

AREA PLANS SUB-COMMITTEE 'WEST'

17 October 2018

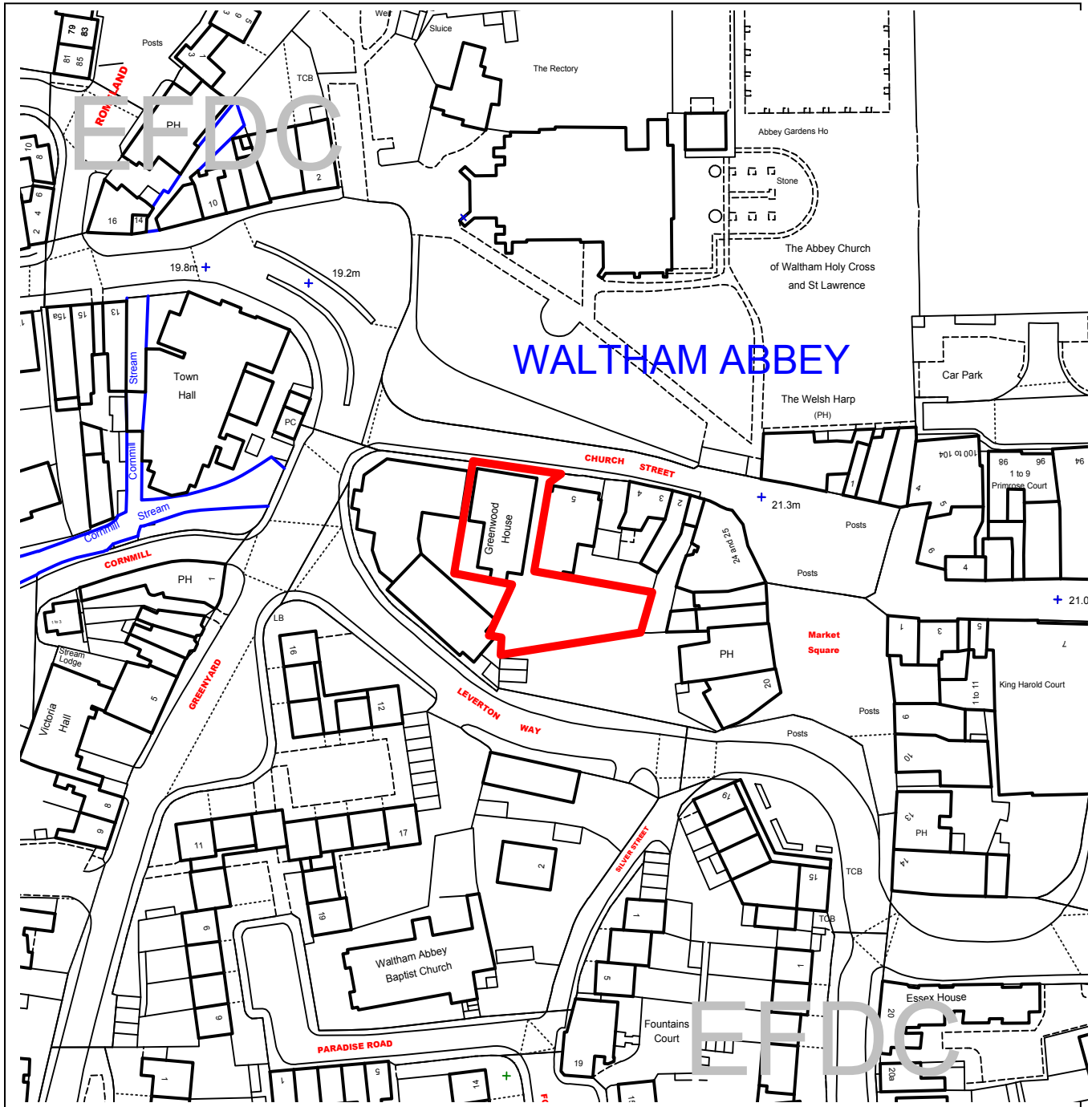
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/0174/18
Site Name:	6 Church Street Waltham Abbey EN9 1DX
Scale of Plot:	1:1250

Report Item No: 1

APPLICATION No:	EPF/0741/18
SITE ADDRESS:	6 Church Street Waltham Abbey Essex EN9 1DX
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Theedam
DESCRIPTION OF PROPOSAL:	Proposed conversion of office building B1 to 12 residential apartments C3 and installation of 8 x velux windows in the roof slopes.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=607019

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: 17047/12, 17047/14A, 17047/15A
- 3 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 4 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 5 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 6 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

- 7 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.
- 8 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 9 Prior to first occupation of the development, a scheme detailing the provision of bin and cycle storage to the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site consists of a detached block of offices. The building is three storeys in height. The application site is currently used as office space across all three storeys. A courtyard parking area is located to the rear of the building, with access from Church Street.

The site is located within the town centre of Waltham Abbey and falls within the Waltham Abbey Conservation Area. To the north of the site is the Waltham Abbey Church. The exterior of the building has remained relatively unchanged, apart from the addition of Velux type roof windows within the roof slope, since its construction in the 1980s.

Description of Proposal:

The current application builds on a previous submission for a Prior Notification under the Town and Country Planning (General Permitted Development) (England) Order 2015, for change of use from an office to 12 no. flats one and two-bedroom apartments (5 no. one bedroom and 7 no. 2 bedroom), with 12 associated parking spaces. During the course of the permitted conversion an application has been lodged to add a mezzanine level in the top floor apartments in order to make larger the approved floorplans of EPF/0542/17. This application sees no external changes apart from the addition of rooflights.

Access to the site is as existing. One parking space is provided for each flat (12 in total). The bin store measures 4 deep by 5m wide. The proposed development would also provide a communal gym within the existing basement of the building.

The schedule of accommodation is as follows:

Flat no.	Bedrooms	Floor area
1	1	40m ²
2	2	50m ²
3	1	35m ²
4	1	36m ²
5	1	36.7m ²
6	1	35m ²
7	2	53m ²
8	2	52m ²
9	2	69m ²
10	2	70m ²
11	2	78m ²
12	2	73m ²

Relevant History:

EPF/0213/78 - Demolition of existing building and construction of new office block. – Granted

EPF/0542/17 - Prior notification application for change of use from Office (B1) to Residential (C3).
– Prior Approval Not Required

Policies Applied:

Adopted Local Plan:

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP3	New development
CP7	Urban Form and Quality
CP9	Sustainable Transport
GB16	Affordable Housing
HC6	Character, appearance and setting of Conservation Areas
HC12	Development affecting the setting of Listed Buildings
NC4	Protection of established habitat
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Threshold for Affordable Housing
H7A	Levels of Affordable Housing
H9A	Lifetime Homes
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL7	Planting, protection and care of trees
LL10	Adequacy of provision for landscape retention

LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking
I1A	Planning Obligations
NC1	SPA's, SAC's and SSSI's

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF. The plan has now been submitted to the Planning Inspectorate.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

The following policies are relevant:

SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP4	Place Shaping
SP6	Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable Housing
T1	Sustainable Transport Choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Landscape character and ancient landscapes
DM5	Green infrastructure: Design of development

DM6	Designated and undesignated open space
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable drainage systems
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality
D1	Delivery of infrastructure

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 10 and site notice erected.
Responses received: NO OBJECTIONS RECEIVED

PARISH COUNCIL: NO OBJECTION - Concerns were raised by the committee on how the waste collectors will access the waste storage area.

EFDC WASTE MANAGEMENT – NO OBJECTION – subject to storage meeting space requirements

CONSERVATION - The conversion of the building from offices to flats does not raise concerns, however the associated installation of rooflights does. Although the six rooflights installed to the rear and sides are considered acceptable, the two front ones are quite visible and draw attention on the building, which because of its appearance does not contribute positively to the character and appearance of the conservation area and the setting of the church. I would prefer to see these roof lights installed above, on the flat roof, to make them invisible. However, it is not considered that these elements would form the basis of a recommendation for refusal.

HOUSING – NO OBJECTION - subject to a contribution of £20,000 towards off site affordable housing provision via an S106 agreement.

ESSEX COUNTY COUNCIL HIGHWAYS - From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Main Issues and Considerations:

Principle of development

The principle of the development has been established through the grant of a prior approval for the change of use from Office to Residential use, the current application only sees changes to the approved floor plan of the development and offers greater contributions than the previous development.

Design and amenity issues

The proposal is similar in layout to the approved 2017 application, albeit with larger, improved floor areas for each apartment. A majority of the apartments within the scheme meet or exceed the nationally prescribed space standards for new dwellings, required by policy DBE10 of the Local Plan Submission Version 2017. Whilst some of the units remain below this standard, they are an

improvement on the space offered by the previous consent for conversion from office to residential at the site and officers do not consider that this would justify refusal of the application.

Due to the proposals location within the conservation area and the existing design of the property and its sensitive location within the Waltham Abbey conservation area, it has not been possible to provide private amenity space to each apartment, however, alternative facilities, such as a communal gym area, have been provided in order to mitigate against any possible harm caused to future occupiers of the dwellings.

The neighbouring office block, Conquest House, also has an extant consent for conversion to a residential. It is not considered that the proposal would cause any significant harm to neighbouring amenity or the amenities of future occupiers.

Heritage and conservation

The site stands within the Waltham Abbey Conservation Area and within the setting of several listed buildings located directly opposite and adjacent to the site. The impact the current application scheme will have on their settings should therefore be carefully considered.

Heritage assets are of special interest and considerable importance and weight is attached to the importance of enhancing and conserving the character, appearance and function of them. The setting of a listed building is often an essential feature of its character. In addition, the significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting – the surrounding in which it is experienced.

In this case and due to their location, the listed buildings are, if not historically, spatially and visually linked to the proposal site.

It has not been possible to relocate the rooflights to the flat area of the roof without harming the amenity and outlook of future occupiers of the dwelling. Due to the limited number of windows and their limited scale, it is not considered that cause any harm to the appearance of the building and the proposal when viewed in its entirety will preserve the appearance and character of the existing building, it is considered that the proposal would preserve the character of the conservation area and would cause no harm to the setting of the nearby listed buildings.

Affordable housing

The policy position on the provision of affordable housing is clear in that the development exceeds the threshold at which an affordable housing contribution is required to be made. Under the provisions of the Local Plan Submission Version (2017), such a contribution would equate to 40% of the development.

An off-site contribution of £20000 has been agreed for this site, housing officers accept that off-site provision is appropriate in light of the circumstances surrounding the development, with the Council's consultants, Kift Consulting Ltd (KCL) agreeing to the developer's return at an industry standard of 17.5% of GDV and this is an acceptable approach.

Highways and traffic

The scheme proposes one space per dwelling in the flatted development. This level of provision is ample for the residential element.

The access on to Church Street would remain unchanged from the existing. The Highway Authority have made no objections to the scheme.

Epping Forest Special Area of Conservation

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from local air quality issues within and adjacent to the SAC. The site lies within the 6.2km zone identified by Natural England within which new development is likely to particularly impact on the SAC. The Council is continuing to develop with partners a strategy for the management and monitoring of visitor pressures on the SAC, and to monitor air quality. This will include measures to be funded through the securing of financial contributions from new development in accordance with the relevant policies above. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a s106 agreement to provide the appropriate contributions if required.

Other matters

The details of boundary treatment and the bin/cycle store can be controlled by condition.

Conclusion:

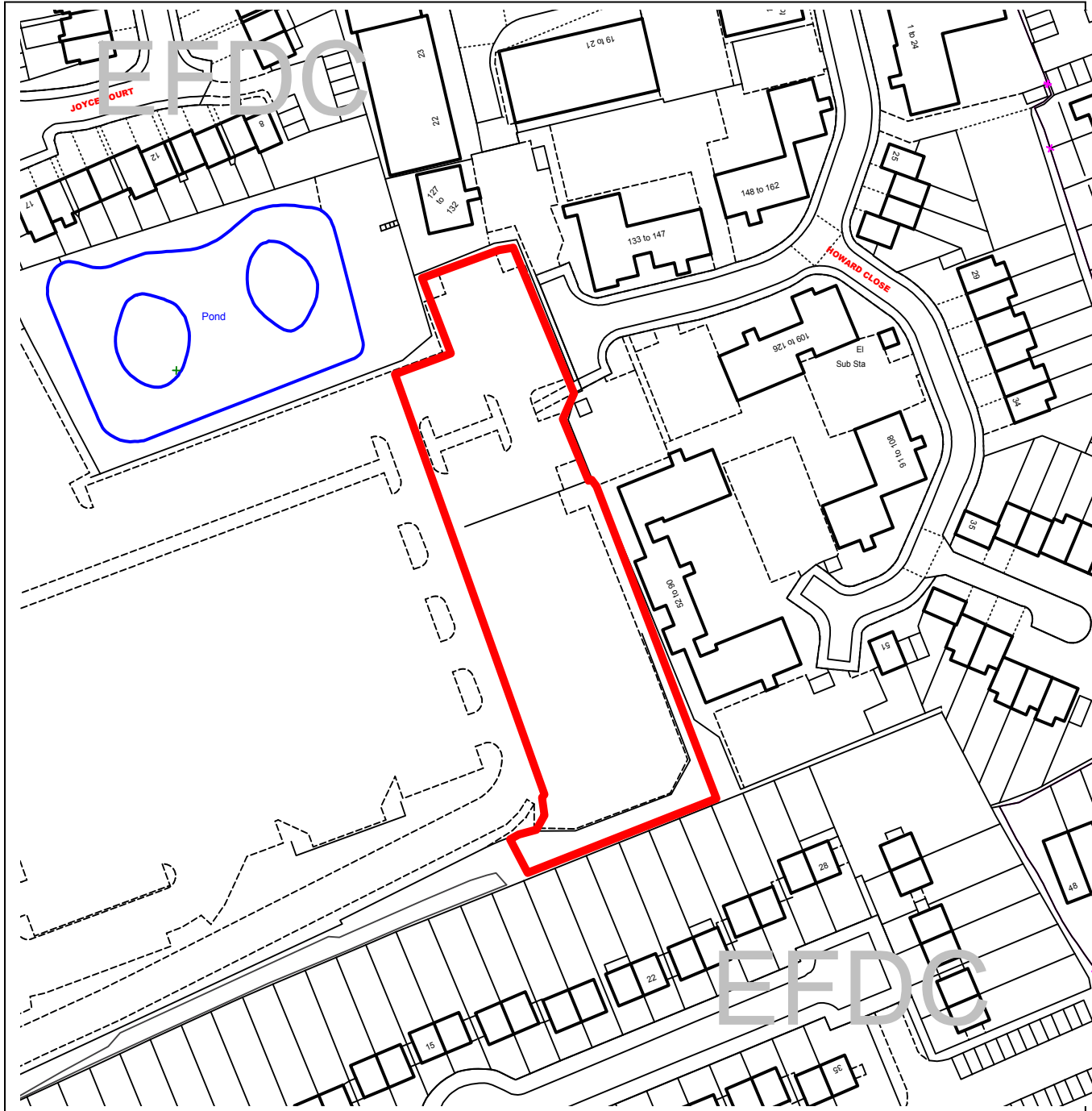
In light of the above appraisal, it is considered that subject to the imposition of the planning conditions suggested and subject to a Section 106 obligation in regard to the Epping Forest SAC and an affordable housing contribution, the new development would preserve the character and appearance of the conservation area. The scheme has an appropriate design and provides a good quality of accommodation and Officers are satisfied that the proposal would deliver an appropriate contribution towards affordable housing.

It is, therefore, considered that the proposed development would constitute an acceptable form of development. All other relevant policies and considerations, including equalities have been taken into account. Consequently, the proposed development is recommended for approval.



Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/0937/18
Site Name:	Tesco Stores Limited Sewardstone Road EN9 1NP
Scale of Plot:	1:1250

Report Item No: 2

APPLICATION No:	EPF/0937/18
SITE ADDRESS:	Tesco Stores Limited Sewardstone Road Waltham Abbey Essex EN9 1NP
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	McCarthy & Stone
DESCRIPTION OF PROPOSAL:	Erection of 52 'Retirement Living' (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=607793

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: 17911-P011A, 17911-P012A, 17911-P014B, 17911-P015C, 17911-P016B, 17911-P017A, 17911-P018A, 17911-P019A, 17911-P020A, 17911-P021A, 9979-KC-XX-YTREE-TCP01Rev0, 9979-KC-XX-YTREE-TCP02Rev0, MCS21388-12A Sheet 1, MCS21388-12A Sheet 2
- 3 The development hereby permitted shall only be occupied by persons aged 60 years or over or, in the case of couples living together as a single household, where one occupier is aged 60 or over and the other occupier is aged 55 or over.
- 4 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.
- 5 Prior to first occupation of the development hereby approved, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 7 All trees, shrubs and/or hedges shown to be retained as shown on drawing numbers MCS21388-12A Sheets 1 and 2 and shall be protected in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations), as shown on drawing number 9979-KC-XX-YTREE-TCP02Rev0. Should any tree, shrub or hedge shown to be retained be removed, uprooted or destroyed, 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.
- 8 The hard and soft landscape works (including tree planting) as shown on drawing numbers MCS21388-12A Sheets 1 and 2 shall be carried out as approved prior to first occupation of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 10 No preliminary ground works shall take place until 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.
- 11 No below ground works shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 12 Should Land Contamination Remediation Works be identified as necessary under the above condition, a detailed remediation scheme to bring the site to a condition suitable for the intended shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation. [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 13 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 15 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.
- 16 The removal/disturbance of any potentially suitable bird breeding habitat shall not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

- 17 Prior to occupation of the development, a biodiversity enhancement plan including bird and bat boxes, native planting of trees, shrubs and wildflowers shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be undertaken on the site.
- 18 All lighting on site during and post-construction shall follow the Bat Conservation Trust Guidance regarding the impact of lighting on bats.
- 19 The construction of the development hereby approved shall be carried out in such a manner that dust created as a result is kept to a minimum and does not leave the site boundary.
- 20 Prior to first occupation of the development hereby approved 1 Electric Vehicle Charging Point for every 10 spaces shall be installed and retained thereafter for use by the occupants of the site.
- 21 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

And the completion by the 21st December 2018 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement to secure a financial contribution of £468,335 towards mitigating the impact of the development on healthcare services, affordable housing and for the management and monitoring of visitors to the Epping Forest Special Area of Conservation. In the event that the developer/applicant fails to complete a Legal Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing and due to potential harm to the Epping Forest Special Area of Conservation.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council), since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)), and since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site consists of part of the existing car park for the Tesco Superstore. The section of car park proposed for redevelopment is that to the east of the site (the rear most part of the car park) and consists of a secure staff car park, which also contains a small car rental pod, and the very north eastern section of the public car park. The car park areas currently cater for 49 public spaces and 63 staff spaces.

This part of the site immediately adjoins residential flats within Howard Close to the north and east, the rear gardens of dwelling houses in Denny Avenue to the south, and the remaining Tesco car park to the west.

The site is located within the urban area of Waltham Abbey within the designated town centre boundary. As part of the original planning consent to erect the Tesco Store and adjacent Health Centre a block of flats was permitted within this part of the site, however this element of the scheme was never undertaken and has since been superseded by other consents.

Description of Proposal

Consent is being sought for the erection of a block of 52 'retirement living' apartments for the elderly with associated communal facilities, car parking and landscaping.

The proposed new apartment block would be 70m in length to a maximum width of 25m (although the majority of the building would approximately 17.6m in width). It would be four storeys in height with a flat roof reaching a height of 12.2m (with the areas containing the lift shafts extending to 12.7m).

The development would be served by a car park containing 33 spaces (including 3 disabled spaces) and communal amenity space for future residents to the rear (east) and side (north) of the new building. The existing footpath running through the site between Howard Close and the Tesco car park would be realigned to run along the northern boundary of the site.

Relevant History:

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

RES/EPF/1630/03 - Approval of Reserved Matters and details (following April 2002 outline consent) for the erection of a retail store (Tesco) with 458 car spaces, petrol filling station, and 24 flats in 3 four storey blocks. Details include siting, design and external appearance of the buildings and landscaping – approved/conditions 07/01/04

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

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

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

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

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

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

EPF/0605/17 - Installation of Car Service Unit with change of use from Car Park of Class 1 Retail Premises (Revised application to EPF/2036/16) – refused 22/05/17

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

CP5 – Sustainable building
CP6 – Achieving sustainable urban development patterns
CP8 – Sustainable economic development
CP9 – Sustainable transport
H2A – Previously developed land
H3A – Housing density
H5A – Provision for affordable housing
H6A – Site thresholds for affordable housing
H7A – Levels of affordable housing
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Provision for landscape retention
LL11 – Landscaping schemes
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood risk assessment zones
U3A – Catchment effects
RP3 – Water quality
RP4 – Contaminated land

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Presumption in Favour of Sustainable Development
H 1 - Housing Mix and Accommodation Types
H2 - Affordable housing
E 1 - Employment Sites

T 1 - Sustainable Transport Choices
DM 1 - Habitat Protection and Improving Biodiversity
DM 2 - Epping Forest SAC and the Lee Valley SPA
DM 3 - Landscape Character, Ancient Landscapes and Geodiversity
DM 9 - High Quality Design
DM 10 - Housing Design and Quality
DM 11 - Waste Recycling Facilities on New Development
DM15 - Managing and reducing flood risk
DM 18 - On Site Management of Waste Water and Water Supply
DM 19 - Sustainable Water Use
DM 21 - Local Environmental Impacts, Pollution and Land Contamination
DM 22 - Air Quality

Summary of Representations:

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

PARISH COUNCIL – Object. The Committee suggested that the proposed four storey development is too high and encroaches on neighbouring properties and is out of keeping with the surrounding area.

78 HOWARD CLOSE – Object due to disruption during construction, loss of outlook, privacy and light, since the development is out of character with existing housing, noise nuisance, the loss of the car park that is used for dog walking, and due to safety concerns about the realigned footpath.

5 DENNY AVENUE – Object since the area does not have the necessary infrastructure to support the development, the proposal is out of character with the area, there is insufficient health services for the area, this is an overdevelopment of the site, will impact on neighbours privacy and light, proposes insufficient parking, due to noise and light nuisance, due to pollution and flooding concerns, the building would be overbearing, and there would be road safety problems and an adverse effect on the footpath. Other matters regarding the historic conduct of Tesco's and outstanding concerns with existing conditions have also been raised, however these are not material to this proposal.

87 HOWARD CLOSE – Comment that building here would be noisy for future residents and the construction work will cause disturbance to neighbouring residents.

52 HOWARD CLOSE – Object due to the loss of light.

92 HOWARD CLOSE – Object as what is needed is more affordable housing not homes for the elderly.

14 JOYCE COURT – Object regarding overlooking and since the outlook for future residents will be poor (overlooking Tesco car park).

7 WINDMILL CLOSE – Object due to the lack of parking for the proposal.

Issues and Considerations:

Principle of development:

This application site is currently part of an existing car park serving Tesco superstore. The majority of this car park is for secure staff parking, although it appears in reality that this staff car park is little used and often left empty. There is also a car rental business running from this part of the site within a small 'pod building'.

When the larger site was originally granted consent in 2002 for redevelopment into the Tesco Superstore and Health Centre this planning permission included the erection of residential flats in the south eastern corner. The reserved matters application approved in 2004 permitted a four storey (plus roof space) linear block of 24 flats (three blocks of 8 flats), however this element of the scheme was never implemented and instead the parcel of land was utilised for additional car parking. Nonetheless it was previously considered acceptable to erect residential flats within this corner of the site.

Waltham Abbey is an urban, heavily built-up town that is, in principle, acceptable for additional residential development. Whilst not the most sustainable built up area within the District there are sustainable transport modes available (bus), Waltham Abbey is within walking distance of Waltham Cross overground station, and the town centre caters for many of the residents day to day needs.

The Council has submitted the Epping Forest District Local Plan (Submission Version) 2017 (SVLP) for Independent Examination and this identifies a number of sites for C3 residential development. This application site is not designated as an allocated site within the SVLP and therefore would be considered a 'windfall site'.

There is much debate over the use class of developments such as this with applicants often suggesting that they fall within use class C2, whereby Councils/Planning Inspectors predominantly concluding that they meet the definition of C3 use. The applicant in this case has specified that the proposal is for Category II Sheltered Housing. Category II schemes are defined as 'comprising flats under one roof, where there must be communal facilities, resident wardens and lifts'. These types of dwelling are intended to provide housing for more dependent elderly people. The applicant does not appear to be putting any case forward to suggest that the proposal is not a C3 use and have agreed to pay a financial contribution towards affordable housing requirements.

Since the application site is not designated for any particular use within the SVLP, and there is a recognised need for both C2 and C3 developments (see below), the categorisation of the use of the development makes little difference in terms of the principle of the development on this site. In either case it would assist the Council in meeting an identified need for accommodation and such matters weigh in favour of the development.

Provision of specialist accommodation:

The Planning Statement submitted with this application provides justification for the general and locational need for the proposed development. The summary of these matters are as follows:

National Need for Older Persons Housing:

- *Government recognises dramatic increase in the older population in the next 20 years*
- *National Planning Guidance identifies the need to provide housing for older people as 'critical'*
- *National Planning Policy Framework requires Local Planning Authorities to plan their housing supply based on current and future trends including meeting the needs of different groups in the community such as older people*
- *Current levels of private sector older persons housing only makes up 2% of the total number of homes for those aged 65 and over*
- *Specialist older persons' accommodation assists in recycling the local housing market by releasing family homes back on to the market*
- *Specialist older persons' accommodation has economic benefits to the local economy with residents utilising local shops for their everyday needs.*

- *Specialist older persons' accommodation has social benefits in respect to allowing older people to continue to live within their own community and health and welfare benefits of living in accommodation designed for their needs thus reducing risk of injury or mobility issues*
- *Specialist older persons' accommodation has environmental benefits in respect to energy bills and reduced transport costs.*

Local Need for Older Persons Accommodation:

- *The 'What Homes Where' toolkit shows that the proportion of the population aged over 60 will increase from 23.4% to 28.5% between 2008 and 2033. This is a significant increase in demand.*
- *Most of older persons are currently own their home so would be likely to want to purchase a property which will free up their existing house.*

The Council accept that there is a need within the District to provide for older persons accommodation and the SVLP encourages improving housing standards to enable older people to remain more independent and to reduce the need for residential care facilities (C2 use). As such the need for facilities such as this is accepted and the provision of such on previously developed sites within built-up areas, outside of the designated Green Belt, should be encouraged.

Affordable Housing:

Legal advice has previously been sought on the definition of 'New Housing Development', in particular around proposals for 'housing with care' (Care Homes) falling under Class C2, and whether these types of development are liable to provide affordable housing in accordance with Policy H 2.

As stated above, it is often unclear as to whether developments such as this fall within Use Class C2 or C3, however the SVLP defines New Housing Development as:

*"Proposals for all forms of residential development comprising self-contained accommodation, providing the facilities required for day-to-day private domestic existence. This includes but is not limited to dwellings, housing for older people, **housing with care**, supported housing and other forms of specialist accommodation. It does not include traveller site development (Policy H 4), community-led housing, or houses in multiple occupation".*

Therefore, irrespective of the use class of the proposal, this development engages Policy H 2 with regards to affordable housing requirements.

The applicants submitted a viability assessment that was independently assessed and negotiated and it has been agreed that a financial contribution of £468,335 will be made. Whilst part of this would be required as a contribution towards mitigating any potential harm to the Epping Forest Special Area of Conservation (see below), the remaining contribution would be used towards off-site affordable housing. As such the proposal satisfies its requirements regarding affordable housing provision.

Loss of employment:

The proposed redevelopment of this site would involve the loss of a small car rental business situated within the 'staff car park'. Whilst policy E 1 of the Submission Version of the Local Plan seeks to protect existing employment land this pod is a very small business that has minor benefits in terms of employment provision and the employment opportunities provided by this existing business would be balanced out by the additional employment opportunities that would result from

the proposed development. Furthermore this employment pod could be easily relocated elsewhere within the Tesco car park.

As such the proposal would not result in any significant or detrimental loss of employment.

Design:

The site is situated to the rear of the existing Tesco Superstore car park and shares a boundary with three storey flats on Howard Close and two storey houses on Denny Avenue. The prominent building within this area is the Tesco store, which is a fairly standard designed large-scale retail store.

The proposed development is more contemporary in design in order to reflect the existing supermarket building and to reduce the overall bulk and impact of the proposal. The design seeks to emulate aspects of the existing flats on Howard Close and would respect the traditional nature of the surrounding houses through the choice of materials and detailing.

The building would be stepped away from the site boundaries to enable planting/screening to be retained/installed, which would help to soften the impact of the proposal.

Neighbouring amenity:

Planning consent was originally granted for the erection of a linear block of 24 flats on the application site as part of the original redevelopment of the wider site. The approved flats, which were never implemented, were to be approximately 61m in length and four storeys in height with an additional shallow pitched roof above this reaching a ridge height of 13.6m above ground level (with a stepped roof to address a change in level).

The proposed development would also be a linear development of four storeys in height and would be located slightly further north than the previously approved flats. Whilst the overall length of the proposed building would be greater than the previously approved development (by some 9m), due to the flat roofed design of the proposal this development would be 1.4m lower than the previously approved building and would not require any step in the roof. Furthermore the relocation of the building would result in the new development being situated significantly further away from the rear boundaries of the dwellings on Denny Avenue (over 35m) and opposite fewer flats within Howard Close than the previously approved flats.

Since the new building would be over 35m from the shared boundaries with the properties in Denny Avenue and over 11m from the flats in Howard Close, which have non-habitable/secondary windows facing the application site, it is not considered that there would be any significant visual impact or loss of privacy to the surrounding neighbours as a result of the new building.

Matters of loss of light have been raised, and were previously raised at the applicant's public consultation event, and as such a Daylight and Sunlight Report has been submitted. The submitted Planning Statement summarises the findings as follows:

10.2.4 The report demonstrated that the following surrounding residential properties are compliant with the BRE Guidelines for daylight and sunlight with the proposal in place and hence accordant with planning policy on daylight and sunlight:

- 127-132 Howard Close
- 133-147 Howard Close
- 109-126 Howard Close
- 21-22 Denny Avenue
- 23-24 Denny Avenue
- 25-26 Denny Avenue

- 10.2.5 *Regarding 52-90 Howard Close the report found in daylight terms, 21 out of the 24 habitable rooms that have windows facing the development site meet the BRE Guidelines for Vertical Sky Component (VSC). Two of the rooms which do not meet, on the ground floor which both serve kitchens, retain 79% and 72% of their existing levels of VSC respectively in the proposed situation. Both of these rooms also retain 100% of their existing levels of daylight distribution. Considering that they retain close to 80% of their existing VSC levels and retain 100% daylight distribution these two rooms may be considered acceptable in daylight terms. We have obtained layouts for other parts of this building, which we understand will be the same here, where layouts are available daylight distribution is the more accurate test for daylight and the results therefore show that there will be no change to the daylight in these rooms.*
- 10.2.6 *The remaining room, on the ground floor, experiences a reduction of 39% in its existing VSC but retains 23% VSC in absolute terms, which is close to the recommended 27% by the BRE Guidelines which indicates this room will be reasonably well served by daylight in the proposed situation and may therefore be considered sufficiently close as to be acceptable when the flexibility permitted within the BRE Guidelines is taken into consideration.*
- 10.2.7 *In sunlight terms, all but four windows serving main living spaces, on both the ground and first floors, meet the BRE Guidelines for Average Probable Sunlight Hours (ASPH). The windows which do not meet are secondary windows which, based on the layouts obtained, serve living rooms that are also served by another larger window which does not face the development site. These secondary windows will still achieve between 11% and 19% of annual probable sunlight hours. Overall therefore, all of the habitable rooms in this property either meet, or are sufficiently close to, the BRE Guidelines in daylight terms and so may be considered acceptable. The windows facing the development site which serve main living spaces are likely all secondary windows.*
- 10.2.8 *As such, the daylight and sunlight results demonstrated that all surrounding properties either meet, or are sufficiently close to, the BRE Guidelines for daylight and sunlight and so may be considered acceptable.*

Concern has been raised about disturbance during construction, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works are however suggested in order to minimise any impact on neighbours.

Future resident's amenity:

The proposal would include two communal garden areas for future residents. The main garden space would be located at the northern end of the site with a linear amenity space also running along the eastern edge of the site. The eastern edge will be planted to create a dense boundary with the adjacent residents in Howard Close.

A number of spaces would be created through landscape design, including a feature area which includes a pergola, residents seating, sensory planting and ornamental beds. The pergola will act as the main focal point within the garden, with planting located in all corners to add visual interest. Most of the communal amenity space would be laid to lawn to allow for residents to easily access the feature area and seating areas.

Concern has been raised by neighbours about the outlook of future residents over Tesco's car park. The proposed development includes a significant level of landscaping in order to ensure provide attractive outlooks out of the site from future residents (and also into the site from other viewpoints), however some of the upper level flats would inevitably have views over the Tesco car park. However such outlooks are no uncommon in built-up urban locations and such an outlook is not considered to be unduly detrimental to future residents. Furthermore these will be an aspect of 'buyer beware' with regards to the residents outlook since each flat would be owner occupied.

Highways:

The proposed development would be served directly from the Tesco access road and proposes 33 parking spaces for future residents. The Essex County Council's Parking Standards suggest that 1 space per dwelling is required for retirement developments. However, the standards also note that reductions may be considered if a development in an urban area has good links to sustainable transport.

Independent research into parking provision and usage has recently been undertaken at existing McCarthy & Stone Retirement Living developments across the country. This research identifies an average car parking provision of 0.45 spaces per apartment with a further 0.1 spaces per apartment for visitors and that 25% of residents give up car ownership within the first two years following entry to the development.

Based on this research the proposed development would elicit a demand for 29 spaces for the proposed 52 unit development. The applicant is providing 33 parking spaces (0.63 spaces per apartment), which is over and above this. Similar arguments were made at the nearby older person accommodation development at the former Green Man Public House, Farm Hill Road, whereby the permission was allowed on appeal and costs were won against the Council since no contrary evidence was provided regarding car parking requirements.

The applicant has submitted a Transport Statement and Travel Plan, which has been assessed by Essex County Council Highways, who responded as follows:

The Highway Authority is satisfied with the submitted Transport Statement with regards to the vehicle trip generation, car parking accumulation survey and car parking provision for the site. Consequently there will be no detriment to highway safety, efficiency or capacity as a result of the development.

It is worth noting that the site does not access onto the public highway at this point and no works are required within the highway. If any parking issues did occur this would be for the applicant/land owner to manage privately.

The development proposes the minimum parking space requirements, rather than the recommended larger space size, with the exceptional circumstances being put forward that "given the specific age restricted nature of McCarthy & Stone developments the vehicles used by residents are typically smaller than those in general residential schemes and the smaller size is therefore considered appropriate". These circumstances were deemed acceptable on an appeal design elsewhere within Essex under ref: APP/C1570/A/11/2147113 and therefore are considered appropriate in this instance.

This development would result in the loss of 112 existing car parking spaces, which is a mix of public, staff and car rental parking, however the submitted documentation show that the loss of this parking would not have a detrimental impact on the provision for Tesco's.

Epping Forest Special Area of Conservation:

The Council has a duty as the competent authority under the Habitats Regulations to protect the Epping Forest Special Area of Conservation (SAC) from the effects of development. Two issues in particular have been identified as being likely to have a specific effect on the Epping Forest SAC; being visitor pressure and impacts from air quality.

Work is on-going with Natural England and the Conservators of Epping Forest in agreeing a joint interim strategy for mitigation against any potential harm. However the latest advice from Natural England makes it clear that at the current time any residential development within 6.2km of Epping Forest SAC is likely to have an impact on visitor pressure and any residential and employment proposals within Epping Forest District as a whole are likely to have an air pollution impact.

At the current time the financial contribution requirements to mitigate against this harm are unknown, however the viability assessment works that has been undertaken has resulted in an agreement that £468,335 is the maximum level of contribution that would be available from this development. As such a legal agreement could be entered and this entire contribution which would then be apportioned between healthcare mitigation (£12,282), mitigating the Epping Forest SAC (currently unknown), and affordable housing (whatever remains).

In addition to the above, as required by policy T 1 of the Epping Forest District Council Local Plan Submission Version, a condition is required to ensure that there is 1 Electric Vehicle Charging Point for every 10 spaces to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

Other Considerations:

Healthcare:

The proposed development is likely to have an impact on the services of three GP services operating within the vicinity of the site and as such a financial contribution of £12,282 is required to mitigate against this impact.

Flood risk:

The site lies within an Epping Forest District Council flood risk assessment zone and the applicant has provided a flood risk assessment with the application. Although the Council agree with the majority of findings in principal, in order to approve a condition relating to a flood risk assessment further details are required.

Whilst the applicant has considered the 1 in 1 year Greenfield runoff rate to be unachievable there is no rationale nor consideration for lower discharge rates than a standard betterment of 50% which far exceeds what a development of this size and nature would be expected to achieve. The outfall has also changed from the existing drainage and now discharges through a balancing pond and the impacts of the additional discharge on the pond have not been considered. Therefore a condition will be required to agree this.

No detailed drainage plan has been confirmed and therefore a condition will also be required regarding this.

Contamination:

A Phase 1 Desk Study Report and Phase 2 Environmental Investigation report have been submitted. The Phase 1 report has satisfactorily identified the former Ammunition & Explosives Factory, Chemical Factory and Pesticide Factory uses of the site but has not identified that

Verification of the remedial works carried out in 2004 when the site was redeveloped as a Tesco Store were not approved by the Environment Agency and Local Planning Authority and unacceptable concentrations of chloroform and other solvents were found to be migrating offsite in groundwater.

The Phase 2 investigation comprised only a low density non-systematic exploratory investigation with no results for pesticide analysis and no investigation or remedial proposals with respect to the exposed former Cordite Magazine earth blast wall soils retained behind the gabions in the Southern part of the site. Although outline remedial proposals to install a ventilated floor void with a low permeability hydrocarbon resistant gas membrane in the building and to employ barrier water supply pipes are acceptable in lieu of more detailed investigation & assessment, proposals to employ a BRE465 mixing cover system to remediate asbestos impacted soils (brown and/or white asbestos fibres were identified in all samples of the different made ground strata that underwent asbestos screening) is not acceptable and a robust separation barrier would need to be used to separate any asbestos impacted soils retained at depth from clean imported shallow exposed soils (It is understood from the proposed landscape details that it is proposed to plant trees which would require 1m of soil and shrubs which would require 600mm of clean soil above any barrier).

Further Investigation and/or a satisfactory detailed remediation scheme is therefore required, which can be dealt with by way of conditions.

Ecology:

A Preliminary Ecological Assessment was submitted. In line with the findings of this report a number of conditions have been suggested by the Council's ecologist.

Conclusion:

This application site was previously granted consent for residential development as part of the wider redevelopment of the site. Whilst this was never implemented the proposed development would be similar in bulk and scale than the previously approved scheme, albeit this would be for Category II sheltered housing rather than open market housing.

The proposal is considered to be appropriately designed for this site and evidence has been submitted to show that there would not be any unacceptable loss of light, or any other harm, to the neighbouring residents.

This development would provide additional specialist housing accommodation to meet an identified need and sufficient evidence has been provided to justify the level and size of the off-street parking provision and the loss of the existing Tesco parking.

The proposal meets all other policy requirements and, subject to a S106 Agreement and various conditions, complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Submission Version Local Plan policies. As such the application is recommended for approval.

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

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

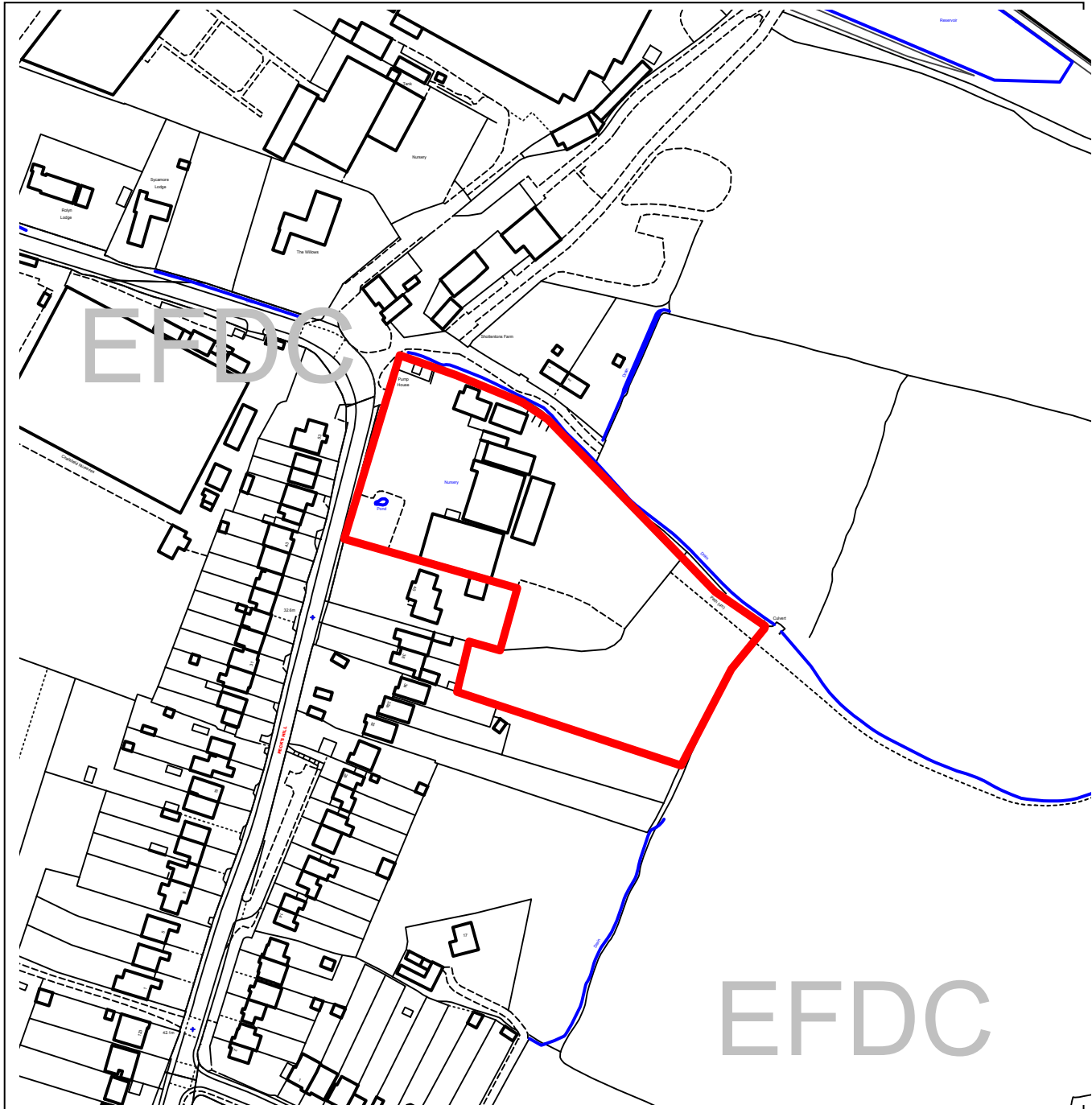
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/1067/18
Site Name:	The Fencing Centre Pecks Hill Nazeing EN9 2NY
Scale of Plot:	1:2500

Report Item No: 3

APPLICATION No:	EPF/1067/18
SITE ADDRESS:	The Fencing Centre Pecks Hill Nazeing Essex EN9 2NY
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Messrs John & James Wilkinson
DESCRIPTION OF PROPOSAL:	Outline application for residential development for 33 dwellings all matters reserved except closure of existing access and creation of a new access point onto Pecks Hill.
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=608263

REASON FOR REFUSAL

- 1 The proposed development would constitute inappropriate development harmful to the Green Belt and would also harm the openness of the Green Belt and conflict with its fundamental purpose. The case submitted is not sufficient to constitute very special circumstances that clearly outweigh the harm from the proposal. Therefore the development is contrary to the guidance contained within the National Planning Policy Framework, policies GB2A and GB7A of the Adopted Local Plan, with policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 and the Green Belt objectives of the National Planning Policy Framework.
- 2 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.
- 3 The proposal fails to provide the required level of affordable housing or the reflective mix of affordable housing as required by policy H2 of the Epping Forest Local Plan (Submission Version) 2017 and no viability study has been submitted to justify that meeting the requirements of policy H2 paragraph (A) would render the development as unviable. The proposal is therefore contrary to policy H2 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.

- 4 The proposed development is expected to increase the demands on existing early years childcare and primary education facilities in the local area and mitigation measures are required to offset the increased demand. Since the required financial contributions cannot be secured, the proposal is contrary to CF12 of the Adopted Local Plan, with D1 of the Epping Forest Local Plan (Submission Version) 2017 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 and surroundings

The application site is located on the eastern side of Pecks Hill which is at the northern end of the main settlement of Nazeing. Part of the site is occupied by JW Fencing, a builders supply yard which contains various buildings, hardstanding and open air storage. The southern part of the site is currently an open, previously undeveloped field. The application site is located within the Metropolitan Green Belt and but is not in a Conservation Area.

The previously developed part of this site is proposed for allocation in the Epping Forest District Local Plan (Submission Version) 2017 (site NAZE.R2) to provide approximately 29 new dwellings. However the site in this application extends beyond the proposed allocation to encompass an 'L' shaped 6,800sqm parcel of open Green Belt land to the south and to the east, this amounts to around a third of the application site. The boundaries of the extended site abut more open Green Belt land to the north, south and east. The entirety of this site was assessed as part of the Local Plan site selection process where it was concluded that:

The site falls within an area of medium landscape sensitivity - characteristics of the landscape are resilient to change and able to absorb development without significant character change. The relevant site character context is in part urban but in part countryside with a character moderately sensitive to the impacts of development. The form and extent of any development would have to be sensitive to the location to avoid potential adverse

Turning to the potential Green Belt release, it was concluded at the site selection stage that the harm caused would be very low, or low to medium. The development would also involve the loss of the best and most versatile agricultural land.

Description of proposed development

The proposed development is for outline planning permission for the erection of 33 new residential dwellings with all matters reserved except for closure of an existing access and new access point onto Pecks Hill.

Relevant planning history

There is considerable planning history on this site with respect to planning applications; however none is directly relevant to this application.

The site was promoted through the call for sites for the Local Plan in 2016 (coded SR-0150) and the whole application site was proposed as an allocation in the Regulation 18 Draft Local Plan for approximately 33 homes. Following further detailed site assessment for the LPSV the eastern part of the site scored poorly in terms of landscape impact and the final results concluded that as a result of the sensitivity of the south eastern part of the site and the potential for harm to the character of the settlement, and in order to limit development to previously developed land, the

allocation was limited to the north western part of the site with an indicative capacity of 29 dwellings. (Refer EB805P Appendix B1.6.6. Results of identifying sites for allocation 2018).

Policies Applied

Saved Policies (2008) of the Adopted Local Plan

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE6 – Car Parking in New Development
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity to Neighbouring Properties
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
LL11 – Landscaping Schemes
H6A – Thresholds for affordable housing
H7A – Levels of affordable housing
GB2A – Development in the Green Belt
GB7A – Conspicuous development

A revised National Planning Policy Framework (NPPF) was published setting out national policy on 24 July 2018. Paragraph 213 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The proposed development has been assessed against relevant policies in the adopted Local Plan, the NPPF and the Local Plan Submission Version.

Epping Forest District Local Plan (Submission Version) 2017 (LPSV):

On 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. With regards to unresolved objections, some policies of the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight afforded to each of the relevant policies in the context of the proposed development listed below:

P 10 – Allocated site - Nazeing

SP 1 - Presumption in Favour of Sustainable Development

SP 6 – Green Belt and District Open Land

SP 7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure

DM 1 – Habitat protection and improving Biodiversity

DM 2 – Epping Forest SAC and the Lee Valley SPA

DM 3 – Landscape character, ancient Landscapes and Geodiversity

DM 4 – Green Belt

DM 10 – Housing design and quality

DM 15 – Managing and reducing flood risk

DM 19 – Sustainable water usage

DM 21 - Local Environmental Impacts, Pollution and Land Contamination

DM 22 – Air Quality

H 1 – Housing Mix and accommodation types

H 2 – Affordable Housing

D 1 – Delivery of Infrastructure

Consultation carried out and summary of representations received

49 Neighbours consulted and site notice displayed –

NAZEING PARISH COUNCIL – OBJECTION – Object to the application in its current format, as

- The number of dwellings has increased compared to the number in the Local Plan
- The footprint of the site has increased and now includes Green Belt

However if a revised application were to be submitted which includes what is detailed in the Local Plan, the Council would have no objection, save that the following are taken into consideration

- School capacity
- Increased traffic in the village
- Egress onto Pecks Hill as this is already a dangerous area for existing residents of Pecks Hill.

71 LETTERS OF OBJECTION RECEIVED FROM NEIGHBOURS – Below is a summary of the issues raised by neighbours:

- The site is in the Green Belt and would cause significant harm to its openness
- The increased traffic will have a significant impact on the area
- There is not enough infrastructure in the area to support more housing
- The proposal will cause significant impact on ecology and the environment
- The proposed access is unsafe on the bend
- Houses will overlook existing residents on Pecks Hill
- Loss of employment
- Significant sewerage issues
- Harm to existing trees

Material planning considerations

This application is for outline consent with all matters but access reserved. The main issues for considerations therefore are the principle of residential development to provide 33 new dwellings on the site and the access onto Pecks Hill.

The proposed allocation site

The previously developed part of this site is proposed for allocation in the LPSV to provide approximately 29 new dwellings (See Policy P 10 Nazeing - NAZ.R2). The part of the site which is proposed for allocation adds weight to its proposed redevelopment, however since this part of the site constitutes previously developed land it would, in any event, be appropriate for redevelopment in theory subject to it not causing material harm to the openness of the Green Belt. For the purposes of an outline planning application, this is sufficient since matters of size and layout are reserved.

Turning to the southern part of the site, the applicant contends that it was originally proposed for allocation as part of the Draft Local Plan 2016 (Regulation 18) and the proposed allocation was then reduced in size as part of the Local Plan Submission Version (Regulation 19), which is the version that the Council intends to submit to the Planning Inspectorate for examination. In response to the Regulation 19 publication, the applicant submitted representations outlining concerns regarding the change of the proposed allocation site area, which will be referred to the Inspector during the independent examination. The appointed Inspector has wide powers to remedy any shortcomings in the Plan or to alter the boundaries of any proposed allocation site. This is therefore a matter for the independent examination rather than this planning application.

Nevertheless the site selection report which was used to inform the changes to the site proposed for allocation in the Regulation 19 version of the Plan gives clear reasons to justify its removal by concluding that:

This site was identified as available within the first five years of the Plan period. Although there is no evidence of the site having been marketed, it has no identified constraints or restrictions which would prevent it coming forward for development. As a result of the sensitivity of the south-eastern part of the site and the potential for harm to the character of the settlement, and in order to limit development to previously developed land, it is proposed that the allocation is limited to the north-western part of the site. This area is proposed for allocation.

The area of land which is proposed for allocation in the LPSV has certain site specific requirements as indicated in Appendix 6 of the Plan. The first of these requirements is that the veteran tree on the northern boundary of the site should be incorporated into the development and proposals should avoid damage to it. The Tree and Landscape Team have commented that this is possible to achieve through the use of conditions.

Another requirement is that an appropriate access point onto Pecks Hill should be provided and as previously identified, the proposed access would achieve this requirement.

The other site specific requirements are that the existing public right of way should be integrated into the development and that a new defensible Green Belt boundary should be established.

Whether inappropriate development

Paragraph 133 of the NPPF identifies 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. Policy GB2A of the Adopted Local Plan presumes against the construction of new

buildings, unless they are appropriate. Policy GB7A seeks to resist conspicuous forms of development within the Green Belt, which would have an excessive impact on its openness. Policy DM4 of the LPSV reflects paragraphs 145 and 146 of the NPPF.

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 which clearly outweigh this harm.

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.

Paragraphs 145 and 146 of the NPPF allow for some exceptions to inappropriate development, one of which is:

Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The starting point is to consider whether the site constitutes previously developed land, which is defined by the NPPF as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The northern part of the site is currently occupied by JW fencing, a well-established builders supply yard which contains various warehouse buildings, hardstanding and open air storage. This part of the site clearly constitutes previously developed land. In contrast the area to the immediate south and east of the site is currently open, undeveloped land and as such these areas do not constitute previously developed land as defined by the NPPF.

Whilst the redevelopment of the brownfield part of site may be acceptable in principle, subject to it not having a greater impact on openness and not conflicting with the purposes of including land within the Green Belt, the expansion of buildings into the undeveloped area is clearly inappropriate development in the Green Belt, since it does not fulfil any exception given by the NPPF.

The proposal as a whole therefore, must be concluded to be inappropriate development in the Green Belt which, as previously identified is, by definition, harmful to the Green Belt.

Openness and encroachment

In addition to the harm caused to the Green Belt by reason of inappropriate development, the expansion of development into the undeveloped part of the site, regardless of the fact that the size of the houses is a matter reserved, will cause substantial additional harm to the openness of the Green Belt in both a spatial and a visual sense and conflict with its fundamental purpose to keep land permanently open by causing encroachment into the countryside.

The additional harm to the openness of the Green Belt as well as the conflict with one of its main purposes adds further substantial weight against the proposal.

Green Belt summary

In light of the above appraisal the proposal has been found to conflict with policies GB2A and GB7A of the Adopted Local Plan, with policy DM 4 of the Epping Forest Local Plan (Submission Version) 2017 and with the Green Belt objectives of the NPPF.

In accordance with paragraph 144 of the NPPF, substantial weight is attributed to the identified harm to the Green Belt.

Presumption in favour of sustainable development

Paragraph 11 of the NPPF states that:

Plans and decisions should apply a presumption in favour of sustainable development...for decision making this means:

- *Approving development proposals which accord with an up to date development plan without delay*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date⁷, granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷, or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework as a whole.*

An important aspect to note however are footnotes 6 and 7. Footnote 6 notes that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those listed in paragraph 176) and/ or designated as Sites of Special Scientific Interest; land designated as Green Belt....

Footnote 7 notes that:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites...

The Council considers that the relevant Policies in the adopted development plan (and the LPSV) are in general conformity with the NPPF and should be given significant weight in decision making. However, even if this were a matter of contention, NPPF Policy 11 d) makes provision where such policies may be considered out of date to include land designated as Green Belt in its provision to protect certain assets against the presumption in favour of sustainable development. The Council considers that in principle the proposals would therefore not trigger the presumption in favour of sustainable development and be contrary to national policy including national Green Belt policy

even if the adopted Local Plan Green Belt policy was deemed out of date, and the LPSV policy were given little weight

Five year housing supply

The NPPF requires Local Planning Authorities to significantly boost the supply of housing and planning decisions should apply a presumption in favour of sustainable development. The principle of additional housing is supported by the LPSV which has identified sites for new housing development to meet the objectively assessed housing need for the plan period up to 2033. The proposed allocations in the LPSV provide in excess of the identified need of 11,400 over the plan period as set out in the Strategic Housing Market Assessment. The proposed allocations provide for the required 11,400 homes with an appropriate buffer to ensure delivery, in total providing for 13,152 homes over the plan period (2011-2033).

The adopted local plan does not make provision for the development of the site subject to the proposal. LPSV Policy P 10 Nazeing sets out the proposals for development on allocated sites within Nazeing. The full site subject to the proposals was not selected and was not proposed for allocation in the Local Plan Submission Version 2017.

The sites proposed for allocation will cumulatively provide for the desired growth in the settlement of approximately 122 homes. The proposal is therefore contrary to LPSV Policy P 10 Nazeing in that it contains land outside the locations identified for development in the plan.

The context of an LPSV that is altering Green Belt boundaries and allocating land for a significant number of new homes to meet identified future housing requirements is critical to the circumstances with respect to five year housing land supply (as is the status of the land as Green Belt and potential harm to the Green Belt as outlined above). The LPSV is to be submitted to the Secretary of State for independent examination imminently. The plan will deliver a five year housing land supply throughout the period of operation as shown in the Housing Trajectory (LPSV Appendix 5) and the Housing Implementation Strategy 2017 (EB410). The Council is well advanced in bringing forward some of the strategic sites in the plan – developing master plans with promoters and engaging in Planning Performance Agreements to manage planning applications. This demonstrates that the proposed allocations in the LPSV are indeed deliverable.

In any case, should the Council be found to lack a five year housing land supply whilst the NPPF 'tilted balance' in favour of the presumption in favour of sustainable development would normally be engaged [i.e. paragraph 11(d) of NPPF 2018] this would not be the case in relation to this proposal. As noted in 'Presumption in Favour of Sustainable Development' above the NPPF also stipulates that where restrictive policy is relevant (as set out under footnote 6 of the revised NPPF 2018), the 'tilted balance' does not apply. This position is referred to and supported in the Forest of Dean V SSCLG {2016} EWHC 421 (Admin). It is therefore clear that the NPPFs 'tilted balance' toward the presumption in favour of sustainable development is not engaged in this case because the proposed development is deemed to be inappropriate development in the Green Belt, which, in accordance with paragraph 11(d)(i) of NPPF 2018, is one of the '*...protect areas or assets of particular importance provides a clear reason for refusing the development proposed.*'

Furthermore, should the Council be found to be unable to demonstrate a current five year housing land supply this does not constitute very special circumstances to relax the protection of the Green Belt and does not outweigh the material harm that would be caused by the application site to the Green Belt by virtue of its impact on openness. In any case, it has been made clear in both the Ministerial Statement of 1 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.*'

In conclusion with respect to the five year housing land supply, in this case any assumed lack of five year supply neither engages the 'tilted balance' in favour of the presumption in favour of sustainable development nor constitutes very special circumstances to approve inappropriate development in the Green Belt

Very special circumstances

Very special circumstances are required to clearly outweigh the harms identified in this report; however they will not exist unless the material planning considerations advanced by the applicant clearly outweigh both the harm by reason of inappropriateness and any other harm.

The applicant submits that the proposed allocation of the site is a significant factor in this application. However as previously identified, only the previously developed part of the site has been proposed for allocation in the Regulation 19 version of the Plan and it has already been identified that in principle, this part of the site could be supported for development in Green Belt terms.

The applicant also criticises the way in which the proposed allocation site was reduced in size between Regulations 18 and 19 versions of the Plan. In this regard, as already identified the Inspector has wide powers to address shortcomings during the EIP and therefore this adds very little weight in support of this application.

The applicant also suggests that the site performs poorly against Green Belt purposes. However in the site selection report produced in 2017, it was concluded that the:

Site is within Green Belt, where the level of harm caused by release of the land for development would be very low, low or medium.

In addition to the potential for moderate harm to the Green Belt purposes as identified in the site selection report, it has also been identified previously in this report that the development as proposed would cause substantial harm to the openness of the Green Belt and its fundamental purpose of keeping land open permanently by causing encroachment into the countryside. Indeed the area of land to the south and to the east of the proposed allocation site is currently an open field, completely free from development and backs onto other open fields to the north, east and south. Clearly this contributes strongly to preventing encroachment into the countryside and in so doing, safeguarding its fundamental purpose of keeping land permanently open. Consequently the applicant's assertion that the site as a whole does not significantly contribute to the purposes of the Green Belt should be given little weight.

Provision of childcare and school places

Policy D 1 of the LPSV provides that new development must be served and supported by appropriate on and off site infrastructure. The Essex County Council Infrastructure officer has commented that:

A development of this size can be expected to generate the need for up to 2.97 early years and childcare places; 9.90 primary school and 6.60 secondary school places.

In terms of early years and childcare, whilst there is some capacity in the area the data shows insufficient places to meet the demand from this proposal. It is thereby clear that additional provisions are required. ECC therefore request a developer contribution of £17,422 per place which amounts to £51,743, index linked to April 2018 to mitigate the impact on local provision.

Turning to primary education, the site is located within the priority admissions area of Nazeing Primary School which has a capacity of 240 pupils. The school currently has 270 pupils enrolled and therefore needed temporary accommodation to meet demand. Indeed, demand for places at the school is forecast to rise to 310 by 2021/2022. A project to address the shortfall is proposed at an estimated cost which amounts to £15,281 per place. As such a developer contribution of £151,282 index linked to April 2018 is sought to mitigate its impact on local primary school provision.

Finally, with regards to secondary school provision whilst there is significant demand for places in the local area, since the proposal is relatively small scale and having due regards to the CIL pooling restrictions, ECC are not seeking a contribution for this.

In total the Council seeks £203,025 index linked to April 2018 in developer contributions and this could be secured by way of a Section 106 legal agreement to mitigate the identified impacts.

Whilst this financial contribution could be secured through a Section 106 legal agreement, it can only be so if the Council were otherwise minded to approve the application.

Affordable housing

Policy H 2 in the LPSV requires that on development sites which provide for 11 or more homes, or residential floor space of more than 1000m² (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site.

Since this proposal proposes 33 new dwellings, the applicant would need to provide at least 14 of the overall number of homes as affordable housing, unless it can be demonstrated that such provision would make the development unviable.

The proposal is close to meeting the requirements of the Epping Forest District Local Plan (Submission Version) 2017 since it will provide 13 of the total dwellings as affordable housing. Therefore, since the affordable housing only represents 39.4% of the total number of dwellings, it is just under the minimum requirement. However, if 1 more of the market dwellings could be changed to affordable dwellings, this requirement could be met, subject to providing a reflective mix as set out below.

Housing mix

Policy H 2 part C of the LPSV requires that the mix of affordable homes reflects the mix of the market housing, in terms of the ratios of types, sizes and the overall number of habitable rooms. It should be noted that properties larger than three bedrooms are not required for affordable housing and therefore should not be included within the mix for affordable housing.

The application provides all of the proposed as 2 and 3 bed houses. However, the 18no. 4 bed houses and 2no. 3 bed houses allocated for the market housing are significantly larger than those allocated for affordable housing. Therefore the application does not meet the requirements to provide a reflective mix as required by policy H2.

Since the requirements of policy H2 have not been met, a viability appraisal is required to overcome the policy objection. No such appraisal has been submitted in this instance. In light of the above the proposal is in conflict with policy H2 of the Epping Forest Local Plan (Submission Version) 2017. This should be afforded significant weight in the decision.

Impact on the Epping Forest Special Area of Conservation (SAC)

There must be a screening assessment by the competent authority (generally the LPA) as to whether a project is likely to have "a significant effect" on a European Site (providing that the application is not directly connected with or necessary to the Site's management) whether in combination with other plans or projects or alone. The screening is carried out on a precautionary basis. The trigger for subsequent assessment via a Habitats Regulation Assessment (HRA) does not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is required if there is a probability or risk that the plan or project will have an effect on the site concerned [reg. 63 and Art. 6(3)]

This proposal could cause significant in combination impacts on the integrity of the SAC. At the very least, the application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest SAC and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017. This carries substantial weight in the decision.

Highway and Access

The Highway Team from Essex County Council has commented that the proposed access onto Pecks Hill offers a safe form of ingress and egress since it has a good visibility splay. There are a number of conditions which the Highway Advisor considers are necessary to ensure that the access is acceptable and these conditions are reasonable and necessary to impose.

Employment issues

Policy E 1 of the Epping Forest Local Plan (Submission Version) 2017 seeks to protect existing employment sites and this proposal would involve the loss of the established business, contrary to the aims of this policy. However in this instance, since the site is proposed for allocation in the Local Plan, its loss would be anticipated over the plan period and therefore it is not significant.

Contaminated Land

The report has identified potential risks from land contamination that require further investigation. As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

Planning balance and conclusion

The stringent test articulated by Sullivan, J in *R (Chelmsford) v First Secretary of State and Draper* [2003] EWHC 2978, which concerned national Green Belt policy in Planning Policy Guidance Note 2 (which has been replaced by the Framework however, for present purposes, current national Green Belt planning policy has not changed), states within paragraph 58:

"58. The combined effect of paragraphs 3.1 and 3.2 [of PPG2] is that, in order to justify inappropriate development in the Green Belt, (a) there must be circumstances which can reasonably be described not merely as special but as very special, and (b) the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by other considerations. Those other considerations must be capable of being reasonably described as very special circumstances. If they are capable of being so described, whether they are very special in the context of the particular case will be a matter for the decision maker's judgment."

In *R (Basildon District Council) v First Secretary of State and Temple* [2004] EWHC 2759 (Admin), Sullivan, J clarified the test for demonstrating very special circumstances by confirming that it was not necessary for each factor, of itself, to be 'very special' and that factors which individually were otherwise quite ordinary could cumulatively become very special circumstances.

Therefore, In order to amount to very special circumstances required the applicant has to demonstrate that the material considerations they rely upon clearly outweigh the harm by way of inappropriateness and any other harm.

The starting point for the overall balancing exercise is that the application as proposed amounts to inappropriate development in the Green Belt, will cause substantial additional harm to its openness, will conflict with its fundamental purpose of keeping land permanently open by causing encroachment into the countryside, does not provide the required level of affordable housing or a suitable viability appraisal to justify the inadequate provision and it has not been demonstrated there will not be significant impacts on the Epping Forest SAC. The applicant must advance very special circumstances to clearly outweigh these identified harms.

Part of the site is proposed for allocation in the Epping Forest Local Plan (Submission Version) 2017 however as previously discussed, notwithstanding the proposed allocation, the northern part of the site amounts to previously developed land and consequently its redevelopment could be supported in Green Belt terms subject to the redevelopment not causing a greater impact on openness or conflict with the purposes of including land within it.

However since the southern and eastern parts of the site are not proposed for allocation in the Plan and do not fall under the definition of previously developed land, their development in the Green Belt is clearly inappropriate. Consequently the proposed allocation of part of the site, does not add weight to the development of the open Green Belt to the south and east of the site. As such this should be given limited weight in this decision.

The applicant has also suggested that the site contributes very little to the main purposes of the Green Belt, however as previously discussed the southern and eastern parts of the site are currently open fields, backing onto other open fields and consequently they make a strong contribution to the Green Belt by protecting the countryside from encroachment. Contrary to the applicant's assertion, a development of this open land will cause significant conflict with the fundamental purpose of the Green Belt of keeping land permanently open. This should only be afforded limited weight in the decision.

All other relevant policies and considerations, including equalities have been taken into account. It is clear that the identified harm to the Green Belt is not outweighed, never mind clearly outweighed by the considerations put forward. Consequently the proposed development is 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**

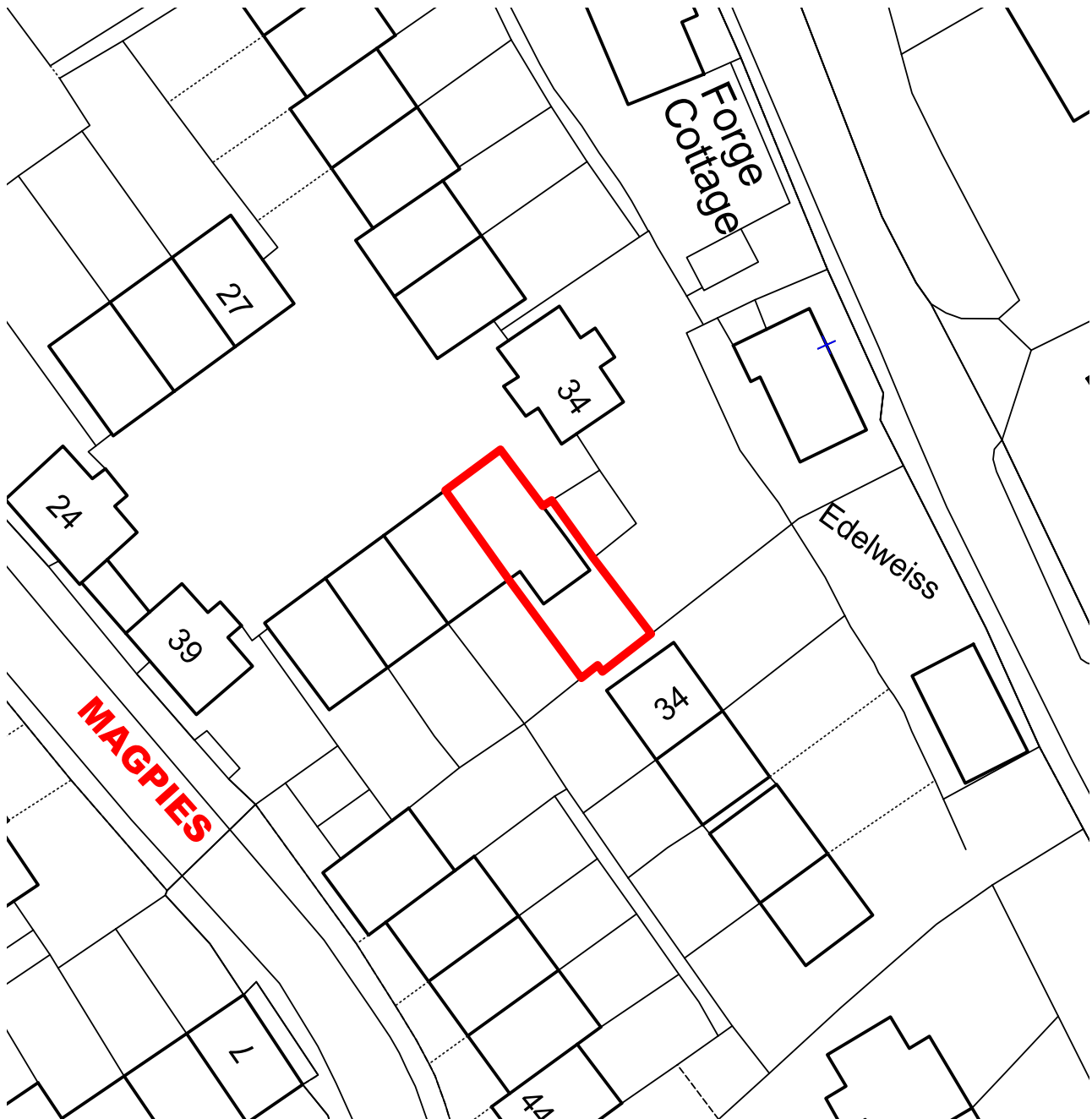
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/1121/18
Site Name:	35 The Magpies Epping Green CM16 6QG
Scale of Plot:	1:500

Report Item No:4

APPLICATION No:	EPF/1121/18
SITE ADDRESS:	35 The Magpies Epping Green Epping Essex CM16 6QG
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Thomas Sambridge
DESCRIPTION OF PROPOSAL:	Conversion of garage into living accommodation .
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=608513

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Existing Floor Plan; Proposed Floor Plan; Site Plan
- 2 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

No. 35 is a 2-storey, end of terrace dwellinghouse which occupies the south eastern corner of a square residential courtyard accessed via an arched vehicle carriage into The Magpies. The Magpies is a development of houses situated in the hamlet of Epping Green.

The property has an integral garage served by a set of double doors. There is a hardstanding front forecourt for the provision to accommodate one car parking space and pedestrian access to the dwelling.

The property has had its 'Permitted Development' rights removed.

A recent planning application in 2017 Ref: EPF/2644/17 for the conversion of the garage into a habitable room was refused for the following reason:

'The courtyard of Magpies is constrained in its context. It is considered that further additional external parking would exacerbate the constraints of the site leading to difficult vehicular and pedestrian manoeuvre. No plans/evidence has been submitted to show that sufficient space is available to provide parking and safe access and egress to the site. As such the proposed development fails to comply with planning policies ST4 and ST6 of the Local Plan 1998 and 2006'.

Proposal:

The proposal seeks planning permission to convert the existing garage into living accommodation.

Relevant History:

EPF/2644/17- Garage conversion into a habitable room - Refused 6/12/17

The courtyard of Magpies is constrained in its context. It is considered that further additional external parking would exacerbate the constraints of the site leading to difficult vehicular and pedestrian manoeuvre. No plans/evidence has been submitted to show that sufficient space is available to provide parking and safe access and egress to the site. As such the proposed development fails to comply with planning policies ST4 and ST6 of the Local Plan 1998 and 2006'.

Policies Applied:

National Planning Policy Framework, (NPPF) 2012

Paragraph 48 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The policies set out below are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest Local Plan and Alterations (1998/2006)

- CP1- Achieving sustainable development objectives
- CP3 - New Development
- RP5a - Environment Impacts
- DBE1 - Design of New Building
- DBE2 - Impact on Neighbouring Properties
- DBE3 - Design in Urban Areas
- 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.

Epping Forest District Local Plan (Submission Version) 2017

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:-

SP1 – Presumption in favour of sustainable development

DM9 - High Quality Design

DM10 - Housing Design and Quality

T1 Sustainable Transport Choices

Consultation Response:

Epping Upland Parish Council:

Object to the removal of parking in an already congested development. There is no permitted development although this may be allowed yet again affecting parking.

Concern regarding street scene should the garage door be changed. External changes have an impact on the whole development hence permitted development rights were withdrawn from this award winning development.

3 adjoining neighbours were notified on the 26/04/2018 and two representations have been received that raise the following concerns:

34 & 36 THE MAGPIES, EPPING - There can be no change to the exterior of the house in respect of the proposed internal works the property owner has acknowledged this point on the application. Concerns however over cracking and render issues and safety of the building. Building control issues concerned to ensure appropriate building control checks will take place.

Issues and Considerations:

The main issues for considerations is the loss of the garage facility and the visual impact on the character and appearance of the surrounding area and on the amenities of the adjoining properties.

The conversion of integral garages to additional living accommodation in the majority of cases does not require planning permission, however in this instance a condition on the original consent for the construction of the houses took away the properties 'Permitted Development' rights to convert the garages to ensure that the scheme did not prejudice the amenity of the surrounding area with regard to noise and disturbance and as such any garage conversion requires planning permission.

The approval for the original Magpies development was granted permission in the mid 1970's when the average car was generally smaller. Today, with a garage width of some 2.3m the garage space would struggle to meet modern parking standards adopted by the council. A garage width of 3.0m is now required in order for a garage to be designated a useable parking space. Thus the garage would not be considered a useable parking space by current adopted standards. It is clear that for anything other than the smallest of vehicles, once in the garage the driver would be unable to open the door to exit the vehicle. In effect there is therefore no loss of parking space in this instance and therefore no impact on parking within the courtyard. Furthermore, a useable parking space exists to the front of the dwelling and further parking spaces are available in a shared parking area to the rear of the property. On street parking also exists within the wider development. It was thus concluded that the loss of the garage would not lead to a position whereby unsuitable parking resulted within the Magpies such as to be considered an issue of highway safety or that it would add harm to the character or appearance of the area.

This argument was accepted with regard to No. 26 Magpies in 2014 when permission was granted for conversion of the garage. No 26 is an identical property located on the other side of the courtyard, and this approval is considered. The garage door is to be retained and as such there is no impact on the design of the property or on the streetscene from the proposed conversion.

Residential Amenity:

The proposed change of use of the garage into living accommodation is not considered to give rise to any material amenity implications above what is presently enjoyed by the occupiers of the adjoining properties.

Conclusion:

In summary, it is considered that the proposed conversion of the garage into living accommodation does not result in the loss of a viable parking space as the garage falls far short of current adopted garage sizes. There are no changes proposed to the external appearance of the building and therefore there is no harm to the character or amenity of the area. Approval has already been given for conversion of other garages within the Magpies development and the proposal is considered to comply with relevant policies as set out above.

Recommendation

In the light of the above considerations it is recommended that planning permission is Approved.

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: Caroline Brown
Direct Line Telephone Number: 01992 564182
or email: contactplanning@eppingforestdc.gov.uk