

AREA PLANS SUB-COMMITTEE 'WEST'

14 September 2016

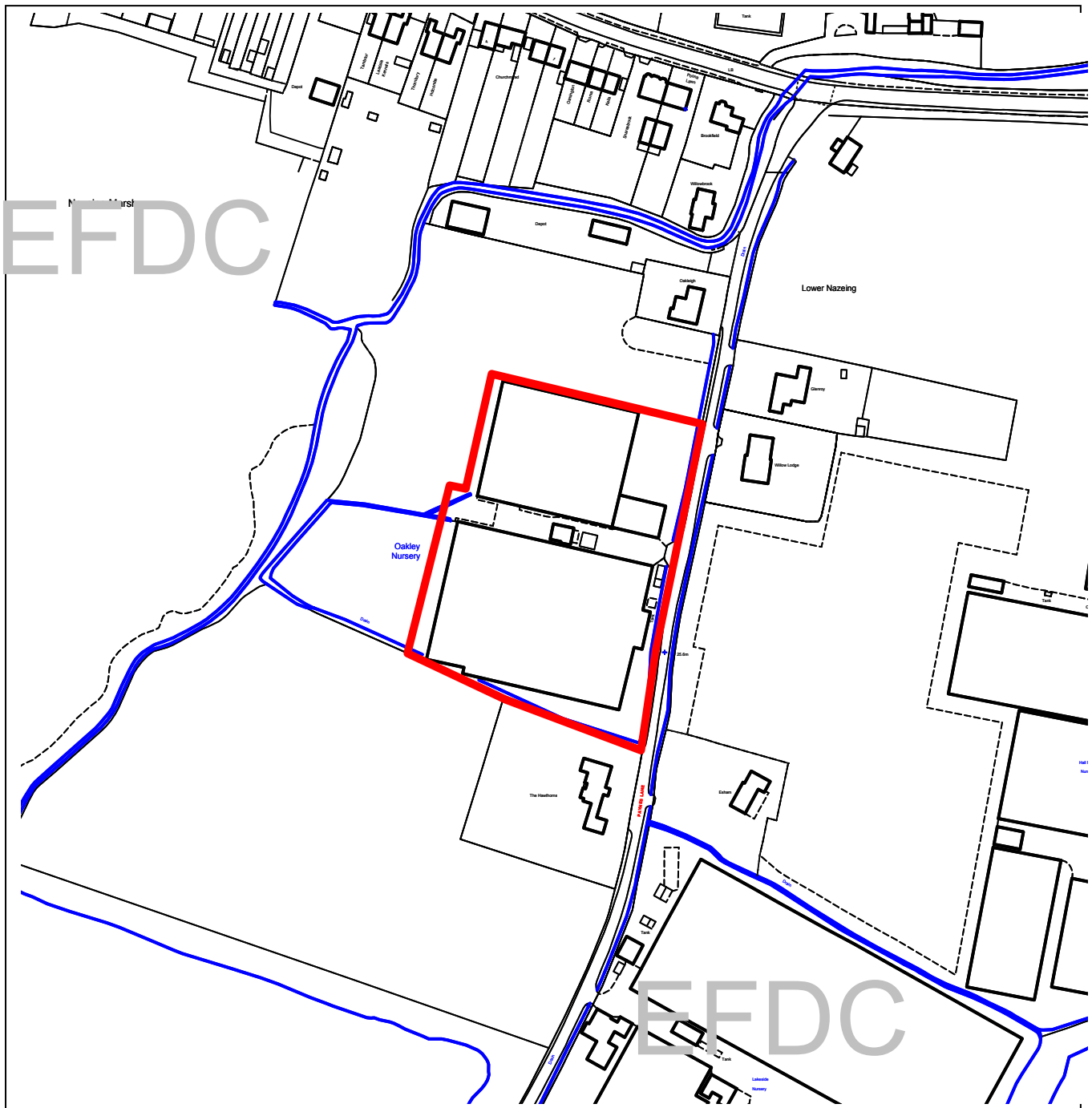
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Epping Forest District Council

Agenda Item Number 1,2,3



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Application Number:	EPF/3270/15, EPF/0041/16, EPF/0861/16
Site Name:	Oakleigh Nursery, Paynes Lane, Nazeing, EN9 2EU
Scale of Plot:	1/2500

Report Item No:1

APPLICATION No:	EPF/3270/15
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing Waltham Abbey Essex EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Gianni Orlando
DESCRIPTION OF PROPOSAL:	Erection of new gates and fences
RECOMMENDED DECISION:	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=581537

CONDITIONS

NONE

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:

Oakleigh nursery is a working nursery with two glasshouses and associated outbuildings, located on the western side of Paynes Lane. The site is within the Metropolitan Green Belt. There are a number of nurseries within the road but there are residential properties adjacent to this site.

Description of Proposal:

The application under consideration is for the erection of new fencing along the front boundary of the site with two inward opening access gates on the road frontage, and a central sliding access gate set back from the highway by 6.8m. The fencing is a simple green wire mesh to a height of 1.8 metres and the gates are metal and have a maximum height of 2.2m.

Relevant History:

The site has no planning history relevant to the fencing proposal.

There are two current applications for residential caravans on the site for agricultural workers and there is a recent consent for change of use of part of a packing shed on the site to residual use by workers at the site.

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

DBE2 – Effect on neighbouring properties

DBE9 – Loss of 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 Response

7 neighbours were consulted and a site notice was erected,
The following responses were received;

OAKLEIGH, PAYNES LANE – Object to the gate opposite Willow Lodge for the following reasons:

1) The proposal includes 2 other gates which, in our opinion, are more than adequate for this site. There is no need for a third gate. 2) The other 2 gates do not impinge on anyone else's property/entrances, whereas the gate to which we are objecting does 3) Vehicle movements in and out of this gate are almost certainly going to impinge on the enjoyment and use of the property, Willow Lodge. 4) If the area of land inside these gates is to be used for any form of business activity or, indeed, any non-business activity, this will involve the use of the proposed gate and further disturbance to the occupants of Willow Lodge. 5) Vehicles will have to stop outside the gate entrance and this will also cause further disturbance to the occupants of Willow Lodge. It may also result in other vehicles using or being forced to use the grass verge on the Willow Lodge side of Paynes Lane. 6) This particular gate can only cause further, general disturbance to the occupants of Willow Lodge and will affect the enjoyment of their amenities. In addition to the above, we would comment that the nursery property used to be bounded on its eastern side by a hedgerow along the edge of Paynes Lane. This was removed and we believe should have been reinstated – this has never happened. Arguably, EFDC should be enforcing the reinstatement of the hedgerow as opposed to approving wire mesh fencing. However, at least the fencing would afford a degree of 'tidying' to the perimeter of the nursery site.

We are not objecting, formally, to the fencing, but we do object strongly as set out above to the northern-most gate which is near to the Willow Lodge entrance.

WILLOW LODGE, PAYNES LANE – Object. There is no need for an entrance gate opposite our property; there is already access to this area from within the site. Since the site changed ownership they are working 24 hours a day 7 days a week. Noise from forklift trucks and vehicles in the early hours causes noise and disruption. If the gate is approved this will bring activities closer to our house. If this area is to be used for parking and storage of machinery and packing materials the gate would be use day and night. With vehicles stopping outside our home waiting for the gates to open and close, also vehicles waiting to pass would encroach on our grass verge. This is

a single track lane. He was told to replace the historical hedgerow but has not done so. We will have to live with the chain link fence instead of the hedgerow but do not feel we should have to live with the problems that will arise from the gate.

HAWTHORNS, PAYNES LANE – Object to the proposal. Also the new boundary adjacent to Hawthorns is incorrect. Oakleigh Nursery have back filled a drainage trench some years earlier along the boundary with Hawthorns, we have suffered flooding. The boundary positions close to Hawthorns are incorrect. With regard to the proposed new gates and fences we strongly object. The new gate adjacent to Hawthorns will have the sole purpose of access to the new caravan development. Mrs Wilson the (EHO) stated that there would be no access to the new caravan development so therefore planning permission should be refused for this gate. The plans are contradictory with regard to the position of the gate nearest to Hawthorns, one plan shows it 2 m away and the other 20m away from the so called boundary with Hawthorns.

PARISH COUNCIL – No Objection

Issues and Considerations:

The main concerns are the impact of the proposal on the character and amenity of the area and the Green Belt and impact on neighbouring living conditions.

Some concern has been raised regarding the position and nature of the two new accesses to the site. However this is not a classified road and the creation of such accesses is permitted development along with any alteration to a private way and the provision of hardsurfacing in connection with the agricultural use of the sit, under the General Permitted Development Order. As such the position and impact of the accesses themselves is not under consideration here, only the height and design of the proposed gates.

This site was in the past bounded to the front by hedging, but this has been removed. There were no protected trees within the hedgerow.

The fencing and gates are quite utilitarian in design, but relatively inconspicuous; the green mesh and metal gates are open in nature and allow views into the site, such that the impact of the openness of the Green Belt is minimised.

Given the commercial glasshouse use of this site, and others in the lane, it is considered that the fencing and gates are appropriate in design. They are not visually intrusive and they provide security for the business without harm to the character and visual amenity of the lane.

The development is within 8m of a watercourse and therefore land drainage consent is required for that element of the works. The land drainage team have raised no objection to the planning application.

The main concerns of neighbours relate to the new access points and the activity that they will generate but, as has been set out above, consent is not required to create new accesses off this private lane. The use of these accesses would have the same impact on neighbours whether gated by 1m high gates (which would not require planning permission) or by the proposed 2.2m high gates. The gates and fences themselves do not result on noise, disruption or activity and this would not be grounds to refuse the application.

Concern has also been raised regarding the accuracy of the position of the boundary of the site with Hawthorns. This is a dispute between the two land owners and is not relevant to the determination of the application. Planning permission does not override property rights.

Conclusion

The development is appropriate to its location and function in terms of position and design and will not result in any significant harm to the living conditions of neighbours, the openness of the Green Belt or the character and amenity of the area. The application is therefore considered to be in accordance with the Adopted Local Plan and Alterations and the NPPF and is recommended for approval.

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

Planning Application Case Officer: Jill Shingler

Direct Line Telephone Number: 01992 564106

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

Report Item No:2

APPLICATION No:	EPF/0041/16
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing Essex EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Giovanni Orlando
DESCRIPTION OF PROPOSAL:	The replacement of two existing dilapidated caravans with 2 new caravans for residential use by nursery workers (and associated concrete bases).
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581777

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development harmful to the openness of the Green Belt. There are no very special circumstances that clearly outweigh the harm from the development and therefore the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2, GB2A and GB17A of the adopted Local Plan and Alterations.
- 2 The proposal would introduce a highly vulnerable development into an Environment Agency Flood Zone 2 and is therefore contrary to the guidance contained within the National Planning Policy Framework and policy U2A of the adopted Local Plan and Alterations.

Report Item No: 3

APPLICATION No:	EPF/0861/16
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing Essex EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Giovanni Orlando
DESCRIPTION OF PROPOSAL:	Retention of 1 mobile caravan to provide accommodation for workers.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583653

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development harmful to the openness of the Green Belt. There are no very special circumstances that clearly outweigh the harm from the development and therefore the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2, GB2A and GB17A of the adopted Local Plan and Alterations.
- 2 The proposal would introduce a highly vulnerable development into an Environment Agency Flood Zone 2 and is therefore contrary to the guidance contained within the National Planning Policy Framework and policy U2A of the adopted Local Plan and Alterations.

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

Description of Site:

Oakleigh nursery is a working nursery with two glasshouses and associated outbuildings, located on the western side of Paynes Lane. The site is within the Metropolitan Green Belt. There are a number of nurseries within the road but there are residential properties adjacent to this site.

Description of Proposal:

This report relates to both EPF/0041/16 and EPF/0861/16

Both applications were deferred from the last Plans West Sub Committee to enable Members to carry out a site visit.

EPF/0041/16 is for the siting of two caravans for the year round occupation of nursery workers, and for the concrete bases on which they stand. This is a retrospective application and the caravans are already in position adjacent to the southern boundary of the site. The two caravans replace dilapidated caravans which had been sited within the centre of the site, between the two glasshouse buildings, although no permission has ever been granted for residential use within the site.

EPF/00861/16 is for 1 additional caravan and its concrete pad, located adjacent to the southern boundary of the site, to the rear of the caravans subject to EPF/0041/16. This caravan is also in position.

Relevant History:

The site has no recent planning history. It is a long established horticultural nursery.

This site and other nursery sites within the District were investigated by Private Sector Housing/Environmental Health Officers, as part of an investigation into the living conditions of Nursery Workers within the District. Officers discovered that conditions on this site were well below acceptable standards and the owner of the site was advised to provide improved accommodation for the workers that were then living in overcrowded and squalid conditions, within two caravans located within the centre of the site and within a packing shed.

The Environmental Health Officer liaised with Planning Enforcement Officers and the applicant was advised that the provision of two replacement mobile homes would be tolerated, and that these should be located away from the front of the site to minimise visual impact.

This advice was given on the assumption that the two existing caravans within the site had lawful residential use.

The stationing of caravans is a use of land rather than built development; swapping a small caravan for a larger one usually does not require any planning permission as there is no change of use involved. Additionally as the site is a single planning unit, changing the position of an approved or lawful caravan within the site, for the same use, would not require planning permission, although the installation of hardstanding for such a development would.

The applicant, following the advice from officers, fully co-operated with the requests of Environmental Health to provide improved facilities for his workers and installed the two caravans, the subject of this application, as well as upgrading the facilities within the packing shed.

Subsequently however, following a complaint from a neighbour, regarding the stationing of the new caravans, it was found that there was no clear evidence that the caravans within the centre of

the site had been occupied residentially, for in excess of 10 years, and that as such the use of the site for stationing of residential caravans was not lawful.

The applicant was therefore advised that planning permission was after all required for the caravans, and the concrete pads on which they are stationed.

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP6 Sustainable Urban Development Patterns
CP8 – Sustainable Economic Development
GB2A – Development in the Green Belt
GB11 – Agricultural buildings
GB17A – Agricultural, horticultural and forestry workers dwellings
DBE2 – Effect on neighbouring properties
DBE9 – Loss of amenity
U2A – Development in Flood Risk Areas
RP4 – Contaminated land

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 Response

7 neighbours were consulted and a site notice was erected,
The following responses were received:

PAYNES FARM, PAYNES LANE – Object. In 20 years there have never been residents on the site. The caravans were used only for tea breaks etc. previous owner did not live on site. Whilst caravans may have been deemed unfit there are planning issues that need to be considered. The caravans were in disrepair because they were not lived in. There is an application also to convert the packing shed, this is a small nursery what proof is there of how many need to be resident Concerned that this will lead to a caravan site with illegal workers. Leading to loss of amenity, increased traffic, unknown number of people.

OAKLEIGH, PAYNES LANE – Strongly object – Contrary to policy GB17A which amongst other things requires evidence of an agricultural need for workers to be housed on the nursery and long term viability of the enterprise. Para 5.87a says “Only in very special circumstances is temporary caravan or mobile home accommodation acceptable in the Green Belt. Where this is expected to lead in due course to an application for a permanent dwelling (e.g. where long-term viability of an agricultural enterprise is maintained), the Council will not permit the temporary accommodation if permission would not subsequently be given for a permanent dwelling. Permission for temporary accommodation will be granted for a limited period only, which will not normally be extended, and will be conditional upon restricted occupancy. In the interests of maintaining the openness of the Green Belt the Council will require the removal of the caravan or mobile home in periods when the temporary dwelling is not being used, unless very special circumstances are demonstrated.” The planning statement submitted is misleading. I am not aware of anyone living on the site until the last 2-3 years. It has not been 10 years. This is a small site there can not be a need for the number of workers proposed with this and the other 2 applications.

All year round occupation can not be justified given the nature of the business. It is questionable whether the all the residents actually work at the site.

The amenity of residents of Willow Lodge have been particularly impacted.

The intervention of the EHO should not have been taken to imply planning permission was not needed or would be granted.

WILLOW LODGE, PAYNES LANE – Strongly Object At the time this application was submitted the site consisted of the following; Glasshouses equating to approximately 2 acres, a packing shed and stores, a boiler room and 5 caravans (two of which are dilapidated, and three second-hand caravans which appeared last summer). The original owners of the site never lived on site, they operated it by working all day and visiting at 10pm to check the boiler. When they left in 2010 we started to suffer noise and traffic nuisance. When alarms sounded at night (from 2012,) it was evident no one was living on site. EH officers visited in 2013 due to the alarm and no one was living there then. We noticed someone moved into the packing shed in 2014. EH records should back up that there was no one present on site overnight until 2014. Since then the number of occupants has grown. A number of occupants of the caravans are seen leaving in the early morning and returning in the evening. They are living on site all year round and are not seasonal workers. Since the 3 second hand units were brought on site there has been a substantial increase in movements and disturbance.

HAWTHORNS, PAYNES LANE – Strongly Object – The caravans have been sited over a back filled drain. We have been in correspondence with Land drainage officers about this. The development should not have been allowed to go ahead. The development encroaches on other land, and has increased flooding of our property. This brings a total of 3 30ft caravans sited on our boundary and 5 caravans on the site in total. Those on the boundary affect privacy and enjoyment of occupants of Hawthorns. Concerns about noise, disturbance, domestic waste and security. Loss of property value. Breach of basic human rights. The caravans overlook all aspects of the rear of our property and have views directly into our bathroom and bedroom.

There is no need for workers to live on site for such a small nursery, like any other business the workers should live elsewhere. If it is not viable it should close down. Strongly dispute that there were historically caravans in residential use. The previous owner of Hawthorns has confirmed that this was not the case. If caravans are needed they should be sited between the glasshouses where they have less impact.

The application does not address access to the caravans, parking for them or removal and storage of waste.

The caravans on my boundary are unlawful and should be removed.

Also have concern over the way the nursery is run, burning rubbish and dumping rotting vegetation. Granting these caravans will exacerbate the situation.

The plans are inaccurate, the caravans are not shown actual size, they are far bigger. One of the two the subject of this application has been built on someone else's land, as has the third (EPF/861/16) We have a step 3 complaint against the Councils actions, currently ongoing. This is the first opportunity we have had to put forward our objections to the development.

PARISH COUNCIL – No Objection but if planning permission is granted it should be subject to a condition that the two new caravans are only used for agricultural workers employed at the nursery.

LEE VALLEY REGIONAL PARK AUTHORITY – If permission is recommended it should include a condition restricting the use of the accommodation for staff based at the premises.

Issues and Considerations:

Green Belt

The site is within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF, CLG, 2012) attaches great importance to the protection of the Green Belts and inappropriate development in the Green Belt and it should not be approved unless very special circumstances can be demonstrated which clearly outweighs the harm caused.

The NPPF sets out what forms of development can be regarded as not inappropriate in the Green Belt but this does not include the use of land for the stationing of caravans for residential use.

Policy GB17a of the adopted Local Plan and Alterations sets out the circumstances in which the Council may consider an agricultural workers dwelling as acceptable. This requires the applicant to demonstrate that the dwelling is essential, taking into account the nature of the enterprise, that there is firm evidence that the enterprise has long term viability and that genuine and sustained efforts to find suitable alternative accommodation have been made.

The applicant has not provided any evidence that there is a need for any agricultural workers to be present on the site 24 hours a day in order for the nursery to operate effectively. He has relied instead on an argument that there have been residential mobile homes at the site for in excess of 10 years (which would make the use lawful). The applicant has not submitted any information in support of this assertion and it does not accord with the statements of neighbours.

If there were evidence that the use had continued uninterrupted for in excess of 10 years it would be open to the applicant to apply for a certificate of lawful development for the use of the site for the stationing of residential caravans, but he has not chosen to do this.

The applicant therefore needs to prove an *agricultural* need for the residential use of the site.

This is a small nursery, and the applicant has not demonstrated why there is a need for even 1 person to be present on site overnight. It appears that the nursery operated for many years without an on site presence and with modern technology it is generally accepted as possible to monitor conditions in glasshouses remotely and respond to emergencies when required.

The applicant has not met the requirements of Policy GB17A nor made any argument of very special circumstances in his supporting statement, however we do know that Nursery operators in this area are finding it difficult to recruit staff to this industry given the low wages involved and the current excessively high cost of accommodation in the District.

This argument was made with regard to the recent application for worker accommodation blocks to house 12 workers, at Shottenton's Farm in Peck's Hill Nazeing. In that instance, although officers recommended refusal on Green Belt grounds members of the District Development Committee accepted that there was a need to provide accommodation for workers, in order to support the Glasshouse industry. The provision of purpose built accommodation blocks restricted to use only by agricultural workers was accepted as an appropriate way of achieving this.

However in this instance no "need" argument has been put forward and as with the Shottentons Farm application officers are of the view that there are no very special circumstances apparent sufficient to outweigh the harm to the Green Belt from inappropriate development. (If the need to provide cheap accommodation applies to all nurseries, it can not, by definition be regarded as "very Special" circumstances, indeed if accepted, then other business uses in the District could potentially make the same argument). To allow the caravans with no very special circumstances would set a significant precedent which could be repeated elsewhere to the serious detriment of the Green Belt.

The Council is however aware of the issue and as part of the Local Plan process the Council is considering policies for the future of the Glasshouse industry and the need for worker accommodation to support the industry is one of the aspects being considered, It is possible that

the new Local Plan will include policies that seek to actively support the Glasshouse industry, by allowing accommodation to be provided on site, but at present there is no policy that would support this application..

The development is therefore inappropriate and by definition harmful to the Green Belt. In addition, the physical presence of the caravans on the site has a small impact on openness which is also harmful.

The development is therefore contrary to policies GB2a and GB17a of the adopted Local Plan and the Green Belt policies of the NPPF.

Flood Risk

The application site falls within the Environment Agency Flood Zone 2. Caravans for permanent residential occupation are considered "Highly Vulnerable" development, that is, in the event of flooding the occupants of such mobile homes are at risk, and even if raised above the likely flood level, there is the possibility that they would be surrounded by water, cut off and in need of rescue. The development is therefore at risk and is contrary to the policies of the NPPF and the adopted Local Plan and Alterations.

Whilst concern has been raised by the neighbour at Hawthorns regarding the infilling of a drainage ditch and increased risk of flooding to his dwelling, the council's land drainage team have concluded that there is adequate drainage within the site and that the development has not led to an increased risk of flooding elsewhere. Suitable conditions could be applied if the application were approved.

Housing Need

Paragraph 49 of the NPPF states that "*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the District, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However this is not in itself sufficient to set aside normal Green Belt restrictions and in the absence of any other significant factors in favour of the development the lack of a demonstrable 5 year housing land supply is not sufficient grounds to warrant a recommendation for approval of the application.

Human Rights

In the event that planning permission is refused, and enforcement action is taken to secure the removal of the caravans, the people occupying the caravans will likely be made homeless. This is a material consideration and the Human Rights of the occupants need to be considered.

The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) into UK law and is a relevant consideration. Before making a decision to pursue enforcement action it is necessary for the Council to be mindful of the impact it would have on the occupants, of the site. It is recognised that the refusal of planning consent and subsequent enforcement action will be an interference with the Human Rights of the people currently occupying the site, There is a clear

obligation upon the Council to ensure that the any decision it makes accords with the obligations under Article 8 of the ECHR.

Whilst the refusal of planning consent and any subsequent enforcement notice will impact on the occupation of the site in that the occupants will need to relocate. no evidence has been provided to show that the occupants include children, (who are particularly protected under the Act) or that there are other particular needs that need to be considered. Accordingly as it has been concluded that the development constitutes inappropriate development harmful to the Green Belt and, since the objections to the development are significant and serious, interference with Article 8 rights by refusing planning consent remains necessary to safeguard the public interest.

Adjacent Residential Amenity

The two new mobile homes have been sited close to the southern boundary of the site adjacent to the detached house known as Hawthorns and agricultural land to the rear of that dwelling. The owner of that property argues that the western of the two units actually intrudes over the boundary of the site into the agricultural land behind his house which is not within the applicants ownership. That is however a civil legal matter between the two property owners and is not relevant to the determination of the application. Planning permission does not override any other legal requirements.

However, the impact of the development on the living conditions of the occupants of surrounding dwellings needs to be considered.

The two mobile homes are visible from Hawthorns and the occupant has raised concern regarding loss of privacy to his garden and to his bathroom and bedroom windows. Whilst it is appreciated that the introduction of these mobile homes has changed the outlook from this dwelling, given that the mobile homes are single storey and are located in excess of 25m from the rear elevation of his dwelling and at right angles to it is not considered that they have resulted in an excessive level of overlooking or loss of privacy.

The addition of these units has no doubt resulted in additional activity and noise adjacent to the boundary with Hawthorns, but the use is residential and should not therefore be excessive or harmful to the adjacent residents. Once again the units have been sited a significant distance from the actual dwelling and bearing in mind that the authorised use of the site is as a nursery, which would be likely to generate a certain level of noise, the residential occupation is not considered harmful in that respect.

No information has been provided with regard to the disposal of domestic waste, but there is ample room within the nursery for the provision of waste and recycling bins without harm to amenity of neighbours and this could be conditioned should the application be approved.

The Living Conditions of Occupants of the Caravans

The caravans provide no amenity space for their occupants and, being located within an active nursery, do not provide suitable conditions for general residential use not connected with the nursery. The applied for use is for occupation of workers on the nursery and traditionally, caravans were used on nursery and agricultural sites to house seasonal workers indeed such temporary seasonal occupation does not require planning permission and is not controlled by any site licencing, (which explains why there are now so many caravans being occupied with horticultural sites)

However, this application is for year round occupation not for a short harvest season and although the caravans are a big improvement over the caravans that they have replaced, (which were

occupied without consent and were overcrowded and lacked basic sanitary conditions,) it is not considered that the replacement caravans provide suitable living conditions for long term, year round occupation.

The Local Plan Alterations at para 5.87a states; “only in very special circumstances is temporary caravan or mobile home accommodation likely to be acceptable. Where this is expected to lead in due course to an application for a permanent dwelling, (eg where long term viability of the agricultural enterprise is maintained) the council will not permit the temporary accommodation if permission would not be subsequently given for a permanent dwelling. Permission for temporary accommodation will be granted for a limited period only, which will not normally be extended and will be conditional upon restricted occupation.

In this instance the applicant has not indicated that the proposed use is intended to be temporary.

Visual Amenity.

Whilst the provision of caravans within the rural area can have an adverse impact on the character and amenity of an area, these caravans are set well back from the road and are viewed in the context of the nursery and nursery buildings including large glasshouses and as such it is not considered that they have a particularly harmful impact on the character and visual amenity of the area.

The concrete pads similarly, whilst they have resulted in the loss of a previously overgrown area, have been kept to a minimum size and do not have an adverse impact on the visual amenity of the area.

Highway Issues.

Paynes Lane is a private road which serves a number of residential properties and nurseries, it is not considered that the introduction of residential caravans at the site will result in a significant increase in traffic, particularly as the occupation is intended to be by persons working on the nursery, which could be restricted by condition. The Highway Authority has no concerns with the application.

Sustainability

The NPPF states that the purpose of the Planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to sustainable development: economic, social and environmental. There is support in the NPPF for development that supports the rural economy and it may be considered that the provision of worker accommodation on this site will help support an existing rural business, however this needs to be balanced against the social role, of supporting strong vibrant communities by providing the supply of housing required to meet the need of present and future generations and by creating a high quality built environment with accessible local services, and the environmental role of protecting and enhancing the natural and built environment. Taking all three strands into account it is not considered that the development is sustainable. However, recent appeal decisions indicate that the Council’s lack of a demonstrable 5 year housing land supply would outweigh objection on sustainability grounds.

Contaminated Land

The proposed caravans are located on the site of 2 demolished old boiler houses (solid fuel “stokeholes”) on a Horticultural Nursery within 250m of 4 x landfill sites, and Peat Beds are present in the underlying geology. There is therefore the potential for contaminants to be present over all

or part of the site. However the contaminated land officer concludes that subject to conditions, risks from contamination can be overcome.

Conclusion

In conclusion it is not considered that there are very special circumstances sufficient to outweigh the harm to the Green Belt from the inappropriate development. In addition the proposal is contrary to flood risk policies and provides poor long term living conditions. The development is clearly contrary to the current adopted policies of the Local Plan and local Plan alterations and is recommended for refusal.

However, the works have been undertaken in consultation with both Planning and Private Sector Housing officers, in order to quickly improve the appalling living conditions of the workers at the site, and approval of this application would enable the Council to exercise controls and impose conditions (to improve the safety, health and wellbeing of the occupants of the site), that it is not possible to exercise on caravans that are occupied only by seasonal workers. With the modern glasshouse industry the "season" has been argued to be well in excess of 6 months and technically the original caravans on the site could have continued to be occupied by workers at the site, for "the season" without any control or input from the Council whatsoever, which clearly results in seriously sub standard living conditions.

Approval of the new caravans with year round occupation would however help secure the longer term viability of the nursery, enabling it to continue providing employment, and continue to grow crops to the benefit of the local economy.

The current agricultural workers dwellings policy (GB17A) dates back to 2006 and there have been significant changes in the Glasshouse industry since that time. The intention is that the new Local Plan currently being formulated will specifically address the current and future needs of the Glasshouse Industry as the current policies are not founded on an up to date evidence base. On that basis, whilst, permanent permission for the development is not appropriate, and also bearing in mind the current lack of a demonstrable 5 year housing land supply, which will also be addressed in the new Local Plan, should members be minded to approve the application it is suggested that a temporary consent that would enable the matter to be reassessed at such time as a new local plan is in place may be an option.

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

Planning Application Case Officer: Jill Shingler

Direct Line Telephone Number: 01992 564106

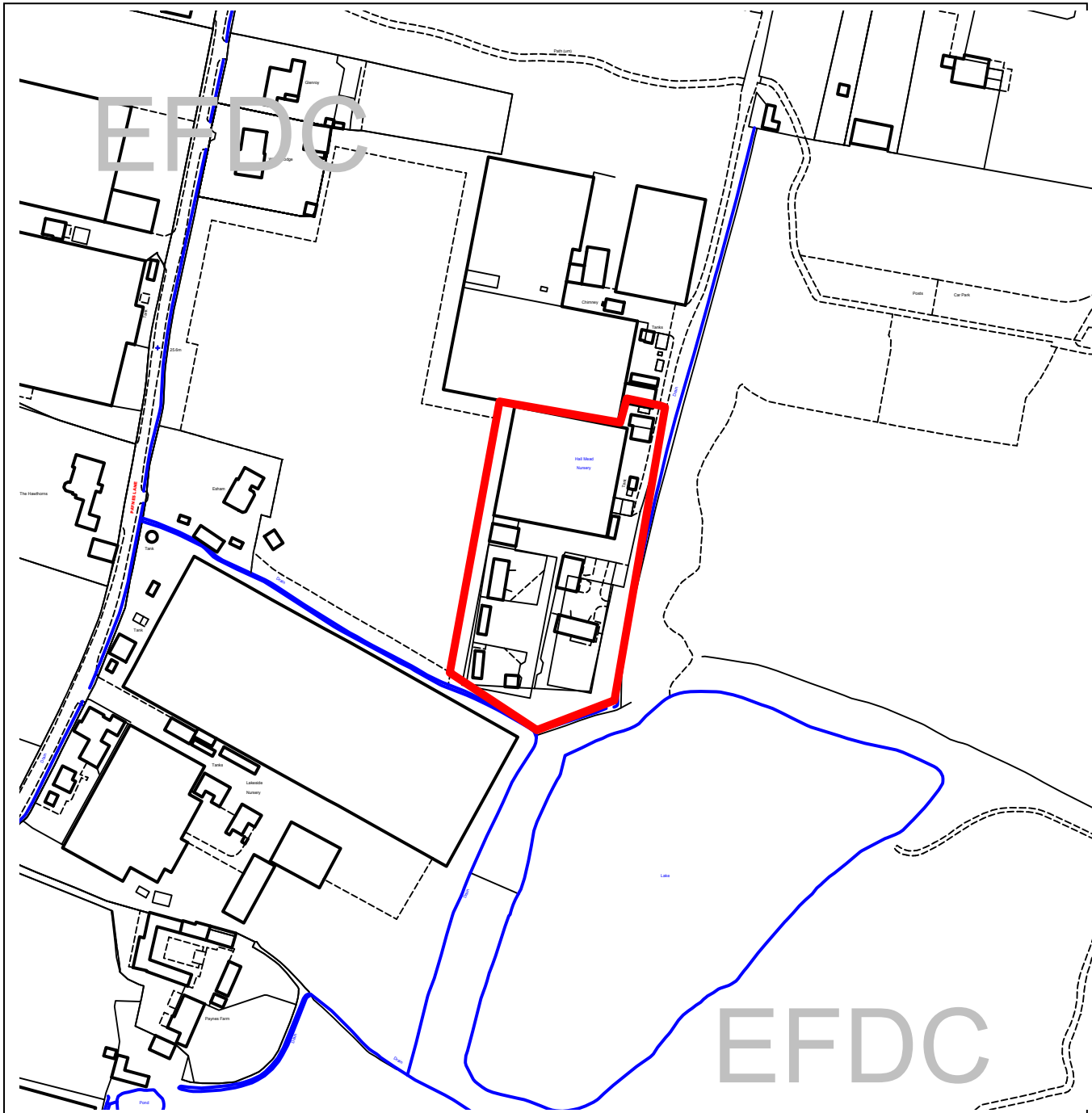
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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/0706/16
Site Name:	Hallmead Nursery, Nazeing Road, Nazeing, EN9 2HU
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0706/16
SITE ADDRESS:	Hallmead Nursery Nazeing Road Nazeing Essex EN9 2HU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr James Connors
DESCRIPTION OF PROPOSAL:	Application for variation of conditions 1, 2 and 3 on planning application EPF/1542/14 (Application for the permanent change of use of land to a residential caravan site for four Gypsy/Traveller families, to contain four static caravans, four touring caravans, four Utility/Dayrooms and parking for eight vehicles and associated hardstanding) to enable revised layout, additional residents and eight static caravans and eight touring vans.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583379

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved Location Plan dated March 2016 and drawings no: BP-01
- 2 The residential occupation of the site hereby permitted shall be carried on only by James Connors and Rosie Delanie; James and Anne Delanie; Jonny and Jane Delanie; Francis Delanie; Rise Delaney; Patrick Delaney; Angela Ward; and Alice Ward and resident dependants of any of the above.
- 3 There shall be no more than 16 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 8 shall be a static caravan or mobile home, stationed on the site at any time.
- 4 Prior to the stationing of the additional mobile homes hereby approved, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 5 Prior to the stationing of the additional mobile homes hereby approved a Phase 1 Land Contamination investigation shall be carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 6 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 7 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that

follows]

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

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

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 Proposal:

Consent is being sought to vary conditions 1, 2 and 3 of Planning Consent ref: EPF/1542/14 to allow for a total of eight static and eight touring caravans to be stationed on the land and to enable additional residents on the site.

The original consent ref: EPF/1542/14 granted consent for the permanent change of use of the land to a residential caravan site for four Gypsy/Traveller families, to contain four static caravans, four touring caravans, four Utility/Dayrooms and parking for 8 vehicles and associated hardstanding. Conditions 1, 2 and 3 read as follows:

1. *The development hereby permitted will be completed strictly in accordance with the approved Location Plan dated June 2014 and drawings no: PLA-05*

Reason:- To ensure the proposal is built in accordance with the approved drawings.

2. *The residential occupation of the site hereby permitted shall be carried on only by James Connors and Rosie Delanie; James and Anne Delanie; Jonny and Jane Delanie; and Francis Delanie and their resident dependants.*

Reason:- The site is within the Metropolitan Green Belt and the very special circumstances that outweigh this inappropriate development are the personal circumstances of the above

occupants, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2, GB2A and H10A of the adopted Local Plan and Alterations.

3. *There shall be no more than 4 pitches on the site and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on any of the pitches at any time.*

Reason:- The site is located within the Metropolitan Green Belt where the control of development is required, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2, GB2A and H10A of the adopted Local Plan and Alterations.

Description of Site:

The application site is a 0.4ha piece of land situated within the southern half of Hallmead Nursery that currently contains four gypsy pitches. The site lies within the Metropolitan Green Belt, the Lea Valley Regional Park, and is shown to be within Environment Agency Flood Zone 3a, however the applicants have challenged this designation and the Environment Agency accept that the site lies within Flood Zone 2.

Relevant History:

EPF/1365/08 - Retrospective application for the use of land as a private gypsy caravan site – refused 27/08/08 (allowed for temporary period on appeal 07/12/09)
DOC/EPF/0345/10 - Discharge of conditions 3 'Details of landscape, layout, drainage and lighting on site' and 4 'Flooding' on EPF/1365/08 allowed on appeal (retrospective application for the use of land as a private gypsy caravan site) – details approved 08/10/10
EPF/1940/12 - Change of use of land to a residential caravan site for four Gypsy Traveller families. Site to contain four static caravans, four touring caravans, parking for eight vehicles with associated hardstanding – withdrawn 10/12/12
EPF/1542/14 - Application for the permanent change of use of land to a residential caravan site for four Gypsy/Traveller families, to contain four static caravans, four touring caravans, four Utility/Dayrooms and parking for 8 vehicles and associated hardstanding – approved/conditions 18/11/14

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
DBE9 – Loss of amenity
H10A – Gypsy caravan sites
LL2 – Inappropriate rural development
ST1 – Location of development
ST2 – Accessibility of development
ST4 – Road safety
RST24 – Design and location of development in the LVRP
RP3 – Water quality
U2A – Development in flood risk areas

The above policies form part of the Council's 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:

24 neighbours were consulted and a Site Notice displayed on 8th April 2016.

PARISH COUNCIL – The Council objects to the application in accordance with Government guidelines in relation to concentration of Traveller sites. The Parish of Nazeing already has a high concentration of Traveller sites and possibly more than any other Parish in Epping Forest. Due to the proposed increase in usage, it would not be possible to satisfactorily police the site.

LVRPA - The Authority does not object to the application variation of conditions 1, 2 and 3 of permission EPF/1542/14, however the Authority does have concerns over the intensification of use of the site.

PUBLIC INN PARTNERSHIPS, CHESHUNT – Support the application as the family have resided on the site for several years and the children are now becoming older and need their own space.

Main Issues and Considerations:

Policy H10A of the Local Plan states: “*In determining applications for Gypsy Caravan sites within the Green Belt the Council will have regard to (i) whether there are any very special circumstances which would justify an exception to the Green Belt policies of restraint, and (ii) The impact on the openness of the Green Belt and the character and appearance of the Countryside*”. In addition on this site the other considerations are the potential risk from flooding, the impact on the Lee Valley Regional Park, regarding highway impact, and sustainability.

Green Belt:

The site lies within the Metropolitan Green Belt and the proposal is deemed as inappropriate development, which by definition is harmful to the Green Belt. As such permission should only be given if there are very special circumstances that outweigh this harm.

The application site is an existing gypsy site that benefits from a permanent consent. This consent was granted due to the personal circumstances of the applicants and is subject to several restrictive condition, one of which specifically names the occupants of the site (being James Connors and Rosie Delaney; James and Anne Delaney; Jonny and Jane Delaney; and Francis Delaney and their resident dependants).

The submitted Planning Statement highlights that:

The application is to increase the number of caravans and parking, thereby changing the layout of the site and requiring names to be added to the consent.

The number of pitches (or plots) would remain the same, however the site capacity would be increased to accommodate persons already resident on the site.

There is no operational development included in the application. The existing services can facilitate the proposed increase in capacity.

It was considered by the Planning Inspectorate in 2009 that the personal circumstances of the site occupants were sufficient to outweigh any harm from the temporary use of the site. However within their decision they recognised that “*whilst there would, in addition be some loss of openness by the introduction of the caravan site, the actual harm to openness and in terms of visual intrusion*

would be limited because of the very secluded nature of the location". As such the key harm to the Green Belt in this instance is primarily the 'in principle' harm from inappropriate development rather than any substantial physical harm. In 2014 permanent consent was granted on this site for the current occupants, again based on their personal circumstances (along with the general shortfall of available sites).

The proposed alterations to the site would allow for up to eight mobile homes and eight touring caravans to be stationed on the land but would not extend beyond the original red lined application site boundary. As such this would not encroach beyond the area previously considered acceptable for a gypsy site.

The four additional mobile homes would be occupied by Rise Delany (daughter of the applicant), Patrick Delaney (Son of the applicant), Angela Ward (niece of the applicant) and Alice Ward (niece of the applicant). Both Angela and Alice Ward previously lived with their grandmother until she passed away and after this came to live on Hallmead Nursery as dependants of the applicant. As can be seen the four additional mobile homes (and associated touring caravans) would serve the two children of Mr Connors and his two currently residential dependent nieces, all of which currently live on the site and have the same family ties and links to the area as was previously considered acceptable in 2014.

Whilst concerns have been raised by the Parish Council about the general number of Gypsy sites within their area and the 'over-concentration' and intensification of use of such sites it is not considered in this particular instance that a further four mobile homes and four touring caravans to serve current occupants of the site would result in a detrimental 'intensification' of use or an over-concentration of gypsy sites within this area. Furthermore, it is preferable to intensify an existing, established site such as this than to add to the need to create additional sites elsewhere within the district that would also involve the splitting up of the existing family using this site.

Due to the above it is considered that there are sufficient very special circumstances in this instance to allow for the variation of the conditions to enable the intensification of use of this established gypsy site.

Flood risk:

The application site is shown on the Environment Agency flood maps as being located within an Environment Agency Flood Zone 3a, however this designation was previously challenged by the applicant and the Environment Agency accepted in 2014 that the site is located within a Flood Zone 2. The Environment Agency initially raised objection to this application to vary the conditions since the FRA needs to now take account of the new climate change allowances. As a result of this objection there have been discussions between the applicant and the Environment Agency and an addendum to the FRA has been submitted. The Environment Agency's response to the latest FRA is:

*We have reviewed the additional information and are now in a position to **remove our objection**, and can support the variation of these conditions.*

We are satisfied that the addendum to the FRA demonstrates that the finished floor levels of the additional caravans and touring vans will be no lower than 300 millimetres above the 1 in 1000 year flood level to protect them from flooding. We expect that the development will be carried out in accordance with this.

Since the development previously passed a Sequential Test and there was no objection from the Councils Emergency Planner about the access to the site passing through a Flood Zone 3a the proposed increase in the number of pitches on the site would not result in any detrimental flood risk to occupants or to surrounding residents.

Highway Issues:

The application site is served by an existing established access off of Nazeing Road and all proposed residents of the site already reside here (albeit in four mobile homes rather than the proposed eight). The access would remain unchanged and as such the proposed development would not detrimentally impact on highway safety.

Impact on surrounding area:

The proposed development would not extend beyond the existing boundaries of the established gypsy site nor would it result in any additional residents on the site over and above those already residing within the existing mobile homes. Whilst the proposal would increase the level of mobile homes on the site the LVRPA has not raised any objection to this proposal and it is not considered that this intensification of use would be detrimental to the purposes of the Lee Valley Regional Park or on the character and appearance of the surrounding area.

The need for Gypsy sites in the District:

It is accepted that there is a need for additional gypsy sites within the District and that these are likely to be within the Green Belt. As such, it is preferable that this existing established site be intensified as this would have no further encroachment into the Green Belt and would continue to serve the needs of the gypsy family currently residing on the site.

Other matters:

Foul and surface water drainage:

Whilst the existing site has a lawful permanent consent and the details regarding drainage were previously agreed in 2010, some concerns have been raised by the Councils Land and Water Quality Officer with regards to the site. These concerns are as follows:

- (1) The previous application EPF/0345/10 refers to the installation of a cesspit on site. Documents drafted in support of this application (EPF/0706/16) refer to the presence of "septic tanks / water treatment plants" but do not specify the exact arrangements for foul water disposal.*
- (2) The supporting documents also state that the current system(s) on site have been installed "in-line with British Standards". There is no indication as to what specific British Standards are being referred to and so far as I am aware there are no third party/independent documents to verify this. There appear to be no details lodged with EFDC Building Control, irrespective of any requirement to do so.*
- (3) The EDWT is concerned as to the current arrangements of foul water disposal on the site and feel that the proposals would require significant upgrading works to be undertaken. **I draw your attention to the fact that septic tanks do not offer sufficient treatment to allow the disposal of foul effluent to surface water** and in this regard I have concerns as to the limited the space available to install a drainage field, should this option be chosen.*

- (4) *There are additional concerns as to the provision for the disposal of foul waste generated by touring caravans. Waste from chemical toilets is not compatible with package sewage treatment plants or septic tanks (and accompanying drainage fields). The proposals do not address as to how such waste will be contained and removed from the site.*
- (5) *The site is within the vicinity of protected woodland habitat (protected by Section 41 of the Natural Environment and Rural Communities Act 2006) and therefore any foul water discharges made without an Environmental Permit issued by the Environment Agency are in contravention of the Environmental Permitting Regulations 2010. There is no record of any such permit being obtained or registered for the site and regardless of the requirement to have any future expansion of foul water storage or treatment capacity investigated, **the current situation is likely to be illegal.***
- (6) *The site is currently served by a private water supply and is therefore regulated by this Authority under the Private Water Supplies Regulations (2009). The supply is understood to be in breach of the Regulations due to the quality of the supplied water and/or presence of significant risks to the water. **This Authority cannot confirm that the water is wholesome and/or fit for human consumption.***
- (7) *The site is understood to be connected to the public water supply via a 50mm supply pipe. **There are concerns that this may be insufficient to accommodate the proposed site expansion.** Furthermore, there are concerns that water from the failing private water supply will be used to supplement any shortfall in capacity of that supplied via the public main. Due to the risks presented by the private water supply (and the potential for cross-contamination), the EDWT are of the opinion that the private water supply should be decommissioned if it is not brought up to a standard where it complies with the Private Water Supply Regulations (2009). **NB. The connection of a private water supply to a distribution system connected to the public supply is not permitted under the Water Supply (Water Fittings) Regulations 1999, unless adequate protection is in place.***

Although the majority of the above concerns would be best addressed directly by the Council's Land Drainage section (particularly since much of the above relates to regulations separate from Planning Regulations), this proposal does allow for additional information to be sought with regards to foul and surface water drainage, which could address some of the above matters. As such, despite the details being agreed regarding previous conditions, the above matters would necessitate the imposition of a further condition regarding foul and surface water drainage.

Contamination:

Due to its use as a Horticultural Nursery and the presence of a former onsite Boiler House and Made Ground and the presence of 3 x Landfill Sites within 250m, there is the potential for contaminants to be present on this site. As remediating worst case conditions should be feasible it should be possible to deal with land contamination risks by way of condition.

These contamination concerns were initially raised with regards to the previous application reference EPF/1542/14 since this permanently placed sensitive human receptors on site (including child receptors). However it appears that no conditions were imposed on the previously planning approval. Whilst this proposed development would not permit any new development on the site, only an intensification of use, it nonetheless would put more people at risk and therefore it is considered that this application would necessitate the need for contamination conditions.

Conclusion:

In light of the above, as the application site is an established gypsy site and the proposed four additional mobile homes and four touring caravans would serve the existing residents without any additional encroachment into the Green Belt, it is considered that there are sufficient very special circumstances that clearly outweigh the harm to the Green Belt and that all other issues are acceptable (or can be made acceptable through the imposition of conditions). Furthermore the increase in use of the site would assist the Council in providing additional pitches to meet the current need within the District. Therefore the application complies with Government guidance and the relevant Local Plan policies and is recommended for approval.

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

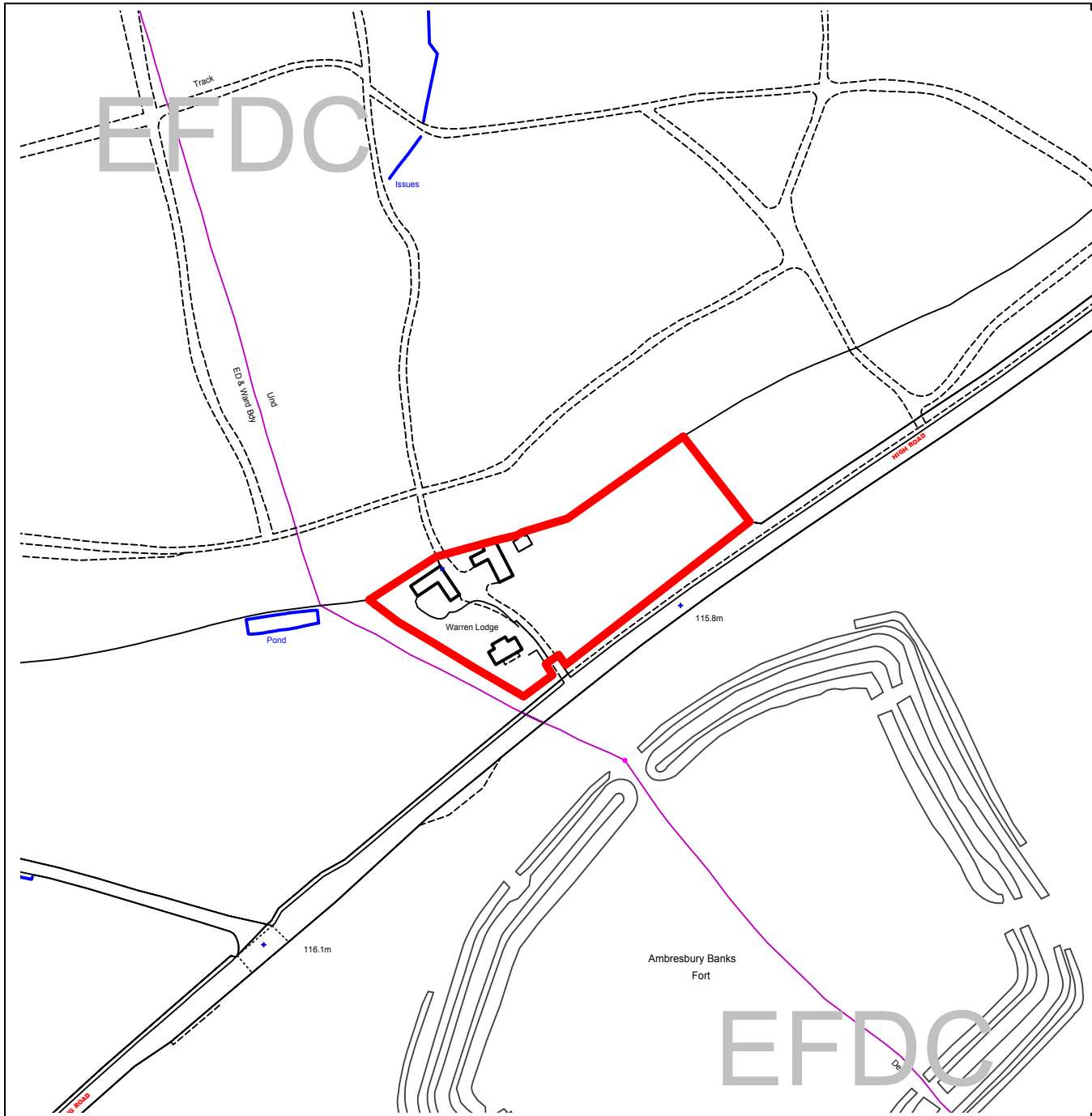
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/1127/16
Site Name:	Warren Lodge, High Road, Epping, CM16 5HN
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/1127/16
SITE ADDRESS:	Warren Lodge High Road Epping Essex CM16 5HN
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mrs R Lawrence
DESCRIPTION OF PROPOSAL:	Erection of two detached dwellings following the Councils granting of application EPF/2723/15
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584258

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: BRD/15/005/001, BRD/15/005/006, BRD/15/005/008-C, BRD/15/005/010-C, BRD/15/005/011-C, OS 1042-15.3 Rev: C, OS 1042-15.5, OS 1042-15.6
- 2 No development shall have taken place until samples of the types and colours of the external finishes and details of the doors and windows have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 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.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 5 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, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 Prior to the first occupation of the new dwelling the House, Garage Building, and Pool Building as shown on drawing no: BRD/15/005/001 shall be removed.
- 7 Soft landscaping shall be implemented as shown on Open Spaces drawing number OS 1042-15.3 Rev: C. The southern and eastern boundaries (ie the 9x 20-25cm girthed trees, the native scrub understorey planting and the shelter belt of cherry laurel) shall be planted within 3 months of the date of this consent. The remaining planting shall be undertaken within 6 months of the date of this consent unless the Local Planning Authority agrees to a variation beforehand in writing. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 8 No 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 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.
- 10 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]

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

- 15 A Phase I Habitat Survey shall be submitted to and agreed in writing by the Local Planning Authority. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species surveys shall be carried out. These surveys shall be submitted to and agreed in writing by the Local Planning Authority. Should the protected species surveys reveal the presence of protected species, or their breeding sites or resting places on the site, then a detailed mitigation strategy shall be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to and agreed in writing by the Local Planning Authority. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy.

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

Description of Site:

The application site is located on the northern side of the High Road approximately 1 mile south west of the town of Epping. The site itself is relatively level and irregular in shape.

Located on the site was a single storey dwelling, a double storey detached dwelling house that had been damaged by fire and ancillary amenity and garden areas with extensive mature vegetation located throughout the site. Vehicle access to the site is off the High Road.

The site itself is quite isolated with no immediate built form around it. Epping Forest bounds the site on all four sides. The site is located within the Green Belt and the Copped Hall Conservation area and is within an EFDC flood risk assessment zone.

Description of Proposal:

Consent was recently granted for the demolition of the existing dwelling and ancillary outbuildings and the erection of two new dwellings, one as a replacement to the existing dwelling and ancillary outbuildings and one to replace the original fire damaged property, approved under ref: EPF/2723/15.

Works commenced on the erection of the larger of the two approved dwellings however the applicant decided to erect this in a different location on the site (some 21m northeast of the original location). During the life of the application discussions were undertaken with the applicants about how to address concerns about the increased prominence and impact on the character of the

area. As a result of these discussions amended plans were received showing that the proposed large dwelling would be identical to the previously granted consent (albeit in a different location), the small dwelling would be relocated so that it remains equidistance from the large dwelling as originally approved, and additional landscaping would be provided.

Relevant History:

EPF/1558/14 - Demolition of existing fire damaged detached dwelling. Replacement with new detached dwelling – refused 27/08/14

EPF/2552/14 - Demolition of existing fire damaged detached dwelling. Replacement with new detached dwelling. Re-submission of EPF/1558/14 following refusal – approved/conditions 22/12/14

EPF/1712/15 - Demolition of one existing dwelling and ancillary outbuildings and the erection of two self-contained detached dwellings – withdrawn 30/09/15

EPF/2723/15 - Demolition of one existing dwelling and ancillary outbuilding and the erection of one dwelling in their stead along with a replacement dwelling for that previously approved – approved/conditions 17/12/15

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

CP6 – Achieving sustainable urban development patterns

GB2A – Development within the Green Belt

GB15A – Replacement dwellings

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt

DBE9 – Loss of amenity

HC1 – Scheduled monuments and other archaeological sites

HC6 – Character, appearance and setting of conservation areas

HC7 – Development within conservation areas

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes

ST4 – Road safety

ST6 – Vehicle parking

NC4 – Protection of established habitat

RP3 – Water quality

RP4 – Contaminated land

U2B – Flood risk assessment zones

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:

Given the isolated nature of this site there are no neighbouring properties with which to consult, however a Site Notice was displayed and The Conservators of Epping Forest were consulted. The Parish Council were reconsulted on the submission of the amended plans.

PARISH COUNCIL – The application was reconsidered by the Planning Committee and the comments are as follows -

Objection

- There are still concerns about the adequacy and appropriateness of the landscaping and councillors respectfully endorse the comments from EFDC Trees and Landscape, memo dated 16 June 2016
- The large property (Warren House) is now visible from the main road through Epping Forest and the nearby Ambresbury Banks, an Iron Age hill fort, and is therefore inappropriate in its setting
- Concerns remain about the impact on the Metropolitan Green Belt and Copped Hall Conservation Area

ORIGINAL COMMENTS – Objection. Considerable concerns regarding landscaping and trees. Parish Councillors who previously visited the site were assured that trees would not be taken down. Would request that a tree survey is carried out by the arboriculturalist either at EFDC or ECC. Concerns regarding the impact on the Metropolitan Green Belt. Concerns regarding the setting the Copped Hall Conservation Area. Concerns that trees and hedging already appear to have been removed. As the access route has changed concerns regarding the site being split into separate entities. Should the application be granted would request a condition that there is no further development on the site and that the site is not split into separate entities.

Main Issues and Considerations:

Consent has already been granted for the erection of two dwellings on this site and the size and design of the proposals have not altered from the original approval. Therefore the only considerations in this application are any additional impacts that result from the relocation of the dwellings.

Green Belt:

The number, size and overall scale of the proposed dwellings was previously assessed and considered to be appropriate within the Green Belt. The original site was laid out such that the former two storey dwelling was located to the west of the entrance to the site and the single storey dwelling and outbuilding were confined to the western part of the site. The original site benefitted from a large tennis court relatively central to the site with undeveloped landscaped garden land to the east. The previously approved scheme proposed to replace the two storey dwelling with the smaller dwelling in roughly the same location with the larger of the new dwellings being located on the site of the tennis court (with a slight encroachment into the open garden to the east).

The relocation of the large dwelling to the northeast of the original location has resulted in the house now being wholly located within the previously undeveloped and open part of the site. Initially this would have been a significant distance from the previously approved location of the small dwelling (some 45m) and therefore would result in the unacceptable spread of built form across the site. However as a result of discussions the plans have been amended and the smaller dwelling is now relocated so that it is 27m from the larger dwelling, which is relative to the originally approved layout. Whilst it is unfortunate that the proposed development has now encroached into the previously undeveloped eastern part of the site the erection of buildings on this part of the site is off-set by the removal of development on the western part of the site. As such it is not considered that the proposed relocation of the dwellings would have any significantly greater impact on the openness of the Green Belt than the originally approved scheme.

Conservation Area:

The proposed two dwellings stand on a site which gets its name from Warren Lodge, a 19th century red brick gate house to Warren Wood sited in the Warren Plantation. The site, located within the Copped Hall Conservation Area, is bounded to the southeast by the High Road, west by an access road leading to Warren Wood, east by open land and north by detached housing.

Several discussions and meetings were held between the applicant and the Conservation Officer in order to ensure that the proposed new dwellings met the expectations on heritage and design grounds. Whilst the relocation of the building has made the larger dwelling more visually prominent within the conservation area and the most immediately visual section of the dwelling would now be the flank elevation rather than the more visually appealing front elevation, the late Georgian design of the proposed large house will nonetheless continue to contribute positively to the appearance of the area and is still considered to be acceptable.

The revised plans relocating the smaller dwelling closer to the now relocated larger dwelling retains the relationship between these two properties and would ensure that the spread of development across the site is not excessively harmful to the overall character of the area.

Epping Forest:

The application site is set in to Epping Forest and as such is bounded to the southwest and opposite by the Forest.

The relocation of the larger dwelling places it in a more exposed position which leads it to be considerably more visible when driving along the road, or when viewed from the opposite side of the road (i.e. where the scheduled ancient monument of Amesbury Banks is sited). Furthermore a 'B' category sycamore tree needs to be removed to facilitate the development, and a replacement specimen tree – a cedar – is to be planted to replace this. Since the site is within a conservation area all trees are afforded legal protection, however there is no objection to the removal of the sycamore tree.

Since the development is already underway landscaping would need to be undertaken in two phases. Phase one would relate to the southern and eastern boundaries (i.e. the 9x 20-25cm girthed trees, the native scrub understorey planting and the shelter belt of cherry laurel), which would need to be conditioned that it be planted within 3 months of consent. This would effectively provide additional landscaping to soften and screen the more prominent location of the dwelling. Phase two would relate to the remainder of the proposed planting and would need to be installed by a time to be agreed by condition. Whilst it is regrettable that the dwelling has been relocated the imposition of conditions would sufficiently mitigate the additional harm that has resulted from this.

The Councils ecologist has raised no objection to the proposed development, subject to the submission and approval of a Phase I Habitat Survey. This can be dealt with by way of a condition.

Other Matters:

Flooding:

The application site is located within an EFDC flood risk assessment zone and is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing runoff. As such a flood risk assessment is required, which can be dealt with by way of a condition.

The applicant is proposing to dispose of foul sewage by package treatment plant and surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. As such further details are required regarding drainage, which can be dealt with by condition.

Archaeology:

An archaeological trial-trenching report has previously been submitted to Essex County Council for inclusion on the Essex Historic Environment Record. No archaeological deposits were discovered and therefore no further archaeological work will be required in relation to this planning application.

Contamination:

Records indicate that the rear barn conversion was formerly used as stables and housed the electricity generator for the Lodge, that previously demolished outbuildings contained asbestos, that waste from the house fire that took place in The Lodge may have impacted soils, and that the site lies within the buffer corridor of the Thames to Bovington BPA fuel. Therefore there is the potential for contaminants to be present on the site. Since domestic dwellings with gardens are classified as a particularly sensitive use land contaminated risks need to be investigated, assessed and, where necessary, remediated by way of conditions.

Conclusion:

Whilst it is regrettable that once works commenced on the larger dwelling this was erected in a different location than previously agreed, which has resulted in the house being more visually prominent, the relocation of the smaller dwelling to retain the approved relationship and requirement for additional landscaping to soften and screen the development would sufficiently overcome the additional harm from the relocation.

All other aspects of the proposal are identical to the previously approved scheme and as such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is recommended for approval.

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

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

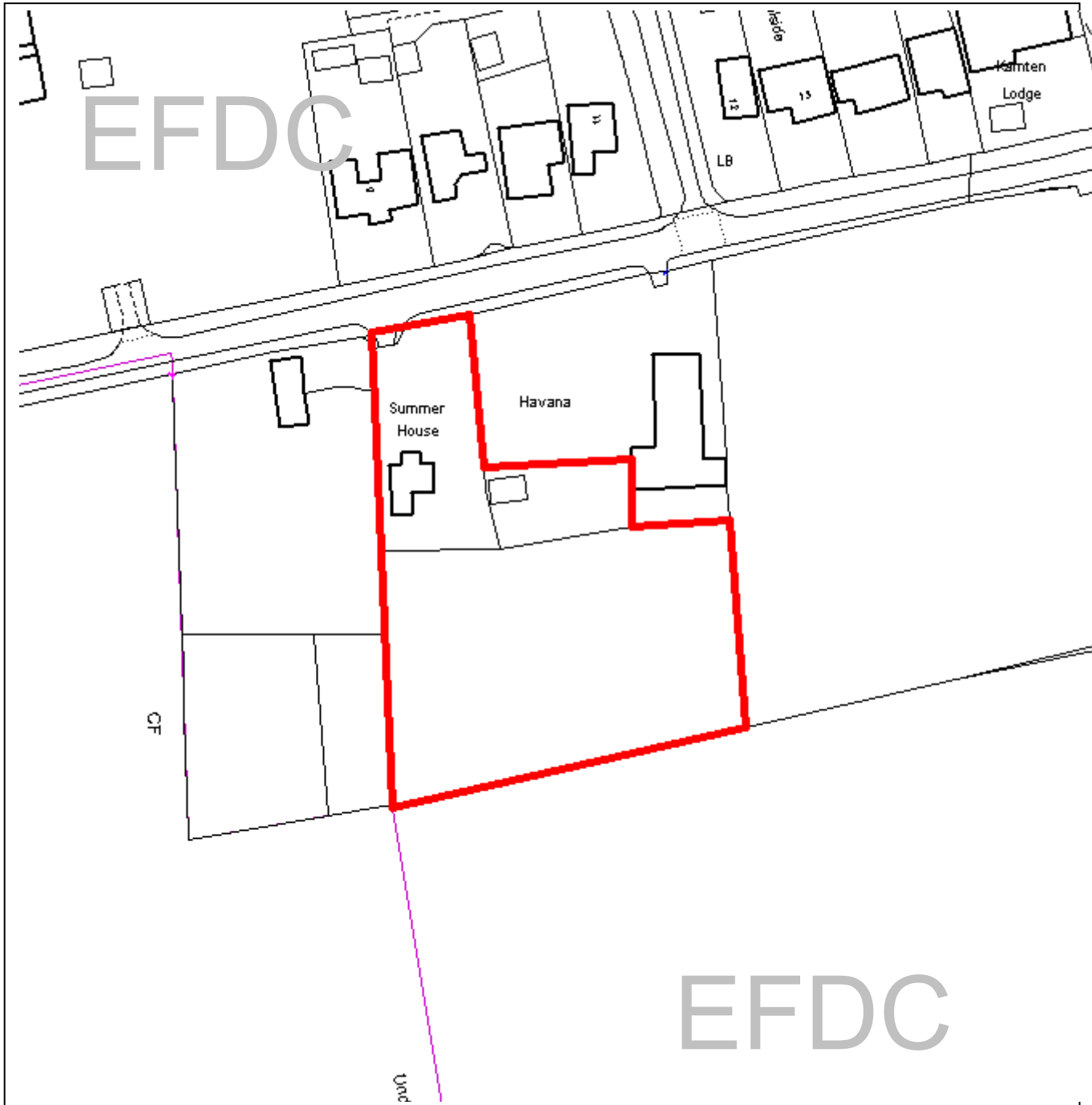
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/1650/16
Site Name:	Summer House, Hamlet Hill, Roydon, CM19 5LA
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/1650/16
SITE ADDRESS:	Summer House Hamlet Hill Roydon Harlow Essex CM19 5LA
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing Roydon
APPLICANT:	Miss Julie Irons
DESCRIPTION OF PROPOSAL:	Two storey extension to the east side of the property.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585369

CONDITIONS

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

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).

Description of Site:

The site includes a residential property located towards the front of the site. A detached outbuilding is located in close proximity and to the east of the dwelling. A summerhouse is located towards the rear corner of the application site. The house is a chalet style bungalow with the roof area being used for accommodation and light provided by skylights. The garage also has storage space at first floor level. The dwelling has an extensive curtilage and slopes downwards in a westerly direction. The site falls within land designated as Metropolitan Green Belt.

Description of Proposal:

Permission is sought for a two storey extension with pitched roof to the east side of the property.

This would result in accommodation over two floors. The extension would measure 5.0m x 10.9m and would have a dropped gable roof. Materials are proposed to match those of the application building.

Relevant History:

Reference	Description	Decision
CLD/EPF/2211/02	Application for a certificate of lawfulness for existing use; use as a single dwelling house for more than years.	Lawful
EPF/1729/04	Demolition of the existing dwelling and erection of a bungalow and detached garage on land known as Hillside Nursery, Hamlet Hill	Granted subject to condition
EPF/1570/07	Retention of the change of use of land to domestic garden and retention of summer house building at Hillside Nurseries	Granted subject to condition
PL/EPF/2266/12	Two storey side extension at Summer House, Hamlet Hill	Refused*

*The reason for refusal was that the proposed extension to this dwelling would have a detrimental impact on the open character of the Green Belt which would be clearly discernible from the surrounding countryside. This when considered in conjunction with the generous original replacement dwelling/garage at the site and the summerhouse development in an extended garden area, would have an excessive impact to the open character of the Metropolitan Green Belt at this location contrary to policies CP2, GB2A and GB7 of the adopted Local Plan and Alterations and national policy contained in the National Planning Policy Framework.

Policies Applied:

National Planning Policy Framework
National Planning Policy Guidance

Epping Forest District Local Plan (1998) and alterations (2006). (Local Plan)
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
DBE9 – Loss of amenity
DBE10 – Residential extensions

The above policies are broadly consistent with the NPPF and are therefore to be afforded full weight.

Consultation Carried out and Representations Received

ROYDON PARISH COUNCIL: object to the proposal on the grounds of Metropolitan Green Belt and overdevelopment when compared to what was originally allowed as a replacement dwelling on a horticultural site.

6 neighbours were consulted and no objections were received.

Main Issues and Considerations:

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

- (a) Impact on the aims and purposes of the Green Belt
- (b) Impact on visual amenity; and
- (c) Impact on neighbouring residential amenity.

Background

The previous case officer in his report under reference PL/EPF/2266/12 summarised the history of development on this site.

“The property was originally a horticultural building which received a Certificate of Lawfulness (CLD) in 2002 when it was proven on the balance of probability that the building had been occupied for four years as a single dwellinghouse. Subsequently an application was received in 2004 for a replacement dwelling. This was approved with permitted development rights for extensions and outbuildings removed. In 2007 an application was received, following an enforcement investigation, for an outbuilding and an extension to the curtilage. This was subsequently approved.

With regards to the CLD the Local Planning Authority (LPA) could offer no evidence in rebuttal of the claim. The building as of 2002 therefore enjoyed the same lawful rights in planning terms as any other. The application for a replacement dwelling with a garage was received in 2004. This was approved with a curtilage restricted to close to the rear of the dwelling. Local, and indeed national policy, recognises that the replacement of an existing dwelling is not inappropriate in Green Belt terms if the proposed building is not materially larger than the one it replaces. The officer's report at the time of this application recorded that the increase over the original was bulkier, though reasonable. As there was no facility for the garaging of vehicles, the present garage which is a double garage with useable floorspace above was deemed justifiable. However as is often the case the removal of permitted development rights for extensions and outbuildings was deemed a reasonable approach. This is often the case where the LPA are of the opinion that the replacement of the built form on the site has been generous and future control over development should exist. Furthermore a restriction was put on the curtilage, curtailing it to close to the rear of the house/garage.

However following enforcement investigation in 2007 an application was received for a summerhouse (outbuilding) and extension to the curtilage back to what had been applied for in 2004. The summerhouse was located on the piece of land which had previously been excluded from the residential curtilage of the dwellinghouse and some distance (60 metres) from the defined curtilage. The summerhouse measures approximately 10.0m x 4.0m and therefore for its purpose is not a small building. Members determined against officer recommendation that consent should be granted for this scheme and this was the case subject to conditions. One such condition was that a section of the land applied for as curtilage should not be used as such”.

Impact on the aims and purposes of the Green Belt?

The National Planning Policy Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development in the Green Belt and development should not be allowed except in very special circumstances.

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

Local Plan policies GB2A is broadly in compliance with the aims and objectives of national Green Belt policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building. Previous appeal decisions define the ‘original building’ to mean the current building as first built and not the building it replaced therefore the previous decision made under reference PL/EPF/2266/12 would likely not be upheld at appeal.

The Framework provides no guidance on how the "proportionality" of a proposal should be assessed. However previous Planning Inspectorate decisions indicate that a number of factors should be taken into account when determining whether an extension is disproportionate, these include height, volume, floorspace and design.

The site contains a summer house in the south eastern corner of the site, however given that it is over 60m away from the application property it cannot be considered as an adjunct to the residential dwelling and as such its volume cannot be included in the cumulative volume of extensions on the property when calculating whether it is ‘disproportionate’ or not.

The proposed extension will increase the volume of the dwelling by 50%, it has a ridge which is stepped down from the original main ridge of the roof and has a design which is subordinate in appearance to the size and character of the main dwelling. It is therefore considered to be proportionate to the size of the original dwelling and is therefore not considered inappropriate development.

Harm to the openness of the Green Belt?

Whilst it is acknowledged that there would be added bulk when viewed from the north and south, it has design, bulk and footprint which is sympathetic to the character of the house and the proposal is not inappropriate development. It is therefore considered to cause less than substantial harm to the openness of the Green Belt. In conclusion the extension is considered to be appropriate development that would not be harmful to the openness of the Green Belt.

Impact on the character and appearance of the application building and surrounding area.

As stated above the proposal is proportionate and sympathetic to the design and appearance of the application building and surrounding area. The proposal therefore accords with the requirements of chapter 7 of the NPPF and policy DBE10 of the Local Plan.

Impact on neighbouring residential amenity.

Neighbouring properties are sufficiently distant as to not be materially affected in terms of light, outlook or privacy. The proposal therefore accords with the requirements policy DBE9 of the Local Plan.

Conclusion

In conclusion the proposal is appropriate development within the Green Belt; has an acceptable design and will not affect neighbouring residential amenity. The proposal is therefore considered to comply with the requirements of the NPPF, NPPGs and the Combined Policies of Epping Forest District Local Plan and alterations.

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

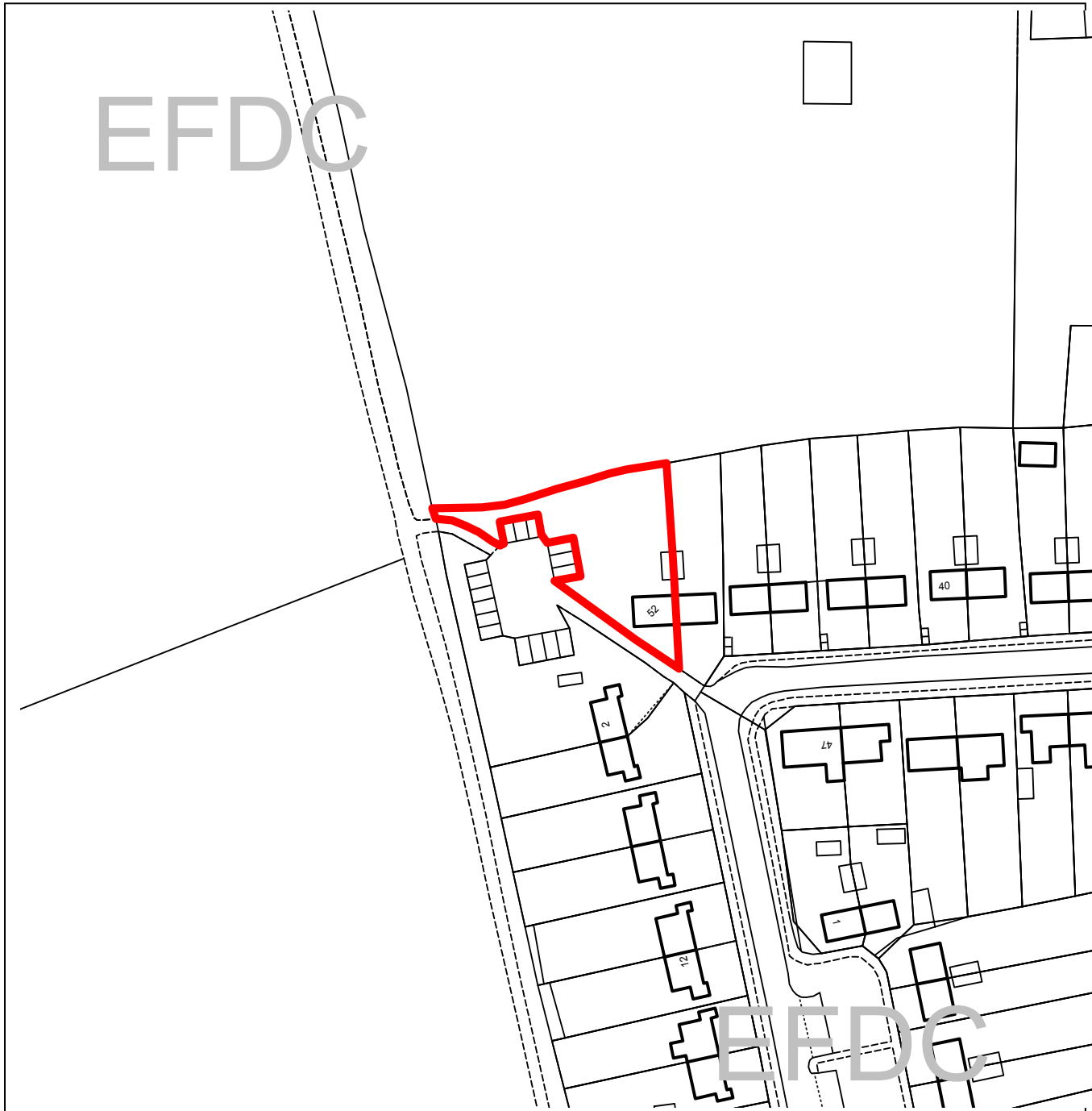
***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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



Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/1760/16
Site Name:	52 Hansells Mead, Roydon, CM19 5HZ
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/1760/16
SITE ADDRESS:	52 Hansells Mead Roydon Essex CM19 5HZ
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Nader Benzid
DESCRIPTION OF PROPOSAL:	Detached Granny annex.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585576

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 described in section 11 of the submitted application form or of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development, including works of demolition or site clearance, shall take place until details of the retained landscaping (trees / hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed. The approved cleaning facilities shall be used to clean vehicles immediately before leaving the site.

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:

Two storey semi detached dwelling located on the northwestern side of Hansells Mead, where it meets Parkfields. Adjacent to the west is a block of garages 16 garages. A large number of trees are located to the northern end of the site which then backs onto a large plantation of trees.

Description of Proposal:

Consent is sought for a detached granny annexe in the rear garden of the dwelling. The annex would be 7.5m wide by 8m deep and contain one bedroom. Ridge height 4.2m.

Relevant History:

None

Policies Applied:

CP2	Quality of Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions
LL10	Adequacy of Provision for Landscape Retention

National Planning Policy Framework 2012

Summary of Representations:

ROYDON PARISH COUNCIL – Objection - This should be referred to the Tree Officer and EFDC Housing. By looking at the plan the annexe is larger than the main dwelling, and the hedge between this property and the EFDC garages will have to be removed to allow the plant machinery onto the site.

Neighbouring properties have been notified and a site notice erected. No neighbouring occupiers have objected however an objection has been from The Roydon Society on the following grounds:

Site is unsuitable – access shared with EFDC garages; insufficient access between the side wall of the current house and the EFDC garages – without removing the trees/hedges that screen the rear wall of the garages; reduction of the present garden.

Main Issues and Considerations:

The main issues that arise with this application are the potential impact on the character and appearance of the area in terms of design and potential adverse impact to the living conditions of neighbouring properties and potential impact on trees and landscaping.

Character and Appearance

There are no objections to the design and appearance of the proposed development.

Although the footprint of the building is slightly larger than the footprint of the dwelling it is single storey with an overall ridge height of 4.2. Much of building would be screened from other neighbours and the surrounding area due to its location adjacent to a block of garages and would be seen in conjunction with these buildings. To the east the building would be screened largely by existing ground floor extensions on the shared boundary with 50 Hansells Mead and to the north the mature trees would block views into the site. Furthermore, the annex would not be visible from within the streetscene.

The dwelling benefits from a very large rear garden that can accommodate the proposal suitably without it appearing cramped.

NB: It should be noted that whilst the use as an annex would require planning permission a similar sized building (maximum ridge height would have to be slightly less at 4m) could be erected without planning permission if it was pulled an additional 1m away from the garage site boundary.

Within this context, the design of the proposed works is considered acceptable and would comply with policies CP2 and DBE10 of the adopted Local Plan (1998) and Alterations (2006)

Living conditions

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

Given the design and distance from the neighbouring boundaries it is considered that there would be no material impact on the living conditions of either neighbour as to appear overbearing and/or result in a loss of outlook or sense of enclosure to the neighbouring occupiers. In addition there would be no material level of overshadowing. No unacceptable loss of privacy is envisaged as the building is only single storey. In terms of noise and disturbance generated from the use given it would be only for limited residential use in conjunction with the existing dwelling and as the building would be located away from neighbouring properties it is not considered that the use would result in an excessive loss of amenity in terms of additional noise and disturbance to the occupiers of adjoining houses.

Therefore in light of the above, the proposal is considered to comply with DBE9 of the Local Plan (1998) and Alterations (2006)

Trees and Landscaping

There are a number of mature trees to the rear boundary of the site and an abundance of hedging along the western boundary separating the site with the garage block. The Council's Tree and Landscape Officer has been consulted on the application and assessed the potential impact of the proposal on the adjacent landscaping. She considers that a condition should be added to any permission requesting that additional details of the trees and landscaping be submitted to the

Local Planning Authority (LPA) prior to any works on site including site clearance. In this way the LPA are able to understand which trees can be removed and which ones would require protection during the construction process. This condition is considered both reasonable and necessary.

Subject to the details to be submitted, the proposal is considered to comply with policy LL10 of the adopted Local Plan (1998) and Alterations (2006).

Response to representations made

In response to the Parish Council comments received, both the Tree Officer and the Housing team have been consulted on the application. The Council's Tree Officer is satisfied with the proposal, subject to the condition referred to above. The Council's Housing Team have (at the time of writing – 31/08/16) not commented on the proposal.

With regards to the size of the building, this has been covered within the character and appearance section. In terms of the removal of hedging, this appears to be within the ownership of the applicant and is not preserved in any way. It would not materially detract from the character of the area and in any case could be removed at any time.

In response to the comments of the Roydon Society, whilst the access is shared with the garages, the proposal is for an annex and not a separate dwelling. There is sufficient access between the house and the garages but would entail some removal of hedging and bushes that are not preserved and can be removed without permission. A means of enclosure would be replaced once the building is constructed.

The applicant could remove the bushes/brambles within his site to facilitate the erection of the annex.

The garden is considered to be large enough to accommodate the proposal.

Conclusion:

The proposed development is appropriate in terms of design and appearance; would not result in excessive harm to the living conditions of adjoining property occupiers and is acceptable in terms of impact on trees subject to a condition.

The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and the NPPF. It is therefore recommended that permission be granted subject to conditions.

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

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

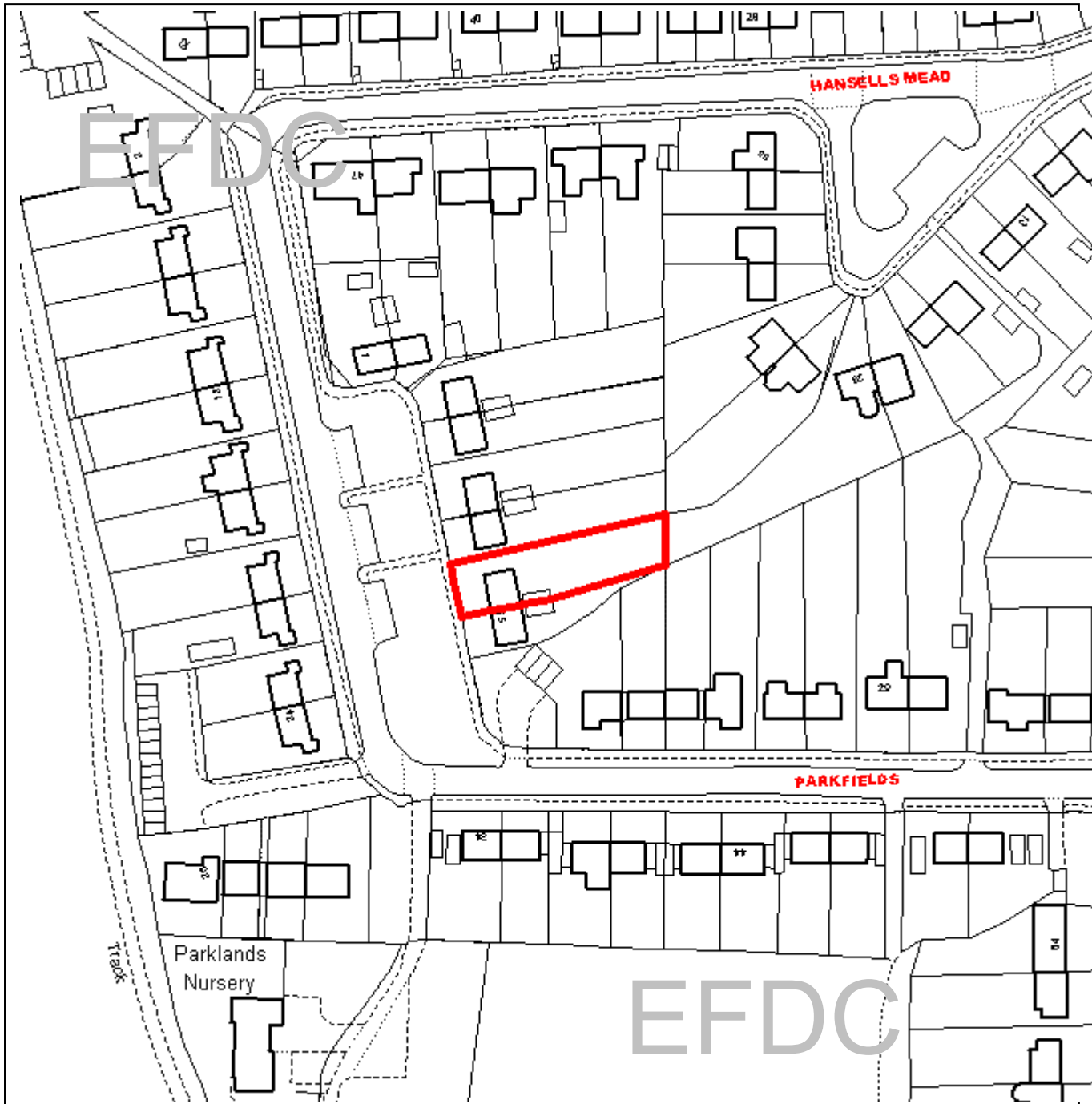
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Epping Forest District Council

Agenda Item Number 8



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Application Number:	EPF/1763/16
Site Name:	13 Parkfields, Roydon, CM19 5JA
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/1763/16
SITE ADDRESS:	13 Parkfields Roydon Harlow Essex CM19 5JA
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Abiche Ben Amor Saidi
DESCRIPTION OF PROPOSAL:	Part single, part two storey rear extension and loft conversion with rooflights including new wall cladding to elevations.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585579

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 described in section 10 of the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 3 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to first occupation of the development hereby approved, the proposed first floor window opening in the northern flank elevation facing 11 Parkfields shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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:

Two storey semi detached dwelling located on the north side of Parkfields a residential estate within Roydon. The dwelling has not been extended previously and remains as originally built which includes the frame of prefabricated reinforced concrete with a series of concrete panel which form the external envelope. There is a single storey flat roof concrete outshoot on the ground floor on the boundary with the attached neighbour at 15 Parkfields who also benefits from this extension.

The attached dwelling and other houses along this row have been refurbished with the concrete panels replaced with blocks which were insulated and covered with a brick slip.

However there are also a number of houses within the vicinity that are finished with a smooth render.

Description of Proposal:

Planning permission is sought for a part single, part two storey rear extension and loft conversion with rooflights, including new wall cladding to elevations. The description has been revised to exclude reference to the extension being used as a granny annexe as revised plans have been received that show internal changes that now show the works purely as an extension to the existing dwelling. The application includes the removal of the ground floor outshoot.

History:

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

Policies Applied:

Local Plan policies relevant to this application are:

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

Nation Planning Policy Framework 2012

Summary of Representations:

ROYDON PARISH COUNCIL - Strongly object. This does not appear to be following EFDC guidelines for converting an airey house by the Leeds method. It will not be in keeping with neighbouring properties, and appears to be two flats rather than a granny annexe.

ROYDON SOCIETY – Objection

- Currently an 'AIREY' house, the last on this estate that has not been 'modernised'. All other properties, whether privately or local authority owned have been 'modernised' using the 'Leeds Method'. This 'method' is not proposed in the application.
- If approved, this house will look out of place – a block outer wall that has been painted – with a row of brick houses.
- The works are not allowing for the additional support required for the loft conversion.

NEIGHBOURS - 11 neighbours consulted. 3 objections received from the following:

3 PARKFIELDS – Objection:

- My husband and I were the first in Parkfields to structurally repair our house and had to obtain a license from Leeds council to carry out the work. We had strict rules to the construction at very high costs. If this wasn't necessary we should be compensated.
- The plans submitted by No 13 are the most unprofessional plans we have ever seen.
- Why does a family of 3 need to convert a house into 2 self-contained flats and a loft conversion?
- It won't be in keeping with the same renovations as the rest of the Airey house conversions in Parkfields.

7 PARKFIELDS – Objection on the same grounds as 3 Parkfields as occupier signed the same letter submitted.

11 PARKFIELDS – Objection

- it doesn't appear that the old structure /cladding is going to be replaced to the correct specification that all the other houses on the estate have been modified
- this will not be sufficient or structurally sound and to be able to withhold an extension / loft conversion.
- Do not agree that the house should be rendered and painted. It should be brick. It will look out of place in a row of bricked houses and will devalue other properties and spoil the overall look of the estate.
- Do not agree that the side window to the property extension looking onto our property will not be obscured glass as our window that looks onto their property is obscured.

Issues and Considerations:

The main issues to be addressed are as follows:

- Character and Appearance
- Effect on Living Conditions

Character and Appearance

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

The proposed rear extension would have a single storey depth of 5m and a first floor depth of 4m. It would be of a similar design to that approved at 11 Parkfields albeit with a rooflight in the extension's hipped roofslope along with rooflights in the original roof to utilise both the existing and proposed roofspace.

The dwelling and resulting extension is proposed to be refurbished by replacing the existing concrete with blockwork and then finished with a white render.

The other houses within this row of semi detached properties have been refurbished and finished with either a red or yellow brick slip. The objections received mainly relate to this element of the proposal. Whilst it may be more desirable for the dwelling to be finished in brick to match the others within the row, the existing dwelling already appears different to the others as it has not been refurbished and retains the original concrete panels. A change to render is considered an improvement on this and whilst it would not match the others, is not considered to detract from the

character and appearance of the row and surrounding area such to refuse the application on this issue.

When taken in its wider context, there are already a large number of other rendered dwellings within the vicinity.

In light of the above, Officers consider that the proposal would not detrimentally affect the character of the area, would not be overdeveloping the building and would not appear overbearing or out of scale in relation to the existing development in the vicinity. Therefore the proposal would comply with policies CP2 and DBE10 of the adopted Local Plan and Alterations.

Living Conditions

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

The proposal would not result in excessive harm to the amenities of adjoining property occupiers.

With regards to the potential impact on the detached dwelling to the west at 11 Parkfields, the extension would be set in excess of 4m from the side wall of this dwelling, which itself has been extended to the rear at both ground and first floor levels by 4m. Therefore the proposal would only project 1m beyond this neighbour at ground floor level and would not result in an excessive loss of amenity to that neighbouring occupier. The proposed first floor window in the facing flank wall can be conditioned as obscured to overcome any concerns relating to overlooking.

In relation to the attached neighbour to the east at 15 Parkfields, the ground floor element would project no further than the neighbours existing ground floor addition and whilst normally a 4m deep extension at first floor level may result in a loss of outlook to the neighbour, there are three first floor windows serving the rear of the property. The nearest serves a bathroom, the next the stairs and landing and the furthest a bedroom. Given this, a depth of 4m (replicating that approved at 11 Parkfields) is considered not to result in a material loss of outlook to the neighbour.

In addition, given the existence of the single storey addition, the extension would not appear materially overbearing when viewed from that neighbours garden as there would a distance of approximately 4m from the nearest point at which you could view it from that garden.

In terms of the loft conversion only velux windows are proposed which would not result in any additional overlooking that isn't already possible at first floor. The applicant indicates that the loft space would be used mainly for storage or for a study given the limited size however there are no officer objections to the roofspace being used as habitable space.

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

Response to representations made

The issue relating to character and appearance of the render in relation to brick has been considered above.

In relation to the structural issues surrounding the proposal, this is not a planning consideration and would be dealt with under current building regulations. If the proposed works cannot meet these regulations then this will be dealt with at this stage. The application for planning permission can only consider the impact on character and appearance which the report has done. In addition, it is not for the Planning Officers to consider claims for compensation relating to building works carried out previously.

The applicant has submitted revised plans to overcome Parish Council and neighbour concerns relating to the house appearing as two separate flats however externally the proposal remains the same, a part single, part two storey rear extension with loft conversion.

The first floor side window can be conditioned to be obscured.

House prices are not a material planning consideration.

Conclusion:

In light of the above assessment, the development is in accordance with the policies contained within the Adopted Local Plan and Alterations and the NPPF. It is therefore recommended that permission be granted subject to conditions.

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

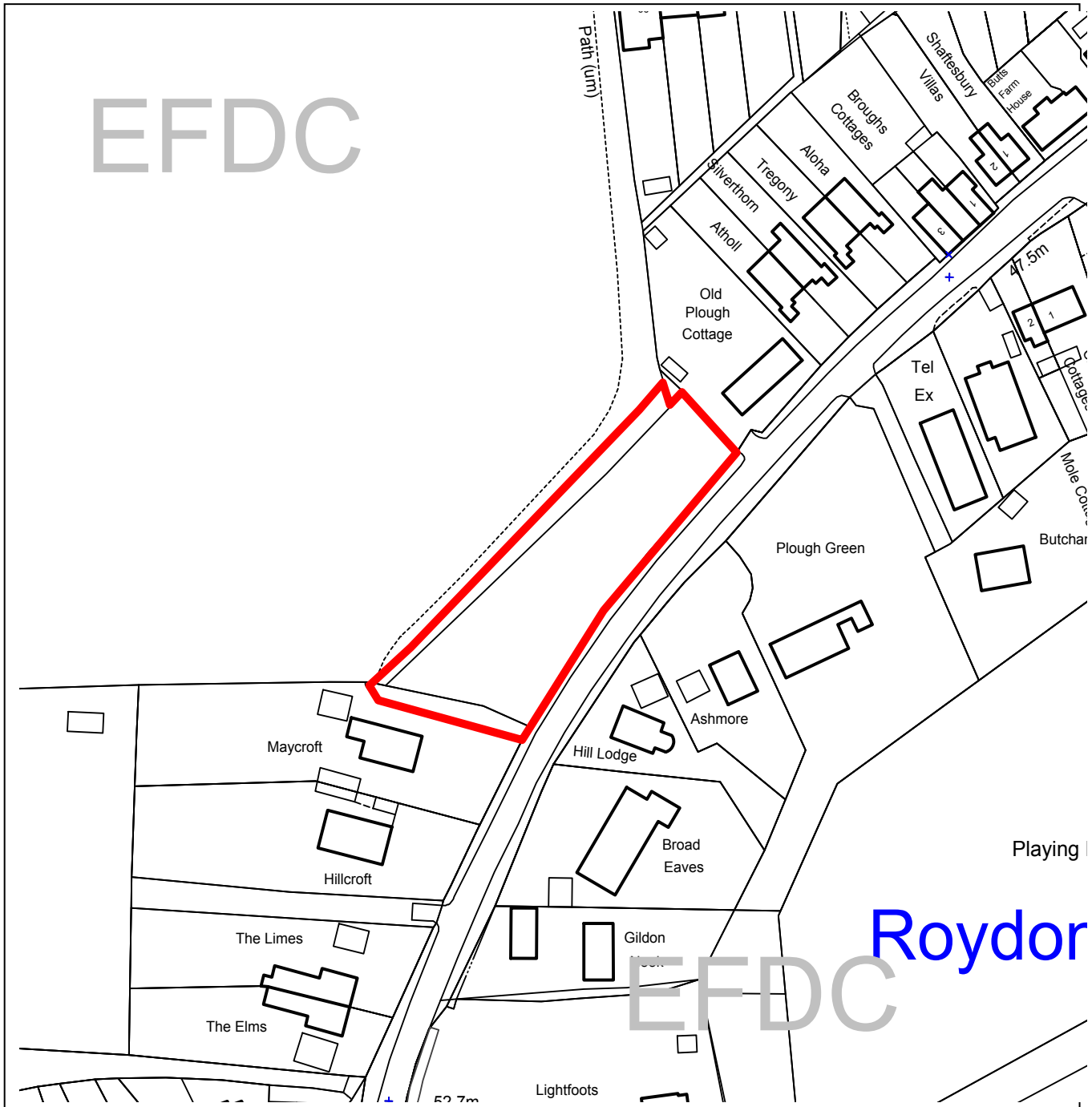
***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564337***

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



Epping Forest District Council

Agenda Item Number 9



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Application Number:	EPF/1841/16
Site Name:	Land at Epping Road, Roydon, CM19 5HT
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/1841/16
SITE ADDRESS:	Land at Epping Road Roydon Harlow Essex CM19 5HT
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr C Frederick
DESCRIPTION OF PROPOSAL:	Erection of four detached dwellings
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585776

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 Tree Protection Plan and drawings nos: 11979-P003-B, 11979-P005, 11979-P006, 11979-P007, 11979-P008,
- 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, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above

and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 Prior to the first occupation of the development, the accesses at their centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway, and shall be retained free of any obstruction in perpetuity.
- 8 Prior to the first occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of both accesses, at their junction with the highway, shall not be less than 5.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 9 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.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 11 There shall be no discharge of surface water onto the Highway.
- 12 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 13 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.

- 14 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 15 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.
- 16 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Site:

The application site consists of a 0.19 hectare parcel of land situated on the north western side of Epping Road within the settlement of Roydon. The site is a linear strip of land that is located within the Metropolitan Green Belt between the built up residential properties to the north east and those in the southwest, both of which are outside of the Green Belt. Directly opposite the site on the Epping Road are further residential dwellings that are outside of the designated Green Belt.

The site is bounded along the side and rear boundaries by existing trees and is currently overgrown. Along the southern and western boundaries runs a public footpath.

Description of Proposal:

Consent is being sought for the erection of four detached dwellings with associated access, parking and amenity space. Each of the four dwellings would front onto Epping Road and would benefit from rear garden areas. Two new access points would be installed with each being shared by two of the houses. These would lead to small parking areas providing two off-street spaces for each of the dwellings along with turning space to enable vehicles to enter and leave the site in forward gear.

The proposed houses would each be different in design with the two dwellings closest to the side boundaries measuring 10.8m in width and 7.2m in depth and the two central houses measuring 8.2m in width and 9.4m in depth. With the exception of the southernmost property, which would have a hipped roof, the dwellings would all have gable ended roofs and vary in height. From southernmost to northernmost these would be: Unit 1 - 8.2m in height, Unit 2 - 8.8m in height, Unit 3 - 8.9m in height and Unit 4 - 8.4m in height.

Relevant History:

None

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Quality of rural and built environment
CP3 - New development
GB2A - Development in the Green Belt
H3A - Housing density
DBE2 - Effect on neighbouring properties
DBE8 - Private amenity space
DBE9 - Loss of amenity
ST1 - Location of development
ST4 - Road safety
ST6 - Vehicle parking
LL10 - Adequacy of provision for landscape retention
LL11 - Landscaping scheme
RST3 - Loss or diversion of rights of way
RP3 - Water quality
RP4 - Contaminated land

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:

34 neighbouring residents were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object.

1. Metropolitan Green Belt.
2. Highway issues – there is only a pavement on this side of the road and parents and children have to walk along it to get the local primary school, which is conveniently where the site plan ends. This stretch of road has been causing concern for a long while now as it is on a slight bend and it is difficult to see oncoming traffic, especially if there are parked vehicles. So there will be problems whilst building the houses and when owners accessing their properties.
3. Drainage – there is no mention of the ditch behind the site.
4. There is mention of the existing public right of way to the south of the site, where the bus stop is situated, but no mention of the footpaths to the north and west of the site.
5. Has the listed building officer been notified as it is believed the Thatched House next to the site is listed?

Although it is not for local residents to say, but a number have said Roydon does not need any more four bed detached houses.

THE ROYDON SOCIETY – Object to this application:

1. Overdevelopment of this site – it is felt that the area is insufficient area to support 4 properties and gardens to accompany the size of the properties being proposed – residents would prefer smaller or affordable housing on this site.
2. Footpaths – Footpath 4 leading from Epping Road to locations to the rear of the proposed site (not fully detailed on the Plans).
3. Access and exiting the site – this section of road is particularly hazardous (despite recommendations by ECC Highways) with traffic exceeding the speed limits. If used for parking (in the main by Roydon Primary School) sightlines are compromised. Suggest yellow lines be put along this section of Epping Road to prevent excessive parking and allow smooth traffic flow.

BARDWELLS, EPPING ROAD – Object as this strip of land is the only place where parents can park to drop-off/pick-up children and the development would exacerbate the existing highway safety problems.

THE LIMES, EPPING ROAD – Object to the impact on traffic on Epping Road, the impact on on-street parking, and regarding the impact on pedestrians negotiating the footpath.

OLD PLOUGH COTTAGE, EPPING ROAD – Object as a large tree abutting the site has been excluded from the tree protection plan and would be affected by the development.

57 HIGH STREET – Object due to the impact on the streetscape and the surrounding countryside. Concerned about the loss of vegetation and the impact on LVRP and consider that the site is too restricted for four dwellings and would result in development in the Green Belt.

43 HANSELLS MEAD – Object to the loss of former allotment land, the impact on pedestrians and highway safety, due to a lack of affordable housing in the area, and due to the loss of horticultural land. Need to ensure that the public footpath is fully retained.

14 KINGSMILL HILL – Object as this is dedicated agricultural Green Belt land that should not be built on, there has already been a vast amount of infill in Roydon, this would lead to the destruction of mature trees, the footpath across the land would be across the development, these would be a danger to highway safety, and since new housing should be built in Harlow.

TREGONY, EPPING ROAD – Object due to existing parking problems and the impact the development would have on this. Suggest works to the highway to address this.

SILVERTHORN, EPPING ROAD – Object to parking problems and the additional impact that this development would have on these. Suggest parking restrictions to address these problems.

1 SHAFTESBURY VILLAS – Object due to the impact on pedestrian and highway safety.

THE ELMS, EPPING ROAD – Concerned about the size of the development, the impact on pedestrian and highway safety, and due to parking considerations.

HILL LODGE, EPPING ROAD – Object due to a loss of privacy and outlook, impact on highway safety, loss of light, overdevelopment of the site, and impact on on-street parking.

GILDON NOOK, EPPING ROAD – Object as the layout and siting is inappropriate and unsympathetic to the appearance and character of the area, there is insufficient parking provision, and since it would be an overbearing and unneighbourly development.

ASHMORE, EPPING ROAD – Object due to highway safety and the impact on existing parking problems.

89 TEMPLE MEAD – No objection but feel this application has been strategically submitted during the holiday season and because the Local Plan Green Belt Review has not yet been through full consultation and adoption.

Main Issues and Considerations:

The key considerations are the impact on the Green Belt, the character and appearance of the surrounding area, highway safety considerations, and regarding neighbours amenities.

Green Belt:

This application site is located adjacent to Old Plough Cottage to the north and Maycroft to the south and opposite several existing dwellings on the south eastern side of Epping Road. Whilst all of the surrounding properties are located outside of the designated Green Belt the application site is within the Green Belt.

The National Planning Policy Framework states that the erection of new buildings within the Green Belt constitutes inappropriate development, however provides a number of exceptions to this. The list of exceptions includes “*limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*”.

Roydon would undoubtedly constitute a ‘village’, although the majority of this large built up area is located outside of the Green Belt (and therefore no exception to inappropriate development would need to be argued), and therefore the key considerations with regards to this exception is whether the proposed development would constitute a ‘limited infill’.

There have been a number of appeal decisions with regards to ‘limited infilling’ both within and outside of Epping Forest. An appeal decision for an infill development in Spellbrook, Herts stated that “*given the almost continuous pattern of development along the main road, it is reasonable to conclude that the ribbon of development and, consequently, the appeal site, should be regarded as within the village*”. An appeal at Pond House, Matching Green (Ref: EPF/2136/12) allowed for an infill development in this village. Within the Inspectors decision letter it was stated that “*the scheme would be visible from within the village and the wider countryside but I consider it would have a very limited impact on the openness of the Green Belt because, as an infill development, it*

would be contained within the existing envelope of built development in Matching Green and seen in the context of the existing village development. For the same reason, it would not have a material adverse effect on the purposes of including land within the Green Belt”.

This application site is surrounded on three sides by residential development and only shares one boundary with open, undeveloped land. Due to this it is considered that the erection of four properties would be considered suitably ‘limited’ in this location and would clearly be seen within the context of the village of Roydon and would not detrimentally encroach into open countryside. Due to this the proposed application would comply with the exception of “*limited infilling in villages*” as laid out in the National Planning Policy Framework and therefore would not constitute inappropriate development harmful to the openness of purposes of the Green Belt.

Design:

The proposed dwellings would be sited as four detached properties of varying designs. These dwellings would be broadly in line with the adjacent dwelling at Old Plough Cottage and would follow the shape of the road whilst still providing a varied building line. This reflects the wider pattern of development along Epping Road that contains a mix of dwelling types and sizes with no strict building line.

The overall appearance of the new dwellings would be traditional with variety given to the design of each individual property. This would be achieved through differing roof shapes, fenestration details and external materials. Given the varied mix of properties within Epping Road the proposal is considered to be appropriate to the overall character and appearance of the area.

Concern has been raised with regards to the density of the proposal however the site is sufficiently sized to accommodate the four dwellings with suitable separation as well as adequate off-street parking provision and amenity space.

The Local Plan and Essex Design Guide recommend 20m² of private amenity space per habitable room for dwellings. All of the proposed dwellings would benefit from an excess of the required private amenity space.

The applicant has provided tree information that has been assessed by the Councils Tree & Landscaping team. No objection has been raised regarding the proposal subject to tree protection being agreed and the approval of hard and soft landscaping, which can be dealt with by way of conditions.

Concern has been raised by a neighbour with regards to a Willow tree situated in the adjoining site that has not been referred to within the submitted Tree Protection Plan. The Tree & Landscape Officer has specifically assessed this tree and the current situation is that the site owner is within their Common Law Rights to cut this willow back to the boundary line (this includes the cutting of roots back to the boundary line). Whilst the Arboricultural Consultant has not included this tree within the report this would not be sufficient reason to refuse this application. The Tree Protection Plan does show some element of tree protection within this area and the aforementioned tree protection condition would adequately address the protection of this adjacent tree.

Access and Parking:

One of the key concerns raised by neighbouring residents is regarding the impact on highway safety and the existing on-street parking problems. The main problem being that this section of road is used for parking purposes when children are dropped-off/picked-up from the nearby school.

Essex County Council Highways have been consulted on the application and raised no objection to the proposal since *“the proposal has excellent visibility from both accesses along Epping Road at this location and each access is only serving 2 dwellings. It is recognised that this area gets busy at school times but this is not any different to any location near a school and is only for short periods of the day. Consequently the development will not be detrimental to highway safety or efficiency”*.

The proposed dwellings would each be served by two off-street parking spaces with adequate turning space to allow for vehicles to enter and leave in forward gear. This level of parking provision meets the requirements for resident parking as laid out within the Essex County Council Vehicle Parking Standards. Whilst no dedicated visitor parking is proposed (since there would be a requirement for one off-street visitor space to serve the entire scheme) there would be adequate space along the side of the access roads to enable temporary visitor parking when required without impacting on the turning area. Therefore it is considered that the development would be served by adequate off-street parking provision.

Whilst concerns have been raised regarding the loss of on-street parking along Epping Road, which is where parents park to drop-off and pick-up children from the nearby school, the two proposed entrances to the development would only result in a small loss of parking along this stretch of road. The remainder of the road would be retained free for unrestricted parking. Whilst there would be some inevitable disruption during the construction of the development this would be short lived and is not a material planning consideration.

Amenity concerns:

Unit 1 would be located a minimum of 6m from the shared boundary with Maycroft and some 15m from the neighbouring dwelling itself. Due to this, along with the orientation of the new property and lack of any first floor flank windows, there would be no detrimental impact on the amenities of this neighbour.

Unit 4 would be located a minimum of 3.4m from the shared boundary with Old Plough Cottage and 10m from the neighbouring dwelling itself. This new property would sit roughly in line with the neighbouring house and would not include any first floor flank windows. As such this would not detrimentally impact on the amenities of these neighbouring residents.

Whilst the proposed development would introduce dwellings opposite Hill Lodge, Ashmore and Plough Green these would be at a distance in excess of 22m across Epping Road and as such there would be no excessive loss of light, outlook or privacy as a result of these works. The loss of any view currently enjoyed by residents opposite the site is not a material planning consideration since there is no right to a view.

Other Concerns:

Public footpath:

To the south and west of the site runs a Public Right of Way (Footpath 4 – Roydon). The design and layout of the proposed development does not interfere with this footpath and therefore there is no reason to divert or close this.

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of Public Right of Way is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.4 Roydon must be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not

automatically allow development to commence. In the event of works affecting the public footpath none shall be permitted to commence until such time as they have been fully agreed with the Highways Authority.

Former allotment use:

Whilst a neighbour has raised concerns about the former allotment use of this site Council records show that this was a use introduced in the 1960s however the site has not been in use as allotments for a number of years. As such it is not considered that this proposal would result in the loss of allotments.

Archaeology:

The Historic Environment team of Place Services, Essex County Council has identified that the application has the potential to impact on archaeology. The Essex Historic Environment Record (EHER) shows that the proposed development is sited on the edge of the medieval and post-medieval settlement of Roydon (EHER 45221). The adjacent building, Old Plough Cottage, is a late 16th or early 17th century Listed Building. It is therefore possible that the proposed development will impact on archaeological remains relating to the historic settlement. Archaeological deposits are both fragile and finite, in view of this the implementation of a programme of archaeological works must be agreed, which can be dealt with by condition.

Drainage:

The application site is not located within an EFDC flood risk assessment zone, however it is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a flood risk assessment is required, which can be sought by condition.

The applicant has no proposal to dispose of surface water. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required regarding surface water drainage, which can be dealt with by condition.

Contamination:

All readily available Council held desk study information has been screened and, apart from the former use of the site for allotments around the 1960s, no evidence of any significant contaminating activities having taken place historically on the proposed redevelopment site can be found. Records indicate that the site has always been agricultural land, apart from its brief allotment use.

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 proposed development would constitute a limited infill within a village and therefore would not be inappropriate development harmful to the Green Belt. The design and layout of the proposed dwellings is considered to be appropriate to the wider street scene and would not detrimentally impact on neighbours amenities. No objection has been raised from Essex County Council Highways with regards to the new vehicles access points and sufficient off-street parking is

provided. Therefore, subject to conditions, the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies and the application is therefore 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