

## AREA PLANS SUB-COMMITTEE 'WEST'

17 May 2017

### INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/2880/16	Land off St Leonards Road Nazeing Essex EN9 2HN	Refuse Permission	24
2.	EPF/3071/16	The Conifers Netherhall Road Roydon Essex CM19 5JR	Grant Permission (With Conditions)	40
3.	EPF/3348/16	The Yard Hill Farmhouse Hamlet Hill Roydon HARLOW CM19 5LD	Grant Permission (With Conditions)	48
4.	EPF/0176/17	Cedar Lodge Mott Street Waltham Abbey Essex E4 7RW	Grant Permission (With Conditions)	60
5.	EPF/0276/17	2 Takeleys Manor Cottages Upland Road Epping Upland Epping Essex CM16 6PB	Refuse Permission (Householder)	70
6.	EPF/0409/17	Presdale Farm Nurseries Hoe Lane Nazeing Essex EN9 2RJ	Refuse Permission	80
7.	EPF/0412/17	76 Highland Road Nazeing Essex EN9 2PX	Grant Permission (With Conditions)	88
8.	EPF/0428/17	37 The Magpies Epping Upland Essex CM16 6QG	Grant Permission (With Conditions)	94
9.	EPF/0477/17	The Villa Nursery Reeves Lane Roydon Essex CM19 5LE	Grant Permission (With Conditions)	100

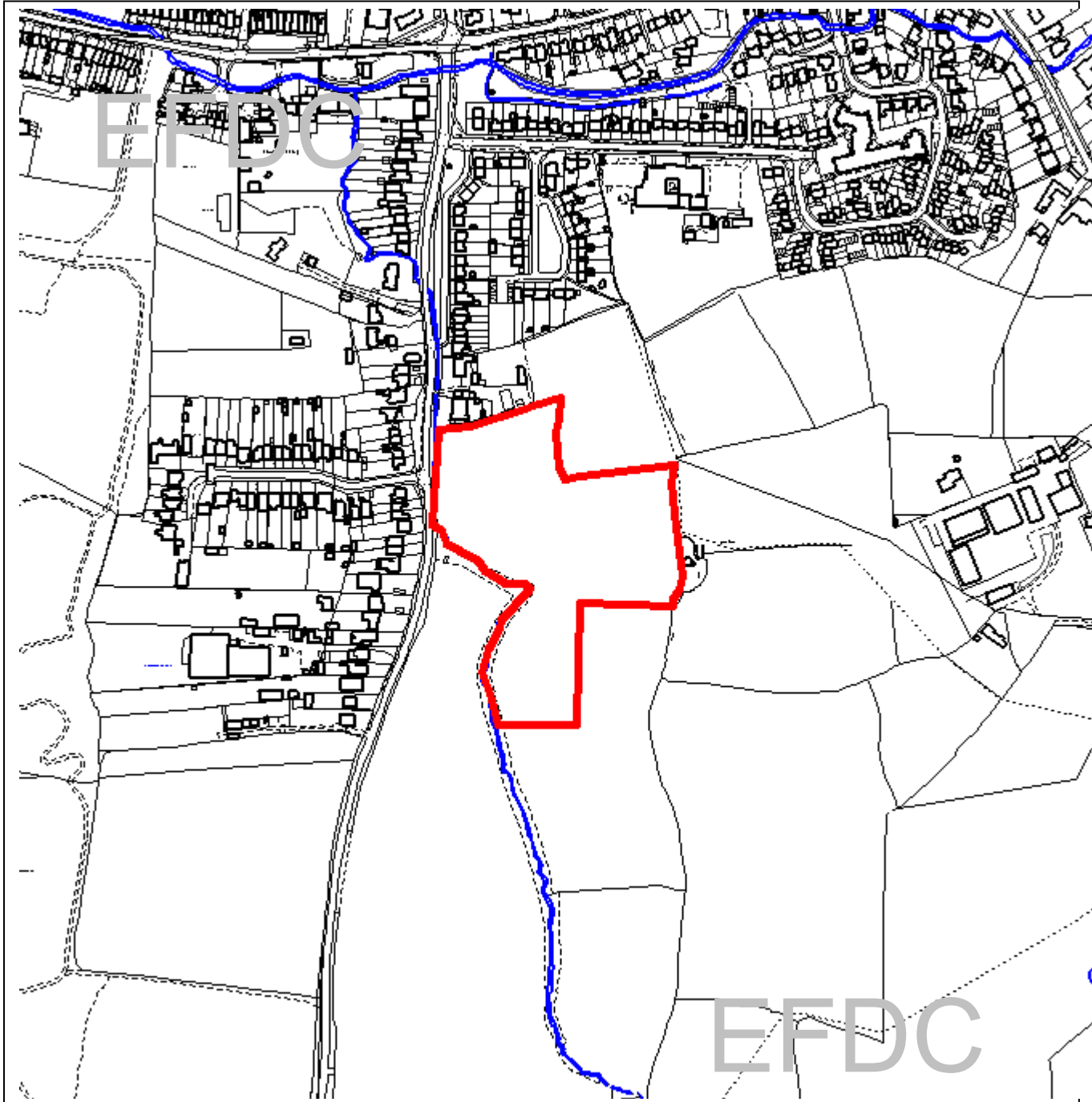
10.	EPF/0501/17	Rye Hill House Rye Hill Road Epping Upland Essex CM18 7JG	Grant Permission (With Conditions)	106
11.	EPF/0524/17	White House Copped Hall Estate High Road Epping Essex CM16 5HS	Grant Permission (With Conditions)	112
12.	EPF/0605/17	Land and Buildings on the East Side of Sewardstone Road Waltham Abbey Essex EN9 1JH	Grant Permission (With Conditions)	116
13.	EPF/0615/17	Land and Buildings on the East Side of Sewardstone Road Waltham Abbey Essex EN9 1JH	Grant Permission	124
14.	EPF/0608/17	103 Broomstick Hall Road Waltham Abbey Essex EN9 1LP	Grant Permission (With Conditions)	128

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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2880/16
Site Name:	Land off St Leonards Road, Nazeing, EN9 2HN
Scale of Plot:	1/5000

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2880/16
<b>SITE ADDRESS:</b>	Land off St Leonards Road Nazeing Essex EN9 2HN
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr G Abella
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application for construction of 49 no. residential units comprising 20 no. Starter Homes (including 4 no. disabled homes) and 29 no. open market houses and construction of multi-purpose sports hall with associated car parking; two new football pitches; new access onto St Leonards Road; and drop-off/pick up car parking for primary school
<b>RECOMMENDED DECISION:</b>	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=588993](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588993)

**REASON FOR REFUSAL**

- 1 The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice contained in the National Planning Policy Framework and policy GB2A of the adopted Local Plan and Alterations for which no very special circumstances sufficient to outweigh the very significant harm to the openness of the area and any other harm have been demonstrated.
- 2 Notwithstanding the above reason to refuse consent and based on the submitted information it is considered that the proposed development would have a detrimental impact on the character and appearance of the countryside for which no special demonstration of need has been put forward. The proposed development is therefore contrary to Local Plan and Alterations policies LL1, LL2 and LL10 and national guidance in the National Planning Policy Framework.
- 3 Insufficient information has been provided to demonstrate that no affordable housing can be provided on site or, failing this, a contribution made for off-site affordable housing, contrary to the guidance contained within the National Planning Policy Framework and policies H5A, H6A and H7A of the adopted Local Plan and Alterations.

*This application is before this Committee since it would otherwise have been refused under delegated powers by the Director of Governance but there is support from the relevant local Parish/Town Council (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3) and 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: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site is located to the south of the junction in Nazeing and just where the built form of the village ends. This is an expansive site and is entirely within the boundaries of the Metropolitan Green Belt. The site is accessed from an existing accessway onto St Leonard's Road. Only the northern boundary of the site is bordered by residential properties, a site which contains a large detached dwelling known as Cranbrook. The area of the site closest to the road is largely flat and it rises steadily further in. The land is characteristically arable farmland. The EFDC Settlement Edge Landscape Sensitivity Study (Chris Blandford Associates 2010) places the area (including this site) within the 'Lower Nazeing fringes' and describes it as comprising of an undulating patchwork of small to medium sized predominantly arable fields that are delineated by mature hedgerows.

A Public Right of Way (PROW) Footpath No13 passes through the site and along its eastern fringe heading towards the local primary school. The site is a short walk from Nazeing Parade which provides a limited range of typically village facilities including corner shops. The site lies within an Epping Forest District Council flood risk assessment zone but is not within Environment Agency Floodzones 2 or 3. The site includes features which could potentially provide habitat for various animal species such as hedging, scrubland and grass. A brook runs along the western boundary of the site adjacent to the road. Part of the site falls within the "Naz B" area in the 2012 Issues and Options Consultation Document.

### **Description of Proposal:**

Outline planning consent is being sought with some matters reserved. The only matters under consideration in this application (in addition to the principle of the development) is the proposed access and the layout. All other matters (appearance, landscaping and scale) are reserved for future assessment and therefore are not under consideration in this application.

The proposal seeks permission in principle for the construction of 49 residential units along with a multi-purpose sports hall with associated car parking, two new football pitches, new access onto St Leonards Road, and drop-off/pick-up parking for the primary school. The layout of the proposal is shown on drawing no's: 11043-P002-V and 11043-P001-Q. The proposed dwellings would consist of 29 no. open market houses and 20 no. Starter Homes (which would include 4 no. disabled homes).

This application follows the refusal of a full planning application for an almost identical scheme, which was refused consent under ref: EPF/0937/16.

### **Relevant History:**

EPF/0202/14 - Construction of 6no. 2-bed, 26no. 3-bed, 10no. 4-bed and 3no. 5-bed houses (45 dwellings in total, including 16 affordable homes), with associated off street parking and amenity space; construction of multi-purpose hall with associated sports pitches and car parking; new access onto St Leonards Road; drop off/pick up car parking for Primary School; and landscaping - withdrawn 15/12/14

EPF/2009/15 - Construction of 7no. 2-bed, 26no. 3-bed, 9no. 4-bed and 3no. 5-bed houses (45 dwellings in total, including 18 affordable homes), with associated off street parking and amenity space; construction of multi-purpose hall with associated sports pitch and car parking; new access onto St Leonards Road; drop off/pick up car parking for Primary School; and landscaping - refused 18/11/15

EPF/0937/16 - Construction of 49 no. residential units comprising 20 no. Starter Homes (including 4 no. Disabled Homes) and 29 no. Open Market Houses and construction of Multi-Purpose Sports Hall with associated car parking; new access onto St Leonards Road; Drop off/pick up car parking Primary School; and landscaping – refused 16/09/16

EPF/2674/16 - Construction of 49no. residential units comprising 20no. Starter Homes (including 4no. disabled homes) and 29no. open market houses and construction of multi-purpose sports hall with associated car parking; new access onto St Leonards Road; drop-off/pick up car parking for primary school; and landscaping – withdrawn 31/10/16

### **Policies Applied:**

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

CP1- Achieving Sustainable Development Objectives  
CP2 - Protecting the Quality of the Rural and Built Environment  
CP3 - New Development  
CP4 - Energy Conservation  
CP5 - Sustainable Building  
CP6 - Achieving Sustainable Urban Development Patterns  
CP7 - Urban Form and Quality  
CP8 - Sustainable Economic Development  
CP9 - Sustainable Transport  
GB2A - General Restraint  
GB7A - Conspicuous Development  
RP4 - Contaminated Land  
U2B - Flood Risk Assessment Zones  
U3B - Sustainable Drainage Systems  
DBE1 - New Buildings  
DBE2 - Impact of Buildings on Neighbouring Property  
DBE4 - Design and Location of New Buildings within Green Belt  
DBE5 - Design and Layout of New Development  
DBE6 - Car Parking in New Development  
DBE7 - Public Open Space  
DBE8 - Private Amenity space  
DBE9 - Amenity  
H3A - Housing Density  
H4A - Dwelling Mix  
H5A - Affordable Housing  
H6A - Site Thresholds for Affordable Housing  
H7A - Levels of Affordable Housing  
H8A - Availability of Affordable Housing in Perpetuity  
H9A - Lifetime Homes  
NC4 - Protection of Established Habitat  
LL1 - Rural Landscape  
LL2 - Resist Inappropriate Development  
LL3 - Edge of Settlement  
LL10 - Retention of Trees  
LL11 - Landscaping Schemes  
ST1 - Location of Development  
ST2 - Accessibility of Development

ST3 - Transport Assessments  
ST4 - Road Safety  
ST6 - Vehicle Parking  
ST7 - Criteria for Assessing Proposals (new development)  
I1A - Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### Epping Forest Draft Local Plan consultation document (2016)

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

SP1 – Presumption in favour of sustainable development  
SP5 – Green Belt and district open land  
SP6 – The natural environment, landscape character and green infrastructure  
H1 – Housing mix and accommodation types  
H2 – Affordable housing  
T1 – Sustainable transport choices  
DM1 – Habitat protection and improving biodiversity  
DM2 – Landscape character and ancient landscapes  
DM9 – High quality design  
DM10 – Housing design and quality  
DM11 – Waste recycling facilities on new development  
DM15 – Managing and reducing flood risk  
DM18 – On site management of waste water and water supply  
DM21 – Local environment impacts, pollution and land contamination

#### **Summary of Representations:**

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

PARISH COUNCIL - No Objection and support the outline planning application.

LVRPA – Objects to the application on the grounds that it would adversely impact on the permanence and openness of the Green Belt and compromise the landscape setting of the Regional Park.

**Objections: approximately 90 letters of objection were received from properties in the immediate vicinity of the site and the wider Nazeing area. The comments made can be summarised as follows:**

- The development is on Green Belt land and is contrary to the purposes of maintaining a Green Belt, in that it will result in encroachment into the countryside. The land has recently been used for growing crops. Brownfield sites should be developed first.
- Concern that development will result in the overlooking of a neighbouring property and that some of the new properties will be overlooked.
- Concern that the increased run off will exacerbate flooding issues when the brook along the road overflows. The main sewer along the road has already been damaged and is stretched to capacity. Concern that this development is proposed on a flood plain.



- Concern that the proposed access onto the highway will be inadequate. The development will result in a staggered junction with Tatsfield Avenue. St Leonards is a very busy and dangerous road and despite the written report, traffic is exceptionally bad at peak periods and there are long delays.
- Concern about potential impact on protected species and local wildlife.
- The proposed development will put intolerable pressure on the local roads network. The infrastructure of Nazeing is not sufficient to take such a development. There is no pavement from the development to the local shops and getting there involves crossing a dangerous road. The road is too narrow and dangerous for another access.
- The local area is already well served by community/sporting facilities and this aspect of the scheme is not needed. The community facility will lead to a marked increase in traffic in the village.
- The proposed parking for the school is too far away to be of any use and involves the use of a PROW which is not suitable. The path is in a poor state and unsuitable for use by parents with children. The path would be treacherous in winter.
- A Public Right of Way across the site will be stopped up.
- The school may not have the capacity to deal with a further intake. Local schools and Doctor's Surgeries are full. The infrastructure of the village could not cope.
- Concern about the need for floodlighting and a beautiful hillside would be decimated.
- This is purely a money making venture which will spoil the village.
- Assurances would be needed that the sports pitches are built and not negotiated down as a second phase.
- This is a poor location for the development
- The positioning of the pedestrian crossing is fundamentally unsafe and highly dangerous due to the combination of vehicle speed, poor visibility to the south and close proximity to the two side turnings.
- The application for less houses has already been refused and this development has not significantly changed.

**Support: approximately 28 letters of support have been received to this application or in response to the applicants previous consultation undertaken (just prior to the previous refusal). The comments made can be summarised as follows:**

- Increase in houses.
- Provision of starter homes and disabled housing.
- Provision of sport and community facilities.
- Provision of the houses should be to local people.
- Road traffic improvements should be imposed.

### **Issues and Considerations:**

The previous full planning application ref: EPF/0937/16, which was for an almost identical scheme (the only difference being some minor alterations to the layout of the proposed dwellings and the exclusion of the new football pitches), was refused planning consent in September 2016 for the following reasons:

1. *The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice contained in the National Planning Policy Framework and policy GB2A of the adopted Local Plan and Alterations for which no very special circumstances sufficient to outweigh the very significant harm to the openness of the area and any other harm have been demonstrated.*
2. *Notwithstanding the above reason to refuse consent and based on the submitted information it is considered that the proposed development would have a detrimental*

*impact on the character and appearance of the countryside for which no special demonstration of need has been put forward. The proposed development is therefore contrary to Local Plan and Alterations policies LL1, LL2 and LL10 and national guidance in the National Planning Policy Framework.*

- 3. Insufficient information has been provided to demonstrate that no affordable housing can be provided on site or, failing this, a contribution made for off-site affordable housing, contrary to the guidance contained within the National Planning Policy Framework and policies H5A, H6A and H7A of the adopted Local Plan and Alterations.*

Within the 'potential way forward' section of the previous Report it stated the following:

*On the fundamental issue of releasing such a site to meet housing need, such decisions should be made through the plan making process. This position has been supported by Central Government and recent appeal decisions are also supportive of the view that the plan making process is the best way to meet housing need as opposed to ad hoc applications. Furthermore the need for the proposed facilities would have to be clearly demonstrated and if such a need does exist a decision would be made if this was the best available site to meet the need. No clear way forward therefore exists on the submission of planning permission for this type of development on this site at the current time.*

This refusal followed a previously refused scheme ref: EPF/2009/15 for 45 dwellings.

#### Reason 1 – Green Belt:

Paragraph 89 of national policy contained in the NPPF lists the instances when new buildings within the Green Belt need not be inappropriate. As determined within both previously refused schemes it is clearly evident that a development of this nature is inappropriate development. The NPPF states that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.

Despite the two previous refusals for similar developments it appears that the applicant is still not fully in agreement that the proposal constitutes inappropriate development with the main argument for this being that the policies within the adopted Local Plan are ‘out-of-date’ and therefore these should be given no weight when restricting the provision of additional housing that meets the ‘presumption in favour of sustainable development’.

As a consequence of not being able to demonstrate a five year supply the applicant contends that paragraph 49 of the NPPF indicates that considerably less weight be attributed to policies restricting housing development, which includes Green Belt policies. Several appeal decisions and cases have been submitted to emphasis this.

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

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

As can be seen above neither paragraph 14 nor paragraph 49 of the NPPF suggest that when an LPA cannot demonstrate a five-year housing land supply any policies relating to the supply of housing should be ignored. Simply that these should be considered out of date and that the LPA may proscribe them with less weight. However even if the Epping Forest District Local Plan policies were completely ignored the entire NPPF is still considered relevant, which includes the paragraph that relate to Green Belt restrictions. This is clearly considered to be an important consideration since it is one of the stated policies within the Framework that indicates that development should be restricted (footnote to paragraph 14) and it is one of the only parts of the NPPF that specifies that “*when considering any planning application, local planning authorities should ensure that **substantial weight** is given to any harm to the Green Belt*” (paragraph 88 – my emphasis). Furthermore it has been made clear in both the Ministerial Statement from July 2013 and paragraph 034 of the Planning Practice Guidance that “*unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site within the Green Belt*”.

A number of appeals have been quoted within the applicants submission however the majority of these relate to sites outside of the Green Belt and therefore, whilst these are relevant in terms of highlighting the material consideration given to the lack of a five-year land supply, they are not directly comparable with this proposal. However a recent proposal for new housing in the Green Belt at Debbies Garden Centre (EPF/0718/16) was dismissed on appeal (APP/J1535/W/16/3162580) on 21 March 2017. Within this appeal decision the Inspector clearly states:

20. *The Framework aims to boost significantly the supply of housing. The Council acknowledge that they do not have an up to date 5 year housing land supply. As such the appellant advocates that in accordance with the Framework the development should be approved.*

*However, the Framework advocates that this approach only applies unless specific policies in the Framework, which include land designated as Green Belt, indicate that development should be restricted. Therefore, while the additional 43 units that would be generated by the scheme would provide a contribution to meeting the identified housing need I consider that this does not outweigh the harm to the Green Belt that I have already identified.*

In line with the NPPF, the Council are reviewing Green Belt boundaries and accept that some Green Belt land will have to be released to meet future development needs, but this should be done through the Local Plan review process which looks at the entire district rather than on an individual settlement or site basis. Part of this site is allocated within the Draft Local Plan (SR-0011 – suggested to be suitable for approximately 64 homes), which is another factor that the applicant is arguing in favour of the development. However this allocation is only contained in an emerging Local Plan that has not yet been through the relevant testing and therefore little weight can be attributed to this. This has been made clear in several recent appeal decision including the following:

Land at Harlow Gateway South - APP/J1535/W/16/3143248 – dismissed 25/11/16

102. *An essential characteristic of Green Belts is their permanence. In this case there is as yet only a suggestion in the emerging plan that the site be on a candidate list for removal from the Green Belt. It is clearly a good candidate but the emerging plan is yet to be subject to consultation and then examination so nothing should be presumed at this stage. Accordingly, it is the test of the Green Belt balance which continues to determine whether this proposal would be sustainable development for the purposes of NPPF paragraph 14.*

Debbies Garden Centre - APP/J1535/W/16/3162580 – dismissed 21/03/17

8. *The Council is in the process of developing a new development plan, the emerging Local Plan (the eLP). As part of this process the Council has undertaken a review of the Green Belt boundaries which includes considering alterations to the Green Belt boundary around Harlow. One of the draft policies (policy SP 3) has highlighted an area which would include the appeal site as a potential housing site.*
9. *However the eLP itself is at a very early stage in the process and whilst it has been out for consultation it has not yet been the subject of any robust testing. Furthermore, it is clear from the evidence provided by the Council that it has received comments about potential changes to the Green Belt boundaries including those that would involve the appeal site. The Framework is clear that it is not the purpose of an appeal to review a Green Belt boundary; this being one of the functions of a Local Plan examination. As a result I consider that there is a degree of uncertainty as to whether the changes proposed in the consultation draft of the eLP would be included within the final version of the eLP. Therefore, having regard to the advice provided by the Framework, I have attached limited weight to the policies of the eLP. As a consequence I consider that for the purposes of this appeal and until such time as a new development plan is adopted the site falls within the Green Belt and I must give this issue due consideration.*

In addition to the above it should be noted that the proposed application site is in excess of the area of land currently allocated within the Draft Local Plan and therefore the emerging Local Plan is not suggesting that the entire application site is suitable for development.

Due to the above it is clear that, despite the current lack of a five-year land supply and the inclusion of part of the site as a housing allocation in the Draft Local Plan, the proposed development clearly continues to constitute inappropriate development. The NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning*

*authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".*

### Reason 2 – Landscape character:

The EFDC Settlement Edge Landscape Sensitivity Study (Chris Blandford Associates 2010) places the area (including this site) within the 'Lower Nazeing fringes'. This describes the landscape setting as comprising of an undulating patchwork of small to medium sized predominantly arable fields that are delineated by mature hedgerows. It notes that the 'urban gateway' to the south of the site (i.e. along the B194) marks a transition zone between the predominantly rural landscape and the start of the village. The site subject to this proposal is on a visually significant slope, with a 'key pedestrian route' passing east – west through the site.

The site falls along the western edge of landscape setting area '3' within the Lower Nazeing fringes. In terms of sensitivity of the landscape setting this area is considered to make a 'positive' representation of typical character of the area (none of the other landscape setting areas with the Lower Nazeing fringes are rated as high), and has a high overall landscape character sensitivity.

In terms of visual sensitivity the area is moderate, with a moderate grading for overall sensitivity to change. The recommendation is that those landscape areas identified as 'high' or 'moderate' overall sensitivity are desirable to safeguard in landscape terms and considered to have a significant role in contributing to the structure, character and setting of the settlement (i.e. Lower Nazeing).

Despite the continued reason for refusal with regards to 'insufficient information' there is still insufficient information submitted to clearly demonstrate the impact of the development on this landscape. The levels plans do not cover the whole site and no contour plans have been submitted. Existing and proposed showing level changes and a ground Remodelling Proforma are necessary. It has therefore still not been demonstrated that the proposed development would conserve, enhance or respect the character of the landscape.

Irrespective of the above, the proposed erection of 49 dwellings would inevitably have an urbanising impact on this edge of settlement and would be prominent to views from around the village and its environs. Such development will by its very nature impact on the existing landscape and the setting of a village. Local plan policies on the rural landscape require that new development conserves and enhances its character and respects the setting. As is highlighted above the area of the site is sensitive to change and its character will be wholly altered.

It is the Local Authorities position that the release of Green Belt land for housing should come through the plan making process. It should be noted that the area of land currently allocated within the Draft Local Plan is significantly smaller than the proposed application site and, irrespective of this, as part of the allocations/masterplanning process issues such as landscape sensitivity will be factored into any designation.

Due to the above it is still considered that the proposed development would have an adverse impact on a landscaping which is sensitive to change and its scale and visual prominence would be visually intrusive and harmful to the rural character of the area.

### Reason 3 – Affordable housing:

The previous application was refused since *"insufficient information has been provided to demonstrate that no affordable housing can be provided on site or, failing this, a contribution made for off-site affordable housing"*. The reasoning for this was because there was no affordable housing proposed in the previous application and instead 20 Starter Homes were offered. This is

unchanged within this latest submission since the applicant still proposes to provide 40.8% of the development as Starter Homes in lieu of affordable housing.

The provision for starter homes to be defined as affordable housing was included in the Housing and Planning Act 2016. This includes a general duty to promote starter homes and by making regulations a requirement to give planning permission for a residential development of a specified description if the starter homes requirement is met. However the regulations are not yet in place and it is not clear when or whether the current government intends to provide such regulations given the manner in which the matter has been covered in the recent Housing White Paper.

The Housing White Paper "*Fixing Our Broken Housing Market*" (February 2017) does not seek to introduce a statutory requirement for starter homes at the present time, however it does expect local authorities to deliver starter homes as part of a mixed package of affordable housing of all tenures that can respond to local needs and local markets. The government has expressed its intention to change the National Planning Policy Framework subject to the Housing White Paper consultation as follows:

- A change to the definition of affordable housing to include among other matters starter homes and affordable private rented housing;
- To introduce a household eligibility cap of £80,000 (£90,000 for London) on starter homes;
- To make it clear that local authorities should seek to ensure that a minimum of 10% of all homes on individual sites are affordable home ownership products. This would include starter homes, shared ownership homes and discounted market sales products. It would apply to sites of 10 units or more or 0.5+ hectares in size.

However, until the Government responds to the consultation and makes the relevant changes to the NPPF these provisions cannot be considered to be in place. Until these changes have been made to the NPPF affordable housing provision must be assessed under current Local Plan policy and the NPPF and at the present time Starter Homes are not considered to meet the definition of affordable housing. Therefore the provision of 40.8% Starter Homes is not sufficient to meet the requirements of the Council's affordable housing policy.

Policy H6A of the Councils Local Plan requires that a development of this scale would require 40% of the proposed dwellings to be provided as affordable housing and states that "*the levels will apply unless it can be shown that they are inappropriate or that they make a scheme economically unfeasible*". No viability appraisal has been submitted to demonstrate that affordable housing targets cannot be achieved on the site. Therefore the proposal fails to comply with the guidance contained within the NPPF and Local Plan policies H5A, H6A and H7A.

*Case put forward in favour of the proposed development:*

The applicant has put forward the same twelve 'very special circumstances' as previously in EPF/0937/16, which were not considered to be sufficient enough to outweigh the identified harm. If the applicant disagreed with the Councils conclusion then they had a right to appeal however no appeal was lodged. Instead they are seeking for the Council to 'change its mind' as a result of the balancing exercise.

The matters put forward by the applicant are as follows:

1. Sustainability
2. Policy vacuum
3. No five year supply of land for housing
4. Provision of 20 Starter Homes
5. Priority for local residents
6. Proposed multi-purpose hall

7. Provision of shop/sub-post office
8. Provision of Disabled Accommodation
9. Provision of all-weather sports pitch
10. Provision of grass sports pitch
11. Provision of additional primary school car parking
12. Traffic calming to St Leonards Road

#### *1. Sustainability:*

The applicant puts forward that the proposal meets the NPPF's 'presumption in favour of sustainable development' and therefore this means that development should be granted due to the lack of a current five year housing supply. This matter is in part covered within the above Green Belt section of this report, however it should be noted that paragraph 6 of the NPPF clearly states "*the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system*".

Since this range of paragraphs includes the Green Belt chapter of the NPPF, which restricts development such as this within the Green Belt, it is clear that this development cannot be seen to comply with the 'presumption in favour of sustainable development'.

#### *2/3. Policy Vacuum/No Five Year Housing Supply:*

This matter is dealt with above within the Green Belt section of this report and is not sufficient enough to outweigh the significant harm to the Green Belt, along with the other identified harm, that would result from this proposal.

#### *4. Starter Homes:*

As previously highlighted, whilst it is accepted that the Government has expressed its intention to change the National Planning Policy Framework the Council cannot take account of this until the alterations have been made. The only guidance currently available regarding starter home provision is that provided within the Planning Practice Guidance which deals with Starter Home Exception Sites. Since the level of open market housing relates to 59.1% of the total development it is clear that this would not constitute a Starter Home Exception Site.

Whilst it is accepted that there is currently no policy for Starter Homes within the current Local Plan and to date no Starter Homes have yet been provided within the District, and therefore this factor is given some weight, it is not considered that this matter would outweigh the harm to the Green Belt for the same reasons as explained.

#### *5. Local residents:*

The applicant proposes that the Starter Homes and disabled houses would be prioritised to persons within a 5 mile radius of the site. However no evidence has been submitted to demonstrate the local demand for such housing and therefore such a restriction would unnecessarily remove the wider benefit from the proposed development. As such little weight is attributed to this factor.

#### *6/7/9/10 Proposed multi-purpose hall/shop/sports pitches:*

The applicant indicates that the facilities being offered do not exist elsewhere in Nazeing and is considered of real benefit to the local community. The provision of a multi-purpose hall and sports pitches were considered as part of the previous application however it was nonetheless concluded that the provision of these facilities would not be sufficient to outweigh the harm from 49 houses.

Whilst it is understood that the village hall in Bumbles Green has been closed due to structural concerns, and the community facilities lost could be replaced by this proposal, it is not considered that this factor would outweigh the harm that would be caused by both the facilities in themselves or the associated 49 houses. There appears to be no justification as to why such a hall would be better accommodated on this greenfield site as opposed to a more appropriate location, including but not restricted to the site of the existing condemned village hall in Bumbles Green.

The applicant makes reference to the Draft Local Plan making specific reference to the undersupply of recreational facilities in the area however at the current time the infrastructure requirements across the district, including the need for specific recreational facilities, are not known. An Open Space, Indoor Sports Facility and Playing Pitch Strategy is being prepared in order to determine the need for such facilities and until this has been produced and agreed it cannot be fully determined what additional facilities are required.

This factor is agreed by Sport England who have responded stating that *"it is not possible to offer support for the proposed community hall or sports pitches because it is not possible to make an informed assessment of whether the proposed facilities would meet local needs and accord with the Sport England's policy objectives in their current form"*.

#### *8. Disabled accommodation:*

One of the factors put forward in favour of the proposed development is that four of the proposed Starter Homes would be provided for disabled occupants. No evidence has been provided to back up the need for such accommodation within the local area, particularly since a flatted development providing three specially designed disabled flats has recently been granted planning consent opposite the side on the junction of St Leonards Road and Tatsfield Avenue. As such this matter is only given limited weight.

#### *11. Primary School Parking:*

In a similar vein to the above analysis no evidence has been provided of the need for additional parking for the nearby school. This element of the scheme also constitutes an inappropriate form of Green Belt development. Furthermore the proposed drop off would involve a 500m walk to the school across an unpaved Public Right of Way and there is some concerns that, even if a need is established, the proposed facility may not be utilised. Much of the path to the school is across third party land and therefore its physical improvement could not be guaranteed. The pathway would perhaps provide an unsuitable means to reach the school, particularly in winter months.

#### *12. Traffic calming:*

Whilst the applicant proposes traffic calming along St Leonards Road by their own admission they highlight that Essex County Council do not wish to implement any such measures. As such this is purely an offer of traffic calming that there is no prospect of bringing to fruition. Therefore this cannot be considered as part of the proposed development.

#### *Conclusion of the Case for "Very Special Circumstances"*

As was previously concluded in 2016 on a full planning application for an almost identical scheme, it is not considered that a case for very special circumstances exists such to justify this inappropriate Green Belt development. Central Government has outlined that on the single issue of unmet need this should not outweigh the harm to the open character of the Green Belt. It has also been clarified that the best way to release Green Belt land to meet housing need is through the plan making process. Whilst the lack of a five year land supply and the provision of Starter



Homes (and to a lesser degree disabled accommodation) would provide some benefits to the area this is not sufficient enough to outweigh the identified harm from the proposal.

The provision of the multi-purpose hall and shop are in themselves inappropriate in the Green Belt and only deemed acceptable in very special circumstances. In the absence of any demonstration of need as outlined above the case has not been made. This is similarly true of the proposed school parking. It is therefore not considered that material planning considerations as laid out by the applicant are sufficient enough to outweigh the harm to the Green Belt as a result of this inappropriate development or to overcome the other concerns as laid out above. Therefore the proposed development is unacceptable and contrary to the guidance contained within the NPPF and the relevant Local Plan policies.

#### Other Matters:

##### *Archaeology:*

The Essex Historic Environment (HER) Record shows that the proposed development lies within an area with archaeological potential. The site lies to the south-east of the historic settlement of Nazeing Bury (now Lower Nazeing). Within the development area is the sites of a World War II pill-box and anti-tank blocks (EHER 10092 and 10093). The 1777 map of Essex shows the route of a former road from Perry Hill to St Leonard's Road, bisected the site, such roads usually serviced settlements and medieval activity within the development area is a possibility. In addition recent fieldwork to the west, comprising the excavation of 32 cremation burials have established the presence of prehistoric activity in the Nazeing area.

The site has therefore got archaeological potential for multi-period remains. Archaeological deposits and features are both fragile and finite, and therefore any future works should not be undertaken until a full archaeological survey had taken place.

##### *Ecology :*

A Phase I Ecological Survey has been submitted which has been assessed by both the Council's Countryside Section and Natural England. Both conclude that the development could proceed with appropriate conditions and if recommendations advised in the submitted Habit Survey are adhered to.

##### *Amenity:*

The proposed layout would provide a reasonable level of amenity for future occupants with adequate privacy and appropriate conditions can ensure this. There is only one immediate neighbour of the development located at Cranbrook. Concern has been expressed about overlooking from the development into this property resulting in a loss of amenity. Rear elevations of the new dwellings retain a gap of circa 20m to the common boundary and this is an adequate distance to guard against overlooking or loss of privacy. It is also stated that an existing balcony/terrace on the rear elevation of Cranbrook will result in overlooking of the proposed rear garden areas. There is undoubtedly the potential for overlooking from the balcony but there is also the option of future occupants planting screening on the boundary, and the balcony is located off the boundary. This is an existing scenario and is more a case of future occupants being aware of this potential issue. However the existence of the balcony would not be a strong enough reason to refuse consent for the development.

##### *Highways/Parking:*

Some local residents have expressed concern about road safety with regards to this development. Essex County Council Highways Division has been consulted on the scheme and provided

comments. The advice generally concludes that this development could proceed without undue risk to highway or pedestrian safety at this location.

The applicant has submitted a Transport Assessment (TA) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider network. The junction will have appropriate visibility for the speed of the road as will the proposed uncontrolled crossing points across St Leonards Road. Consequently the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency.

The public's rights and ease of passage over public footpath no.13 Nazeing shall be maintained free and unobstructed at all times. The proposal as submitted allows for the public's right of passage along it.

*Land Drainage:*

A number of objection letters have expressed the concern that an approval of this scheme would result in an increase in flooding and flood risk in the area. It is stated that Saint Leonard's Road has flooded in the past. Both the Council's Land Drainage section and the Environment Agency have been consulted on the proposed development. Both consultees are of the view that the development would not lead to an increase in flooding in the area having regard to the submitted Flood Risk Assessment. The site is not within EA designated Floodzones. A condition ensuring that the development is carried out in accordance with the submitted assessment is deemed necessary. A condition agreeing details of means to discharge surface water are also necessary. Land Drainage Consent is also required. The EA also require that an 8.0m buffer zone is retained to the watercourse along the western boundary of the site. However all such matters can be dealt with by conditions. It has been suggested by local residents that the existing sewage system could not cope with further pressure; however Thames Water have no objections and have raised no issues with this scheme subject to a Grampian style condition agreeing a drainage strategy for the site. .

*Contamination:*

As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

*Essex County Council (Education) Comments:*

Any approved scheme of this nature will require a financial contribution, secured through Section 106, to meet the need for further school places that would be generated by the proposal. The figure that Essex County Council has generated amounts to £179,605 and would be necessary to make the development acceptable in planning terms and passes the test for a Legal Agreement as outlined at paragraph 204 of the NPPF.

**Conclusion:**

As previously determined the proposed housing development is inappropriate in the Green Belt and causes a detrimental impact on openness and the purposes of including land within the Green Belt. The multi-purpose hall, shop/sub post office and school drop-off/pick-up point are inappropriate developments harmful to the Green Belt. As such should only be approved in very special circumstances.

Insufficient information has been submitted with regards to landscape impact but on the information provided it is considered the impact would continue to be excessive with no clear

justification for the proposed changes. Furthermore insufficient information has been provided to demonstrate that affordable housing provision cannot be met as part of this development.

It is accepted that the Council cannot currently demonstrate a five year supply of housing sites, as required by paragraph 49, and it is accepted that the provision of twenty Starter Homes (4 of which would be suitable for disabled accommodation) would assist in meeting alternative accommodation needs within the District. Whilst these factors weigh in favour of the development they are not in themselves overriding factors that should allow development with no regard to any other constraints. Insufficient evidence has been provided that demonstrates the overriding need for the multi-functional hall, shop/sub post office or school drop-off/pick-up area and as such the material considerations in favour of the proposal are not sufficient to clearly outweigh the above identified harm and therefore no very special circumstances exist in this instance.

It is appreciated that part of the application site is currently being allocated within the Draft Local Plan for possible future housing development however the Draft Local Plan is at a very early stage in the process and whilst it has been out for consultation it has not yet been the subject of any robust testing. The NPPF is clear that it is not the purpose of a planning application to review a Green Belt boundary; this being one of the functions of a Local Plan examination. As a result there is currently a degree of uncertainty as to whether the changes proposed in the consultation draft of the Draft Local Plan would be included within the final version of the emerging Local Plan and as a result the proposal is contrary to the current Government Guidance in the form of the NPPF, the PPG and the relevant Local Plan policies and the application is therefore recommended for refusal.

#### **Potential Way Forward:**

On the fundamental issue of releasing such a site to meet housing need, such decisions should be made through the plan making process. This position has been supported by Central Government and recent appeal decisions are also supportive of the view that the plan making process is the best way to meet housing need as opposed to *ad hoc* applications. Furthermore the need for the proposed facilities would have to be clearly demonstrated and if such a need does exist a decision would be made if this was the best available site to meet the need. No clear way forward exists on the submission of planning permission for this type of development on this site at the current time and therefore, as previously suggested to the applicant, it is recommended that the site continues to be promoted as a possible allocation site through the emerging Local Plan process.

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

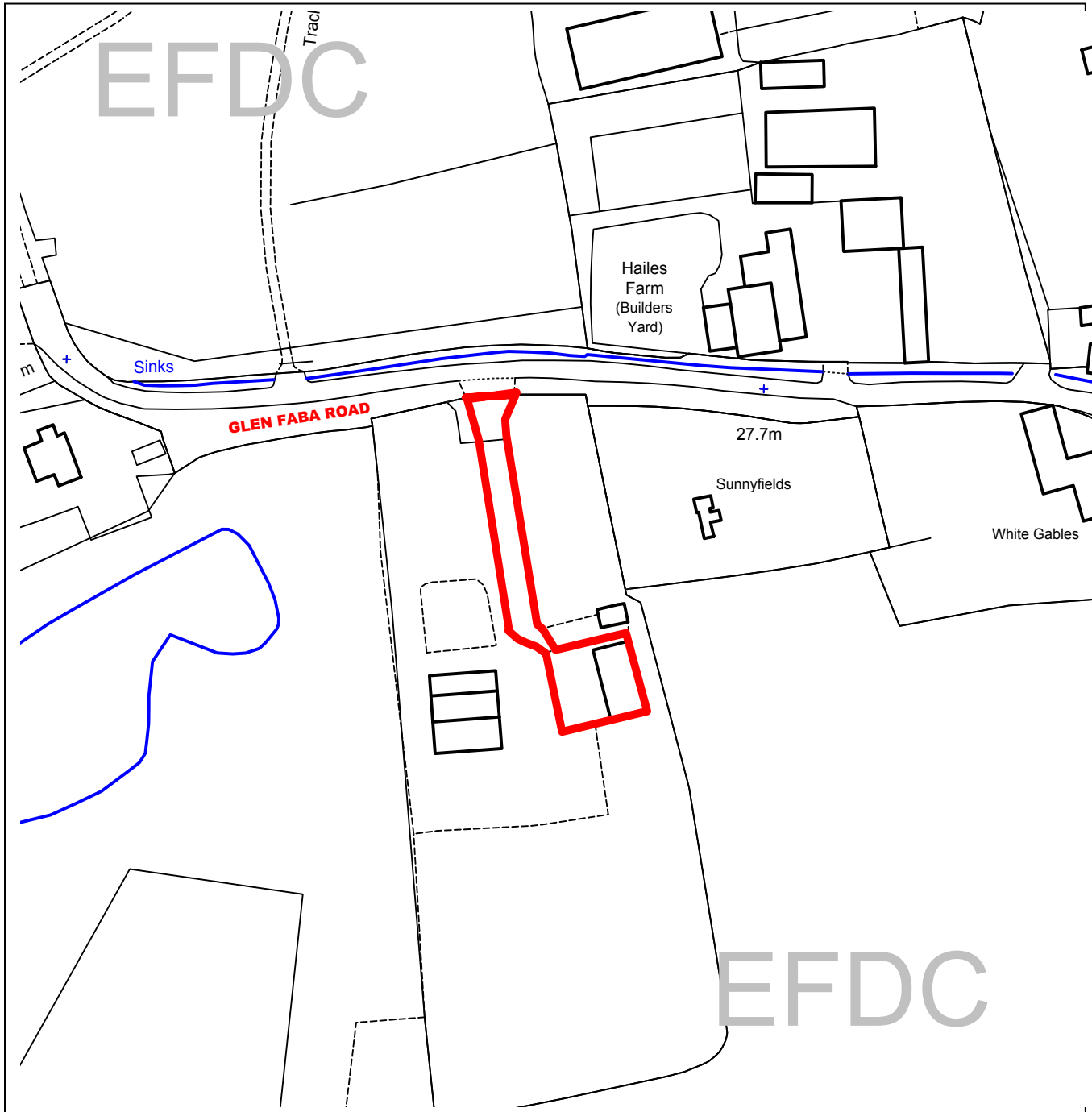
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/3071/16
Site Name:	The Conifers, Netherhall Road, Roydon, CM19 5JR
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/3071/16
<b>SITE ADDRESS:</b>	The Conifers Netherhall Road Roydon Essex CM19 5JR
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Validbuilt Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Continued use of building as temporary sleepover accommodation for security purposes for up to three nights each week between the hours of 6 p.m. to 8 a.m. Ancillary to the Class B1 Use on the site.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=589502](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589502)

**CONDITIONS**

- 1 The development hereby permitted must accord with the approved drawings nos: Location Plan ref: O1579303, 19973, Existing Floor Plan and Annotated Floor Plan
- 2 The proposed residential use of the building hereby approved shall only be used as temporary accommodation ancillary to the B1 use of the site and shall not be occupied as a unit separately from the commercial use within the site known as The Conifers, Netherhall Road, Roydon.
- 3 The residential use of the building hereby permitted shall not be carried out outside the hours of 18:00 to 08:00 and shall not be occupied for more than three nights a week.

*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)*

## **Introduction:**

This application was previously considered at Area Plans Sub-Committee West on the 22<sup>nd</sup> March 2017 however was deferred in order for a site visit to be carried out and for further information on the need for the new use.

## **Additional information:**

The applicant's Agent was contacted following the previous deferral and additional information was requested. The following response was received:

*In respect of the questions raised by Members I confirm the following:-*

- 1. In the context of the existing enforcement notice, which precludes the permanent occupation of the above premises on a permanent basis, it was considered that allowing it to be used for 3 nights a week would be an ancillary use of the property and so would not conflict with that enforcement notice.*
- 2. The use of the premises as in effect a bothy is required in order to provide on-site security. You will appreciate that, by reason of the use of the site for the manufacture of horseboxes this entails the use on site of high value power tools, many of which are portable and so unable to be secured and which, given the relatively isolated nature of the site, means that it has been vulnerable to theft.*
- 3. In addition, the horseboxes which are in the process of bespoke manufacture will be left on site and similarly have been found to be vulnerable to theft in respect of parts being stolen. This is particularly the case once they are complete, awaiting collection by the customer. Consequently 3 nights of occupation is sufficient to enable them to be completed and then collected.*

## **Description of Site:**

The application site has a lawful Class B1 (light industrial) use for the production of horse-boxes, however is subject to a number of conditions. The site is located on the southern side of Glen Faba Road within a small enclave of development and is within the Metropolitan Green Belt and the Lee Valley Regional Park.

## **Description of Proposal**

Consent is being sought for the continued use of the existing building on site for an office, kitchen/mess room and occasional temporary sleepover accommodation for security purposes for no more than three nights each week between the hours of 18:00 and 08:00. The proposed use would be wholly ancillary to the existing B1 Use of the site.

## **Relevant History:**

EPF/0492/98 - Change of use to class B1 use (light industrial) – refused 13/07/98  
EPF/1075/98 - Revised application for the continued use of the site for industrial purposes – refused 25/08/98 (allowed on appeal 16/02/99)  
EPF/1366/99 - Erection of replacement industrial building – refused 06/12/99  
EPF/2103/00 - Demolition of existing building and erection of replacement building – refused 11/05/01 (appeal dismissed 30/11/01)  
EPF/0482/16 - Continued use of building as temporary sleepover accommodation for security purposes for up to three nights each week between the hours of 6 p.m. to 8 a.m. Ancillary to the Class B2 Use on the site – withdrawn 28/10/16  
EPF/1600/16 - Continued use of part of site as a temporary car park for 12 months for staff from Galleon Travel – refused 05/08/16

EPF/1630/16 - Continued use of part of site for bus and coach storage for 12 months for Galleon Travel – refused 08/08/16

**Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
GB8A – Change of use or adaptations of buildings  
E4A – Protection of employment sites  
RP5A – Adverse environmental impacts  
RST24 – Design and location of development in the LVRP  
ST4 – Road safety  
ST6 – Vehicle parking  
U2A – Development in flood risk areas

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

Epping Forest Draft Local Plan consultation document (2016)

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

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

**Summary of Representations:**

3 neighbouring properties were consulted and a Site Notice was displayed. Additional information was requested from the applicant and a reconsultation undertaken once received.

PARISH COUNCIL – Object. Even with the additional information the rationale for a three night security requirement has not yet been given.

LVRPA – The application should include a clear statement presenting a rationale. This is not included in the papers submitted [**no further comments received**].

**Issues and Considerations:**

The existing site benefits from a planning consent for use for B1 purposes for the production of horse-boxes, which was allowed on appeal in 1999. 'The Bungalow' subject to this application is subject to an extant Enforcement Notice issued on the 12<sup>th</sup> October 1989 prohibiting the use of the property as a residence.

The submitted information claims the need for the facility is for the following reasons:

*The owner of the applicant company, Mrs Euan Emslie, runs a very successful business from the site manufacturing bespoke high quality horse boxes. This involves the purchase of a lorry chassis. Fibreglass and other material panels are then cut to size and the horse box mounted on the chassis. This process involves the use of high value power tools, many of which are portable and so not secure. Consequently and bearing in mind the somewhat isolated location of the site there is an ever present risk of not only the power tools being stolen but also the horse boxes themselves. To combat this threat Mr Emslie has taken to using 'The Bungalow' as sleepover accommodation on an 'as and when' basis.*

### Green Belt:

Paragraph 90 of the NPPF states that the reuse of buildings that are of permanent and substantial construction is 'not inappropriate' in the Green Belt provided openness is preserved and there is no conflict with the purpose of including land in the Green Belt. GB2A and GB8A further support this directive by stating that the Council will grant planning permission for the change of use and adaption of a building in the Green Belt provided that the building is of permanent and substantial construction and capable of conversion without major or complete reconstruction, is in keeping with the surroundings in terms of bulk and form, and the use would not have a materially greater impact than the present use on the Green Belt.

The existing building on the site is clearly a permanent and substantial structure and is currently being used for occasional overnight stays. The originally submitted information was somewhat unclear as to the amount of the building proposed for temporary accommodation use however an additional plan has been submitted that shows the use of the individual rooms within the building. This clarifies that the northern half of the building will continue to be used as an office and a kitchen/mess room for the business. The southern half of the building, which includes the entrance hall to the accommodation and office, would consist of a bathroom, a bedroom and a living room. The covering letter with this plan clarifies that the kitchen/mess room and the bathroom are to be shared by the occupier of the temporary sleepover accommodation and by the horsebox manufacturing employees.

A further letter was submitted confirming the permanent address of the current occupant of the temporary sleepover accommodation. This was requested to ensure that the proposal is not currently in breach of the extant Enforcement Notice.

Despite the submitted justification it is unclear as to why there is a need for a temporary presence on the site since the business has been in successful operation for a number of years assumedly without the need for temporary accommodation. There is no justification provided as to why such a presence is required on site now as opposed to previous years, particularly since issues of security can be addressed in other ways. Furthermore it is curious that this application follows the two previously refused applications for the change of use of parts of the site to bus and coach storage and car parking.

Nonetheless these concerns are somewhat irrelevant within this consideration. It is accepted that, notwithstanding the refused consents and ongoing enforcement investigations, the horsebox manufacturing business does continue to operate on the site. Furthermore the conversion of existing buildings within the Green Belt do not constitute inappropriate development provided openness is preserved and there is no conflict with the purpose of including land in the Green Belt. Irrespective of the justified 'need' for the proposed development the change of use of the existing building to an ancillary temporary sleepover accommodation would not prejudice the purposes of the Green Belt or have any impact on openness. Therefore it would not constitute inappropriate development.



### Impact on amenities:

The proposed change of use is for ancillary temporary accommodation with suggested restrictions that the use is personal to the applicant, is only to be used for no more than three nights per week, and the residential use be restricted to the hours of 18:00 and 08:00.

In terms of any detrimental impact on neighbouring residents, it is not considered that any residential use on the site would cause any excessive or undue disturbance to neighbours, particularly given the limited nature of the proposal.

The bigger concern would be the amenities of any occupiers of the site if using the building as a permanent residence. Primarily this concern is due to the impact that the commercial business would have on any permanent residents of the building and the lack of any private amenity space. As such it would be relevant to impose restrictive conditions in order to control the occupation of the building.

### Highways:

The proposed temporary overnight use of the building would not have any impact on highway safety or the free flow of traffic.

### Other considerations:

#### *Lee Valley Regional Park:*

The application site is located within the Lee Valley Regional Park. Whilst the LVRPA have not provided any substantial comments since they consider that there is no “*clear statement presenting a rationale*” it is not considered that an ancillary temporary overnight accommodation to the scale proposed would have any impact on the aims and purposes of the LVRPA.

#### *Flood risk:*

The application site is located within Flood Zone 2 and would introduce a more vulnerable use onto the site. However given the restrictive and temporary nature of the proposal, which can be controlled by conditions, it is not considered that the proposal would put the temporary occupants at any significant or undue risk from flooding.

### **Conclusion:**

The development is a retrospective change of use of a permanent and substantial building that would not constitute inappropriate development in the Green Belt. Due to the limited nature of the proposal the impact on the surrounding, neighbours amenities, and highway safety would be minimal. It would however be necessary to impose conditions in order to restrict the occupation of the building in order to ensure that future occupants do not suffer from undue flood risk or a detrimental lack of amenities. Therefore, subject to conditions, the application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and therefore is recommended for approval.

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

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

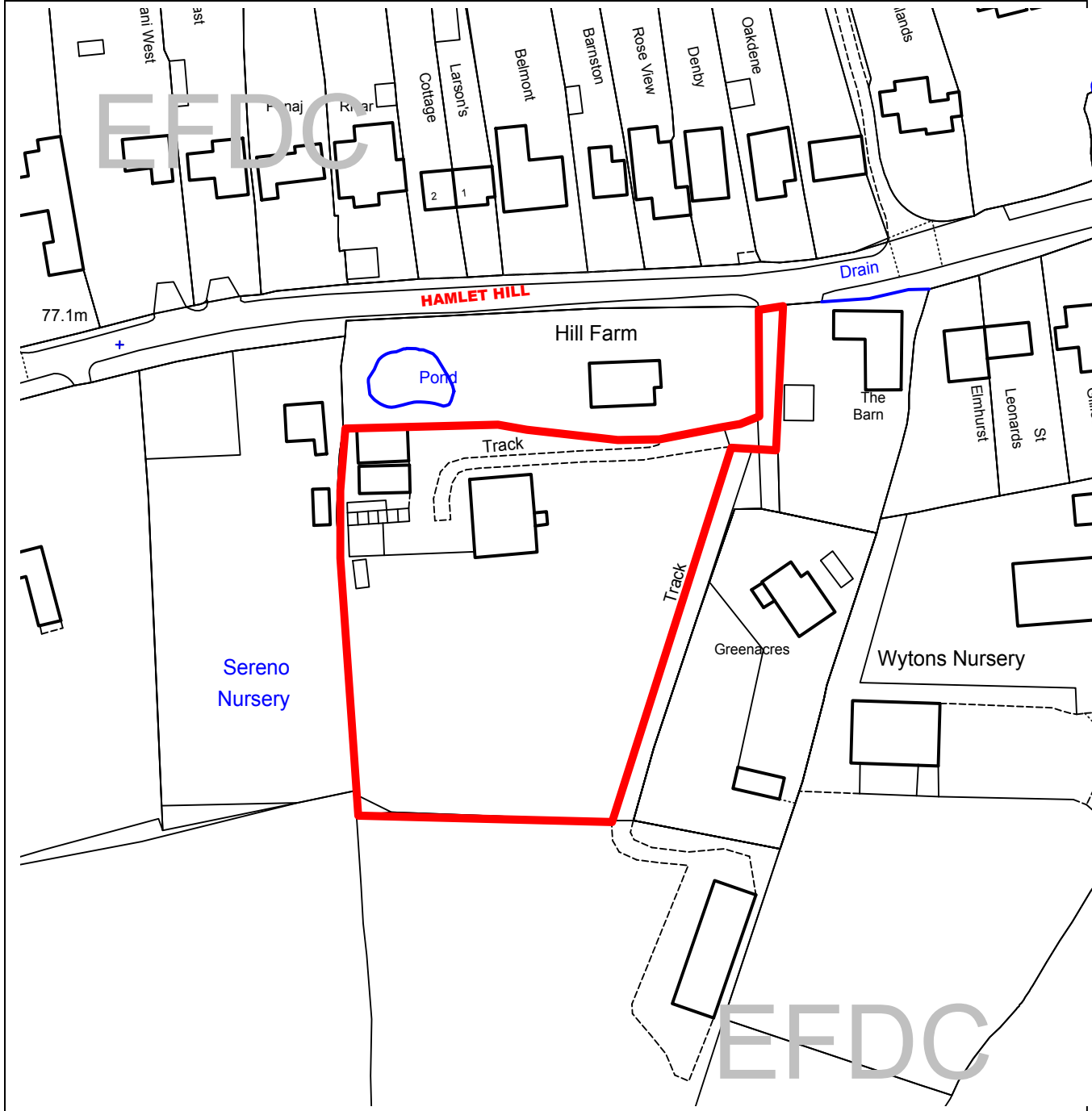
**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

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# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/3348/16
Site Name:	The Yard Hill Farmhouse, Hamlet Hill, Roydon, CM19 5LD
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/3348/16
<b>SITE ADDRESS:</b>	The Yard Hill Farmhouse Hamlet Hill Roydon HARLOW CM19 5LD
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr James Wigmore
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition and clearance of existing structures and cessation of the use of the site for car repairs/maintenance and horse keeping and the erection of two detached dwellings, with car ports, associated landscaping, parking and access arrangements.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=590353](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590353)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: BRD/15/062/001, BRD/15/062/002, BRD/15/062/003, BRD/15/062/004-A, BRD/15/062/005-A, BRD/15/062/006-A, BRD/15/062/007-A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes, including doors and windows, have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A or B 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 commencement of any works a Great crested newt survey shall be undertaken in accordance with guidelines from Natural England (or other relevant body). Once undertaken these shall be submitted to the Local Planning Authority for written approval. Should the surveys reveal the presence of Great crested newts, or their breeding sites or resting places, then an appropriate and proportionate detailed mitigation and compensation strategy shall be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Local Planning Authority for approval in writing. Should a Natural England European Protected Species licence (EPS) be required then this should also be submitted to the Local Planning Authority. All works shall then proceed in accordance with the approved strategy.
- 7 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 8 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. Notwithstanding the approved plans, the hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 10 The vehicle parking and turning areas as indicated on the approved plans shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 11 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]
- 12 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]
- 13 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]

- 14 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.
- 15 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.
- 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 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 mixed use equestrian, storage and light industrial premises located to the rear of Hill Farmhouse, a Grade II listed building on the southern side of Hamlet Hill. Access to the site is by way of a narrow track directly off of Hamlet Hill that also serves a residential property (Greenacres) and an agricultural premises to the south of Greenacres.

The site currently contains a collection of various buildings and structures situated in the northern half of the site. The application site is located within the small built up enclave around this section of Hamlet Hill that largely consists of residential dwellings and horticultural premises. The site is located within the Metropolitan Green Belt and a Conservation Area and contains several trees. Three of the trees in the north western corner (two of which are located outside of the site) are



individually preserved with all other trees being protected by way of the conservation area designation.

### **Description of Proposal**

Consent is being sought for the demolition of all of the existing structures on the site and the construction of two no. five bed detached dwellings. The proposed development would be served by way of the existing vehicle access via Hamlet Hill. There were initially concerns from the Councils Conservation Officer with regards to the design of the originally submitted scheme and, following a meeting to discuss these, amended plans were received altering the design and built form of the proposed new dwellings.

The proposed dwellings would be traditionally designed properties with rectangular plan forms and traditional detailing and appearance. Both dwellings would be two storeys with partial cat-slide roofs to reduce the bulk and visual impact of the houses. The dwelling on Plot 1 would measure a maximum of 20m in width (including the 4.2m x 5.2m single storey side projection) and maximum depth of 11.5m. This would benefit from two front and two rear gable projections and would reach a maximum height of 8.8m. The dwelling on Plot 2 would measure a maximum of 23.5m in width (including the one-and-a-half storey integral garage and one-and-a-half storey side projection) and maximum depth of 15.7m (including the 7.8m deep single storey rear projection). This would also benefit from two front and one rear gable projections along with two first floor front dormer windows. This dwelling would reach a maximum height of 8.2m.

### **Relevant History:**

EPF/0317/97 - Permanent consent for change of use from agriculture to stabling, storage and repair of owners cars – refused 17/06/97 (appeal allowed 27/05/98)

EPF/0318/97 - Erection of toilet, kitchen and washroom block and retrospective application for greenhouse – refused 17/06/97 (appeal dismissed 27/05/98)

EPF/1066/99 - Rebuilding shed for storage – refused 17/09/99

EPF/2155/02 - Outline application for the erection of one residential house and change of use of land from car renovation and repair, storage and stabling to residential curtilage – refused 06/06/03 (appeal dismissed 05/04/04)

### **Policies Applied:**

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

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- CP3 – New development
- CP5 – Sustainable building
- CP6 – Achieving sustainable urban development patterns
- CP9 – Sustainable transport
- GB2A – Development in the Green Belt
- GB7A – Conspicuous development
- H2A – Previously developed land
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- LL10 – Provision for landscape retention
- LL11 – Landscaping schemes
- ST4 – Road safety
- ST6 – Vehicle parking

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.

#### Epping Forest Draft Local Plan consultation document (2016)

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

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

#### **Summary of Representations:**

18 neighbouring properties were consulted and a Site Notice was displayed and a further re-consultation was undertaken regarding the amended plans.

PARISH COUNCIL – No objection in principle but the council has concerns about highway access onto what is a very busy road and main HGV route and residents have identified sewage problems in the area. Also in the Metropolitan Green Belt and conservation area location.

GREENACRES, HAMLET HILL – Object. The amended plans do not overcome their objections being: the access to the site is very narrow and not suitable for the proposed use or construction traffic; there are known sewage problems in this area that would be exacerbated by the proposal; and since there is not sufficient space at the entrance of the access road for the wheelie bins and recycling and this would result in the access being blocked. Also concerned as there is a further application to convert the barn to the rear of their property into a further dwelling that would also use the access track **[since been refused prior-approval]**.

RIVAR, HAMLET HILL – Object as this will set a precedent for similar developments elsewhere and as the access is unsuitable and a highway safety concern.

THE BARN, HAMLET HILL – Object. Feel that both this and the application to convert the barn to the rear of Greenacres should be considered together, as the site is in the Green Belt and conservation area, since the access onto Hamlet Hill and the track are substandard and a highway safety concern, since there is insufficient space to store refuse at the entrance to the site on collection day, this would impact on the sewage/waste water, and due to concerns about damage to the lane and surrounding properties as a result of construction traffic.

DENBY, HAMLET HILL – Object as the access is insufficient to take increased traffic and is not wide enough for emergency vehicles.

1 LARSDEN VILLAS, HAMLET HILL – Object as this is Green Belt land, will affect water pressure, and since this would set a precedent.

2 LARSDEN VILLAS, HAMLET HILL – Object as the site is within the Green Belt, this may lead to bigger and more houses in the future, as this would impact on the water pressure, and due to concerns about further damage to property as a result of heavy vehicles.

### **Issues and Considerations:**

The key considerations in this application are the impact on the Green Belt, the general location of the site, the design of the development, amenity considerations and regarding highway safety.

#### **Green Belt:**

The application site is located within the Metropolitan Green Belt. Whilst planning permission (and the subsequent appeal) was refused/dismissed in 2004 for the redevelopment of the site for a single residential dwelling the introduction of the National Planning Policy Framework is a significant material change since this previous decision. Paragraph 89 of the NPPF continues to confirm that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*” and provides a list of exceptions however amongst these exceptions is now included:

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

The definition of previously developed land, as laid out within Annex 2 of the NPPF, reads:

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

Whilst the site was previously an agricultural farm the 1998 appeal decision permitted a change of use of the site for equestrian purposes and the storage and repair of motor vehicles. The previous government guidance in place at the time of the previous appeal decision did not include such an exception, however since this site meets the definition of previously developed land it is now considered to be clearly suitable for redevelopment in principle. However this exception does carry the caveat that any new development “*would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*”.

The site is currently occupied by several structures that have a total volume of 1695m<sup>3</sup>. The proposed two new (amended) dwellings would have a combined floor area of 1877m<sup>3</sup>, which would result in a 10% increase in volume across the site. Whilst this is an increase in built form the slight enlargement of the buildings would not result in a ‘greater impact’ on the openness and character of the Green Belt, particularly given the location of the site within a relatively built up enclave surrounded on three sides by built development. As such it is considered that the proposed redevelopment of the site meets the above exception to inappropriate development.

#### **Sustainability:**

Whilst the application site is not considered to be within a sustainable location it has been shown in several recent appeal decisions both within and outside of the district that in areas with a lack of a demonstrable five year supply of housing the issue of sustainability alone is not sufficient to outweigh the provision of additional housing.

Although the Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Given this it is not considered that the impact on sustainability would be such to warrant refusal of the application on this issue.

#### Design:

The application site is relatively inconspicuous from public view given its location to the rear of Hill Farmhouse however it is nonetheless situated within the Nazeing and South Roydon Conservation Area and to the rear of a Grade II listed building.

The Council's Conservation Officer initially had some concerns about the originally submitted scheme, in particular regarding the building form (square), the roof form (crown roof) and the overall appearance of the dwellings. Following a meeting with the applicant's architect the design of the dwelling were revised and amended plans submitted.

The revised scheme now proposes the construction of two dwellings made up of rectangular plan form with a principal element to which subsidiary elements are added. Each element has its own roof pitched or hipped over the shorter dimension. The use of traditional materials and finishes would relate the buildings to their historic surroundings, providing a visual link between old and new and ensuring their successful integration into the area.

The Conservation Officer still has some concerns with regards to the boundary treatment and the proposed installation of 1.8m closed boarded fences, which would be too solid in appearance and should preferably be replaced through the planting of native hedges so as to blend with the enclosed field pattern historically seen in this area. However this matter can be suitably controlled and negotiated through the approval of details of a suitably worded condition.

The application has been submitted with a tree report and arboricultural plans and does propose the removal of some trees on the site. The proposal has been assessed by the Council's Tree & Landscape Officer who has raised no objection to the development, subject to conditions.

#### Amenity considerations:

At its closest point the new dwelling on Plot 1 would be located 12.7m from the site boundary of Greenacres and in excess of 22m from the neighbouring dwelling. Due to this distance and the lack of any first floor flank windows it is not considered that there would be any physical loss of amenity to this neighbouring property.

The two new properties would be over 22m from the shared boundary with Hill Farmhouse and more than 28m from the neighbouring dwellings itself. This distance is far in excess of the recommendations within the Essex Design Guide (15m from the neighbours boundary and 25m window to window). As such there would be no physical harm to the amenities of these neighbouring residents as a result of the proposed new dwellings.

Concerns have been raised about the impact of the development on the access road and the potential damage to neighbouring properties as a result of its narrow width. Highway safety is dealt with below and any damage to property is not a material planning consideration. The width of the access road has been assessed by Essex County Council Highways and no objection has been raised to this.

The use of the site for residential purposes would result in some additional activity on the site since the existing use is relatively low key, however the provision of two dwellinghouses is not likely to result in any excessive noise nuisance or disturbance and therefore would not cause any undue harm to neighbouring amenities.

Each of the proposed houses should be served by large areas of private amenity space well in excess of the recommendations contained within Local Plan Policy DBE8 and the Essex Design Guide.

Concern has been raised with regards to disturbance from construction works (primarily due to traffic and the aforementioned narrow nature of the access road) however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works are suggested in order to minimise any impact on neighbours.

#### Highways:

The proposed residential development would be served by the existing access road that currently serves the lawful equestrian/storage/light industrial use on the site along with the adjacent residential dwelling known as Greenacres and the agricultural site to the rear (which no longer appears to be in agricultural use). The main concerns are that the access onto Hamlet Hill is substandard and unsuitable for the speed and capacity of the highway, that the access road is too narrow to allow for larger vehicles (including construction traffic and emergency vehicles) and may result in vehicles being stationary in Hamlet Hill to allow for cars to exit the access road, and since any refuse for the proposed new dwellings would have to be stationed at the entrance to the access road that would cause further obstruction.

Essex County Council Highways have assessed the proposed development and taken into account the narrow nature of the access as well as the likely traffic movements of the proposed use and the existing use of the site and raise no objection to the proposal as *“the proposal will not generate any more traffic than the existing use did. Consequently the proposal will not be detrimental to highway safety and efficiency at this location”*. This opinion was shared by the previous Planning Inspector when dealing with the 2004 appeal, which although only for a single dwelling still utilised the existing access. Within the appeal decision the Inspector clearly concluded that *“I agree with the Council’s assessment that the appeal proposal would not create any significant hazard to highway users on Hamlet Hill”*.

With regards to the storage of refuse, the Council carries out a front boundary refuse collection service from the point within the property closest to the public highway. Given the narrow nature of the access road, which would not sufficiently allow for the entering and manoeuvring of a refuse lorry, any refuse would have to be left on the roadside at the junction of the access with Hamlet Hill. This would be the exact same situation that currently exists at Greenacres, who on collection day leave their refuse at the entrance to the access road. Whilst this may cause some additional inconvenience it would only be to users of the access road, which are primarily the residential dwellings (existing – Greenacres – and proposed) whose refuse it would be. It would therefore be in the occupants of the sites best interests to sensibly position their refuse so as not to block the access road. Furthermore it should be noted that refuse collection is fortnightly, with recycling one week and general rubbish the following, and therefore the level of refuse on the roadside at any one time would be limited.

There is more than adequate space on site to allow for all necessary off-street parking of residents and visitors along with manoeuvrability space in order for the development to comply with the requirements of the Essex County Council Vehicle Parking Standards.

Other Considerations:

*Land Drainage:*

Comments have been made by neighbours about the capacity of the sewage system in the area. Whilst the applicant has not put forward any proposal to dispose of foul sewage there is a public foul sewer in close proximity of the site which is expected to be utilised. Any use of this public sewer would have to comply with Approved Document H and can be suitable controlled by way of a condition.

The applicant is proposing to dispose of surface water by soakaway, however the geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Therefore further details are required, which can be dealt with by condition.

*Contamination:*

Due to the former use of the site as a farmyard, car repairs and maintenance uses, and the presence of made ground, there is the potential for contaminants to be present over all or part of the site. Domestic dwelling with gardens are classified as a particularly sensitive proposed use and therefore an appropriate contamination assessment is required. As no assessment has been submitted with the application it would be necessary for this matter to be dealt with by way of conditions.

*Ecology:*

Given the proximity of a pond to the site a Great Crested Newt survey is required and, if present, appropriate and proportionate detailed mitigation and compensation will be necessary. However this matter can be suitably dealt with by way of a condition.

**Conclusion:**

This application constitutes the redevelopment of previously developed land and would not have a greater impact on the openness of the Green Belt than the existing development. As such the proposal would not constitute inappropriate development. Whilst the site is not well located in terms of sustainable transport modes or served by local services it is not considered that these factors are sufficient enough to warrant a refusal of the application given that the development would provide additional housing to assist in the Council meeting its five-year land supply.

Whilst the neighbouring residents have concerns about the access road and the potential impact that the development would have on highway safety and private property the proposal has been assessed by Essex County Council Highways who have raised no objection to the application. As such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and is recommended for approval.

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

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

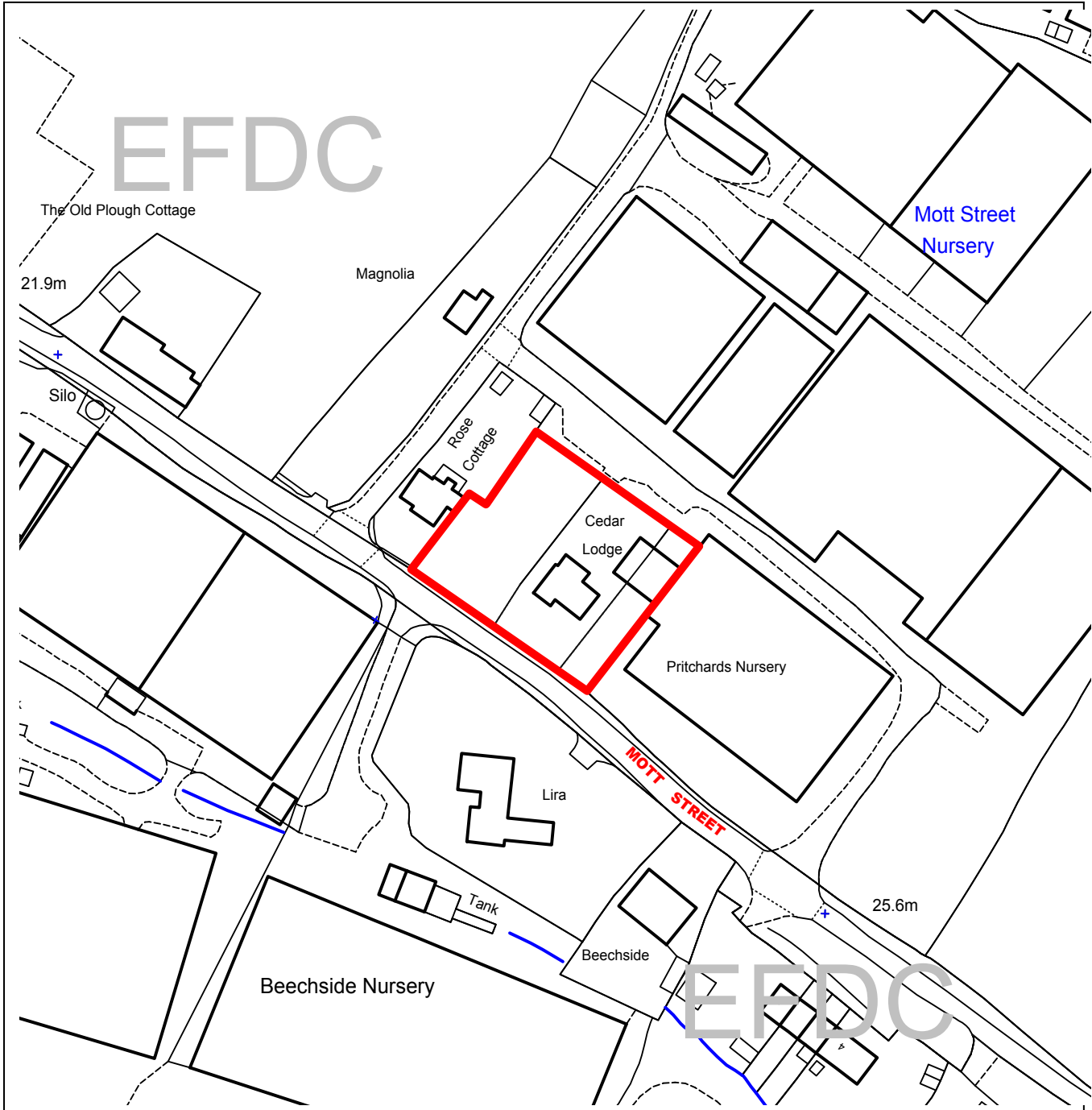
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0176/17
Site Name:	Cedar Lodge, Mott Street, Waltham Abbey, E4 7RW
Scale of Plot:	1/1250



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0176/17
<b>SITE ADDRESS:</b>	Cedar Lodge Mott Street Waltham Abbey Essex E4 7RW
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr James Cann Planning Direct
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application with all matters reserved for proposed demolition of existing dwelling and outbuilding and erection of 2 new build dwellings.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=591089](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591089)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) layout;
    - (ii) scale;
    - (iii) appearance;
    - (iv) access; and
    - (v) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until 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.
- 6 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]
- 7 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]
- 8 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]

- 9 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.
  
- 10 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.
  
- 11 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)*

### **Introduction:**

This application was previously considered at Area Plans Sub-Committee West on the 19<sup>th</sup> April 2017 however was deferred in order to address neighbour concerns regarding the application site boundary as well as a request for additional information on the proposed development.

### **Additional information:**

The applicants Agent was confirmed that the originally submitted application site plan was unfortunately incorrect and incorporated part of the neighbours land. This has been addressed within a revised site plan that has been taken from the Land Registry. This plan has been forwarded to the relevant neighbour for comment who has acknowledged receipt but at the time of preparing this committee report had not provided any further response. Any additional comments from the neighbouring resident will be verbally reported to Members.

The second request from Members at the previous committee was for “*more information on the proposal*”. Whilst this request was discussed with the applicant the proposed development is for outline consent with all matters reserved. Whilst additional information can be requested in accordance with article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 this must be done within four weeks of the registration of the application. As such there is no opportunity to now require any additional information for this proposal. As clearly stated below the only consideration in this application is the principle of demolishing the existing dwelling and outbuilding and erecting two properties on the site and no other factors are to be considered at this stage. Any consideration on matters such as scale, design, location, etc. will be determined at Reserved Matters stage and, if unsatisfactory, can constitute a reason for refusal of any subsequent scheme.

### **Description of Site:**

The site consists of a detached dwelling located on the north eastern side of Mott Street and is surrounded by various properties including residential dwellings, horticultural nurseries, and commercial sites (that are former horticultural nurseries). The site is located within the Metropolitan Green Belt.

### **Description of Proposal**

Outline consent with all matters reserved is being sought for the demolition of the existing dwelling and outbuilding and the erection of two new build dwellings.

### **Relevant History:**

EPF/0092/15 - Application for proposed removal of agricultural occupancy condition contained within planning permission EW/WHX/76/61, condition 2 – approved 13/03/15  
CLD/EPF/2877/15 - Certificate of Lawful Development for proposed single storey side extensions (x2) and 2 storey rear extension – lawful 08/01/16  
CLD/EPF/0431/16 - Certificate of Lawful Development for existing use of land as residential garden – lawful 31/03/16  
EPF/2777/16 - Formation of a new driveway and retaining walls for the provision of off road parking – Withdrawn 17/01/17

### **Policies Applied:**

#### **Epping Forest Local Plan and Alterations (1998/2006)**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
ST4 – Road safety  
ST6 – Vehicle parking  
U3A – Catchment effects

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

#### Epping Forest Draft Local Plan consultation document (2016)

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

SP1 – Presumption in favour of sustainable development

SP5 – Green Belt and district open land

T1 – Sustainable transport choices

DM21 – Local environment impacts, pollution and land contamination

#### **Summary of Representations:**

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

TOWN COUNCIL – Object. The committee commented that no exceptional circumstances had been submitted to build two houses in the Green Belt and that the site is not a sustainable one.

ROSE COTTAGE, MOTT STREET – Object as this is a continuation of the previously withdrawn access application that was subject to enforcement investigation, since the site is in the Green Belt and will affect openness and does not meet any of the exceptions, and as the site is within an unsustainable location.

MOTT STREET NURSERY, MOTT STREET – No objection but concerned that the sight lines shown are over land outside of the applicants control.

MAGNOLIA COTTAGE, MOTT STREET – Object as it would be harmful to the Green Belt, would result in additional cars and noise, trees and landscaping has already been removed, and due to the impact on drainage and services.

LIRA, MOTT STREET – Object as this site only has a CLD for a garden and does not benefit from permitted development rights, due to the additional movements and noise, and since there are no exceptions to allow the proposal.

BEECHSIDE NURSERY, MOTT STREET – Object as this is in the Green Belt and is harmful to openness, this is former agricultural land with no development rights, and since it is in an unsustainable location.

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

This application is for outline consent with all matters reserved. Therefore the only consideration in this application is the principle of demolishing the existing dwelling and outbuilding and erecting two properties on the site.

#### **Green Belt:**

The application site is located within the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework states that “*a local planning authority should regard the construction of*

new buildings as inappropriate in Green Belt”, with a list of exceptions. Amongst these exceptions is:

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

The definition of previously developed land, as laid out within Annex 2 of the NPPF, reads:

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

The application site is a residential property containing a detached dwelling and large detached outbuilding. The full extent of the application site was deemed to be lawful residential garden under a certificate of lawful use (ref: EPF/0431/16), which was issued in March 2016. Although this certificate contained a note highlighting that “*this Certificate confirms that the use of the application site as residential garden land is lawful, however this does not automatically classify the land as residential curtilage and therefore the entire site does not necessarily benefit from rights as generally permitted by virtue of Part 1 of Schedule 2 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)*” such matters do not alter the lawful designation of the site as previously developed land. The caveat on the above exception is that any proposed redevelopment should “*not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*”.

Indicative plans have been submitted showing a potential two house scheme on the site, and figures regarding this possible scheme have been submitted. These indicate that the indicative scheme would provide two dwellings measuring 318m<sup>2</sup>, which is no larger than the existing dwelling and outbuilding plus the permitted development extensions previously considered lawful under EPF/2877/15.

Irrespective of the above, since the application is for outline consent with all matters reserved (including scale and layout) the indicative plans submitted are not subject to assessment. The only consideration in this application is whether the principle of two houses being built to replace the existing house and outbuilding would be appropriate. Given that the redevelopment of previously developed sites such as this are not inappropriate it is clear that the principle of this proposal would not constitute inappropriate development within the Green Belt, subject to a full assessment of scale and layout at Reserved Matters stage. As such no exceptional circumstances are required to justify this proposal.

#### Sustainability:

Whilst the application site is not considered to be particularly ‘sustainable’ it has been shown in several recent appeal decisions both within and outside of the district that in areas with a lack of a demonstrable five year supply of housing the issue of sustainability alone is not sufficient to outweigh the provision of additional housing.

Although the Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Given this, and since the proposed development would only provide a single additional dwelling within an existing enclave of

residential properties, it is not considered that the impact on sustainability would be such to warrant refusal of the application on this issue.

Impact on amenities:

Concerns have been raised with regards to the noise and disturbance that would result from the proposed development due to additional use and vehicle movements. Since the proposal would only provide a single additional dwelling within a site that is surrounded by both residential and commercial sites it is not considered that the addition of one further household would cause any excessive loss of amenity as a result of disturbance.

Highways:

Whilst access is a reserved matter to be assessed at a later date it is necessary for the location of any proposed new access to be shown at outline stage, which has been done.

Mott Street is an unclassified road and as such planning consent is not required for a vehicular crossover, simply Highways Consent from ECC. Nonetheless it is considered that the provision of the access points as shown on the indicative plans would be sufficient enough to enable the proposed redevelopment of the site, subject to the approval of more detailed plans at Reserved Matters stage.

Flood risk:

It is proposed to dispose of surface water by main sewer, however the Councils records do not indicate a main surface water sewer at this location. As such further details of this, along with foul sewage drainage, are required by way of a condition.

Contamination:

Due to its former use as a horticultural nursery and the presence of Made Ground, there is the potential for contaminants to be present over all or part of the site. Since domestic dwelling with gardens are classified as a particularly sensitive proposed use it will be necessary for potential land contamination risks to be investigated and where necessary remediated by way of Condition.

Archaeology:

The Essex Historic Environment Record shows that the proposed development is located on the edge of the historic settlement of Sewardstone Street (EHER 3458). Sewardstone is late Saxon or early medieval in origin, and there is the possibility that the proposed development will impact on archaeological deposits relating to settlement along the road frontage. Archaeological deposits are both fragile and finite and therefore a programme of archaeological work should be sought by way of a planning condition.

Land ownership:

The adjacent neighbour raised concerns about the land ownership of the site as indicated on the submitted Red Lined application site. Whilst this matter has been raised with the applicant in order for them to address these concerns such land ownership disputes are not material planning considerations. The ability to redevelop the site for two dwellings would not rely on the area of land in dispute and therefore this factor does not alter the principle of the proposal.

**Conclusion:**

This application is for outline consent with all matters reserved. As such the only consideration is the principle of redeveloping the site. Since the application site constitutes previously developed land this can be redeveloped and therefore in principle would not constitute inappropriate development in the Green Belt (subject to an assessment of scale and layout at Reserved Matters stage).

Whilst the site is located within an unsustainable location this is not a sufficient reason for refusal in light of the current lack of a demonstrable five-year supply of land for housing. Furthermore the provision of one additional dwelling on this site would not result in any excessive loss of amenity or harm to highway safety. As such the proposed application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and is recommended for approval.

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

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

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

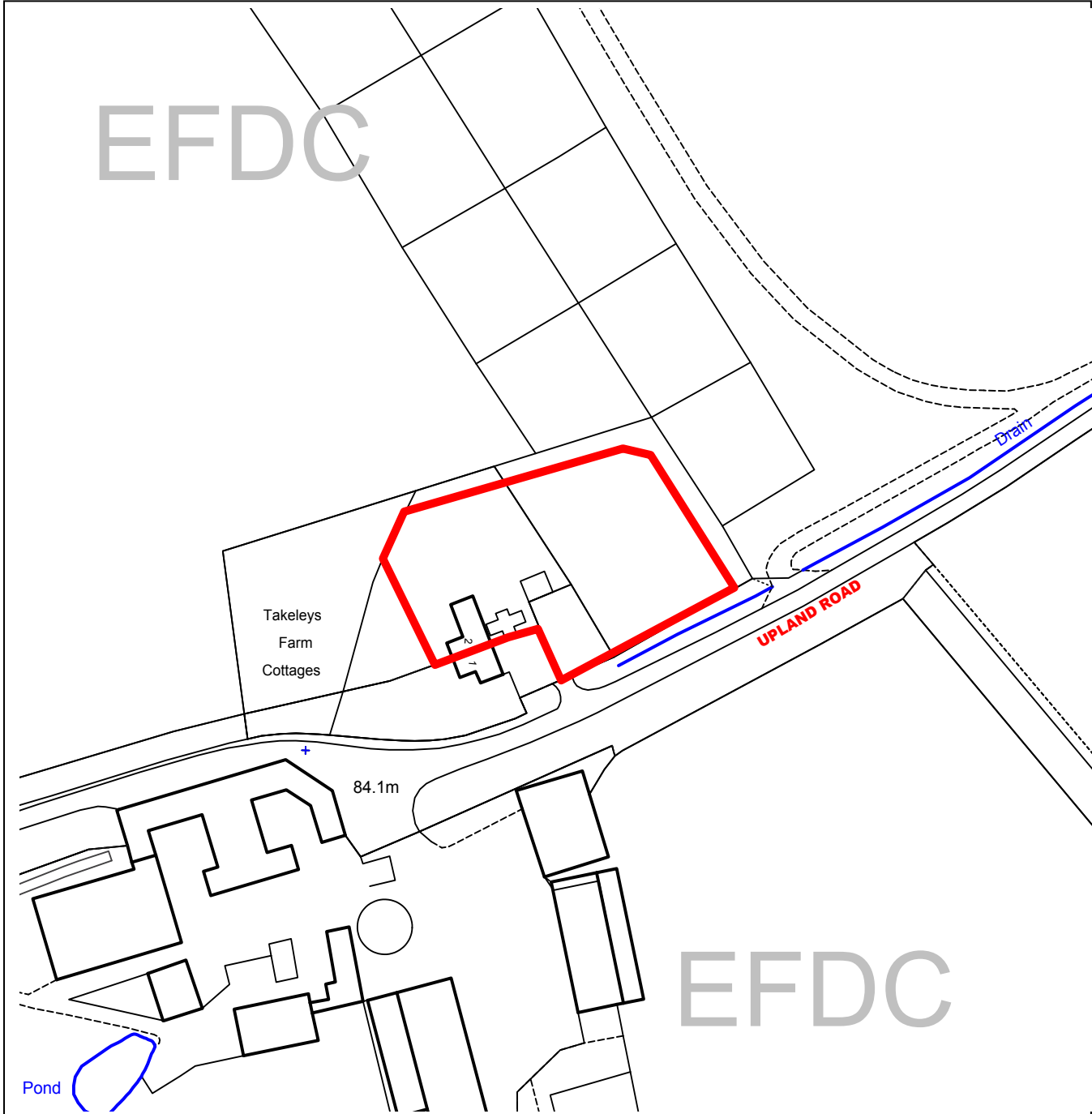


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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/0276/17
Site Name:	2 Takeleys Manor Cottages, Upland Road, Epping Upland, CM16 6PB
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0276/17
<b>SITE ADDRESS:</b>	2 Takeleys Manor Cottages Upland Road Epping Upland Epping Essex CM16 6PB
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mrs Mary Nolan-Lucas
<b>DESCRIPTION OF PROPOSAL:</b>	Revised access to property, erection of walls and gates (Resubmission of application EPF/2146/16 with an additional personal statement)
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

**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=591457](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591457)

**REASON FOR REFUSAL**

- 1 The development falls within land designated as Metropolitan Green Belt. The gates and wall have resulted in a development which, by reason of its excessive height and materials is a visually intrusive development, which has had an urbanising effect on the character and appearance of the surrounding rural area within Green Belt. The proposed development is therefore contrary to the requirements of chapters 7 and 9 of the NPPF and policies CP2, DBE4 and GB7A of the Adopted Local Plan and Alterations.

*This application is before this Committee since it has been 'called in' by Councillor Lynn Hughes (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

2 Takeleys Manor Cottages is a two storey semi-detached dwelling located on the north side of Upland Road forming one of two semi-detached houses. These pair of cottages are located in a relatively rural location surrounded by open fields and opposite a farm yard. The application site is within the Metropolitan Green Belt but not within a Conservation Area.

### **Description of Proposal:**

Revised access to property, erection of walls and gates (Resubmission of application EPF/2146/16 with an additional personal statement).

The lower brick pier has a height of 1.3m; the connecting wall then rises to 1.8m at the top of the higher brick pier. The metal gates have a maximum height of 2.05m. The wall and gates have a total length of 8m.

The personal statement and planning history of the site states that the property was burgled on 4 January 2017. "Our gates were broken open by perpetrators driving their vehicle through to steal applicant's work van which had the majority of his work tools within it." These builders' tools had a value of £10,000. The applicants want to keep gates in order to feel secure from intruders.

### **Relevant History:**

Reference	Description	Decision
EPF/0241/79	Lounge and porch extension and erection of garage.	Grant Permission
EPF/0321/02	Erection of a two storey side extension.	Refuse Permission
EPF/1739/02	Proposed rear conservatory and new entrance porch to rear.	Grant Permission
EPF/0434/04	Roof over internal patio.	Grant Permission
EPF/1813/07	First floor rear extension, to accommodate staircase.	Grant Permission
EPF/1588/11	Replacement of garage with revised access.	Refuse Permission
EPF/1208/13	Rebuilding of garage with revised orientation. Change of use of agricultural land to residential land to provide access to garage and construction of gravel drive.	Grant Permission
EPF/2146/16	Retrospective planning application for the erection of red brick walls and black painted gates	Refuse permission and dismissed at appeal

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
GB2A	Development in the Green Belt
GB7A	Conspicuous Development

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

*Draft Local Plan:*

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

DM9	High Quality Design
SP5	Green Belt and District Open Land

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

Number of neighbours consulted: 4

Site notice posted: Yes

Responses received: No response received from neighbours

PARISH COUNCIL: OBJECT: Wholly inappropriate design in its environment and not in keeping with surrounding area and openness of the Metropolitan Green Belt.

It is understood that block paving is not normally allowed due to the effects of water on the highway.

**Main Issues and Considerations:**

The key considerations for the determination of this application are:

Is the development appropriate for the Green Belt?

Impact on the rural character and openness of the Green Belt

Impact on neighbouring residential amenity.

Is the development not inappropriate development?

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. Paragraph 89 of the Framework states that new buildings are inappropriate development subject to a number of exceptions. Paragraph 90 lists certain other forms of development that are not inappropriate provided they preserve the openness of the Green Belt. The proposed development does not fall within the forms of development listed in paragraph 90 or policy GB2A. It is therefore considered that the proposal is inappropriate development within the Green Belt.

**Character and openness**

The height together with the materials have resulted in the development having a unduly conspicuous appearance which undermines the open and verdant character of the rural location within which this site is located. The majority of neighbouring residential properties have boundary treatments which are around 1m high and constructed using either wood, brick or metal. The proposal is therefore fails to preserve the distinctive local character of this area.

The appearance of the gates is more reflective of styles found in the more built up urban areas of the district. The applicant has highlighted the presence of a similar wall and gate at Walton Lodge which is further along Upland Road. Whilst it appears to have been in existence for over 4 years and therefore is lawful, no permission appears to have been applied for. It is for these reasons that the gates and walls are considered not to set a precedent for this application. Furthermore the appearance of this neighbouring gate and wall has been softened by green hedges over and around the walls.

An application for the same development was dismissed at appeal on 22/3/17. This decision is a material consideration in determination of this application. (See attached decision notice).

The proposal is therefore considered contrary to requirements of Chapter 7 of the NPPF GB7A and DBE10 of the Local Plan.

### Highways

The Highways Authority is satisfied that the development has not resulted in additional harm to highway safety. The proposal therefore complies with the requirements of policy ST4 of the Local Plan.

### Impact on neighbouring residential amenity

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

### Other matters

The driveway is not included within the description of development and in any case the shingled driveway falls within the permitted development limitations of the property as the shingles allows water to drain through therefore driveway is considered acceptable.

### Conclusion

The development has resulted in a conspicuous development which is inappropriate development within the Green Belt which is harmful to the rural character of this site within the Green Belt and fails to preserve the local distinctiveness of the area.

Furthermore in his decision notice of the appeal under reference EPF/2146/16, the Inspector only gave limited weight to concerns raised by the applicant in regards to traditional rural boundary fencing increasing the likelihood of the property being burgled or the prevention of the applicant's dog or children straying onto the road. They therefore did not have sufficient weight to act as very special circumstances which would clearly outweigh the above identified harm. Refusal is therefore again recommended.

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

# Appeal Decision

Site visit made on 20 February 2017

by **Graham Chamberlain BA MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22<sup>nd</sup> March 2017

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**Appeal Ref: APP/J1535/D/16/3167608**

**2 Takeleys Manor Cottages, Upland Road, Epping Upland, Essex CM16 6PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Mary Nolan-Lucas against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/2146/16, dated 4 August 2016, was refused by notice dated 6 October 2016.
  - The development proposed is erection of walls and gates.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. During my site visit I observed that the proposed walls and gates have been erected.

## Main Issues

3. The main issues in this appeal are: 1) Whether the proposal would be inappropriate development in the Green Belt; 2) The effect of the proposal on the openness of the Green Belt; 3) The effect of the proposal on the character and appearance of the area; and 4) If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

## Reasons

*Whether or not the proposal would be inappropriate development*

4. The National Planning Policy Framework establishes that the construction of new buildings is inappropriate development subject to a number of exceptions. The term 'building' refers to any structure or erection and therefore includes walls and in this instance walls and gates. There is nothing before me to suggest the appeal structure is a replacement or extension. As a consequence, the appeal scheme is not the type of development listed as an exception in Paragraph 89 of the Framework. I have not been directed to any local planning policies that would suggest otherwise, including saved Policy GB2A of the LP<sup>1</sup>.

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<sup>1</sup> Epping Forest District Local Plan 1998 and the Local Plan Alterations 2006

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Consequently, the proposal is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

*The effect of the proposal on the openness of the Green Belt*

5. The proposal would not undermine the five purposes of the Green Belt listed in Paragraph 80 of the National Planning Policy Framework. Nevertheless, the appeal scheme has resulted in a solid man-made feature being erected where one did not exist previously. This has eroded the openness of the Green Belt contrary to its fundamental aim as set out in Paragraph 79 of the Framework. Due to the modest scale of the appeal scheme the adverse effect on the openness of the Green Belt is limited.

*The effect of the proposal on the character and appearance of the area*

6. The appeal site encompasses a residential property located to the east of the parish church and the small cluster of housing around it. The brick walls and ornate metal gates are located along the roadside and partially mark the southern boundary of the appellant's garden. The appellant's garden is open to views from the roadside and is surrounded by post and rail fencing. Immature hedging has been planted around the boundaries of the garden save for the western boundary with the appellant's house and her neighbours, which is marked by semi mature planting. To the immediate south west of the appeal site is a farm and to the north, east and south are open fields and paddocks. The appeal site and its environs have a rural character and appearance, which the appeal site, particularly the garden, positively contributes to.
7. The walls and gates lack a simple rural character due to the ornate design and form and the sense of solidity, which affords them a more suburban appearance. In this respect, the structure jars with the simplicity of the timber post and rail fencing, five bar gates, hedging and parkland fencing evident nearby. The discordant appearance of the walls and gates is heightened by their position on the eastern side of a semi mature hedge, which places them away from other domestic structures. Although set back from the road, splayed and reasonably narrow relative to the road frontage of the garden, the position and height of the structure still results in the walls and gates appearing in views from Uplands Road as a somewhat isolated and conspicuous suburban feature in an otherwise rural scene.
8. Over time the existing landscaping along the southern boundary of the garden either side of the walls and gates would mature and this would soften the existing stark impact of the structure to an extent. However, new or existing landscaping can fail or be removed in the future and therefore cannot be relied on to screen or hide a development that is otherwise unacceptable. As such, a landscaping condition would not mitigate the impact of the proposal.
9. To justify the proposal the appellant has referred to other walls and gates nearby. However, these structures have a settled appearance and are significantly less prominent in the open rural landscape. As a consequence, these schemes are not sufficiently similar to justify the appeal scheme.
10. I therefore conclude that the proposal harms the character and appearance of the area. Given the limited visual envelope of the structure the harm is at a moderate level. This would be contrary to saved Policies CP2, DBE4 and GB7A of the LP, which together seek to secure developments that protect the rural or

visual amenities of the district. These policies are consistent with Paragraphs 17, 58 and 60 of the Framework and can be afforded significant weight.

*Other Considerations*

11. The appellant has suffered from two burglaries and I sympathise with her desire to further secure the property in response to these incidents. However, the brick walls and gates are not essential to achieve this aim because other gates and boundary treatment, which would be more appropriate to the rural setting, could be used to similar effect<sup>2</sup>. To this end I note that a combination of post and rail fencing and hedging secures the rest of the boundary of the property and a five bar gate secures the entrance to the farm to the south west of the appeal site. Unlike the appeal scheme these are appropriate features that retain and reinforce a rural character. As such, they strike a reasonable balance between security and safeguarding the rural character of the area and the Green Belt. I therefore conclude that these considerations attract only limited weight as matters in favour of the proposal.

*Whether there are Very Special Circumstances*

12. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. I have concluded that the proposal is inappropriate development that, by definition, harms the Green Belt. I have also concluded that the proposal results in some limited harm to the openness of the Green Belt. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also identified some moderate harm to the character and appearance of the area.
14. On the other hand, the other considerations referred to by the appellant only carry limited weight in favour of the proposal. As such the harm to the Green Belt, and any other harm, is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly the proposal is contrary to the local and national planning policies when read as a whole and is not sustainable development for which the Framework carries a presumption in favour.

**Conclusion**

15. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

*Graham Chamberlain*  
INSPECTOR

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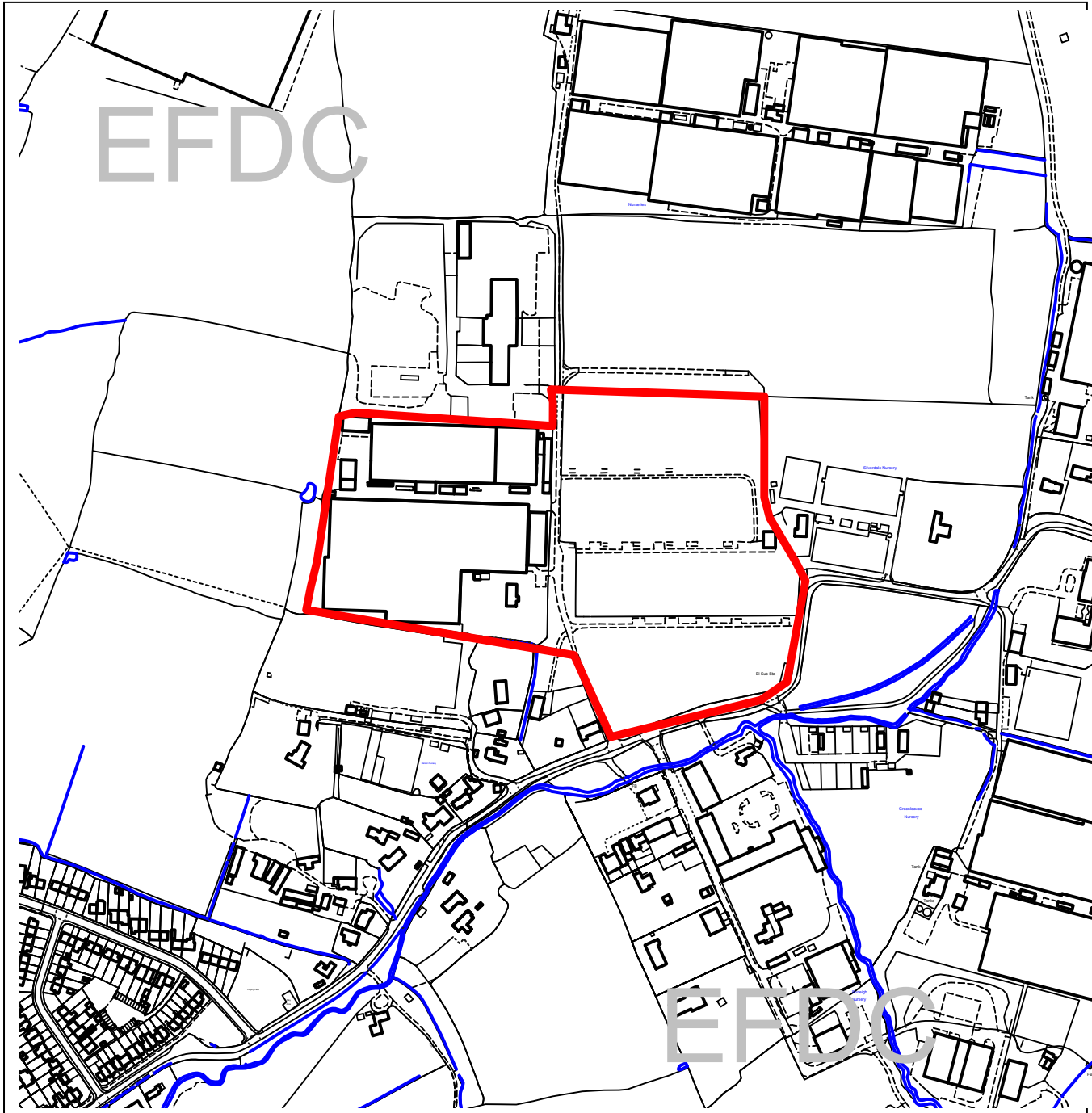
<sup>2</sup> The same can be said in respect of preventing the appellant's dog and children from straying into the road.

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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/0409/17
Site Name:	Presdale Farm Nurseries, Hoe Lane, Nazeing, EN9 2RJ
Scale of Plot:	1/5000

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0409/17
<b>SITE ADDRESS:</b>	Presdale Farm Nurseries Hoe Lane Nazeing Essex EN9 2RJ
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Peter DiMaria
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of barn and rebuilding of structure to provide 3 x 2 bedroom houses
<b>RECOMMENDED DECISION:</b>	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=591821](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591821)

**REASON FOR REFUSAL**

- 1 The proposal constitutes inappropriate development that is, by definition, harmful to the Metropolitan Green Belt. No very special circumstances exist that clearly outweigh this harm and therefore the development is contrary to the guidance contained in the National Planning Policy Framework, policies CP2 and GB2A of the adopted Local Plan and policy SP5 of the Emerging Local Plan.

*This application is before this Committee since it has been 'called in' by Councillor Bassett (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site is a horticultural farm located on the northern side of Hoe Lane, Nazeing. The former glasshouses on this site have been removed, however consent has been granted for new glasshouses to be stationed on the land.

The barn proposed for rebuilding has previously been approved two prior determination applications for a change of use to residential properties. The first for a single dwellinghouse and the second for three dwellings.

The building being replaced was fairly dilapidated and an unused agricultural barn located to the east of the site close to Silverdale Nursery. The building is largely surrounded by open agricultural

land however to the immediate east of the site is a residential property known as Jaden. The site is located within the Metropolitan Green Belt and a designated E13 area.

### **Description of Proposal**

Prior approval was given in January 2016 for the change of use of the existing agricultural barn into three residential dwellings under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This right allows for:

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and*
- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

During construction works on the site a complaint was received about the development and Planning Enforcement undertook an investigation on the site. It was concluded on this that the works that had taken place on site had gone beyond a 'change of use of the building' and instead constitute a 'fresh build' that requires planning consent.

The proposed rebuilding of the former agricultural barn would be identical in size, form and design to that previously granted prior approval in 2016. The new building measures 16.5m in width and 10.2m in depth with a dual pitched roof to a ridge height of 6.7m (however the internal floor area would be sunken by 1m into the site). The development would create 3 no. two bed dwellings.

### **Relevant History:**

EPF/2323/13 - Erection of new glasshouses – approved/conditions 03/03/14  
PN/EPF/1989/14 - Prior Notification of a proposed change of use of Agricultural Building to a Dwelling House (Use Class C3) – prior approval required and granted (with conditions) 10/10/14  
PN/EPF/2978/15 - Prior approval for proposed change of use of agricultural building to 3 residential dwellings – prior approval required and granted (with conditions) 20/01/16  
CLD/EPF/2834/15 - Certificate of Lawful Development for proposed vehicular access and replacement private access road – lawful 18/12/15

### **Policies Applied:**

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

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP5 – Sustainable building  
CP6 – Achieving sustainable urban development patterns  
CP9 – Sustainable transport  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST6 – Vehicle parking  
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.

#### Epping Forest Draft Local Plan consultation document (2016)

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

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

#### **Summary of Representations:**

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

PARISH COUNCIL – No objection however consideration and pressure should be brought to bring about the cessation of the wood recycling site on the Birchwood Industrial Estate. It was noted that if possible, improvements of the pedestrian access along the Co-op Road would be beneficial.

JADEN, HOE LANE – Object as the barn was demolished without planning consent, trees have been removed and the shared boundary has been opened up. The proposed properties would be located too close to them and would cause disturbance and may lead to a housing estate being built.

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

The key considerations in this application are the impact on the Green Belt, the general location of the site, the design of the development, and amenity considerations.

#### **Green Belt:**

The application site is located within the Metropolitan Green Belt and benefits from a prior approval for the change of use of the building into three dwellings. This permission was given under permitted development allowances that only enable the conversion of an existing building. A recent Court Judgement *Hibbitt, and Another v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council [2016] EWHC 2853 (9 November 2016)* dealt with the matter of what constitutes a 'change of use' in such circumstances and concludes that if works are required to make the existing building structurally strong enough to provide for residential use then this would constitute a 'fresh build' rather than a change of use and therefore cannot be undertaken under Class Q permitted development rights.

One of the main points of reference in the decision is paragraph 105 of the National Planning Practice Guidance (Reference ID: 13-105-20150305), under the heading “Are any building works allowed when changing to residential use?” This clearly states that:

*Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and the partial demolition of the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes from the external works to provide for residential use that the building would be considered to have the permitted development right.*

Since the proposal cannot be classed as a change of use of the existing building it must be considered as a rebuild (or ‘fresh build’) within the Green Belt. It does not appear that the applicants are disputing this conclusion.

The NPPF states within paragraph 89 that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt” however provides a list of exceptions to this. These exceptions include:

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Whilst the proposed new dwellings would replace an existing building of the same size this would not be ‘in the same use’ as the previous agricultural use of the site and therefore cannot meet this exception.

Given the location of the application site and position of the proposed dwellings it is clear that the development would not constitute ‘limited infilling in a village’.

Although the site would constitute previously developed land if the works had been undertaken to convert the previous barn on the site this did not occur. Therefore the proposed works are to replace an agricultural building with residential properties. Since the definition of previously developed land within Annex 2 of the NPPF specifically excludes “*land that is or has been occupied by agricultural or forestry buildings*” the current proposal cannot be viewed as the redevelopment of previously developed land.

Due to the above the proposal would constitute inappropriate development that is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However it is appreciated that the physical harm to the Green Belt as a result of the development would be no greater than that which would have occurred if the previously agreed prior approval application had been carried out. Therefore the harm in this instance is solely limited to the



adverse impacts arising by virtue of inappropriate development in the Green Belt rather than any physical impact on openness or the purposes of including land within the Green Belt.

The key factor to be considered in this instance is the previous approved prior approval which permitted the exact same development as is being proposed here, albeit as a converted barn rather than a 'fresh build'. Whilst this previous approval leads there to be no greater physical harm to the Green Belt as a result of this proposal it does not outweigh the 'in principle' harm from the development.

An appeal decision at Hillside Nursery, Hoe Lane, which is located a short distance from the application site, was dismissed on the 8<sup>th</sup> March 2016 (EPF/2000/15). This appeal was against the refusal of planning consent to erect a single dwelling in place of existing agricultural buildings that benefitted from prior approval to convert them into two dwellings under Class Q of Part 3 of the GPDO. Despite the 'fallback position' of the permitted development conversion the Planning Inspector clearly highlights that *"the current status of the structures on the site is as agricultural buildings with prior approval consent for residential use. Thus, the existing and proposed buildings cannot be said to be in the same use for the purpose of paragraph 89 of the Framework and constitute original and replacement dwellings for the purposes of Adopted Local Plan policy GB15A... I conclude that, for the purposes of national and local Green Belt policy, the development constitutes inappropriate development within the Green Belt. Thus, in accordance with the provisions of paragraph 88 of the Framework, I must give this harm to the Green Belt substantial weight"*.

The second factor to consider in this instance is that the proposed development, regardless of this being a 'fresh build', would nonetheless provide three additional dwellings. The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. It is accepted that the lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. Nonetheless, whilst a material considerations it has been made clear in both the Ministerial Statement from July 2013 and paragraph 034 of the Planning Practice Guidance that *"unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt"*.

#### Sustainability:

Whilst the application site is not considered to be within a sustainable location it has been shown in several recent appeal decisions both within and outside of the district that in areas with a lack of a demonstrable five year supply of housing the issue of sustainability alone is not sufficient to outweigh the provision of additional housing.

Although the Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Given this it is not considered that the impact on sustainability would be such to warrant refusal of the application on this issue. Furthermore consent was previously given for the use of the site for three residential dwellings and therefore there would be no additional harm in terms of sustainability as a result of this proposal.

#### Design:

The proposed development is identical to that given under the previous prior determination application and is considered to be acceptable and appropriate to this location. The bulk and scale of the proposed building would be no larger than the previous agricultural building on the site and it would be finished in traditional external materials that would retain the agricultural appearance of the properties.

### Amenity considerations:

The proposed development is located close to the shared boundary with Jaden, situated approximately 2m at its closest point, and is approximately 6.5m from the neighbouring dwelling itself. Whilst this development would introduce a number of first floor windows facing the neighbour's site these overlook an access road and are identical to that previously permitted by the prior approval. As such it is not considered that this process of dealing with the proposal would result in any additional undue harm to the amenities of the neighbour than previously permitted through the prior approval process.

Whilst the building is located in a somewhat awkward location close to the boundary of the application site there is more than sufficient space on site to provide adequate private amenity space to each of the proposed dwellings. At the time of producing this report a detailed site plan showing the layout of the proposed amenity space is expected but not yet submitted but will be included in any list of approved plans provided it is received (and considered appropriate) prior to a decision made. In the absence of such a plan, or if the submitted plan is not considered to be acceptable, then a suitably worded condition requiring the extent of residential curtilage of the dwelling to be agreed would adequately address this matter.

### Other Considerations:

#### *Land Drainage:*

The development 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 dealt with by condition.

The applicant is proposing to dispose of foul water by main sewer and surface water by soakaway. The Council's records do not indicate a main sewer at this location and since the geology of the area is predominantly clay infiltration drainage may not be suitable for the site. Therefore further details are required, which can be dealt with by condition.

#### *Contamination:*

Due to the former use of the site as a horticultural nursery, packing shed and store, and the presence of made ground and a pond, there is the potential for contaminants to be present over all or part of the site. Domestic dwelling with gardens are classified as a particularly sensitive proposed use and therefore an appropriate contamination assessment is required. As no assessment has been submitted with the application it would be necessary for this matter to be dealt with by way of conditions.

#### *Ecology:*

Such a proposal would have required a Bat Survey to be undertaken prior to commencement of the works, however the previous agricultural barn has already been demolished and therefore it is now too late to undertake any such survey. However it has been recommended that a minimum of one bat brick per house should be incorporated into the buildings.

#### *Parish Council comments:*

The Parish Council have requested that "*pressure should be brought to bring about the cessation of the wood recycling site on the Birchwood Industrial Estate*" however this planning application does not provide any means to achieve this. They have also stated that "*if possible, improvements of the pedestrian access along the Co-op Road would be beneficial*". Again, given the scale of this

proposal it is not considered that this development would justify the need for any such highway improvement works.

**Conclusion:**

The application site benefits from a previous approval to convert the former agricultural building into three dwellings. Following the commencement of works the proposed development has resulted in a 'fresh build' that requires planning consent. Given the type of development proposed, the works constitute inappropriate development that is, by definition, harmful to the Green Belt. Whilst the previous consent ensures that there would be no additional physical harm from this development it does not outweigh the 'in principle' harm from the works.

It is appreciated that the development would provide additional housing to assist in the Council meeting its five-year land supply and the design and impact on the neighbouring residents would be unaltered from the previously approved scheme, however these factors alone are not sufficient enough to outweigh the harm from this inappropriate development.

As such, whilst the physical harm from the proposal would be minimal the proposed rebuilding of this structure as residential dwellings cannot comply with the national and local Green Belt guidance and therefore constitutes inappropriate development that fails to comply with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan policies. As such the application is recommended for refusal.

**Possible way forward:**

Given the situation that has occurred on the site and since there would be no way to reverse the inappropriate development that has occurred on site it is not considered that there is any way forward on this development.

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

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

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



# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/0412/17
Site Name:	76 Highland Road, Nazeing, EN9 2PX
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0412/17
<b>SITE ADDRESS:</b>	76 Highland Road Nazeing Essex EN9 2PX
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mrs Hayley Gentle
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of garage and erection of single storey side extension (re-submission of EPF/0499/04)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=591825](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591825)

**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 Prior to first occupation of the development hereby approved, the proposed window openings in the north eastern flank elevation facing 78 Highland Road 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: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))*

**Description of Site:**

The site accommodates a detached bungalow located on the eastern side of Highland Road south of the junction with Maplecroft Lane. It has been designed with a front gable with access into the property along the side. It forms one of a number of similarly designed bungalows on this side of

the road and has been designed with a staggered building line with No. 74 set back from the application site and no. 78 set forward. To the side of the dwelling there is a flat roofed detached garage set on the boundary with no. 78 Highland Road. The garage projects beyond the rear of this neighbour's dwelling by approximately 5m. Ground levels slope up to the north and east away from the dwellings. This means that the neighbour's rear patio level is approximately 1m higher than the ground level at the application site.

### **Description of Proposal:**

Planning permission is sought for the demolition of the existing garage and erection of single storey side extension. This is re-submission of planning application EPF/0499/04 which was approved on 5<sup>th</sup> May 2004.

The proposal is to erect a single storey side extension up to the boundary with 78 Highland Road. The extension would have two hipped roofs, one over the front and the other over the rear half of the extension. An existing garage on the boundary with no. 78 Highland Road would be demolished as part of the development. The side elevation would contain two obscure glazed bathroom windows.

### **Relevant History:**

EPF/0499/04 - Demolition of existing garage and erection of single storey side extension - Approved

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Draft Local Plan:*

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

DM9	High Quality Design
-----	---------------------

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

Number of neighbours consulted: 8  
Site notice posted: No, not required  
Responses received: 1 objection received:

#### 78 HIGHLAND ROAD: Objection -

- The existing garage does not block light or impact on the view from my side windows however the proposal which incorporates opening windows on my boundary, will drastically affect my outlook and be a safety issue when I need to use my narrow alley.
- The proposal shows two gables which will change the appearance of the property and is not in keeping with other bungalows in the street. I feel a later amendment may be made to install front and rear dormer windows which would further encroach on the property and its privacy.
- The neighbouring bungalows that are extended have flat roofs and are built back from the front of the properties. This reduces their impact and the terracing effect. They have not demolished the existing building, just incorporated it into the bungalow.
- The location of the garages seems to be defined by the width of the alleys. The only properties which have been extended near to the front building line have large alley. No other property has extended to the front building line.
- Approval would set a precedent. If all extended it would result in a row of terraced properties. I moved here as it was predominantly two bedroom detached bungalows. If approved I would be forced to move and subsequently enter plans for permission to extend myself to maximise the valuation and sale opportunities.
- The owner has re-submitted plans which are approximately 14 years old. I'm sure laws have changed during this time and they do not appear to be of the same standard as today's architectural drawings. As the property is currently up for sale the application is merely for financial gain and not to meet the family's housing needs.
- I strongly feel the proposal is unacceptable. As an elderly resident I spend a lot of time at my home in my property and garden, extension of the neighbouring property in this way would drastically reduce my quality of life.

#### PARISH COUNCIL: Objection -

i) it is not in keeping with the streetscene Policy DBE1

ii) it is overdevelopment

iii) it would have a detrimental effect upon an existing neighbouring, as it planned to build right on the boundary Policy DBE2

It was also noted that the proposed plans on the EFDC website were of a poor quality

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

##### *Character and Appearance*

The design and facing materials of the proposed extension would be complement that of the existing house. Although it would extend up to the boundary with No. 78 Highland Road due to the design of the roof of the extension and staggered relationship between the two houses no terracing effect would be created thereby safeguarding the character and appearance of the street scene.

In addition, the land available between the boundary between the two properties and the house at 78 Highland Road is too narrow to accommodate any form of extension to No. 78. There is therefore no reasonable prospect of any addition to No. 78 being constructed on that land in the future and, accordingly, there is no risk of any future terracing effect. The impact of the extension on the appearance of the house and when viewed from within the streetscene is therefore considered to be acceptable.

NB: It should be noted that a side extension no greater than half the width of the existing dwelling and no higher than 4m to the ridge can be built which could extend to a similar distance from the neighbour at 78 Highland Road under permitted development. The overall height of the extension here is just in excess 4m so the proposal requires planning permission in this instance but an extension off the front elevation to the side could be constructed here without the need for planning permission.

### *Living Conditions*

Due to the staggered relationship between 76 and 78 Highland Road the extension would project 4m rear of the rear main wall of 78 Highland Road. However, a single storey garage at No. 76 currently occupies this space and projects 5m rear of No. 78.

The proposal would extend to within 200mm of side boundary leaving approximately 1m gap between the extension and the neighbour's side wall. There are two windows facing towards the application site. These are secondary windows to the bedroom to the front of the dwelling and the lounge at the rear. Two windows are proposed within the side wall of the extension; however, these will serve a bathroom and can be fixed shut up to a height of 1.7m.

The extension would reduce the outlook from the lounge's side window however current views from this are of the application property's roof sloping away due to the positioning and height of the window serving that room. There are a set of patio doors to the rear of the room leading to the garden. Although the extension would result in the outlook being altered to a roof closer to this window it would still be sloping away and being a secondary window, the main outlook at the rear would be protected.

The extension would project no further than the existing garage although the roof would change from flat to a pitched roof sloping back towards to application dwelling. However as 78 Highland Road is on higher ground level, the increase in bulk can be accommodated without being materially prejudicial to their living conditions.

It is therefore considered that the extension would have no excessive impact on the amenities enjoyed by the occupiers of 78 Highland Road. The amenities enjoyed by the occupiers of other neighbouring properties would not be affected by the extension.

The proposal was assessed and approved by the Local Planning Authority previously. There is no material change in policy nor have site conditions materially altered for Officer's to recommend differently.

### *Response to third party representations*

Some of the comments submitted by both the neighbour at 78 Highland Road and Nazeing Parish Council have been considered within the main body of the report.

As discussed it is not considered that the neighbouring occupier's living conditions would be excessively harmed. It is not clear how the extension would impact on the neighbour's safety as is submitted above. With regards to a further application for front and rear gables, this hasn't been applied for here so the assessment is based on the plans submitted. A side extension at 66 Highland Road was approved which incorporates a hipped roof and extends to the boundary. Admittedly the neighbouring detached dwelling is located further from the boundary however the extension does not materially detract from the character of the area.

There is no policy that restricts additions extending off from the front building line as long as the character and appearance of the streetscene is not materially harmed. This extension is not considered to unacceptably detract from the character of the area.



In terms of precedent, each application is to be treated on its own individual merits and the proposal here has been assessed with this in mind. Refusing this application on the grounds that it may set a precedent would not be justified here. The bungalow would still remain detached.

There is no objection to these plans being submitted. They clearly show what the extension would look like and where it would be sited. They are to scale and although they show foundations by two sections, these foundations are not approved if they do not meet with current building regulations. The application is assessed against design and neighbouring amenity criteria and not whether the foundations are accurate. Any foundation would have to be approved under a building regulations application at a later stage.

That the plans are being submitted for financial gain and not to meet the family's housing needs is not a material planning consideration. Lastly, whilst it is stated that the neighbour may spend more time at home the proposal has to be judged against local planning policy. In this case it is considered that the extension would not excessively harm the neighbours living conditions despite his circumstances.

**Conclusion:**

The proposal complies with relevant planning policy and it is recommended that planning permission be granted. The design is considered acceptable and would not result in creating a terracing effect due to the gap between the boundary and the neighbour's side wall. In addition due to its size and siting, the extension will not harm the living conditions of the neighbours.

The objections have been considered. The scheme is identical to the 2004 permission which Officer's considered acceptable. The development is considered to comply with relevant National and Local Plan policies and is recommended for approval.

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

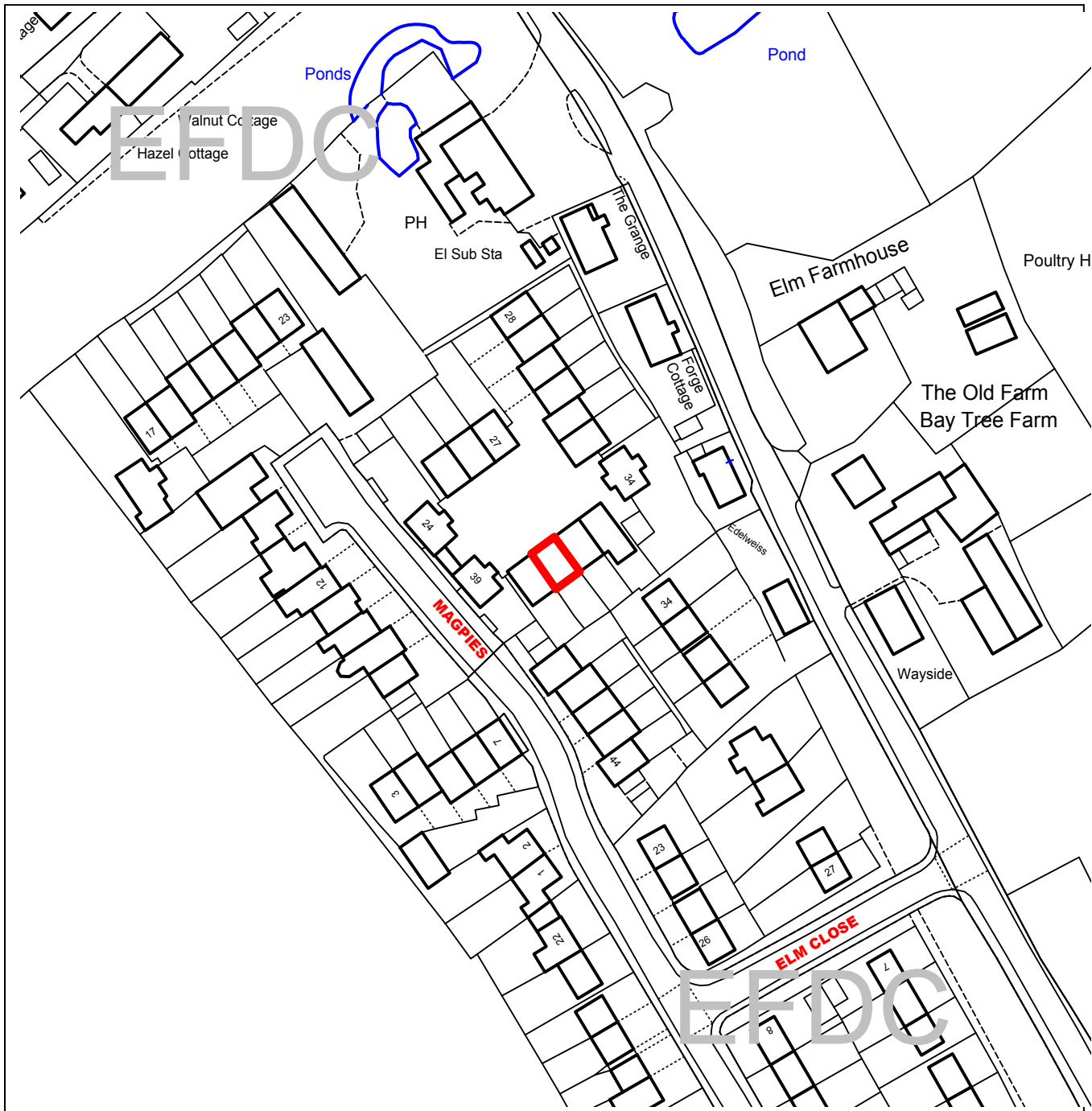
***Planning Application Case Officer: Steve Andrews  
Direct Line Telephone Number: 01992 564337***

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



# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/0428/17
Site Name:	37 The Magpies, Epping Upland, CM16 6QG
Scale of Plot:	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0428/17
<b>SITE ADDRESS:</b>	37 The Magpies Epping Upland Essex CM16 6QG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr & Mrs S Skoulakis
<b>DESCRIPTION OF PROPOSAL:</b>	Loft conversion with rear roof dormer and front roof velux windows
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=591860](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591860)

**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 is located within a built up residential area of the small village of Epping Green and accommodates a two storey end of terrace dwelling located within an enclosed courtyard with private garden space to the rear. There is one off street parking along with integral garage. The

site and the surrounding area are not located within the green belt or a conservation area and are not within the setting of any listed buildings.

### **Description of Proposal:**

Planning permission is sought for a loft conversion with a rear dormer extension and roof lights in the front elevation.

### **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

National Planning Policy Framework

### **Summary of Representations:**

EPPING UPLAND PARISH COUNCIL – OBJECTION – Not in keeping with the architectural design and ethos of the development which was the reason for no Permitted Development as this is a 'village within a village' with carefully designed small runs of properties including the courtyard where this property is situated.

The velux windows destroy the look/street scene at the front of the properties and the dormer at the rear will be visible on entering the development from Elm Close.

Concern about the setting of a precedent which will destroy the architectural design of this award winning development.

Should the application be granted would request a condition that places reasonable restrictions on building and delivery start finish times having regard to the building strategy. There are concerns about the arrangements for building and deliveries in view of the limited access to, and vehicle manoeuvrability within the courtyard environment where the property is situated and impact on all neighbouring properties which has caused great disruption in the past.

40 THE MAGPIES – OBJECTION - This is a complete invasion of privacy, its bad enough that we have had to deal with a loft conversion at No. 38, however No.37 will be able to see directly into our bedrooms. Loft extensions are changing the look of the Magpies. We brought our house as it was generally not over looked now we are uncomfortable and cant move around the house freely.

### **Issues and Considerations:**

The main issues to be addressed are as follows:

- Character and Appearance
- Effect on Living Conditions

## Background

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

## Character and Appearance

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

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

Weight is also attributed to a previous application at the adjacent neighbour (no.38) where members of the Plans West Committee considered that an identical development to the one proposed here would not cause any harm to the character or appearance of the locality.

The proposed roof lights in the front elevation are conventional residential installations and will not cause any harm to the character or appearance of the street scene.

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

## Living Conditions

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

The proposal would not result in excessive harm to the amenities of adjoining property occupiers. It is noted that the dormer will allow greater opportunity for overlooking of the rear garden of no.40, however this is not uncommon in residential areas and indeed this is not dissimilar from the existing situation given the existing first floor windows of no.38.

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

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

In addition, it would not result in excessive loss of light or appear overbearing when viewed from adjoining occupiers.

Again weight is attributed to an identical application at no.38 where members of the Committee considered that there would not be any excessive harm to the living conditions of the neighbours.

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).

**Conclusion:**

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

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

**Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564371**

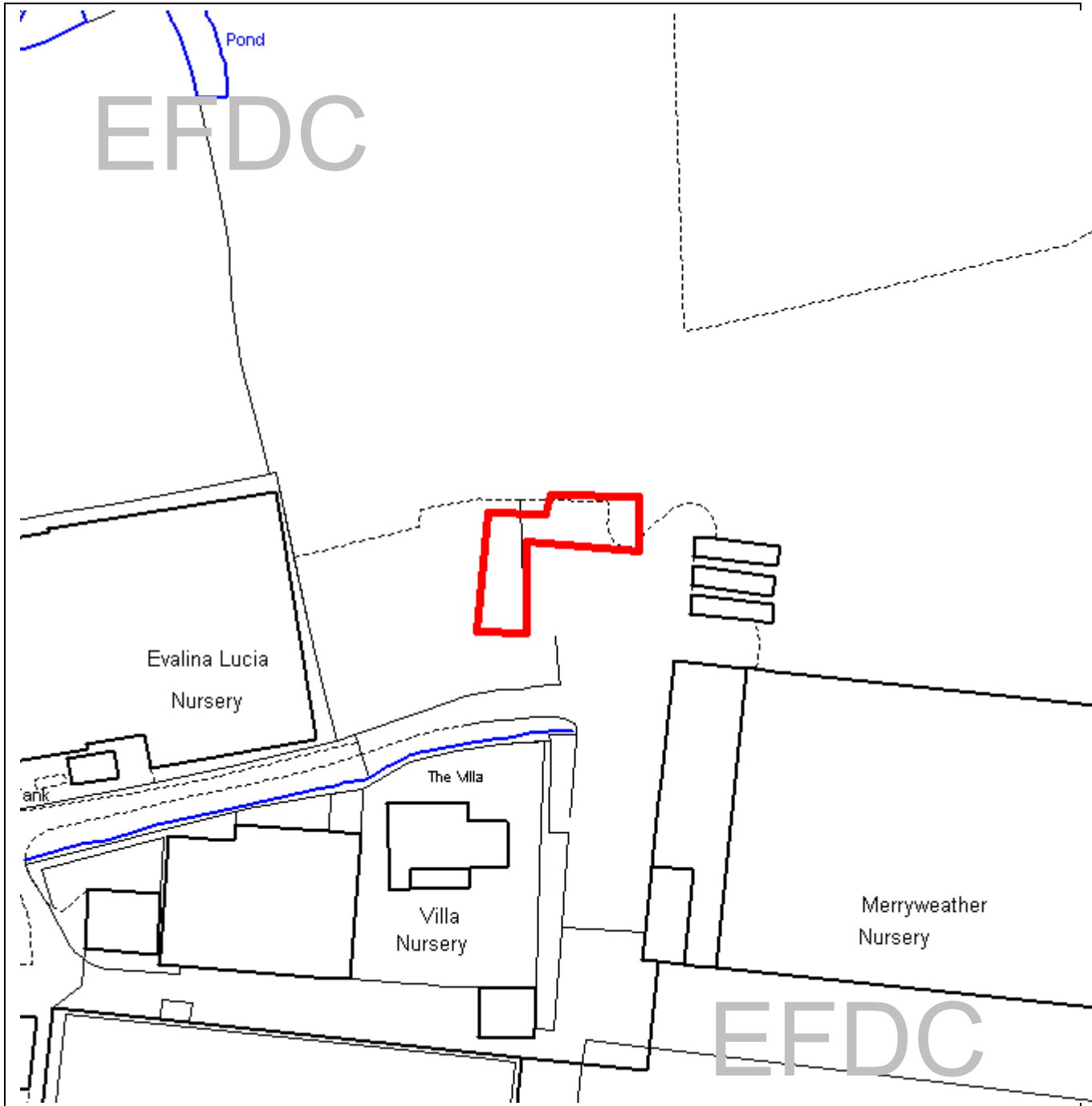
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# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/0477/17
Site Name:	The Villa Nursery, Reeves Lane, Roydon, CM19 5LE
Scale of Plot:	1/1250



**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0477/17
<b>SITE ADDRESS:</b>	The Villa Nursery Reeves Lane Roydon Essex CM19 5LE
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr Felice Gibilaro
<b>DESCRIPTION OF PROPOSAL:</b>	Installation of a small-scale 'back-up' biomass boiler system including flue stack, and construction of boiler house
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=591993](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591993)

**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 in accordance with the approved drawings No's: 5245-: 01 Rev 002, 02 Rev 002, 03 Rev 002, GPP/AMPH/VN/17/03 and the submitted location plan
- 3 Any deliveries in connection with the use shall only take place between the hours of 08:00 - 18:00 Monday to Friday, and 08:00 to 12 noon Saturday, unless otherwise agreed by the Local Planning Authority.
- 4 The use for wood burning hereby granted in the building shall cease if the horticultural use ceases.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 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.
- 7 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development.

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

### **Description of site**

Villa Nursery is located on Reeves Lane within the settlement of Roydon. The application site is currently used as a working nursery which specialises in the growing of salad vegetables for distribution to local retailers. The majority of the site is covered in glasshouses and there is a large packing shed and a single dwelling house in the middle of the nursery. The application site is located within the boundaries of the Metropolitan Green Belt and it is within in a conservation area.

### **Description of proposal**

The proposed development is for the installation of a new biomass boiler with flue stack and the construction of a boiler house.

### **Relevant history**

EPR/0115/48 - erection of 10 greenhouses – Approved

EPF/0962/94 - Erection of glasshouses (9216 sq metres) – Refused and dismissed on appeal

EPF/0851/99 - Installation of gas supply pipeline – Approved

EPF/0785/05 - Change of use of horticultural site to a mixed use of horticulture and packing and distribution use. – Refused

EPF/0362/07 - Change of use of horticultural site to a mixed use of horticulture and packing and distribution use. (Revised application) – Approved

EPF/0705/07 - Change of use and conversion of domestic outbuilding to bungalow annexe including replacement of flat roof with pitched roof. For use of extended family of occupants of Villa Nursery. – Approved

### **Policies Applied**

Local Plan:

CP2: Quality of Rural and Built Environment  
DBE9: Loss of Amenity  
DBE2 – Effect on Neighbouring properties  
DBE1 – Design of new buildings  
CP10 – Renewable Energy Schemes  
ST6 – Vehicle Parking  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
GB11 – Agricultural Buildings

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

### **Consultation carried out and summary of representations received**

ROYDON PARISH COUNCIL – OBJECTION - Concerns about the location of this facility, being in a residential area, and concerns about the increase in traffic that would result.  
EVELINA AND LUCIA NURSERY – COMMENT - It is imperative that a full flood risk assessment is carried out prior to the work starting. This did not happen on the last planning consent. no flood risk assessment was carried out. We were then flooded out and crops were damaged and destroyed.

### **Issues and considerations**

The main issues to consider when assessing this application are the potential impacts on the openness of the Green Belt, the living conditions of any neighbours, highway safety, its appearance in relation to its surroundings and the conservation area and potential flood issues.

#### Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. 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.

The NPPF states that inappropriate development is, by definition harmful in the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweighs the harm caused.

However paragraph 89 allows for exceptions to inappropriate development, one of which is:

#### *Buildings for agriculture and forestry*

This is also acknowledged in Local Plan policies GB2A and GB11 which state that agricultural buildings are appropriate providing that they are 'demonstrably necessary for the purposes of agriculture'. The proposed use of this building is to facilitate a biomass boiler which will provide an alternative means of energy generation to serve the existing nursery business. The site is clearly in agricultural use and the biomass boiler would be ancillary to the existing agricultural business. As a result it does not constitute inappropriate development within the Green Belt and the main issue therefore is whether the proposed development is necessary for the agricultural unit. The applicant has therefore provided a detailed submission to justify the need for the scheme.

The General Permitted Development Order (GDPO) recognises biomass boilers as necessary for the purposes of agriculture. This is a reference to the amendment to the GDPO in 2012 which states that “reasonably necessary for the purposes of agriculture” includes, in relation to the erection, extension or alteration of a building, for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine”. Such developments are therefore recognised as necessary for the purposes of agriculture in relation to this Order. It is clear therefore that the purpose of this amendment is to recognise that biomass boilers have an important purpose in the everyday workings of an agricultural holding and can be considered ancillary to an agricultural use.

Planning permission was granted in 2015 for the erection of a new agricultural building to house a biomass boiler. Members of the Area Plans West Planning Committee considered that this was a reasonable proposal to support the agricultural business. The applicant now contends that the existing biomass boiler is not sufficient to keep the existing glasshouses warm during the cold months and therefore this additional boiler is required to ensure that the crops are kept at optimum temperature all year round. Officers recognise a need to support the horticultural industry and it seems reasonable to accept the need to keep crops warm throughout the year. The new biomass boiler will provide a thermal capacity of 999kW with an efficiency of 87% of renewable energy. This, as well as the existing biomass boiler on the site will ensure that crops grown in the glasshouses will remain at optimum temperature and as such it is considered that the development is reasonably necessary for the purposes of agriculture.

Once it has been determined that the agricultural building would be necessary for the agricultural unit, it is important to assess whether it is necessary for the building to be as large as is proposed.

The new boiler will be located adjacent to the existing biomass boiler and will be in an ‘L’ shape. The size of the building appears reasonable to ensure that wood chips can be stored securely and top loaders have enough space to operate to ensure a smooth and reliable operation.

Furthermore it is not appropriate to store the wood chips outside as rainwater would dampen the chips reducing their efficiency in the boiler and more fuel would be required to get the boiler to the optimum temperature. Also the storage of the fuel outside, particularly on rough surfaces could cause gravel and other particles to enter the fuel which could damage the boiler. There is an existing building to the west, however it is used as a packing facility for the produce grown on the site and consequently the chips could not be stored there. There are no other buildings on the site which would be suitable for the storage of the wood chips.

Policy GB11 also requires that the development will not be detrimental to the character of the area of the living conditions of nearby residents, the latter will be addressed under the ‘living conditions’ section of this report. The building appears as a conventional albeit utilitarian designed agricultural building which would not appear discordant with the other buildings currently on the site or within its rural setting.

#### Living conditions of neighbours

A biomass boiler will emit certain forms of pollution, smoke or noise could be something which theoretically could cause nuisance. There is a residential dwelling located within the centre of Villa Nursery which is occupied by the owners of the site and the proposed boiler will be relatively close to this property. However the property is far enough from the proposal that there will not be any excessive harm caused to their living conditions. Furthermore smoke emissions and noise disturbance are regulated by the Councils Environmental Health department and the Environment Agency. If smoke or noise from the boiler were to cause a nuisance then recourse would be available through the Environmental Protection Act and the Clean Air Act.

Current operations at Villa Nursery require a maximum of two deliveries per day with the collection of produce and no more than three for the deliveries of raw materials to the site. The existing biomass boiler granted planning permission in 2015 (EPF/2051/15) requires no more than three deliveries for wood chips per week.

The applicant states that an additional delivery of wood chips would be required per week for this new boiler and in the context of the existing site which is a working nursery; it is not considered that this is excessive and as a result it will not harm the living conditions of any neighbour.

#### Highway and access issues

Reeves Lane and its surrounding roads are relatively narrow but they are currently used by HGVs under the existing service arrangements and a further one per week will not cause any additional harm than the existing situation. This view is shared by the Councils Highway Advisor who has no objection to the granting of this application.

#### Impact on the conservation area

The development will be located just within the boundaries of the Nazeing and South Roydon Conservation area. The purpose of conservation in this location is to preserve the open, Medieval pattern within the settlements of Middle Street, Halls Green and Bumbles Green. The proposed building will have a relatively low ridge height and be located within a large extent of glasshouses and other agricultural buildings. Therefore it will not cause any harm to the Conservation Area.

#### Flood Risk

The development is of a size where it is necessary to avoid generating additional runoff and therefore a Flood Risk Assessment is required. This can be secured through a planning condition.

#### Other matters

The neighbour objector also raised concern regarding land ownership, however this cannot form part of the assessment as land ownership issues are not material planning considerations but rather are civil matters.

#### **Conclusion**

The development is not inappropriate development in the Green Belt, has an acceptable design will not harm the living conditions of the neighbours and complies with the objectives of the NPPF (CLG, 2012) and the Local Plan. Therefore it is recommended that planning permission is granted.

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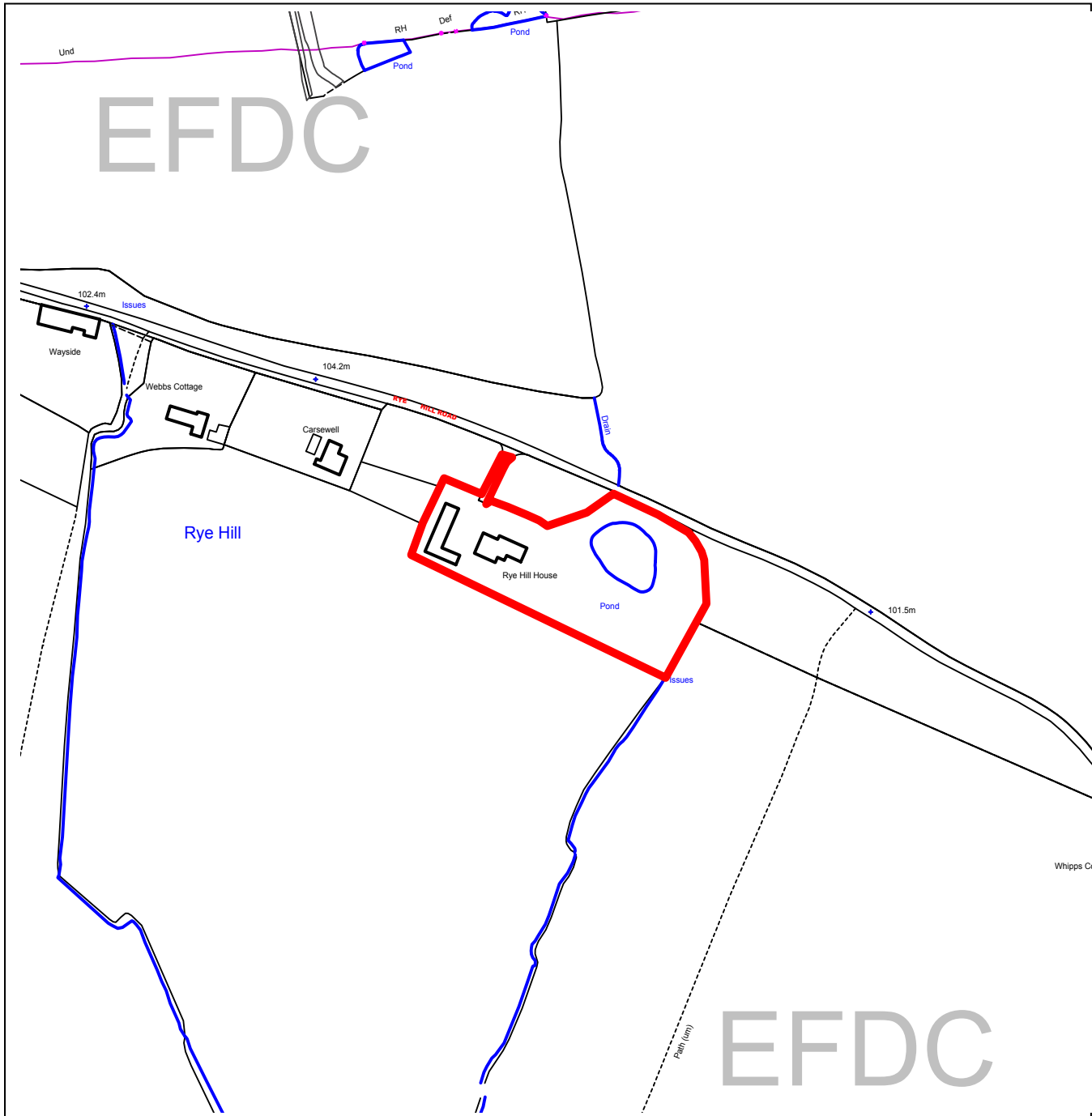
**Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564 371**

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



# Epping Forest District Council

## Agenda Item Number 10



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Application Number:	EPF/0501/17
Site Name:	Rye Hill House, Rye Hill Road, Epping Upland, CM18 7JG
Scale of Plot:	1/2500

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0501/17
<b>SITE ADDRESS:</b>	Rye Hill House Rye Hill Road Epping Upland Essex CM18 7JG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr & Mrs Marway
<b>DESCRIPTION OF PROPOSAL:</b>	Extension to connect barn to house, and change of use to residential purposes. First floor rear extension over new extension to extend master bedroom. Amendment to approved application: EPF/1519/16.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=592095](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592095)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed development shall only be used for purposes incidental to the enjoyment of the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as Rye Hill House, Rye Hill.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A or B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

### **Description of Proposal:**

Consent is being sought for the erection of a part single storey/part two storey rear/side extension that would link the main dwellinghouse to the existing barn and the conversion of the barn to ancillary residential use. This application is an amendment to EPF/1519/16 (which followed a previous approval ref: EPF/1700/15). The only alteration in this proposal is the inclusion of a first floor addition to the rear of the main dwellinghouse above the previously approved single storey link extension.

The proposed first floor element would measure 4.35m in width and 5.9m in depth with a stepped down hip ended roof reaching a maximum height of 7.7m.

### **Description of Site:**

The application site consists of a large detached dwelling with a detached barn located on the southern side of Rye Hill Road. The property is set back behind a large common green area and is well detached from neighbouring properties.

The site is located within the Metropolitan Green Belt.

### **Relevant History:**

EPF/0467/74 - Extension to dwellinghouse – approved/conditions 16/08/74

EPF/0480/79 - Details of alterations and extension – approved 20/04/79

EPF/0537/82 - Single storey side extension – approved 28/05/82

EPF/0824/88 - First floor extension – approved 24/06/88

EPF/0987/00 - Erection of single storey extension and 2 conservatories – refused 10/07/00

EPF/1311/00 - Erection of front porch and side conservatory and removal of existing rear conservatory and wc extension – approved/conditions 01/09/00

EPF/1700/15 - Extension and change of use of barn to residential purposes, ancillary to Rye Hill House – approved/conditions 07/09/15

EPF/1519/16 - Extension and change of use to residential purposes – approved/conditions 28/07/16

### **Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

GB2A – Development in the Green Belt

DBE4 – Design in the Green Belt

DBE10 – Residential extensions

RP3 – Water quality

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



## Epping Forest Draft Local Plan consultation document (2016)

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

SP1 – Presumption in favour of sustainable development  
SP5 – Green Belt and district open land  
DM9 – High quality design  
DM10 – Housing design and quality  
DM18 – On site management of waste water and water supply

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

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

PARISH COUNCIL – Objection. Overdevelopment of site – property has lost some of the aesthetics of being a period building by all the extensions. It was originally a Georgian house with a farmyard and a barn.

### **Issues and Considerations:**

This application is an amendment to two previously approved applications to convert and link the outbuilding to the main dwelling. The only alteration proposed is the inclusion of a first floor rear element above the previously approved single storey link extension. Since the principle of the development and majority of the works have previously been granted consent the only considerations in this application is the additional impact from the first floor addition.

The National Planning Policy Framework states that “*the re-use of buildings provided that the buildings are of permanent and substantial construction*” are not considered to be inappropriate provided they “*preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*”. Therefore, as previously concluded, the conversion of the existing barn for ancillary residential purposes would not constitute inappropriate development harmful to the Green Belt.

With regards to the proposed extensions, paragraph 89 of the NPPF states that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*”. It then provides a list of exceptions to this which includes:

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

Whilst the dwelling on site already benefits from a number of extensions it was previously concluded that the main bulk of the previously permitted single storey rear extension could be added to the dwelling without the need for planning permission (although would require prior determination consent).

The cumulative level of extensions to this building as previously approved was pushing what is generally considered to be acceptable and the inclusion of a first floor addition would further add to this. However the proposed first floor extension would only add 25m<sup>2</sup> to the existing property, which is fairly large, and would be situated to the rear of the dwelling within the context of the existing built form on the site.

As such, whilst this amendment would further add to the cumulative level of extensions on the dwelling, in this instance it is considered that the proposal would not be disproportionate over and above the size of the original dwellinghouse and therefore this does not constitute inappropriate development harmful to the openness of the Green Belt. However it is recommended that permitted development rights should be removed from the property to control any further additions to the property.

The proposed extension would match the overall design and appearance of the dwelling and would not be immediately obvious from any public view point. As such it is not considered that the amended application would be unduly detrimental to the character and appearance of the area.

**Conclusion:**

Whilst the proposed first floor addition would further increase the level of extensions on the dwelling it is considered in this instance that, subject to the removal of permitted development rights, the proposal would not appear disproportionate to the dwellinghouse or be detrimental to the openness of the Green Belt. The design of the amended application would not harm the character and appearance of the area and therefore it is considered that the development complies with the relevant Government guidance and 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***

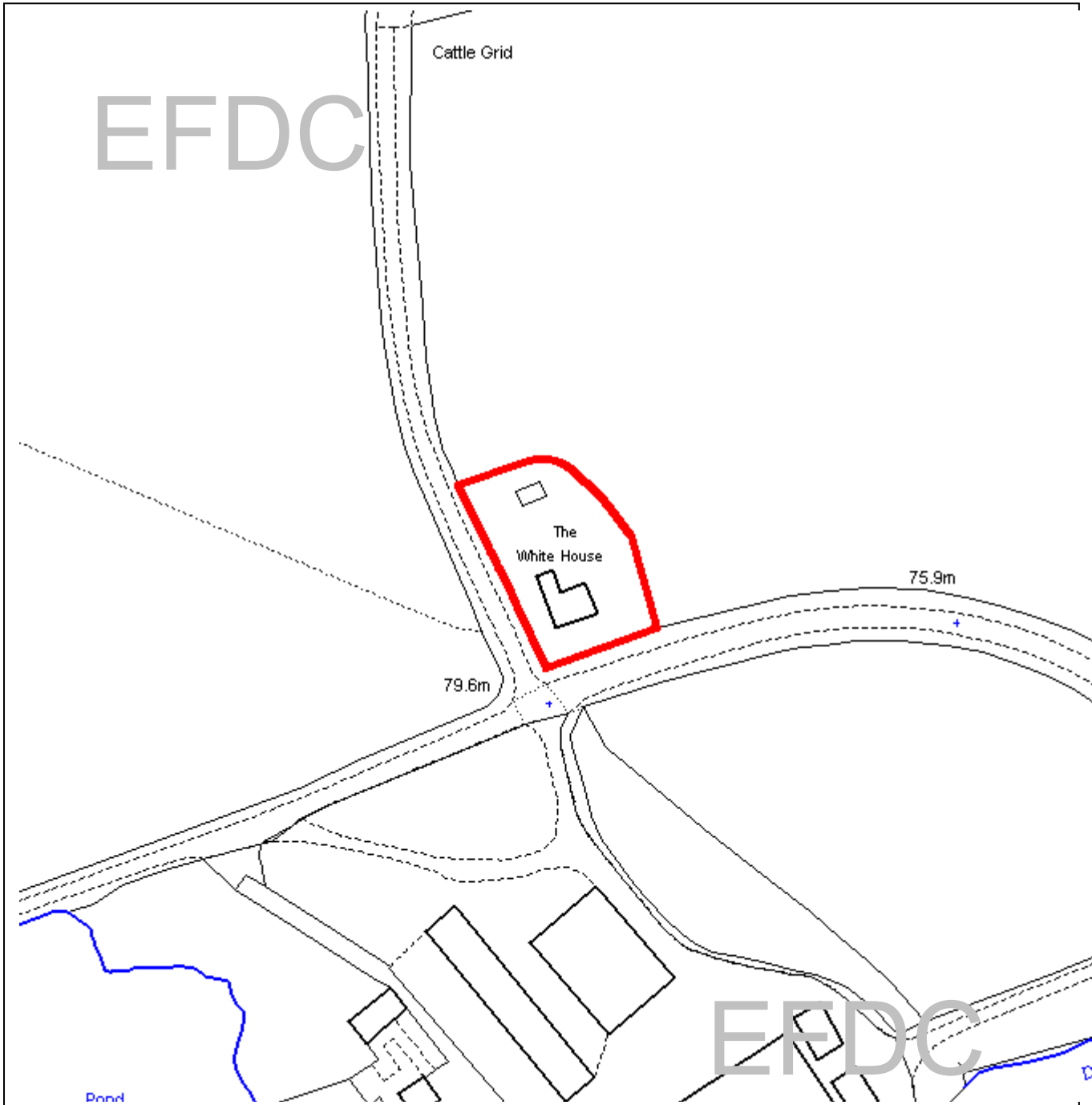
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# Epping Forest District Council

## Agenda Item Number 11



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Application Number:	EPF/0524/17
Site Name:	White House, Copped Hall Estate, High Road, Epping, CM16 5HS
Scale of Plot:	1/1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/0524/17
<b>SITE ADDRESS:</b>	White House Copped Hall Estate High Road Epping Essex CM16 5HS
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr & Mrs D Spicer
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey side/rear extension with monopitch roof.
<b>RECOMMENDED DECISION:</b>	Grant Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=592176](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592176)

**CONDITIONS**

NONE.

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

**Description of site**

The White House is located within the Copped Hall Estate within the area of Epping. The existing building is a two storey detached dwelling situated within a large plot. There are no neighbours in close proximity to the site which is located within the boundaries of the Metropolitan Green Belt and is within the Copped Hall Conservation area.

**Description of proposal**

The proposed development is to erect a single storey side/rear extension. The development has already taken place.

**Relevant history**

EPF/1022/07 - Two storey rear extension. - Refused

EPF/2477/07 - Two storey rear extension. (Revised application) – Approved

EPF/1070/10 - Extension of time limit to EPF/2477/07. (Two storey rear extension.- Revised application) – Approved

EPF/0124/13 - Extension of time limit to EPF/1070/10. (Two storey rear extension.- Revised application) – Approved

EPF/3242/15 - Single storey and two storey front and side extensions and new front and side dormer windows. – Approved

### **Policies Applied**

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design of Residential Extensions

DBE9 – Impact on amenity

HC6 – Character appearance and setting of conservation areas

GB2A – Development in the Green Belt

GB7A – Conspicuous development

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

### **Consultation carried out and summary of representations received**

6 Neighbours consulted – NO COMMENTS RECEIVED

EPPING UPLAND Parish Council – OBJECTION – Inappropriate development for the property particularly in the Conservation Area. Significantly changes the character of the property which has been described as a key building of 'Conservation Area interest'

### **Issues and considerations**

There are no neighbours within close proximity to the site and therefore the main issues to consider when assessing this application are the potential impacts on the Green Belt and the design of the proposal in relation to the Conservation Area.

#### Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. 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.

The NPPF states that inappropriate development is, by definition harmful in the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweighs the harm caused.

However paragraphs 89 and 90 of the NPPF give certain exceptions to inappropriate development, one of which is the:

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

In this case planning permission was granted in 2015 for a first floor front and side extension, a single storey conservatory and the erection of front dormer windows which amounted to an increase of 56% over and above the size of the original building. This proposal seeks planning permission for a single storey extension slightly smaller than the approved conservatory and with a different detailed design. The extension will now have a single pitched roof as a lean to against the new first floor element rather than a dual pitched roof. As the proposal is not materially larger than what has already been given planning permission, it is not considered that the proposal is inappropriate development in the Green Belt as it comfortably falls within the above exception.

### Design in the Conservation Area

The Conservation Officer was consulted on this application and has offered the following comments:

The White House, standing to the north of Home Farm, is a 19<sup>th</sup> century building rendered in a style reminiscent of earlier vernacular buildings of the 17<sup>th</sup> century. The building is among the group of key buildings that, besides the statutory and locally listed buildings, contributes positively to the character and appearance of the conservation area.

The extension, due to its solid appearance and shallow pitch (20 degrees) makes this part of the building “boxy” in form, although not to a degree sufficient to cause harm to its special character and appearance. In addition, the significant set back from both the rear and side walls allow the extension to be read as a later addition, making possible the phasing of the building and the reading of its original building form.

As a result the proposal does not cause any harm to the character and appearance of the Conservation Area.

### Conditions

Since this proposal is retrospective, no planning conditions are necessary.

### Conclusion

The proposal is not inappropriate development in the Green Belt and the design causes no harm to the character or appearance of the Conservation Area. Therefore it is recommended that planning permission is granted.

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

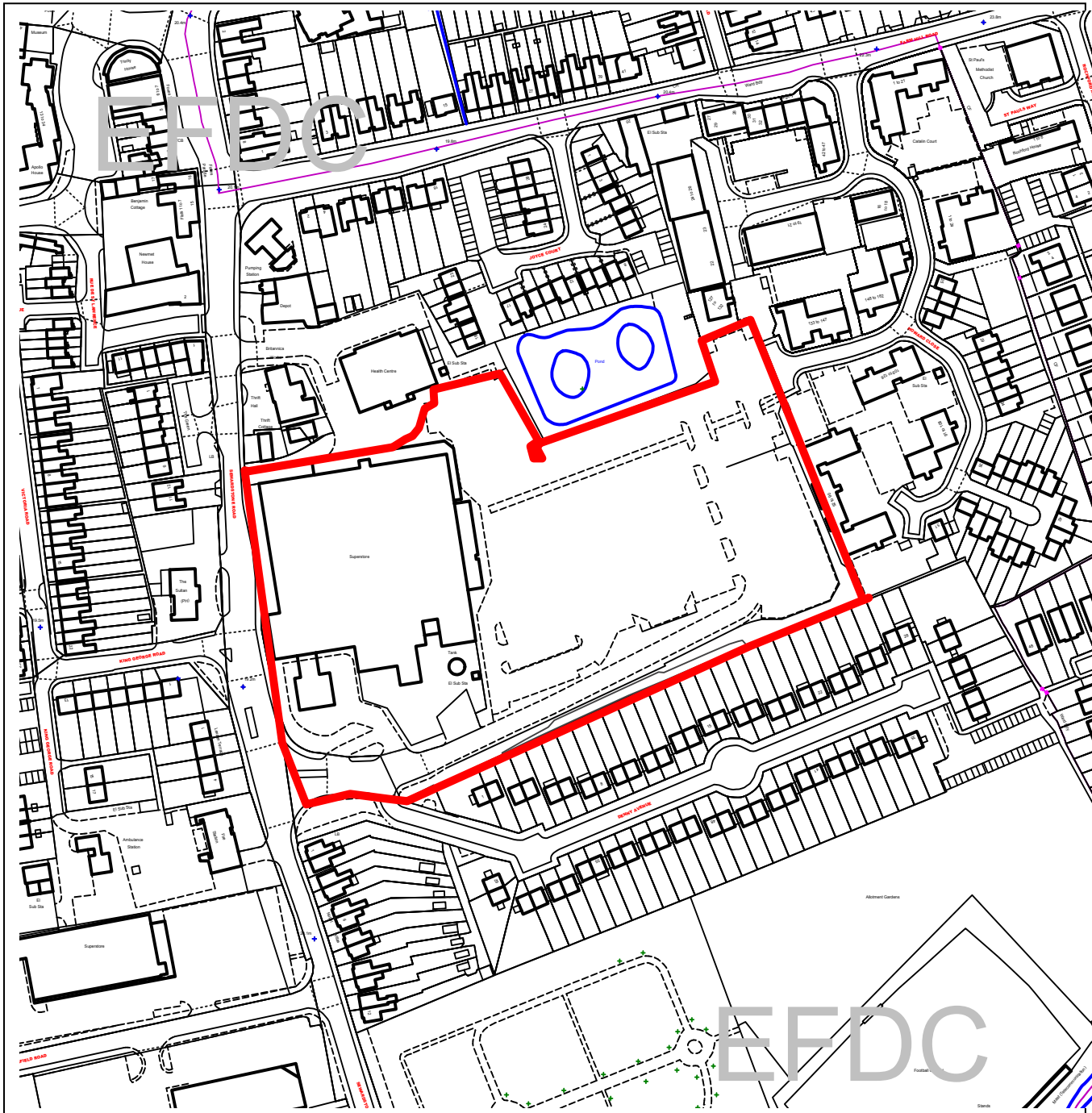
**Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564 371**

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# Epping Forest District Council

## Agenda Item Number 12



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Application Number:	EPF/0605/17
Site Name:	Land and Buildings on the East Side Of, Sewardstone Road, Waltham Abbey, EN9 1JH
Scale of Plot:	1/1250



**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/0605/17
<b>SITE ADDRESS:</b>	Land and Buildings on the East Side of Sewardstone Road Waltham Abbey Essex EN9 1JH
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>APPLICANT:</b>	Fuse3
<b>DESCRIPTION OF PROPOSAL:</b>	Installation of Car Service Unit with change of use from Car Park of Class 1 Retail Premises (Revised application to EPF/2036/16)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=592395](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592395)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
3356pg1b  
3356pg##  
3356boundary##.dgn  
Proposed Floor Plan, Roof Plan, elevations and Section  
Signage Elevations
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The car repair /service use hereby approved shall only take place inside the approved unit with all doors closed.
- 5 The use hereby permitted shall not be open to customers/members outside the hours of 08:00 to 18:00 on Monday to Saturday and 09:30 to 15:00 on Sundays and Bank Holidays.

- 6 The use hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from equipment operating at the unit exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.
  
- 7 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]
  
- 8 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]
  
- 9 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]

- 10 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.
  
- 11 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 Site:**

The existing Tesco store is a detached supermarket located on the eastern side of Sewardstone Road on the edge of, but within, the designated town centre. The store is served by a large car park used by customers and employees of Tesco, plus visitors to the Waltham Abbey Health Care Centre. The car park currently contains a separate 'click and collect' pod, seven new pods/kiosks utilised by separate businesses, and a self-contained Tesco petrol station close to the site entrance.

**Description of Proposal:**

Resubmitted application for the installation of a car service unit and change of use of part of the surrounding car park. The proposed service unit would measure 7.4m in length and 5.4m in depth to a maximum height of 3.55m. Four external bays would be provided for use by the car service business.

**Relevant History:**

EPF/1730/00 - Demolition of existing building and erection of retail (A1) residential (C3) and healthcare (D1) development including petrol filling station together with associated highway works, ancillary service yard, car parking and landscaping – approved/conditions 17/04/02

EPF/1132/05 - Temporary use of land in south east corner of the site (proposed for new housing in the 17/4/02 outline approval) for additional car spaces for the Tesco store – approved (3 years) 14/10/05

EPF/0560/09 - Renewal of temporary planning permission and continued use of land on south east corner of the site for three more years as an additional car park (69 spaces) for Tesco store – approved/conditions (18 months) 18/06/09

EPF/2187/09 - Extension to existing retail store to accommodate new bulk storage area and reconfiguration of internal road layout and parking area – approved/conditions 28/01/10

EPF/2357/09 - Installation of a combined heat and power (CHP) unit within service yard at rear of store to provide a sustainable method of powering the store – approved/conditions 29/01/10

EPF/0146/11 - For the permanent use of land and the retention of the existing car park for use by staff only – approved/conditions 24/03/11

EPF/1785/11 - Proposed customer collection pod and canopy – approved/conditions 21/10/11

EPF/1818/14 - Installation of three new small scale pods containing car related uses within existing store car park incorporating new single storey pod buildings and canopies, and the erection of four small scale retail kiosks adjacent to the store car park along with an alteration to the car park layout – approved/conditions 29/10/14

EPF/2668/14 - Installation of plant and associated equipment at BUPA dentist kiosk – approved 07/01/15

EPF/2036/16 - Installation of Car Service Unit with change of use from Car Park of Class 1 Retail Premises – refused 22/09/16

### **Policies Applied:**

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

CP1 – Achieving sustainable development objectives

CP3 – New development

RP5A – Adverse environmental impacts

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE9 – Loss of amenity

TC3 – Town centre function

ST6 – Vehicle parking

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

#### Epping Forest Draft Local Plan consultation document (2016)

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

SP1 – Presumption in favour of sustainable development

E1 – Employment sites

E2 – Centre hierarchy/retail policy

T1 – Sustainable transport choices

DM9 – High quality design

DM21 – Local environment impacts, pollution and land contamination

## **Summary of Representations:**

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

TOWN COUNCIL – Object. The committee considered this to be an inappropriate development within a retail site and is too close to a residential neighbourhood. It is believed that this application would have an adverse effect on the amenity of those living in close proximity including noise nuisance.

5 DENNY AVENUE – Object to the development due to breaches in the existing conditions, as the building is not appropriate to this area, it is of poor appearance, would cause noise and pollution, and would cause other nuisance.

9 DENNY AVENUE – Object as this will impact on the health and wellbeing of neighbouring residents, particularly since a large amount of trees that acted as a sound buffer have recently been removed from the boundary of the site. It is considered that the proposed opening hours are excessive and will cause undue disturbance to neighbours.

26 DENNY AVENUE – Object due to the cumulative visual and harmful impact that Tesco has on Waltham Abbey and the surrounding area. Feel that this site would be better suited for housing.

## **Issues and Considerations:**

Planning consent was refused for the proposed development in September 2016 for the following reason:

*Insufficient evidence has been provided to demonstrate that the provision of a B2 car repairs use within this location, which is in close proximity to surrounding noise sensitive properties, would not cause any excessive detrimental noise or disturbance to surrounding residents, contrary to the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.*

This resubmitted application has been submitted alongside a “*Noise Survey Report on an Xpress Service Unit in a similar situation to that which is proposed in this application*”. Therefore the key consideration is whether the application overcomes the previous reason for refusal.

### **Noise impact:**

The proposed service unit would be located within the rear car park that was initially for staff use only however now contains a car rental business. The proposed new business would include four outdoor spaces for vehicles. The proposed business is Xpress Centre, which it is stated is “*an automotive cosmetic repair company*”. Body repairs are generally considered to fall within a B2 use since they tend to cause detrimental impact on neighbours amenities due to noise, disturbance, etc. The closest neighbouring residential property is situated approximately 17m away (Howard Close) and 19m away (Denny Avenue).

The application and Noise Survey Report on a different application site was forwarded to the Councils Environment & Neighbourhoods Team for assessment. Despite the fact that the submitted report does not specifically relate to or assess this particular application site that Environment & Neighbourhood Manager has responded stating that “*on balance, I believe the application could be approved with suitable noise conditions*”. These conditions are suggested as:

- The use of the business is restricted to within the building with all doors closed in order to ensure that there is no outdoor working on the site;

- That the hours of operation are restricted to 08:00 – 18:00 Monday to Saturday and 09:30 – 15:00 on Sundays (as opposed to the requested 07:00 – 19:00 Monday to Friday, 08:00 – 18:00 on Saturdays and 09:00 to 15:00 on Sundays); and
- That the use shall cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from equipment operating at the unit exceeds the prevailing background noise level.

Given the proximity to neighbouring properties it is considered that the above conditions are essential in order to adequately protect the amenities of the neighbouring residents however, subject to such control, it is considered that the proposal would now comply with policies RP5A and DBE9.

Economic considerations:

The application site forms part of the existing car park for the Tesco Store, which is located within the designated Waltham Abbey Town Centre. One of the current aims of Central Government is to encourage economic growth within the Country and they seek to achieve this in the Planning System through the 'presumption in favour of sustainable development'. The National Planning Policy Framework has identified three dimensions to sustainable development; these being an economic, social and environmental role.

The basis of the National Planning Policy Framework is that planning "*should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*". The Framework makes it clear that "*investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment*". It also states that planning policies should avoid the long term protection of sites allocated for specific uses where there is no reasonable prospect of a site being used for that purpose.

It is generally accepted locally that Waltham Abbey Town Centre, for various local, national and socio-economic reasons, is in a state of decline. The historic town centre has struggled to maintain its vitality and viability, which can be seen within the February 2013 Town Centre Survey figures that shows 17.4% of the Key Frontage is currently vacant, with vacancies for the entire frontage at 13.8%. Both these figures are above the district and UK single figure averages. Therefore any additional business brought to the designated town centre would improve the overall vitality and viability of Waltham Abbey. Furthermore, the provision of complementary car park uses such as the proposed service unit is the type of use expected on an edge of centre location such as this.

Whilst there are long-standing concerns with regards to trade being drawn away from the 'historic' town centre of Waltham Abbey (i.e. Sun Street and Market Square) towards out of town locations such as Highbridge Street Retail Park and the Lidl Supermarket, in 2006 the adopted Local Plan Alterations varied the designated town centre boundary in Waltham Abbey to include Tesco and its associated car park. As such the application site itself is located within the designated town centre and therefore any retail benefits on this site would be considered beneficial to the overall designated town centre. There is no requirement within policy TC3 to protect particular sections of the town centre (although there are further restrictions on the Key Frontage) and therefore no reason to consider that the proposed new use within the Tesco car park would be detrimental to the vitality and viability of the town centre.

The proposed service unit would offer the ability for people to undertake linked trips when visiting Waltham Abbey, which would be more sustainable than multiple trips to different locations. As such the economic benefits of the proposed development weigh in favour of the application.

Parking:

The proposed pod would result in the loss of 10 car parking spaces. It is not considered that the loss of these spaces would have any significant impact on the availability of off-street parking provision on the site.

Design:

The application site is located outside of the conservation area and the historic core of Waltham Abbey and the design of the proposed building, whilst utilitarian and of no particular architectural merit, is nonetheless considered to be acceptable and in keeping with the existing, relatively modern, Tesco store. This would be a small scale, unobtrusive unit that would be viewed as part of, and within the context of, the large retail store.

**Conclusion:**

The principle of alternative business uses within the car park is, and has been, accepted on this site and it has now been determined within this resubmitted information, that contained additional information regarding the proposed use, would not be any additional loss of amenity to nearby neighbours provided it is restricted by way of the suggested conditions. As such the development would now comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and 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:***

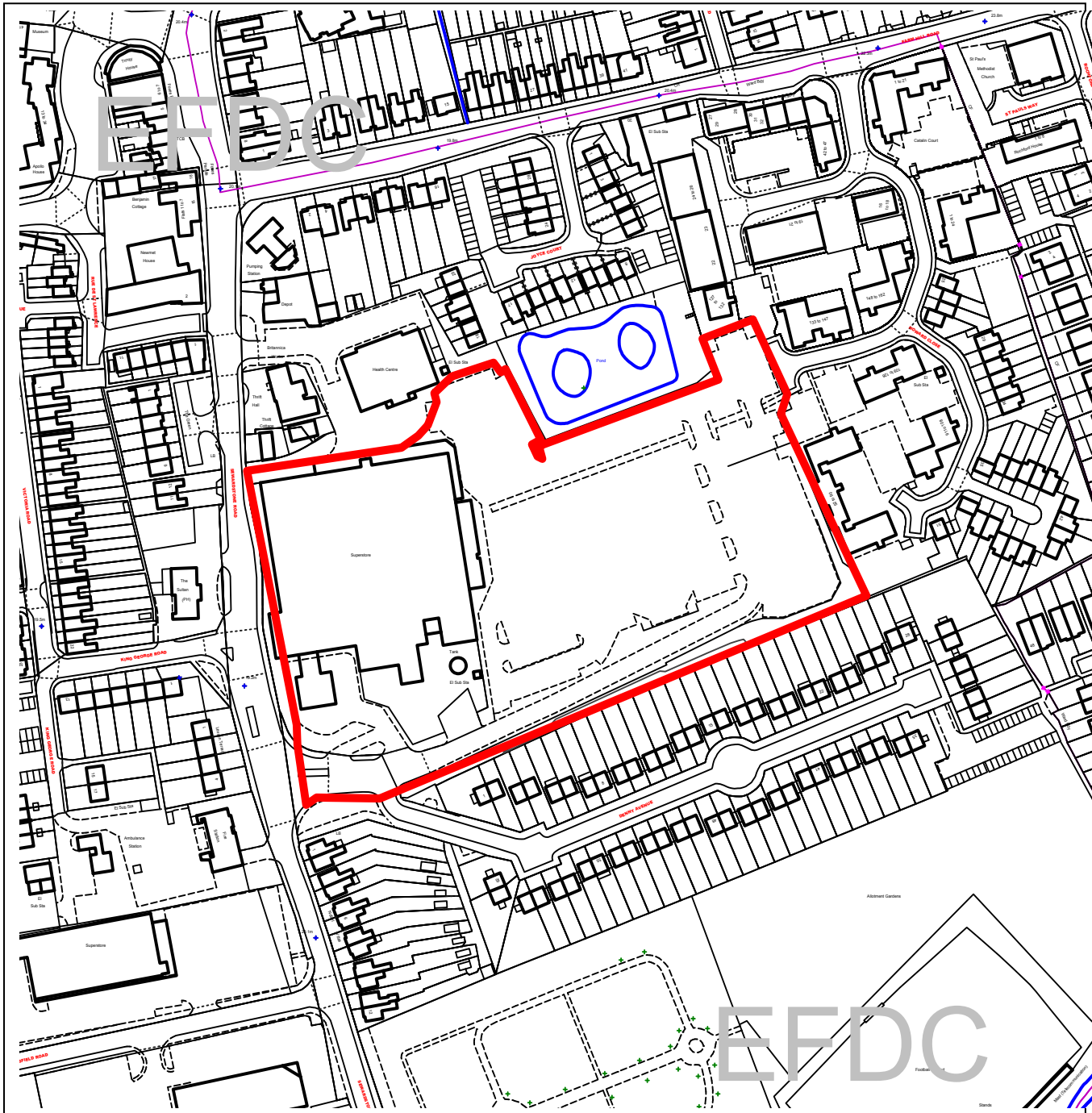
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 13



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Application Number:	EPF/0615/17
Site Name:	Land and buildings on the East Side Of, Sewardstone Road, Waltham Abbey, EN9 1JH
Scale of Plot:	1/1250



**Report Item No: 13**

<b>APPLICATION No:</b>	EPF/0615/17
<b>SITE ADDRESS:</b>	Land and Buildings on the East Side of Sewardstone Road Waltham Abbey Essex EN9 1JH
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>APPLICANT:</b>	Fuse3
<b>DESCRIPTION OF PROPOSAL:</b>	Advertisement consent for proposed 3 x fascia signs and 1 x advertising panel in connection with proposed installation of Car Service Unit with change of use from Car Park of Class 1 Retail Premises.
<b>RECOMMENDED DECISION:</b>	Grant Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=592419](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592419)

**CONDITIONS**

NONE

*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 existing Tesco store is a detached supermarket located on the eastern side of Sewardstone Road on the edge of, but within, the designated town centre. The store is served by a large car park used by customers and employees of Tesco, plus visitors to the Waltham Abbey Health Care Centre. The car park currently contains a separate 'click and collect' pod, seven new pods/kiosks utilised by separate businesses, and a self-contained Tesco petrol station close to the site entrance.

**Description of Proposal:**

Advertisement consent is being sought for the installation of one illuminated fascia sign, two non-illuminated fascia signs, and one non-illuminated advertisement panel. This consent is identical to that previously approved consent under A/EPF/0615/17.

### **Relevant History:**

A/EPF/0502/09 - Provision of new advert signs on recently erected lobby around store entrance – approved 08/06/09

A/EPF/1889/11 - Signage to 'Click & Collect' facility including additional freestanding directional signage – approved 04/11/11

A/EPF/1842/14 - Advertisement consent for 2 no. illuminated fascia signs, 1 no. non-illuminated fascia sign and 12 no. non-illuminated signs – approved 29/10/14

A/EPF/2883/14 - Application for consent to display 9x illuminated advertisements – approved/conditions 11/02/15

A/EPF/2038/16 - Advertisement consent for proposed 3 x fascia signs and 1 x advertising panel in connection with proposed installation of Car Service Unit with change of use from Car Park of Class 1 Retail Premises – approved 22/09/16

### **Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

DBE13 – Advertisements

The above policy forms 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 policy is broadly consistent with the NPPF and therefore is afforded full weight.

Epping Forest Draft Local Plan consultation document (2016)

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

DM13 - Advertisements

### **Summary of Representations:**

No neighbouring residents were consulted however a Site Notice was displayed.

TOWN COUNCIL – Object. If planning committee is minded to approve the initial planning application the committee would object to Sign 4 as it is considered too big and intrusive.

### **Issues and Considerations:**

The previously refused planning application for the proposed car service unit, which was refused consent due to the potential noise impact on neighbouring residents, was submitted as a combined planning application and advertisement consent form, which is automatically split into two separate applications. Despite the refusal of the previous planning application for the new unit the advertisement consent application was approved. Notwithstanding this the resubmitted planning application has once again been submitted on a combined planning application and advertisement consent form and therefore a second advertisement consent application has been created, although this application is not necessary as consent has already been granted for the works. Nonetheless since the application is registered it has been reassessed.

Given the location of the proposed signage within the Tesco's car park, which would not be visible from the public highway, the main issues here relate to the impact of the signs on the character and appearance of the area.

Whilst one of the proposed sign would be illuminated several of Tesco's existing signs are illuminated and therefore these would not be considered detrimental to the area. All other signs would be non-illuminated.

The signs are located within a large supermarket carpark, which itself is located within Waltham Abbey Town Centre, where such advertisements are commonplace. Despite the concerns of the Town Council about the size of Sign 4 it is not considered that the proposed signs would be detrimental to the overall character of the area.

**Conclusions:**

The proposed signage would comply with the requirements of Local Plan policy DBE13 and are 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:***

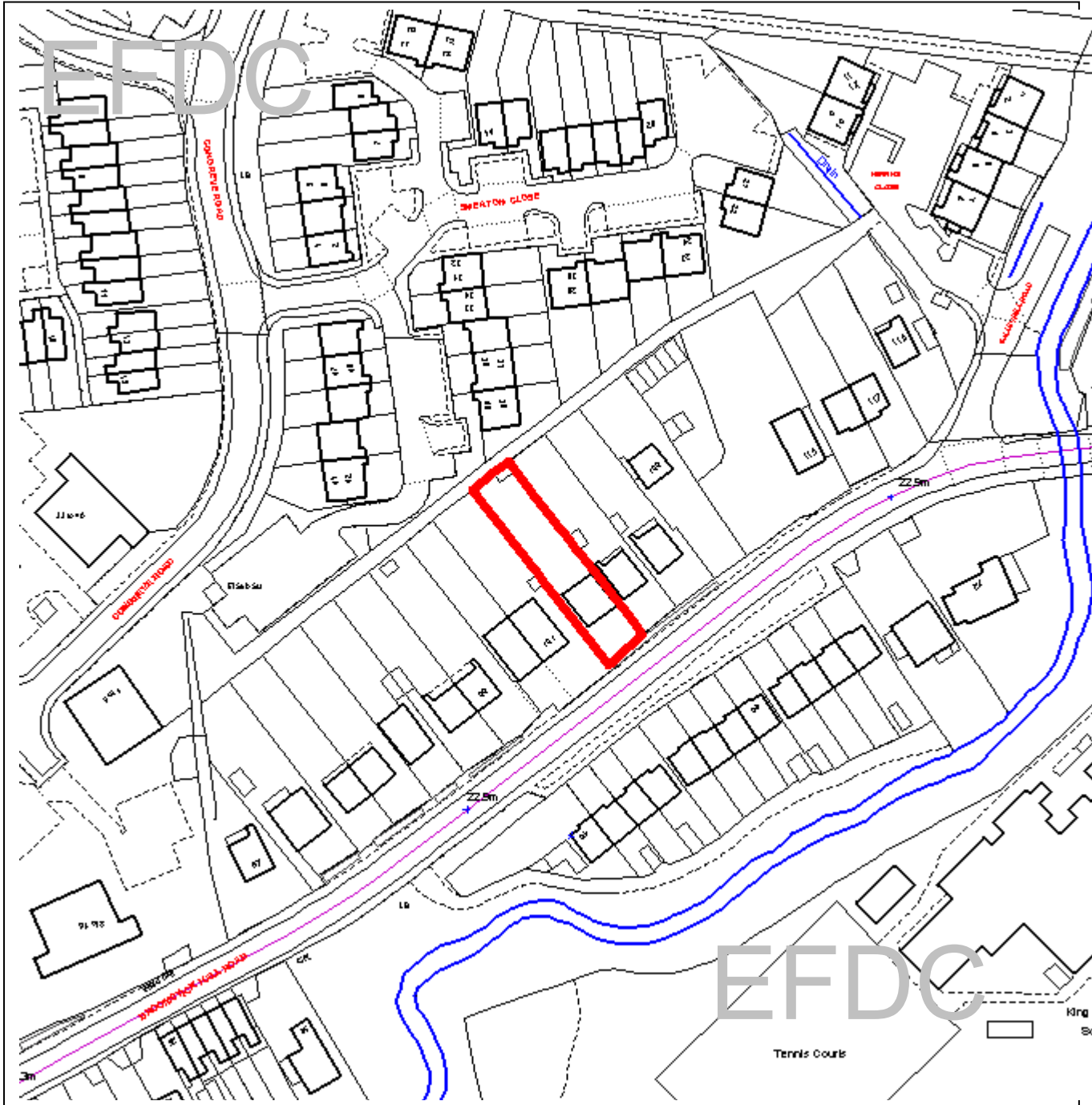
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 14



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Application Number:	EPF/0608/17
Site Name:	103 Broomstick Hall Road, Waltham Abbey, EN9 1LP
Scale of Plot:	1/1250

**Report Item No: 14**

<b>APPLICATION No:</b>	EPF/0608/17
<b>SITE ADDRESS:</b>	103 Broomstick Hall Road Waltham Abbey Essex EN9 1LP
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>APPLICANT:</b>	Mr & Mrs Dave & Romy Birchmore
<b>DESCRIPTION OF PROPOSAL:</b>	Formation of dormers to roof, flank elevations.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=592398](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592398)

**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 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor northern flank elevation 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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The proposal site contains a chalet style bungalow with a gabled roof. The site is a uniform rectangular shape which rises steadily from front to rear. The immediate area contains a mix of dwelling styles.

The site falls within an urban area and is not listed nor within a conservation area.

### **Description of Proposal:**

Permission is sought to convert the loft into living accommodation and formation of side dormers.

The dormers are identical and each measure 3.05m wide by 7m deep and 2.4m high to the top of their flat roofs.

Materials include tiles to match those on the application roof and double glazed fenestration.

### **Relevant History:**

EPF/1197/03 - Erection of two storey rear extension. Grant Permission (with conditions) - 01/08/2003.

EPF/1470/05 - Proposed front porch. Grant Permission (With Conditions) – 03/10/05.

EPF/0365/12 - Two storey rear extension and construction of two side elevation dormer windows. Refuse permission - 16/05/2012.

EPF/2042/12 - First floor extension to create two storey dwelling. Grant Permission (with conditions) – 18/12/12.

EPF/0015/13 - Proposed construction of second storey including room in roof and single storey rear garden room. Grant Permission (with conditions) - 22/02/2013.

### **Policies Applied:**

National Planning Policy Framework

National Planning Policy Guidance

DBE9 – Loss of amenity

DBE10 – Residential Extensions

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

### *Draft Local Plan:*

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

DM9 High Quality Design

### **Consultation Carried out and Representations Received**

7 neighbours were consulted. 2 objections were received.

105 Broomstick Hall Road: The two properties numbers 103 and 105 are in very close proximity to one another. Dormer will significantly reduce light to ground floor hall, upstairs hall, fully glazed kitchen door and study areas as all these spaces have windows facing the proposal. (Layout as

originally built in 1933). The 3 windows will cause loss of privacy. It would also be imposing when viewed from our properties.

WALTHAM ABBEY TOWN COUNCIL: OBJECT: The committee considered this to be an overdevelopment of site, too close to a neighbouring property and to be of a very dominating appearance.

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

#### Impact on the Character and Appearance of Area

The proposed dormers are similar to those installed at 89 Broomstick Hall Road. They are set below the ridge, above the eaves and within the boundaries of the roof. Furthermore they could also be built under the permitted development rights of the property (albeit reduced by 0.69 cubic metres) and approval has been given under EPF/0015/13 for the creation of a two storey dwelling in this position (- the permission has expired but the policies on which the decision was based have not changed, therefore if an identical scheme were to be resubmitted it would be approved).

It is therefore considered the proposal would have a neutral impact character and appearance of the site and surrounding area and as such accords with the requirements of chapter 7 of the NPPF and policy DBE10 of the Local Plan.

#### Impact on the Living Conditions of Neighbouring Residential Dwellings

The adjacent neighbour at 105 Broomstick Hall Road has raised concerns about loss of privacy from side facing openings but as with the previous permission these can be conditioned to be obscure glazed.

The bulk and mass of the proposal is less than that approved under reference EPF/0015/13.

It is not considered that there would be excessive loss of light to the windows of the adjacent property particularly as the windows affected are kitchen, hallway and secondary study windows they therefore afford less protection.

There is a gap of over 5m from Number 101 Broomstick Hall Road and the application site. There are two centrally located windows within the side flank wall facing the proposal site. The first floor window serves a hallway and the ground floor window is of a small size and does not serve a habitable room. It is therefore considered that the proposal will not excessively affect adjoining dwellings in terms of light, outlook, dominance or privacy. The proposal therefore accords with the requirements of policy DBE9 of the Local Plan.

### **Conclusion:**

The proposal will preserve the character and appearance of the site and surrounding area without excessively impacting neighbouring residential amenity. It therefore meets the criteria required to be deemed sustainable development (subject to conditions) and as such accords with the NPPF and the Epping Forest District Council Combined Policies 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 564228**

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