

AREA PLANS SUB-COMMITTEE 'WEST'

21 June 2017

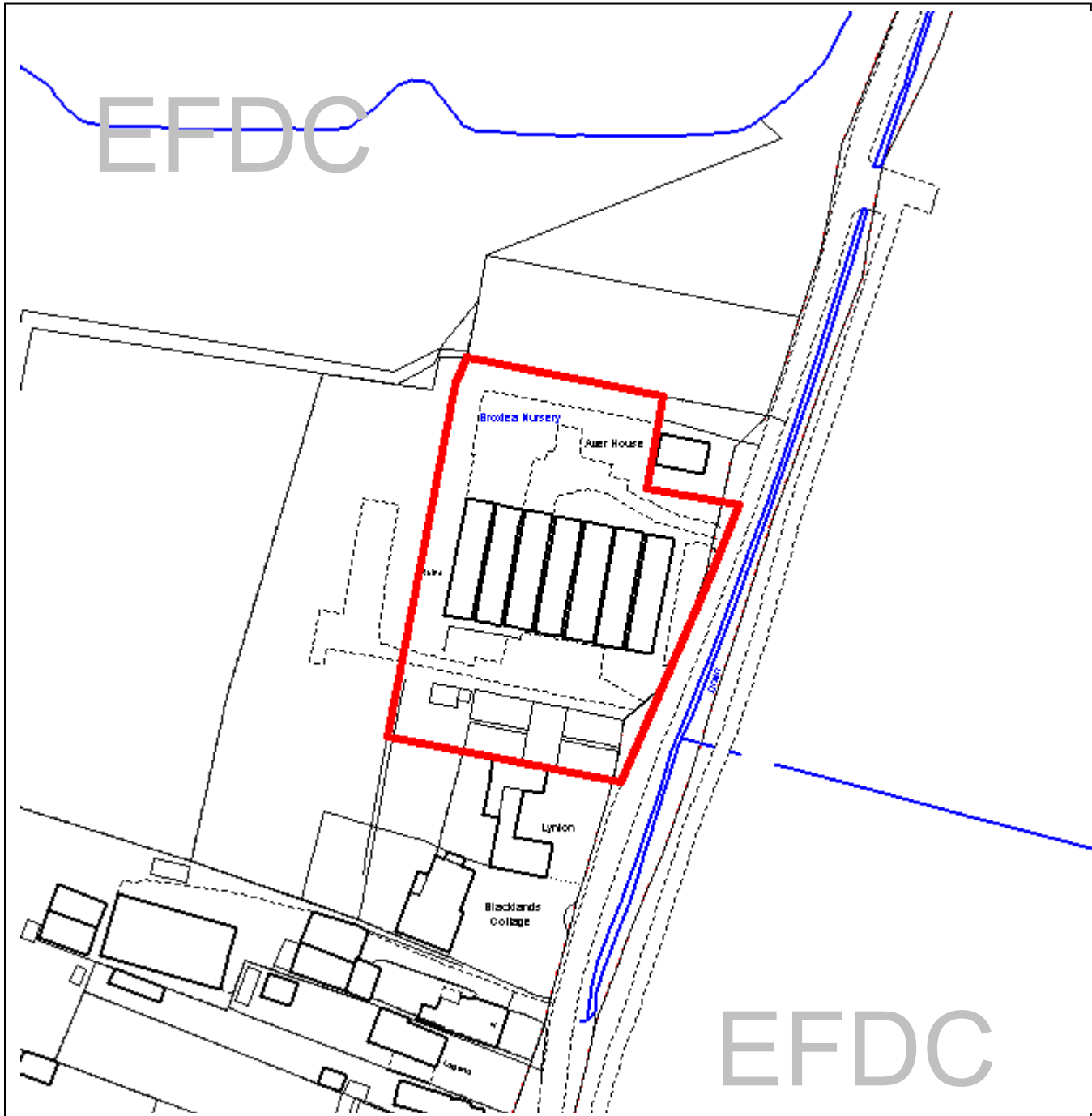
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/1493/16
Site Name:	Broxlea Nursery, Nursery Road, Nazeing, EN9 2JE
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/1493/16
SITE ADDRESS:	Broxlea Nursery Nursery Road Nazeing Waltham Abbey Essex EN9 2JE
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr John Payne
DESCRIPTION OF PROPOSAL:	Outline Application for 7 no. Self-Build Houses in accordance with Housing & Planning Act 2016 and Self-Build Act 2015.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585015

REASON FOR REFUSAL

- 1 The site is located within the Metropolitan Green Belt and the proposal constitutes inappropriate development that is, by definition, harmful to the Green Belt. Whilst the benefits of providing self-build housing to meet local needs is a material consideration that weighs in favour of the development it is not considered that this, or the other material considerations put forward, are sufficient enough to outweigh the harm to the Green Belt through inappropriate development. Therefore no very special circumstances exist and the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.
- 2 The application site is located within Environment Agency Flood Zones 2 and 3 and the development has not passed the Sequential Test, contrary to the guidance contained within the National Planning Policy Framework, the associated Technical Guidance, the Planning Practice Guidance and policies U2A of the adopted Local Plan and Alterations.
- 3 The provision of a residential development on this agricultural site would result in significant harm to the character and amenity of the Lee Valley Regional Park, contrary to the guidance contained within the National Planning Policy Framework and policy RST24 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 Council (Pursuant to The Constitution, Part Three Planning Services: Scheme of Delegation, Appendix 3)

Description of Site:

The application site comprises a 0.45 hectare section of a 1.4 hectare former mushroom farm located on the western side of Nursery Road. The site currently contains a number of redundant agricultural buildings in a poor state of repair and is largely overgrown and sits beyond the linear row of properties within Nursery Road. To the immediate north, east and west of the site are open areas of land containing woodland, open fields and large lakes.

The application site is located within the Metropolitan Green Belt and Lee Valley Regional Park. The site is wholly within an Environment Agency Flood Zone 2, and partially within a Flood Zone 3. The rear part of the site, all of which has now been excluded from the red lined area, is over a landfill.

Description of Proposal:

Outline consent is being sought for the demolition of the existing farm buildings and the creation of seven self-build/custom housing plots. All other matters are reserved.

Relevant History:

EPO/0240/72 - Details of 7 mushroom sheds – approved/conditions 09/05/72

EPF/0327/77 - Retention of five mushroom sheds – approved/conditions 18/05/77

EPF/0711/82 - Retention of five mushroom sheds for a further period – approved/conditions 02/07/82

EPF/1157/87 - Retention of 5 mushroom sheds for further period – approved/conditions 11/09/87

EPF/1898/88 - Outline application for three dwellings – refused 20/01/89 (appeal dismissed 01/08/89)

EPF/1653/89 - Change of use of redundant mushroom and packing sheds to storage (B8) – refused 22/01/90

EPF/0381/90 - Outline application for bungalow and garage – refused 16/05/90

EPF/0892/92 - Extension of temporary planning permission for 5 mushroom sheds – refused 14/12/92

EPF/1139/92 - Use of 2 existing redundant mushroom sheds for the keeping growing and bringing on of plants – approved/conditions 09/08/93

EPF/1140/92 - Use of existing redundant mushroom sheds for the production of compost by worm farming and the growing and bringing on of bedding plants – approved/conditions 09/08/93

EPF/0941/93 - The retention and conversion of five (5) redundant Mushroom sheds to growing sheds for bedding plants – approved/conditions 22/11/93

EPF/0788/00 - Change of use from redundant mushroom shed to storage of double glazing units – refused 06/09/00

EPF/2373/02 - Change of use from mushroom sheds to storage of vehicles and wooden logs and use of yard area to store woodchips – refused 07/03/03

EPF/0326/03 - Demolition of existing buildings and erection of four detached dwellings with car ports – refused 16/04/03

OUT/EPF/2410/14 - Outline application to demolish the farm buildings and construct 2 x 3 bedroom bungalows. All matters reserved – refused 07/10/15

OUT/EPF/0641/16 - Outline planning consent with all matters reserved for Self-Build Scheme for 9 houses in accordance with the Self-Build Act 2015 – refused 17/05/16

EPF/1276/16 - Change of Use from Mushroom Farm (Agricultural) to Use Class B2 and B8 – withdrawn 10/11/16

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
CP6 – Achieving sustainable urban development objectives
CP9 – Sustainable transport
GB2A – Development in the Green Belt
NC4 – Protection of established habitat
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE8 – Private amenity space
DBE9 – Loss of amenity
H4A – Dwelling mix
H5A – Provision for affordable housing
H6A – Site thresholds for affordable housing
H7A – Levels of affordable housing
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping scheme
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
RP3 – Water quality
RP4 – Contaminated land
RST24 – Design and location of development in the LVRP
U2A – Development in Flood Risk Areas
U3A – Catchment effects

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

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

DM15 – Managing and reducing flood risk
DM18 – On site management of waste water and water supply
DM21 – Local environment impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received:

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

PARISH COUNCIL – The Parish Council has no objection and supports the planning application. The reason for the support is that in accordance with the Councils response to the Draft Local Plan, the Council supports development on redundant glasshouse sites rather than on greenbelt sites.

NURSERY ROAD RESIDENTS ASSOCIATION – Object as this is inappropriate development in the Green Belt and is not outweighed by the provision of additional housing or subject to the ‘Presumption in Favour of Sustainable Development’, as the site does not constitute previously developed land, since the provision to provide self-build housing is not yet in place and does not outweigh the harm to the Green Belt, as this is contrary to the adopted policies in the LVRP Park Plan, due to flood risk concerns, since the Residents Association has rejected the proposed plans to upgrade Nursery Road, since there are concerns about contamination risks, and since any reliance on the emerging Local Plan holds limited weight given its early stage.

THE AVON, NURSERY ROAD (CHAIRMAN OF THE NURSERY ROAD SOUTH RESIDENTS ASSOCIATION – NRSRA) – Object on behalf of the NRSRA (which consists of 13 of the 15 residents in Nursery Road) due to increased traffic concerns, wear and tear on the road and bridge at the entrance of Nursery Road, sewage concerns, about the presence of asbestos on the site, the precedent that would be set building behind the building line, the noise/disturbance from the development, the impact on the rural environment, the location of the site in the Flood Zone, concerns about land ownership since part of the application site was sold to a neighbour, due to possible legal restrictions about rights of access across the southern part of Nursery Road, due to the impact on wildlife, and since the site may be of archaeological interest.

WESTFIELD COTTAGE, NURSERY ROAD – Object as this development is far too large, would significantly increase traffic using the single lane private road, and feels that a smaller scheme would be more appropriate.

CRANBROOK, ST LEONARDS ROAD – Object as this is within the Green Belt, will add to the over development of new properties within Nazeing, and will put additional pressure on the already overstretched local services.

MARSMEAD, NURSERY ROAD – Object since this would result in an excess of 50% increase in the number of dwellings and would cause increased traffic and would alter the character of the area. Also concerns about drainage, about the precedent that this would set, and due to contamination concerns.

Issues and Considerations:

This application is for outline consent with all matters reserved. Therefore the only consideration is the principle of erecting nine self-build dwellings on the site. Planning consent was previously refused for outline consent for the construction of nine self-build/custom dwelling for the following reasons:

- 1. The site is located within the Metropolitan Green Belt and the proposal constitutes inappropriate development that is, by definition, harmful to the Green Belt. Whilst the*

benefits of providing self-build housing to meet local needs is a material consideration that weighs in favour of the development it is not considered that this, or the other material considerations put forward, are sufficient enough to outweigh the harm to the Green Belt through inappropriate development. Therefore no very special circumstances exist and the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.

- 2. The application site is located within Environment Agency Flood Zones 2 and 3 and the development has not passed the Sequential Test. In addition the submitted Flood Risk Assessment fails to adequately demonstrate that the development would not be at risk of flooding, contrary to the guidance contained within the National Planning Policy Framework, the associated Technical Guidance, the Planning Practice Guidance and policies U2A of the adopted Local Plan and Alterations.*
- 3. The application site is partially on a landfill and has the potential to be affected by various other sources of land contamination. Domestic dwellings and gardens are classified as a particularly sensitive use and inadequate information has been submitted to demonstrate that all risks to future occupants can be adequately overcome. The absence of such information is contrary to the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.*
- 4. The provision of a residential development on this agricultural site would result in significant harm to the character and amenity of the Lee Valley Regional Park, contrary to the guidance contained within the National Planning Policy Framework and policy RST24 of the adopted Local Plan and Alterations.*

Green Belt:

The first reason for refusal on the previous application, and one of the key considerations on this application, is the impact on the Green Belt.

The application site is a former mushroom farm that is now vacant and somewhat dilapidated and 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. These exceptions are listed as follows:

- buildings for agriculture and forestry;*
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- the 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.*

The submitted Planning Statement claims that the previous consents on the site, namely EPF/1139/92, EPF/1140/92 and EPF/0941/93, allowed for retail use of the site and that EPF/1382/09 confirmed B1 use on the site. As such they claim that the *“horticultural use changed when planning consent was granted for a Sui Generis Retail use in 1992/93 and a partial B1 use in 2009. Various other commercial B1/B2/B8 uses were on the site, but these uses ceased and were voluntarily discontinued as they were not viable. The site is therefore designated as a Brownfield site”*.

Whilst the 1992/93 applications did include a retail element these were all temporary consents for a period of 2/3 years, after which time the uses ceased. There is no evidence provided to show that the retail use continued after this time or that they continued for the necessary period of time to make them immune from Enforcement Action (and therefore becoming lawful).

EPF/1382/09 related to the section of the former mushroom farm at the northeast corner that was no longer owned or associated with the wider site and ***does not form part of this application site***. As such the use of this neighbouring site is irrelevant to this application.

Despite the statement that *“various other commercial B1/B2/B8 uses were on the site”* no further information has been provided with regards to this and there is no evidence that these unlawful uses continued for the necessary period of time to make them lawful. In the 2003 application ref: EPF/0326/03 the Supporting Statement did refer to alternative commercial uses previously being on site however highlighted that this was *“for a short while”*. As such, without a Certificate of Lawful Use that confirms commercial uses on the site, any short term unlawful use of some of the buildings that took place several years ago would not alter the classification of this site.

Notwithstanding the above being highlighted the applicants do appear to accept later in the Planning Statement that *“the area where the buildings are presently located is not Previously Developed Land”*. Therefore the proposal cannot meet the exception of *“limited infilling or the partial or complete redevelopment of previously developed sites”*.

Limited infill:

Whilst it is accepted that the application site is situated on the edge of the village of Nazeing it is not agreed with the applicant that this site constitutes an ‘infill’. The case put forward within the Planning Statement is that the site is surrounded to the south by residential dwellings and a commercial premises to the north and therefore the proposal would ‘infill’ between these. However the commercial premises that the applicant refers to is a very small, single storey building within the northeast corner of the former mushroom farm that was previously part of this wider site. Given the extremely limited scale of this adjacent commercial site the proposed erection of seven dwellings would not be seen as an ‘infill’ between these sites but would instead dominate and engulf this small commercial structure. Such a proposal would clearly extend into the open countryside rather than being surrounded by established residential properties and as such would not constitute *“limited infilling in a village”*.

In addition the provision of seven dwellings on this site, even if located along the road frontage (following the existing pattern of development) would be a substantial development within this small private road that currently contains just 15 dwellings. Therefore such a development would result in a 46% increase in the number of dwellings within this street and would clearly not be considered to be ‘limited’.

‘Land swap’:

The other argument for the proposal constituting ‘appropriate development’ as put forward within the Planning Statement is that *“whilst it is accepted that the area where the buildings are presently located is not Previously Developed Land, the adjoining landfill area is”* and that *“the site is to be*

subject to the provision of a 'land swap'". It is stated that "to the West of the site is the landfill land area that is part of the Application Site, but it is nevertheless Previously Developed Land (Brownfield Land) by virtue of its legal definition under the NPPF as "landfill land that has not been capped (by Engineering Works)". It is intended to 'land swap' this landfill (brownfield) land for the horticultural land where the development will be taking place. The principle of a green field 'land-swap' for brownfield land is detailed in full in the Government White Paper".

The justification for the above is that the definition of Previously Developed Land excludes "*land that has been development for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures*".

There are three issues that contradict this argument:

1. There are doubts about whether the adjacent landfill site would meet the definition of previously developed land since there is a long planning history of extraction works on this site, along with the wider site (previously known as 'Sand & Gravel Working, Nursery Road'), that undoubtedly would have been subject to restoration conditions as referred to within the above exception to previously developed land.
2. The idea of a 'land swap' is included within the White Paper, which at present is only a consultation document that can only be given limited weight. Therefore such 'land swaps' cannot be given significant weight until the National Planning Policy Framework is altered to reflect any agreed changes.
3. Even if the above 'land swap' were to be considered as an appropriate process the caveat of the exception to inappropriate development as laid out within paragraph 89 of the NPPF is that redevelopment of previously developed land is only not inappropriate if it "*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 adjacent area of landfill is for all intents and purposes now a greenfield site with no significant above ground buildings or works and therefore the erection of seven residential dwellings, either on this site or on a 'land swapped' site, would clearly have a greater impact on openness than the existing use.

Due to the above it is clear that the proposed 'land swap' would not allow for the proposed development to constitute an appropriate development within the Green belt.

Green Belt conclusion:

The proposed erection of dwellings on this site would not fall within any of the exceptions as stated within paragraph 89 of the NPPF and would therefore clearly 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*". The applicants case in favour of the development (i.e. their 'very special circumstances' case) is dealt with later.

Lee Valley Regional Park:

The second reason for refusal on the previous application was regarding the harm to the Lee Valley Regional Park in which the application site is situated. There is also a Lee Valley walk running close to the site. The Lee Valley Regional Park consists of 4,000 hectares of open space interspersed with various leisure facilities; there are also pockets of residential, industrial or horticultural development. The Park is a key element in the open space network of London and the Region. It is part of London's Green Belt, a green corridor of countryside penetrating far into the

urban area and is one of the largest concentrations of open space available for informal recreation in London, Hertfordshire and Essex¹.

The applicant states that *“the grant of this Application will enable the removal of an adverse commercial facility in a predominantly residential area in the Green Belt. The grant of this Application will stop HGV’s using Nursery Road and the adjoining road network. The gateway to the Lee Valley Regional Park Authority via Nursery Road is enhanced by the new development as the dilapidated buildings that are a blot on the landscape, will be removed”*.

As stated above this site **does not** constitute previously developed (brownfield) land and is not considered to be a ‘commercial site’. Its lawful use is as a mushroom farm and the site contains a number of low mushroom sheds, similar in appearance to Nissen huts. The site has been unused for several years and is extremely dilapidated with several of the buildings having partially or completely fallen down and many being heavily overgrown with vegetation. Whilst the existing situation is not particularly visually appealing it is not considered that the design and layout of the buildings give the appearance of a ‘commercial site’ nor is the site visually prominent enough to cause wider landscape concerns.

The main aim of the Lee Valley Regional Park is for recreational purposes however there is also a large amount of agriculture (particularly horticulture) that also takes place within the LVRP. The LVRPA have been consulted on this application and have responded as follows:

The Authority objects to the proposed development:

- (1) as it is contrary to the policies designed to protect the permanence and openness of the Green Belt included in the National Planning Policy Framework and the adopted policies of the Park Plan designed to integrate the site into the landscape of surrounding parkland; and*
- (2) the ecological surveys are insufficient to inform a decision as to whether planning permission should be granted.*

The provision of significantly higher, more visually prominent residential buildings within this sensitive site would clearly have a negative impact on the character and appearance of the Lee Valley Regional Park and would not assist the LVRPA in meeting its aims for the Park.

Flooding:

The application site is located wholly within an Environment Agency Flood Zone 2 and partially within a Flood Zone 3, although given the outline nature of the scheme it is possible to ensure that no building works take place within Flood Zone 3. Nonetheless a Sequential Test is required for the proposed development. Paragraph 101 of the NPPF requires decision-makers to steer development to areas with the lowest probability of flooding by applying the sequential test.

Unlike the previous application an actual Sequential Test has been submitted for this proposal which provides the following three Assessment Methodologies:

With Respect to Assessment Methodology 1 – Broxlea Mushroom Farm is a Self-Build site as defined by the Housing & Planning Act 2016. EFDC have a Statutory Duty to provide enough self-build plots in the District to meet the demand for these types of property. EFDC must maintain a Self-Build Register of interested parties on this Register. It is understood that the Register currently has about 100 people on the Register. EFDC

¹ Lee Valley Regional Park Plan (adopted 2000)

currently have no designated self-build planning consents issued anywhere in the District. On this basis alone, the scheme must pass the Sequential Test as there are no available alternative Self-Build Sites anywhere in the District.

With Respect to Assessment Methodology 2 – *The search area was derived following the Assessment procedure as set out by the ARUP Group in their Assessment of all sites as part of the submission of the Draft Local Plan for Nazeing. Alternative sites within the search area were identified from the Epping Forest DC SLAA (2016) and the ARUP Site Assessments. The alternative sites were assessed with respect to being located in restricted zones (Greenbelt etc.), their deliverability, size, availability and flood risk. The main criteria to be adopted in the assessment was that the Sites should be located within (or adjacent to) existing settlement areas and be located in sustainable locations.*

With Respect to Assessment Methodology 3 – *Precedent. A recent planning application was approved for a nearby site at Dobbs Weir. This reference number is EPF/0449/14. This residential scheme was for 5 dwellings located in Flood Zone 3a. So this site is located in a higher Flood Zone area than the Mushroom Farm site. As this site was for “normal” market housing, the special circumstances relating to a Self-Build site (as detailed in Methodology 1) would not apply to this site. Even so, it was considered that this site for 5 houses in Flood Zone 3a passed the Sequential Test. It must therefore follow that the Mushroom Farm site, in a lower Flood Zone area, must be deemed to have passed the Sequential Test.*

Notwithstanding the above statements, which are expanded within the Sequential Test Report, it is not considered that the proposed development has passed the sequential test since this report does not sufficiently show that the development could not be accommodated on land at a lower risk of flooding. With specific reference to the applicants three 'Assessment Methodologies' the concerns are as follows:

Assessment Methodology 1:

Whilst the fact that the proposal is a self-build development has some weight in favour of the development generally it is not considered that this has any bearing on the sequential test and the appropriateness of the site in terms of flood risk. Alternative sites located outside of the flood zone may be just as suitable for self-build developments as this site and therefore the nature of the type of housing proposed is considered to be irrelevant in this assessment.

Assessment Methodology 2:

Whilst it is agreed that the assessment criteria that should be assessed in this Sequential Test should mirror that which formed the basis of the Local Plan allocations site search it is considered that the assessment undertaken within this report is too restricted and fails to adequately take into account the nature of the application site.

Despite the claim within the Sequential Test Report that the application site constitutes previously developed land this is not the case. Furthermore the proposed 'land swap' that is being put forward, even if agreed to be acceptable in principle, would have no bearing on the Sequential Test. The area of land being developed is not previously developed land and falls within an EA Flood Zone 2.

The assessment criteria to which the Sequential Test has been applied includes alternative sites being discounted for the following reasons:

- 1) located within the Greenbelt*
- 2) located within the LVRP*

- 3) allocated for employment/educational use within the Local Plans
- 4) not located within or adjacent to existing settlement boundaries
- 5) located in Flood Zone 3a or 3b

The application site is located within both the Green Belt and the LVRP and since the purpose of a Sequential Test is to locate development to more appropriate alternative areas any sites located within the Green Belt or LVRP but outside of Flood Zone 2 (and that comply with criteria 3, 4) and 5)), would be a more appropriate site than this proposed development. Although it would not be desirable to have housing development within the Green Belt or LVRP (which is part of the reason this application is considered inappropriate) this should not be a discounting criteria in this instance since the application site itself would not meet the requirements of an acceptable site under this Sequential Test.

Lastly the search area identified within the Sequential Test appears to be limited to the Nazeing settlement and immediately adjacent land, however no justification has been provided for this. Given that the applicants have based their self-build 'need' argument on custom build registers within a 10 mile and 20 mile radius, which at 10 miles would include parts of Broxbourne, Welwyn & Hatfield, East Herts and Harlow, the Sequential Test search area should include all of these areas. Even if a smaller area were to be agreed the Sequential Test on the nearby 'precedent' quoted in Assessment Methodology 3 (see below) covered the Parish areas of Nazeing and Roydon and a comparable area across the neighbouring Borough of Broxbourne, which is still far wider than the test undertaken here.

Irrespective of the above, the sites identified within the submitted Sequential Test in many instances appear to have been discounted with very little justification with purely a single comment/key factor such as 'Green Belt', 'Policy Constraint' or 'Not Viable', with no further evidence or explanation of this.

Due to the above the submitted Sequential Test Report does not clearly show that there would be no available and appropriate alternative sites to provide 7 Self-Build houses within Flood Zone 1 in a suitable geographic area and as such it is not considered that the application passes the Sequential Test.

Assessment Methodology 3:

The third statement concludes that because a development was agreed at a site in Dobbs Weir then this application must pass a Sequential Test. Unfortunately such a 'precedent' cannot be set with regards to the Sequential Test for various reasons including, but not limited to:

- The comparative size of the sites/developments;
- The location and designation of the sites (the Dobbs Weir site was on previously developed infill land);
- The geographic search area of the Sequential Tests (since the Dobbs Weir Sequential Test covered a far larger area);
- The justifications given (each of the identified sites in the Dobbs Weir Sequential Test were comprehensively assessed and discounted); and
- Since the Sequential Test undertaken on the Dobbs Weir site was undertaken in May 2013 and is now significantly out of date.

Due to the above it is not considered that the acceptance of a five-house development in Dobbs Weir in 2014 automatically means that a seven house development should be considered appropriate on this site.

Flood risk assessment:

With regards to the submitted FRA, which has been revised following initial objections raised by the Environment Agency, this is now considered to be acceptable subject to a compliance with this revised FRA.

Notwithstanding this the Environment Agency have confirmed that, irrespective of their acceptance of the FRA, the Sequential Test is under the Councils remit and the EA do not get involved with this process. Therefore the EA have confirmed that if the Council believe that this site should not pass the Sequential Test as there are other reasonably available sites outside of Flood Zone 2, then planning consent should be refused.

Land Contamination:

Due to its former uses and the presence of a landfill site beneath the western area of the site, two further landfill sites 8m to the east and adjoining to the west, and the presence of Peat Beds in the natural geology underlying the eastern part of the site, there is the potential for contaminants to be present on the site.

The application site has been reduced in size to ensure that the proposed dwellings would not be erected on the landfill site and there have been many exchanges between the applicant and the Councils Contaminated Land Officer due to initial ongoing concerns. However it has now been reported that it should be feasible for appropriate soil remediation works to be carried out and any necessary gas mitigation measures to be installed, including the installation of an impermeable in-ground gas barrier and gas venting trench to cut off landfill gases if required, in order to ensure safe development of the site.

Provided that land contamination investigations, required remediation works, and any necessary remediation aftercare maintenance works are able to be satisfactorily carried out in a co-ordinated manner, and it is possible for this to be achieved by way of appropriate robust enforceable planning conditions, it should be feasible for the site to be redeveloped safely with respect to potential land contamination risks. Therefore, subject to conditions, this previous reason for refusal has been adequately overcome.

Case put forward in favour of the proposed development:

The submitted Planning Statement states the following:

As 92.4% of EFDC is green belt, it is probably the case that all selfbuild (multiple) sites will be located in the green belt. If a new Policy such as that proposed in D.39 (reference to a Draft Broxbourne Borough Plan policy) was adopted, then the "openness" or "inappropriate development" issues do not need to be considered as these policies are overridden by such a clause. However, even if these green belt issues do not need to be considered, it is still clearly the case that in effect the "Very Special Circumstances" required for residential development in the Green Belt would be deemed satisfied by this new Policy. Therefore, whilst it is considered that the application is compliant with all current policies, even if this were not considered to be the case the same statements and circumstances could be considered as Very Special Circumstances.

The arguments thereafter put forward are as follows:

1. *Sustainability*
2. *Local Plan policy vacuum*
3. *No five-year land supply*
4. *Provision of self-build housing*
5. *Priority for local residents*

6. *Openness of Green Belt*
7. *Adverse commercial use*
8. *New roadway construction*
9. *Compliance with emerging policy*
10. *New community centre*
11. *Community bus service*
12. *Upgrade of nursery road*
13. *Provision of country park*
14. *Land swap*
15. *Government white paper*
16. *Remediation of landfill land*
17. *Precedent*

1. Sustainability:

It is accepted that the application site is within a relatively sustainable location in that it is situated on the edge of Nazeing and is within walking distance to the local shopping parade, Nazeing Primary School and the existing public transport network. Whilst this matter weighs in favour of the proposed development it is not sufficient enough to outweigh the harm from inappropriate development within the Green Belt.

The submitted Planning Statement claims that the development meets the three dimensions of sustainable development since it would be economically viable due to the provision of housing, will aid the delivery of self-build housing, and since the site is within a sustainable location and would replace an 'unsightly commercial development'.

Whilst it is not disagreed that the proposed development would provide the above benefits it is not considered that these factors alone would render the proposal 'sustainable'. The NPPF states that "*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*" (my emphasis). Since the stated range of policies include the entire Green Belt chapter of the NPPF, to which this application is clearly contrary to, then the proposal cannot be considered to meet the Government's definition of 'sustainable development'.

Furthermore, as fully justified below, paragraph 14 regarding the 'Presumption in Favour of Sustainable Development' makes it clear that this is not the overruling factor when "*specific policies in this Framework indicate development should be restricted*", the footnote of which includes "*land designated as Green Belt*". Therefore the sustainability benefits of the proposal, whilst given some weight, cannot outweigh the harm from inappropriate development in the Green Belt.

2/3/4. Policy vacuum/no five-year land supply/self-build housing:

The applicant puts forward that the proposed houses would be in accordance with the Self-Build Act 2015 and that the LPA does not currently have a five year housing supply or any allocated plots for Self-Build properties.

The Self-Build Act 2015 has been introduced to enable individuals and community groups who want to acquire land for self-build homes to do so. However the Act itself only places a duty on certain public authorities to keep a register of individual and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects. This register was required from the 1st April 2016 and has been set up by Epping Forest District Council. The register is available on the Council's website. Whilst the Self-Build Act requires Local Authorities to have regard to this list when carrying out the functions of planning, housing, the disposal of authority owned land and regeneration it provides no further guidance on this.

Whilst in the context of the Housing & Planning Act 2016, the Self Build Act 2015 and the 2017 Housing White Paper it is clear that the Government is supportive of self-build/custom housing, and the applicant argues that the Council has a statutory duty to identify self-build sites, this provision has not yet been enacted and the only duty currently on the Council is to maintain a register of self-build interests.

It is accepted that the Housing & Planning Bill places a duty on local planning authorities to provide plots for self-build and custom housing to meet local demand and that this Bill has been enacted. However whilst there is a need to provide for such housing plots within the district, along with all other housing types, self-build plots must nonetheless be located within relevant and appropriate locations and ideally designated through the Local Plan. It is recognised that the proposed development would assist to meet the needs of individual and associations to acquire sites to bring forward self-build and custom housebuilding projects at this time and therefore this is given some weight in favour of the development, but this would not be sufficient enough to outweigh the harm from this inappropriate development within the Green Belt.

The appellant highlights the presumption in favour of sustainable development advocated by the NPPF and suggests that the decision taking criteria set out in paragraph 14 should apply in the absence of a five year housing land supply. The applicant makes the case that the Council cannot currently demonstrate a five year supply of housing land. 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.

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”*.

There have been several appeal decisions that confirm the above, including some within this District whereby the lack of a five-year land supply has been a key consideration in the balancing exercise. These include the following:

- Appeal at C J Pryor, Foster Street (EPF/2518/14) dated 25/11/16 – the Planning Inspector stated *“I appreciate that the definition of appeal site A as Green Belt is a policy which affects the supply of housing and that relevant policies for the supply of housing should not be considered up to date if (as here) the local planning authority cannot demonstrate a five-year supply of deliverable sites and that where relevant policies are out of date, the NPPF advises that permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. Nevertheless, an essential characteristic of Green Belts is their permanence. There is no suggestion in the emerging plan that the site be removed from the Green Belt, so, notwithstanding the outdated definition of its boundaries, it is a policy which should continue to apply with full force in this case. Accordingly, it is the test of the Green Belt balance which determines whether this proposal would be sustainable development for the purposes of NPPF paragraph 14”*. Despite the provision of additional housing in that instance being seen a ‘significant benefit’ it was nonetheless concluded that *“these considerations do not clearly outweigh the harm to the Green Belt and other harm identified”*.
- Appeal at Debbies Garden Centre, Riddings Lane (EPF/0718/16) dated – within this decision letter the Planning Inspector stated *“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”*.

5. Priority for local residents:

The applicant proposes that the Self-Build houses would be prioritised to *“local bona fide residents of Nazeing/EFDC area within a Post Code area centred on the village shops near to the proposal*

site” and would be controlled by way of a legal agreement. The intention of this is to “*ensure that young residents in the area will be able to build their own home, without having to move out of the area away from their families and/or place of work*”.

Despite this being put forward as a benefit of the scheme it is actually felt that such a restriction would remove any wider benefit from the proposed development. Since the only duty currently on the Council is to maintain a register of self-build interests it would in fact be necessary for the self-build properties proposed to be made available to those on this list rather than be restricted to existing residents of Nazeing. As such the unnecessary restriction on the development would in fact partially outweigh the benefits of providing self-build housing and therefore this factor would at best have a neutral impact and would certainly not outweigh the above identified harm.

6. Openness of the Green Belt:

The applicant has stated that the matter of openness can be dealt with, if it is considered to be an issue. It is then highlighted that the indicative plans submitted could provide a reduction in footprint of 1789m² (which does not appear to account for the difference in floor area – including upper storeys in any proposed dwelling), volume of 48m³ and hardstanding by 1330m².

The key concern with this matter being put forward as a ‘benefit’ is that this argument is not in fact being put forward at present, it is simply being highlighted that, in the applicants opinion, “*the openness issue does not really apply to this application*” and that “*if ‘openness’ was an issue, it can be dealt with*”. Furthermore the plans put forward are purely indicative and therefore any sizes cannot at this stage be taken into consideration.

It is accepted that at Reserved Matters stage it would be possible to control the overall size of the proposed development such that a reduction in built form could be sought (although in all likelihood any proposed residential scheme on this site would result in higher and more visually prominent buildings than those currently on site) however the proposal would nonetheless replace agricultural buildings with residential properties. Since agricultural buildings are ‘not inappropriate’ within the Green Belt and are specifically removed from the definition of previously developed land their replacement with ‘inappropriate development’ within the Green Belt will always be considered harmful irrespective of any reduction in built form.

Whilst a reduction in built form may have visual benefits to an area (although in this particular instance any such benefit would be limited) it is not considered that this matter would outweigh the in principle harm that would result from inappropriate development within the Green Belt.

7. Adverse commercial use:

The applicant states that “*the grant of this application will enable the removal of an adverse commercial facility in a predominantly residential area in the Green Belt*” and this “*will stop HGV’s using Nursery Road and the adjoining road network*”. However the current use of this site is a long vacant former mushroom farm that constitutes an agricultural use. Therefore there is no consent on this site for a ‘commercial facility’ that attracts a number of HGV movements and any such proposed change of use would be subject to its own assessment (and could be deemed unacceptable). Whilst it is accepted that, subject to much works to bring the site back into a usable condition, the property could recommence for agricultural purposes it is not considered that this would cause any adverse detrimental impact to surrounding residents and is expected in semi-rural locations such as this.

Furthermore, whilst not a planning consideration it is understood that the NRSRA are checking the deed covenants regarding the site and the rights of access over the southern section of Nursery Road, which theoretically would control any agricultural vehicles utilising the ‘residential’ section of Nursery Road.

8/12. New road:

Both factors 8 and 12 in the applicant's case put forward relate to the same thing, namely upgrades and improvements to Nursery Road. Despite the continued offer for such works on the back of a development on this site it does not appear that such upgrade works are supported by the existing residents on Nursery Road.

The comments received regarding the proposal, specifically those sent on behalf of the Nursery Road Residents Association and those sent from the chair of the NRSRA (which assumedly are the same associations), make it clear that "*The applicant has offered to improve Nursery Road, provided that the Residents' Association agree to maintain it. The Association has rejected this proposal*" and that the residents "*are not interested in any of these offerings, which have been made without plans, contracts or legal framework*". Given this clear lack of interest in any upgrade works to Nursery Road this cannot be viewed as a benefit to the area.

Furthermore, even if it were considered that such upgrading of Nursery Road was required in order to accommodate the proposed development then this would be necessary works in order to make the application acceptable and therefore would be needed to mitigate harm rather than being any form of 'benefit' to the area. Therefore this factor cannot be viewed as any form of 'very special circumstance'.

9. Compliance with emerging policy:

This matter appears to suggest that, due to other factors put forward here (such as the 'sustainability of the site' and this being a 'limited infill'), the application would comply with the policies within the emerging Local Plan. Despite disagreements with regards to these factors the emerging Local Plan is currently at an early stage and therefore only limited weight can be attributed to this. This has been confirmed on several recent appeal decisions within the District.

10/11. Community benefits arising from financial contribution:

The applicant proposed to provide a £50,000 financial contribution for the refurbishment/rebuilding of the Community Centre at Bumbles Green (which is currently closed due to it being a condemned structure) and a £25,000 financial contribution for the reinstatement of the Community Bus Service in Nazeing. This would be controlled by a legal agreement.

Whilst the applicant is welcome to offer such a contribution the National Planning Practice Guidance clearly states that "*planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms*". Given the limited size of the proposed development it is not considered that this would create any significant additional demand for the bus service or community centre and therefore would not necessitate such financial contributions. As such, whilst this contribution can be accepted if planning permission were granted it cannot be viewed as a material planning consideration in favour of the development since it is not justified to make the proposal acceptable. To put any weight on this financial contribution would run the risk of it appearing that the applicant has 'bought his decision' and would not only be unjustified but also unlawful.

13/16. Provision of Country Park/relevant remediation works:

The applicant is proposing to provide a Country Park at the rear of the site on the area of landfill that cannot be built on. It is also proposed that this would be fully remediated for this purpose.

Despite this statement there does not appear to be any indication as to who would own and maintain the proposed Country Park. Furthermore, given the proximity of the publicly accessible

Lea Valley Regional Park land within the surrounding locality it is not considered that there is any particular need for the small 'Country Park' proposed here. The area of land in question is largely open, green and undeveloped and therefore already positively contributes to the Green Belt and LVRP and the only benefit would be the provision of public access to this site (although again very little information has been provided with regards to the accessibility of this area). Whilst the remediation of the site would have some benefits at present there is no need for the site to be remediated given its currently use. Therefore any remediation of this land would be necessary to facilitate the proposed 'Country Park' use and would not be classed as a 'benefit' but rather a necessity.

It largely appears that this offer is a way of disposing of an area of land that is not suitable for development and this factor is given limited weight in favour of the proposed development.

14. Land swap:

This matter has been put forward and dealt with above and it is not considered that this would be given any weight in favour of the development.

15. Government White Paper:

The applicant highlights that "*the Government White Paper promotes 'small sites' for residential development for self-build housing*" and a full White Paper Report has been submitted highlighting why the applicant considered that this scheme would comply with this Paper.

Notwithstanding this, at present the White Paper is at this stage simply a consultation document which will presumably be followed by legislation. Whilst the White Paper shows a clear 'direction of travel' with regards to the provision of self-build properties no weight can be attached to this until clear guidance has been provided by the government in the form of an updated NPPF.

17. Precedent:

The final factor put forward by the applicant is reference to a planning consent at Nine Ashes Farm ref: EPF/2543/11. This was for the provision of 8 houses on a horticultural site and it is stated by the applicant that "*this approval was given by EFDC before the NPPF was published, on the basis that the horticultural buildings on the site were an 'eyesore' and that their demolition to enable a residential scheme on the site was considered to be the best use for the site*" and that "*it should be noted that this consent was not granted for limited infilling in villages, but for very special circumstances*".

Aside from the fact that the above example is located a considerable distance from the application site and was granted consent in 2012, this predates the most up to date guidance (as highlighted by the applicant) and was considered acceptable on the balance of very special circumstances. The 'very special circumstances' considered on that site cannot be simply transplanted to this site since each case, particularly one relying on a Green Belt balancing exercise, must be considered on its own merits.

Balancing exercise:

Whilst the application site is not located within the village of Nazeing it is only a relatively short walk to the Nazeing shopping parade and other local facilities and therefore the site would not constitute an unsustainable location for a small scale scheme such as this. Nonetheless, whilst the lack of a five year land supply and the provision of Self-Build housing would provide some benefits to the area it is 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 considered to be unacceptable and contrary to the guidance contained within the NPPF and the relevant Local Plan policies.

Other considerations:

Amenity considerations:

Given the location of the application site and since this proposal is for outline consent with all matters reserved it is considered that nine dwellings could be erected on the site without causing any detrimental impact on neighbouring residents.

Highways:

Nursery Road is a private road and consequently not under the jurisdiction of the Highways Authority. Whilst the junction of Nursery Road and Nazeing Road is substandard the proposal is not considered to intensify the use of the access, given the existing lawful use of the site, and would reduce larger vehicle movements to and from the site. Therefore this development would not be detrimental in terms of traffic movements or highway safety.

Land drainage:

No detailed have been submitted with regards to the disposal of surface water drainage, however this matter can be dealt with by condition or at reserved matters stage. There is a high water table in the area which may prevent/reduce the suitability of infiltration systems. For infiltration drainage a percolation test should be undertaken in accordance with BRE365 and further details are required.

The applicant is proposing to dispose of foul sewage by package treatment plant however as a public sewer is in close proximity to the site the applicant should consult with Thames Water Developer Services as this is the preferred method of foul water disposal.

Ecological impacts:

The application has been submitted with an Ecology Survey. Subject to conditions it is considered that the proposed development would not be unduly detrimental to the ecology of the site and surrounding area.

Conclusion:

In light of the above, despite claims by the applicant, the site does not constitute previously developed (brownfield) land and the proposal does not meet any of the exceptions to inappropriate development as stated within the NPPF. The proposal for a 'land swap' does not render the application as 'not inappropriate' and as such the proposal continues to constitute inappropriate development that is, by definition, harmful to the openness of the Green Belt. In addition the site is located within an Environment Agency Flood Zone 2 and is within the Lee Valley Regional Park. The development has not passed a Sequential Test and the proposed development would not comply with the aims and would harm the character of the Lee Valley Regional Park.

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 seven self-build/custom houses would assist in meeting the need in enabling individuals and community groups who want to acquire land for self-build homes to do so. Whilst both 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.

The lack of a five year land supply means that Local Plan policies regarding the supply of housing are out-of-date however it does not mean that these should be completely disregarded. The National Planning Policy Framework contains clear policies requiring that “*local planning authority[s] should regard the construction of new buildings as inappropriate in the Green Belt*” (paragraph 89) and stating that “*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk*” (paragraph 100).

It is recognised that the site is a relatively short distance from the centre of the, albeit small, town of Nazeing however it is not considered that this, or the other material considerations put forward (which are considered unjustifiable and unrequired), are sufficient enough to outweigh either the harm to the Green Belt through inappropriate development or the clearly unacceptable nature of this site. Furthermore the proposal would be harmful to the character and amenity of the Lee Valley Regional Park, which is given less but still some weight against the proposal.

As such the proposal continues to be contrary to Government Guidance in the form of the NPPF, the Technical Guidance, the PPG and the Local Plan policies CP2, GB2A, RST24, U2A and RP4, as previously identified, and therefore the application is recommended for refusal.

Advice - Is there a way forward?

Given the location of the site within the Metropolitan Green Belt, the Lee Valley Regional Park and in an Environment Agency Flood Zone 2 it is not considered that there is any way forward for residential development on this site.

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 564 228**

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/0114/17
Site Name:	Di Rosa Garden Centre & The Leaves, Tylers Road, Roydon, CM19 5LJ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0114/17
SITE ADDRESS:	Di Rosa Garden Centre & The Leaves Tylers Road Roydon Harlow Essex CM19 5LJ
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Ben Rawlings
DESCRIPTION OF PROPOSAL:	Variation of condition 9 (personal consent) of planning permission EPF/2586/15 (Demolition of part of existing glasshouses, erection of building for storage of ice cream vans and re-use of retained glasshouses for ancillary parking)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590943

CONDITIONS

- 1 The development hereby permitted must be begun not later than the 25/01/2019
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3560/1, 3560/2, 3560/3, 3560/4, 3560/5 of application reference number EPF/2586/15
- 3 Materials to be used for the external finishes of the proposed development shall be green in colour unless otherwise agreed in writing by the Local Planning Authority.
- 4 The use hereby permitted shall not be operated outside the hours of 10:00 to 20:30 on Monday to Sundays and Bank Holidays.
- 5 There shall be no repair works or machined cleaning of the fleet of vehicles or the charging of any refrigeration units outside of the new building hereby approved without the prior written consent of the Local Planning Authority.
- 6 The rating level of noise emitted from the site shall not exceed 5dB(A) above the prevailing background noise level when measured from the edge of the closest residential property.

- 7 Prior to the commencement of the use of the site details of the proposed new hedge planting, as shown on Drawing No. 3560/3, shall be submitted to and approved in writing by the Local Planning Authority. The hedge shall be planted prior to commencement of the use of the site, unless otherwise agreed in writing by the Local Planning Authority. If the hedge dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by new planting of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

- 8 No vehicles over 7.5 Tonnes shall be stored or parked on site.

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

Description of Site:

The site is located within the Metropolitan Green Belt as part of a ribbon of development on Tyler's Road. The site contains a parking area to the front and large green house building. There is a storage building towards the rear of the site and a now lawful residential dwelling with associated curtilage beyond this.

Description of proposal

This proposal seeks a variation of a condition on a previous consent which is currently:

This consent shall inure solely for the benefit of the applicant Mr Joe Urso and for no other person or persons.

Reason:- Permission is granted in view of the personal circumstances of the applicant to protect the amenities of the Green Belt, in accordance with the guidance contained within the National Planning Policy Framework and policy of the adopted Local Plan and Alterations.

The applicant seeks to vary this condition to allow persons other than Mr Joe Urso to utilise the site for the storage of vehicles.

Relevant History:

EPF/0416/12 – Retrospective change of use from nursery to garden centre – approved/conditions 20/04/12

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development

GB8A – Change of use or adaptation of buildings
DBE9 – Loss of amenity
ST4 – Road safety
ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

THE COTTAGE, TYLERS ROAD – OBJECTION – There will be harm to the Green Belt, increased traffic using an already busy and dangerous road, noise from ice cream vans charging and freezers running especially at night, possible repairs of vans and testing of bells and advertising tunes.

ROYDON PARISH Council – No comments received

Issues and considerations

Planning permission was granted in 2015 by Members of the Plans West Subcommittee for the demolition of part of the existing glass houses and the erection of a building to store ice cream vans and the reuse of retained glasshouses for ancillary parking.

Members of the committee elected to grant planning permission but only for the benefit of the applicant at the time, Mr. Joe Urso.

Since the decision was issued circumstances have changed in that Mr. Joe Urso no longer has use of the site. The condition which was attached to the original consent prevents it being used by any other persons. The applicant of this application seeks the removal of this condition to allow use of the site for other persons and so that the land can be used for the parking of wedding vehicles, (the same use as the ice cream van storage use)

Circular 11/95 Use of Planning Conditions sets out six tests for the use of planning conditions and elaborates that:

On a number of occasions the courts have laid down the general criteria for the validity of planning conditions. In addition to satisfying the court's criteria for validity, the Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42. In brief, these explain that conditions should be:

- i. necessary;*
- ii. relevant to planning;*
- iii. relevant to the development to be permitted;*
- iv. enforceable;*
- v. precise; and*
- vi. reasonable in all other respects.*

In this case, the condition fulfils parts ii, iii, iv and vi and the main part of this assessment is to consider whether or not this condition is necessary to make the development acceptable. Circular 11/95 is also clear in how an Authority should assess the necessity for a condition:

In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification. The argument that a condition will do no harm is no justification for its imposition: as a matter of policy, a condition ought not to be imposed unless there is a definite need for it. The same principles, of course, must be applied in dealing with applications for the removal of a condition under section 73 or section 73A: a condition should not be retained unless there are sound and clear-cut reasons for doing so.

Members of the committee considered that if it were not for the personal circumstances of the previous applicant, that planning permission would be refused on the basis that it would cause harm to the Green Belt.

However the previous case officer considered that:

The National Planning Policy Framework states that “the re-use of buildings provided that the buildings are of permanent and substantial construction” is 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”.... Given its lawful use as a garden centre this site constitutes previously developed land.... The volume of the existing glasshouses to be demolished are approximately 1,160m³ and the volume of the proposed replacement building is 984m³... The change of use of the retained glasshouses for ancillary parking for the van drivers cars whilst out during the day would not conflict with the purposes of including land within the Green Belt and therefore would also not constitute inappropriate development.

As a result of this analysis, it is clear that the site is previously developed land and that the previous proposal was not inappropriate development in the Green Belt and as a matter of fact, would improve the openness of the Green Belt by reducing the volume of brownfield development in the Green Belt.

As the development was not considered to be inappropriate, very special circumstances were not required to justify the proposal and therefore the previous applicants personal circumstances should not be considered necessary to justify the consent. Therefore the condition clearly fails to demonstrate its necessity to make the development acceptable for the reason cited in the condition.

Conclusion

The condition is not necessary to justify the original extant planning permission and therefore it is recommended that the condition is removed.

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

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

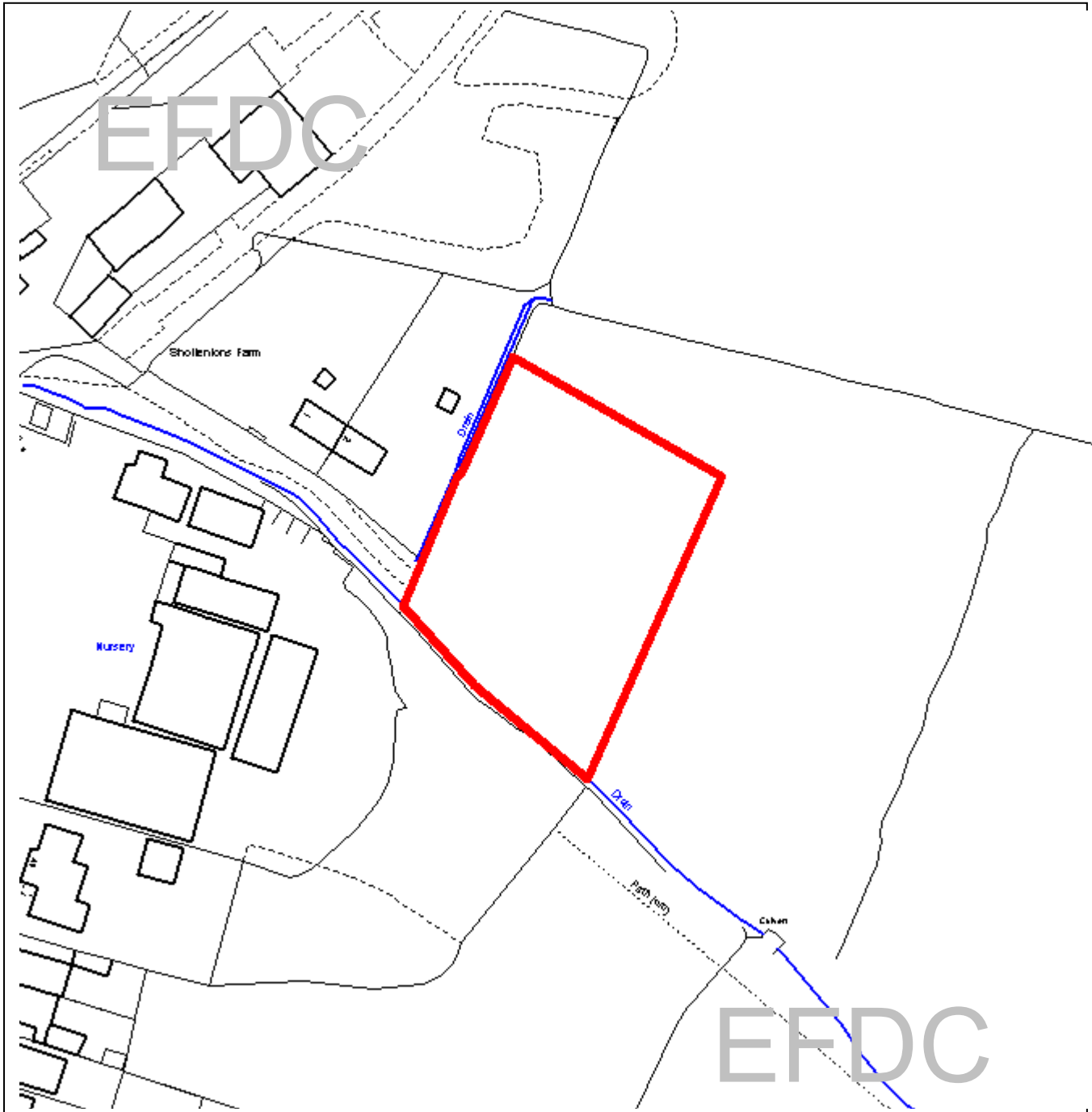
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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/0232/17
Site Name:	Shottentons Farm, Pecks Hill, Nazeing, EN9 2NY
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0232/17
SITE ADDRESS:	Shottentons Farm Pecks Hill Nazeing Essex EN9 2NY
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr J Colletti
DESCRIPTION OF PROPOSAL:	Proposed outline application for the erection of 24 x 1 bedroom accommodation units in two blocks for occupation by horticultural workers, with landscaping as a reserved matter (alternative to EPF/0152/16).
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591355

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt and is therefore by definition harmful to its openness and to the purposes of including land within it. The circumstances of this proposal do not amount to very special circumstances which clearly outweigh the identified harm and it has not been demonstrated that the dwellings are essential in this part of the Green Belt. Furthermore the total floor area exceeds 150sqm and therefore the proposal is contrary to policies GB2A, GB7A and GB17A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- 2 By reason of their size, scale, massing and detailed design, the proposed new buildings will appear overly prominent and incongruous within its setting and will therefore significantly detract from its appearance. The proposal therefore fails to respect the character and appearance of the area and is therefore contrary to policies DBE10 and CP2 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

This application is before this Committee since it has been 'called in' by Councillor Bassett (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of site

The application site is a 0.31Ha area of land located just off Pecks Hill, to the south east of Shottentons Farm, which is located within the relatively rural area of Nazeing. Whilst there are a large number of glass houses to the north and a farm complex to the south, currently the site is an open field which has not previously been developed. Access to the site is from a private track which comes off the transition between Pecks Hill and Sedge Green. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is to erect 24 x 1 bedroom units in two, two storey blocks for occupation by horticultural workers on the nearby nursery.

Relevant History

There is much history on the main farm complex including various applications for glasshouses and other agricultural buildings. There is only one application which links directly to this site which is:

EPF/0152/16 – Erection of 12 x 1 bedroom units for occupation by horticultural workers. – Recommended for refusal by Officers, recommended for approval by Area Plans West and approved by District Development Management Committee.

Policies Applied

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

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

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:

DM9 – High Quality Design

SP1 – Presumption in favour of sustainable development

SP5 – Green Belt and district open land

DM21 – Local environment impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

4 Neighbours consulted – NO COMMENTS RECEIVED

NAZEING PARISH COUNCIL – NO OBJECTION – but if permission is granted it be subject to the following conditions:

The accommodation is only used by the horticultural workers employed at the farm
If that use ceases, then the accommodation units are to be demolished

Issues and considerations

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

Five year housing supply

The Council is currently in the process of creating a new Local Plan; which will allocate sites for new residential development. However the Council is clear that it cannot currently demonstrate a five year supply of housing land within the District as required by the NPPF. In this respect, the Council's policies relation to housing provision cannot be considered up to date (in accordance with paragraph 49 of the NPPF). The shortfall in housing land supply within the District carries substantial weight in favour of granting planning permission.

The Green Belt

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

When assessing applications within the Green Belt, Paragraph 88 of the NPPF also requires that:

‘Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm is clearly outweighed by other considerations’.

There are various exceptions to inappropriate development in the Green Belt as outlined through paragraphs 89 and 90 of the NPPF, however it is common ground between Council Officers and the applicant that the proposal in question does not comply with any of these given exceptions.

The starting point for this assessment therefore is that the development is inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

Openness of the Green Belt

Turning to openness, the first thing to acknowledge is that planning permission has already been granted in 2016 for the erection of 12 agricultural workers dwellings to be housed within two separate blocks. This proposal seeks to effectively double the size of this already approved development by introducing a first floor to both blocks.

Clearly the introduction of first floor residential buildings as opposed to single storey buildings will contribute a further erosion of the openness of the Green Belt by significantly increasing the volume and visibility of the development. The proposal will therefore conflict with the fundamental aim of Green Belt policy which is to maintain openness in perpetuity by keeping land free of development.

It is therefore considered that the proposal is inappropriate development, which is by definition harmful to the Green Belt and will cause significant harm to its openness.

Other considerations relating to Green Belt

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

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

It is clear that to comply with part (i) it must be necessary for a worker to live within close proximity to the agricultural unit for it to function efficiently.

During the previously approved application (EPF/0152/16) Members of the two planning Committees considered the evidence and contrary to advice from Officers concluded that the quantum of dwellings proposed were essential for the efficient functioning of the business and on that basis the proposal was acceptable in Green Belt terms.

Whilst the Council has previously agreed that there is an essential need for 12 workers dwellings on the site, it is not bound to follow this view for a development which seeks to double the number of proposed dwellings on the site.

Indeed since this earlier approval of planning permission the Council has received an appeal decision at Lowershott Nursery (APP/J1535/C/16/3153168) which was also concerned with the erection of horticultural workers dwellings within the Green Belt, where the Inspector concluded that:

There is no compelling evidence to demonstrate that there is an essential need to house these workers at Lowershott Nursery for the proper functioning of the enterprise. Similarly, in the wider context, there is no firm evidence to demonstrate that there is an essential need for these workers to live near their place of employment - even if that happens to be at other local nurseries. It is the requirements of the horticultural enterprise itself, rather than those of the employee, which are relevant in determining whether or not such residential accommodation is justified. Whilst it might be convenient to accommodate horticultural and non-horticultural workers on this site for the benefit of the Lea Valley horticultural industry, there is no compelling evidence to show that it is essential.

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

Furthermore part (iv) of policy GB17A states that:

The total floor space (must) not exceed 150sqm

The proposed residential development comprises an area of 744sqm of new floor space and as such the scale of the development is clearly contrary to this policy requirement.

It is acknowledged that the NPPF promotes sustainable rural businesses and encourages Local Planning Authorities to act proactively when facilitating their viability. The applicant submits that without this development it will not be able to attract and retain the best staff for their horticultural business. Whilst this may be the case, although there is no evidence to substantiate the claim, it does not in any event constitute very special circumstances which clearly outweigh the significant harm to the Green Belt that this development would cause. Furthermore nor will it make its operation unviable, particularly as, by the applicants own admission, the profitability of the business is substantial.

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

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

If the argument is being made that the nursery would be unviable if this development is not built then firm evidence has not been provided of its viability at the time of making the application or its continued long term viability. As such it is clearly contrary to part (ii) of policy GB17A. As mentioned at the beginning of this part of the assessment, Paragraph 88 of the NPPF requires that:

‘Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm is clearly outweighed by other considerations’.

In accordance with this paragraph, the identified harm to the Green Belt is given substantial weight in this assessment,

Need for the housing of horticultural workers

The applicant submits that due to their unaffordability, the existing dwellings in Nazeing which are available for rent are not suitable for the relatively low paid workers to afford. Furthermore the applicant contends that neither is it suitable for workers to reside elsewhere and then commute given the excessive cost of renting and commuting. As a result of this view, the applicant has provided some internet details of properties available in Nazeing and has disregarded any other location which involves more intensive commuting. This argument was put forward and addressed in the recent appeal decision at Lowershott Nursery (APP/J1535/C/16/3153168), where the Inspector concluded that:

The appellant argues there are no other dwellings suitable or available in the locality.

Internet details of properties available in Nazeing are provided in support of this argument. However, there is no evidence to show what steps were taken to find other accommodation prior to the provision of the dwellings subject of the notices. There is no clear evidence to show the extent of enquiries made to local agents concerning the availability of properties to purchase or rent. I am not satisfied the appellant has rigorously investigated the possibility of finding suitable alternative accommodation.

Similarly in this case no further details have been submitted which could amount to clear evidence that there are no rental properties available for horticultural workers. Indeed through research conducted on 5th June 2017 on two well-known property search websites, Right-Move and Zoopla it was found that there were 22 properties available for rent within Harlow, Enfield Hoddesdon and Cheshunt all of which are within 8 miles of Shottentons Farm, these were:

Edlington Road, Enfield - £350 PCM
Bouvier Road, Enfield - £360 PCM
Bullsmoor Lane, Enfield - £370 PCM
Nags Head Road, Ponders End, £399 PCM
Bullsmore Lane, Enfield - £412 PCM
Bullsmore Lane, Enfield - £450 PCM
Thornycroft Drive, Enfield - £450 PCM
Bursland Road, Enfield - £450 PCM
Westmoor Road, Enfield - £450 PCM
Cussons Close, Cheshunt - £480 PCM
Cussons Close, Cheshunt - £500 PCM
West Cheshunt - £500 PCM
Castle Road, Hoddesdon - £500 PCM
Westmore Road, Enfield - £500 PCM
Edington Road, Enfield - £500 PCM
Brockles Mead, Harlow - £500 PCM
Brockles Mead, Harlow - £500 PCM
Moorfield, Harlow - £500 PCM
Lovell Road, Enfield - £500 PCM
Arnold Avenue, Enfield - £500 PCM
Ordance Road, Enfield - £500 PCM
Brockles Mead, Harlow - £500 PCM

(All properties found on Right-Move and Zoopla, accessed 5th June 2017)

It is clear that there are many properties available within a commutable distance to the site based on evidence obtained on one day searching for rentals in the locality and this serves to severely undermine the applicants argument that there are none suitable. The question is then addressed as to the affordability of these rentals to horticultural workers.

The appellant contends that:

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

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

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

However according to Clifton and Co Estate Agents (Clifton and Co website, Accessed 16th March 2016) and Tenant Verify (tenant Verify website, Accessed 16th March 2016) an annual salary of

17,108 (Annual wage of an EGL worker according to the applicant) should be approximately £570 per Month. Using these figures it is clear that all 22 of the properties found during a single days research would be economically viable for a horticultural worker to reside in.

The rental properties which have been identified are within urban areas and therefore generally have a good standard of public transport options including buses and trains. The applicant makes the case that there are only two buses per day and that the times do not coincide with shift patterns. It is accepted therefore that a bus directly to the site may not be a realistic option for workers to utilise. However Broxbourne rail station is approximately 2 miles from the site, which would equate to around a 40 minute walk which is an entirely realistic option for workers.

The result of this research is that commuting from urban areas such as Enfield, Hoddesdon, Harlow and Cheshunt will not add a significantly higher cost to the workers of the site and are realistic and viable options for the workforce to explore.

In terms of the existing situation the applicant details that:

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

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

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

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

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

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

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

The result of this analysis is that the issues discussed around the need for horticultural workers accommodation does not amount to the very special circumstances required to clearly outweigh the substantial harm to the Green Belt. Very substantial weight is attached to the harm to the Green Belt which weighs strongly against granting planning permission.

Precedent

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

The Council has previously approved an application for 12 new residential units on this site after Members of the Planning Committee concluded that there was an essential need for the dwellings. Notwithstanding the previous approval, the erection of two, two storey blocks is without precedent within the District as a way of addressing the potential need for horticultural workers dwellings.

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

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

Design

The proposed buildings will be located in the same position as those approved under the previous application (EPF/0152/16). The previous report considered that:

The single storey aspect will ensure that it will not appear overly prominent in the context of the site. The detailed single storey hipped roof design is what is expected within this relatively rural setting and will read rather like a large barn, albeit with residential features. As a consequence the development respects the character and appearance of the locality and is compliant with National and Local design policy.

This revised design includes a first floor for both buildings, which in contrast to the previously approved scheme will appear very visually prominent and intrusive within the area, significantly detracting from its appearance.

In terms of its detailed design, the building has some conventional residential features including a hip ended roof, but which has elements reminiscent of a motel, with two external staircases and 'deck style' first floor which creates a development incongruous to its setting and one which fails to respect the locality as a whole.

The proposal is therefore considered to be in conflict with policies CP2 and DBE10 of the Adopted Local Plan and Alterations.

Sustainability

The site is located close to the main settlement of Nazeing which has access to regular bus routes and various shops and other services. Although it is likely that new residents will utilise a private

vehicle, the proximity to Nazeing gives them a genuine choice of transportation and therefore the site can reasonably be described as being within a sustainable location.

Parking and access

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

Tree and landscape issues

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

Land Drainage

The development is of a size where it is necessary to avoid excessive surface water run off, this can be secured through planning condition. It is also necessary to include a condition requiring a Flood Risk Assessment given the size of the proposal.

Contamination

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

Managed studio flats used by adult employees are not considered a use that is particularly vulnerable to the presence of contamination. As there is unlikely to be any significant contamination present on site and no sensitive receptors are proposed, it should not be necessary to regulate land contamination risks under the Planning Regime by way of conditions.

Affordable Housing

The development proposes 24 new units on a greenfield site over 0.1Ha, within a settlement of less than 3000 people and consequently there is a requirement for 50% of the development to be for affordable housing as it falls within the threshold as required by H6A of the Local Plan. Were Members to consider that this application be approved, it would be recommended that a condition is placed on the development to ensure that it may only be used by horticultural workers attached to Shottenton's Farm. Essentially this will restrict its use for what would be for a low paid, low skilled worker which would fulfil a specific need akin to what may be achieved through the provision of affordable housing units.

Therefore whilst not strictly in accordance with the requirements of policy H6A, Officers view is that given the circumstances of the development and that a planning condition would ensure that it could only be utilised by horticultural workers, there is no requirement for provision of affordable housing on the site or a contribution in lieu of an approval if given.

Overall planning balance

The shortfall in housing land supply within the District is a material consideration which carries substantial weight in favour of granting planning permission. However the harm to the Green Belt by reason of inappropriate development and significant harm to its fundamental purpose to keep land permanently open carries very substantial weight.

None of the considerations put forward by the applicant, individually or collectively; clearly outweigh the harm caused by the inappropriateness of the development in the Green Belt and the substantial loss of openness. It is therefore concluded that there are no very special circumstances to clearly outweigh this harm.

Conclusion

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

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

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

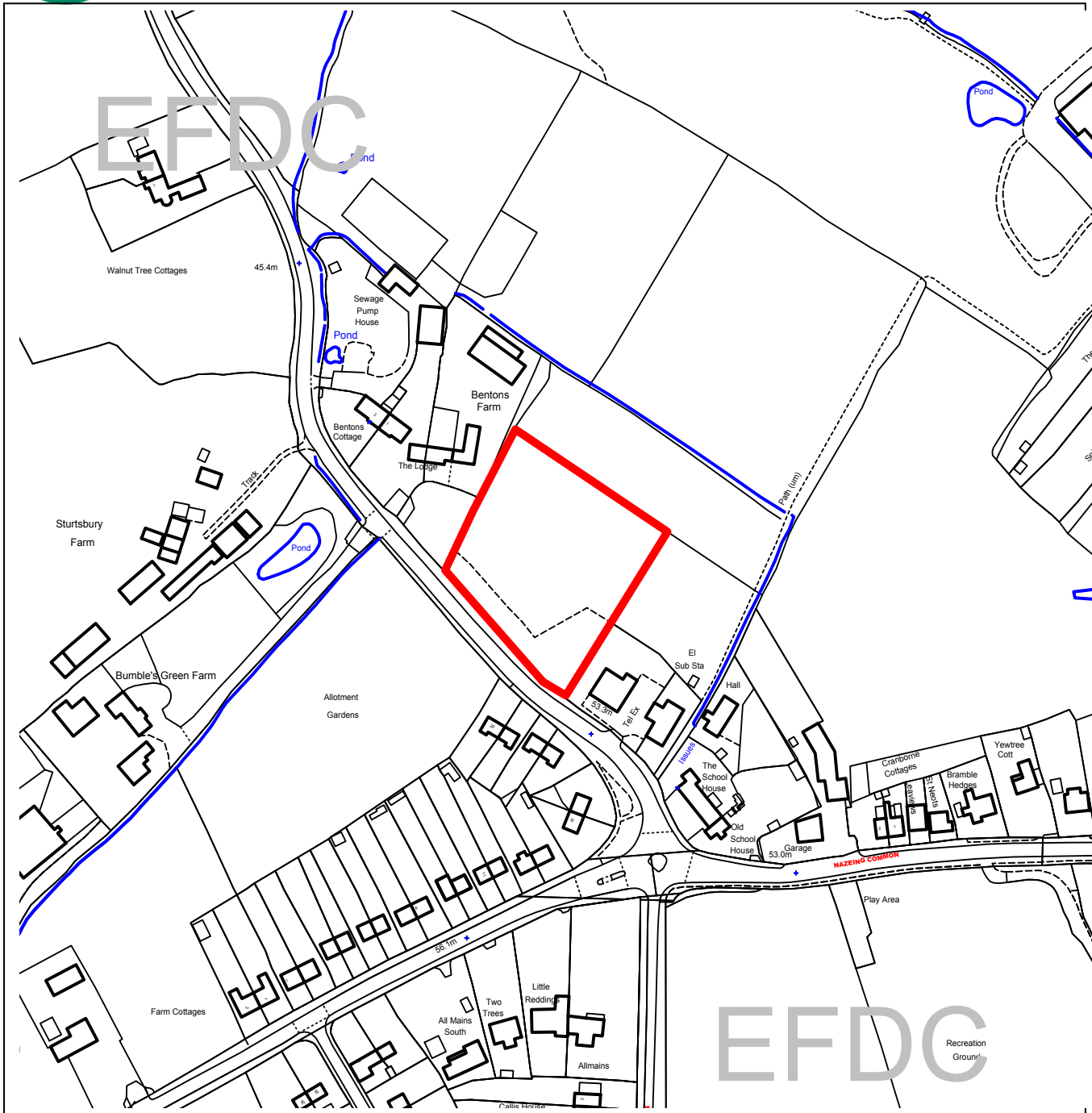
or if no direct contact can be made please email: [**contactplanning@eppingforestdc.gov.uk**](mailto:contactplanning@eppingforestdc.gov.uk)

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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/0292/17
Site Name:	Land at Bentons Farm, Middle Street, Nazeing, EN9 2LN
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0292/17
SITE ADDRESS:	Land at Bentons Farm Middle Street Nazeing Essex EN9 2LN
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr B Bray
DESCRIPTION OF PROPOSAL:	Proposed erection of 4 no. detached four bedroom residential dwellings
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591513

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- 2 The proposed dwellings are significantly recessed from the public carriageway which introduces an inappropriate pattern of development, in stark contrast to the prevailing character of the Conservation Area. The pattern of development is an important aspect of the Conservation Area and the proposal fails to preserve or enhance this pattern. Furthermore the detailed design of units 2 and 4 contain disproportionately large front gables and an associated lean to porch, which is uncharacteristic within the Conservation Area. The proposal is therefore contrary to policies HC6 and HC7 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

This application is before this Committee since it has been 'called in' by Councillor BASSETT (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of site

The application site is located on the southern end of Middle Street which is within the settlement of Nazeing. The site is currently vacant and has a collection of four dwellings to its north, some of which have large outbuildings used for business purposes. Opposite the site are some allotment gardens and to its south fronting onto Nazeing Common is the main collection of dwellings in Bumbles Green. There is a robust screen of vegetation at the front of the site which are afforded legal protection as the site is located within a Conservation Area. The application site is also located within the boundaries of the Metropolitan Green Belt.

Description of proposal

The proposed development is for the erection of four detached dwellings, with a single access from Middle Street, and for associated turning and parking facilities.

Relevant History

None

Policies Applied

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP7- Quality of development
DBE10 – Design
DBE9 – Residential amenity
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
HC6 – Character, appearance and setting of Conservation Areas
HC7 – Development within Conservation Areas
RP4A – Contaminated Land
RP5A – Adverse Environmental Impacts
DBE1 – Design of New Buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of Amenity
ST4 – Road Safety
ST6 – Vehicle Parking

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

Consultation Carried Out and Summary of Representations Received

NAZEING PARISH COUNCIL – NO OBJECTION

2 FARM COTTAGES – OBJECTION - I am against this type of development on green belt. As it will set a precedent that other lands around bumbles green, will be ok to build on. why all 4 beds why not small 1/2 bed properties for locals Our roads around bumbles green and in the general area cannot take the heavy lorries and weight of traffic Residents are subjected Too many Accidents have closed roads due to people taking their car to the max and over-taking on double white lines.

Hoe Lane Resident (Exact address not given) – OBJECTION – Concerns raised that this site does not meet the criteria for ‘infill’ and will set an undesirable precedent for future such developments in Bumbles Green.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the character and appearance of the Conservation Area, the living conditions of neighbours, highway issues, land drainage considerations and contaminated land.

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 to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused.

The NPPF also emphasises that when considering an application, a Local Planning Authority 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.

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

Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan

The first part of this assessment is to consider whether the application site can reasonably be considered to be within an existing village for the purposes of planning policy. The NPPF does not define what could constitute a village and therefore it is a matter of planning judgement for the decision maker. Bumbles Green is a rural community which has a relatively substantial amount of housing, particularly at its southern end on Nazeing Common, Nazeing Green Lane and Waltham Road, but which does spread to the eastern and western sides as well. There are a number of businesses within the area including a car dealership but relatively few shops or other services. Notwithstanding the lack of services, it is Officers opinion that Bumbles Green can reasonably be considered to constitute a village given its relatively substantial amount of development. Indeed this view has previously been endorsed by members of the Plans West Planning Committee for an application for three new dwellings on land adjacent to Havenslea (EPF/1956/16).

Once the site is considered to fall within a village, the next stage of this exception to inappropriate development is whether the proposal can be considered to constitute ‘limited infilling’.

The four new dwellings will be rather significantly set back from Middle Street in a bid to protect the trees at the front of the site, which are afforded legal protection as they are within the Conservation Area. This notwithstanding, units 1, 2 are roughly sited between the telephone exchange to the south east and the Lodge to the north West. These dwellings rather comfortably fill the site and do not appear to be disproportionate to the size of the plot. It is therefore considered that these dwellings can fall within a definition of limited infilling.

However units 3 and 4 sit a long way from the edge of Middle Street and unlike units 1 and 2 will not be roughly situated between the telephone exchange and the Lodge. Rather they will be located approximately 32m from the rear elevation of the telephone exchange and 67m from the side elevation of the Lodge. As a result its positioning does not serve to infill between existing development as this exception to inappropriate development requires, but rather spreads it into an otherwise open area of the Green Belt that is not bound by built development, to an extent that it cannot reasonably be considered that these units constitute limited infilling.

As the development does not comply with this, or any other exception, the proposal would constitute inappropriate development in the Green Belt, for which very special circumstances have not been demonstrated. The proposal is therefore contrary to policies GB2A and GB7A of the Adopted Local Plan, and with the objectives of the NPPF. In accordance with the NPPF the identified harm to the Green Belt by reason of inappropriate development is attached very substantial weight.

Conservation Area Issues

The site stands within the Nazeing and South Roydon Conservation Area but no regard seems to have been given to the impact of the development on the conservation area. As per para.128 of the NPPF states, applicants are required to describe the significance of any heritage assets affected and how the proposal will impact on that significance. Given the scale of the proposal, its impact on this part of the conservation area needs to be fully understood, and without an adequate Heritage Statement this cannot be achieved.

In 2016, a pre-application (EF\2016\ENQ\01076) was submitted seeking advice for the erection of four detached dwellings on the site. Although the principle of developing the land was deemed acceptable, it was considered that the scheme for a cul de sac style layout did not demonstrate a good understanding of the context in which it was supposed to stand and did not respect the local area in terms of layout, orientation, density, scale & massing, building form and materials.

The conservation area covers a wide area and its primary elements of significance relate to the surviving historic landscape and patterns of settlement, which includes the medieval 'long green' settlements of Middle Street. Although development within this part of the conservation area was rapid in the 20th century, until then, Middle Street consisted of only a handful of properties. Development in the 20th century has predominantly been linear and is characterised by detached properties occupying large plots. Each property is slightly recessed from the highway with garden at the back. The proposed four dwellings and their "arcadia" layout, suburban in character, were, therefore, considered to go against the grain of development. In addition, their off-the-peg design leading to the unthinking repetition of certain features did fail to consider the architectural local context in which they are to be erected.

As part of the pre-application, detailed guidance was given by the Conservation Officer, in that:

Layout, orientation and density - The four dwellings should be erected to the front of the plot, in line, with garden at the back. Two units of semi-detached dwellings could be acceptable.

Scale & massing - Dwellings should be at two-storeys with optional single storey elements. In an assemblage of forms, there should be a principle element to which subsidiary elements are added.

Building form - the dwellings should be made up of rectangular (not square form), plans form, with pitched roofs spanning the narrower plan dimension. Spans should be 5 to 6.5 metres wide. The future dwellings could also be of more complex form such as, for example, L plans or deeper plan forms made up of parallel ranges. In all cases, each elements of the plan should have its own roof pitched over the shorter dimension. Roofs should normally be pitched at 50 degrees.

Materials - the use of traditional materials such as bricks, render, clay tiles are strongly advised.

It is acknowledged that revisions were made as part of the current planning application and this is an improvement to the pre-application scheme, however the proposal still fails to respect the grain of development historically seen in this area. The proposed dwellings are significantly recessed from the highway which introduces an inappropriate pattern of development with the building line greatly deviating from the current situation. It also leads to an unnecessary and harmful encroachment of the unbuilt land far deeper than the established residential building line in the locality. As expressed above, the pattern of development is an important aspect of the significance of the area, and it is considered that the proposal will not guarantee its preservation or enhancement as required by the NPPF.

In addition, in order to be more in keeping with the neighbouring dwellings, Unit 2 and Unit 4 should be reduced in scale and feature a more simple design, more traditional in appearance. The deep hipped roofs and disproportionate front gables and associated lean-to porch give an uncharacteristic appearance to the proposed dwellings.

Despite improvements that could be made to the design, the development would harm the significance of this part of the conservation area which largely derives from the open landscape and historic pattern of development. This proposal is at odds with the established pattern of development in Middle Street. For these reasons the proposal would fail to preserve or enhance this part of the conservation area. Therefore it is contrary to policies HC6 and HC7 of our Local Plan and Alterations (1998 and 2006) and paras. 128, 132, 134 and 137 of the NPPF.

Living conditions of neighbours

The new dwellings relate well to each other and will provide a good standard of accommodation. They are set well away from existing neighbours and therefore it is not considered that there will be any harm to the living conditions of neighbours.

Trees and Landscaping

The site is within the Conservation Area and therefore all trees are afforded legal protection. The tree and landscape officer is satisfied that given the position of the dwellings there will be no in principle harm to the proposal, subject to conditions.

Highway considerations

The access has good visibility onto Middle Street and has appropriate geometry for the development. Consequently there will be no detriment to the highways safety or efficiency at this location.

Land Drainage

The development is of a size where it is necessary to avoid generating run off and therefore a Flood Risk Assessment is required. Details of foul and surface water drainage will also be required and these elements can be secured through the use of planning conditions.

Land Contamination

Potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out

any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

Conclusion

The proposal constitutes inappropriate development in the Green Belt, as it extends deeper into the site than can be regarded as limited infilling, and there are no very special circumstances sufficient to outweigh this and any other harm from the development. In addition due to the uncharacteristic positioning of the dwellings and elements of their detailed design they will also cause undue harm to the character and appearance of the Conservation Area and therefore it is recommended that planning permission is refused.

A possible way forward to provide up to 4 smaller dwellings in a more appropriate position towards the front of the site has been suggested to the applicant.

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

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

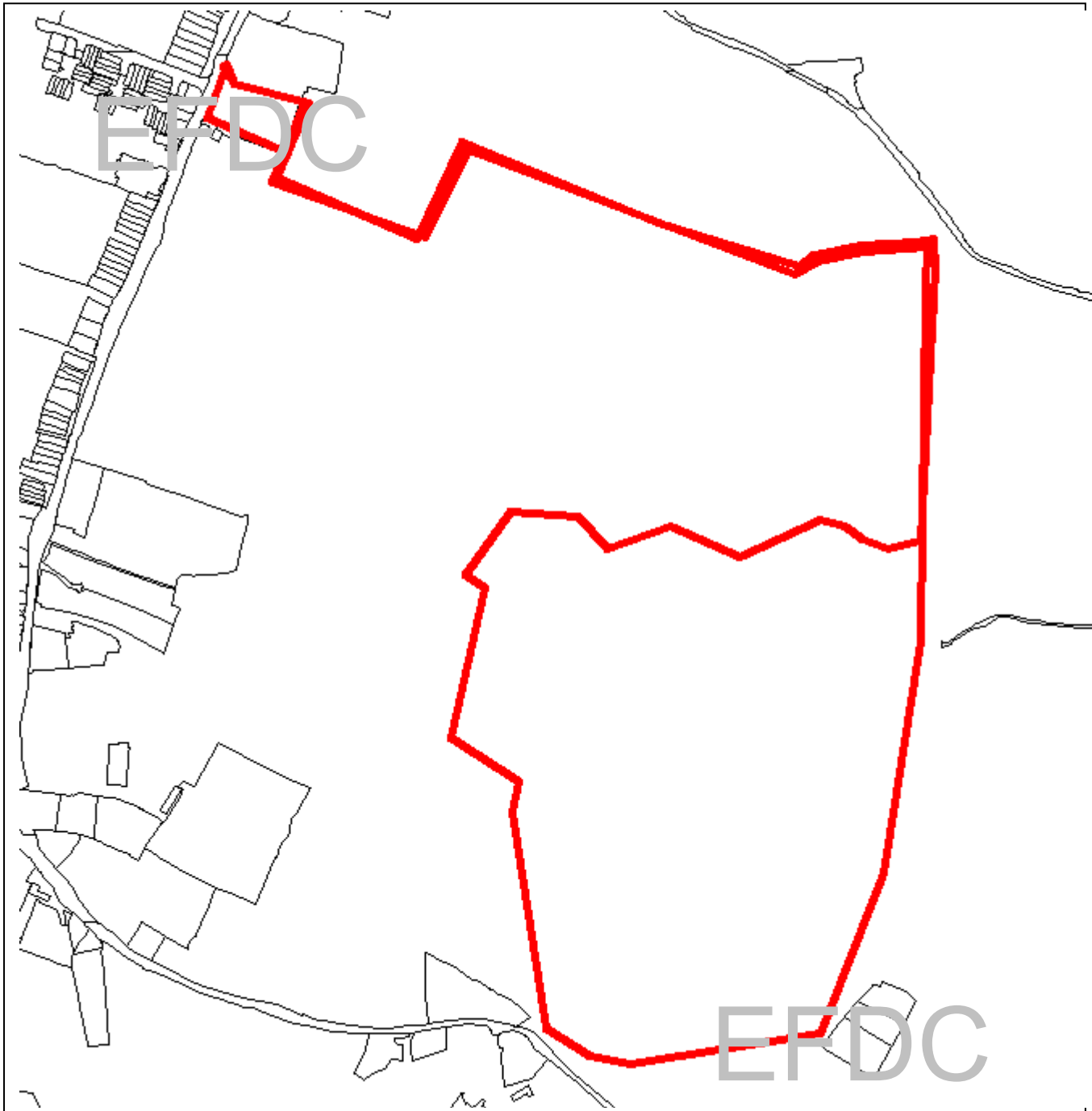
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/0526/17
Site Name:	Netherhouse Farm, Sewardstone Road, Waltham Abbey, E4 7RJ
Scale of Plot:	1/7000

Report Item No: 5

APPLICATION No:	EPF/0526/17
SITE ADDRESS:	Netherhouse Farm Sewardstone Road Waltham Abbey Essex E4 7RJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr R Tomkins
DESCRIPTION OF PROPOSAL:	Use as a woodland cemetery with the erection of a meeting hall and associated buildings
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592193

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 following approved documents and drawings:
 1. Site Plan
 2. Drawings Binder 1: Drawings 02, 03, 04, 20
 3. Drawings Binder 2: Drawings 21, 22
 4. Drawings Binder 3: Drawings 23, 24, 30, 31, 33
 5. Drawings Binder 4: Drawings 34, 35, 36, 60, 61, 62
 6. Design and Access Statement
 7. Landscape Plan
 8. Arboricultural Impact Assessment
 9. Transport Statement - Part 1
 10. Transport Statement - Part 2
 11. Transport Statement - Part 3
 12. Transport Statement - Part 4
 13. Transport Statement - Part 5
 14. Transport Statement - Part 6
 15. Transport Statement - Part 7
 16. Transport Statement - Part 8
 17. Ecology Report
 18. Flood Risk Assessment
 19. Contamination Report - Part 1
 20. Contamination Report - Part 2

- 21. Contamination Report - Part 3
- 22. SW Drainage Strategy
- 23. Planning Statement

- 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 The meeting hall hereby permitted shall not be open to visitors outside the hours of 10:00 to 16:00 on Monday to Saturdays and no times on Sundays and Bank Holidays.
- 5 No development shall take place until details of foul 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.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 8 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.

- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 10 Prior to the commencement of the development details of the proposed surface materials for the access, driveway, and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first use of the development.
- 11 No means of external lighting shall be installed on the land or buildings without the prior written consent of the Local Planning Authority.
- 12 No marker, headstone or other monument shall be erected unless made entirely out of biodegradable materials.
- 13 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.
- 14 There shall be no importation of material for any earth mounding or landscaping from outside the red lined area of the site for the construction of the development hereby approved.
- 15 No excavations for burials shall be undertaken within the mature established woodlands protected by Tree Preservation Order TPO/EPF/16/09.
- 16 There shall be no vehicular access to the proposed development from the existing access off of Daws Hill, except for Emergency Service Vehicles.
- 17 No development shall take place, until signs have been erected on both sides of the access track at the points where footpaths 67 & 74 Waltham Abbey cross the track, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

- 18 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]
- 19 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]
- 20 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.
- 21 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.

- 22 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- 23 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 24 Prior to the commencement of works a habitat suitability survey for Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. Should the Habitat Suitability Index show the likelihood of Great Crested Newts an eDNA survey or Great Crested Newts presence likely absence survey shall be submitted to and agreed in writing by the Local Planning Authority. If this shows the presence of Great Crested Newts a licence may be needed from Natural England and shall be submitted to the Local Planning Authority prior to commencement of works.
- 25 Prior to any works to existing trees on the site a dawn/dusk emergence/re-entry survey for bats shall be submitted to and agreed in writing by the Local Planning Authority. Should the survey show the presence of a bat roost a licence shall be obtained from Natural England and submitted to the Local Planning Authority prior to commencement of works.
- 26 A precautionary approach to clearance shall be taken to avoid harming dormice or reptiles. The approach laid out in sections 4.13 and 4.26 of the preliminary ecological appraisal shall be followed.
- 27 Prior to the commencement of works a walkover of the site by a licenced ecologist shall take place to verify that there are no badger setts on site. If badger setts are found a licence and mitigation statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.
- 28 All works on scrub and hedgerows shall be undertaken outside of bird breeding season. If this is not possible any scrub/hedgerows shall be checked for nesting birds prior to works. Should the presence of nesting birds be found that area must be left until all young have fledged.
- 29 Prior to the first use of the development hereby approved, a five year management plan including the location of wildflower meadow, native scrub planting, bat boxes, barn owl boxes and log piles shall be submitted to and approved in writing by the Local Planning Authority.

30 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Description of Site:

The application site comprises a 28 hectare section of the wider Netherhouse Farm site, which currently consists of open fields with clumps of woodlands and a former farm complex in the north western corner. The site is situated on the eastern side of Sewardstone Road some 2.6 miles north of the centre of the London suburb of Chingford and 1.6 miles south of the town of Waltham Abbey.

The site is served by existing vehicle access points directly off of Sewardstone Road and an access onto Daws Hill to the south. The site is located within the Metropolitan Green Belt and contains a number of preserved trees and woodlands. The wider farm site is dissected by several public rights of way and the site is adjacent to land owned by the City of London (Conservators of Epping Forest).

Description of Proposal:

Consent is being sought for the change of use of the application site to a woodland cemetery with the erection of a meeting hall and associated buildings.

The proposed buildings would consist of an almost L shaped building containing a Hall, family gathering/meeting room, toilets, reception/office and storage area. This would have a floor area of 527m² and would be partially flat roofed to a height of 3.8m and partially pitched roofed to a maximum height of 7.2m. This would be surrounded by outdoor areas (such as gathering space) and a 51 space car park (with 2 powered two wheeler spaces). The only other proposed building would be a 122m² gardeners store/staff room that has been designed to appear as a small

agricultural building with timber cladding and a ridged roof to a maximum height of 5.2m. This would be surrounded by a three bay car park/yard and a recycling/compost area.

The proposed development would also involve the laying of new pathways throughout the site along with various minor structures such as benches, handrails and signage. The cemetery would be accessed by way of an existing vehicle access through the former farmyard (accessed from Sewardstone Road) and along the northern and eastern boundaries of the site. This roadway would be upgraded to accommodate the new use. The existing access on to Daws Hill would be retained but would be purely for emergency access only. The existing car park within the former farm complex, which currently serves the café and uses within this part of the site, would be utilised for overflow parking purposes.

It is proposed to partially convert the large building within the former farmyard in order to accommodate a buggy store and toilet/storage area for use ancillary to the cemetery use.

The proposed cemetery is anticipated to accommodate some 7-10 burials per week on average plus a number of ash scattering ceremonies. The proposed burial plots would be arranged on an informal pattern with small, less conspicuous grave markers rather than the traditional layout and form of a cemetery.

Relevant History:

CM/EPF/0707/09 - County Matters application for the importation of 297,219 cubic metres of inert waste to facilitate the construction of an 18 hole public, pay and play golf course with associated hard and soft landscaping to include practice facilities, clubhouse, maintenance building and associated car parking - ECC decision ESS/20/09/EPF – refused 07/07/09
EPF/0559/11 - Development of solar park together with inverter building and security fencing – refused 08/08/11
EPF/2416/11 - Development of solar park together with inverter building and security fencing. (Resubmitted application) – refused 21/02/12 (dismissed on appeal 07/11/12)

A number of previous planning applications have also been allowed on the former farm yard, including a change of use of the buildings to a training centre and a restaurant, and the change of use/redevelopment of the buildings to residential use.

Policies Applied:

Epping Forest District Council Local Plan (1998) and Alterations (2006):

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP9 – Sustainable transport
GB2A – Development in the Green Belt
NC4 – Protection of established habitat
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
LL2 – Landscape character
LL10 – Adequacy of provision of landscape retention
LL11 – New landscaping
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
RST3 – Loss or diversion of rights of way

RP3 – Water quality
RP4 – Contaminated land
RP5A – Adverse environmental impacts
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
SP6 – The natural environment, landscape character and green infrastructure
T1 – Sustainable transport choices
DM1 – Habitat protection and improving biodiversity
DM2 – Landscape character and ancient landscapes
DM9 – High quality design
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

Consultation Carried Out and Summary of Representations Received:

33 neighbouring residents were consulted and several Site Notices were displayed.

TOWN COUNCIL – Objection. The committee believe that this development is not sustainable as there is no public transport along the Sewardstone Road as is indicated, as the transport information is out of date. Further work needs to be done on this aspect of the application. The comment made that there is a lack of burial space left in Waltham Abbey; the Town Council is working towards a solution to this situation. It is also interesting to note that the majority of the transport information relates to north and east London, with reference to places in East Anglia, so it appears that the requirement is not for Waltham Abbey residents.

CITY OF LONDON – Object. The National Planning Policy Framework emphasises that the Government attaches great importance to Green Belts. The policy states that the ‘fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open’. The NPPF further states ‘As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.

A number of previous planning applications for this site have been refused on the grounds of inappropriate development in the Green Belt.

National Planning Policy Framework guidance states: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt...

The proposal includes two new buildings; Woodland Hall and a Gardeners Store. The Woodland Hall is to host groups of up to approximately 120 people with an additional meeting space connected to the hall, plus staff facilities. The building footprint is stated as 527m²; this does not include the gardener's store. The buildings may be modest in size compared to the overall size of the site; this is irrelevant. Notwithstanding the 7-10 burials per week plus ash scattering ceremonies plus permanent on-site staff and vehicles, these buildings, vehicle movements, car parking, street furniture, signage, pergolas and colonnades, will all impact on the openness of the Green Belt and will change the character and appearance of the area for which there are no very special circumstances to justify this development.

Furthermore, the access off Daws Hill which has been marked for emergency access only involves the use of City of London Corporation Forest land for which no permission has been given for this use. Daws Hill is a narrow meandering road, and at this proposed point of entry is on a tight bend where visibility is restricted, particularly when entering the proposed site from the east.

OLIVERS, DAWS HILL – Object as this is inappropriate development in the Green Belt, there are no very special circumstances, and since the Transport Assessment is inappropriate.

SANTANA, BURY ROAD – Object as this would be contrary to Green Belt, access through Sewardstonebury would be detrimental to this area, and concerned over what would take place in the meeting hall and associated buildings.

11 GODWIN CLOSE – Object as this may stop people from walking through the site, would lead to an increase in traffic, and since the development would impact on the visual amenities of the area.

WOODSPRITE, GREEN LANE, BURY ROAD – Object to the entrance on Daws Hill, the impact on the Green Belt, and due to doubts about the future use of the site.

THE POPLARS, SEWARDSTONE ROAD – Object due to the increase in traffic and the morbid outlook that this would create.

LYNWOOD, SEWARDSTONE ROAD – Object due to the impact on the Green Belt, and due to the increase in traffic.

FERNDALE, SEWARDSTONE ROAD – Object due to the impact on the Green Belt, and due to the increase in traffic.

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, sustainability, impact on amenities, in terms of highway safety and parking, and with regards to the overall impact on the surrounding area and the neighbouring residents.

Green Belt:

The proposal can be broken down into three distinct forms of development, these being:

1. The use of the land as a cemetery.
2. The erection of the cemetery buildings, small scale structures and car parking areas.
3. The conversion of the frontage building into ancillary accommodation.

Local Plan policy GB2A states:

Planning permission will not be granted for the use of land or the construction of new buildings or the change of use or extension of existing buildings in the Green Belt unless it is appropriate in that it is:

- (ii) for the purposes of outdoor participatory sport and recreation or associated essential small-scale buildings; or*
- (iii) for the purposes of a cemetery; or*
- (iv) for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in the Green Belt.*

As such the proposed development of a cemetery and associated 'small scale' buildings would be appropriate under this policy. However, whilst generally compliant, this policy does not fully accord with the guidance set out within the National Planning Policy Framework.

The Green Belt chapter of the NPPF highlights that "*the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*".

It goes on to highlight in paragraph 80 that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns merging into one another;*
- to assist in safeguarding the countryside from encroachment;*
- to preserve the setting and special character of historic towns; and*
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Paragraph 81 goes on to state "*once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land*".

It goes on to highlight that "*as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*" and lists what constitutes an exception to inappropriate development. Despite the above quoted Local Plan policy, and the acceptance under previous Government guidance that the creation of cemeteries were generally appropriate within the Green Belt, a recent Court Decision (*Timmings v Gelding BC*) confirmed that the development of a cemetery is a material change of use and not covered by the exceptions listed within the NPPF.

Due to the above the change of use of the land to a cemetery constitutes inappropriate development within the Green Belt, although the erection of the associated buildings and partial change of use of the existing former barn may be considered appropriate.

1. Change of use to cemetery:

The applicant accepts that the proposed change of use of the site to a cemetery constitutes inappropriate development and therefore 'very special circumstances' are required to outweigh the harm from this element of the proposal. The arguments put forward in favour of this development are as follows:

1. *The change of use is supported by Policy GB2A*

2. *The change of use is an integral part of other development that is not inappropriate and acceptable in all other respects*
3. *The change of use combined with the other elements of the proposals, will not harm the openness of the Green Belt*
4. *The change of use will retain and enhance the existing landscape quality at the site, particularly by the removal of the overhead power lines*
5. *The change of use does not conflict with any of the purposes of including land within the Green Belt*
6. *The development will provide a much needed community facility*
7. *The development will enhance public access to the countryside in this location*
8. *The development will provide ecological enhancements at the site*
9. *The development will provide local employment for approximately four persons*
10. *The development will involve the remediation of any contaminants at the site*

Whilst the change of use of the land would constitute inappropriate development in accordance with the NPPF it is accepted that the proposed change of use complies with Local Plan policy GB2A. Annex 1 of the NPPF states:

210. *Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.*
211. *For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.*
212. *However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans.*

In line with this guidance it is clear that weight should be given to Local Plan policy GB2A however paragraph 215 of Annex 1 of the NPPF states that “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”. Whilst the NPPF is silent on the matter of a change of use of land the court judgement regarding this concludes that such changes of use constitute inappropriate development. Nonetheless some weight must be given to the proposals compliance with adopted Local Plan policy GB2A.

The other key factors put forward can be summarised as the lack of physical harm to the openness of the Green Belt as a result of the change of use; improving the openness and landscape quality of the site through the development and associated works, ecological enhancements and remediation; the provision of a community facility; and the provision of local employment.

It is accepted that, despite the provision of the proposed structures on the land, the change of use would not cause any significant physical harm to the openness of the Green Belt and the necessary ecological and landscape enhancements that would be required as part of the proposed change of use would improve the overall appearance and natural habitats on the site (although it is appreciated that there would be a greater level of disturbance to existing habitats as a result of increased activity). Whilst the remediation of contamination on the site would have some benefit this is a necessary requirement to make the proposed new use appropriate so is not really a ‘benefit’ but more a necessity. The key benefit that would result from the proposed change of use would be the increased opportunity to provide access to the Green Belt through the opening up of the site. Woodland burial grounds such as this tend to be utilised for other recreational purposes such as walking and enables greater use of the site (over and above the current access that is

restricted to the public footpaths crossing the site). However it would be necessary to control the level and type of 'paraphernalia' (such as grave markers) associated with the development to ensure that the site does not become too visually prominent or 'urbanised' within this semi-rural setting.

The Town Council appear to confirm that there is currently an identified need for burial space within the area, although they state that "*the Town Council is working towards a solution to this situation*". Nonetheless the provision of this needed community facility is given some weight in favour of the proposed development. The employment benefits, albeit low, are also given weight in this application.

Due to the above it is agreed that the cumulative benefits that would result from this proposal would outweigh the 'in principle' harm from this inappropriate development and therefore very special circumstances exist in this instance.

2. Proposed new buildings/structures:

With regards to the proposed new buildings/structures, paragraph 89 of the NPPF provides a list of exceptions to inappropriate development that includes:

- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.*

The proposed new buildings and car park would be located in a secluded part of the site, which means that they will not be readily visible in long views from outside and within the site. The overall footprint of the buildings and car park would equate to 2074m², which is approximately 0.75% of the entire 28 hectare site. The main building footprint would be 527 m², which amounts to 0.19% of the site area.

No earthworks are proposed as part of the development and the proposed buildings will be sensitively sited and of a modest scale such that these would have minimal physical impact on the wider setting. As such it is considered that the proposed new building/structures would comply with the above exception to inappropriate development.

3. Change of use of existing building:

Paragraph 90 of the NPPF states that certain other forms of development are not inappropriate in the Green Belt "*provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*". This includes "*the reuse of buildings provided that the buildings are of permanent and substantial construction*".

The existing former barn that is proposed for a partial change of use has previously obtained consent for use as a training centre, a restaurant and residential use, and is currently partially used as a café (under the previous A3 restaurant consent). The partial change of use to enable an associated buggy store, toilet and storage area in association with cemetery use would not be inappropriate development within the Green Belt.

Green Belt conclusion:

The proposed new buildings and change of use of the existing buildings meet the exceptions laid out within the NPPF and are therefore not inappropriate within the Green Belt. Whilst the proposed change of use of the entire site to a cemetery would constitute inappropriate development in accordance with the guidance contained within the NPPF there are sufficient very special circumstances that clearly outweigh the limited harm that would result from this change of use.

Therefore the development as proposed in its entirety is considered to be acceptable on Green Belt grounds.

Sustainability:

There have been longstanding concerns about the sustainability of Sewardstone, which can be seen through previous planning refusals and appeal decisions. Although it should be noted that the majority of these referred to residential schemes as oppose to a development such as this. The transport considerations in this type of application differ greatly from a residential scheme since the provision of housing results in several different 'trip types' such as trips to and from work, shops, education facilities, health facilities, recreational facilities, etc. which need to be provided almost 24/7, whereby the assessment regarding this type of application would be limited to staff travel (which would be fairly low since there are only 2 full-time and 2 part-time members of staff proposed) and visits relating to a ceremony/memorial and visitors to the site.

According to the submitted Transport Statement the ceremony/memorial trips would largely be limited to Monday-Friday between 10:00 and 15:00 and it is estimated that there would be on average 7-10 burials per week plus ash scattering ceremonies. It is generally understood that the majority of visitors associated with a burial/ceremony arrive by car irrespective of the location of a cemetery for various reasons (i.e. a funeral procession or a subsequent wake following the ceremony).

Visitors/mourners to the cemetery would be likely to occur more sporadically and some of these would be during evenings/weekends. The final type of 'visitor' to the site are those utilising the site for recreational purposes (i.e. walking, cycling, dog walking). The majority of these would arrive on foot or by bicycle, although a small number would inevitably arrive by car. Many of these trips would likely be linked to wider recreational use of the surrounding forest or Lee Valley Regional Park.

The application proposes a number of mitigation measures to assist in the sustainability of the site. These include:

- The provision of additional/improved pedestrian and cycle links to the surrounding area;
- The provision of an electric shuttle vehicle between Sewardstone Road and the proposed meeting hall to provide a link to the existing local transport network (the bus stops) and the proposed overflow car park;
- The provision of Travel Information Packs to staff and visitors in order to encourage sustainable transport use;
- The provision of covered cycle parking at the proposed meeting hall; and
- The offer to undertake improved bus stop facilities immediately adjacent to the site and within the settlement, which could include a new bus shelter, real time information infrastructure and raised kerbs.

With regards to the proposed Travel Information Pack, this would provide information on the following matters:

- Electric Vehicle Charging Points;
- Free electric shuttle service;
- Epping Forest cycle route information;
- Sustrans leaflets on the beneficial effects of walking and cycling ;
- Bus route/timetable information;
- Train timetable information;
- Details of car-sharing website (e.g. www.essexcarshare.com);
- Taxi rank locations (Chingford, Waltham Abbey, Harlow etc.);

- Taxi company information – possible discount vouchers for a taxi company; and
- Details of TaxiBUDi travel system

The offer of bus stop improvement works is generous however such works have not been requested by Essex County Council Highways and therefore are not considered to be necessary in this instance.

With regards to the other aspects of sustainability (aside from location), it has already been recognised that the proposal would provide a much needed community facility to the area and would provide additional employment opportunities, although these would be limited. Nonetheless these would provide both social and economic benefits to the area. The opening up of the site for greater recreational use would also improve the social sustainability of the site as it would provide a recreational facility to serve the locality.

The proposed meeting hall has been sited to make optimum use of natural day-lighting with windows and rooflights oriented to benefit from passive solar gain. It is stated that a thermally efficient building construction would be used in order to aim for high U-values using natural, locally sourced and recycled materials where possible. And sustainable methods to reduce fuel consumption will be explored on site, such as the use of ground source heat pumps. Rainwater would also be harvested from roofs for re-use and water efficient appliances fitted throughout. Furthermore there would be additional landscaping planted throughout the site along with habitat improvements, which would increase the environmental sustainability of the site.

In general, whilst the site is not particularly sustainable in terms of its location it is considered that this type of development would not generate significant enough levels of vehicle movements to cause undue harm in terms of sustainability. Furthermore the mitigation measures proposed would go some way to improving the use of sustainable transport modes. The development would improve the social, economic and environmental sustainability of the site and therefore would comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies with regards to sustainability.

Amenity considerations:

Given the location of the application site the only immediately adjacent neighbours would be Olivers, Daws Hill (to the south of the site); Woodsprite, Silver Timbers and Cashfield House, Green lane (to the east of the site, accessed off of Bury Lane); and the original Farmhouse towards the north of the site (adjacent to the overflow car park).

The proposed meeting hall would be located in excess of 50m from any of these adjacent properties and therefore would not physically impact on the amenities of these residents. Whilst the proposal would introduce additional movements (including vehicle movements), the greatest impact would be as a result of burials/ceremonies whereby there would be significant numbers of people arriving/leaving at the same time. It is anticipated that there would be an average of 7-10 burials per week plus ash scattering ceremonies which can be subject to restricted hours to ensure that these do not cause any disturbance at unsociable hours.

The general use of the site by visitors would be more sporadic and would attract significantly fewer vehicle movements and therefore it is not considered that these would cause any undue disturbance to surrounding residents.

Concerns have been raised with regards to the outlook that would result from the proposed cemetery. Since the proposal is for a woodland burial ground the visual impact would be less than a traditional cemetery. The proposed burial plots would be arranged on an informal pattern with small, less conspicuous grave markers rather than the traditional layout and form of a cemetery and therefore would not cause any undue harm to the wider views of the site.

Highways:

The Essex County Council Highway Authority has considered this application, visited the site, and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to National or Local policy and current safety criteria.

The applicant has submitted a Transport Assessment 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 highway network.

Consequently the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency and therefore complies with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policy ST4 of the Local Plan.

The ECC Vehicle Parking Standards does not provide a standard for cemeteries. The closest use class would be a place of worship for which the maximum parking standard is 1 space per 10m² of which 3 should be suitable for disabled drivers (or 6%, whichever is greater). There is also a requirement for 1 cycle space per 4 staff and some for visitors depending on the scheme.

The submitted Transport Statement forecasts that the proposal would attract up to 20 vehicles per burial, plus a small number of other visitors. Even if two burials overlapped the average maximum parking requirement associated with burials would be 40 spaces plus staff. The proposed development provides for 51 car parking spaces at the meeting hall, which is in excess of what has been calculated as necessary at any one time. All parking spaces would be provided with passive provision (ducting) for an electric vehicle charging point (EVCP). In addition 20% of the visitor spaces will also be provided with an EVCP. Eight of the parking spaces would be suitable for disabled drivers. Four cycle parking spaces would be provided in the form of two covered Sheffield loop stands adjacent to the meeting hall and two spaces are provided for powered two wheelers (motorcycles).

In addition 3 staff parking spaces would be provided adjacent to the proposed gardeners store/staff room and additional overflow parking is available within the former farmyard, which would be served by the proposed electric shuttlebus.

It is considered that the proposal would provide sufficient off-street parking provision to serve the development, in line with the Vehicle Parking Standards and policy ST6 of the Local Plan.

There are existing public footpaths crossing the site. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no's 67 & 74 Waltham Abbey shall therefore be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. Furthermore the Highways Authority has suggested a condition requiring signage at the points where the footpaths cross the access road. They also require a condition restricting the use of the access onto Daws Hill to emergency service vehicles only since this access would be inadequate for general use.

Impact on surrounding area:

The main physical impact from the proposed development would result from the new buildings, which have been designed as single storey structures and positioned according to the topography of the existing landscape so as to not appear visually prominent. Given this topography the site the

position of the building have been chosen to ensure that they have minimal physical impact on the wider setting.

The meeting hall has been designed as the focus of the site and connected back to the landscape by a series of walkways and landscaped gardens and courtyards. The hall has a distinctive traditional form, designed to stand apart from the connected flat roofed section. The main section has a pitched roof that slopes up from 4.5m at the eaves to a clerestory roof light and ridge at approximately 7.2m high.

The proposed gardener's store is designed as a traditional agricultural building and will be physically screened from the rest of the site for empathetic and security reasons.

With regards to landscaping, the mature woodlands on site are protected by woodland Tree Preservation Orders, and other individual trees along the field boundaries are also protected. Tree reports have been submitted which indicate the proposal could be implemented without a detrimental impact on the retained trees – subject to there not being any excavations for burials within the existing woodland.

The proposed location of the building and car parking will have limited visual impact within the wider landscape, the intended new plantings to mark new burials within the existing open field will, over time, reduce the visual impact of the building further.

In order to ensure that the visual impact of the proposal as a whole, and to keep the site as natural looking as possible, a condition for hard and soft landscaping would be necessary. It is intended that the tree planting as grave markers should consist of native trees, taken from a selected list, which can be covered under the hard and soft landscaping condition.

Other matters:

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 necessary, which can be dealt with by condition.

The applicant is proposing to dispose of foul sewage by package treatment plant. Further details are required with regards to this, which can be controlled by condition.

Ecological impacts:

The application has been assessed by the Council's ecologist. Subject to a number of conditions the proposed development would not be unduly detrimental to the existing ecology of the site and surrounding area.

Contamination:

The Phase I report submitted with the application by GO Contaminated Land Solutions Ltd dated 18th January 2017 has identified potential risks from contamination that require further investigation.

The Environment Agency has been consulted on the proposal and has raised no objection. They highlight that the site is located outside of an area of groundwater vulnerability and therefore they have no concerns regarding the scheme. However they have suggested some advice to the cemetery operators, which can be included as an informative on the decision notice.

Archaeology:

The Essex Historic Environment Record shows that the application site borders the medieval Sewardstone Green, evidence from elsewhere in Essex has established that green-side locations were favored in the medieval period for settlement and it is possible that this will also prove to be the case here. As such a programme of archaeological works would be required, which can be dealt with by way of a condition.

Conclusion:

The proposed new buildings/structures and partial conversion of the existing former barn would not harm the openness or purposes of including land within the Green Belt. Whilst the general change of use of the entire site to a cemetery would constitute inappropriate development in accordance with the NPPF there are sufficient very special circumstances in this instance that clearly outweigh the limited harm from this inappropriate development. Primarily these are the compliance with Local Plan policy GB2A, the increase in access to this Green Belt site, the landscape and ecological improvements, and since the proposed development would meet an identified community need.

The proposed new buildings and structures would be appropriately designed and would not cause any undue harm to the amenities of surrounding residents. The level of vehicle movements and proposed off-street parking provision would be sufficient to ensure that there would be no detrimental impact on highway safety or the free flow of traffic on Sewardstone Road and adequate conditions can be imposed to control any harm from the proposal (including the use of the Daws Hill vehicle access for the general public and the operating hours of the meeting hall).

The proposal would not be detrimental to the character and appearance of the wider setting and would not harm the existing landscaping or the ecology of the site and surrounding area. Matters such as land contamination and flood risk can be suitably dealt with by condition.

Due to the above it is considered that the balance of issues is such that the proposed development would comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application is therefore recommended for approval.

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

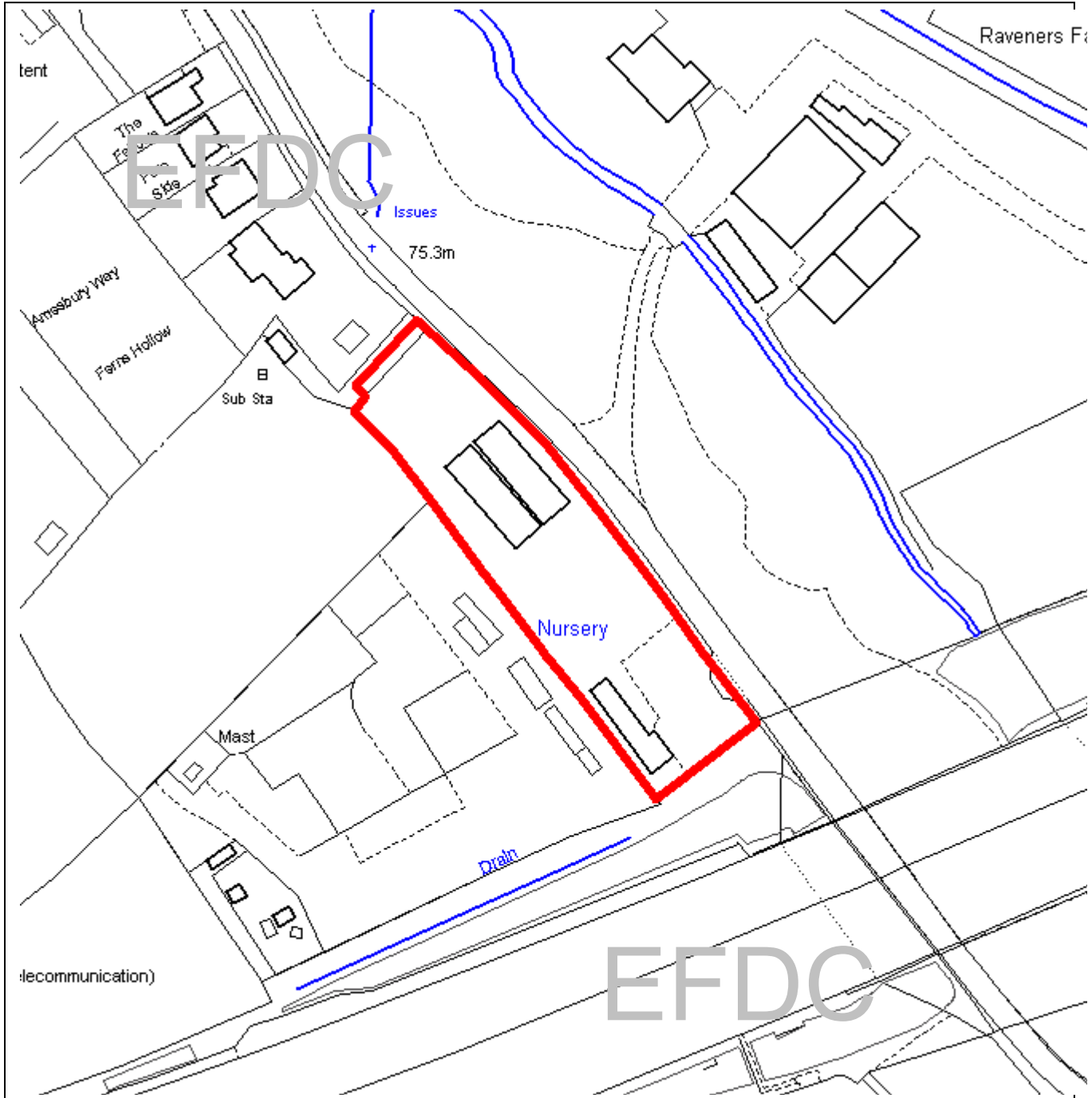
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564 228***

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



Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/0537/17
Site Name:	Garden Centre, Crown Hill, Waltham Abbey, EN9 3TF
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0537/17
SITE ADDRESS:	Garden Centre Crown Hill Waltham Abbey Essex EN9 3TF
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Paul Bundy
DESCRIPTION OF PROPOSAL:	Demolish existing garden centre buildings and build 3 no. houses (2 no. semi-detached houses and 1no. detached house)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592238

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: ELA/1 Rev: 00, ELA/200 Rev: A, ELA/300 Rev: C, ELA/400 Rev: B, ELA/401 Rev: B, ELA/409 Rev: D, ELA/410 Rev: D
- 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, details of boundary treatment and details of surfacing, have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C, D or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 9 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 10 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.
- 11 Prior to first occupation of the development all 3 accesses shall be provided with clear to ground visibility splays with dimensions of 2.4m x 43m to the east and west, as measured to the near side edge of the carriageway edge. These splays shall be retained free of any obstruction in perpetuity.

- 12 Prior to the first occupation of the development all 3 accesses shall be constructed to a minimum width of 3 metres and provided with an appropriate dropped kerb crossing of the verge.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 There shall be no discharge of surface water onto the Highway.
- 15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 16 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 17 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]
- 18 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]

- 19 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]
- 20 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.
- 21 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.
- 22 A minimum of 1 bat brick per house will be incorporated into the buildings.
- 23 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 comprises a 0.28 hectare horticultural site located on the south western side of Nursery Road. The site currently contains a small permanent building measuring approximately 415m³ along with a number of temporary polytunnel type buildings. The application site is located on the edge of the village of Upshire within the Metropolitan Green Belt and an EFDC flood risk assessment zone. Whilst not within the conservation area the site is immediately adjacent to both Copped Hall Conservation Area and Upshire Conservation Area and a Local Wildlife Site that is owned by the City of London (and likely would be classed as 'Epping Forest Land').

Description of Proposal:

Consent is being sought for the removal of the existing garden centre and the erection for 3 dwellings on the site, which would consist of 1 no. detached house and 2 no. semi-detached dwellings.

The proposed detached dwelling would be L shaped and would measure 13.2m in width and a maximum of 9.2m in depth with a pitched roof to a maximum ridge height of 8.3m.

The proposed semi-detached dwellings would be linear in design and each dwelling would have projecting front and rear gables. The dwellings would each measure 10.5m in width and a maximum of 9.2m in depth with pitched roofs to maximum ridge heights of 8.1m.

The proposed semi-detached dwellings would be served by their own access directly off of Crown Hill. The detached dwelling would be accessed from the existing access to the north of the site that is stated as being shared with the site to the rear. The dwellings would each benefit from private amenity space and off-street parking.

The eastern parcel of land would be undeveloped and planted in order to provide a green buffer between the proposed development and the nearby M25 flyover.

Relevant History:

EPF/0435/74 - Nursery plus non-mechanical sundries and additions – approved/conditions 19/08/74

EPF/0683/89 - Continued use of nursery in accordance with planning permission EPF/435/74 without complying with conditions 1, 3 and 4 – refused 07/07/89

EPF/1813/99 - Erection of polytunnel – approved (temporary)/conditions 03/03/00

EPF/1438/01 - Erection of wooden pergola, 2.4m high, in front of nursery shop, packing shed, and glasshouse – approved 12/10/01

OUT/EPF/1504/16 - Application for outline planning consent for 21 residential houses consisting of 7 no. 3-bed starter homes, 4 no. 3-bed disabled designed homes and 10 no. 3-bed open market homes – refused 09/09/16

OUT/EPF/2715/16 - Outline application to demolish existing garden centre buildings and build 4 no. detached houses as self-build scheme (All matters reserved) – refused 12/12/16

EPF/2729/16 - Change of use from garden centre (Sui Generis) to Use Class B2 and B8 – refused 13/12/16

EPF/2714/16 - Outline application for 19 residential houses consisting of 8 no. 3-Bed Starter Homes, 4 no. 3-Bed Disabled Designed Homes and 7 no. 3-Bed Open Market Houses (with all matters reserved) – refused 01/02/17

EPF/2715/16 - Outline application to demolish existing garden centre buildings and build 4 no. detached houses as self-build scheme (All matters reserved) – refused 12/12/16

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
CP5 – Sustainable building
CP9 – Sustainable transport
GB2A – Development in the Green Belt
H5A – Provision for affordable housing
H6A – Site thresholds for affordable housing
H7A – Levels of affordable housing
HC6 – Character, appearance and setting of conservation areas
NC1 – SPAs, SACs and SSSIs
LL10 – Adequacy of provision for landscape retention
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
RP3 – Water quality
RP4 – Contaminated land
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:

SP5 – Green Belt and district open land
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
DM7 – Heritage assets
DM10 – Housing design and quality
DM15 – Managing and reducing flood risk

Consultation Carried Out and Summary of Representations Received:

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

TOWN COUNCIL – No objection. Whilst committee had no objection in principle they did feel further consideration should be given to the parking arrangements and refuse storage facilities.

CITY OF LONDON – Object. The site lies within the Metropolitan Green Belt and is adjacent to the Upshire Conservation Area. Whilst the Conservators note that there has been a substantial reduction in terms of housing density, their comments/concerns are as relevant for this scheme as they were for previous applications EPF/1504/16 and EPF/2714/16 which were refused. Likewise it is noted that EPF/2715/16 for 4 no. houses was also refused: two of the refusal reasons being inappropriate development in the Green Belt and the development not being in a sustainable location.

The applicant claims as a 'very special circumstance' to justify this development that the site is in a sustainable location being within easy reach of Epping where all the local shops and facilities and bus services are location. There is a very limited bus serving Upshire that finishes in the early evening and does not operate on Sundays; resulting in a reliance on private vehicle use to get to Epping.

The nearest small scale shopping parade in the opposite direction to Epping Town which provides a limited service is over a mile away along a busy locally important through route; some of which is unlit and some of which has no dedicated highway footpath. Again, there is an hourly weekly bus service which does not continue into the evening and there is no Sunday service. The proposal appears to go in the opposite direction to sustainable development.

The proposal to erect 3 residential houses with a maximum ridge height of 8 metres will change the essential character of the area and will inevitably challenge the openness of the Green Belt.

CROWN HILL NURSERY, CROWN HILL –Object as this infringes on their legal right of way, since the site does not constitute previously developed land, due to highway safety concerns, and due to overlooking concerns.

COPTHALL GREEN HOUSE, COPT HALL GREEN – Object. The reason I have doubts about this application is that it is already very difficult getting out on to the B1493, at peak times. All these extra people and their cars will make it even more difficult. I would have no objection if lights or a roundabout were put into this junction, so that existing residents did not have their journeys made even more difficult.

Issues and Considerations:

This application seeks full planning consent for the erection of three dwellings and an area of undeveloped land on the site of the former garden centre. Numerous recent attempts have been made to redevelop this site, with the most recent being an outline application for the erection of 4 no. self-build properties. All of these have been refused planning consent. The reasons for refusal on the most recent application (EPF/2715/16) were as follows:

- 1. The site is located within the Metropolitan Green Belt and the proposal constitutes inappropriate development. Whilst the benefits of providing additional housing, including Self-Build Homes, is a material consideration that weighs in favour of the development it is not considered that this, or the other material considerations put forward, are sufficient enough to outweigh the harm to the Green Belt, along with all other identified harm. Therefore no very special circumstances exist and the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.*

2. *The provision of Self-Build housing would allow less control over the design, detailing, materials and general appearance of the proposed development and would have a potentially harmful impact on the character and appearance of this sensitive location, contrary to the guidance contained within the National Planning Policy Framework and policy HC6 of the adopted Local Plan and Alterations.*
3. *The proposed development, due to its location and the lack of sustainable transport options, would result in a reliance on private vehicle use. As such the proposal would fail to comply with all three dimensions of sustainable development contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP2, CP3, CP9 and ST1 of the adopted Local Plan and Alterations.*

This revised application is full outline consent for three traditional open-market houses. The design and layout has been the subject of numerous discussions with the Councils Conservation Officer. The key considerations are whether the revised scheme has overcome the above reasons for refusal.

Green Belt:

The application site is a former, now vacant, garden centre that 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 are:

- *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.*

The application site is located on the edge of the small hamlet of Upshire. Whilst it is accepted that Upshire is sufficiently large enough to be classified as a village in terms of the above exception to inappropriate development it has been concluded in the previous applications that the site is located beyond the linear built up enclave of this hamlet and the proposal would not ‘infill’ between existing development but instead would extend the existing settlement. Therefore the proposed development would not constitute a ‘limited infill’ under the above exception to inappropriate development.

The applicant has continued to assert that the application site contained a commercial retail shop facility and as such is a *Sui Generis* ‘garden centre’ that would constitute previously developed land. It is accepted that the former use of this site was as a garden centre however the original application for this use was EPF/0435/74, which proposed a ‘nursery plus non-mechanical sundries and additions’. This was granted planning consent in August 1974 subject to conditions. Two of the conditions imposed read:

1. *This permission shall inure solely for the benefit of the applicant, Mr. G. A. Lay, and for no other person or persons.*

Reason: Permission is granted in view of the personal circumstances of the applicant.

4. *The sales use shall be strictly confined to produce grown and cultivated within the curtilage of the existing nursery.*

Reason: The site is within the Metropolitan Green Belt and is not considered suitable for other shopping uses.

In 1989 planning consent was refused for the 'continued use of nursery in accordance with planning permission EPF/435/74 without complying with conditions 1, 3 and 4'. The reasons for refusal of this application were as follows:

1. The site is within the Metropolitan Green Belt. Policy S.9 of the Approved Essex Structure Plan states that within the Green Belt permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing dwellings), or for purposes other than agricultural, mineral extraction or forestry, small-scale facilities for outdoor participatory sport and recreation, institutions requiring large grounds, cemeteries, or similar uses which are open in character. In the view of the Local Planning Authority insufficient reasons have been advanced to justify departure from this policy.
2. The proposal is contrary to the Green Belt policies of the Local Plan for the area.
3. The continued use of the site without complying with condition 4 of the original permission would be contrary to the enforcement notice issued on 21 July 1987 prohibiting the storage and sale of goods and materials not produced on the land.
4. The continued use of the site without complying with condition 4 of the original permission would lead to an increased use of the access to the classified road, giving rise to conditions of highway danger to other road users.

It is clear from the planning history that the original use of the site as permitted was a small-scale horticultural nursery with ancillary retail use rather than as a retail or mixed use site. Since there do not appear to have been any further attempts to vary these conditions, planning permissions for alternative uses, or any Certificates of Lawful Use, there is an argument that the lawful use of the site remains as agricultural. Furthermore there is no planning consent for the use of the site by anybody other than the person named in the 1974 permission (Mr. G. A. Lay). Since the site is now vacant and owned by the applicant, who is not Mr G. A. Lay, there is a case that the previous retail use has ceased and therefore the current lawful use would now have reverted back to a small-scale horticultural nursery.

Although there has been reference made to the continued use of this site as a garden centre without complying with the above conditions, which would render the use exempt from enforcement action and thereby lawful, no evidence has yet materialised to justify this claim. Therefore to date it has not been proven that that site constitutes previously developed land and therefore the redevelopment cannot meet the exception to inappropriate development.

In addition to the above it should be noted that the only permanent building on the site is the small shop/glasshouse unit measuring some 415m³. The remainder of the buildings on the site are temporary polytunnel type structures constructed from lightweight frames and plastic coating, much of which has now been removed from the site. Even if the site were to be considered to constitute 'previously developed land the proposed redevelopment would result in a significant increase in the level of built form on the site, which would clearly "*have a greater impact on the openness of the Green Belt*".

Since the proposal would not fall within either of the above exceptions this would clearly 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”.

Case put forward in favour of the development:

Despite the claims that the proposed development would meet one of the exceptions to inappropriate development in the Green Belt, the applicant has nonetheless put forward the following arguments in favour of the development:

1. Sustainability
2. Policy vacuum
3. No 5 year supply of land for housing
4. Development of a brownfield and/or commercial site

Furthermore, whilst not stated within the list contained within the submitted Planning Statement, the applicant asserts that the proposed redevelopment would result in significant visual improvements to this sensitive site and would assist in increasing openness in the Green Belt through the provision of a green ‘buffer’ between the proposed dwellings and the M25 flyover.

No. 1 – Sustainability:

As detailed below, and as evident through the previous reasons for refusal on the scheme, the proposed development does not meet the definition of sustainable development and therefore there is no presumption in favour of developing this site.

No. 2 & 3 – Policy vacuum/no 5 year land supply:

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 emphasize 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 "**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*".

There have been several appeal decisions that confirm the above, including some within this District whereby the lack of a five-year land supply has been a key consideration in the balancing exercise. These include the following:

- Appeal at C J Pryor, Foster Street (EPF/2518/14) dated 25/11/16 – the Planning Inspector stated "*I appreciate that the definition of appeal site A as Green Belt is a policy which affects the supply of housing and that relevant policies for the supply of housing should not be considered up to date if (as here) the local planning authority cannot demonstrate a five-year supply of deliverable sites and that where relevant policies are out of date, the NPPF advises that permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. Nevertheless, an essential characteristic of Green Belts is their permanence. There is no suggestion in the emerging plan that the site be removed from the Green Belt, so, notwithstanding the outdated definition of its boundaries, it is a policy which should continue to apply with full force in this case. Accordingly, it is the test of the Green Belt balance which determines whether this proposal would be sustainable development for the purposes of NPPF paragraph 14*". Despite the provision of additional housing in that instance being seen a 'significant benefit' it was nonetheless concluded that

“these considerations do not clearly outweigh the harm to the Green Belt and other harm identified”.

- Appeal at Debbies Garden Centre, Riddings Lane (EPF/0718/16) dated – within this decision letter the Planning Inspector stated *“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”.*

No. 4 – Brownfield land:

As stated previously it is not clear as to whether this site constitutes previously developed (brownfield) land due to the conditions of the original consent for the site. As such there is a high chance that the lawful use of the site remains as agricultural and therefore this would not constitute brownfield land.

Visual improvement:

The application site is located on the edge of the small hamlet of Upshire, most of which is located within the Upshire Conservation Area. Directly adjacent to the site is Copped Hall Conservation Area and Copped Hall Green, which is a Local Wildlife Site and ancient green space that is owned by the City of London and protected as part of Epping Forest under the Epping Forest Act 1878. This is considered as a valuable ecological site. This, along with the linear stretch of late 19th and 20th century estate workers housing along the northern side of Crown Hill, give the area a strong rural character which it is crucial to preserve and enhance. Despite the presence of the M25 the site is considered to be within a relatively sensitive area.

Whilst not located within either of the conservation areas the site is immediately adjacent to two designated conservation areas and is very much viewed within the context of Upshire Conservation Area. The significance of this conservation area mostly derives from the surviving historic landscape and patterns of settlement, which includes the linear hamlet of Copthall Green. Although development within this part of the conservation area was rapid in the 20th century, until then Copthall Green consisted of only a handful of properties in the form of rows or pairs of cottages. Development in the 20th century has been linear and is characterised by bigger detached properties, further recessed from the highway and occupying larger plots. Despite these changes the pattern of development historically seen in this area has been maintained and is still visible today. Most of the surrounding properties remain largely open at the front overlooking the opposite green with minimal boundary treatment in the form of simple hedges or simply left open with no boundary treatment at all.

The application site is mainly surfaced with concrete/tarmac and features a high metallic fence and does not appear to fit very well with its immediate context. It's hard surfacing and solid boundary treatment gives the site an industrial appearance which is at odds with the rural character and appearance of its historic surroundings and that of the wider conservation area. In this context the present planning application for a lesser number of dwellings is felt as an opportunity for a sensitive redevelopment of the site both ensuring the preservation and the enhancement of the significance of Upshire Conservation Area and its distinctive sense of place.

The design and layout of the proposed redevelopment has been the subject of numerous discussions between the applicant and the Councils Conservation Officer and it is considered that the proposal will, by reasons of its sympathetic design, appropriate scale, massing and layout, and its palette of traditional materials, sit comfortably alongside the neighbouring properties to the north. In addition, the existing hard surfacing is proposed to be replaced with porous gravel and the solid metal fence to be removed and the dwellings to instead be fronted by simple hedges. This will give to the site a more attractive appearance and echo the rural feeling of this part of the conservation area.

In addition the proposal would include an area of open green land at the eastern end of the site that would act as a buffer between the proposed development and the M25 flyover. This would increase the openness of the Green Belt (although this would in part off-set the significantly larger permanent built form on the western part of the site) and would provide visual separation between the historic settlement of Upshire and the visually intrusive M25. These matters would be given significant weight in favour of the proposed development.

Conclusion on 'very special circumstances':

The main consideration in this application is the visual improvements to the character and appearance of this sensitive site on the edge of two conservation areas and opposite Epping Forest District land. It is considered that the removal of the existing commercial structures (particularly the imposing boundary fencing and large expanses of hardstanding) and the opportunity to improve both the appearance and openness of the site is a matter to be given significant weight in favour of the application. The provision of additional housing in order to address the Councils five year land supply is also given some weight in favour of the development.

Given the now limited nature of the proposal and the benefits that would result from this redevelopment it is considered that these are, on balance, sufficient to amount to very special circumstances that clearly outweigh the harm to the Green Belt.

Impact on surrounding area:

Given the above this revised application has overcome the previous concerns with regards to the impact on the character and appearance of this sensitive area and in fact the proposal would positively enhance the site and surrounding area.

Sustainability:

Whilst the applicant refers to the proposal constituting 'sustainable development' and states that the proposal meets the three criteria for sustainable development, it is not considered that this is the case for the following reasons:

Economic Role – Whilst it is appreciated that the development would create employment through construction work to erect the houses this is a short term employment benefit that would be outweighed by the removal of an existing business use on the site.

Social Role – It is appreciated that the proposed development would provide additional housing that would assist in the Council meeting its 5 year land supply, which should be given some weight in the decision. The Planning Statement claims that "*the site is very accessible to the Town of Epping and is located adjacent to local bus routes and the Underground Central Line Station at Epping*" however this is completely untrue. The town of Epping is located 2.5 miles away from the site down two busy stretches of road, much of which do not benefit from pavements. Whilst there are bus services that run through Upshire the only non-school buses that stop on Crown Hill are the 213 and the 214. Both of these cover the same route and provide a limited service running from 07.50 until around 18.30 with buses running every 60 to 90 minutes. There is no bus service on Sundays. The Epping Underground Station is located 3 miles away in the town of Epping and despite the claim that this "*would take about 25 minutes to walk*" the station is in fact an hours walk from the site along two busy roads, much of which does not benefit from pavements.

Environmental Role – Reference has been made to this development being "*in a very accessible location, thereby minimizing the need for the Council to consider less sustainable options elsewhere*". The hamlet of Upshire benefits from two public houses, a village hall and a church. There are no shops, school or doctors surgeries within this small enclave. The closest shops,

which consist of a small shopping parade that would not serve everyday needs, is some 1.3 miles away within Waltham Abbey. As such it is not considered that this site is within a sustainable location and it is not well served by public transport options.

A further concern in the previous application was the proximity of the proposed dwellings to the M25 and the impact that this would have on the health and wellbeing of future residents of the site due to pollution, noise and general disturbance. This aspect of the previous reason for refusal has been overcome through the inclusion of an area of green buffer land at the eastern end of the site. This would provide adequate separation and protection to future residents of the site from noise, pollution and disturbance as a result of the nearby M25.

Highways:

The proposed development would be served by two new vehicle crossovers and an existing vehicle crossover. Essex County Council Highways have assessed the proposal and consider that the applicant has demonstrated that sufficient visibility is achievable for all the new accesses for the actual speed of the road.

Concern has been raised by the neighbouring landowner with regards to the claimed shared ownership of the northern access track with Land Registry details being sent in disputing this claim. The matter has been raised with the applicant who is adamant that the access is within shared ownership. Since land ownership is not a material planning consideration no further consideration is given to this matter.

There is sufficient space within the application site to cater for all necessary off-street parking provision to serve the development.

Landscaping:

Given the now modest scale of the proposed development and layout of the new dwellings the scheme could be achieved without detrimental impact on the existing trees.

Amenity considerations:

Given the location of the proposed dwellings there would not be any detrimental loss of amenity to any surrounding properties.

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 necessary, which can be dealt with by condition.

The applicant is proposing to dispose of surface water by sustainable drainage system/main sewer. The Council's records do not indicate a surface water sewer at this location and therefore further details are required with regards to this, which can be controlled by condition.

Contamination:

Due to its use as a Horticultural Nursery and the presence of Made Ground and its location within the buffer zone of the UK Oil Pipeline; 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 us and therefore it will be necessary for potential land contamination risks to be investigated and where necessary remediated by way of Condition.

Ecology:

The application has been assessed by the Council's ecologist who raises no objection subject to the incorporation of bat bricks in the new buildings.

Conclusion:

Almost all planning decisions require a balancing exercise of some kind but for development within a Green Belt advice in the NPPF is that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The potential harm is as follows:

- Harm by definition to the Green Belt and due to the significant increase in permanent built form on the site, which is given substantial weight.
- Harm to the social role of sustainable development through the lack of accessible local services.

The potential benefits are as follows:

- The provision of additional housing to assist in the Council's shortfall of a five-year land supply, which is given some weight.
- The removal of the existing unsightly commercial site and its replacement with a more appropriate scheme that would be beneficial to the character and appearance of this sensitive site, which is given significant weight.
- The provision of an area of green open land that would serve as a 'buffer' between the proposed development (and wider settlement) and the M25 flyover, which is given some weight.

Given the reduction in the number of residential units and the significant improvements to the character and appearance of this sensitive site it is considered that the balance of issues weighs in favour of granted consent for this redevelopment scheme. Therefore the proposal would comply with the guidance contained in the NPPF and the relevant Local Plan policies and the application is recommended for approval.

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

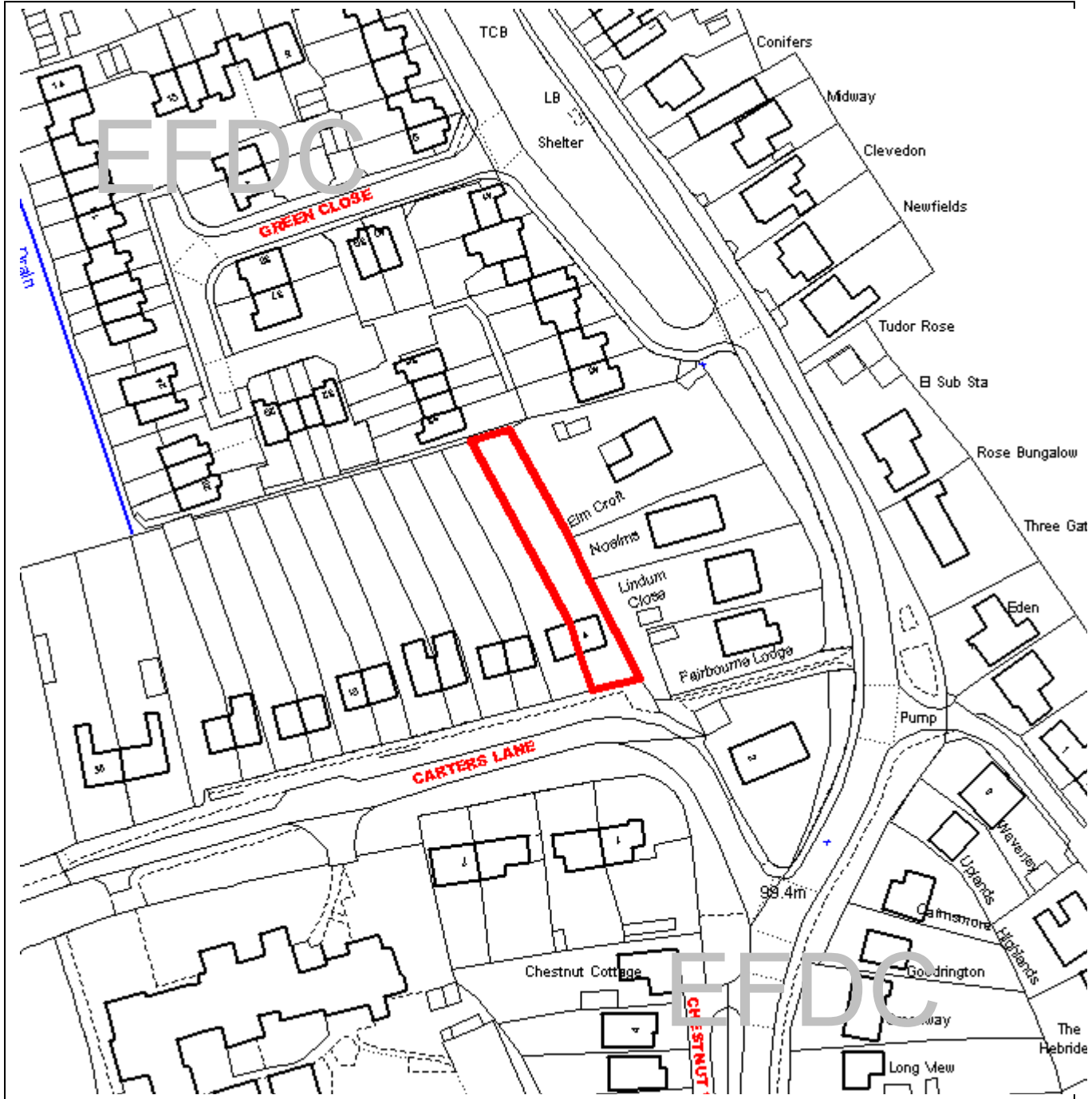
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564 228***

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



Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/0921/17
Site Name:	4 Carters Lane, Epping Upland, Essex, CM16 6QJ
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0921/17
SITE ADDRESS:	4 Carters Lane Epping Upland Epping Essex CM16 6QJ
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mrs Lauren Walker
DESCRIPTION OF PROPOSAL:	Ground floor front, side and rear extension and a hip to gable loft conversion (Revised application to EPF/0168/17)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593300

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 and/or those indicated in section 11 of the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

Description of site

Carters Lane is located within the small settlement of Epping Green. The existing building is a semi detached two storey dwelling situated within a long plot, which mirrors that of the adjacent neighbours. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is for a ground floor front, side and rear extension. Hip to gable loft conversion with dormer. This is a revision to a withdrawn application EPF/0168/17.

Relevant History

EPF/0168/17 - Ground floor front, side and rear extension with a first floor rear extension and loft conversion - Withdrawn

8 Carters Lane – EPF/0067/16 - Ground floor front, side and rear extension. Hip to gable loft conversion with dormer – Approved 18/03/16

6 Carters Lane – EPF/1593/15 - Proposed hip to gable roof extension, with rear dormer window, single storey side extension and single storey rear extension – Approved 21/01/16

10 Carters Lane – EPF/2430/14 - Ground floor, front, side and rear extension and a hip to gable loft conversion – Approved 04/12/14

Policies Applied

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 policies below are broadly consistent with the NPPF and should therefore be given appropriate weight

Epping Forest District Council Local Plan (1998) and Alterations (2006)

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of Amenity

DBE10 – Design of residential extensions

ST4 – Road Safety

ST6 – Vehicle Parking

Epping Forest District Council Draft Local Plan 2016

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

T1 – Sustainable Transport Choices

Consultation carried out and summary of representations received

EPPING UPLAND Parish Council – OBJECTION:

- Overdevelopment of site – overwhelming on existing property, excessive and out of scale
- Out of keeping in rural setting
- Would overlook several properties
- Loss of visual amenity particularly from public footpath
- Concern about the continued setting of a precedent
- Should there be 3 cars parked on the site this would mean the removal a hedge; the application states in section 7 that no trees or hedges will be removed

7 neighbours consulted – One objection received from an address in Epping Green –

- The loft conversions are very large and are out of scale and proportion with existing properties
- These type of roof developments are more in keeping with an urban town and do little to enhance the character of houses within a village environment and have a detrimental visual impact
- Loss of privacy from the high level windows
- EFDC and EUPC should take into account the scale and impact these developments have in a rural environment
- Does not appear to be in accord with the EUPC ‘neighbourhood plan’ to influence what building should look like

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the living conditions of the neighbours, the character and appearance of the proposal in relation to the existing building and its setting and any parking issues.

Living Conditions

The proposed rear extension will be set on the shared boundary with no. 6 and will project 6m from the existing rear elevation and will have a height of 3.1m. The depth mirrors that which was approved at the attached neighbour.

The application dwelling has a very long garden (some 40m long). As a result the attractive open outlook to the rear that 6 Carters Lane currently enjoys will not be compromised by the extension given its reasonable height and projection.

Furthermore, weight must be given to the fact that planning permission has already been granted for a 6m deep single storey rear extension as part of the neighbour’s approved scheme.

The rear extension is set too far from the neighbours whose rear boundaries about the eastern side boundary of the site as a result will not cause any harm to their living conditions.

The single storey side and front extension would be set off the eastern side boundary by 1m and wraps around the front of the dwelling for a depth of approximately 2m from the existing front elevation and will be set on the shared boundary with no. 6. It is single storey height and given its modest depth would not cause any significant harm to their living conditions. The front extension mirrors that approved at both 6 and 10 Carters Lane.

The hip to gable roof extension will not cause any harm to neighbours.

Rear dormer windows are generally accepted forms of residential development. Indeed the majority of rear dormers are permitted development and as a result the Government views them as developments which do not cause excessive harm to the living conditions of neighbours. The application property has full permitted development rights and therefore a rear dormer window could be built without planning permission. Nevertheless planning permission has been sought as it forms part of the wider application and in this case it would have no unacceptable impact on the privacy of neighbours over and above the existing situation where views can be had from existing first floor windows.

The proposal would comply with policy DBE9 of the adopted Local Plan (1998) and Alterations (2006) and policy DM9 of the Draft Local Plan 2016.

Character and Appearance

The rear extension will not be visible from public areas of the street scene but is conventionally designed and will therefore not cause any harm to its character or appearance.

The side and front extensions are considered acceptable and would not appear overly prominent in the street scene. Furthermore front extensions are not uncommon along Carters Lane and as a result it will not appear discordant within the street scene.

The rear dormer window although large will be on the rear elevation of the property and therefore will not cause any harm to the character or appearance of the street scene. The hip to gable roof extension is a common residential feature and will not cause any visual harm. As explained above the rear dormer window could be constructed under permitted development and the proposal is very similar in its design to those approved at 6, 8 and 10 Carters Lane.

The proposal would comply with policies CP2 and DBE10 of the adopted Local Plan (1998) and Alterations (2006) and policy DM9 of the Draft Local Plan 2016.

Parking considerations

The front extension will leave approximately 5m from the edge of the public carriageway for the parking of cars, which is sufficient space for off street parking and consequently there will be no harm to the existing parking arrangements. In addition this depth had been retained at the approved schemes at Nos 6, 8 and 10 Carters Lane.

The proposal would comply with policy ST4 and ST6 of the adopted Local Plan (1998) and Alterations (2006) and policy T2 of the Draft Local Plan 2016.

Response to Parish Council and neighbour objections

Overdevelopment of the site - The extensions are single storey and the works to the roof can be undertaken without the need for planning permission. The impact of the works on the character and appearance of the host dwelling and surrounding area has been covered above and is considered acceptable. The resultant dwelling would not appear cramped on the plot. The proposal is almost identical to those approved at the adjoining neighbours

Out of keeping in rural setting - The street is residential and extensions are commonplace within residential areas. The works proposed are considered appropriate and would be similar in character to the extensions approved at 6, 8 and 10 Carters Lane.

Would overlook several properties - This has been addressed above in the Living Conditions section

Loss of visual amenity particularly from public footpath - The bulk of the works are to the rear and the side and front extension is modest in size and design and reflects those approved at adjacent properties.

Concern about the continued setting of a precedent – Whilst similar proposals have previously been approved at 6, 8 and 10 Carters Lane, these applications were considered acceptable on their own individual merits and were not considered to be at odds with the prevailing pattern of development. The current application is considered acceptable similarly and would be difficult to justify a refusal here.

Should there be 3 cars parked on the site this would mean the removal a hedge; the application states in section 7 that no trees or hedges will be removed - The proposal would retain off street parking and there are no on-street parking restrictions. The depth retained matches the approved schemes. A hedge can be removed without permission.

The concerns raised by the objector have been considered in the main body of the report as well as above here.

Conclusion

The extension would not harm the living conditions of the neighbours, the design is acceptable and parking is retained. The objections have been considered. The scheme is almost identical to the recent permissions at 6, 8 and 10 Carters Lane. The development is considered to comply with relevant National and Local Plan policies.

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: Steve Andrews
Direct Line Telephone Number: 01992 564 337***

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