

## AREA PLANS SUB-COMMITTEE 'WEST'

20 June 2016

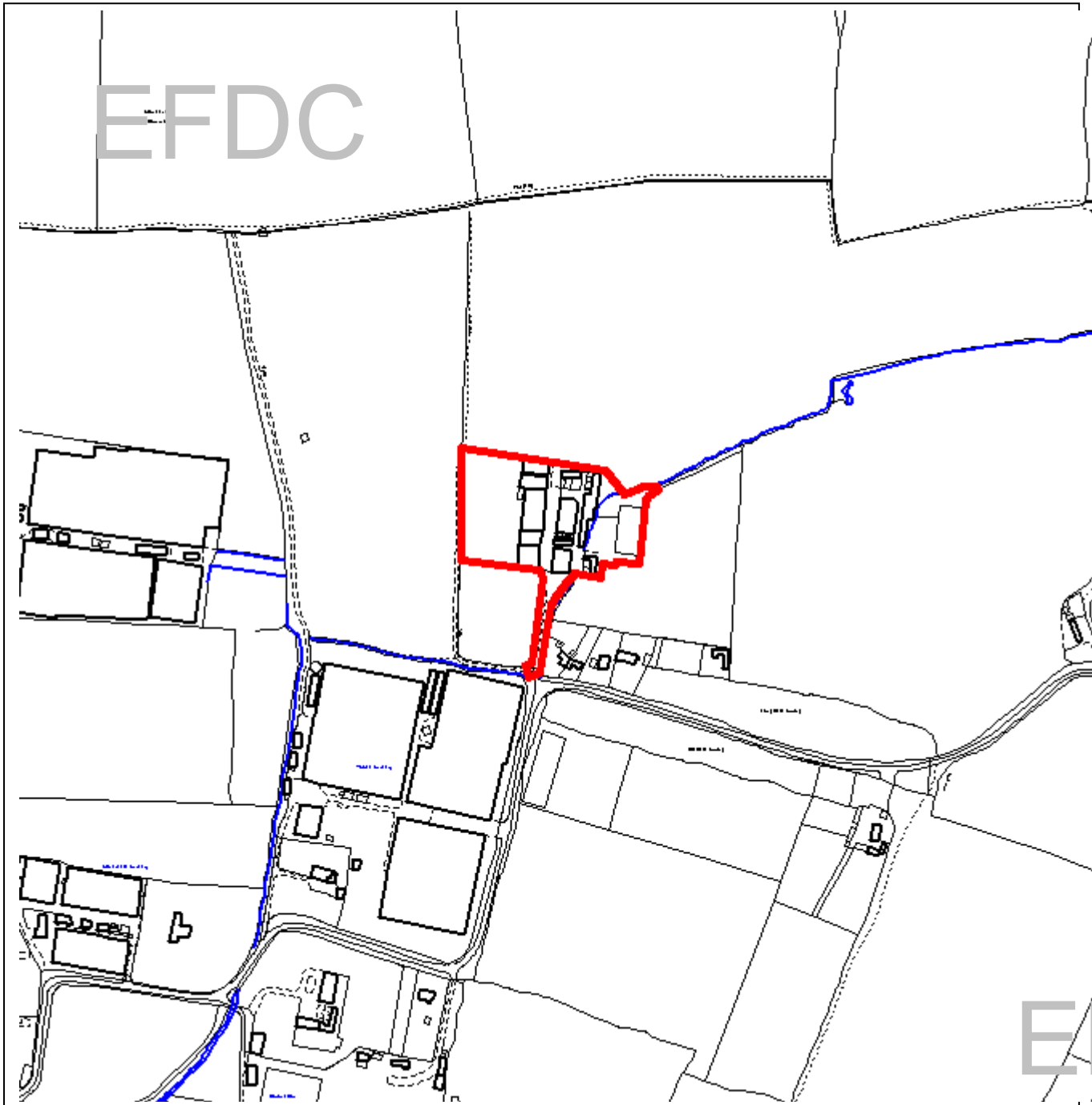
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/0259/16
Site Name:	Stoneshot Farm, Hoe Lane, Nazeing, EN9 2RW
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0259/16
<b>SITE ADDRESS:</b>	Stoneshot Farm Hoe Lane Nazeing Essex EN9 2RW
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Haycross Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing industrial buildings, vacant stabling and 5 bedroom residential apartment and construction of 8 no. detached family houses and 10 no. 'affordable houses' with associated off-street parking, private gardens and landscaping (Revised application to EPF/0207/14)
<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=582297](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582297)

**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: 10707-S001, 10707-P500, 10707-P501, 10707-P502, 10707-P503, 10707-P504, 10707-P505, 10707-P506
- 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 until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 Prior to the occupation of the dwellings all recommendations in the Ecology Report (November 2013) by Applied Ecology Ltd shall be adhered to.
- 8 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 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 The parking area 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 (staff) and visitors vehicles.
- 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 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.

- 12 No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  1. A site investigation scheme, based on the Phase 1 Desktop Study Report (Herts & Essex Site Investigations, September 2013) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
  
- 13 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
  
- 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.
- 20 No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive rights of way to a route to be agreed with the Local Planning Authority has been confirmed and the new routes have been constructed to the satisfaction of the Local Planning Authority.
- 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, approved by Essex County Council.
- 22 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 23 There shall be no discharge of surface water onto the Highway.

**And the completion by the 26<sup>th</sup> June 2016 (unless otherwise agreed in writing) of a legal agreement under Section 106 of the Town and Country Planning Act to secure 55% affordable housing. In the event that the developer/applicant fails to complete a Section 106 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: Scheme of Delegation, Appendix 3) and since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

#### **Description of Site:**

Stoneshot Farm is accessed off Hoe Lane, along a Willow lined drive, bounded by a drainage ditch. The Site is a former rabbit/poultry farm complex that has diversified into stables and livery facility and a number of B1 light industrial uses laid out in a linear fashion near to the site entrance. The wider site contains open paddocks, many of which are used for grazing in association with the livery use.

The site is located to the rear of Virosa Nursery and a small ribbon of detached properties adjacent to the access. The site is otherwise surrounded by agricultural fields and is in the designated

Green Belt. Individual Preservation Orders have been placed upon trees that line the access into the site and a Public Right of Way passes through the application site, following the drainage ditch, which runs along the access then across the site in a north-east direction.

Hoe Lane begins in the settlement of Nazeing and extends into the countryside, quickly developing the character of a winding country lane without footpath, serving various agricultural and nursery sites, some of which have changed use over a number of years. This character is interspersed with small clusters of housing, often set back from the highway, in a linear ribbon form following the highway.

### **Description of Proposal:**

The proposed development seeks to clear the existing buildings and uses on site and erect 8x 4-bedroom detached open market dwellings and 10x 3-bedroom terraced affordable houses. The originally submitted application proposed 8x 'starter homes', however due to discussion and negotiations with the Council's Housing Department the proposal has been amended to this current scheme.

The proposed open market dwellings would each be served by attached double garages and driveways. The affordable houses would be served by 20 parking spaces. The dwellings would all benefit from private amenity areas and a new internal roadway would be laid to serve the entire estate. Additional landscaping is also proposed.

### **Relevant History:**

EPF/0207/14 - Demolition of existing light industrial buildings and construction of 25 no. 2-bed, 6 no. 3-bed and 5 no. 4-bed houses (36 dwellings in total), with associated off street parking, private gardens, communal amenity space, children's play area and landscaping – refused 26/02/15

### **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
CP6 – Achieving Sustainable Urban Development Patterns  
CP7 – Urban Form and Quality  
CP8 – Sustainable Economic Development  
CP9 – Sustainable Transport  
GB2A – General Restraint  
GB7A – Conspicuous Development  
RP4 – Contaminated Land  
U2B – Flood Risk Assessment Zones  
U3B – Sustainable Drainage Systems  
DBE1 – New Buildings  
DBE2 – Impact of Buildings on Neighbouring Property  
DBE4 – Design and Location of New Buildings within Green Belt  
DBE5 – Design and Layout of New Development  
DBE6 – Car Parking in New Development  
DBE7 – Public Open Space  
DBE8 – Private Amenity space  
DBE9 – Amenity  
H3A – Housing Density  
H4A – Dwelling Mix



H5A – Affordable Housing  
H6A – Site Thresholds for Affordable Housing  
H7A – Levels of Affordable Housing  
H8A – Availability of Affordable Housing in Perpetuity  
H9A – Lifetime Homes  
NC4 – Protection of Established Habitat  
LL1 – Rural Landscape  
LL2 – Resist Inappropriate Development  
LL3 – Edge of Settlement  
LL10 – Retention of Trees  
LL11 – Landscaping Schemes  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
ST7– Criteria for Assessing Proposals (new development)  
I1A – Planning Obligations

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:**

106 neighbouring consultations have been sent and a Site Notice was erected on the 18<sup>th</sup> March 2016.

PARISH COUNCIL – The Council **supports** the application for residential development on this site but would prefer 10 family houses without starter homes, which it considers are not sustainable.

WILLOW COTTAGE, HOE LANE – **Object** as this is an over development of the site, is in an unsustainable location, is harmful to the Green Belt, fails to provide affordable housing, is out of character with the locality, would make inadequate provision for landscape retention and would adversely impact the surrounding landscape character.

LITTLE END, HOE LANE – **Object** as this would be harmful to the character of the area, there is insufficient highway infrastructure, it is harmful to the Green Belt, is in an unsustainable rural location, it would result in the loss of employment, it is an overdevelopment of the site and as this would result in an increase in vehicle movements.

PETITION SIGNED BY 42 PEOPLE FROM HOE LANE, PALMERS GROVE, SUNNYSIDE & WHEELERS CLOSE – **Support** the application.

BLANKET LETTER SIGNED BY 6 PEOPLE FROM HOE LANE – **Support** the application as it would reduce HGV and commercial vehicle movements, remove inappropriate industrial buildings and enhance biodiversity and landscaping.

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

The previous application for 36 new dwellings on this site was refused consent for the following reasons:

1. *The site is considered to be unsustainable in respect of proximity to shops, services and facilities. The new dwelling houses are not readily accessible by sustainable means of*

*transport or provide safe and convenient access to pedestrian and cyclists. Future residents of the dwellings would therefore be heavily dependent on the use of private cars which is contrary to local policies CP1, CP3, ST1, ST2 and ST3 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*

- 2. The proposal constitutes inappropriate development in the Metropolitan Green Belt for which planning permission should not be granted, save in very special circumstances. In addition to the harm by reason of its inappropriateness, the proposed development would also be detrimental to the open character of the Green Belt in this location and would cause harm to the visual amenity of the area. The applicant has failed to demonstrate that other considerations clearly outweigh that identified harm to the Green Belt and, as such, the proposed development is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies GB2A and GB7A of the adopted Local Plan and Alterations.*
- 3. The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The proposed dwelling houses are materially greater in size and scale than that of the buildings that they are proposed to replace particularly in relation to their bulk, massing and height and the developed area extends on to currently undeveloped open land. The proposal would therefore result in undue intensification of built development at the site that would unduly diminish the rural character and the openness of the Green Belt and thus not accord with the aims and objectives of including land within the Green Belt. No adequate very special circumstances have been demonstrated by the applicant to outweigh the significant harm of the development to the Green Belt. The proposal is contrary to policies CP2, GB2A and GB7A of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 4. The proposal fails to provide on-site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to policies H5A, H6A, and H7A of the Adopted Local Plan and Alterations and Para 50 of the NPPF.*
- 5. The proposed development is of a design, scale, layout and form that is out of character with the local area and detracts from local distinctiveness contrary to policies CP2, CP3, DBE1, DBE4 and DBE5 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 6. The proposed development has failed to adequately demonstrate sufficient retention of landscaping particularly protected trees along the site access due to conflicting supporting documentation supplied. The development is therefore contrary to policy LL10 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 7. The proposed development would result in significant adverse impact when viewed from the surrounding countryside to the detriment of the character of the rural landscape and contrary to the aims and objectives of policy LL2 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 8. The applicant has failed to make adequate provision for the retention of the existing public right of way through the site to the detriment of local amenities, contrary to CP2, RST2 and RST3 of the Adopted Local Plans and Alterations and the National Planning Policy Framework.*

*Principle of development in the Green Belt and Sustainability:*

The application site is a lawful stables and commercial site that has been in use 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, including:

- *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 equestrian and commercial purposes the application site would constitute previously developed (brownfield) land. However, as stated above, in order for this 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 currently contains a number of commercial buildings that have a total footprint of 3483m<sup>2</sup> and range in heights from 2.5m to 8.6m. The majority of the application site not covered by buildings is laid to hardstanding (west of the drainage ditch) or by a large manege (east of the drainage ditch).

The footprint of the proposed new dwellings would total some 1942m<sup>2</sup>, which would be an approximate 44% reduction in the level of building cover on the existing site. Whilst the proposed new dwellings would all be two storeys in height and would in part replace low single storey structures the volume of the new development would be no greater than the overall volume of buildings currently on site. This revised application largely restricts redevelopment to the areas of existing buildings and hardstanding and is no longer considered to 'encroach onto undeveloped open land'.

Further to the above physical impact, 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 likely be reduced as a result of the proposed redevelopment, particularly the reduction of commercial and HGV vehicle movements. As such this reduced scheme would now constitute the above exception to inappropriate development within the Green Belt and would therefore be considered acceptable in Green Belt terms.

Notwithstanding the above it is a requirement of paragraph 14 of the NPPF and Local Plan policies CP1 and CP2 that proposed development is sustainable. By definition this means that a

development must meet all three aspects of sustainable development, these being environmental, economic and social.

The proposals would provide 18 dwellings, 10 of which would be affordable houses, which would assist in the Council achieving its five-year land supply and would provide greater choice of accommodation to residents of the area. Furthermore there would be a benefit arising in the short term from the construction of the development and future occupiers would support the local economy in the longer term, which would meet the economic dimension. Lastly the new dwellings would be constructed in accordance to the current Building Regulations, which requires sustainable construction and energy efficiency, and would allow for additional planting on the site. These factors of the development accord with the principles of sustainable development.

The loss of existing employment uses and associated jobs on site would not be economically sustainable however the NPPF no longer requires that consideration be given as a preference to uses resulting in employment. Of more concern is the unsustainable location of the development. As determined in the previous refusal the provision of housing on this site would constitute an unsustainable development since the site is well separated from services and facilities, does not benefit from links to public transport, and there are no pavements along most of Hoe Lane.

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”*.

The Council is currently in the process of preparing a new Local Plan, where sites will be identified for residential development. In order to meet this requirement the Council has received figures from the revised SHMA which covers the Housing Market Area of Epping Forest, East Herts, Harlow and Uttlesford and has been accepted into the Local Plan evidence base as of October 2015. The SHMA suggests a total figure of 11,300 new homes as the Objectively Assessed Housing Need (OAHN) for Epping Forest District Council over the Local Plan period 2011-2033.

The SHMA gives a figure for the OAHN of the District and for the rest of the SHMA area, but the Local Plan housing requirement will not necessarily be the same as the OAHN. This is because the Council has to do further work considering factors such as capacity in terms of strategic constraints, other Evidence Base information, the Council's policy aspirations and also how to apportion the need over the Housing Market Area, i.e. between Epping Forest, East Herts, Harlow and Uttlesford. It will be the decision of members of the four authorities to discuss this apportionment through the Duty to Co-operate.

Consequently whilst the Council does have a supply of housing sites it cannot be assessed whether this is sufficient to amount to a five year supply as required by the NPPF. This is due to the fact that the Council does not yet have an adopted housing requirement and as a result it cannot be calculated. Nonetheless the Council concedes that it cannot *demonstrate* a five year supply of housing sites as required by the NPPF. It is accepted that the lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. It is also recognised that recent appeal decisions have made it clear that policies for the supply of housing should not be considered 'up-to-date' if the LPA cannot demonstrate a five-year supply of deliverable housing sites. Therefore the unsustainable location of the development in itself would not be sufficient to refuse consent of the scheme.

*Housing need and affordable housing:*

In respect of affordable housing, the application has been amended following discussions with the Councils Housing Department and it is now proposed that there would be 10x 3-bed affordable houses on site. In terms of the number of dwellings this would result in a 55% provision of affordable housing, which is higher than the 50% required by policy H7A. As such the proposal now complies with the relevant housing policies.

### Design:

With regards to the open market housing the proposal seeks to provide two separate designs of houses with mirrored examples to give the appearance of four different house types. These would all be two storeys with large hipped roofs and front gable projections. One of the designs would have a more horizontal emphasis with the other design having the ridge running front to back. Both house types would have attached double garages with a habitable roof area. The dwellings would have a traditional appearance that would be considered appropriate to this semi-rural edge of settlement location.

The open market houses would all be detached and follow the general principles of Boulevard Planning, as recommended by the Essex Design Guide for densities of up to 13 houses per hectare, as the houses vary in design and, with the exception of Unit 1, are set back a minimum of 7.5m from the road with large trees to be located within the front gardens.

The proposed affordable housing would consist of two terraces of dwelling. One terrace would be a continuous run of 6 houses with a hip ended pitched roof and a single inset gable roof feature to the front and two inset gable roof features to the rear. The other terrace would consist of a staggered row of 4 houses with gable ended pitched roofs. These would be more urban in design and layout and to a higher density than the open market housing, however are not considered to be detrimental to the overall character and appearance of the area.

The garden provision is acceptable for future occupiers and complies with the guidance contained within the Essex Design Guide and policy DBE8. The open market houses would have gross internal floor areas (GIA) in excess of 280m<sup>2</sup> and therefore are clearly larger than the minimum GIA of 124m<sup>2</sup> as laid out in the Nationally Described Space Standards. The affordable houses would be significantly smaller than the open market dwellings but would nonetheless have GIA of 93.5m<sup>2</sup>, which complies with the minimum 93m<sup>2</sup> as prescribed by the Nationally Described Space Standards.

Whilst a large portion of the wider site would be left undeveloped this no longer forms part of the application site and would be retained by the applicant. Therefore this area does not form part of this consideration.

### Neighbouring Amenity:

The proposed new dwellings would be separated by a significant distance from neighbouring properties. This degree of separation results in sufficient distance to offset policy requirements in respect of overlooking, overshadowing or loss of privacy.

Whilst direct impacts are mitigated to neighbouring properties by the degree of separation, the proposals would undeniably alter the view from the existing properties. However planning policy offers no protection of a view and therefore this is not a material consideration in this application.

The previous application for 36 dwellings was not refused on the grounds of harm to neighbour amenities and therefore it is considered that this reduced scheme would similarly not cause any excessive detrimental impact on the amenities of surrounding residents.

### Landscaping:

The applicant has provided tree information relating to the application that demonstrates that the trees subject to a preservation order can be retained. Nonetheless the Council's landscaping Officer still raises concerns regarding the impact of the development on the rural landscape. Although the previous application was refused consent since it was considered that *"the proposed development would result in significant adverse impact when viewed from the surrounding countryside to the detriment of the character of the rural landscape"* this latest application is a much reduced scheme with a lower density and more appropriate layout for this semi-rural site. The existing site largely consists of commercial buildings and areas of hardstanding with little landscaping (with the exception of the TPO trees along the access road). The existing buildings, whilst predominantly low and single storey in nature, are of no architectural merit and do not enhance the overall appearance of this area.

The proposed new development, whilst residential in nature and higher than many of the existing buildings, would be a lower density than previously proposed and would incorporate a significant level of additional tree planting, including planting around the site boundaries. The provision of this housing scheme is not considered to have any significantly greater impact on the appearance of the area than the existing commercial site and the provision of additional landscaping would help to soften and screen the proposal.

Therefore, subject to conditions, the development is not considered to be harmful to the existing landscaping on site or the overall rural character of the area.

### Ecology:

The application is accompanied by an Ecology Assessment. Subject to the recommendations in the Ecology Report (November 2013) by Applied Ecology there are no objections in respect of ecology.

### Land Drainage:

The Council's land drainage team have no objection to the proposals subject to conditions requiring a Flood Risk Assessment for Surface Water and a condition for details of Foul water disposal. Conditions regarding contamination, foul water drainage, surface water infiltration and surface water drainage systems are also required, as previously suggested by the Environment Agency.

### Highways (access and parking):

The Highway Authority has raised no objection to the proposed development subject to the diversion of the Public Right of Way and various other conditions. Whilst local concerns regarding the access are noted Essex County Council have concluded that the proposal will *"reduce vehicle movements to the site especially with regard to HGV movements along Hoe Lane"*.

The existing right of way that runs through the site would have to be diverted in part however the layout of this proposed scheme would easily achieve this. Therefore, subject to this Public Right of Way being altered and thereafter remaining clear and open to the public it is no longer considered that the proposal would result in the loss of the public right of way.

There is more than sufficient off-street parking provided to comply with the ECC Vehicle Parking Standards.

### Other Matters:

### *Contaminated Land:*

The application has been submitted with a Site Investigations' Phase 1 report dated September 2013 which has identified the potential for contaminants to be present from farming, stabling and industrial uses and has recommended that further investigation is required. The Phase 1 report will require revising in order that the Site Walkover can be updated and revised development details included. As such full contamination conditions are required.

### *Education:*

In the previous application Essex County Council requested a £262,864 education contribution. At the time of writing the report no response was received with regards to this revised scheme. It was expected that a similar, albeit lower, contribution would have been requested.

Regulation 123(3) of the Community Infrastructure Levy Regulations (2010) deals with the limitations on the use of planning obligations in the determination of planning applications and appeals and at the end of the transitional period on 6 April 2015 the requirements of the Regulation came into effect. Following the end of the transitional period a planning obligation may not constitute a reason for granting planning permission where it provides for the funding or provision of an infrastructure project or type of infrastructure, and five or more separate planning obligations have previously been entered into on or after 6 April 2010 that already provide for the funding or provision of that project or type of infrastructure. It may be due to this that Essex County Council are no longer requesting a financial contribution. However if any response is received before the Committee date then these will be verbally reported to Members.

### **Conclusion:**

In light of the above it is considered that this revised development has overcome the majority of the previous reasons for refusal. The only remaining concern is with regards to the unsustainable location of the site. However since the Council cannot currently demonstrate a five-year supply of deliverable housing sites the policies for the supply of housing should not be considered 'up-to-date'. The recent appeal decision at North Weald Golf Club made it clear that the lack of a demonstrable five-year supply of deliverable housing sites was sufficient enough to outweigh the harm from the unsustainable location of a development. As such it is no longer considered that this reason alone would be sufficient enough to refuse consent for this development.

With respect to overcoming the previous reasons for refusal, these are summarised as follows:

- 1. The site is considered to be unsustainable in respect of proximity to shops, services and facilities. The new dwelling houses are not readily accessible by sustainable means of transport or provide safe and convenient access to pedestrian and cyclists. Future residents of the dwellings would therefore be heavily dependent on the use of private cars which is contrary to local policies CP1, CP3, ST1, ST2 and ST3 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*

As stated above, due to the lack of a five-year supply of delivery housing sites this reason in itself would not be sufficient to refuse consent of the scheme.

- 2. The proposal constitutes inappropriate development in the Metropolitan Green Belt for which planning permission should not be granted, save in very special circumstances. In addition to the harm by reason of its inappropriateness, the proposed development would also be detrimental to the open character of the Green Belt in this location and would cause harm to the visual amenity of the area. The applicant has failed to demonstrate that other considerations clearly outweigh that identified harm to the Green Belt and, as such, the proposed development is therefore contrary to Government guidance contained within*

*the National Planning Policy Framework and saved policies GB2A and GB7A of the adopted Local Plan and Alterations.*

The proposed development has been reduced in scale and would have a significantly smaller floor area and no greater volume than the existing commercial buildings on the site. It is not considered that the design and impact of the houses would have any significantly greater impact on openness and character than the existing buildings on site.

- 3. The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The proposed dwelling houses are materially greater in size and scale than that of the buildings that they are proposed to replace particularly in relation to their bulk, massing and height and the developed area extends on to currently undeveloped open land. The proposal would therefore result in undue intensification of built development at the site that would unduly diminish the rural character and the openness of the Green Belt and thus not accord with the aims and objectives of including land within the Green Belt. No adequate very special circumstances have been demonstrated by the applicant to outweigh the significant harm of the development to the Green Belt. The proposal is contrary to policies CP2, GB2A and GB7A of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*

The proposed development has been reduced in scale and would have a significantly smaller floor area and no greater volume than the existing commercial buildings on the site. As such the proposal now constitutes an exception to inappropriate development in the Green Belt.

- 4. The proposal fails to provide on-site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to policies H5A, H6A, and H7A of the Adopted Local Plan and Alterations and Para 50 of the NPPF.*

The development proposes 10 of the 18 dwellings to be affordable housing in line with the Councils requirements.

- 5. The proposed development is of a design, scale, layout and form that is out of character with the local area and detracts from local distinctiveness contrary to policies CP2, CP3, DBE1, DBE4 and DBE5 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*

The proposed development has been reduced in number and density and is laid out more in line with the Essex Design Guide recommendations. It is therefore not considered that the design and impact of the houses would be detrimental to the character and appearance of the area.

- 6. The proposed development has failed to adequately demonstrate sufficient retention of landscaping particularly protected trees along the site access due to conflicting supporting documentation supplied. The development is therefore contrary to policy LL10 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*

The applicant has provided tree information that demonstrates that the trees subject to a preservation order can be retained.

- 7. The proposed development would result in significant adverse impact when viewed from the surrounding countryside to the detriment of the character of the rural landscape and contrary to the aims and objectives of policy LL2 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*



The proposed development would be a lower density than previously proposed and would incorporate a significant level of additional tree planting, including planting around the site boundaries. The provision of additional landscaping would help to soften and screen the proposal and as such this scheme is not considered to have any significantly greater impact on the appearance of the area than the existing commercial site.

8. *The applicant has failed to make adequate provision for the retention of the existing public right of way through the site to the detriment of local amenities, contrary to CP2, RST2 and RST3 of the Adopted Local Plans and Alterations and the National Planning Policy Framework.*

The development has been laid out to enable the existing right of way to be diverted in part.

Due to the above it is considered that the revised development has overcome the majority of the previous reasons for refusal and as such the balance of issues is now such that the proposal is considered to comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies. Therefore the application is recommended for approval, subject to a S106 legal agreement and relevant 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:***

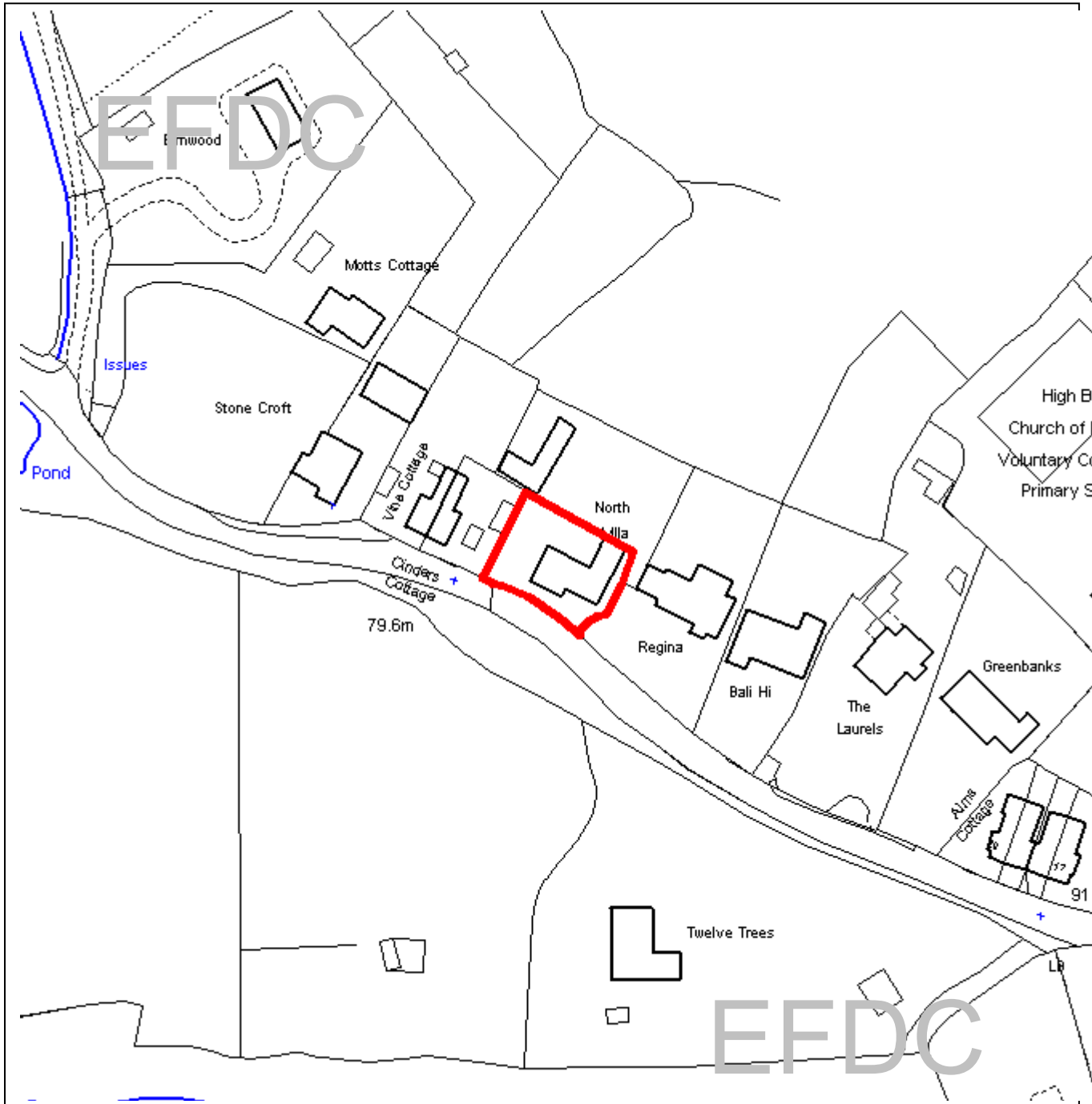
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/0670/16
Site Name:	North Villa, Mott Street, Waltham Abbey, IG10 4AP
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0670/16
<b>SITE ADDRESS:</b>	North Villa Mott Street Waltham Abbey Essex IG10 4AP
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr John Lyons
<b>DESCRIPTION OF PROPOSAL:</b>	The conversion of one existing house into two houses.
<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=583258](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583258)

**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: 281-PL: 11, 12 281-EX10 and the submitted block plan
- 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 development generally permitted by virtue of Classes A and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 There shall be no discharge of surface water onto the Highway.
- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 6 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.

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

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

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

- 8 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it is 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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

### **Description of site**

The application site is located on Mott Street, which is located within the settlement of High Beach. The existing building is a two storey detached dwelling situated within a relatively short and wide plot. The neighbours are similar large two storey dwellings, the majority of which have rather large curtilages. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of proposal**

The proposed development is for an extension to the existing dwelling and the sub division of the existing building to facilitate an additional dwelling.

## **Relevant history**

Pre application submitted for the extension to the existing dwelling and erection of new building to form three separate dwellings.

WHX/0109/70 - EXTN TO DWG – Approved

EPF/0249/84 - Single storey workshop/shed rear of garage serving. - Approved

EPF/3230/15 - conversion of an existing dwelling into two separate dwellings and the erection of a new building for an additional dwelling. – Refused

EPF/0483/16 – Conversion of existing dwelling into two separate dwellings and the erection of a new dwelling – Refused due to adverse impact on Green Belt and adverse impact of parking to front of property.

## **Policies Applied**

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

CP7 – Quality of development

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design of Residential Extensions

DBE9 – Impact on amenity

H1A – Housing Provision

H2A – Previously Developed Land

DBE6 – Car parking in new developments

ST1 – Location of development

ST2 – Accessibility of development

ST4 – Road Safety

ST6 – Vehicle Parking standards

LL11 – Landscaping

U3B – Sustainable drainage

DBE8 – Private amenity Space

DBE1 – Design of new buildings

RP4 – Contaminated land

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 the relevant policies in existing plans according to the 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**

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

LANTERNS – OBJECTION – The development will appear completely out of character with the street scene. Mott Street is also relatively busy and this development would cause significant more traffic.

STONECROFT - OBJECTION – The application is an overdevelopment of the site and there is insufficient parking. The loss of parking spaces would cause significant harm to the already heavily parked Mott Street.

CINDERS COTTAGE – OBJECTION – The new development will be significantly higher than my property and as a result will cause significant harm to our light and privacy. The development will cause an excessive demand for parking and will cause significant harm to the character and appearance of the area. There will be significant harm to users of the public highway as there is no pavement on this part of Mott Street.

VINE COTTAGE – OBJECTION – The development would set an undesirable precedent and cause significant harm to the openness of the Green Belt. The offer of parking is not sufficient and would cause significant congestion and demand for on street parking.

REGINA – OBJECTION – The new dwellings would cause significant overlooking of our property. There is insufficient parking to allow for so many dwellings in this location and would cause a danger. The new dwellings will appear harmful to the character of the street scene.

TWELVE TREES – OBJECTION – There will be an overdependence on the use of cars and there is insufficient space for parking at the front of this property.

MOTTS COTTAGE – OBJECTION – Having an increase to 4 cars will make it even more dangerous for pedestrians on what is a very narrow street with no pavements. Children as young as 4 have to walk to and from school 8 houses away and already it is hazardous. This is green belt and there are no special circumstances for converting 1 house into 2

WALTHAM ABBEY TOWN COUNCIL – NO OBJECTION

### **Issues and considerations**

The main issues to consider are the potential impacts on the openness of the Green Belt, the living conditions of the neighbours, the character and appearance of the locality, the existing parking and highway use, sustainability issues, land drainage, trees and landscaping and land contamination, and whether it overcomes the previous reasons for refusal.

#### **Green Belt**

The scheme has changed from the previous refusal by the removal of the new house and is now just for the conversion of the existing dwelling into 2 separate dwellings, with a two storey extension on the east flank. . The National Planning Policy Framework (NPPF, CLG, 2012) states that unless the building of new dwellings in the Green Belt falls within certain exceptions it constitutes inappropriate development and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh the harm to the Green Belt.

Paragraphs 89 and 90 of the NPPF give these specific exceptions to inappropriate development one of which is the:

*'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'*

In order to facilitate the successful implementation of this policy the NPPF helpfully defines what constitutes previously developed land, which is:

*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, recreation 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.*

Having regard to this explanation of previously developed land it is plain that the dwelling itself could reasonably fall within this definition, which includes the single storey attached garage to its side elevation.

The new dwelling will be positioned in place of the single storey attached garage and is therefore within what is defined as previously developed land. However a proviso of this exception to inappropriate development is that the new development must not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

There will clearly be a substantial increase in the volume of the developed area of land which will clearly have a materially greater impact on the openness of the Green Belt than the existing situation. Consequently the proposal fails to fall within this exception as defined by the NPPF and is therefore inappropriate development in the Green Belt.

However, a further exception to inappropriate development is:

*The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*

Although the proposal seeks permission for a new dwelling, in essence it is akin to an extension of the existing building and therefore should be considered within the context of this exception. The original dwelling had a floor area of approximately 126sqm. Extensions added in 1970 and 1984 added a further 71sqm, which amounts to an increase of 56%. The proposal seeks the removal of the storage area to the rear and to build above the existing single storey garage, built in 1984. The result is that in terms of floor area, there is no difference to the current situation and the increase over the original floor area remains approximately 56% albeit at first floor level. The increased height of the extended area of the building, which will be overtly visible from public viewpoints will cause more harm to the openness of the Green Belt than the existing single storey extension, however in the context of this exception given by the NPPF openness is assessed on whether the extension is disproportionate to the original building. The result of this analysis is that the new dwelling falls within this exception to inappropriate development in the Green Belt and overcomes the previous reason for refusal.

#### Five year housing supply

The Council is currently in the process of preparing a new Local Plan, where sites will be identified for residential development. In order to meet this requirement the Council has recently received figures from the revised SHMA which covers the Housing Market Area of Epping Forest, East Herts, Harlow and Uttlesford and has been accepted into the Local Plan evidence base as of October 2015. The SHMA suggests a total figure of 11,300 new homes as the Objectively Assessed Housing Need (OAHN) for Epping Forest District Council over the Local Plan period 2011-2033.

The SHMA gives a figure for the OAHN of the District and for the rest of the SHMA area, but the Local Plan housing requirement will not necessarily be the same as the OAHN. This is because the Council has to do further work considering factors such as capacity in terms of strategic constraints, other Evidence Base information, the Council's policy aspirations and also how to apportion the need over the Housing Market Area, i.e. between Epping Forest, East Herts, Harlow

and Uttlesford. It will be the decision of members of the four authorities to discuss this apportionment through the Duty to Co-operate.

Consequently whilst the Council does have a supply of housing sites (through extant permissions) it cannot be assessed whether this is sufficient to amount to a five year supply as required by the NPPF. This is due to the fact that the Council does not yet have an adopted housing requirement and as a result it cannot be calculated. Therefore whilst the Council concedes that it cannot *demonstrate* a five year supply of housing sites as required by the NPPF, it does not accept that it does not have one which amounts to a five year supply.

Given that the NPPF requires a demonstrable five year supply of housing, paragraph 49 of the NPPF is engaged whereby Local plan policies which address the supply of new housing are considered to be out of date. As a result these policies are to be afforded less weight in the decision making process.

The lack of a five year supply of housing weighs in favour of granting planning permission and is attributed substantial weight in this application.

#### Living conditions of neighbours

The dwelling on plot one will be a significant distance from the shared boundary with Cinders Cottage and as such will not harm its living conditions.

The rear elevation of the dwelling on plot two will be level with the front elevation of Regina located adjacent and will leave a gap to the shared boundary of 1m. Furthermore this neighbour is set approximately 3m to this shared boundary. Whilst the dwelling will be overtly visible from ground and first floor windows on the front elevation of Regina, given the degree of separation between the two neighbours as well as the fact that Regina has a large, open and wide aspect there will be no harm to their living conditions.

The occupiers of Regina have raised a concern that the new dwelling will overlook their property. However the side elevation of the new dwelling on plot two will have a blank elevation and whilst there is a first floor bedroom window on the rear elevation, its orientation is such that it will not cause significant harm to this neighbour.

#### Character and appearance of locality

The new dwellings are conventionally designed, whose detailed finishes akin to the other development on Mott Street. Its size, bulk and scale are such that it would not appear overly prominent in the street scene or cause any harm to its character and appearance.

The new dwellings will have enough space for two parking spaces to the front of the site and there is potential for parked cars to somewhat dominate this front elevation. However it is relatively common for residents to utilise the front part of their sites for parking vehicles and it is not considered that this will cause any significant harm to the character or appearance of the street scene. The removal of the extra house from the previous application has overcome the second of the previous reasons for refusal as the extra parking is confined to one of the two new dwellings and does not have an excessive impact on the street scene.

#### Parking and Access

Concern has been raised by residents of Mott Street that further residential development in this area would cause significant harm to highway safety issues. Through discussions and a formal response from the Councils Highway advisor from Essex County Council the site would utilise an existing parking area and although would cause an increased number of vehicle movements to



and from this area of Mott Street it will not significantly increase the potential harm to the safety of road users.

The application offers enough space for two parking areas per residence which would be sufficient for this location and would not cause an excessive demand for on street parking. The applicant has submitted various photographs which show that it would be possible for parking to be provided at the front of the site.

### Sustainability

The NPPF states that there is a general presumption in favour of sustainable development, however it does not explicitly define what constitutes sustainable development. However there is a general inclination to target new development around existing transport hubs and urban areas to minimise private vehicle use, promote public transport and reduce the potential impacts there will be on the environment and to create socially and economically sustainable communities.

The development in question is not located within close proximity to existing shops, services, hospitals or any public transport. As a result it is clearly in an unsustainable location and would be heavily reliant on the use of private motor vehicles which is contrary to the guidance contained within the NPPF.

However a development of this scale, (a net increase of two dwellings) would not significantly impact on the existing sustainability issues and would therefore not cause an excessive amount of harm in terms of sustainability. On balance therefore, the Council considers that whilst the development is unsustainable, any harm caused will not be significant.

### Land Drainage

The site does not lie within an Epping Forest District Council flood risk assessment zone and therefore a Flood Risk Assessment is not required. The applicant is proposing to dispose of surface water by main sewer. However, Council records do not indicate a surface water sewer at this location. Therefore, further details are required, which could be secured through planning conditions.

### Trees and landscaping

There are no significant trees on the site and therefore the tree and landscape team have raised no objection.

### Land Contamination

Domestic dwellings with gardens are classified as a particularly sensitive use but there is no evidence of any potentially significant contaminating activities having taking place historically on the site (records indicate that North Villa was already present by the mid nineteenth Century and has remained in domestic use since this time)

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

## **Conclusion**

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

***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 3



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Application Number:	EPF/0844/16
Site Name:	20 Barn Hill Roydon, Harlow, CM19 5LB
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0844/16
<b>SITE ADDRESS:</b>	20 Barn Hill Roydon Harlow Essex CM19 5LB
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr Paul Swainson
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a side and rear extension, loft conversion involving re-pitching of the roof, three rear dormers and three front dormers.
<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=583636](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583636)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A, B or D of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council 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 a detached bungalow located on the eastern side of Barn Hill, which is part of a small built up enclave within the Metropolitan Green Belt.

### **Description of Proposal:**

Revised application for the erection of a two storey side extension, single storey rear extension and formation of a loft conversion. The side extension would measure 2.65m in width and would wrap around to form the single storey rear extension, which would measure 4.5m in depth and stretch the entire width of the property. The loft conversion would be formed through the raising (repitching) of the roof, the provision of part hipped gable ends, and the introduction of three front dormers and three rear dormers. The side extension would continue the newly proposed roof plan form and the proposed rear extension would be flat roofed to a height of 2.7m. Both the rear and side extensions would in part replace existing single storey projections.

### **Relevant History:**

CLD/EPF/1303/12 - Certificate of lawful development for a proposed single storey rear extension – lawful 02/08/12

CLD/EPF/1304/12 - Certificate of lawful development for a proposed rear dormer and roof alterations in a loft conversion – lawful 02/08/12

EPF/2873/15 - Erection of a side extension and a rear extension and the formation of a loft conversion, involving the re-pitching of the roof and the introduction of three dormers to the rear slope and three dormers to the front slope – refused 08/01/16

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment

GB2A – Development within the Green Belt

GB7A – Conspicuous development

DBE9 – Loss of amenity

DBE10 – Residential extensions

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:**

5 neighbouring properties were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object. Overdevelopment and not in keeping with surrounding properties.

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

The main issues here relate to the impact on the Green Belt, the character and appearance of development, and regarding the neighbour's amenities. The previous application for similar extensions was refused consent in January 2016 for the following reason:

*The proposed extensions, due to their overall size, would constitute inappropriate development within the Green Belt. No very special circumstances exist to outweigh this harm and as such the development is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.*

### Green Belt:

The National Planning Policy Framework states that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt”, however provides a list of exceptions to this. This includes:

- *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*

The dwelling appears to benefit from an existing single storey rear and side addition, which equate to a 48% increase in floor area over and above the ‘original dwelling’. However it is not known when these additions were added to the property since there appears to be no planning history for these.

The previous application that was refused planning consent resulted in an increase of 95% (excluding the enlarged roof) and 144% (including the enlarged roof). This revised application has reduced the depth of the single storey rear extension from 5m to 4.5m and the width of the two storey side extension (and subsequently the width of the rear extension) from 3.15m to 2.65m. This therefore reduces the level of additions to 74% (excluding the enlarged roof) and 119% (including the enlarged roof).

Two Lawful Development Certificates were considered lawful on this site in 2012 for a rear extension and loft additions, including a large rear dormer window. This ‘fallback position’ is smaller than the proposed extensions, although not disproportionately so. In addition to this two letters have been submitted from each adjacent neighbour (no. 19 and no. 21) that state that the neighbouring residents would not object to an 8m deep rear extension if submitted under a prior approval application. Such an extension would result in the same increase in floor area to the existing dwelling as this proposal and as such this ‘fallback position’ must be taken into consideration.

Other large extensions and replacement dwellings have been permitted within this small built up enclave. Due to this, and the above ‘fallback position’, it is considered that there are sufficient very special circumstances in this instance that clearly outweigh the harm from the proposed extensions. However due to the fallback position being considered it would be appropriate to remove permitted development rights on the site in order to control any further additions.

### Design:

The proposed extensions would increase the overall bulk and scale of the dwelling and would raise the height of the roof above those of the neighbouring bungalows. Furthermore the development would introduce some large front and rear dormer windows. Barn Hill consists of a range of styles and size dwellings, some of which include large front dormer windows. As such it is not considered that the design of the extensions would be unduly detrimental to the character and appearance of the area.

### Amenities:

The proposed extension would be situated sufficient distance from the shared boundaries with neighbouring properties to ensure that they would not be unduly detrimental to the amenities of the neighbouring residents.

**Conclusion:**

Whilst the proposed extensions would result in a significant increase in the size of the original property this would not be dissimilar to the permitted development 'fallback position'. Furthermore several other properties within this built up enclave benefit from significant extensions or enlarged replacement houses. The revised scheme is smaller than that previously submitted and refused and as such it is now considered that the balance of issues weighs in favour of the proposal and therefore there are sufficient very special circumstances in this instance that clearly outweigh the harm to the Green Belt.

The proposal would not be unduly detrimental to the character and appearance of the area or the amenities of the neighbouring residents and as such complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies. Therefore the application 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)***

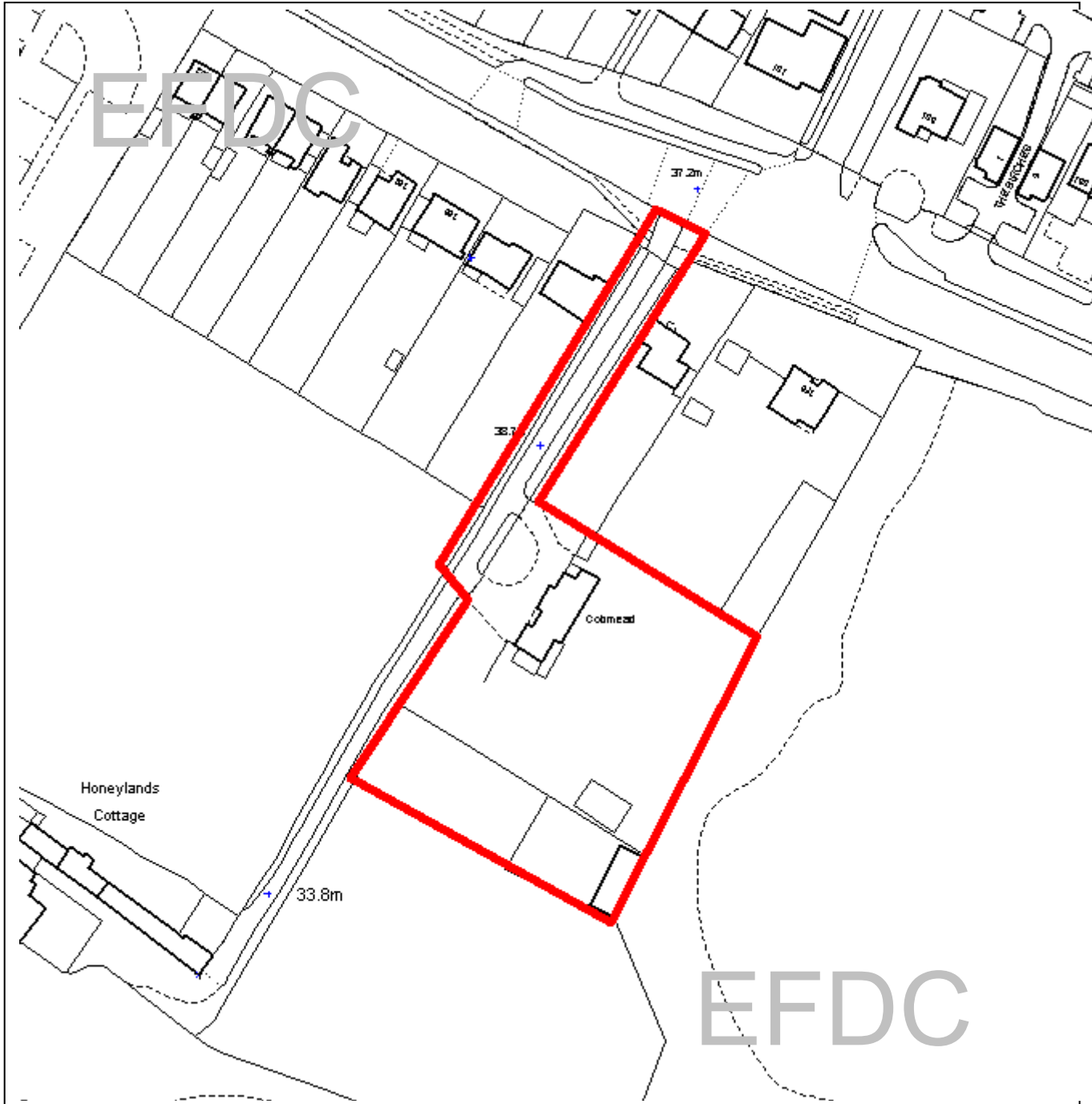


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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0888/16
Site Name:	Cobmead, Honey Lane, Waltham Abbey, EN9 3BA
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0888/16
<b>SITE ADDRESS:</b>	Cobmead Honey Lane Waltham Abbey Essex EN9 3BA
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Honey Lane
<b>APPLICANT:</b>	Mr Oliver Hookway
<b>DESCRIPTION OF PROPOSAL:</b>	Residential development of 5 no. detached dwellings and associated infrastructure.
<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=583683](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583683)

**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: 2014-454-: 001 - 019
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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.
- 8 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.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out.

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

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

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

- 14 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.
- 15 No preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority
- 16 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 17 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.

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

### **Description of site**

The application site is located to the south of Honey Lane which is located within the built up area of Waltham Abbey. The existing building is a two storey detached dwelling which is situated within a large plot and is located to the rear of two dwellings to the north east which front onto Honey Lane. The application site is not located within the boundaries of the Metropolitan Green Belt, although it does border the site and it is not in a conservation area. There is a row of protected trees to the west of the site close to its entrance.

### **Description of proposal**

The proposed development is to erect five new dwellings within the curtilage of the existing dwelling.

## **Relevant History**

EPF/0526/85 - First floor side extension. - Approved

EPF/0476/98 - Detached garage and workshop. – Approved

## **Relevant Policies:**

The following saved policies within the Council's adopted Local Plan (2004) and Alterations (2008) are relevant:

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
DBE4 – Design in the Green Belt  
DBE9 – Loss of Amenity  
ST4 – Road Safety  
LL1 – Rural Landscape  
LL9 – Felling of Preserved Trees  
LL10 – Adequacy of Provision for Landscape Retention  
LL11 – Landscaping Schemes  
DBE1 Design of new buildings  
RP4 Contaminated land  
U3B sustainable drainage  
DBE8 private amenity Space  
ST6 vehicle parking standards  
ST1 Location of development  
ST2 Accessibility of development  
H1A Housing Provision

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**

15 Neighbours consulted –

152 Honey Lane – OBJECTION – The design of the houses is not consistent with the style of Cobmead, the private road is inadequate for the increased traffic, the vehicle movements will harm no.172 and no.174 Honey Lane through increased movements, this development will set a precedent for other developments in the future.

162 Honey Lane – OBJECTION – overdevelopment of the site, the increased traffic movements will create dangerous access onto Honey Lane

176 Honey Lane – OBJECTION – The development is in the Green Belt, there is a covenant on the land, water pressure is too low and there will be potential risk to protected trees.

Waltham Abbey Town Council – OBJECTION – Committee were concerned over road safety issues and also felt that this application could set a precedent for the future.

## **Issues and considerations**

The main issues to consider when assessing this application are the potential impacts on the living conditions of the neighbours, the character and appearance of the locality, parking and access issues, landscaping, land drainage and contamination.

### **Living conditions of neighbours**

The proposed new dwellings relate well to each other and have an orientation which will not cause any significant harm to the living conditions of occupiers of the new dwellings. The dwellings on plots 2, 3, 4 and 5 are set against each others side elevations and have rear building lines which are roughly similar (with the exception of plot 5 which has an element which projects beyond that of plot 4, but which is set away from the proposed shared boundary).

The side elevation of the new dwelling on plot 1 will be adjacent to Cobmead, approximately 22m from its rear elevation and this relationship has the potential for some overlooking of plot 1, however the distance is such that there will not be any significant harm to their living conditions.

Turning to the existing dwellings which front Honey Lane, the closest of the new dwellings will be approximately 58m from the existing rear elevation of these neighbours and clearly this will not cause any overlooking or appear overbearing. Concern has been raised that the increased traffic movements to and from the site will cause significant disturbance and pollution to the neighbours on Honey Lane. However given the relatively small scale of the development, the increased traffic movements will not be significant and therefore disturbance of these residences will be minimal.

### **Character and appearance**

The site has no relationship with the main public carriageway of Honey Lane and it could be argued that it is somewhat of a back land development. However Cobmead is already located to the rear of Honey Lane and there are other examples of such a relationship in the surrounding area, most notably at Honey Mews located less than 250m from the site. Consequently officers do not consider that this is a back land development but rather an effective use of urban land.

In terms of detailed design the proposed dwellings have a bulk, mass and scale which is appropriate to the existing site and to the wider context of Honey Lane. The dwellings have a varied design in relation to one another which prevents a uniform and somewhat recycled feel to the new development. Their eaves and ridge heights are uniform which prevents them from appearing overly prominent from public viewpoints surrounding the site.

### **Parking and access issues**

Each of the new dwellings offers a suitable level of off street parking provision which complies with the standards prescribed in the Essex Parking document.

In terms of access, the new dwellings will utilise the existing private road which is located off Honey Lane and there have been concerns from neighbours and indeed the Parish Council that the increased volume of traffic will have a deleterious impact on the current access.

The highway officer from Essex County Council has been consulted as part of this application and after visiting the site and assessing the current situation concludes that the access provides suitable visibility and geometry for an additional 5 dwellings and therefore will not be detrimental to highway safety. Suitable conditions controlling provision of parking and turning areas are required, but it is not considered that there will be potential access issues to justify a refusal.

### **Landscaping**



A tree report accompanied the application and the tree and landscape team have been consulted on the application and have stated no objection, subject to conditions requiring tree protection measures be agreed as well details required of hard and soft landscaping.

### Archaeology issues

The Historic Environment Team of Place Services, Essex County Council has identified that the application has the potential to impact on historic environment assets. The proposed development is located adjacent to the medieval farmstead of Honeylands and flanking a medieval lane. Honey Lane itself is of possible Roman origin. It is possible therefore that the proposed development could impact on medieval or Roman remains. Archaeological deposits are both fragile and finite, in view of this the following recommendation is made in line with the National Planning Policy Framework

### Contaminated Land

Due to the presence of Stables and made ground from the former associated Stable Yard, the presence of part of the former Honeylands Farmyard on site, and the infilling of the swimming pool, there is the potential for contaminants to be present over parts of the site. Domestic dwelling gardens are classified as a particularly sensitive proposed use.

Contamination reports can be secured through the use of planning conditions.

### Land Drainage issues

The Council's land drainage team have been consulted and state that the development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A condition for a Flood Risk Assessment (FRA) is required.

The applicant is proposing to dispose of surface water by sustainable drainage system. This can be secured through the use of a planning condition.

### Other matters raised

For clarity it is important to note that the application site is not within the boundaries of the Metropolitan Green Belt, issues regarding covenants and water pressure are not material planning considerations.

### Conclusion

In light of the above appraisal it is recommended that planning permission is granted.

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

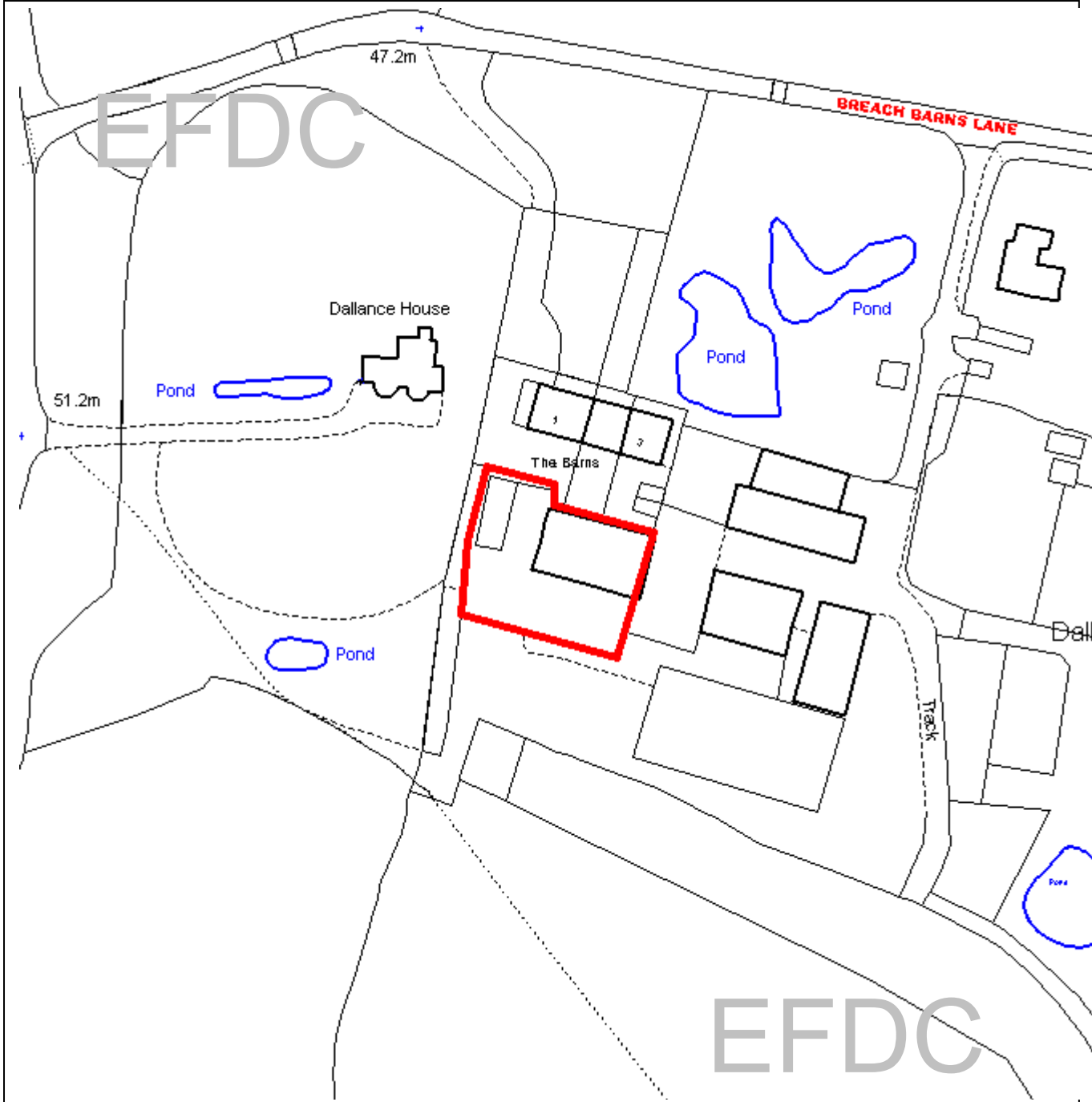
**Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564 371**

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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/1029/16
Site Name:	Galley Hill Equine Surgery, Dallance Farm, Breach Barns, Waltham Abbey, EN9 2AD
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1029/16
<b>SITE ADDRESS:</b>	Galley Hill Equine Surgery Dallance Farm Breach Barns Lane Waltham Abbey Essex EN9 2AD
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>APPLICANT:</b>	Dr Stephen Posnett
<b>DESCRIPTION OF PROPOSAL:</b>	Application for variation of condition 2 'sole use as an equine veterinary surgery' on planning application EPF/2330/02 (Convert existing barn to an equine veterinary surgery).
<b>RECOMMENDED DECISION:</b>	Grant Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=584001](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584001)

**CONDITIONS**

NONE

*This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(i))*

**Description of site**

The application site is located just to the south of Breach Barns Lane which is located within the relatively rural area to the north of Waltham Abbey. The application property is currently used as an equine vet surgery which was granted planning consent by committee in 2002. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

**Description of Proposal**

A condition was placed on the original consent requiring that:

*The premises shall be used solely for an equine veterinary surgery and for no other purpose, including any other veterinary surgery unless otherwise agreed in writing by the Local Planning Authority. Reason: Permission is only granted in this rural location because of the particular circumstances of the case.*

The proposal is to remove this condition so that animals other than horses can also be treated on the site.

### **Relevant history**

EPF/2330/02 – Change of use of barn for use as an equine vet - Approved

### **Policies Applied**

CP2 – Protecting the quality of the rural and built environment

CP7- Quality of development

DBE10 – Design

DBE9 – Residential amenity

GB2A – Development in the Green Belt

GB7A – Conspicuous development

DBE9 – Residential amenity

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 Neighbours consulted – NO COMMENTS RECEIVED

Waltham Abbey Town Council – No Objection

### **Issues and considerations**

The main issues to consider are the potential impacts on the living conditions of the neighbours, the Green Belt, vehicle access and parking.

#### **Living conditions of neighbours**

Access to the vets is via a small private access just off Breach Barns Lane. The private access runs adjacent to Dallance Farm Barn which is a residential property. The use of the vets for other animals as well as horses may cause a rise in the number and frequency of vehicle movements to and from the site. However within the context of the existing use, which does not have any restrictions on opening and closing times, it is not considered that there would be any significant disturbance to this neighbour as a result.

A greater number and variety of animals can in itself cause greater disturbance to neighbours due to the noise that can be created, particularly by dogs and song birds. However this issue is robustly covered by Environmental Health legislation which has the power to act if this becomes a statutory nuisance. Consequently it is not considered that there would be significant harm to the living conditions of the neighbours.

#### **Green Belt**

The applicant does not propose any building works to the current property and therefore no harm will be caused to the openness of the Green Belt.

There is potential for the character of the Green Belt to be altered slightly due to the increased number of vehicle movements, however this will cause very little harm to its character.

Local business issues

The applicant submits that an approval of this application will allow the vet to accept a larger number of animals and that this is important for the future viability of the business. The National Planning Policy Framework (NPPF, CLG, 2012) encourages the support of local business enterprise and this weighs in favour of granting consent.

Vehicle access and parking

The vehicular arrangements will not be changed through this development, the access is satisfactory and the parking arrangements are robust.

**Conclusion**

The removal of the condition is not contrary to any Local or National policies and therefore it is recommended that the condition is removed.

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

**Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564 371**

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