

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 9th September, 2020**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held as a:

Virtual Meeting on Zoom
on **Wednesday, 9th September, 2020**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

Democratic Services
Officer

Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors D Dorrell (Chairman), J Lea (Vice-Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, Y Knight, J Leppert, A Mitchell, D Plummer, M Sartin and D Stocker

WEBCASTING/FILMING NOTICE (VIRTUAL MEETINGS)

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.

In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

Please could I also remind Members of the Public who have registered to speak that they will be admitted to the meeting at the appropriate time.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 10)

To confirm the minutes of the last meeting of the Sub-Committee held on 12 August 2020.

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

8. SITE VISITS

Members are reminded that for the duration of the coronavirus pandemic, as decided at the Group Leaders' Meeting of 24 June 2020, **no member site visits will be conducted.**

Therefore, any planning application deferred for a site visit at an Area Planning Sub-Committee will be automatically referred to the District Development Management Committee for determination.

9. PLANNING APPLICATION - EPF/1206/20 UNIT 7, ST LEONARD'S FARM, ST LEONARD'S ROAD, NAZEING (Pages 11 - 22)

To consider the attached report for a change of use of the office and double garage within Unit 7 from agricultural use to an independent office (Class B1a) and storage (Class B8) and installation of a 1.8m high timber fence panel.

10. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

11. REFER SIGN (Pages 23 - 24)

If any member wants to **refer** a planning application to the District Development Management Committee (DDMC), please **hold up this refer sign** in front of your screen immediately after the vote has been taken. If at least 4 members agree/hold up their refer signs, the application will be referred to DDMC.

Alternatively, if any member wishes to **refer** a planning application to DDMC, they should propose a **motion to refer** this application immediately after the vote has been taken. The Chairman will then ask for a seconder. After a seconder has been sought, the Chairman will then ask if any other member wishes to support this resolution. If at least 4 members agree then the application will be referred to DDMC, otherwise the motion to refer will fail.

Advice to Public and Speakers at virtual meetings of the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend virtually if you are a speaker, or to view on the Council's website. Only in special circumstances are the public excluded.

When is the meeting?

Details of the date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

Speakers will be contacted just before they will be asked to speak by telephone by an officer of the Council. If you are not present by the time your item is considered, the Committee will determine the application in your absence. Speakers should be following the meeting on the Council's webcaster to enable them to know when their item will be considered.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee West or Area Plans Sub-Committee South you will address the Committee virtually. This will likely be by phone at the appropriate time in the meeting when a Democratic Services Officer will contact you. Therefore, a transcript of your representation must be supplied in advance of the meeting to enable the Democratic Services Officer to read this out on your behalf should there be a technical problem. Please email your written statement to democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes you can, but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk>. Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee West 2020-21

Members of the Committee and Wards Represented:



**Chairman
Cllr Dorrell**
Waltham
Abbey
Paternoster



**Vice-Chairman
Cllr Lea**
Waltham Abbey
North East



Cllr Avey
Broadley
Common,
Epping Upland
and Nazeing



Cllr Bassett
Lower Nazeing



Cllr Heather
Waltham
Abbey
Honey Lane



Cllr H Kane
Waltham Abbey
South West



Cllr S Kane
Waltham Abbey
Honey Lane



**Cllr Y
Knight**
Lower
Nazeing



Cllr Leppert
Waltham
Abbey
Paternoster



Cllr Mitchell
Waltham
Abbey North
East



Cllr Plummer
Waltham
Abbey South
West



Cllr Sartin
Roydon



Cllr Stocker
Waltham
Abbey
Honey Lane

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 12 August 2020
West

Place: Virtual Meeting on Zoom **Time:** 7.00 - 7.45 pm

Members Present: D Dorrell (Chairman), J Lea (Vice-Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, J Leppert, M Sartin and D Stocker

Other Councillors:

Apologies: Y Knight, A Mitchell and D Plummer

Officers Present: J Godden (Heritage, Enforcement & Landscaping Team Manager), S Dhadwar (Senior Planning Officer), J Leither (Democratic Services Officer), G Woodhall (Democratic & Electoral Services Manager) and R Moreton (Corporate Communications Officer)

24. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that this virtual meeting would be broadcast live on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

25. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

26. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 15 July 2020 be taken as read and signed by the Chairman as a correct record.

27. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

28. ANY OTHER BUSINESS

The Sub-Committee noted that there was no other urgent business for consideration at the meeting.

29. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

The Sub-Committee noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

30. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

31. PLANNING APPLICATION - EPF/0897/20 LAND AT BENTONS FARM, MIDDLE STREET, BUMBLES GREEN, NAZEING

APPLICATION No:	EPF/0897/20
SITE ADDRESS:	Land at Bentons Farm Middle Street Bumbles Green Nazeing EN9 2LN
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Development of 1no. two storey four bedroom detached residential dwelling house together with double garage. Utilising existing access from Oak Tree Close.
DECISION:	Deferred

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=636354

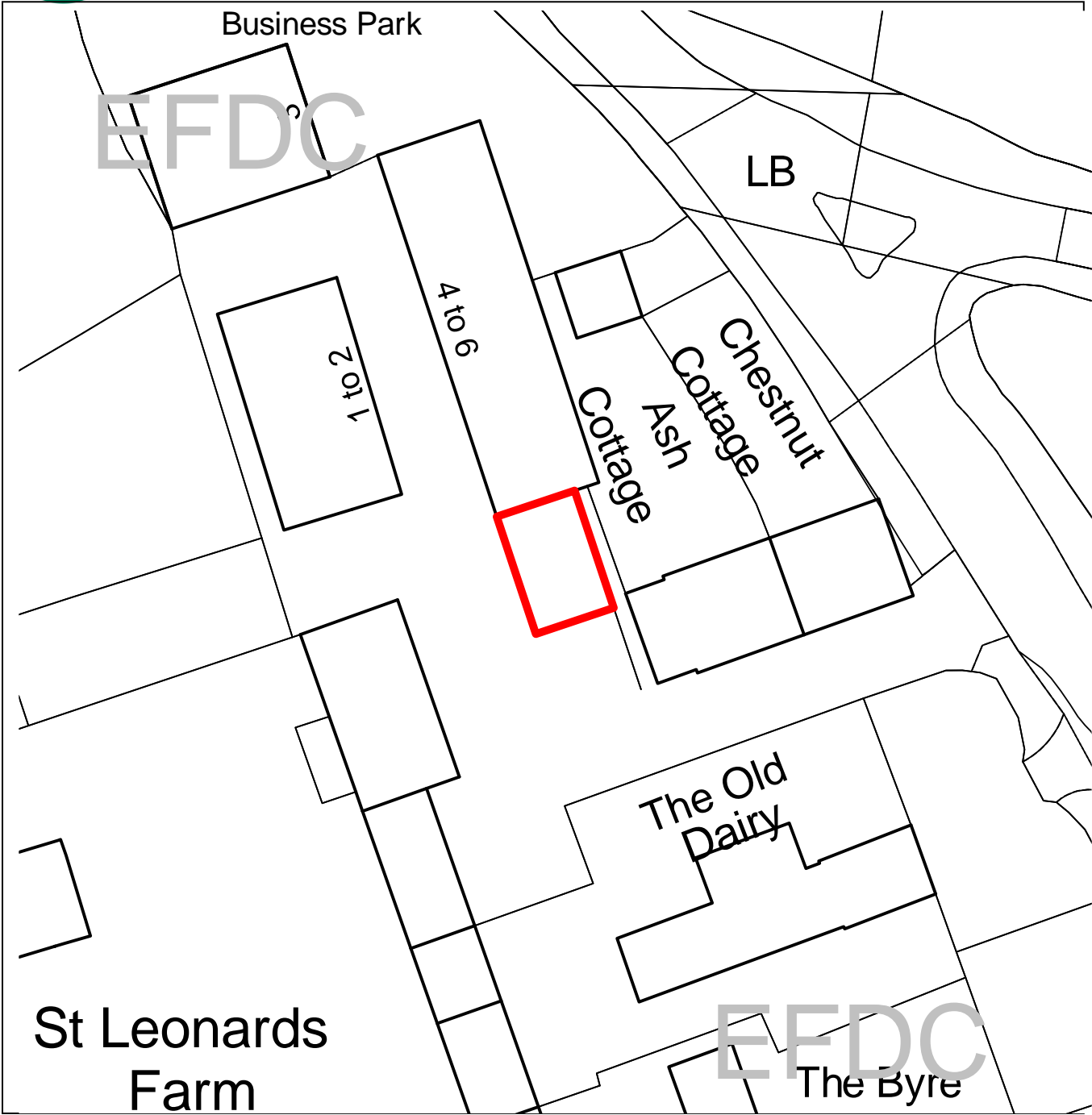
DEFERRED

To DDMC with recommendation to Grant permission

CHAIRMAN



Epping Forest District Council



<p>Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</p> <p>Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534</p> <p>Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013</p>	Application Number:	EPF/1206/20
	Site Name:	Unit 7 St Leonard's Farm St Leonard's Road Nazeing EN9 2HG
	Scale of Plot:	1:500

Report Item No: 9

APPLICATION No:	EPF/1206/20
SITE ADDRESS:	Unit 7 St Leonard's Farm St Leonard's Road Nazeing EN9 2HG
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Robert Moore
DESCRIPTION OF PROPOSAL:	Change of use of the office and double garage within Unit 7 from agricultural use to an independent office (Class B1a) and storage (Class B8) and installation of a 1.8m high timber fence panel.
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=637776

CONDITIONS

- 1 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 004 August 2020; Site Plan; Location Plan; Planning Statement; Agents Email dated 26/08/2020
- 2 Within 1 month of the date of this decision notice, the window opening(s) in the West and East flank elevations and roofslopes shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the windows are installed and shall be permanently retained in that condition.
- 3 The use hereby permitted shall not operate outside the hours of 07:00 to 18:00 on Monday to Friday, 07:30 to 13:00 on Saturday and at no time on Sundays and Bank Holidays.
- 4 No outdoor storage shall be undertaken within the application site.
- 5 Within 1 month of the date of this decision notice, a 1.8m high timber fence sited on the applicants land, in between the entrance of the offices and the rear garden of Ash Cottage, St Leonards Road shall be erected and shall be permanently retained thereafter.
- 6 Prior to preliminary ground works taking place, 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.

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 more than 4 objections material to the planning merits of the proposal to be approved have been received. (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).

Description of Site:

Unit 7 comprises of a pitched roof double garage formerly attached to the existing barn to the northwest of the pair of farm buildings within St Leonards Business Park, a group of business units to the north of a small group of residential dwellings, (ex-agricultural buildings) located to the west of Laundry Lane, a plot triangular in shape bounded by St. Leonards Road.

The site was formerly in agricultural use but is now in use as a series of light industrial and storage uses in accordance with planning permission for B1/B8 uses which was granted on the 27th August 2014 Ref: EPF/1343/14.

The garage and office known as Unit 7 was not part of the aforementioned planning permission but was instead subject to an earlier grant of planning permission in June 2014 Ref: EPF/0909/14 for the erection of a double garage originally built as an office for the running of the established farm business on the first floor and a garage on the ground floor accessed through a side door from the residential properties and, the ground floor toilets would be accessed from the farm yard. The Unit measures 6.4m in width, 10m in depth with a pitched roof at a height of 6.5m. The vehicle access to the Unit is via the residential area.

The site is located within the Metropolitan Green Belt, the designated Lee Valley Regional Park and an EFDC flood risk area.

The site is not a designated employment site. The site is not within a Conservation Area.

Description of Proposal:

Planning permission is sought for the change of use of the garage and office at first floor within Unit 7, once associated with St Leonards Farm to an Independent office (Class B1a) and storage (Class B8) (storage or distribution) use. Mon – Fri - 7-6.00pm; Sat 7.30-1.00pm.

Six rooflights are sited in the roof slopes and 2 ground floor windows to the West and East elevation. The amended plans show that they are to be obscure glazed and non-openable.

Relevant History:

The majority of the following history relates to the wider St Leonards Farm site, which has now in part been sold off, and does not all relate to the specific application site.

EPF/1343/14 - Change of use of agricultural land and outbuildings to use Class B1/B8 including ancillary works and new vehicular access. - Approved - 28/08/2014

EPF/0909/14 - Erection of double garage with office in roof space to include toilet accommodation - Approved 12/06/14 - Implemented

PN/EPF/0904/14 - Prior notification for proposed change of use of agricultural barn and animal shelter adjacent to south-west boundary of holding to a single dwelling house and curtilage - Prior approval required and granted - 10/06/14

EPF/1908/13 - Removal of former pair of cottages and erection of replacement pair of cottages - Approved - 31/10/13

EPF/0962/09 - Conversion of existing outbuilding to dwelling with minor amendments to planning approval EPF/0196/09 and demolition of part of rear outbuilding and erection of new store - Refused - 24/07/09
EPF/0196/09 - Conversion of existing outbuildings to dwelling. Amendment to planning approval EPF/0413/07 to include demolition of rear outbuilding and two single storey extensions for rear - Approved 09/04/09
EPF/0413/07 - Conversion of existing outbuildings to dwelling - Approved - 26/04/07
EPF/1432/04 - Change of use of redundant farm building to residential and removal of 4 no. buildings - Approved - 27/10/04
EPF/0363/98 - Change of use of farm building to dwelling and demolition of 4 farm buildings - Approved- 24/08/98

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

CP1 Achieving sustainable development objectives
CP2 Protecting the quality of the rural and built environment
GB2A Development in the Green Belt
GB7A Conspicuous development
RP5A Adverse environmental impacts
DBE9 Loss of amenity
RST24 Design and location of development in the LVRP
ST4 Road safety
ST6 Vehicle parking
DM15 Managing and Reducing Flood Risk

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 83
Paragraph 133 -146
Paragraph 155 -164
Paragraph 178-180

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP5 Green Belt and District Open Land	Significant
SP6 Green Belt	Significant
SP7 Natural Environment & Landscape Character	Significant
T1 Sustainable Transport	Significant
DM4 Green Belt	Significant
DM9 High Quality Design	Significant
DM21 Land Contamination	Significant
DM22 Air Quality	Significant
U2A Managing and Reducing Flood Risk	Significant

Consultation Carried Out and Summary of Representations received:

NAZEING PARISH COUNCIL - OBJECT

- People visiting the site at all times of the day and night 7 days a week resulting in noise pollution on adjoining residents
- No planning permissions but still used by a roofing company and as a workshop
- Issues with parking

6 neighbouring properties were notified, and 5 objections have been received.

OAK COTTAGE -

- The occupant, James roofing arrive at unit 7, 6 in the morning (Loading and banging van doors talking on mobiles,
- storage was used to saw wood in their workshop when they first moved in, yet shelving was already up.
- different roofers are pulling up in morning banging doors
- truck with gas bottles was parked all night on occasion

ASH COTTAGE -

- Become a mini industrial estate out of character with the area, due to highway safety concerns,
- development would result in increased noise nuisance, increase in traffic and on-street parking. Suggest that if approved the hours of use should be restricted and the existing 7-foot-high fence should be retained.
- The building was originally built as an office for the running of St Leonard's farm on the first floor and garage on the ground floor under application number EPF/0909/14 and had conditions attached to the approval that it was only to be used for the running of the farm. In fact, contrary to planning the owner took up residence on the first floor as it was kitted out with a kitchen and bathroom facilities and this continued until last year when it was then vacated, and an application was made to convert it to a house. This went to the Secretary of state and was rejected.
- At the beginning of this year it was let to a local roofing company James Roofing also contrary to planning permission. The garage area has been converted to a workshop. There have been numerous vehicles here large vans trucks with gas bottles on the back parked blocking drives and also in the road one day there were at least 9 vehicles here with people coming and going at all hours of the day and night 7 days a week and staying overnight.
- The entrance is up steps immediately next to the side gate of Ash cottage so that anybody coming or going has full view on to the garden and living rooms at the back of the house. There are roof lights on both sides of the property which look directly into our garden Ash cottage as well as Chestnut cottage and on the other side overlooking Willow and Oak cottages. These have been open, and we can hear every word of all the telephone conversations in our gardens at all hours including weekends and until late at night.

- The proposed hours of this type of business is not acceptable when they are causing so much disruption to the residents here with vehicle noise and people talking shouting and swearing as there is no access to unit 7 from the Business Park only via the driveway to all the houses here. We have been woken up on numerous occasions by the vehicles coming in and out the other day at 5.30 in the morning which is not unusual.
- Flammable materials being stored with no fire exit for a business of this nature. Employees are not adhering to regular office hours 9 to 5 Monday to Friday, they arrive as early as 5am, they often stay at weekends.
- The building is not equipped by design for anything other than storage. It is entirely inappropriate for any business to operate in the middle of this enclave of residential properties and is a serious encroachment on residents' privacy

THE OLD DAIRY -

- St Leonards farm was converted into 2 separate areas, one being commercial and the other residential with a planning requirement to have a brick wall between the 2 areas. This unit is within the Residential area and this change of use significantly changes the nature of the residential area. rather than being a garage where the resident's car(s) were stored the garage becomes a storage unit that requires regular access by Lorries and Vans.
- The new usage also creates a 24/7 Lorry / Van parking area for the people using the unit which again changes the nature of the residential area. Lorries and vans being parked overnight and at weekends the drivers arrive in their cars, parking on the (private) St Leonards road while they take their Lorry/Van to their place of work.
- The change in use brings lorry/Van noise and pollution to my property from very early in the morning to late in the evening.
- Another attempt to extend the industrialisation of this once agricultural area, it is unnecessary and completely out of character with the surrounding residential properties.

WILLOW COTTAGE -

- Unit 7 currently being used by a roofing company who have converted into a workshop
- Overlooking and a Loss of privacy to residential properties
- Commercial use in a small rural residential development is inappropriate.
- Noise nuisance at all times but particularly at unsociable hours
- Increased traffic is both dangerous and inconvenient.
- Application contains lots of misrepresentations and falsehoods intending to mislead.
- Vans block the access at times
- Previous planning decisions concerning the site, including by the Planning Inspectorate, support the rejection of this application
- The use of the site causes a significant loss of privacy to us, Oak, Ash and Chestnut Cottages
- Commercial use in a small, rural, residential development is inappropriate
- It creates a noise nuisance at all times but particularly at unsociable hours
- Increased traffic is both dangerous and inconvenient
- The application contains numerous misrepresentations and falsehoods that are intended to mislead the planning department

CHESTNUT COTTAGE -

- The entrance is up steps immediately next to the back gate of Ash Cottage so that anybody coming or going has full view on to the garden and living rooms at the back of the house. There are roof lights on both sides of the property which look directly into our garden Chestnut cottage as well as Ash cottage and on the other side overlooking Willow and Oak cottages. These have been open, and we can hear every word of all the telephone conversations in our gardens at all hours including weekends and until late at night.
- This application is to allow the building to be used as a standalone office and storage for the same business hours as the Leonard's farm business park these are 7am to 6pm Monday to Friday and 7.30 until 1 on Saturday. These hours and this type of business is not acceptable when they are causing so much disruption to the residents here with vehicle noise and people talking shouting and swearing as there is no access to unit 7 from the Business park only via the driveway to all the houses here .
- We have been woken up on numerous occasions by the vehicles coming in and out the other day at 5.30 in the morning which is not unusual.
- The issues we have been experiencing are causing all the residents here a lot of stress and anxiety.
- Section 5.22 of their document states there are 2 employees with 2 parking spaces however there are numerous vans small and large and cars coming here daily.

Rt. HON ROBERT HALFRON MP -

- Because of the close proximity between the industrial and residential areas, it seems clear that the impact of the type of business being allowed to operate from the industrial area needs to be assessed and controlled.

Main Issues and Considerations:

The key considerations in this application is the

- Principle of the Use
- Impact on the Green Belt, the Lee Valley Regional Park,
- Impact on the neighbouring properties
- Highway Considerations
- Land Drainage
- Impact on the Epping Forest Special Area of Conservation

Impact on the Metropolitan Green Belt:

The National Planning Policy Framework, (NPPF), 2019 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Local Plan policies and the National Planning Policy Framework (NPPF) allows for the change of use or adaptation of buildings in the Green Belt.

The NPPF promotes the “sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings”.

Paragraph 146 states that “certain other forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt” and includes “the re-use of buildings provided that the buildings are of permanent and substantial construction”.

The building is of permanent and substantial construction. The proposed re-use of the building from a garage with offices above to a B1/B8 light industrial use/office use is considered an appropriate form of development in its setting and supported by paragraph 3.35 of the Submission Version, 2017 which states that, ‘National planning guidance promotes the sustainable growth of all types of businesses in rural areas, including conversion of, and new buildings as well as encouraging the retention and development of local services.

The change of use of the building as a B1/B8 use is not considered inappropriate development that would result in any material greater harm on the openness of the Green Belt than its previous use as a garage and complies with policy CP1, CP2, ST1, GB2A, GB7 and of the Epping Forest Local Plan and, policy DM4 of the Submission Version, 2017.

Impact on the Amenity of Neighbouring Properties:

The Unit is sited in a residential close and as such is in close proximity to neighbouring residential dwellings. A number of objections have been received with regard to the potential impact that the use has on the neighbours’ amenities and the unsuitability of the unit as a B8 use and that the tenant is using the unit for other purposes such as a workshop and the offices for residential purposes.

The proposed change of use is to B1 (Business) and B8 (storage and distribution), is by definition:

“a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit”. As such the proposed B1 use would be an acceptable use to take place adjacent to residential properties.

A B8 use is for storage and distribution, which primarily relates to the storage of goods. Whilst these uses can sometimes attract large vehicles, they are historically low maintenance businesses that have moderate movements and activity, particularly such a small storage unit as this one.

Whilst it is unfortunate that the only access to the unit is via the residential access, its use should be similar to if a residence of the residential close owned the garage for storing his own business equipment that he had to access on a daily basis to go to work. It is a small quiet residential close and any noise or disturbance generated from the Unit would be noticeable because it is the only garage sited in the close.

Given the existing uses of the Unit and the nature of the proposed use and its surroundings, it is not considered that the use would result in any significant increase in noise or disturbance to the residents to justify a refusal of the application. A condition would be imposed at any approval ensuring that the building is only used for B1/B8 use and for no other purposes. Furthermore, other conditions such as hours of use and restriction on outside storage can be imposed to further protect the amenities of surrounding neighbours which will be monitored to ensure compliance.

Site Visits to the Unit have been made by the Case Officer in July and August and the Enforcement Team on many occasions who have also accessed the unit. Amended plans have been submitted to show that the unauthorised windows to the West and East elevation and in the roofslopes are to be non-openable and obscure glazed and a condition would be attached to ensure that this work is completed within 1 month of any approval.

These conditions should resolve some of the issues raised by the residents along with the owner's willingness to address existing problems and his assurances that new conditions will not be breached. If they are, the owner has stated he will terminate the company's existing lease.

Indeed, it is considered that the use itself is acceptable but requires better, more appropriate management of the Unit to limit noise and disturbance in the area which can be achieved.

The applicant has also agreed to install a 1.8m high timber fence on his land by the entrance to the offices that adjoins Ash Cottage to screen their rear garden and prevent overlooking and a loss of privacy which has been added as a condition at any approval.

Parking and 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.

Land Drainage

No objection in principle subject to conditions requiring details of foul and surface water drainage to be submitted which is deemed as reasonable and necessary.

Epping Forest Special Area of Conservation:

A significant proportion of the Epping Forest Special Area of Conservation (EFSAC) lies within the Epping Forest District Council administrative area. The council has a duty as the 'Competent Authority' under the Conservation of Habitats and Species Regulations 2017 (as Amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so, the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version, 2017.

Policy NC1 of the Epping Forest Local Plan 1998 (the adopted Local Plan) states that the Council will comply with the UK's international obligations for SAC's and the Framework requires that if significant harm to biodiversity cannot be avoided, for example through mitigation, planning permission should be refused.

Policy DM22 of the emerging plan, provides the policy context for dealing with the effect of development on the integrity of the Epping Forest SAC which are material considerations, also require that development proposals conserve the SAC in terms of access management and monitoring of visitors and that the SAC is not adversely impacted in terms of air quality.

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways and concludes as follow:

1. The proposed use is not for residential and consequently, the development will not result in a likely significant effect on the integrity of the EPSAC as a result of recreational pressures.

2. In the context of the Epping Forest Special Area of Conservation it is considered that the B1/B8 use, a building of limited size comprising of storage and offices accommodation would not generate any additional vehicles movement above its previous usage. As the development would not result in a net increase in traffic using roads through the EFSAC, the proposal is not considered as resulting in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

On this basis the Council is satisfied that the development complies satisfactorily with policy CP1, CP2 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policy DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Conclusion:

The change of use of the garage into a B1/B8 office/light industrial use is an efficient use of the land supported by the current and emerging Local Plan and when considered against the National Framework, 2019 is deemed as being not inappropriate development within the Green Belt. The development would not result in any additional harm to the LVRP, neighbours' amenities or highway safety over and above the former use of the site subject to the imposition of conditions which are supported by the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In the light of the above considerations, it is recommended that planning permission is approved subject to conditions.

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

Planning Application Case Officer: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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