

AREA PLANS SUB-COMMITTEE 'WEST'

18 October 2017

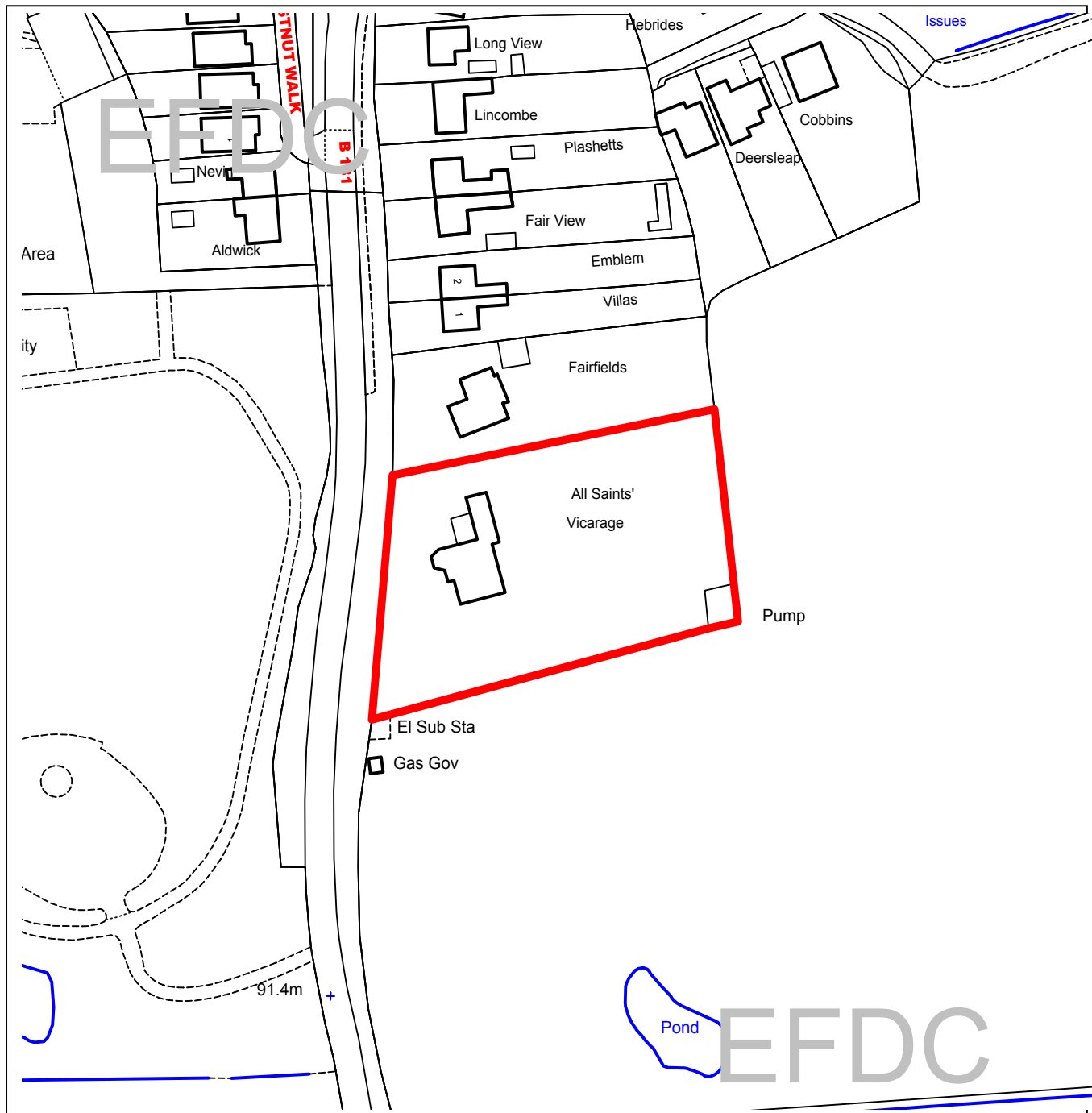
INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1058/17	The Vicarage Epping Road Epping Upland Essex CM16 6PN	Grant Permission (With Conditions)	22
2.	EPF/1820/17	7 Langland Place Roydon Harlow Essex CM19 5FS	Grant Permission (With Conditions)	28
3.	EPF/1956/17	Broxlea Nursery Nursery Road Nazeing Essex EN9 2JE	Refuse Permission	32
4.	EPF/1957/17	52 Barnard Acres Nazeing Essex EN9 2LZ	Grant Permission (With Conditions)	50
5.	EPF/2183/17	Meadow View High Street Roydon Harlow Essex CM19 5EA	Refuse Permission (Householder)	54



Epping Forest District Council

Agenda Item Number 1



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1058/17
Site Name:	The Vicarage, Epping Road, Epping Upland, CM16 6PN
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/1058/17
SITE ADDRESS:	The Vicarage Epping Road Epping Upland Essex CM16 6PN
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Martin
DESCRIPTION OF PROPOSAL:	Construction of double car port, triple garage and associated landscaping.
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=593679

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 garage shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased 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.
- 4 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.

- 5 No development, including works of demolition or site clearance, shall take place until driveway details have been submitted to the Local Planning Authority and approved in writing. These shall consist of an above ground, no dig construction with a porous finish and included an Arboricultural supervision timetable. 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.

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

Description of Site:

The application site is a two storey detached dwelling within a large plot. The site is located within the settlement of Epping Green. A small proportion of the southern edge of the site is located within the Metropolitan Green Belt. There are a number of protected trees on the site.

Description of Proposal:

Construction of double car port, triple garage and associated landscaping.

Relevant History:

None

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenity
DBE10 – Residential extensions
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
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.

Draft Local Plan

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

DM9 - High Quality Design
DM10 – Housing Design and Quality
SP6 – The Natural Environment, Landscape Character and Green Infrastructure
T1 – Sustainable Transport Choices

Consultation Carried Out and Summary of Representations Received:

2 neighbours consulted – no comments received

EPPING UPLAND PARISH COUNCIL – OBJECT – The size and bulk of the proposed new garage is too large for the site and is too dominate for the street scene as you enter Epping Green. The structure needs to be lower without such a large pitched roof and not of triple width, which makes it look like an infill property as opposed to a garage.

Part of the construction is in the Green Belt and a reduction in size is called for. It will be seen from public footpaths and roads. It is not considered that this is an exceptional circumstance.

There is concern about the first floor of the garage and its use not only now but in the future as there are windows and an external stair case which would be unusual for just a storage space.

Concern still remains about the surface of the drive and disposal of surface water and potential flooding. On Epping (Green) Road almost opposite The Vicarage there is some flooding, the cause of which is not known despite assistance from Land Drainage and numerous visits by utilities companies; this runs down the road which is on an incline but after significant rainfall is part way across the road and can be dangerous because of volume or if it freezes, not least due to the excessive speed of vehicles coming into and exiting the Village.

Main Issues and Considerations:

The main issues to be considered relate to the impact on the Green Belt, impact on protected trees, the character of the property and the surrounding area and neighbouring properties.

Impact on the Green Belt:

The proposed car port to the front elevation is outside of the Green Belt boundary and will have no impact on the openness of the Green Belt. Only a small proportion of the garage, some 2 metres in width, falls within the boundary of the Metropolitan Green Belt. This means that the proposal can be classed as a limited addition to the property and is therefore acceptable. The proposal is set to the rear of the property, within the residential curtilage of the property and will be well screened by existing protected, causing no significant harm to the openness of the Green Belt.

Design and Character:

Car ports are common features within the driveways of large, detached properties. The car port will be of wooden construction and is set well back from the highway, causing no harm to the street scene. The garage will be of a brick construction with dormer windows to the front and rear elevations to provide ancillary amenity space to the dwelling house. The garage will be completed in matching materials to the existing property and will be set in excess of 30 metres back from the highway, in part 'tucked behind' the existing building. This means that the proposal will have very little impact on the street scene and will remain in character with the large, detached host dwelling.

Amenities:

The proposed car port and garage are set well away from neighbouring properties and will cause no significant harm to their amenities.

Trees and Landscaping:

Tree and Landscaping Officers have been consulted and are satisfied that the proposal will not cause any harm to the existing trees subject to conditions.

Other Matters:

The property does not lie within a flood zone. The existing issue with water on the road is not related to the property concerned and is not a material consideration to the application.

Conclusion:

The proposed development will not be unduly detrimental to the character and appearance of the area or the Green Belt. As such it complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies. Therefore the application is recommended for approval.

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

***Planning Application Case Officer: Corey Isolda
Direct Line Telephone Number: 01992 564380***

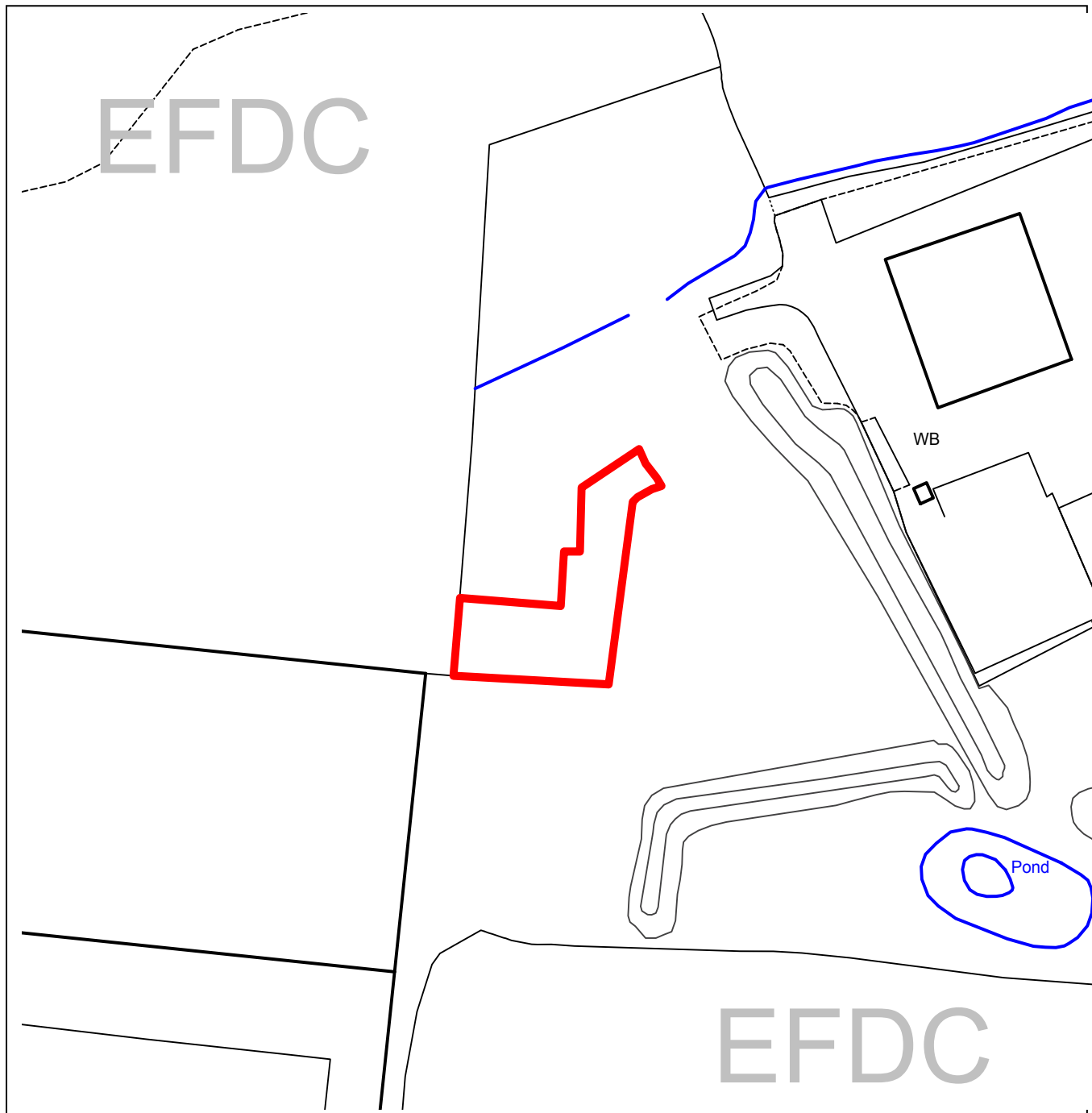
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

THIS PAGE IS INTENTIONALLY LEFT BLANK



Epping Forest District Council

Agenda Item Number 2



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1820/17
Site Name:	7 Langland Place, Roydon, CM19 5FS
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1820/17
SITE ADDRESS:	7 Langland Place Roydon Harlow Essex CM19 5FS
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Denardis
DESCRIPTION OF PROPOSAL:	Construction of a detached outbuilding for use incidental to the enjoyment of the dwelling 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=596775

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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 3 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 7 Langland Place.

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

Description of Site:

The site is a two storey detached dwelling located on the South West side of Langland Place. The whole street is a development recently approved, with some elements still under construction. There are no listed buildings on the site, however it is situated within the Nazeing and South Roydon Conservation Area. The site is within the Metropolitan Green Belt.

Description of Proposal:

Construction of a detached outbuilding for use incidental to the enjoyment of the dwelling house. The plans have been revised since its initial submission and would be 8 metres in width, 6 metres in depth and 3.56 metres in height to the top of a ridges dual pitched roof.

Relevant Site History:

EPF/0487/16 - Minor material amendment application to EPF/2535/14 (Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. 4/5 bed detached dwellings and 11 no. affordable houses (6 x 2 bed & 5 x 3 bed) - Revised application to EPF/0632/14) to allow for alterations to the layout of the site and design of the dwellings. (24/05/2016) – Grant Permission (With Conditions) Subject to Legal Agreement.

EPF/2535/14 - Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. 4/5 bed detached dwellings and 11 no. affordable houses (6 x 2 bed & 5 x 3 bed) - (Revised application to EPF/0632/14) (04/06/2015) – Grant Permission (With Conditions) Subject to Legal Agreement

EPF/0632/14 - Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. detached dwellings (11x 4-bed & 1x 5-bed). (21/10/2014) – Withdrawn Decision

Policies Applied:

Adopted Local Plan:

CP2 – Protecting the Quality of the Rural and Built Environment
DBE9 – Impact on Amenity
DBE10 – Design of Residential Extensions
GB2A – Development in the Green Belt
HC6 – Character, Appearance and Setting of Conservation Areas
HC7 – Development within Conservation Areas

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

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:

DM7 – Heritage Assets
DM9 – Quality of Design

Summary of Representation:

No. of Neighbours Consulted: 4, no comments received

ROYDON PARISH COUNCIL: OBJECTION – This location is within a conservation area and there are no special circumstances. This is overdevelopment – the proposed building is as big as the main house. However if EDFC is minded to approve then request adding a condition restricting use to ancillary to the main building.

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Design
Impact on the Living Conditions of Neighbours
Development in the Green Belt

Design

The proposed outbuilding would have a pitch roof, with materials to match the existing dwelling house. Three rooflights would be inserted into the rear roof slope of the outbuilding, with two windows to each side elevation and bi-folding doors to the front of the outbuilding.

The scheme would be located within the Nazeing and South Roydon Conservation Area. The outbuilding would be more in keeping with the character of the Conservation Area compared to the initial submission for a far larger proposal and would maintain and enhance its character.

Impact on Living Conditions

The outbuilding would be 1 metre from the rear boundary and 5.94 metres from the boundary with the nearest dwelling house.

A wooden fence would surround the boundary at approximately 2 metres high. This would screen the majority of the outbuilding, reducing the visual impact of the proposal on adjoining neighbours. It is considered that there would not be excessive harm to neighbouring properties in regard to visual impact.

It is considered that there would be little impact to neighbouring properties in relation to overlooking.

There would be no loss of light caused as a result of this proposal.

Development in the Green Belt

The overall floor space of the outbuilding would be 48 sqm. The proposal would not harm the character and openness of the Green Belt.

Conclusion:

As the revised size and design is favourable, the proposal would not cause excessive harm to neighbouring properties and would not have a detrimental impact on the character and openness of the Metropolitan Green Belt or the conservation area. It is recommended that planning permission is Granted subject to conditions.

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

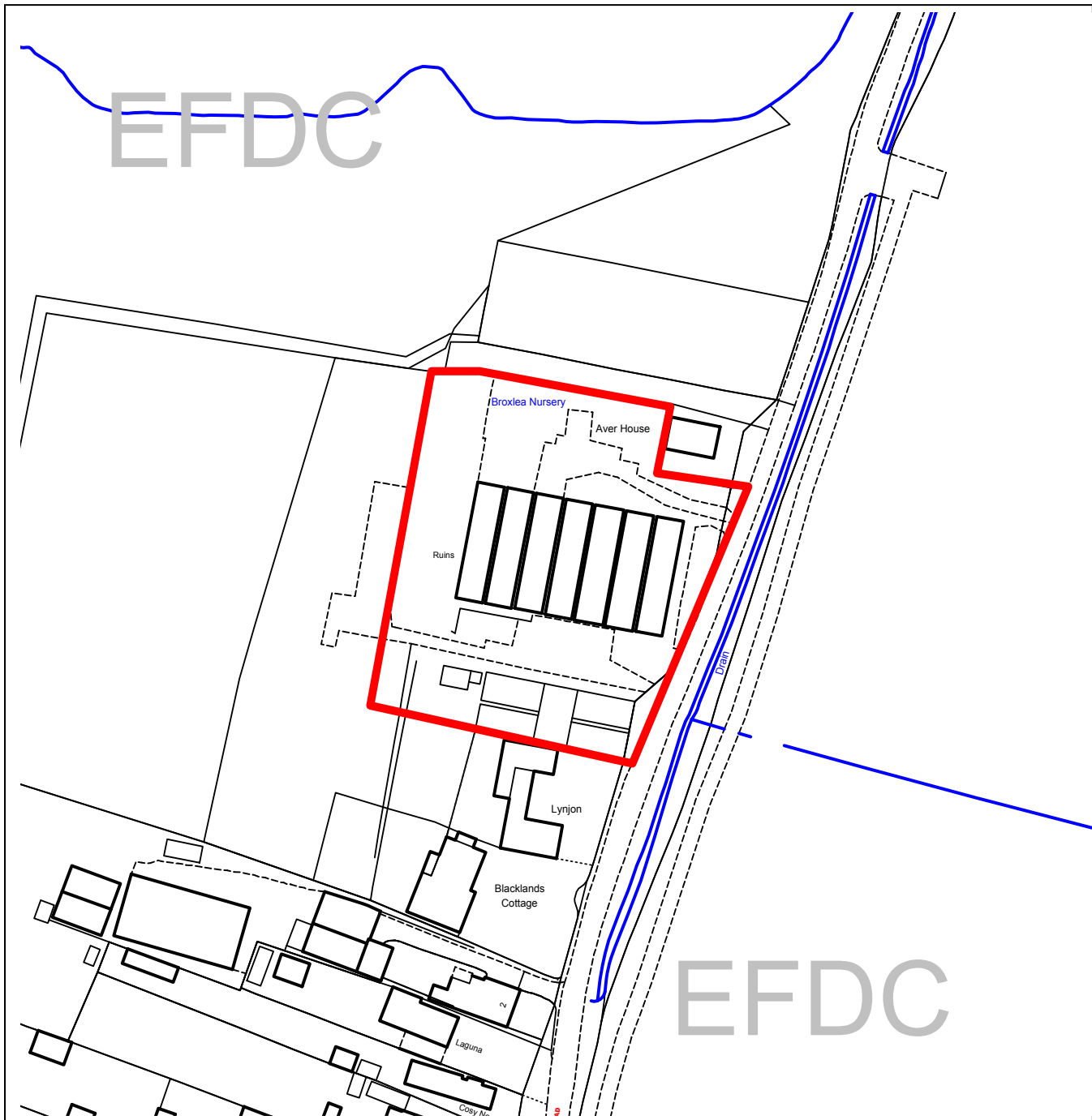
***Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462***

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



Epping Forest District Council

Agenda Item Number 3



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1956/17
Site Name:	Broxlea Nursery, Nursery Road, Nazeing, EN9 2JE
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1956/17
SITE ADDRESS:	Broxlea Nursery Nursery Road Nazeing Essex EN9 2JE
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr John Payne
DESCRIPTION OF PROPOSAL:	Erection of 4 no. four bed houses and garages.
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=597393

CONDITIONS

- 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 additional housing 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 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: 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 been excluded from the red lined area, is over a landfill.

Description of Proposal:

Consent is being sought for the demolition of all existing buildings on the site and the erection of four detached dwellings with integral garages. The proposed dwellings would measure a maximum of 5.55m in width and maximum of 11m in depth with various pitched roofs reaching a maximum of 9m.

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
OUT/EPF/1493/16 - Outline Application for 7 no. Self-Build Houses in accordance with Housing & Planning Act 2016 and Self-Build Act 2015 – refused 22/06/17

PN/EPF/1964/17 - Prior notice application for change of use and conversion of buildings to dwellings – not lawful 20/09/17

EPF/1970/17 - Prior notice application to change agricultural building to general commercial – not lawful 12/09/17

CLD/EPF/2029/17 - Certificate of lawful development for existing use of the former mushroom farm and paddock as garden land for the parent property – not lawful 13/09/17

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
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:

14 neighbouring residents were consulted and a Site Notice was displayed. It should be noted that the applicant claims that in previous applications two of the objection letters from neighbouring residents were not signed by those occupants nor did they support the letter of objection that has been submitted by the Residents Association. However no evidence has been supplied showing that this is the case in this instance and no letters received from occupants of neighbouring properties stating this or voicing support of the proposal.

PARISH COUNCIL – No objection and support the application, as it is in keeping with the street scene and it is an improvement on the current commercial site.

NURSERY ROAD RESIDENTS ASSOCIATION – Object as follows:

- 1) The land in question is within the Green Belt
- 2) Flood risk – the land is within Flood Zone 2 and partially 3
- 3) The land is within the Lea Valley Regional Park

MARSMEAD, NURSERY ROAD – Object since this would result in an excess of 25% 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.

2 NURSERY ROAD – Object as the site and surrounding gardens flooded during the 2000 flood

27 HOE LANE – Object as the proposed development is in the Lee Valley Regional Park and is an unsuitable setting for a residential development such as this, it does not constitute 'limited infill within a village', as the proposed dwellings would be set much further forward than other properties in Nursery Road, the height of the dwellings would be far greater than the buildings currently on the site, and since this would not meet any specific need within the area.

GLENPLAN LTD., HOE LANE – Support the application and hope that these would be self-build properties as there is a demand for this type of housing.

15 PALMERS GROVE – Support as this is the type of site that should be developed for housing.

NO ADDRESS – Support the application as the development would remove the derelict site.

Issues and Considerations:

There is a long history to the application site with several recent applications attempting to redevelop the site for housing. The most recent planning application was refused 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, 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.*

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 outlines the history of the site and states that “*the original use of the site was as a residential use. The whole site, including the parent property Lynjon, is all registered to Mr J. Payne. An agricultural use development, but was discontinued after the temporary planning consent had expired. The use has reverted to its original use as amenity space for the parent property*”. The Statement then goes on to claim, contrary to the above statement, that “*this 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 considered as a Brownfield Site, and it assumes the appearance of a commercial facility albeit garden land*”.

A recent CLD was submitted with regards to the first claim however it was concluded that the proposed use as garden land was not lawful. Within the Officer's report it was concluded that *"no evidence has been submitted to justify the above claims or show that any of the application site has been used as residential curtilage/garden land at any time, including at present. Whilst the LPA do not doubt that the application site is within the ownership of the applicant, and may well have been for a significant number of years, land ownership does not affect land use and therefore this matter is not relevant to the planning decision"*.

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.

Due to the above, and as has been concluded on the previous planning applications relating to this site, the application site does not constitute Brownfield Land and 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 erection of dwellings on this site would not be seen as an 'infill' 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 this small private road currently contains just 15 dwellings. The proposed development would result in a 26% increase in the number of dwellings within this street and therefore could be construed as not being 'limited' within the context of this private road.

'Land swap':

The other argument for the proposal constituting 'appropriate development' as put forward within the Planning Statement is *"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)'". Site investigation works have been carried out to the landfill area to accurately delineate the line of the landfill area. During the course of these investigations it was fully determined that there was no*

engineered capping to the landfill. The Site Investigation Report by HESI Ltd is enclosed in Appendix I. It is thus confirmed beyond doubt that the landfill land is previously developed land. 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 (Clause A.62), and further detailed in the submitted 'White Paper Assessment Report' with this Application".

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 would have been subject to restoration conditions as referred to within the above exception to previously developed land. Given the current nature of the land it appears that restoration works have taken place on the site.
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 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:

As has been concluded on the previous applications, 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 Planning Statement claims that "*Nursery Road now forms one of the main access points for walkers, cyclists and people seeking recreation in this part of the Park. Broxlea Nursery, with its range of dilapidated and untidy buildings, creates a most unattractive feature at this gateway to the Park. The proposed development will greatly enhance the overall appearance of the Park without either prejudicing the character or openness of the Green Belt*".

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 the site currently only contains low height, relatively inconspicuous structures that are not particularly visually prominent nor 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 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.

The provision of significantly higher, more visually prominent residential buildings within this sensitive site would clearly have an 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 all building work would be situated outside of Flood Zone 3). Due to this 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.

A Sequential Test has been submitted for this proposal which provides the following Assessment Methodologies:

With Respect to Assessment Methodology 1 – 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. 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.

A further planning has been approved at Chimes Garden Centre (EPF/0570/15). This scheme is for 26 houses located in Flood Zones 2 and 3a. It must therefore follow that the

¹ Lee Valley Regional Park Plan (adopted 2000)

Mushroom Farm site, in Flood Zone 2, must be deemed to have 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.

With Respect to Assessment Methodology 2 – *In order to comply with the NPPF, the Sequential Test needs to be applied in order to determine whether alternative sites are “reasonably available” and at lower risk of flooding than the identified site.*

The approach set out in the EA guidance note has been applied in order to sequentially test the site. This is summarised below:

- 1. Define the geographical area over which the test is to be applied*
- 2. Identify the source of alternative sites*
- 3. State the method for testing the alternative sites*
- 4. Apply the Sequential Test*

However, notwithstanding the above, the site has to be assessed in the same way that the ARUP Group have carried out the Sequential Test process as part of the Site Allocations in the Draft Local Plan that was published in October 2016. This was delivered by the Sustainability Appraisal Report that was issued in September 2016, and this was utilised as part of the ARUP site assessment allocation procedure.

... Nazeing has a “core area” set around the crossroads and the shops... Its clearly defined boundaries would not allow any further development, and is surrounded by Green Field Green Belt Land. One of the main exceptions is the Mushroom Farm site. It therefore provides the opportunity to expand this existing residential settlement.

The concerns with these 'Assessment Methodologies' are as follows:

Assessment Methodology 1:

This stated methodology concludes that, because development was agreed at a site in Dobbs Weir and one at Chimes 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 geographic search area of the Sequential Tests;
- The justifications given; and
- Since the Sequential Test undertaken on the Dobbs Weir site was done in May 2013 and on Chimes in March 2015 these are now significantly out of date.

Due to the above it is not considered that the acceptance of these two significantly different schemes elsewhere within the District automatically means that this proposed development should be considered appropriate on this site.

Assessment Methodology 2:

It is agreed that the assessment criteria of the Sequential Test should mirror that which formed the basis of the Local Plan allocations site search there appears to be no justification that the search area identified should be strictly limited to the Nazeing settlement and immediately adjacent land. The Sequential Tests on the quoted 'precedents' in Assessment Methodology 1 covered the

Parish areas of Nazeing and Roydon and a comparable area across the neighbouring Borough of Broxbourne, which is far wider than the test undertaken here.

In addition to the above shortcomings, the assessment criteria to which the Sequential Test has been applied discounts alternative sites if:

- 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, whilst some 33 alternative sites have been identified within the Sequential Test, which appear to all have been sites put forward as part of the Local Plan 'call for sites', in many instances these 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 four dwellings within Flood Zone 1 in a suitable geographic area and as such it is not considered that the application passes the Sequential Test.

Flood risk assessment:

With regards to the submitted FRA, this has been assessed by the Environment Agency and the Council's Land Drainage Section, both of which consider it to be acceptable.

Nonetheless the acceptance of the FRA does not render the application acceptable on flooding grounds since the Sequential Test is under the Council's remit and the EA do not get involved with this process. Therefore the EA have previously 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 regardless of the presence of an appropriate FRA.

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 is such that the proposed dwellings would not be erected on the landfill site and therefore the harm from contamination can be suitably dealt with by way of conditions.

Case put forward in favour of the proposed development:

The submitted Planning Statement states “*whilst it is accepted that new housing development is usually considered to be inappropriate development in Green Belt locations, it is considered that, in this instance, a combination of very special circumstances exist which would outweigh the harm which would occur through inappropriateness. So whilst the previous assessment was generic in relation to Policy, detailed below is a more expansive description of the previous section. It is in this context that the proposals need to be viewed*”.

The arguments thereafter put forward are as follows:

1. *Sustainability*
2. *No five-year land supply*
3. *Openness of the Green Belt*
4. *Adverse commercial use*
5. *New roadway construction*
6. *New community centre*
7. *Community bus service*
8. *Upgrade of nursery road*
9. *Provision of communal amenity space*
10. *Land swap*
11. *Government white paper*
12. *Remediation of landfill land*
13. *Precedent*
14. *Adverse planning use*

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.

Whilst it is not disagreed that the proposed development would provide some benefits in terms of sustainability 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 Governments 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. No five-year 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 1.58 year supply of land for housing purposes (which is a slight increase over the previous figure of 1.35). 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”*.

3. Openness of the Green Belt:

The applicant has highlighted that the proposed reduction in footprint of 2243m² (which does not appear to account for the difference in floor area – including upper storeys in the proposed dwellings), volume of 2484m³ and hardstanding by 2040m².

Whilst it is accepted that the proposed development would reduce the floor area and overall volume on the site 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.

Furthermore the proposed dwellings would result in significantly higher and more visually prominent buildings than those currently on site and therefore any visual benefits to an area would be limited and would not outweigh the in principle harm that would result from inappropriate development within the Green Belt.

4. 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”*.

The current use of this site is a long vacant former mushroom farm that constitutes an agricultural use. 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.

5/8. New road/upgrade of Nursery Road:

The offer of upgrade works to the existing private road does not appear to be supported by the existing residents on Nursery Road and would not provide any particular wider benefit.

Whilst the state of the existing road is somewhat haphazard this is a small private road. The upgrade works are not considered to be necessary on the back of the proposed development however if they are considered to be necessary to accommodate the proposed development this would be required 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'.

6. New community centre:

The applicant proposed to provide a £50,000 financial contribution for the refurbishment/rebuilding of the Community Centre at Bumbles Green. 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 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.

7. Community bus service:

In addition to the above the applicant is also offering to provide £25,000 towards a Community Bus Service in Nazeing. As with the above offer the size of the proposed development does not justify the need for this bus service and therefore, whilst the contribution can be accepted should the application be granted consent, it cannot be viewed as a material planning consideration in favour of the development.

9/12. Provision of communal amenity space/remediation of landfill site:

The applicant is proposing to provide a communal amenity space 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 amenity space. Furthermore, given the proximity of the publicly accessible Lea Valley Regional Park land and since the dwellings in Nursery Road all benefit from private amenity space it is not considered that there is any identified need for the proposed 'communal amenity space'.

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 it's currently use. Therefore any remediation of this land would be necessary to facilitate the proposed 'communal amenity space' 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.

10. 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.

11. Government White Paper:

The applicant states that "*the Government White Paper promotes 'small sites' for residential development for housing*". At present the White Paper is simply a consultation document which would need to be followed by legislation in order to instigate change.

Whilst the White Paper shows a 'direction of travel' no weight can be attached to this until clear guidance has been provided by the government in the form of an updated NPPF.

13. Precedent:

The applicant refers 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 pre-dates 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.

14. Adverse planning use:

The applicant states that "*an alternative use on the site for a Telecom Mast represents a use that can be achieved without a planning consent that would not be compatible with its location as a residential area in the LVRP*".

It is unclear how this stated 'fallback position' has any bearing on the proposed development. The erection of houses on this site would not alter the ability to erect a telecommunications mast under permitted development and, regardless of this, any such mast would not be comparable to this proposed development. Whilst the erection of a telecommunications mast would undoubtedly have some visual impact on the surrounding area such impact would be limited due to the slim nature and restrictions on such permitted development and such masts are wholly compatible, and very often installed, within residential areas. As such this matter is given extremely limited weight.

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 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 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 positioning of the properties it is not considered that the development would cause any significant detrimental impact on neighbouring residents.

Design:

Notwithstanding the above concerns about the overall impact on openness and the appropriateness of such large scale dwellings on this agricultural site, the design of the properties in isolation are acceptable and would not be out of character with the varied properties within Nursery Road.

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 agricultural use of the site. Therefore this development would not be detrimental in terms of traffic movements or highway safety.

Land drainage:

The applicant is proposing to dispose of surface water via sustainable drainage system/soakaway however the geology of the area is predominantly clay and therefore infiltration drainage may not be suitable for the site. Therefore further details will be required for this.

Ecological impacts:

Subject to relevant 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, as has been concluded in previous applications, 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 additional housing would assist in meeting the need. Whilst this factor weighs in favour of the development it is not an overriding factor that would 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, 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.

Is there a way forward?

As previously stated, 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: 01992564228

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 4



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1957/17
Site Name:	52 Barnard Acres, Nazeing, EN9 2LZ
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1957/17
SITE ADDRESS:	52 Barnard Acres Nazeing Essex EN9 2LZ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr & Mrs S & T Young
DESCRIPTION OF PROPOSAL:	Proposed two storey side extension
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=597394

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Site:

The site is a two storey end of terrace single dwelling house found on the Eastern side of Barnard Acres. There are no listed buildings on the site and it is not within a Conservation Area. The site is not located within the Metropolitan Green Belt.

Description of Proposal:

Proposed two storey side extension.

Relevant Site History:

No relevant site history

Policies Applied:

Adopted Local Plan:

CP2 – Protecting the Quality of the Rural and Built Environment
CP7 – Urban Form and Quality
DBE9 – Impact on Amenity
DBE10 – Design of Residential Extensions
ST6 – Vehicle Parking

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

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 – Quality of Design

Summary of Representation:

No. of Neighbours Consulted: 7, no comments received.

NAZEING PARISH COUNCIL: Objection on the following grounds:

- i) Contrary to Policy CP7 (over-development and loss of amenity for neighbouring properties).
- ii) The Council requests that Policy ST6 is considered, as there are concerns that the site will not provide sufficient on-site parking after the building extension has been completed. Consequently, cars will be parked on the highway and it is believed that this will impact access for emergency services and refuse services.

Main Issues and Considerations:

The issues to consider for this application are as follows:

Design
Impact on the Living Conditions of Neighbours
Vehicle Parking

Design

The proposed two storey extension would be constructed following the demolition of the existing garage and would include a gable roof matching the existing dwelling house, with a pitch roof constructed into the rear elevation above the first floor window. A rooflight will be inserted into the roof of the rear elevation. The proposed extension would be scaled so that it is subservient to the existing dwelling and thus it is considered that the design of the scheme would be favourable.

Impact on Living Conditions

The proposed extension would be 3.76 metres in width, 6 metres in height and 5.2 metres in depth. The extension would be alongside the boundary with 54 Barnard Acres and 4.5 metres from 54 Barnard Acres.

Despite the objection made by Nazeing Parish Council, it is considered that there would not be excessive harm caused to the loss of amenity of neighbouring properties. The proposal would only realistically cause harm to 54 Barnard Acres and, due to the 4.5 metre distance between the extension and the adjacent dwelling house and that the siting of the extension would be perpendicular to 54 Barnard Acres, there would not be excessive harm caused to neighbouring properties.

As no side windows will be included as part of this scheme, there would not be excessive harm caused to neighbouring properties in relation to overlooking.

Vehicle Parking:

Nazeing Parish Council also objected to the application with concerns that there would not be sufficient parking on the site following the construction of the extension. It is worth noting that a garage will be included as part of the application and there would be enough room on the site for 2 off-street parking spaces following a site visit, it is considered that the proposal would comply with Policy ST6.

Conclusion:

As the design is favourable and the proposal would not cause excessive harm on the living conditions of neighbouring properties, it is recommended that the application is granted planning permission subject to conditions.

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

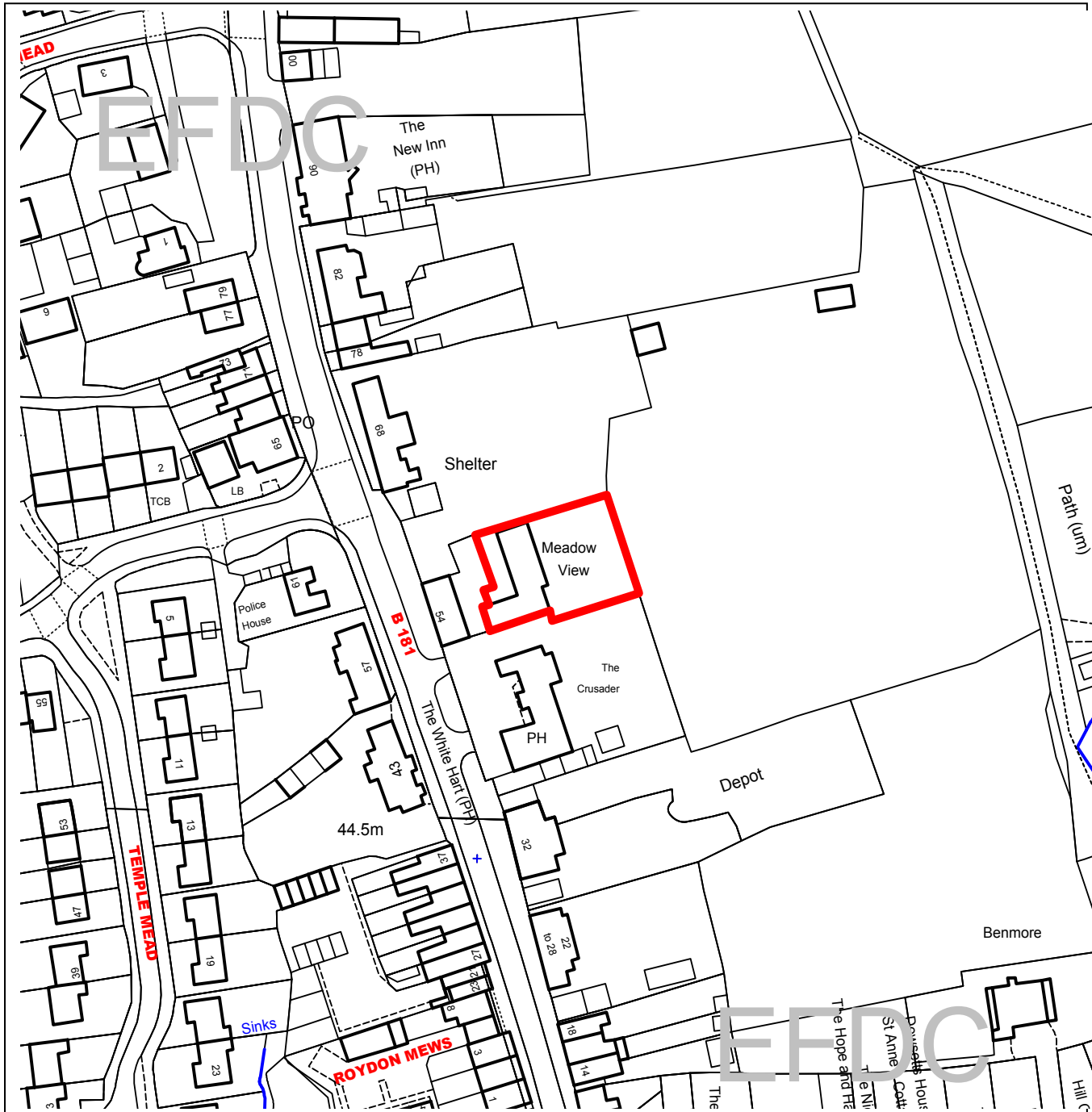
Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462

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



Epping Forest District Council

Agenda Item Number 5



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/2183/17
Site Name:	Meadow View, High Street, Roydon
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2183/17
SITE ADDRESS:	Meadow View High Street Roydon Harlow Essex CM19 5EA
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr David Lawson
DESCRIPTION OF PROPOSAL:	Insert of roof windows to residential property
RECOMMENDED DECISION:	Refuse Permission (Householder)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=598333

CONDITIONS

- 1 By reason of their size, detailed design and poor positioning in the roof slope, the proposed dormer windows fail to respect the character and appearance of the existing building and will introduce an incongruous and detrimental feature into the Conservation Area. As the proposal fails to preserve or enhance the character and appearance of the Conservation Area, it is contrary to policies HC6 and HC7 of the Adopted Local Plan and with the objectives of the National Planning Policy Framework

This application is before this Committee since it has been 'called in' by Councillor Sartin (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 just off the High Street within the settlement of Roydon. Currently on the site is a single dwelling house situated within a relatively small plot, whose southern elevation is visible from public viewpoints from the High Street. This elevation backs onto the side elevation of the Crusader Public House which is located to the south. To the north of the site is a Grade II Listed building which has a large open garden area. The application site is not located within the boundaries of the Metropolitan Green Belt and it is within a Conservation Area.

Description of proposal

The proposed development is to construct dormer windows onto the dwelling.

Relevant History

EPF/0685/17 – Insertion of dormer windows - Refused

Policies Applied

DBE9 – Living conditions of neighbours

DBE10 – Residential Extensions

CP2 - Protecting the Quality of the Rural and Built Environment

HC6 – Character, appearance and setting of Conservation Areas

HC7 – Development within Conservation Areas

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

Consultation carried out and summary of representations received

5 Neighbours consulted – no comments received

ROYDON PARISH COUNCIL – No comment - unable to comment due to ineligible plans.

Issues and considerations

The main issues to consider are the potential impacts on the living conditions of the neighbours and the potential harm to the character and appearance of the Conservation Area.

Living conditions of neighbours

The two east facing dormers do not face towards any residential properties and will not cause any overlooking, the north facing dormer will serve a bathroom and can be obscured glazed by condition, so there is no loss of privacy to any neighbour, nor will there be any loss of light as a result of the development.

Conservation issues

Meadow View is a modern dwelling located within the South Roydon Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character of the area and to comply with Policies HC6 and HC7 of the Epping Forest Local Plan and Alterations (1998-2006). Recessed from the High Street and located behind no.54 High Street, the property is not particularly visible from the High Street, however, bounded to the east by open lands (which probably explains why the property is called "Meadow View"), the rear of the property is extremely visible when viewed from the public foot path to the east.

As mentioned above, the dwelling stands within the South Roydon Conservation Area but no regard seems to have been given to the impact of the development on the conservation area. Para.128 of the NPPF states that applicants are required to describe the significance of any heritage assets affected and how the proposal will impact on that significance.

The submission of an adequate Heritage Statement is required not only to identify the significance of the heritage asset (the conservation area) and the impact of the development upon it, but also to inform the proposed design, i.e. how the dormer windows should be designed to respect to preserve the appearance the conservation area and important views.

In terms of the planning history of the site, planning application (EPF/0685/17) was refused in July 2017 for a similar proposal where to the principle of the installation of dormer windows was deemed acceptable but where it was considered that, due to their proposed location, scale and design, they will cause harm to the appearance of the conservation area.

In September 2017 an appeal (APP/J1535/D/17/3178600) was dismissed on a similar planning application for dormer windows on nearby Harlow Road (PL/EPF/0342/17). Within the appeal decision the inspector concluded that:

The proposed flat roofed rear dormer would be larger in size than the side dormer and would also be level with the roof ridge. As a result, it would not be subservient to the roof and would not sit comfortably within its plane. The significant adverse effect that this would have on the character and appearance of the appeal property and setting of Dowsetts House would be evident in views from the rear garden of these properties. Whilst these are private views, this would not diminish the harm that would occur. (Underlined for officer emphasis)

Officers consider that the dormer window and associated roof lights proposed to be installed to the front (west elevation) are perfectly acceptable, it is considered that the two dormer windows proposed to be installed to the rear (east elevation) will, despite their revisions from the previous scheme, cause harm to the appearance of the conservation area.

Although some of the guidance contained as part of the Councils comments dated from the 10th July 2017 has been considered by the applicant - dormer windows are now better aligned to the lower windows, they are not featuring any solid face and are slightly detached from the ridge – the concerns raised previously regarding their scale, position and design have not been overcome.

The dormer windows are still too close to the ridge, their scale and “boxy” design fail to make them subordinate to the roof and finally, the close proximity of one of the proposed dormer window with the chimney stack gives to the roof slope a cramped appearance. Far too visually intrusive, the rear dormer windows will damage the appearance of the conservation area, especially when viewed from the east.

Within the Conservation Area dormer windows should instead be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof. The design of the dormer windows should be in keeping with the original dwelling and relate to the windows of the house in proportion, detailing and position. The position of the dormer should take into account the composition of the window immediately below it on the elevation; it should be line up with and be no wider. As a result the window of the dormer should be narrower than the window on the main building. This ensures that the dormer is appropriate to the host building, and serves to reinforce the composition, rhythm and uniformity of the elevation. The detailed design and proportions of the dormer should also relate to the windows of the original house. Except for the window frame and cheeks, there should not be any solid face.

In support of this application other dormer windows in the area have been referred to by the applicant and that these should give weight to an approval of this application. However unlike those proposed within this application, these examples were set down from the ridge of the roof and were considered to be subordinate to the roof slope.

The applicant presents Lynfield as an example of where the Council has allowed dormer windows in the roof of a dwelling which are close to the ridge, however this is not within the Conservation

Area and is therefore not subject to as rigorous design critique as this building should. In the case of no.54 High Street, the rear of the property is utterly secluded and in any event those dormers in that particular application were not set close to the ridge of the existing building. Rather than undermining officers view that this proposal will cause harm to the character and appearance of the Conservation area, it has actually served to reinforce it.

Indeed each site is to be assessed on its own merits and even if other development within the Conservation Area had caused harm to its character and appearance, this would not justify harming this character further and it has been identified that these dormer windows will cause substantial harm to the Conservation Area.

The proposal is therefore contrary to policies HC6, HC7 and DBE10 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

Conclusion

The proposed dormer windows on the east elevation fail to preserve or enhance the character and appearance of the Conservation Area and are therefore contrary to policies HC6, HC7 and DBE10 of the Adopted Local Plan and with the objectives of the National Planning Policy Framework. The proposal is therefore recommended for refusal.

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)