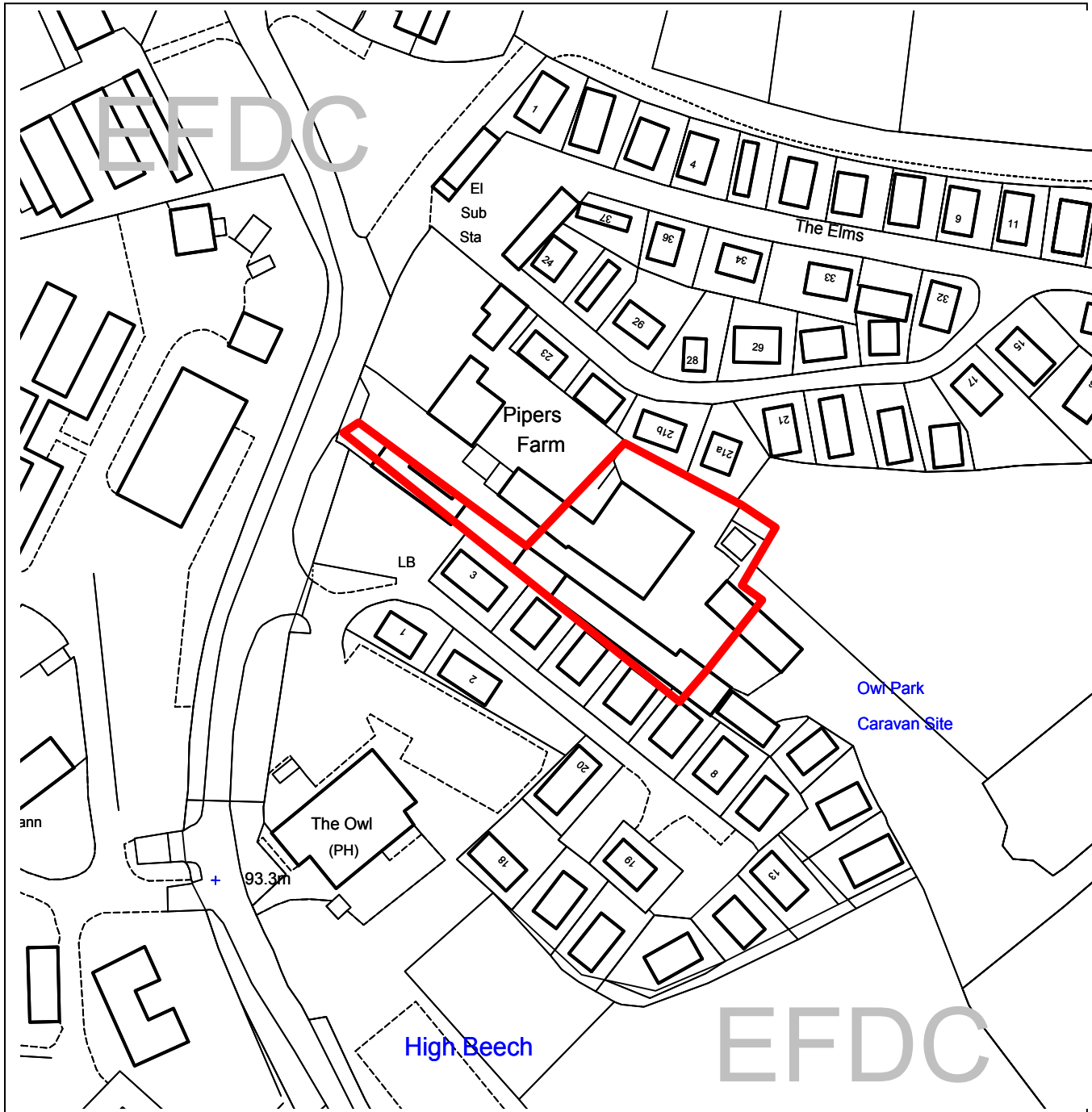
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Epping Forest District Council

Agenda Item Number 1



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| Application Number: | EPF/3229/15 |
| Site Name: | Pipers Farm, Lippitts Hill, Waltham Abbey, Essex, IG10 4AL |
| Scale of Plot: | 1/1250 |

Report Item No: 1

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/3229/15 |
| SITE ADDRESS: | Pipers Farm Lippitts Hill Waltham Abbey Essex IG10 4AL |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey High Beach |
| APPLICANT: | Mr & Mrs E Bovis |
| DESCRIPTION OF PROPOSAL: | Demolition of Existing Equestrian Buildings, Construction of 2 No. New Dwellings and Conversion of the Existing Stable, Tack Room & Grooms Quarters to Form 3 Bedroomed Dwelling and Associated Works. |
| 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=581442

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: 1508/01, 1580/02, 1580/03, 1580/05, 1580/06, 1580/07, 1580/08
- 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 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.
- 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 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

11 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

12 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.

- 13 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.

- 14 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

- 15 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.

- 16 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.

- 17 No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of 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 EFDC.

- 18 Details of provision of alternative nesting habitats in the form of nest boxes, particularly designed to accommodate house sparrows, shall be submitted to EFDC for approval in writing and the agreed scheme shall be fully implemented prior to the first occupation of the development.

- 19 As a precautionary measure, the removal of roof tiles and other potentially vulnerable features of the buildings noted to be soft stripped under the supervision of an experienced bat worker who will provide written confirmation to EFDC that no bats will be harmed and that appropriate measures are in place in the unlikely event of a bat being found.
- 20 A site plan/method statement shall be submitted to EFDC for approval and include:
- i) Details of the lighting associated with the proposed development including UV content, directional illumination, hoods etc.
 - ii) Details of type 1 bitumen felt for lining of the new houses
 - iii) Details of bat boxes and bat-friendly landscaping
 - iv) Details of hedgehog-friendly fencing if appropriate
 - v) Details of procedure during the construction phase for any open trenches (that they should be covered or have badger ramps inserted during the night)
- The works shall be completed in accordance with such agreed details.
- 21 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.
- 22 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.
- 23 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Site:

Site currently occupied by stables and associated buildings located on the eastern side of Lippitts Hill. The site slopes quite steeply down from the road and there are mobile home parks to the north and south, and the Metropolitan Police Camp is opposite. The site is within the Green Belt but not within a conservation area.

Description of Proposal:

The proposal is for the demolition of existing stable and storage buildings, the construction of 2 new dwellings and conversion of the existing stable tack room and grooms quarters to form a 3 bed dwelling.

Relevant History:

There is a long history of stable related development applications and approvals which are not strictly relevant

EPF/1590/15 – Demolition of existing stable, barn, and outbuildings and the construction of 4 no. new dwellings and the conversion of the existing stable, tack room and grooms quarters to a new 3 bedroom dwelling. – Withdrawn. (Due to change in national guidance regarding Affordable housing on small sites.

Policies Applied:

Local Plan policies
CP2 Protecting the quality of the environment
GB2A Green Belt
DBE1 Design of new buildings
DBE2 Effect on neighbouring properties
DBE4 Design in the Green Belt
DBE8 Private Amenity Space
DBE6 Parking in new development
H5A Affordable housing
H7A Levels of affordable housing
ST4 Road safety
ST6 Vehicle Parking
LL2 Inappropriate Rural Development
LL10 Adequacy of landscape retention
LL11 Landscaping Schemes
U3B Sustainable drainage
NC4 Nature conservation

The above policies are considered to be in accordance with the NPPF and are afforded due weight.

Consultation Response

74 neighbouring properties were consulted, and a site notice was erected, the following responses were received.

CARLTON HOUSE STABLES LIPPITTS HILL – We support the application

ON BEHALF OF THE ELMS AND OWL CARAVAN PARK SITES- . – Concerned for the following reasons-The information supplied to support the application fails to demonstrate that an appropriate surface water system is either in existence or can be provided. The failure to provide such a system could lead to an increased flood risk. An appropriate surface water strategy and discharge needs to be identified. Existing foul connections are most probably private and are unlikely to be to current standards. The connection through the Elms site is known to have existing issues and is unsuitable to accept additional flows. The proposals will increase the level of foul discharge from the site and an appropriate connection to the public foul sewer needs to be provided. Considering the amount of development it is believed a new dedicated connection from the development to the public sewer in accordance with Thames Waters standards is the most appropriate solution. Trust these points will be addressed prior to determination of the application as currently these significant points have not been satisfactorily covered and a resultant risk remains.

THE CONSERVATORS OF EPPING FOREST- Object. The proposal is inappropriate development and due to the height of the buildings proposed will have a materially greater impact on the openness of the Green Belt than the existing (even though the volume is reduced.

ELMS PARK RESIDENTS ASSOCIATION (2 letters) - No Objection as the development does not encroach on previously undeveloped land and do not effect the privacy or right to light for the residents of the Elms Park – Concerned about need for pest control during works due to current rat situation, concerned that care will be needed in the removal of the existing oil tank on the boundary. Concerned that our mobile homes have been described incorrectly as prefabricated buildings.

7 OWL PARK - Concerned that pest control needs to be addressed as there have always been rats. Care is needed when the stables are demolished as they are on our boundaries, concerned that the roads are in poor condition and can't take the construction traffic.

1 OWL PARK - Strongly oppose -the infrastructure and roads not cope with the increased traffic and also this would have a major effect on our lives with regard as the new homes they would only be for the richer people of our community so I say again I strongly oppose this application.

TOWN COUNCIL – Object – Concerns were raised with regard to the contamination officers report with which they concurred and the fact that the development would result in the loss of prime green belt land

Issues and Considerations:

The main issues relate to the Green Belt, affordable housing provision, design, impact on residential amenity, parking and highway safety, sustainability, contamination and land drainage matters.

Green Belt

The site is within the metropolitan Green Belt. The erection of buildings within the Green Belt are considered inappropriate development unless they meet one of the exceptions as laid out within the National Planning Policy Framework (NPPF) or where the harm is clearly outweighed by very special circumstances. These exceptions include the following:

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 definition of previously developed land is laid out within Annex 2 of the NPPF and reads:

Land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The existing use of the site is for the stabling of horses and associated equestrian purposes and the land is therefore previously developed. Notwithstanding the above designation of the site, the redevelopment of brownfield land is only considered as an exception from inappropriate development if “it would not have a greater impact on the openness of the Green Belt”.

In this instance the existing buildings on the site have a considerable impact on openness. The total volume of buildings to be demolished is 4,078m³ and the total volume of the proposed new buildings is 1,435m³. This is a substantial (65%) reduction. The footprint of existing buildings and hard landscaped areas is 1,570m². The proposed footprint of buildings and hard landscaped areas is 1,069m² or 32%. The two proposed new build dwellings would be on and adjacent to the site of the present building 7, which has a ridge height of 7.1m.

Overall it is considered that the proposed development would not have a materially greater impact on the openness of the Green belt in this location, particularly as this is not an isolated site within open countryside, it is a site that is surrounded by development on three sides.

The conversion of the fronting stables and grooms quarters to a single family dwelling is considered an appropriate reuse of the building which will not have any adverse impact on the openness of the Green belt.

Overall the proposals are considered appropriate development in the Green belt in accordance with the NPPF and Local Plan Policy GB2A.

Affordable Housing Provision

The site currently contains a residential unit of accommodation in the form of grooms quarters and therefore there are only two additional dwellings proposed in addition the site is previously developed land with an area of less than 0.2 hectares and as such the development does not meet the threshold for requiring affordable housing, as set out in Policy H6A of the adopted local Plan.

Design

The proposed development retains the existing stable block and grooms quarters building as a residential unit at the entrance to the site and the appearance of the site from the road will not therefore change substantially, the two proposed new houses are located on the lower part of the site and are of traditional design, materials and features appropriate to the rural location.

Residential amenity

The site is closely surrounded on two sides by residential mobile homes and care has been taken to move the proposed properties away from the shared boundaries to reduce the potential impacts

on residential amenity. In addition the removal of the traffic and activity currently associated with the stable use of the site may provide some benefits. There have been no objections from neighbours with regard to impact on amenity and the development will not result in excessive overlooking or loss of light to any residential property.

The proposed new dwellings will each have adequate private amenity space and will provide suitable living conditions for their future occupants.

Parking and Highway Safety

The proposed development is likely to result in fewer traffic movements and the Highway Authority has raised no objection to the scheme. The two new dwellings each provide a garage space and two car parking spaces and in addition two visitor spaces are provided. The proposed converted building would provide two car parking spaces.

The private access road meets required standards and includes a suitable turning area.

Sustainability

The site is not well located with regard to access to shops, employment schools etc., and it is likely that anyone occupying the premises will be heavily reliant on private cars for transport, which is not ideal in sustainability terms. However the site is previously developed and the existing use is equally poorly located, encouraging traffic movements into the rural area. In addition the site makes good use of previously developed land reduces the need for development on greenfield land, which is a benefit in sustainability terms. Given the small scale of the development it is not considered that the poor location would be sufficient grounds to refuse the application.

Contamination

Due to the previous uses of the site it is likely that the land is contaminated and therefore the contaminated land officer has suggested the imposition of the standard conditions which require full investigation and where required appropriate mitigation to prevent harm.

Drainage and Sewerage

The site is not within a flood zone but any new development needs to provide adequate drainage to prevent the increased risk of flooding elsewhere. The Council's land drainage team have not raised any objection to the scheme but have suggested the imposition of conditions requiring full details of drainage to be submitted for agreement prior to development.

Thames water has not raised any objection to the proposal.

Landscaping

The site is fairly devoid of any landscaping at present and the scheme provides the opportunity for the introduction of some new planting. The landscape officer has raised no objection to the proposal subject to tree protection and landscaping conditions.

Biodiversity

An ecological impact assessment was provided with the application and this identified that the development could potentially impact on bats, birds, hedgehogs and badgers and suggested ways of mitigating any potential harm. The Council's advisor has suggested a number of conditions which will ensure that habitats are maintained and that any impacts are minimal.

Other Concerns

Rats

Neighbours to the site have raised concerns regarding the displacement of rats from the site during demolition. This is not directly a planning matter but the applicant has been advised to take pest control advice from a professional.

Traffic during construction

Concern has been raised regarding increased heavy traffic during construction. This is not relevant to the determination of the application.

Care during demolition

Concern has been raised regarding works adjacent to the boundary of the site during demolition and in particular the removal of an oil tank. Again these are not matters of relevance to the determination of the planning application and are covered by other legislation.

Conclusion

In conclusion, the development is in accordance with the adopted policies of the Local plan and Alterations and the National Planning policy Framework and 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: Jill Shingler
Direct Line Telephone Number: 01992 564106***

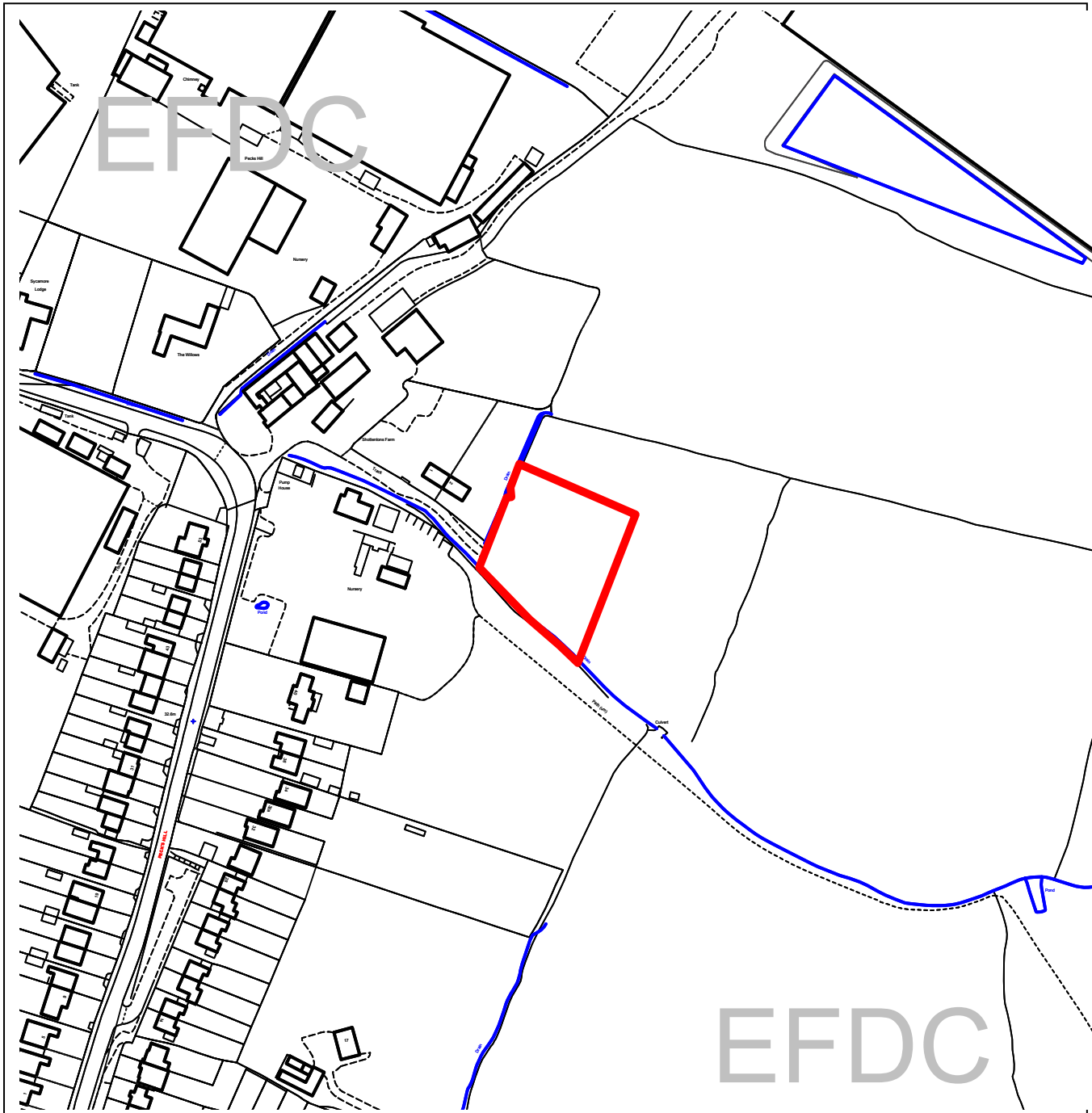
or if no direct contact can be made please email: contactplanning@epingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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| Application Number: | EPF/0152/16 |
| Site Name: | Shottentons Farm, Pecks Hill, Nazeing, EN9 2NY |
| Scale of Plot: | 1/2500 |

Report Item No: 2

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|---------------------------------|---|
| APPLICATION No: | EPF/0152/16 |
| SITE ADDRESS: | Shottentons Farm Pecks Hill Nazeing Essex EN9 2NY |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Mr J Colletti |
| DESCRIPTION OF PROPOSAL: | Erection of 12 x 1 bedroom accommodation units in two blocks for occupation by horticultural workers. |
| 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=582033

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt and is therefore by definition harmful to its openness and to the purposes of including land within it. The circumstances of this proposal do not amount to very special circumstances which clearly outweigh the identified harm and it has not been demonstrated that the dwelling is essential in this part of the Green Belt. Furthermore the total floor area exceeds 150sqm and therefore the proposal is contrary to policies GB2A, GB7A and GB17A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- 2 The proposal involves the use of a non-mains foul drainage system in a publically sewerred area but no justification has been provided for this method of sewage disposal. The proposal is therefore contrary to policy U3B of the Adopted Local Plan and Alterations, with the objectives of the National Planning Policy Framework and with the guidance contained within the National Planning Practice Guidance

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))

Description of site

The application site is a 0.22Ha area of land located just off Pecks Hill, to the south east of Shottentons Farm, which is located within the relatively rural area of Nazeing. Whilst there are a

large number of glass houses to the north and a farm complex to the south, currently the site is an open field which has not previously been developed. Access to the site is from a private track which comes off the transition between Pecks Hill and Sedge Green. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is to erect 12 x 1 bedroom units in two blocks for occupation by horticultural workers on the nearby nursery.

Relevant History

There is much history on the main farm complex including various applications for glasshouses and other agricultural buildings. However on the application site in question there is no relevant planning history.

Policies Applied

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
H2A – Previously developed land
H3A – Housing density
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB17A – Agricultural, Horticultural and Forestry Workers Dwellings
U3B – Sustainable drainage systems

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.

Consultation Carried Out and Summary of Representations Received

4 Neighbours consulted and Site Notice displayed – NO COMMENTS RECEIVED

NAZEING PARISH COUNCIL – NO OBJECTION – A member of the public commented on the application – would prefer nursery workers to live in this type of accommodation rather than caravans. No objection providing that there is a condition that the accommodation is for nursery workers only.

No objection but if permission is granted it be subject to the following conditions:

- The accommodation is only used for agricultural workers employed by the nursery
- An agricultural tie be placed on the property

- Should the nursery no longer be in existence then the permission would cease.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of the neighbours, sustainability issues, the character and appearance of the area, parking and access, tree and landscape issues, land drainage, land contamination and affordable housing.

Principle of development within the Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) attaches great importance to the protection of the Green Belts and states that new residential units are inappropriate development in the Green Belt and should not be approved unless very special circumstances can be demonstrated which **clearly** outweighs the harm and any other harm caused.

When assessing applications within the Green Belt, Paragraph 88 of the NPPF also requires 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 its inappropriateness and any other harm is clearly outweighed by other considerations'.

There are various exceptions to inappropriate development in the Green Belt as outlined through paragraphs 89 and 90 of the NPPF, however the proposal in question does not comply with any of these given exceptions.

The starting point for this assessment therefore is that the development is inappropriate in the Green Belt. However paragraph 55 states that:

*Local Planning Authorities should avoid new isolated homes within the countryside unless there are special circumstances such as...the **essential** need for a rural worker to live permanently at or near their place of work in the countryside.*

It is therefore important to assess whether or not it is essential for workers to be on or close to the site in this particular case. The applicant submits that the new residential units will be utilised by workers of the nearby horticultural business and that, due to excessive rental prices and lack of availability of other accommodation in the locality there is nowhere else that the low paid workers could reside other than this new unit within the Green Belt. However there is no evidence to suggest that the workers of this nursery are required to reside on the site for the purposes of the business and therefore whilst it is unfortunate that the rents are too expensive for low paid workers to utilise, it does not constitute very special circumstances which could overcome the harm to the openness of the Green Belt that this development would cause. The price and availability of housing in the area is a market issue and does not in itself justify inappropriate development within the Green Belt. Furthermore the provision of new housing should be brought forward through the plan making process of the Local Plan, which seeks to provide housing in a strategic way, considering consultation responses with local residents and the local Parish Council and not through ad hoc developments such as this.

Additionally part (i) of policy GB17A of the Adopted Local Plan states that the Council will only grant planning permission for agricultural dwellings where it is completely satisfied that:

*The dwelling is **essential**, taking into account the nature of the enterprise (eg. Presence or otherwise of livestock) possible reorganisation of the existing labour force, the potential offered by existing residential accommodation on the farm or holding, and the outcome of any approach made to the Council as a housing authority under the Rent (Agriculture) Act 1976.*

It is clear that to comply with part (i) it must be necessary for a worker to live within close proximity to the agricultural unit for it to function efficiently. During the discussion at the pre application meeting and indeed in the statement provided at the pre application stage, it has been made clear

that the majority, if not all the workers perform unskilled or low skilled jobs, usually not during unsociable hours and a lot of the processes within the glass house run on an automated system. It therefore cannot be the case that it is essential for a worker to live within close proximity to the site for it to function efficiently. Consequently it is not essential for a dwelling to be sited in this location and the significant harm to the openness of the Green Belt has not been clearly outweighed by this reason.

Furthermore part (iv) of policy GB17A states that:

The total floor space (must) not exceed 150sqm

The proposed residential development comprises an area of 372sqm of new floor space and as such the scale of the development is clearly contrary to this policy requirement. Furthermore the Council has never supported agricultural workers accommodation of this scale within the Green Belt, which is more akin to the provision of a single dwelling rather than 12 individual units.

It is acknowledged that the NPPF promotes sustainable rural businesses and encourages Local Planning Authorities to act proactively when facilitating their viability. The applicant submits that without this development it will not be able to attract and retain the best staff for their horticultural business. Whilst this may be the case, although there is no evidence to substantiate the claim, it does not in any event constitute very special circumstances which clearly outweigh the significant harm to the Green Belt that this development would cause. Furthermore nor will it make its operation unviable, the addition of 12 units for 12 individual workers only constitutes a fraction of the Tomworld workforce and therefore will not ensure its long term viability.

Furthermore part (ii) of policy GB17A states that planning permission may be granted if:

Part (i) is inconclusive (and) there is firm evidence of viability of the agricultural, horticultural or forestry enterprise concerned at the time of the application and of continued viability in the long term

If the argument is being made that the nursery would be unviable if this development is not built then firm evidence has not been provided of its viability at the time of making the application or its continued long term viability. As such it is clearly contrary to part (ii) of policy GB17A.

As mentioned at the beginning of this part of the assessment, Paragraph 88 of the NPPF requires 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 its inappropriateness and any other harm is clearly outweighed by other considerations’.

In accordance with this paragraph, the identified harm to the Green Belt is given substantial weight in this assessment, for which there are no very special circumstances.

Need for the housing of horticultural workers

The applicant submits that due to their unaffordability, the existing dwellings in Nazeing which are available for rent are not suitable for the relatively low paid workers to afford. Furthermore the applicant contends that neither it is suitable for workers to reside elsewhere and then commute to the site given the excessive cost of renting and commuting.

Through research conducted on 16th March 2016 on two well-known property search websites, Right-Move and Zoopla it was found that there were five properties available for rent within Nazeing and nearby Roydon Hamlet, all of which are within relative close proximity to Shottentons Farm, these were:

- Wheelers Close, 4 bed house £380 - PW
- Hamlet Hill, Roydon, 3 bed bungalow £311 - PW
- South Nazeing, 3 Bed terrace - £265 - PW
- Old Nazeing Road, 1 bed house - £127 PW
- Nazeing Park, 9 Bed Mansion - £6,923 PW

(All properties found on Right-Move and Zoopla, accessed 16th March 2016)

The applicant has provided further information which was accessed on Right-Move in May 2015 which showed that within Nazeing there were four properties available for rent, these were:

- Bernard Acres, 1 Bed House Share £112 PW
- Nazeing Road, 2 Bed Flat, - £191 PW
- North Street, 5 Bed House - £625 PW
- Nazeing Park, 9 Bed Mansion - £7,500 PW

It is clear that there are indeed properties available within close proximity to the site. However it is questionable as to whether these are genuinely affordable for the horticultural workers.

The applicant contends that:

'EGL workers could only afford properties available for rent at about £450 per month'

This statement is based on the fact that the chief executive of Shelter in a BBC interview stated that:

'The widely accepted test of affordability is that housing costs should take up no more than a third of your income'

However according to Clifton and Co Estate Agents (Clifton and Co website, Accessed 16th March 2016) and Tenant Verify (tenant Verify website, Accessed 16th March 2016) an annual salary of 17,108 (Annual wage of an EGL worker according to the applicant) should be approximately £570 per Month.

When the research of available housing for rent which was conducted by Officers is combined with that of the applicant, it is evident that there have been two properties within relative close proximity to the site which would have been affordable for workers of the nursery based on the lower figure of £450 PM.

The applicant further makes the case that it may be possible for workers to find suitable accommodation further afield, perhaps in nearby Waltham Abbey, the centre of which is approximately a 15 minute bus journey from the site. However the public transport will add further cost, making the housing even less affordable. Through research conducted on 16th March 2016 it was discovered that the 505 bus route runs a relatively frequent service from the centre of Waltham Abbey to the application site and a weekly bus ticket would cost £15 (Trustybus website, Accessed 16th March 2016).

The result of this research is that commuting from Waltham Abbey will not add a significantly higher cost to the workers of the site.

The applicant details that:

'There are a total of 48 workers at Shottentons Farm at present. Of these 13 are housed on Shottentons Farm in the existing accommodation. Of the remainder 15 are in accommodation on other nurseries in Nazeing/Roydon and the remaining 20 are either renting rooms or in flat shares in Harlow (9, 7 in a house share), Hoddesdon (7, 4 in a single House Share), Edmonton (1), Hatfield (1), Leytonstone (1) and Nazeing (1).'

Whilst some of this accommodation is relatively far from the site and would involve commuting, it has not prevented the employment of workers nor the profitability of the business which by the applicants own admission:

'The businesses profit is substantial and is also set to increase in proportion to the increase in turnover'

It also raises the question regarding whether the business could potentially increase the wage paid to its workers, which in turn would increase the affordability of accommodation in nearby areas such as Nazeing, Roydon, Harlow and Watham Abbey. This in turn would alleviate fears that the business may not be able to attract the best workers in the future viability of the business.

The Private sector housing team at the Council are responsible for assisting those in housing need within the District and promoting good relations between tenant and landlords have offered the following comments for the application:

'The Private Sector Housing Team is concerned with the provision of suitable accommodation on the district that is safe from hazards and fit for purpose. The proposal to provide 12 units of purpose built single storey bedsit accommodation is welcomed as experience indicates that provision of accommodation for horticultural workers on the district generally is poor. These units would provide satisfactory key worker accommodation, each of which is suitable for individual occupancy. There is nothing on the application to suggest that the scheme would cause nuisance or be the cause of justified neighbour complaint'.

Whilst Officers do not disagree that this sort of accommodation is suitable for horticultural workers and that some horticultural workers live in unsatisfactory conditions within the District, there has been no comprehensive study nor evidence submitted to prove this is anything other than anecdotal. Consequently it cannot be proved that there is a certain need for this development and even less proof that it should be located on a Green field site within the Green Belt, clearly contrary to both National and Local planning policy.

The result of this analysis is that the issues discussed around the need for horticultural workers accommodation does not amount to the very special circumstances required to clearly outweigh the substantial harm to the Green Belt.

Precedent

Throughout this analysis the development has been considered to constitute inappropriate development in the Green Belt, for which there are no very special circumstances which clearly outweigh the harm caused.

Were this development to be granted it would set an undesirable precedent for similar types of application in the district and whilst the Local Planning Authority would retain control over these applications and every site is assessed on its own merits, an approval on this scheme would severely compromise the Councils position and could diminish its ability to resist similar such schemes on the future.

As previously discussed, this type of decision which is contrary to the development plan should not be made through an ad hoc development such as this but through a genuinely plan led process which involves a rigorous consultation period and engagement with the local community and Parish Council.

Sustainability

The site is located close to the main settlement of Nazeing which has access to regular bus routes and various shops and other services. Although it is likely that new residents will utilise a private vehicle, the proximity to Nazeing gives them a genuine choice of transportation and therefore the site can reasonably be described as being within a sustainable location.

Design

The two new blocks will have an eaves height of 2.1m and a ridge height of 4.9m; they will be 31m in length and 6.6m wide. Although the blocks themselves are relatively large, the individual units themselves are small and from a design perspective are of a bulk and mass appropriate to the scale of the development. The single storey aspect will ensure that it will not appear overly prominent in the context of the site. The detailed single storey hipped roof design is what is expected within this relatively rural setting and will read rather like a large barn, albeit with residential features. As a consequence the development respects the character and appearance of the locality and is compliant with National and Local design policy.

Parking and access

The level of parking would be sufficient for this type of accommodation and the proposed access would not cause any harm to the safety or efficiency of the public carriageway given that it utilises an existing access onto the main road. The nearby public right of way runs further south and will not be affected by the development.

Tree and landscape issues

There are trees along the boundary with the property to the west. They form an important screen. It should be possible to ensure that they are not impacted upon by development works however tree reports will be required so as to protect the trees and provide a methodology for any works within their rooting areas.

Land Drainage

The Environment Agency has raised an objection to the application on the basis that:

'It involves the use of a non-mains foul drainage system in a publicly sewered area but no justification has been provided for this method of foul sewage disposal. We recommend that the application should be refused on this basis

The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

This objection is supported by government guidance on non-mains drainage in DETR Circular 03/99 which stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

In this instance the site lies within 100m of a foul sewer and no justification has been provided by the applicant for non-connection to the mains sewerage system'

The DETR Circular 03/99 was withdrawn by the Government in March 2014 and was replaced by the National Planning Practice Guidance (NPPG, CLG, 2014). As a result this circular does not form the basis of the refusal and is instead based on the guidance from the NPPG which states that:

'Applicants should provide sufficient information for the local planning authority to be able to identify the likely impacts on water quality. The information supplied should be proportionate to the nature and scale of development proposed and the level of concern about water quality.'

In this instance, the Councils Land Drainage team have not raised an objection to the application subject to the implementation of various conditions.

Contamination

This field site was historically used for the grazing of the former dairy herd at Shottentons Dairy Farm and so is unlikely to have been treated with potentially contaminating arable farming pesticides and sewage sludge. Although the field containing the site and the surrounding fields have recently undergone hedge grubbing, topsoil stripping and been heavily trafficked and appear to have been used for waste disposal/storage associated with the new horticultural nursery and development works, aerial photography indicates that the part of the field proposed for redevelopment as studio flats has not been impacted. There is, therefore, unlikely to be any significant contamination present on site.

Managed studio flats used by adult employees are not considered a use that is particularly vulnerable to the presence of contamination.

As there is unlikely to be any significant contamination present on site and no sensitive receptors are proposed, it should not be necessary to regulate land contamination risks under the Planning Regime by way of conditions.

Affordable Housing

The development proposes 12 new units on a greenfield site over 0.1Ha, within a settlement of less than 3000 people and consequently there is a requirement for 50% of the development to be for affordable housing as it falls within the threshold as required by H6A of the Local Plan.

Were Members to consider that this application be approved, it would be recommended that a condition is placed on the development to ensure that it may only be used by horticultural workers attached to Shottenton's Farm. Essentially this will restrict its use for what would be for a low paid, low skilled worker which would fulfil a specific need akin to what may be achieved through the provision of affordable housing units. Therefore whilst not strictly in accordance with the requirements of policy H6A, Officers view is that given the circumstances of the development and that a planning condition would ensure that it could only be utilised by horticultural workers, there is no requirement for provision of affordable housing on the site or a contribution in lieu of an approval if given.

Conclusion

The proposed development is inappropriate in the Green Belt which will harm its openness and the reasons of including land within it, for which Officers consider that there are no very special circumstances which clearly outweigh the identified harm or any other harm. It is therefore recommended that planning permission is refused.

Should members feel that there is merit to this application and are minded to recommend approval, it will have to be put before members of the District Development Management Committee for a final decision as it is contrary to Local and National Planning Policy.

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: James Rogers
Direct Line Telephone Number: 01992 564 371**

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

References

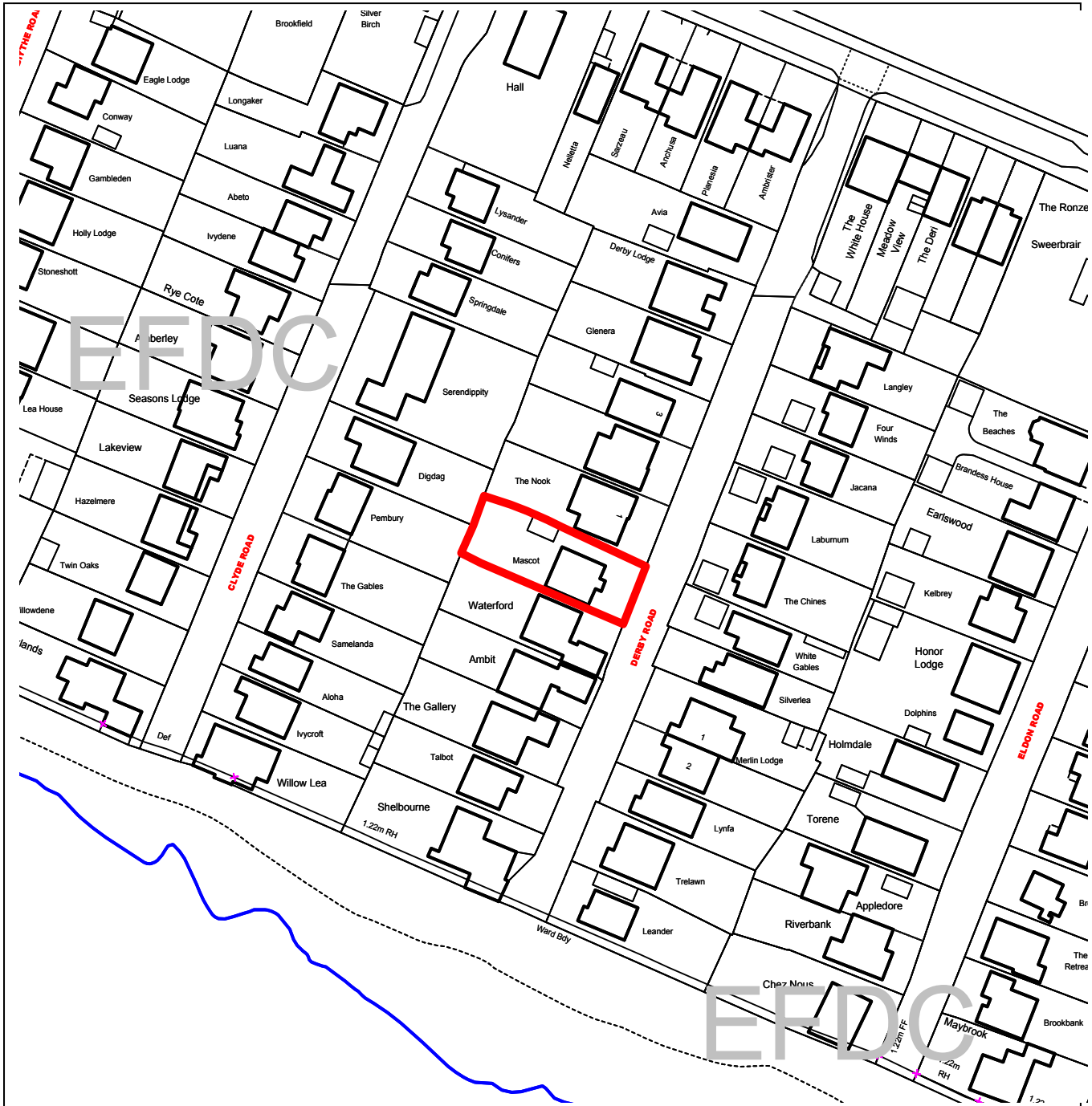
Web addresses accessed on 16/3/2016

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Epping Forest District Council

Agenda Item Number 3



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| | |
|---------------------|--------------------------------------|
| Application Number: | EPF/0229/16 |
| Site Name: | Mascot, Derby Road, Roydon, EN11 0BG |
| Scale of Plot: | 1/1250 |

Report Item No: 3

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/0229/16 |
| SITE ADDRESS: | Mascot Derby Road Roydon Harlow EN11 0BG |
| PARISH: | Roydon |
| WARD: | Roydon |
| APPLICANT: | Mr Emilio Scozzaro |
| DESCRIPTION OF PROPOSAL: | Demolish existing detached garage and erect new part single storey side and rear extension. |
| 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=582193

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 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.

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:

Two storey detached dwelling located on the northwestern side of Derby Road, Roydon. The dwelling benefits from a detached garage within the rear garden adjacent to the shared boundary with its residential neighbour at The Nook to the north. A car port has been erected to the side of the dwelling. Residential properties surround the site. It is not located within the Metropolitan Green Belt.

Description of Proposal:

Planning permission is sought for the demolition of the existing detached garage and to erect a new part single storey side and rear extension.

The extension would be set back approximately 3m from the front elevation, run along the northern side of the property into the rear garden along the boundary with the neighbour at The Nook to the north.

It would project 8m beyond the rear of the dwelling at a parapet wall height of approximately 2.75m one side finished with a pitched roof and an eaves height the other side of approximately 2.4m. The extension's width within the rear garden would be approximately 3.6m.

No windows face the neighbour to the north with patios doors facing into the application sites garden. Materials would match the existing dwelling.

Relevant History:

None

Policies Applied:

Local policies:

- CP2 – Protecting the Quality of the Rural and Built Environment
- DBE9 – Loss of Amenity
- DBE10 – Residential Extensions

National Planning Policy Framework 2012

Summary of Representations

ROYDON PARISH COUNCIL - Objection – Overdevelopment

Neighbours – 7 neighbours written to by letter – No responses received.

Issues and Considerations:

Background

The main issues to be addressed are as follows:

- Character and Appearance
- Effect on Living Conditions

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.

The proposed extension would replace an existing detached garage. Although larger than that which it would replace, when viewed from within the streetscene, the extension would be set at least 3m back from the front elevation of the existing dwelling and would not be overlay visible. From the rear, admittedly whilst the extension would project 8m from the existing rear elevation, it would only be on one side of the plot and with its modest width and height and the fact that a detached garage already exists, it would not introduce such an alien feature which would appear so at odds with host dwelling or surrounding area as to justify a refusal on design grounds.

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

Effect on Living Conditions

Due consideration has been given in respect to the potential harm that the proposed development might have upon the amenities enjoyed by adjoining property occupiers.

Only the neighbour at The Nook to the north would be potentially affected by the proposal. The extension would infill an area between the rear elevation and the side boundary which would project beyond an element of the rear elevation of that neighbour as that dwelling has a staggered rear building line. There are two windows within that area that could be affected. However, the room served by the neighbours facing patio doors is served by additional fenestration to the rear and the other window was designed to serve a kitchen which is afforded less protection than a habitable room.

Notwithstanding the types of the rooms these windows serve, there would be some impact over and above the existing however the outlook from and light into this area is not particularly great

currently given the high boundary fence and existing garage. Furthermore, a side extension could be built under permitted development which would have a similar impact in terms of outlook.

It is not considered that the proposal would excessively harm the living conditions of neighbouring occupiers.

Therefore in conclusion, the proposal is considered acceptable in neighbouring amenity terms and is considered to comply with policy DBE9 of the Local Plan (1998) and Alterations (2006)

Response to Parish Council Comments

The issue of its character and appearance has been considered above with Officers considering that the proposal is not overdevelopment of the site as there is not significant harm to the surrounding area.

Conclusion:

In conclusion, the development is in accordance with the policies contained within the Adopted Local Plan and Alterations and the NPPF. It is therefore recommended that permission be granted 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: Steve Andrews
Direct Line Telephone Number: 01992 564337***

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