

## AREA PLANS SUB-COMMITTEE 'WEST'

18 May 2016

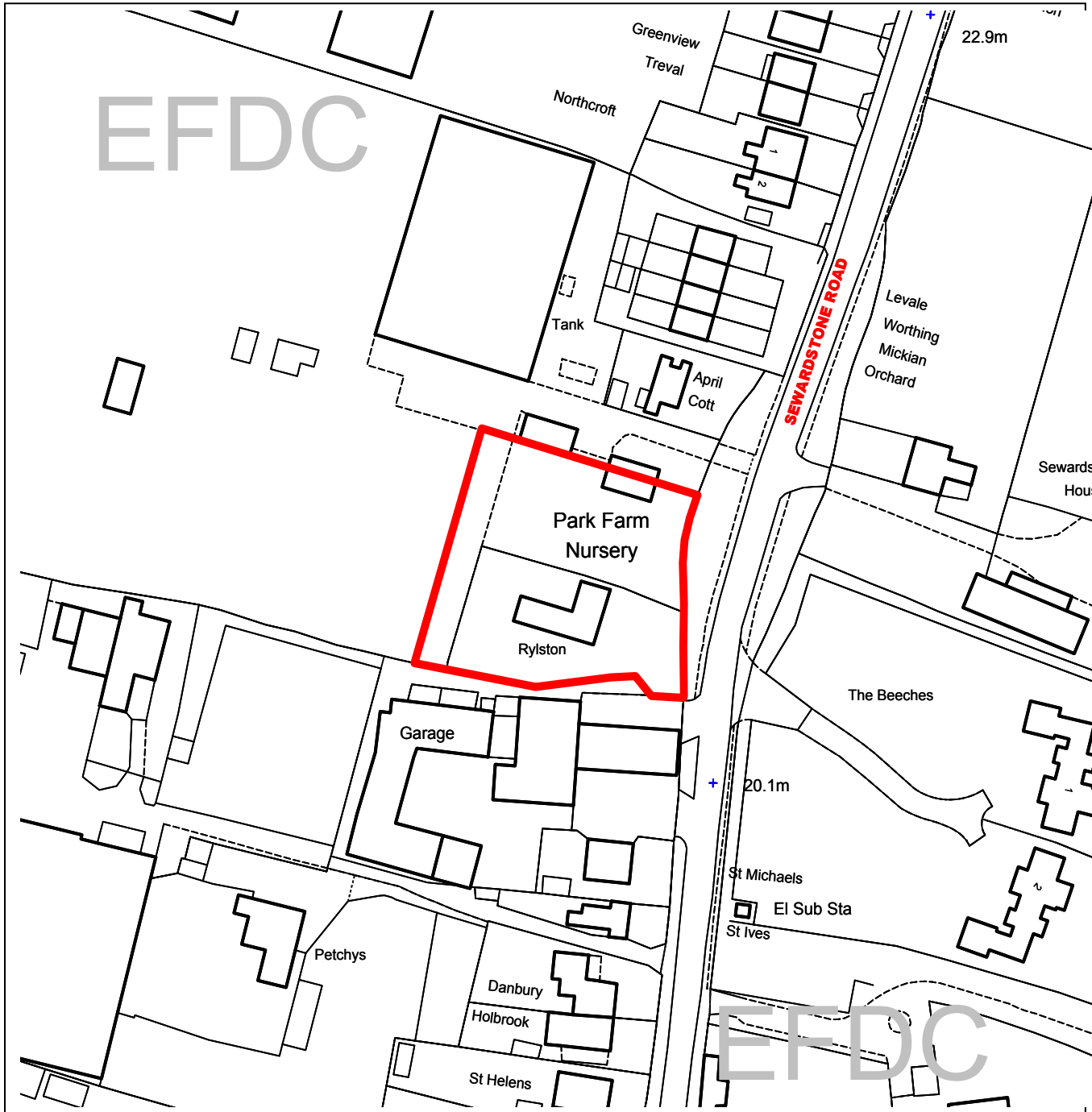
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/0099/16
Site Name:	Rylston, Sewardstone Road, Waltham Abbey, E4 7RF
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0099/16
<b>SITE ADDRESS:</b>	Rylston Sewardstone Road Waltham Abbey Essex E4 7RF
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr Mandeep Binning
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of two existing dwellings and the erection of four pairs of semi-detached dwellings, (eight new properties in total) with ancillary access and car parking.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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=581934](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581934)

**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: 664-04, 664-05, 664-06, 664-07, 664-10 Rev: E, 664-11
- 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 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.
- 5 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.

- 6 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.
- 7 No development 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 in writing by the Planning Authority.
- 8 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.
- 9 No development shall commence until a Phase 1 ecological survey has been submitted to and agreed in writing by the Local Planning Authority, along with any subsequent further surveys that may be required. The development shall be carried out in compliance with all recommendations within these surveys.
- 10 The parking and turning areas shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 11 Prior to 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 There shall be no discharge of surface water onto the Highway.

- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 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]
- 15 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]
- 16 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]

- 17 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.
- 18 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.
- 19 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.

**And the completion by the 31<sup>th</sup> May 2016 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement to secure a financial contribution of £60,000 towards affordable housing. In the event that the developer/applicant fails to complete a Legal Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing.**

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d))*

**Description of Site:**

The application site is located in a ribbon of development along the main Sewardstone Road. The site includes two detached buildings to the front, one of which benefits from a Prior Approval permission to add extensions, and a single storey outbuilding towards the rear. The wider site includes a large number of both individual and area TPO's. The site is in the Lea Valley Regional Park and in close proximity to the River Lea. The road contains a mix of both commercial and residential uses. The neighbouring site to the south is occupied by a petrol station and the northern plot by a residential property. The former glasshouse to the northwest recently obtained

retrospective consent for use as commercial storage. The entire site is within the boundaries of the Metropolitan Green Belt.

### **Description of Proposal:**

The applicant seeks consent to demolish the two existing dwellings and outbuilding and erect four pairs of semi-detached dwellings with ancillary access and car parking. Each of the proposed pairs of dwellings would measure 10.5m in width and a maximum of 13.4m in depth. They would all have pitched roofs with front gable projections and rear hipped projections and would reach ridge heights of 8.1m.

The dwellings would all be three bed houses with private rear gardens and an off-street parking space within each front garden. Ten further parking spaces would be provided on the opposite side of the proposed roadway. Vehicular access to the site would be via the existing access road with a new pedestrian access directly off of Sewardstone Road. The remainder of the front green area, part of which appears to be outside of the application site, would be retained as open space.

### **Relevant History:**

EPF/1454/11 - Erection of 12 no. 3 bed Chalet Bungalows – refused 22/09/2011

EPF/0298/14 - Erection of one detached dwelling and garage, with ancillary works, and demolition of existing houses – withdrawn 14/04/2014

EPF/1445/14 - Prior notification application for a 8 metre deep single storey rear extension, height to eaves 2.8 metres and overall height of 3 metres – prior approval not required 17/07/2014

EPF/0012/15 - Erection of two detached dwellings, with ancillary works, and demolition of existing houses – approved/conditions 02/03/15

### **Policies Applied:**

CP1 - Achieving sustainable development objectives

CP2 - Protecting the quality of the rural and built environment

CP3 - New development

GB2A - Development in the Green Belt

GB7A - Conspicuous development

H3A - Housing density

H5A - Provision for affordable housing

H7A - Levels of affordable housing

H8A - Availability of affordable housing in perpetuity

DBE1 - Design of New Buildings

DBE2 - Effect on Neighbouring Properties

DBE4 - Design in the Green Belt

DBE6 - Car parking in new development

DBE8 - Private amenity space

DBE9 - Loss of amenity

LL10 - Provision for Landscape retention

LL11 - Landscaping Schemes

RST24 - Design and location of development in the LVRP

ST1 - Location of development

ST4 - Road safety

ST6 - Vehicle parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 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.

## **Consultation Carried Out and Summary of Representations Received:**

19 neighbours were consulted and a Site Notice Displayed.

TOWN COUNCIL – No Objection. Whilst the committee had no objection in principle concerns were raised with regard to road safety bearing in mind there are potentially more than 16 vehicles parking. Concerns were also raised that the development appears to be outside of the site boundary line. The committee also supported the requirement for a full Archaeological Survey.

## **Issues and Considerations:**

The main issues to consider relate to the appropriateness of the development in the Green Belt and in this location generally, affordable housing considerations, with regards to the design and character of the area, the impact on neighbouring amenities, and regarding highway considerations.

### **Green Belt:**

The proposed development is to remove the two existing dwellings from the site and erect eight new houses. Whilst the erection of buildings constitutes inappropriate development within the Green Belt the National Planning Policy Framework provides a list of exceptions to inappropriate development. This includes:

- *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.*

Although the proposed development would replace the existing dwellings with new dwellings the provision of eight houses in place of two would not accord with the exception of “*the replacement of a building*” and would be materially larger than the existing built form on the site. Similarly, although the site constitutes previously developed land and therefore could be redeveloped the proposed new houses would have a footprint of some 562m<sup>2</sup> compared to the existing dwellings and outbuilding that have a combined footprint of 270m<sup>2</sup>. As such the proposal would result in over 100% increase in floor area and likely far greater in volume (since the proposal relates to two storey dwellings to replace the existing single storey bungalows). Therefore the proposal would not meet these exceptions to inappropriate development.

The applicant has made the case that the proposed development would not be materially larger than the previously approved scheme ref: EPF/0012/15 for two large dwellings (being approximately 27% larger in volume) and would actually result in a 5% reduction in footprint. Whilst the previously approved scheme is a material consideration and the relative difference between this proposal and that granted consent under EPF/0012/15 weighs in favour of the proposal the presence of this permission, as opposed to the physical buildings on site, would not allow for this proposal to comply with the above exceptions since the buildings to which the proposal would replace are the existing bungalows not the approved new dwellings.

With regards to the exception of ‘limited infill’ the Council accepts that Sewardstone Road is an area that could cater for additional infill properties due to its size and layout. Although this



settlement does not have much in the way of facilities (these being limited to a petrol station with associated shop and two public houses) and therefore would not necessarily constitute a 'village' an appeal decision in 2013 allowed for an infill development at nearby Sewardstonebury, which is served by even less facilities and would similarly not meet the true definition of a village.

This particular application site is located within the main linear section of this settlement and is bordered to the north by residential dwellings and to the south by the petrol filling station with dwellings beyond. To the east, on the opposite side of Sewardstone Road, is a collection of detached dwellings and to the northeast is the former nursery that has recently been granted retrospective consent on appeal for commercial use.

The two existing bungalows benefit from far larger plots than the dwellings to the north and south and are more akin in size to the sporadic detached dwellings on the eastern side of Sewardstone Road. Due to this the proposed intensification of use of this site would provide a greater number of dwellings in plots similar in size to those to the north and south and would create a suitable 'infill' between April Cottage and the dwellings to the north and the petrol station and dwellings to the south. This, combined with the size of the proposed dwellings in comparison to the previous approved extant consent, would ensure that the proposal would meet the exception of 'limited infill' and therefore would not constitute inappropriate development harmful to the openness of the Green Belt.

#### Location of site:

There have been longstanding concerns about the sustainability of this settlement with the most recent example being the refusal for outline consent for the erection of 72 dwellings at the Former Haulage Yard, Sewardstone Road (EPF/1556/14). The subsequent appeal against the refusal was dismissed by the Planning Inspectorate in part due to the unsustainable location. Within the decision letter the Inspector stated:

*It seems to me that there are limited opportunities for those committed to using sustainable modes of travel or that rely on such means to access some services and facilities in this way. However, access to many day to day facilities such as schools, hospitals and employment centres would require a lengthy or convoluted journey. I heard from local people that the existing bus services and facilities were not adequate and that elderly or immobile people find it very difficult to meet their day to day needs. In my view, the site cannot be seen as a location for residential development on this scale that is sustainable in accessibility terms. The distances from, and options for reaching day to day services and facilities, are likely to discourage sustainable patterns of movements and would instead lead to a reliance of private cars.*

*This would be contrary to the objectives of the Framework; as well as Policies CP1, CP3, CP6 and CP9 of the LP which, amongst other things, seek to minimise the impacts of development on the environment, reduce reliance of private cars, reduce commuting, ensure access by sustainable means of transport and generally promote sustainable patterns of development. This matter weighs against the grant of planning permission and I attach it significant weight.*

One of the key differences between this proposal and the above example is the size of the development. Whilst the Planning Inspector stated that "*the site cannot be seen as a location for residential development **on this scale** that is sustainable in accessibility terms*" the proposed development on the application site is for eight properties to replace two existing dwellings and therefore would result in just six additional dwellings. Planning consent was granted in June 2015 for the conversion and redevelopment of Netherhouse Farm, Sewardstone Road into sixteen new dwellings despite this being considered an unsustainable location.

It is clear that the proposed development would constitute an unsustainable form of development that would result in an increase in vehicle commuting, contrary to the guidance contained within the National Planning Policy Framework and Local Plan policies CP1, CP3, CP6 and CP9. However the relatively low number of additional dwellings is a material planning consideration that lessens, although does not completely overcome, the harm from this.

Whilst the National Planning Policy Framework and Local Plan promotes sustainable forms of development and encourages new development (particularly housing development) to areas with good public transport links a recent appeal decision at North Weald Golf Club was allowed for the erection of 20 flats. The sole reason for refusal on this scheme was sustainability, with the main issue being the lack of alternative sustainable transport options. Within the decision letter the Planning Inspector recognises that the site is not within a sustainable location however concluded that this issue alone is not sufficient to outweigh the benefits of the scheme, including the social benefits of "*providing a supply of housing to meet the needs of present and future generations*".

#### Affordable housing:

Since the application site constitutes previously developed land outside of a settlement with a population of greater than 3,000; is larger than 0.2 hectares in area; and proposes more than two dwellings, Local Plan policy H6A requires affordable housing to be provided. As laid out within Local Plan Policy H7A 50% of the proposed development would therefore need to constitute affordable housing.

The application has been submitted with a Valuation Report, which has been independently assessed This has resulted in a discussion and agreement that a £60,000 financial contribution will be made towards affordable housing, which would be agreed by way of a Unilateral Undertaking.

#### Design:

The dwellings are relatively standard and inoffensive in design and layout. Whilst the properties would be fairly uniform (albeit each pair being mirrored by the next) there is an attempt to introduce some visual difference through design details (i.e. the use of a skirt roof on the two end houses) and the use of materials.

The properties along Sewardstone Road vary greatly in terms of size, layout and overall design and whilst many of the dwellings to the north are single storey bungalows there are nonetheless several examples of two storey dwellings within the vicinity. As such the proposed dwellings would not be detrimental to the character and appearance of the street scene and wider area.

The proposed dwellings would each be 3 bed 5 person two storey houses and as such the Nationally Described Space Standard requires a minimum gross internal floor area of 93m<sup>2</sup>. The new houses would each have gross internal floor areas of 112m<sup>2</sup> and therefore exceed these minimum standards.

#### Amenity:

Given the location of the new dwellings and the separation from the neighbouring properties the proposed development would have no material impact on the amenity of adjoining residents.

#### Highways and Parking:

The Highways Authority required some amendments to the originally submitted scheme, which were undertaken and reconsulted on. Despite the comments from the Town Council there is no objection to the scheme from the Highways Authority, subject to conditions.

The Essex County Council Parking Standards require two off-street parking spaces for each of the dwellings along with two visitor spaces. Each of the proposed properties would be served by a single parking space within their front garden plus a parking space on the opposite side of the new roadway. There are also two visitor parking spaces included within this parking area.

#### Other considerations:

##### *Trees and Landscaping:*

There are some trees on site protected by Tree Preservation Orders. The submitted tree reports demonstrate that it is possible to develop as proposed without a detrimental impact on the trees. Conditions relating to tree protection and hard and soft landscaping are nonetheless considered necessary.

##### *Land Drainage:*

The application site lies within an EFDC flood risk assessment zone but is not within an Environment Agency Flood Zone 2 or 3. Whilst the applicant has provided a flood risk assessment with the application, the findings of which are agreed in principal, in order to approve a suitable flood risk assessment further details are required. These details should include revised calculations for the storage to provide for the whole site rather than just the increase in impermeable area, a percolation test to ensure that the volume of storage provided is suitable for the infiltration rate on site, further details of the permeable paving system and a drainage plan in addition to the necessary cross sections of the proposed drainage system. These can be sought by way of a condition.

The scheme proposes to dispose of foul sewage by main sewer however there have been a number of issues with the current drainage system on the site. Therefore further details are required by way of a condition. It is proposed to dispose of surface water by sustainable drainage system. Further details of this are required.

##### *Ecology:*

There are no ecological objections subject to the carrying out of a Phase I Ecological Survey prior to the commencement of works.

##### *Contaminated Land:*

Due to its former use as a horticultural nursery there is the potential for contaminants to be present on site and therefore the standard contaminated land conditions are necessary.

##### *Archaeology:*

The application has the potential to impact on historic environment assets. There are known archaeological remains of Roman date in the adjoining Northfields Nurseries, which are indicative of a possible villa site. The full extent of these is not known and it is possible that the proposed development could impact on this site. As such a programme of archaeological work would need to be secured by condition.

## **Conclusions:**

The proposed redevelopment of this site would be a 'limited infill' and would not be significantly larger than the two detached houses previously granted consent under EPF/0012/15. Therefore this proposal would not constitute inappropriate development harmful to the Green Belt. The design and layout of the new dwellings would not be detrimental to the character and appearance of the streetscene or the amenities of surrounding residents and the scheme would be served by adequate off-street parking provision. Whilst no on-site affordable housing is proposed a financial contribution of £60,000 has been agreed towards off-site affordable housing.

The key factor weighing against the scheme is the unsustainable location of the site, which has been determined in previous applications and appeals within this settlement. Nonetheless it is considered that, given the scale of this proposal which would result in just six additional houses on the site, this issue alone would not be sufficient enough to outweigh the benefits of providing additional housing within this relatively built up settlement. As such it is not considered that this matter would warrant a refusal of the proposed scheme.

Due to the above the proposal is considered to generally comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended that approval, subject to conditions and the completion of a Legal Agreement.

***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***

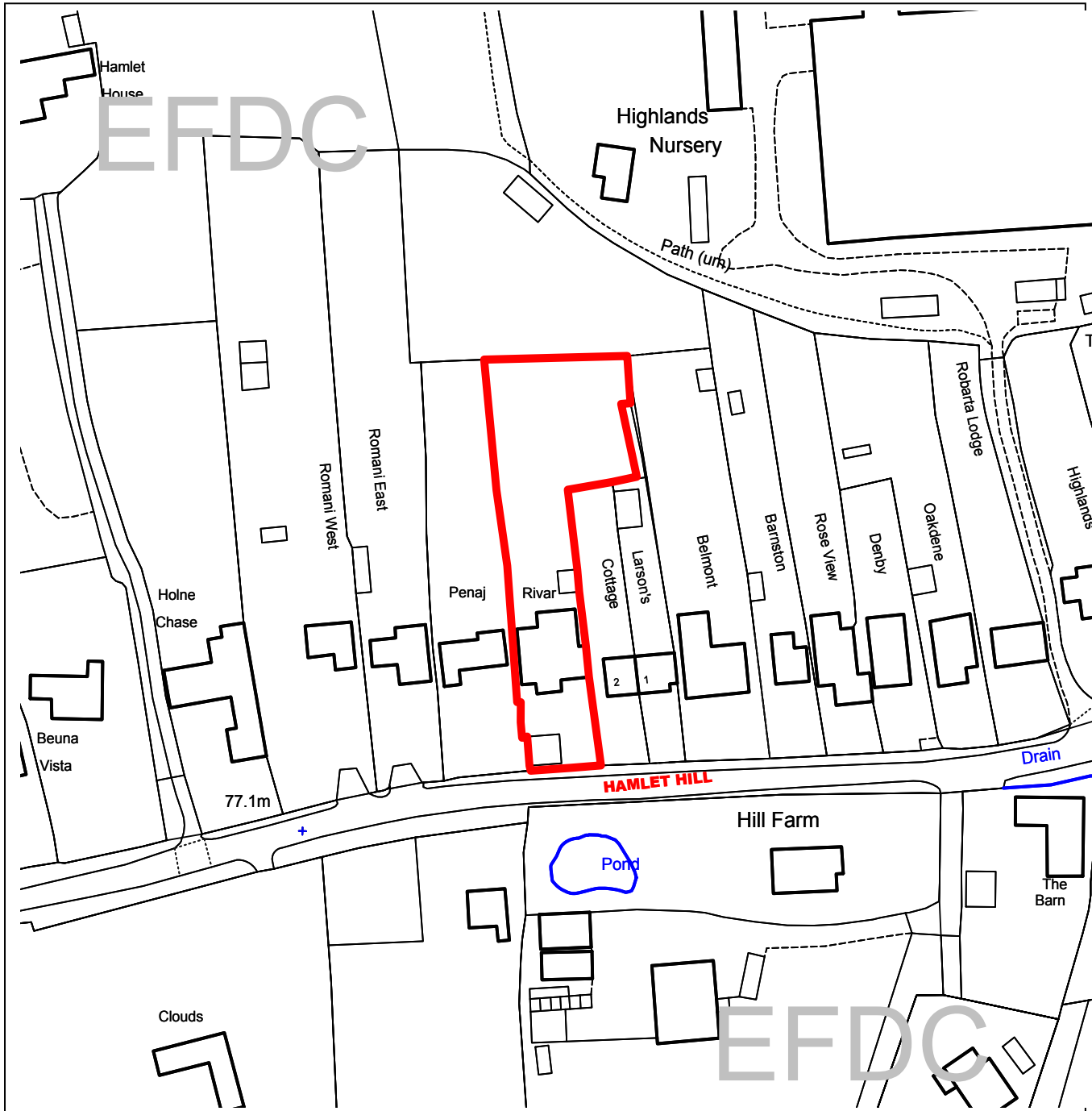
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/0319/16
Site Name:	Rivar, Hamlet Hill, Roydon, CM19 5JU
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0319/16
<b>SITE ADDRESS:</b>	Rivar Hamlet Hill Roydon Harlow Essex CM19 5JU
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr John Turvill
<b>DESCRIPTION OF PROPOSAL:</b>	First floor rear extension and alterations to ground floor rear and side windows.
<b>RECOMMENDED DECISION:</b>	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=582438](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582438)

**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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1699.01.01, 02, 03, 04, 05, 06, 07. Site Location plan and Planning Application Support Document.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

*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: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site is located within a ribbon of development to the north of Hamlet Hill and contains a two storey detached dwelling in a relatively narrow plot with a deep rear garden typical of the surrounding properties fronting the highway. The surrounding dwellings are also detached and two storey in nature. The front boundary is demarcated by a wall with central gates which enclose a private driveway. A single storey garage is located in the south eastern corner of the site adjacent to the highway. The site forms part of the Metropolitan Green Belt but is not part of a Conservation Area.

### **Description of Proposal.**

Planning permission is sought for the erection of a first floor rear extension and alterations to the ground floor rear and side windows.

The proposed first floor rear extension will project 3.3m in depth, is 9.25m wide and is 3.3m at the ridge height of the hipped roof structure and sits below the existing dormer windows which will remain unaltered. The location and width of the existing fenestration will remain unchanged however the height of the proposed windows within the first floor addition will be increased to provide Juliette balconies to each window. No new windows are introduced within the flank elevations of the first floor addition.

The dimensions of the existing ground floor extension will remain the same however, the introduction of full length glazed bi-folding doors are included within this proposal. Minor alterations are proposed within the south eastern elevation which include the relocation of an existing side door and the infilling of two side windows.

### **Relevant History:**

EPO/0028/59 - 2 DETACHED HOUSES – Conditional Consent, PD rights removed.

EPF/0364/87 - Single storey rear extension – Approved.

EPF/0610/94 - Loft conversion (bedroom and en-suite bathroom) – Approved.

EPF/0457/98 - Erection of a detached double garage – Approved.

### **Policies Applied:**

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP6 – Achieving sustainable urban development patterns

CP7 – Urban form and quality

DBE2 – Effect on neighbouring properties

DBE3 – Design in urban areas.

DBE9 – Excessive loss of amenity to neighbouring properties

DBE10 – Residential Extensions

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

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 NPPF and therefore are afforded full weight.



## **Consultation Carried Out and Summary of Representations received:**

Neighbourhood consultation letters were sent to Penaj, White Webb, Mobile Home Castle Farm, Hamlet Hill Farm, Mobile Home 1 Hamlet Hill Farm, 1 & 2 Larsons Cottage, Neverest Farm, Larsden Villas, Belmont, Highlands Nursery. No neighbourhood comments were received.

### PARISH COUNCIL

Roydon Parish Council comments refer to:  
*"overdevelopment"*

## **Issues and Considerations:**

The main issues that arise from this application relate to the principle of development, the design and impact upon the Green Belt, the host dwelling, residential amenity and the responses of consultees and neighbours.

### Principles of development within the Green Belt:

When addressing the impact of a proposal upon the Green Belt it is essential to consider the combination of the height, bulk, scale and overall volume of the development in relation to the setting and orientation of surrounding structures and dwellings and the combined impact of these factors upon the openness of the Green Belt.

Policy GB2A states that limited extensions can be appropriate development with the Green Belt however attention must be paid to the overall increase in volume created by any additions. The existing dwelling benefits from a large single storey rear extension and three small rear Dormer windows. The existing additions have increased the volume of the existing dwelling by approximately 50%. The proposed first floor extension will increase this volume by a further 10%. Increases in volume of 60% may be acceptable if the proposed development will not have a significant visual impact. In this instance this siting and orientation of the proposed development is key.

Rivar is accessed directly from Hamlet Hill which is a busy highway. The proposed first floor extension is located to the rear of the dwelling house and cannot be viewed from Hamlet Hill. The surrounding area is both residential and commercial in nature with residential dwellings on either side of the subject site, and area of open green space to the rear and Highlands Nursery and fruit and vegetable wholesaler is located within the Green Belt to the immediate north east. Due to the context of the site and its orientation it is considered that a further 10% increase in volume would be an appropriate form of development within this area of Green Belt. This issue would be further mitigated by the boundary treatments surrounding the site which are a mixture of 1.8m high walls, fencing as well as mature trees and shrubs which define many of the surrounding boundaries. This type of boundary definition is both evergreen and permanent and can be considered to provide an appropriate screening of a permanent structure within the Green Belt. The additional volume would not increase the visual impact of the host dwelling from vantage points in the surrounding Green Belt or impact upon the openness and character of the Green Belt. As such, it is considered that the proposal conforms to policy GB2A and GB7A.

### Design

The dwellings forming this particular ribbon of development within Hamlet Hill are substantial two storey dwellings which vary in terms of design, scale and bulk which provides for scope in terms of design.

The limited depth, width and height of the proposal creates an addition which is subordinate in terms of layout, bulk, scale and massing. The scheme creates a rear addition which responds to the original design of the dwelling and later additions.

Furthermore, due to the staggered building line, bulk and massing created by the host property and the adjacent dwellings, the combined depth, width and height of the proposal would not create an extension which would result in an over bearing and dominant addition to the rear of the property. The proposal is sympathetic in terms of design and is subordinate in scale and mass and appropriately finished in sympathetic materials. As such the alteration conforms to council policy DBE10.

Overall the elevational design of the proposal is well thought out and is an acceptable contemporary alteration which enhances the character and appearance of the host building and the surrounding area. It is considered that, in terms of design the proposal conforms to Policy DBE10 of the Local Plan.

### Overdevelopment

Concerns have been raised regarding an overdevelopment of the site. When combined with the existing ground floor extension and three small dormer windows, the proposal will equate to development which is approximately 60% of the original dwelling house. Given the orientation, design, bulk, scale and massing the proposal is considered to be a coherent addition which cannot be considered as an overdevelopment of the site. Overall the elevational design of the proposal to the rear is in harmony with the character and appearance of the host building and the surrounding area. As such the proposal conforms to council policies DBE10.

### Amenity

In general, it must be remembered that an extension can seriously disadvantage a neighbour by being overbearing in size and scale, create a loss of privacy and reducing the level of daylight. It is therefore, necessary to control the scale and form of extensions to ensure neighbours' amenities are protected. The amenity and privacy of neighbours must be considered before undertaking any extension.

Where dwellings are located within a ribbon of development such as the subject site it is accepted that there is an element of overlooking from first floor rear windows. This ribbon of development is slightly staggered and the common boundaries which define Penaj to the west and Larsons cottages to the east are slightly irregular. Penaj is set back from the front building line of Rivar creating a rearward projection of 1.8m beyond the original rear elevation of the host dwelling. The proposed first floor extension will project 3.3m from the rear elevation. As such the proposed development would project 1.2m over the established rear elevation at first floor. In terms of addressing the impact of this small projection upon the neighbouring property, it is important to consider the proximity of the proposed development to the common boundary. Both Rivar and Penaj are located 1m from the common boundary creating a distance of 2m from the subject site and the neighbouring dwelling. Combined with the minimal projection of the proposed first floor extension over the established rear building line at first floor these distances create a sufficient distance to safeguard the residential amenity of the occupant of Penaj.

Larsons Cottage is located to the east and further forward of the established building line of Rivar and 2.5m from the common boundary. Rivar is located 1m from the common boundary. The proposed first floor extension has been off set from the common boundary by 4.2m creating a distance of 6.7m from the proposed development and Larson's Cottage. It is considered that this degree of separation is sufficient to protect the amenity of occupants of Larson's Cottage.

It is considered that this staggered building line significantly reduces the impact of the proposal upon the residential amenity of neighbouring occupiers and no issues of overlooking will arise over and above that which is currently accepted within this particular ribbon of development.

In terms of loss of privacy it is noted that Juliette Balconies are proposed at first floor level in particular above the existing flat roof. Although terraces are not proposed it is considered prudent to impose a condition to ensure a terrace area is not erected at a later date. The application site is not overlooked to the rear therefore the proposed Juliet Balconies will not give rise to overlooking. It is also considered that due to orientation, location and existing development enjoyed by the neighbouring dwelling the proposal will not create unacceptable privacy issues.

The proposed first floor rear extension is limited in terms of height, bulk and massing. It is considered that the limited height, depth and rearward projection combined with the existing staggered rear building line and existing boundary treatment will reduce the impact of this proposal upon the neighbouring dwellings and would not create and sense of enclosure or result in a loss of amenity.

Overall, the depth of the first floor rear extension when taking into account the existing dwelling, its height and its orientation would not result in an unneighbourly and overbearing form for development which would adversely affect the amenity of the occupants of Penaj and Larson's Cottage. As such, the proposal confirms to Policy DBE2, DBE9 of the Local Plan.

### **Conclusion**

Therefore the balance of considerations with this proposal would ensure that the application complies with the guidance contained within the National Planning Policy Framework and Local Plan policies and CP1, CP2, CP6, CP7, DBE2, DBE3, DB9, DBE10, GB2A and GB7A the application is now 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:**

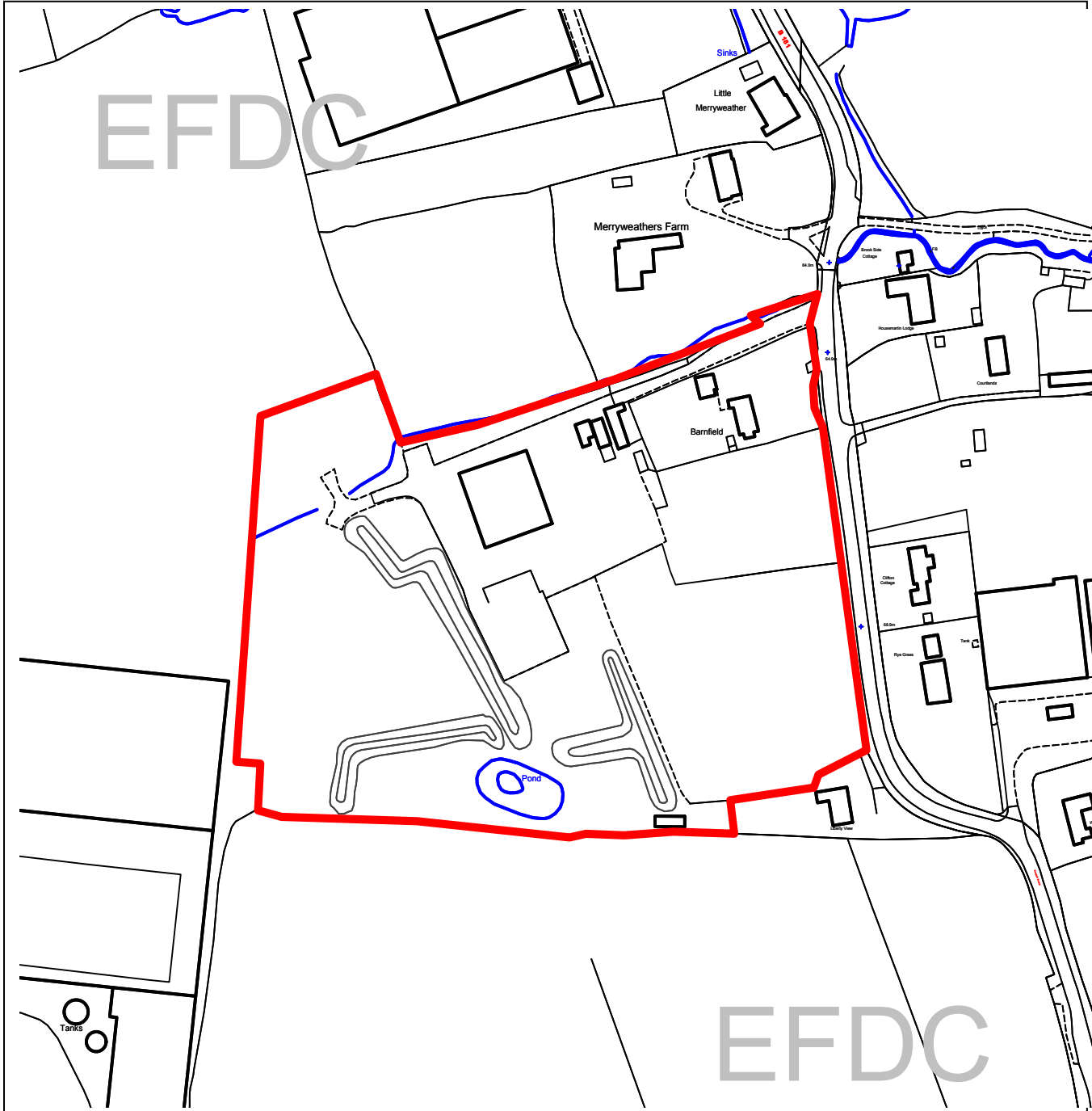
**Planning Application Case Officer: Nicola Dawney  
Direct Line Telephone Number: 01992 564000**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0487/16
Site Name:	Barnfield, Epping Road, Roydon, CM19 5DW
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0487/16
<b>SITE ADDRESS:</b>	Barnfield Epping Road Roydon Essex CM19 5DW
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Miss Kari Burton
<b>DESCRIPTION OF PROPOSAL:</b>	Minor material amendment application to EPF/2535/14 (Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. 4/5 bed detached dwellings and 11 no. affordable houses (6 x 2 bed & 5 x 3 bed) - Revised application to EPF/0632/14) to allow for alterations to the layout of the site and design of the dwellings.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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=582859](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582859)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than 4th June 2018.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 15-215-001, 15-215-002, 15-215-005, 15-215-010 P1, 15-215-011 1, 15-215-014, 15-215-015 P2, 15-215-018, 15-215-019, 15-215-025, 15-215-027, 15-215-029, 15-215-031
- 3 Prior to any works above slab level samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority. 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.
- 4 Prior to any works above slab level additional drawings that show details of proposed new windows, doors, eaves, verges, fascias, and cills, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing.

- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 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 Prior to first occupation of the development hereby approved a schedule of landscape maintenance for a minimum period of five years shall be 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 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.

- 11 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.
- 12 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]
- 13 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]
- 14 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]

- 15 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.
- 16 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.
- 17 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.
- 18 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.



- 19 No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
- 20 Prior to first occupation of the proposed development the following highway works and access to the site shall be implemented, with all details being agreed with the Highway Authority to include:
  - 2.4 metre x 120 metre visibility splay clear to ground level to the south of the new access.
  - 2.4 metre x 65 metre visibility splay clear to ground level to the north of the new access.
  - The provision of a bellmouth access with minimum radii of 6m.
  - All footways to be a minimum of 1.5 metres wide.
  - The junction to the affordable housing shall be provided with, in either direction, 2.4m x 25m visibility splays clear to ground level.
- 21 Prior to 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, to be approved by Essex County Council.
- 22 Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to the Local Planning Authority.
- 23 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 24 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 25 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.

**And the completion by the of a Deed of Variation to the legal agreement dated 2 June 2015 to secure a financial contribution of £167,942 towards primary and secondary school provision and 48% affordable housing.**

*This application is before this Committee since it relates to an application for residential development consisting of 5 dwellings or more that was previously approved at Committee and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d)) and 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:**

The application site consists of a 4.4 hectare area of land on the western side of Epping Road. The site is located within the Metropolitan Green Belt and a conservation area and is in lawful use as a metal recycling and waste transfer station.

The area of the site proposed for development consists of an approximate 1.8 hectare section to the rear of the existing property known as Barnfield, which would be retained. The proposed development area constitutes the part of the site previously occupied by the waste transfer station with the southern and eastern areas of the site being relatively open and undeveloped parcels of land.

Bordering the site to the north is a residential property known as Merryweathers Farm and open fields. To the west is a large horticultural site containing glasshouses and other structures. To the east are detached residential dwellings and to the south are open fields. The application site is part of a small sporadic enclave of houses and commercial businesses (including horticulture) leading up to Old House Lane.

Consent has already been granted under EPF/2535/14 for the clearance of all the commercial buildings, structures, storage containers, and bunds and the erection of 23 dwellings, 48% of which would be affordable houses.

### **Description of Proposal:**

Consent is being sought for a minor material amendment to EPF/2535/14, which was granted consent in June 2016. The proposed amendments would not alter the number of dwellings, the height of the new houses, the overall volume of development or the mix of affordable housing. The changes relate solely to the design and layout of the dwellings.

It is also proposed to alter the timing of condition 3 (details of external finishes), condition 4 (details of new windows, doors, etc.) and condition 8 (details of landscape maintenance) so that instead of requiring these details to be submitted and approved 'prior to commencement' they would be required 'prior to any works above slab level' (conditions 3 and 4) and 'prior to first occupation' (condition 8).

### **Relevant History:**

EPF/0761/90 - Retention of Plant Hire Depot, waste disposal centre, material recycling, vehicle & plant maintenance & repair – refused 05/10/90

CM/EPF/0006/94 - Reorganisation of existing waste transfer centre including widening entrance, additional office, undercover waste transfer station and landscaping works – withdrawn 24/04/96

EPF/0845/96 - Reorganisation of existing premises including entrance improvements, demolition of offices and stores, new storage building, conversion of stores to offices and landscaping works – refused 14/09/98

ENF/EPF/2167/00 - Enforcement Notice Quashed on Appeal 29 December 2000 - Planning Permission Granted (with Conditions) for Importation, storage and shredding of green waste, composting and open storage of finished product – appeal allowed with conditions 29/12/00

EPF/0632/14 - Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. detached dwellings (11x 4-bed & 1x 5-bed) – withdrawn 21/10/14

EPF/2535/14 - Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. 4/5 bed detached dwellings and 11 no. affordable houses (6 x 2 bed & 5 x 3 bed) - (Revised application to EPF/0632/14) – approved/conditions (subject to S106 Agreement) 04/06/15

### **Policies Applied:**

CP1 - Achieving sustainable development objectives  
CP2 - Quality of rural and built environment  
CP3 - New development  
GB2A - Development in the Green Belt  
H2A - Previously developed land  
H3A - Housing density  
H4A - Dwelling mix  
H5A - Provision for affordable housing  
H6A - Site thresholds for affordable housing  
H7A - Levels of affordable housing  
NC4 - Protection of established habitat  
DBE1 - Design of new buildings  
DBE2 - Effect on neighbouring properties  
DBE4 - Design in the Green Belt  
DBE6 - Car parking in new development  
DBE7 - Public open space  
DBE8 - Private amenity space  
DBE9 - Loss of amenity  
HC6 - Character, appearance and setting of conservation areas  
HC7 - Development within conservation areas  
HC9 - Demolition in conservation areas  
LL1 - Rural landscape  
LL2 - Inappropriate rural development  
LL10 - Adequacy of provision of landscape retention  
LL11 - Landscaping schemes  
ST1 - Location of development  
ST4 - Road safety  
ST6 - Vehicle parking  
RP3 - Water quality  
RP4 - Contaminated land  
RP5A - Adverse environmental impacts  
U2A - Development in Flood Risk Areas  
U3A - Catchment effects

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:**

14 surrounding properties were consulted and a Site Notice was displayed on 18/03/16.

PARISH COUNCIL – None received.

## **Main Issues and Considerations:**

Since this application is for a minor material amendment the only considerations are whether these alterations would have any additional impact on the Green Belt, housing considerations, neighbouring amenities, and the character and appearance of the conservation area.

### **Green Belt:**

The design and layout of the proposed development is significantly altered to that previously approved, however the bulk and scale is unaltered. The approved scheme totalled a footprint of 2171m<sup>2</sup> and GIA of 3622.72m<sup>2</sup> whereby this amended scheme actually results in a reduction down to 2142m<sup>2</sup> and 3564.9m<sup>2</sup>. The storey height of the proposed amendment is unaltered as it would retain a mix of two and two-and-a-half storey dwellings. The spread of built form would also be no greater within the site than that previously approved.

Due to this there would be no greater impact on the Green Belt than the previously approved scheme.

### **Housing considerations:**

The proposed amendment continues to propose eleven (48%) affordable housing on the site. These would consist of 5 x three bed rented, 3 x two bed rented and 3 x two bed shared ownership units, which is the same as previously approved.

The affordable housing was previously segregated off from the open market housing with its own internal road (off of the main new road serving the entire site), which whilst considered acceptable in this instance is not ideal. This amended application alters the location and positioning of the affordable housing so that it is situated off the same internal roadway and is better integrated with the open market housing. This is more in line with the Councils aim to integrate affordable housing into larger housing development sites.

Whilst the application proposes a deed of variation to the previous S106 Legal Agreement this does not alter the content but simply relates the original agreement to this new minor material amendment application.

### **Amenity concerns:**

Whilst there are a number of neighbouring properties the only immediately adjacent dwelling to the proposed development is Barnfield. The previously approved scheme would have resulted in three affordable houses and a car park adjoining the shared boundary of the neighbouring site however the amended layout would result in just a single open market house sharing its side boundary with the rear boundary of Barnfield.

Since the proposed alterations would not alter the number or overall scale of development there would be no further impact on surrounding neighbours with regards to nuisance or other disturbance.

### **Character and appearance:**

The proposed new design and layout of the proposed development draws on architectural references from the surrounding properties and therefore would allow for a better integration within the area than the previously approved scheme.

Alteration to conditions 3, 4 and 8:

The proposed alteration to the time scales of conditions 3, 4 and 8 would not prejudice the development and would allow for works to start sooner on site. As such it is considered that these alterations are acceptable.

Other Considerations:

*Highways:*

No objection has been raised to the proposed alterations, subject to the original conditions imposed on EPF/2535/14.

*Landscaping:*

The alterations to the layout of the development has altered the impact on landscaping. Due to these changes an objection has been received from the Council's Landscape Officer. These are based on the two following factors:

- 1. Plot numbers 10, 11, 12 and 13 are unacceptably close to the site boundary and the adjacent open countryside. Our policy LL3 requires that development on the edges of settlements should show a sensitive appreciation of their effect on the landscape by, for example, 'extensive' landscaping. Given the sizes of the proposed gardens (especially plot 13), and the pathway to the side and rear of plot 10, we consider that this will result in an abrupt / hard jarred boundary with the adjoining countryside, with no ability to provide an effective 'green' boundary.*
- 2. The area of plots 14 – 18. These plots have been sited unacceptably close T16 (a mature oak, and a prominent landscape feature). Whilst there are methodologies that could be used to mitigate for the expected presence of the trees roots, also to be considered is the future liveability for the residents whose gardens will be over shadowed and dominated by this tree. We consider that this is a foreseeable issue and the guidance within BS5837:2012 section 5.3 (proximity of structures to trees), is that the relationship between buildings and large trees should be considered at development stage as it can cause apprehension to occupiers of the houses which could lead to future pressure for tree removal. The guidance is that 'buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread'.*

Whilst these issues are valid objections it is not considered that they are significant enough to warrant refusal of the scheme. With regards to point 1, whilst the lack of 'extensive' landscaping along the rear boundaries of plots 10, 11, 12 and 13 would mean that there would be less screening of the site when viewed from the west this section of boundary is located very close to an extremely large glasshouse building. Furthermore, given the previous use of the site as a waste transfer site it is considered that, irrespective of extensive screening along this stretch of boundary, the proposed scheme would be a far more visually appealing development than the former site. There continues to be the ability to provide adequate planting along all other boundaries of the site, as well as within the site, and therefore it is not considered that this aspect is unduly detrimental to the wider visual landscape.

With regards to point 2 this particular tree is proposed for retention and as a result of these comments a bespoke management regime has been provided to ensure appropriate ongoing management and maintenance of the tree by the site management company.

Although the above factors do not overcome the concerns of the Landscape Officer it is not

considered in this instance that these matters would be sufficient enough to warrant refusal of the development.

*All other factors:*

The proposed alterations do not affect any other material considerations previously considered (i.e. land contamination, ecology, etc.) since all conditions previously imposed would still be relevant. Reproduced below is a copy of the original Committee Report

### **Conclusion**

The proposed alterations would not alter the overall impact of the proposed development and would result in a visual improvement to the wider area, a better layout to the proposal and less impact on the amenities of the adjoining neighbour. Whilst concerns have been raised by the Landscape Officer with regards to screening and the retention of T16 it is considered that the benefits of the proposed alterations and scheme generally would outweigh the harm from these two matters. Therefore it is considered that the proposed development would continue to comply with the guidance within the National Planning Policy Framework and relevant Local Plan policies and as such 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](mailto:contactplanning@eppingforestdc.gov.uk)***

## **ORIGINAL COMMITTEE REPORT – EPF/2535/14**

### **Description of Site:**

The application site consists of a 4.4 hectare area of land on the western side of Epping Road. The site is located within the Metropolitan Green Belt and a conservation area and is in lawful use as a metal recycling and waste transfer station.

The area of the site proposed for development consists of an approximate 1.8 hectare section to the rear of the existing property known as Barnfield, which would be retained. The proposed development area constitutes the part of the site currently occupied by the waste transfer station. The southern and eastern areas of the site are currently relatively open and undeveloped parcels of land.

Bordering the site to the north is a residential property known as Merryweathers Farm and open fields. To the west is a large horticultural site containing glasshouses and other structures. To the east are detached residential dwellings and to the south are open fields. The application site is part of a small sporadic enclave of houses and commercial businesses (including horticulture) leading up to Old House Lane.

### **Description of Proposal:**

Consent is being sought for the removal of all existing commercial buildings, structures, storage containers and bunds and the erection of 23 dwellings with ancillary parking, access, gardens and landscaping. The existing dwelling at the front of the site would remain and would continue to use the existing access and the proposed new dwellings would be served by a new access and road to the south of the existing dwelling.

The proposed development would consist of five no. 4 bed open market houses, seven no. 5 bed open market houses, six no. 2 bed affordable houses and five no. 3 bed affordable houses. The proposed dwellings would all be two storeys in height with four of the affordable units incorporating rooms within the roof space.

Each of the open market houses would benefit from a double garage with ample additional off-street parking provision for two cars. The proposed affordable units would be served by 27 off-street parking spaces, which equates to 2.45 spaces per unit.

### **Relevant History:**

EPF/0761/90 - Retention of Plant Hire Depot, waste disposal centre, material recycling, vehicle & plant maintenance & repair – refused 05/10/90

CM/EPF/0006/94 - Reorganisation of existing waste transfer centre including widening entrance, additional office, undercover waste transfer station and landscaping works – withdrawn 24/04/96

EPF/0845/96 - Reorganisation of existing premises including entrance improvements, demolition of offices and stores, new storage building, conversion of stores to offices and landscaping works – refused 14/09/98

ENF/EPF/2167/00 - Enforcement Notice Quashed on Appeal 29 December 2000 - Planning Permission Granted (with Conditions) for Importation, storage and shredding of green waste, composting and open storage of finished product – appeal allowed with conditions 29/12/00

EPF/0632/14 - Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. detached dwellings (11x 4-bed & 1x 5-bed) – withdrawn 21/10/14

### **Policies Applied:**

CP1 - Achieving sustainable development objectives

CP2 - Quality of rural and built environment  
 CP3 - New development  
 GB2A - Development in the Green Belt  
 H2A - Previously developed land  
 H3A - Housing density  
 H4A - Dwelling mix  
 H5A - Provision for affordable housing  
 H6A - Site thresholds for affordable housing  
 H7A - Levels of affordable housing  
 NC4 - Protection of established habitat  
 DBE1 - Design of new buildings  
 DBE2 - Effect on neighbouring properties  
 DBE4 - Design in the Green Belt  
 DBE6 - Car parking in new development  
 DBE7 - Public open space  
 DBE8 - Private amenity space  
 DBE9 - Loss of amenity  
 HC6 - Character, appearance and setting of conservation areas  
 HC7 - Development within conservation areas  
 HC9 - Demolition in conservation areas  
 LL1 - Rural landscape  
 LL2 - Inappropriate rural development  
 LL10 - Adequacy of provision of landscape retention  
 LL11 - Landscaping schemes  
 ST1 - Location of development  
 ST4 - Road safety  
 ST6 - Vehicle parking  
 RP3 - Water quality  
 RP4 - Contaminated land  
 RP5A - Adverse environmental impacts  
 U2A - Development in Flood Risk Areas  
 U3A - Catchment effects

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:**

14 surrounding properties were consulted and a Site Notice was displayed on 14/11/14.

PARISH COUNCIL – Object. The Parish Council agreed to support the previous smaller scale development (12 houses) but believes that this new application is overdevelopment of a site which is located in the Metropolitan Green Belt (although it is acknowledged that this is, in part, a previously developed site). This site is not a sustainable location – there are no facilities nearby and there would be an over reliance on the car to get to shopping facilities, schools, health services, employment sites etc. as the bus service is extremely limited.

### **Main Issues and Considerations:**

The key considerations in this application are the appropriateness of the proposal within the Green Belt, the sustainability of the development, the impact on neighbouring residents, highway concerns, and regarding the impact on the character and appearance of the conservation area.



### Green Belt:

The application site is a lawful waste transfer station that has been in existence for a number of years. The National Planning Policy Framework identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes:

- *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 provided within Annex 2 of the Framework and reads:

***Previously developed land:*** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Given the lawful use of the site for commercial purposes the application site would constitute previously developed (brownfield) land. However, as stated above, this does not mean that the entire curtilage of such sites can be developed and it should be noted that the southern and south-eastern sections of the site are currently open and predominantly undeveloped areas of land.

Notwithstanding the above, in order for this designation as brownfield land to form an exception to inappropriate development any proposed redevelopment must not have a greater impact on the Green Belt and the purpose of including land within it than the existing development.

The potential impact on the Green Belt covers many factors, including increased activity and type of use. However one of the key considerations is the impact on openness, which is largely reliant on the level of built development on a site. The existing site does not currently contain many permanent buildings, these being limited to a single large workshop and a small office building. The existing buildings on site have a combined floor area of some 1,193m<sup>2</sup>. The total floor area of the proposed new dwellings would total 2,175m<sup>2</sup>, which is approximately 82% more than the existing site.

Notwithstanding the above the northern part of the existing site, where the dwellings are proposed, is largely laid to hardstanding with an estimated 1.3 hectares being covered. Furthermore the existing site contains a large number of storage containers (the latest Google and Bing aerial photographs show around 50 storage containers) along with earth bunds, rubble and rubbish piles, open storage and several lorries and other vehicles being parked on the land. All these factors have a negative impact on the openness of the Green Belt and the purposes of including land within the Green Belt.

The proposed residential development would result in a significant reduction in the level of permanent hardstanding and would completely remove the storage containers, bunds, rubbish/rubble piles and the outdoor storage. It would also provide the opportunity to increase the soft landscaped areas on the site. As a result of this, whilst the proposal would increase the level of

buildings on the site it would decrease other built development and open storage. Further to the physical harm, matters such as vehicle movements (type and number), level of activity, type of use, and any resultant nuisance (such as noise, pollution, etc.) would also be factors that determine whether the redevelopment of this site would have a greater impact on the Green Belt than the existing use. All of these factors would be reduced as a result of the proposed redevelopment.

In terms of the coverage of the site and the impact that this has on the openness and other purposes of the Green Belt it is considered that the proposal would improve the openness of the Green Belt in this particular location. Furthermore the visual benefits from the removal of the unsightly open storage and the reduction in noise, pollution and heavy vehicle movements would weigh in favour of the redevelopment of this rural site. Therefore it is considered that the proposed development would not constitute inappropriate development and complies with the relevant Green Belt guidance and policies.

### Sustainability:

The National Planning Policy Framework places great emphasis on sustainability and states that “*at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking*”. It also highlights that “*there are three dimensions to sustainable development: economic, social and environmental*”, given the following explanations on each:

- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The application site is located within a very small sporadic enclave of houses and commercial sites and is not served by any local facilities. Furthermore public transport links are extremely limited. It is for this reason (along with Green Belt concerns) that the Parish Council have objected to this scheme for 23 houses, despite raising no objection to the previous scheme for just 12 houses.

Given the location of the site the proposed development would result in a reliance on private car use and would not comply with the above presumption in favour of sustainable development, particularly with regards to the ‘social role’ (due to the lack of local facilities) and the ‘environmental role’ (due to the lack of sustainable transport options). As such this weighs heavily against the development and could constitute a reason for refusal of the scheme.

### Housing considerations:

Since the application site is located within a settlement with a population of less than 3,000 and proposes the erection of more than three dwellings on previously developed land Local Plan policy H7A requires 50% of the total number of dwellings to be affordable. Furthermore the property mix

for affordable housing should reflect the property mix of the proposed market housing and it would normally be preferable for affordable housing to be integrated into any larger scheme.

The application proposes to provide 48% affordable housing on the site which would consist of all two and three bed terrace houses, as opposed to the much larger detached four and five bed open market houses proposed for the remainder of the site. The affordable housing would also be somewhat segregated off from the open market housing with its own internal road (off of the main new road serving the entire site) and car parking areas.

The Council currently has in excess of 1,500 applicants on its Housing Register and, as evidenced by the National Housing Federation in their annual 'Home Truths' studies, the ratio of average property prices (and lower quartile property prices) to average earnings in Epping Forest District is consistently the highest in Essex – and is within the highest three local authority districts in the East of England. As such the provision of eleven affordable houses would assist in providing much-needed affordable rented and shared ownership housing. Whilst it is not considered that the site is in a sustainable location Housing Services nonetheless consider that the location is sustainable in terms of the provision of affordable housing for sufficient numbers of applicants already on the Council's Housing Register.

The previously submitted application (EPF/0632/14) for twelve houses proposed no affordable housing and was accompanied by a viability assessment. This assessment was independently appraised and the initial comments received were that some level of affordable housing could be provided on site, although there was disagreement between the Council and the applicant as to how much. As a result of this assessment a meeting was held between the applicant, the Council (both Housing and Planning Services) and the independent viability consultants with regards to a potential way forward. As a result of these discussions it was concluded that an increase in the number of houses on the site, even when not at the level and in the form that the Council would normally support, would be acceptable on this site as a way to obtain affordable housing provision.

Whilst the Planning Application Form states that all eleven of the affordable dwellings will be provided as rented housing the layout shows that three of the affordable dwellings will be provided as shared ownership, which is what was agreed in principle at the previous meeting. On the basis that three (30%) of the affordable dwellings will be provided as shared ownership, and that eight (70%) will be provided as affordable rented housing, this would comply with the requirements of the Council's Shared Ownership Policy.

#### Amenity concerns:

Whilst there are a number of neighbouring properties the only immediately adjacent dwelling to the proposed development is Barnfield, which is within the ownership of the applicant. The closest proposed new dwelling would be approximately 23m from the shared boundary with the closest neighbour, with the closest point of the development (the proposed car park serving the affordable housing) being some 10m from this boundary. As such it is not considered that there would be any physical impact on neighbouring residents with regards to loss of light, outlook or privacy as a result of the new dwellings.

Although there has been no comments received from surrounding residents with regards to this revised application the previous application (EPF/0632/14) received five letters of support from neighbouring properties (Merryweathers Farm, Housemartins Lodge, Morningsons, Moonrakers and Longfield Nursery). Within these letters it is stated that:

*"Most of the neighbours of this site (from Tylers Cross to Halls Green – from Tylers Cross via Tylers Road to Reeves Lane to Halls Green – and also including a large part of Old House Lane) have suffered from dust pollution and noise nuisance for the better part of four decades or even more" (Moonrakers).*

*“For years we have been subjected to constant large lorry movements at all times of the day and night” (Merryweathers Farm).*

And, in relation to the site previously being considered lawful:

*“This left the local residents in the completely disenfranchised position of having to suffer severe noise pollution from heavy industry and the unrestricted movement of heavy lorries – sometimes at two and three o’clock in the morning – with no recourse to do anything about it” (Morningtons).*

Whilst these letters of support cannot be automatically transferred to this application, particularly since this proposal is for twenty three dwellings rather than the previous twelve, these clearly stated that:

*“Approval of this application would solve all the problems; and would be a more suitable and appropriate use of the site in a conservation area. The heavy use of large lorries with trailers; back and forth; on our unsuitable roads; would end, with the traffic from the new houses being much less” (Moonrakers).*

*“I fully support this application in its current form and strongly urge the Council to approve it not least so that they can finally give some support to the local residents affected by this site as a result of their previous maladministration” (Morningstons).*

*“We fully support this application, and the opportunity to improve the neighbourhood by the cessation of the current heavy industry uses and unrestricted lorry movements at the site” (Longfield Nursery).*

*“This can only enhance the area and the elimination of the existing commercial site will be very much welcomed as we have experienced the noise, dust and high level of traffic from the existing site for many years” (Housemartins Lodge).*

Despite not receiving any letters from neighbouring residents specifically regarding this application it is considered that the removal of the waste transfer site would have significant benefits to neighbours amenities, as is evident by the background to the site (as follows):

In 1980 Essex County Council granted a licence for a waste transfer station on this site. The then occupants of the property opposite the site contacted the Council and stated that when they purchased the property in 1986 the application site was then mainly operating as a piggery and the waste transfer station was operating at a very low level and was hardly noticeable, however the use of the waste transfer site intensified from 1999 and residents started to experience problems in terms of noise, smell, and general disturbance. A joint complaint was signed and sent to the Council in 1999, along with signed petitions. Part of the complaint was that the residents located opposite the site are directly disturbed by noise and headlights from traffic using the waste transfer station to the degree that their sleep is sometimes disturbed.

Following a further complaint from two residents who lived near the site the Ombudsman investigated and published a report in 2006 whereby they found fault by both the County Council and the Epping Forest District Council. It was concluded that the decision to grant the licence had been made with maladministration and the Ombudsman found that this caused the two residents injustice since they both suffered from noise nuisance and reduced value of their homes. To remedy the injustice the Ombudsman recommended that the Councils explore if the waste transfer station could be relocated. Despite this being investigated the Council was unable to negotiate the relocation of the site at this time. As a result of this both the County and District Council paid

compensation to the surrounding neighbours to reflect the reduced value of their homes as a result of the waste transfer site.

Although the Council were unable to arrange for the waste transfer station to relocate in 2006, in 2001 a report was put to District Development Committee recommending that the redevelopment of the site for residential purposes be agreed in principle. Within this report it was stated:

*“Within the last ten years, the operational regime at the site has given rise to complaints from neighbours, particularly in relation to noise nuisance arising from lorry movements along the internal access road and in the yard at anti-social hours (i.e. the early morning, evenings and at weekends and public holidays). Efforts were made in the 1990’s in connection with proposals to reorganise, consolidate and screen the activities, to negotiate limitations on hours of operation in order to mitigate the nuisance. However, because of contractual commitments, the owner was ultimately unable to offer limitations acceptable to the Council”.*

The report concluded that *“a properly designed and suitably controlled residential redevelopment would bring more advantages than disadvantages and merits support in principle”*. Members considered that, given the noise complaints generated by the existing use of the site and its proximity to neighbouring residential properties, the redevelopment of the site and the relocation of the existing use should be investigated and decided that the residential development at Barnfields, Epping Road, Roydon on a replacement built footprint basis be supported in principle. Despite this decision no subsequent planning application came forward for the redevelopment of the site at this time.

Due to the above, whilst the provision of 23 dwellings would increase the level of buildings on site and would result in a number of vehicle movements in connection with the residential use, particularly given the unsustainable nature of the site, it is nonetheless considered that the removal of the waste transfer station and replacement with housing would have a significant positive benefit on surrounding residents due to the reduction of unrestricted large lorry movements as well as the removal of the dust and noise pollution that results from the existing site. Such benefits are given significant weight in favour of the proposed development.

#### Highways considerations:

The application has been viewed by Essex County Council Highways, who assessed the development and have found the proposal acceptable. Whilst the development would result in a significant number of private car movements to and from the site the redevelopment would reduce the number of large lorry movements in and around the site, which would be beneficial to this rural location.

The Essex County Council parking standards require the following level of off-street parking provision:

- 2 spaces for each 2+ bed property = 46 spaces
- 0.25 visitor spaces for each property (rounded up) = 6 spaces

Based on the above there would be a requirement for 52 spaces to serve the proposed new development. The application proposes 75 parking spaces on site, which is significantly higher than the requirements of the parking standards. Of this figure it is proposed to provide 27 spaces to the affordable houses, which in itself is higher than the 25 space requirement for just this area. Given the unsustainable nature of the site such an abundance of parking would be beneficial in this scheme and can be accommodated without resulting in an overdominance of cars or to the detriment of landscaping.

The proposed new access to serve the development would have adequate sight lines and visibility and would not be detrimental to the free flow of traffic on Epping Road. Consequently it is considered that the development will not be detrimental to highway safety, capacity or efficiency and will provide sufficient off-street parking provision. Furthermore the proposed residential use would remove the problems that occur from the unrestricted heavy lorry vehicle movements. Therefore, subject to conditions, the proposal would comply with the relevant transport guidance and policies.

#### Character and appearance:

The application site is located within a conservation area and contains a large unsightly warehouse building, office building, several storage containers, lorries and open storage, along with earth bunds and rubbish/rubble piles. The site at present therefore does not conserve or enhance the conservation area. Whilst the provision of 23 houses on this site would significantly impact the overall character of the area, particularly since it would almost double the number of properties within this small enclave, the wider area contains several residential enclaves of varying size. Furthermore the proposed dwellings are of a traditional design that would appear far more visually appealing to the area than the current waste transfer site. Therefore, subject to the approval of external materials, detailing and landscaping, it is considered that the proposal would be more visually beneficial to the character of the conservation area than the existing use.

The proposed new access would result in the removal of part of the hedge adjacent to Epping Road, however this loss is not considered unduly harmful to the area. The development would not result in any loss of trees, however would provide a significant increase in landscaping and tree planting. Whilst in part this would be required purely to mitigate the development this additional landscaping would nonetheless also be considered beneficial to the overall character of the area.

#### Other Concerns:

##### *Loss of employment:*

Whilst the proposed development would result in the loss of this commercial site the business currently has existing sites in Hitchin and Colchester. The Colchester site is currently being expanded and would likely be further extended if the application site closes since the bulk of the business running from Barnfield would be relocated to Colchester (with some lorries being stored on the Hitchin site). Therefore, whilst there may be a loss of some local employment as a result of this redevelopment the business would remain (and it is estimated that the majority of employees would simply be redeployed) and in the long term the amalgamation of the two sites would likely result in a bigger and more viable business operation.

Irrespective of the above, any harm resulting from the loss of this commercial site would be outweighed by the benefits to the amenities of the neighbours and the overall character and appearance of the area.

##### *Ecology:*

The application has been assessed by the Councils ecological advisor, who has raised no objection to the proposal.

##### *Flooding:*

The application site is not located within an Environment Agency Flood Zone 2 or 3 however is greater than 1 hectare in size and as such requires a flood risk assessment. Although such flood risk assessments would normally be submitted and agreed prior to approval of a development it is considered that, in this instance (due to the location of the site and the level of open surrounding

land within the red lined area), flood mitigation measures would be easily achievable on the site and therefore this matter can be suitably dealt with by way of a condition.

No details have been submitted with regards to the disposal of surface water and the geology of the area is predominantly clay and infiltration drainage may not be suitable. Therefore details of surface water drainage should be submitted and approved prior to the commencement of development.

#### *Contamination:*

Due to the previous uses of the site for agricultural purposes and as a waste transfer station, along with the presence of made ground, there is the potential for contaminants to be present on the site. Since domestic dwellings with gardens are classified as particularly vulnerable use contaminated land investigations will be required, however can be dealt with by way of conditions.

#### *Education:*

Essex County Council Educational Services have assessed the application in relation to the surrounding area. This development falls in the priority admissions area of Roydon Primary School, which has permanent capacity to take 150 pupils. According to the latest forecasts that are published in the document *Commissioning School Places in Essex 2013-18*, 199 places will be required by September 2017. It is therefore clear that additional provision will be needed at primary level and that this development will add to the need.

Pupils attending Roydon Primary School are given priority in the admission arrangements for Burnt Mill Academy since it is identified as a link feeder primary school. Burnt Mill Academy has capacity for 1,200 pupils and according to the forecasts there is likely to be 1,214 pupils at the school by September 2017. This school is in excess of the statutory walking distance from the proposed development and therefore Essex County Council is obliged to provide free transport to the school, resulting in a long term cost to the County Council. The cost is estimated to be £3.90 per pupil per day for 195 days per year (a standard academic year). It is the practice of Essex County Council to seek costs for a 5 year period.

In view of the above a financial contribution of £167,942 is required to mitigate the impact of the development on education costs. This is calculated on the basis of 23 houses with two or more bedrooms that, in this location, would require a primary school contribution sum of £74,748, a secondary school contribution sum of £75,702 and a £17,492 contribution towards secondary school transport costs.

#### **Conclusion**

The application site is located within the Metropolitan Green Belt however the introduction of the National Planning Policy Framework and subsequent exceptions to inappropriate development enable the principle of redeveloping previously developed land such as this. Whilst the proposal would increase the overall level of buildings on the site it would decrease the level of hardstanding and outdoor storage, which currently has a negative impact on the openness of the Green Belt. There would also be other benefits from the development, such as the reduction in the level of heavy lorries accessing the site and the increase in landscaping. Therefore, on balance, it is considered that the proposed redevelopment would not result in any greater harm to the openness of the Green Belt in this location and therefore would not constitute inappropriate development.

Notwithstanding the above, the application site is not well served by local facilities or sustainable modes of transport and therefore fails to comply with this aspect of the National Planning Policy Framework and the relevant Local Plan policies. The redevelopment of the site would also result in

the loss of commercial land, although the business currently on site would simply relocate and amalgamate with its existing sites in Hitchin and Colchester.

It was previously concluded by the Ombudsman that the existing operations at the site had illegal origins however they (and the Council) were powerless to restrict the use of the site and, since the decision to grant the licence had been made with maladministration, both Essex County Council and Epping Forest District Council had to previously pay compensation to nearby residents. It was recommended by the Ombudsman that the Councils explore if the waste transfer station could be relocated, however this was never achieved at this time. As a result of this decision the neighbouring residents have suffered from a loss of amenities as a result of noise, dust, pollution, and unrestricted heavy vehicle traffic for several years from this lawful waste transfer station. The redevelopment of the site to 23 residential dwellings would result in the removal of the nuisance site and would have significant benefits to the amenities of the surrounding residents and the wider area. It is considered that these benefits clearly outweigh any harm that would result from an unsustainable development on this site.

The level of affordable housing would broadly comply with the Councils requirements and would assist in EFDC meeting its housing targets, and the proposal would provide greater than recommended levels of private amenity space and off-street parking provision. The development would not be harmful to highway safety or the free flow of traffic using Epping Road and would provide additional landscaping and flood mitigation measures. Therefore it is considered that, on the balance of issues, the proposed development would generally comply with the guidance within the National Planning Policy Framework and relevant Local Plan policies and as such is recommended for approval, subject to conditions.

**END OF ORIGINAL COMMITTEE REPORT- EPF/2535/14**

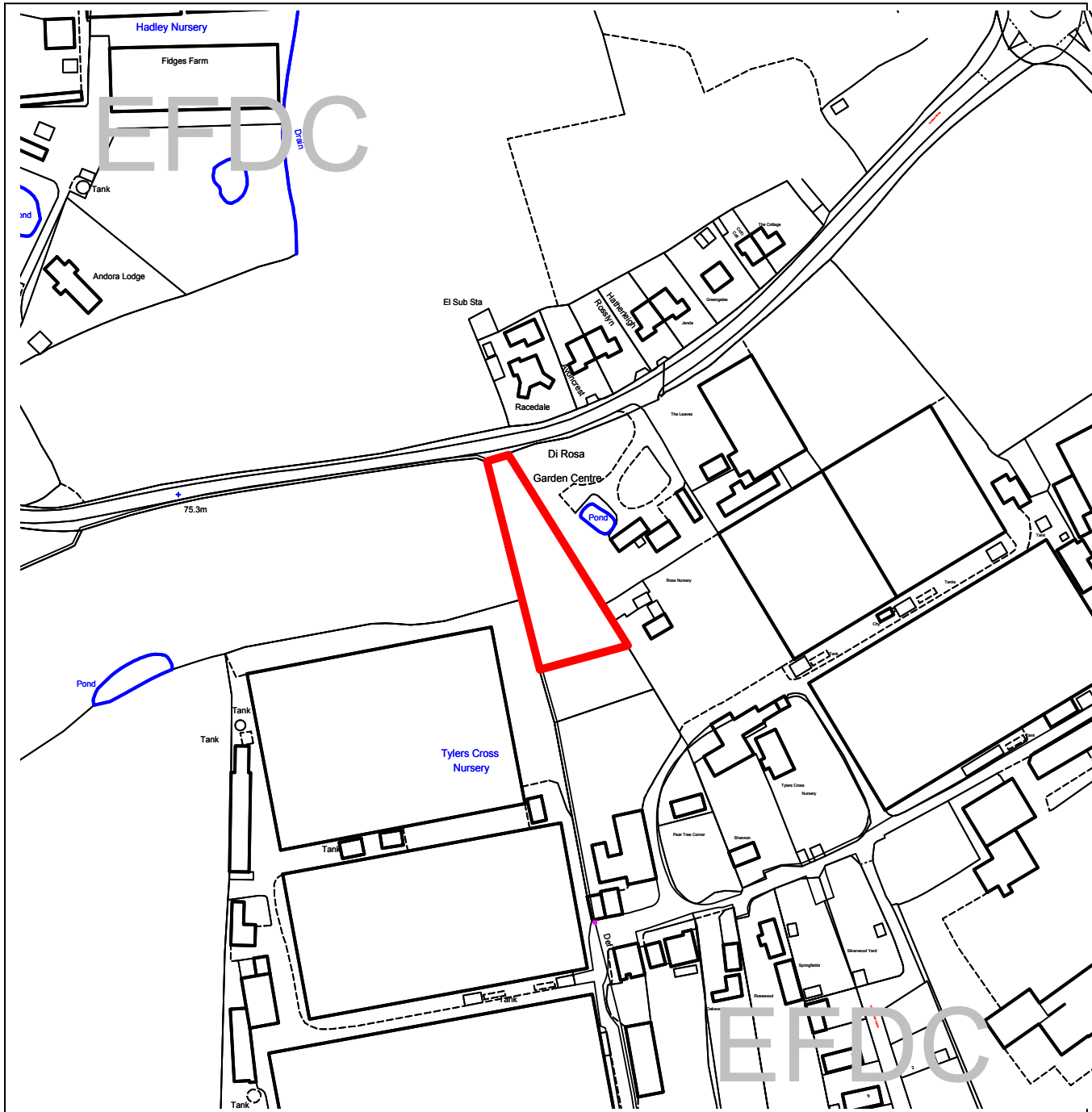


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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0526/16
Site Name:	Ricotta Transport, Epping Road, Nazeing, EN9 2DH
Scale of Plot:	1/2500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0526/16
<b>SITE ADDRESS:</b>	Ricotta Transport Epping Road Nazeing Essex EN9 2DH
<b>PARISH:</b>	Roydon  Nazeing
<b>WARD:</b>	Lower Nazeing  Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr Joe Ricotta
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of hardstanding extended for parking of vehicles and formation of new vehicular access to Tylers Road.
<b>RECOMMENDED DECISION:</b>	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=582908](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582908)

**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 Site Plan and drawing no: 4801/03/03
- 3 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 gates shall be erected at the new access hereby approved until details of the location, size and design of the gates have been submitted to and approved in writing by the Local Planning Authority. The proposed gates shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. The gates shall thereafter be erected in accordance with the approved details.
- 4 Prior to first use of the new access hereby approved, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be 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.

- 5 Prior to the first use of the access the applicant shall implement the access arrangements and visibility splays as shown on drawing no.4801/03/03. These arrangements shall be retained in perpetuity for their intended purpose.
- 6 There shall be no discharge of surface water onto the Highway.
- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

*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: Scheme of Delegation, Appendix 3) and 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 application site is an established transport yard located within the former nursery site of Tyler's Cross, Tyler's Road, which now primarily consists of small scale horticultural nursery's, disused glasshouses, light industrial uses, and several Gypsy and Traveller plots. The site is predominantly laid to hardstanding and used for the parking of vehicles, however the northern section was/is vegetated land.

The application site is located within the Metropolitan Green Belt and within a designated E13 Glasshouse area, however the draft emerging plan has recognised that the central section of Tyler's Cross Nursery (where the application site and Gypsy pitches are located) should be removed from this designation. Whilst this plan has not been adopted by the Council at this stage, it is a material consideration.

### **Description of Proposal**

Consent is being sought for the retention of hardstanding towards the north of the site to extend the existing transport yard and enable further parking of vehicles and to create a new vehicular access onto Tylers Road.

The area of hardstanding was formally a vegetated area of land however has been laid to hardstanding and used for the parking of buses and coaches for the last few years.

### **Relevant History:**

EPF/0925/12 - Retrospective consent for the extension of the existing hardstanding for the parking of vehicles – refused 16/08/12

EPF/0926/12 - Outline consent for the erection of storage building to replace former permanent buildings and existing temporary structure – approved/conditions 16/08/12

EPF/0368/14 - Retention of mixed storage and residential accommodation for workers on site through the stationing of up to nine mobile homes – refused 02/06/14

Following the refusal of EPF/0925/12 enforcement action was taking against the laying of hardstanding. This action was appealed and subsequently dismissed due to the impact on the Green Belt.

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

GB2A – Development in the Green Belt

GB7A – Conspicuous development

E13B – Protection of glasshouse areas

E13C – Prevention of dereliction of new glasshouse sites

ST4 – Road safety

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:**

5 neighbouring properties were consulted and a Site Notice was displayed on 18/03/16.

PARISH COUNCIL – Object. Whilst the Parish Council has no objections to the hardstanding it objects to the proposed new access onto Tylers Road. Tylers Road is a very busy road which is used as one of the main HGV access routes to local glasshouse businesses. The frequency and weight of these larger vehicles has increased in recent years and creating a new access onto this road for even more large vehicles would, in the Parish Council's opinion, be unsafe. The current site entrance/exit onto Epping Road is longstanding, has better sight lines and has not been shown to be unable to cope with current or future traffic flow. A new entrance/exit onto Tylers Road would also create disruption for residents whose access onto Tylers road at this point is already difficult.

ROSE NURSERY, TYLERS ROAD – Object due to highway safety concerns and noise and other nuisance from lorries waiting to exit the site.

AVONCREST, TYLERS ROAD – Object due to highway safety concerns, noise and other forms of nuisance, and since there is no justified requirement for the proposed new access.

### **Main Issues and Considerations:**

The main issues to determine are the impact on this Green Belt location, on the surrounding area, and with regards to highway safety and neighbours amenities.

### Green Belt:

The application site is a long established transport company located fairly central within the Tyler's Cross Nursery site. The site constitutes previously developed (brownfield) land, although the area laid to hardstanding was formerly scrubland that was not in use for the parking of vehicles prior to the works taking place. Similarly the part of the site that is proposed for the new access is currently an area of undeveloped scrubland.

Within the previous appeal decision the Planning Inspector, who was just considering the retention of the hardstanding, concluded that:

*The works undertaken do not appear to be of any great complexity and seem to consist of a rudimentary covering of scalplings or similar materials.*

*There is no persuasive evidence to demonstrate the provision of this hardstanding is the type of work that would generally be supervised by an engineer. On the balance of probability, I conclude that it could more properly be described as 'other operations normally undertaken by a person carrying on a business as a builder' for the purposes of section 55(1A) of the Town and Country Planning Act 1990, as amended. In the circumstances of this particular case, the construction of the hardstanding should therefore be regarded as a building operation rather than an engineering operation.*

*Consequently, I am not persuaded the hardstanding falls within any category of development that could be considered as 'not inappropriate' in the Green Belt for the purposes of paragraph 90 of the NPPF. Similarly, it does not fall within any category of development that might be appropriate within the context of paragraph 89 of the NPPF.*

Whilst this application continues to relate to the retention of the hardstanding previously assessed it goes further in that it also proposes the creation of a new vehicle access onto Tylers Road and an associated access road. This would link up to the area of hardstanding and therefore alters the context of the proposal.

The Planning Inspector previously concluded that the laying of the hardstanding already on site should "*be regarded as a building operation rather than an engineering operation*". This was due to the fact that the Inspector considered that the development would not be "*the type of work that would generally be supervised by an engineer*". Unlike the previous application this proposal now includes the creation of a new access onto Tylers Road, which is a Class III road. As such it is likely that the new vehicle access and roadway, which would need to support the weight of heavy vehicles, is the type of work that would normally be supervised by an engineer (most likely a highways engineer). Therefore the inclusion of the proposed works would alter the proposal from a 'building operation' to an 'engineering operation'.

The National Planning Policy Framework (NPPF) outlines what does not constitute inappropriate development, and states that:

*"Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:*

...

- *Engineering operations*".

The proposed development can therefore be considered as 'not inappropriate development' provided the proposed development "*would preserve the openness of the Green Belt*". With regards to openness the Planning Inspector previously concluded that:

*The provision of this extensive hardstanding diminishes the openness of the Green Belt. Its presence also facilitates the parking of more commercial vehicles, thereby further detracting from openness. It conflicts with the fundamental aim of Green Belt policy which is to maintain openness in perpetuity. I appreciate the site lies in the middle of the former nursery complex and it is surrounded by various buildings, structure and uses. However, the aim of Green Belt policy is to maintain openness, whether publicly visible or not.*

They even went on to add that “*even if the unauthorised hardstanding were to be regarded as an engineering operation, given that it does not preserve openness and conflicts with one of the purposes of including land in Green Belt, it could not be regarded as being ‘not inappropriate’ for the purposes of paragraph 90 of the NPPF*”.

Due to the above, despite the inclusion of the new access and roadway it is clear that the proposal would continue to constitute inappropriate development harmful to the Green Belt. Paragraph 87 of the NPPF clearly states that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*” and paragraph 88 states that “*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*”.

The main purpose of the proposed development is to create a new access onto Tylers Road, which would remove the need for vehicles to utilise the existing access to the yard. Whilst the existing access has served the business for several years it does consist of a narrow track through the centre of Tylers Cross and is served by a sub-standard access on Epping Road. The Tylers Cross estate contains a mix of horticulture, commercial and residential use (the latter in the form of gypsy sites) and there is often conflict between vehicles entering/leaving the site and an ever increasing risk to residents due to the presence of several gypsy pitches.

The introduction of a new vehicle access onto Tylers Road would provide a separate access to this business and would be far better for employees of the site and other users of Tylers Cross estate. The new vehicle crossover has been subject to pre-application consultation with Essex County Council Highways who are satisfied that this is a safe access. As such it is considered that the benefits of reducing the number of vehicles, particularly heavy vehicles, using the sub-standard Epping Road access and driving through Tylers Cross estate does weigh in favour of the proposal.

Another material consideration in this application are the economic benefits that the proposed development would have on the established business. The site, along with that edged blue on the location plan, is a haulage and transport yard that has been operated by the applicant since 1987. Prior to this it was operated by his father as a storage and transport business comprising a produce warehouse used for packaging vegetables for supply to large supermarkets. The proposed hardstanding has now been in existence for several years and is utilised as overflow parking for vehicles and storage and is considered essential to enable the continuation of this long established business. Whilst there has been little information submitted to demonstrate this, the economic benefits of the proposal are a material consideration that weighs in favour of the proposal.

The site is surrounded by large structures, including operating and redundant glasshouses, residential Gypsy pitches and light industrial buildings. The majority of the site is already laid to hardstanding, as are the majority of the surrounding sites within Tyler’s Cross Nursery. The previous use of this site was a large scale horticultural nursery whereby it would be expected for large expanses of hardstanding to be laid. The area of land is surrounded by other forms of

development and screened to the north by existing planting, which can be strengthened by additional landscaping.

The NPPF puts great emphasis on promoting sustainable economic growth and supporting existing businesses and states that *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth”* and that planning should *“support existing business sectors, taking account of whether they are expanding or contracting”*. Furthermore, it also seeks to *“promote the retention and development of local services”* and to *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”*.

Whilst the previous application and appeal decision relating solely to the retention of the hardstanding was considered unacceptable and inappropriate this scheme now proposes the creation of a new access and roadway. The combined benefits of reducing the vehicle movements along the sub-standard existing access, the continuance and viability of this established business and the setting of the application site are sufficient enough to outweigh the harm to the Green Belt that would result from this development. Due to the above it is considered that the proposed development would now be acceptable within this Green Belt location.

#### Impact on surrounding area:

The application site is located within a designated E13 glasshouse site, despite it not being in horticultural use for at least 20 years. Due to this, and as there are a number of permanent residential Gypsy pitches within Tyler’s Cross Nursery, the central section of the wider site is proposed for removal from this designation within the new Local Plan. Whilst this is not yet adopted, it is a material consideration. Due to this long established use of the application site it is not considered that the laying of additional hardstanding in association with the existing transport business would be contrary to policies E13B or E13C.

The proposed development would not be particularly visible outside of the Tyler’s Cross Nursery site with the only visual alterations being the creation of the new access on Tylers Road. The application site is located adjacent to Nazeing Conservation Area. Tylers Cross, due to the presence of large glasshouses and other storage buildings, is excluded from the conservation area however, due to its location on the edge of the conservation area, consideration must be had as to its visual impact.

There would be some loss of hedging along Tylers Road in order for the new access to be accommodated. This would create an unsympathetic view through the site and harm the significance of the adjacent conservation area. Nonetheless it is considered that this could be suitably mitigated through the installation of a plain entrance gate set back from the road and the strengthening of the existing landscaping along the boundaries of the site. Subject to details of these being agreed by condition the proposal would not have any excessive detrimental impact on the visual amenities or character of the wider area.

#### Impact on highways:

The existing access to the site is directly off of Epping Road and through Tylers Cross estate. This is a sub-standard access that currently serves a large mixed use site consisting of horticultural nurseries, light industrial uses, and residential Gypsy pitches. The internal roadway through Tylers Cross estate is very narrow and causes conflict between vehicles entering/leaving the estate and is a risk to residents of the various gypsy sites.

The proposed new access and roadway would reduce the amount of vehicles using this sub-standard access and internal roadway to the benefit of highway safety and other users of the estate. The proposed new access onto Tylers Road has been the subject of pre-application



discussions with Essex County Council Highways and is considered safe and acceptable. Adequate sight splays can be achieved and it is considered that the level of vehicle movements would not be detrimental to highway safety or the free flow of traffic.

The proposed vehicle movements from the site would remain as existing and average as follows:

### **HGV Movements**

- *Monday – 12 HGVs leave the site between 06:00 and 09:00. These are on the road all week and return to base between 17:00 and 20:00 on Friday.*
- *Monday to Friday – 4 HGVs leave and return to the site between 09:00 and 17:00.*
- *Saturday – 5 HGVs leave and return to the site or vice versa between 06:00 and 21:00.*
- *Sunday – 1 to 2 HGVs leave and return to the site or vice versa during the day (06:00 – 21:00).*

*This equates to 12 HGV movements per day (Mon-Fri), 10 HGV movements on a Saturday and 4 HGV movements on a Sunday.*

### **Van Movements**

- *Monday to Friday – up to 12 vans leaving and returning to site or vice versa between 04:00 and 21:00.*
- *Saturday – up to 5 vans leaving and returning to site or vice versa between 06:00 and 21:00.*
- *Sunday – 1 to 2 vans leave and return to site or vice versa during the day (06:00 – 21:00).*

*This equates to 24 van movements per day (Mon-Fri), 10 van movements on a Saturday and 4 van movements on a Sunday.*

### **Car Movements**

- *Monday to Friday – up to 25 cars leaving and returning to site or vice versa during the hours of 06:00 to 23:00.*
- *Saturday and Sunday up to 15 cars leave and return to site or vice versa during the hours of 06:00 to 23:00.*

*This equates to 50 car movements per day (Mon-Fri), 30 movements per day on a Saturday or Sunday.*

### **Neighbouring amenities:**

The key concerns from neighbouring residents appear to be due to increased traffic onto Tylers Road, highway safety concerns and disturbance from lorries entering and leaving the site at the new access. The traffic and highway safety issues are dealt with above and are considered acceptable by Essex County Council Highways.

Whilst the proposed development would relocate a significant level of vehicle movements from the existing Epping Road access to the new Tylers Road access these are both heavily traversed roads that are used by heavy lorries and provide access to several horticultural and commercial sites (particularly further down Tylers Road/Hamlet Hill). To the east of the proposed new access is a vehicular access to a horticultural nursery and one serving a site that previously obtained consent as a garden centre and was recently granted planning approval for use as a vehicle storage yard (EPF/2586/15 – Di Rosa Garden Centre). As such it is not considered that the

increase in vehicle movements that would result from this proposal would cause excessive harm to the surrounding neighbours.

Concerns have been raised regarding lorries waiting to exit the site and the noise, smell and other disturbances that would result from this. The new access would be situated some 12m from the boundary of the closest residential neighbour opposite the site (Racedale) and almost 25m from the actual dwelling. To the immediate east of the site is Rose Nursery, which is a former horticultural site that appears to now be mainly residential in use. This is a large site and as such the dwelling would be an excess of 40m from any stationary lorries waiting to exit the site. Due to these distances and the surrounding land uses it is not considered that this proposal would cause a significant loss of amenity to surrounding residents.

**Conclusion:**

Whilst the retention of the proposed hardstanding and creation of a new access and roadway would constitute inappropriate development in the Green Belt the highway and safety benefits from the reduction in vehicles using the existing sub-standard access from Epping Road, the economic benefits to the established business, and the location of the site surrounded by horticultural, commercial and residential development are sufficient enough in this instance to clearly outweigh the harm from the proposed works. Subject to conditions the proposal would not detrimentally impact on the character and appearance of the area or neighbouring amenities and Essex County Council Highways are satisfied that the new access would be acceptable and appropriate. Therefore, the application is considered acceptable 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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

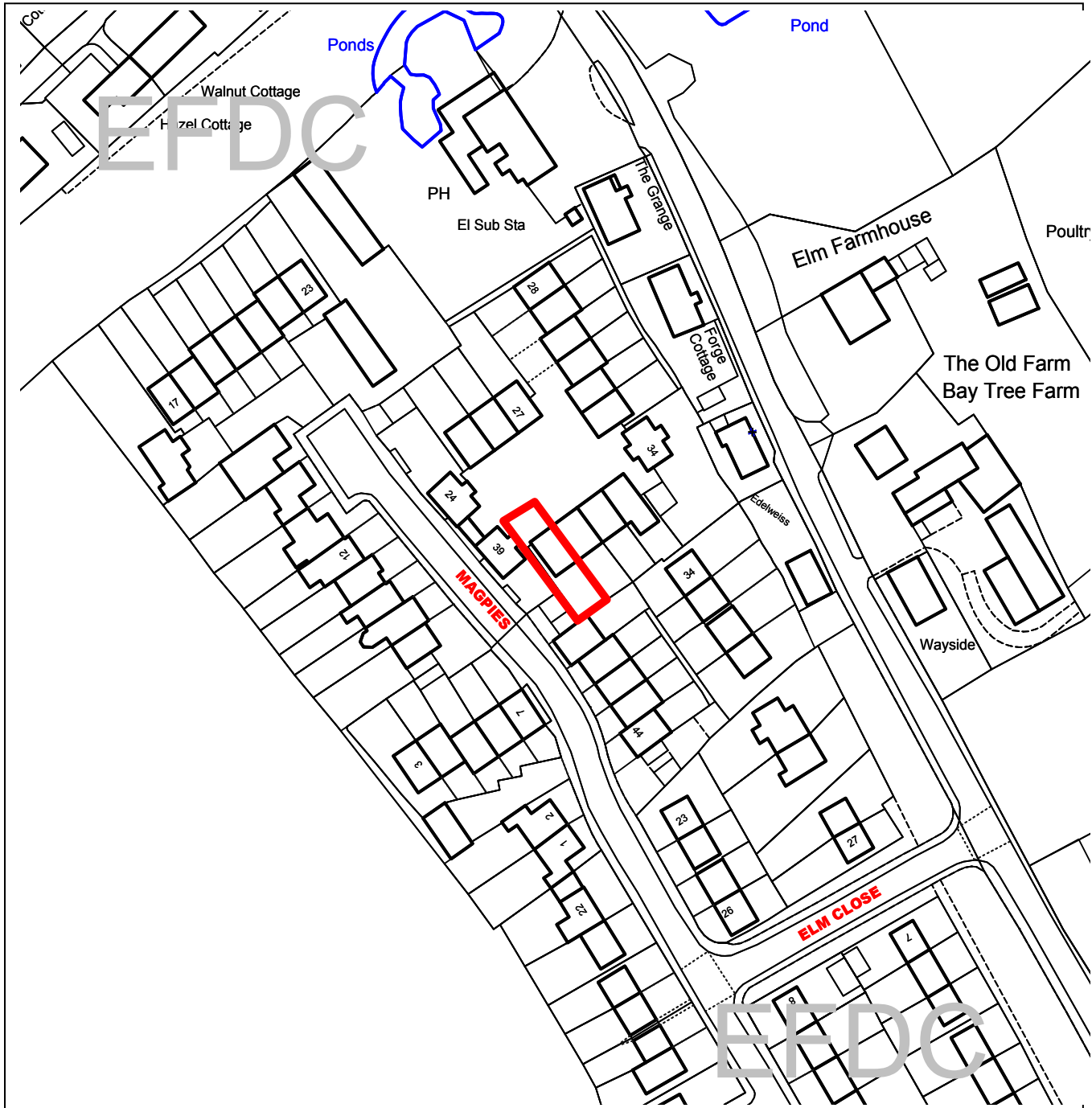
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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/0581/16
Site Name:	38 The Magpies, Epping Upland, Epping, CM16 6QG
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0581/16
<b>SITE ADDRESS:</b>	38 The Magpies Epping Upland Epping Essex CM16 6QG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mrs P Welch & Mrs A Barker
<b>DESCRIPTION OF PROPOSAL:</b>	Loft conversion with rear dormer extension.
<b>RECOMMENDED DECISION:</b>	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=583042](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583042)

**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.

*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: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The site is located within a built up residential area of the small village of Epping Green and accommodates a two storey end of terrace dwelling located within an enclosed courtyard with private garden space to the rear. There is one off street parking along with integral garage. The site and the surrounding area are not located within the green belt or a conservation area and are not within the setting of any listed buildings.

**Description of Proposal:**

Planning permission is sought for a loft conversion with a rear dormer extension

## **History:**

There is no relevant recorded planning history for the subject site.

## **Policies Applied:**

Local Plan policies relevant to this application are:

- CP2 – Protecting the rural and built environment
- DBE9 – Loss of Amenity
- DBE10 – Residential Extensions

Nation Planning Policy Framework

## **Summary of Representations:**

EPPING UPLAND PARISH COUNCIL – OBJECTION - Visual impact as entering the development which affects the overall view of the development; Out of keeping with its environment; Inappropriate in its setting; Overlooking of neighbouring properties including those in Elm Close; Concern that having a fourth bedroom would exacerbate existing parking issues; Aware that there are strict covenants on The Magpies development precluding alterations to the exterior of the properties; Concern regarding the setting of a precedent in this entity

NEIGHBOURS – 7 neighbours were consulted and 2 objections have been received.

27 The Magpies – OBJECTION - I would suggest that to maintain the street scene, as was deemed appropriate previously and is restricted by a clause in the deeds, any loft conversion to No 38 should not include a change of external appearance on the front elevation, by that I mean the inclusion of Velux windows; I am strongly against the type of loft conversion that maximises interior space whilst totally disregarding the carbuncle that is visible from the outside. As a long term resident I would urge you not to approve this out of character development that will blight the local environment.

40 The Magpies –OBJECTION - We live behind this address, with a rear dormer we feel we will be very over looked, they will virtually be able to see into our bedroom and conservatory. I have never had the need to use curtains but will be forced to buy curtains in the event of this extension. The court yard in which this property is located the houses all look the same and I believe that this will spoil the look of the courtyard.

## **Issues and Considerations:**

The main issues to be addressed are as follows:

- Character and Appearance
- Effect on Living Conditions

Background

Planning permission is required as permitted development rights were removed from the buildings within The Magpies otherwise the proposal could have been constructed lawfully without permission.

*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.

In design terms, the proposed dormer window is considered acceptable. Although it would be visible from the road, given that views are at an angle and the roof is set back, it would not cause excessive harm to the character and appearance of the surrounding area when viewed from within the street scene. In addition it is set off the eaves and below the existing ridgeline appearing as a subordinate addition within the roof slope. Due to this it would be in keeping with the character of the host dwelling. The bonnet dormers also help to break up the box dormer design, adding some visual interest.

Although this is the first along this terrace, the fear that it may lead to additional dormers being proposed should not be used as a reason to refuse. All applications are treated on their own merits.

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

### *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.

The proposal would not result in excessive harm to the amenities of adjoining property occupiers. It is noted that the dormer would have the potential to overlook into adjoining gardens however this is not an uncommon occurrence within built up residential areas and there would not be a greater material difference from that of existing situation anyway given the first floor bedroom windows to the rear of this property.

The angle of the windows of the proposed dormers to the bedroom windows of the objector at 40 The Magpies is considered too oblique for direct views into the bedroom and as said above there are views from the first floor rear windows into the conservatory and towards these windows already.

The properties along Elm Close are considered too far from the development to be materially affected.

In addition, it would not result in excessive loss of light or appear overbearing when viewed from adjoining 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 and neighbour objections*

The issues regarding character and appearance and impact on neighbours living conditions have been considered above as is the issue of setting a precedent.

In terms of exacerbating parking problems, an extension such as this is not considered to intensify the use of the dwelling to such a degree where parking may be materially affected. In addition, there are no on-street parking restrictions in the vicinity and there is parking off street.

Restrictive covenants are not a material planning consideration.

**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](mailto:contactplanning@eppingforestdc.gov.uk)***

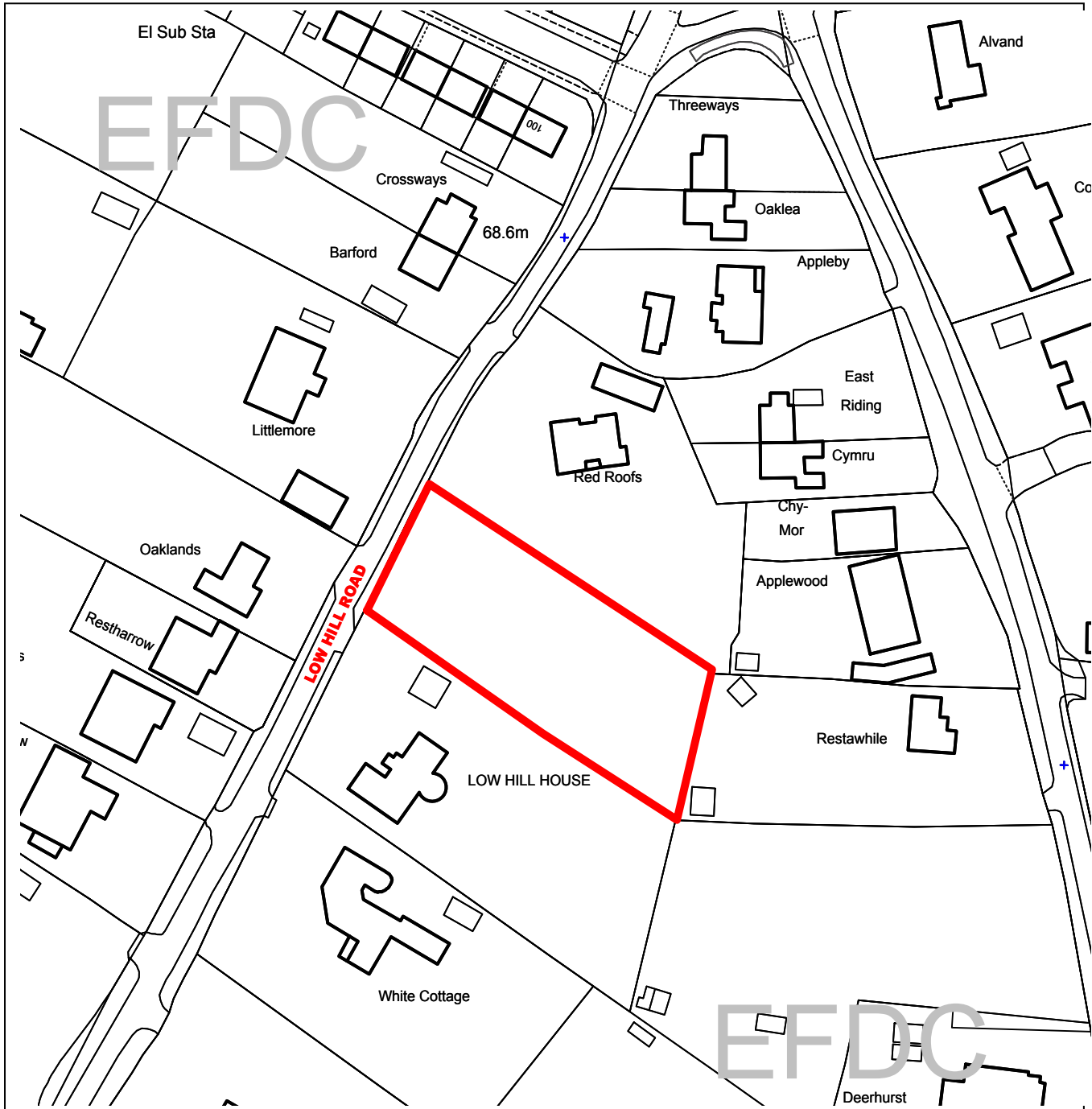


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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/0681/16
Site Name:	Cressage, Low Hill Road, Roydon, CM19 5JN
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0681/16
<b>SITE ADDRESS:</b>	Cressage Low Hill Road Roydon Harlow Essex CM19 5JN
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Mr Kurt Obeney
<b>DESCRIPTION OF PROPOSAL:</b>	Part residential use of the Coach House annexed to Cressage (The Main)
<b>RECOMMENDED DECISION:</b>	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=583268](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583268)

**CONDITIONS**

- 1 The building hereby approved shall only be used for ancillary purposes in connection with the dwellinghouse known as Cressage, Low Hill Road and shall not be occupied as a unit separately from these dwellings.

*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: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The subject site is a two storey detached dwelling currently being erected on the eastern side of Low Hill Road. The site is located within the Metropolitan Green Belt and is heavily vegetated with several trees, none of which are covered by Tree Preservation Orders. Planning consent has been granted for the erection of a two storey garage/games room building at the northern side of the site which is currently under construction.

**Description of Proposal:**

Revised application to allow for ancillary residential use within the approved outbuilding. The garage structure is not being altered in size or design and would continue to have a two bay garage on the ground floor. The proposal would allow for a single bedroom and bathroom on the

first floor to be used as ancillary residential accommodation in association with the new house under construction.

**Relevant History:**

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

NMA/EPF/0680/16 - Non material amendment to EPF/0255/13 (Erection of garage -revised application) – approved 15/04/16

**Policies Applied:**

GB2A – Development in the Green Belt

DBE2 – Effect in neighbouring properties

DBE9 – Loss of amenity

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.

**Consultation Carried Out and Summary of Representations Received:**

9 neighbouring residents were consulted. No Site Notice was required.

PARISH COUNCIL – Object. Overdevelopment in Metropolitan Green Belt. Query whether the coach house was shown on the original application and what, at that point, it was going to be used for.

**Main Issues and Considerations:**

This proposal is an amendment to EPF/0255/13 and would not alter the size, shape or design of the previously approved building, which is currently under construction. The original building proposed a double garage at ground floor with storage and a small shower room. The first floor was previously granted consent as a storage/games room area. The previous application was subject to the following condition:

*The building hereby approved shall only be used for ancillary purposes in connection with the dwellinghouse known as Red Roofs, Low Hill Road (or its replacement), or that erected under EPF/1228/09, and shall not be occupied as a unit separately from these dwellings.*

The proposed alteration would introduce a single bedroom and a bathroom in the first floor with the remainder of the space being utilised as a living/games room and a small storage area. There would be no kitchen installed in the building and nothing to suggest that this could be used as anything other than ancillary residential accommodation in association with the main house.

Given the wording of the above condition, once completed the previously approved outbuilding could be utilised as ancillary residential accommodation since this would be an ‘ancillary purpose in connection with the main dwellinghouse’. The only reason planning consent is being sought is

because the building is not yet fully constructed and therefore planning consent is required for this 'material alteration' to the approved plans.

Nonetheless the proposed alterations would not create a separate dwelling and would continue to be ancillary to the main dwelling on the site. The building has not increased in size or been altered in design and the two ground floor parking bays would be retained. As such the proposal would not result in an 'overdevelopment' of the site and it would not have any additional impact over the previously approved scheme.

**Conclusion:**

The introduction of ancillary accommodation into the approved outbuilding, which is currently under construction, would be no more harmful than that previously approved in 2013. Furthermore, once completed the outbuilding could be used as ancillary residential accommodation without the need for planning consent. As such this proposal complies with the guidance contained within the National Planning Policy Framework and 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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***