

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 18th May, 2022**

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

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 18th May, 2022**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

Democratic Services
Officer:

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

Members:

Councillors S Heather (Chairman), N Avey, R Bassett, H Kane, S Kane, J Lea, J Leppert, T Matthews, D Plummer, M Sartin and D Stocker

PLEASE NOTE THAT MEMBERS RE-ELECTED BEFORE THIS MEETING BEGINS WILL BE REQUIRED TO SIGN THEIR DECLARATION OF ACCEPTANCE OF OFFICE BEFORE PARTICIPATING IN ANY DECISION MAKING.

WEBCASTING/FILMING NOTICE

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. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

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 entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

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

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones 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).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

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

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage https://eppingforestdc-self.achieveservice.com/service/Member_Contact to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us'
<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 9 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 13 April 2022.

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 COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

This briefing note, dated October 2021, 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 ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

9. PLANNING APPLICATION - EPF/2425/21 SEDGE GATE NURSERY, SEDGE GREEN, NAZEING, WALTHAM ABBEY EN9 2PA (Pages 15 - 26)

To consider the attached report for a Change of use from horticultural use to 14 warehouse units.

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.

Advice to Public and Speakers at 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. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

Details of the location, 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. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. 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: Only 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 **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

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 South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your 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 2022-23
 Members of the Committee and Wards Represented:

				
Chairman	Vice Chairman			
Cllr Heather	Cllr	Cllr Avey	Cllr Bassett	Cllr
Waltham Abbey Honey Lane		Broadley Common, Epping Upland and Nazeing	Lower Nazeing	Lower Nazeing
				
Cllr Sartin	Cllr Matthews	Cllr S Kane	Cllr Stocker	Cllr Lea
Roydon	Waltham Abbey High Beach	Waltham Abbey Honey Lane	Waltham Abbey Honey Lane	Waltham Abbey North East
				
Cllr	Cllr Leppert	Cllr	Cllr H Kane	Cllr Plummer
Waltham Abbey North East	Waltham Abbey Paternoster	Waltham Abbey Paternoster	Waltham Abbey South West	Waltham Abbey South West

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee West **Date:** Wednesday, 13 April 2022

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.45 pm

Members Present: Councillors S Heather (Chairman), D Dorrell (Vice-Chairman), N Avey, H Kane, S Kane, J Lea, T Matthews and M Sartin

Apologies: R Bassett

Officers Present: J Godden (Heritage, Enforcement & Landscaping Team Manager), A Buckley (Higher Level Apprentice (Internal Communications)) and R Perrin (Democratic and Electoral Services Officer)

Officers Present (Virtually): A Marx (Development Manager Service Manager (Planning)) and V Messenger (Democratic Services Officer)

41. Webcasting Introduction

The Chairman made a short address to remind all present that the meeting would be broadcast 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.

42. 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.

43. Minutes

RESOLVED:

That the minutes of the Sub-Committee held on 16 March 2022 be taken as read and signed by the Chairman as a correct record.

44. Declarations of Interest

- a) Pursuant to the Council's Code of Member Conduct, Councillors M Sartin and S Heather declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Lee Valley Regional Park Authority. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2036/20 Roydon Marina Village, High Street, Roydon, Harlow, CM19 5EJ

- b) Pursuant to the Council's Code of Member Conduct, Councillor M Sartin also declared a non-pecuniary interest in the following item of the agenda by virtue of being within the consultation area of the application which she had obtained advice on. The Councillor had determined that they would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2036/20 Roydon Marina Village, High Street, Roydon, Harlow, CM19 5EJ

- c) Pursuant to the Council's Code of Member Conduct, Councillors H Kane and J Lea declared a non-pecuniary interest in the following items of the agenda by virtue of knowing the applicant. The Councillors had determined that they would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1213/21 Land off Arlingham Mews, Sun Street, Waltham Abbey, EN9 1ED
- EPF/1503/21 Darby Drive, Waltham Abbey, EN9 1EQ

45. Any Other Business

It was reported that there was no urgent business for consideration at the meeting.

46. Epping Forest District Council Planning Policy Briefing Note (October 2021)

It was 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

47. Site Visits

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

48. Planning Application - EPF/2036/20 Roydon Marina Village, High Street, Roydon, Harlow CM19 5EJ

APPLICATION No:	EPF/2036/20
SITE ADDRESS:	Roydon Marina Village High Street Roydon Harlow CM19 5EJ
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	Extension to existing marina to provide an additional 168 berths, 99 parking spaces, additional associated facilities and widening and improvement to existing vehicular and pedestrian access.
DECISION:	Refused

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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=641916

REASONS

- 1 The proposed development, which will enable the intensive use of the majority of the lake for the mooring of boats, will result in the loss of the existing attractive open water area, and an increase in traffic movements along the narrow tow path access road, together with increased parking around the lake. These changes will adversely impact on the openness, character and visual amenity of the area and undermine the recreational value of the lake and surrounding area for existing boat owners, local residents and visitors to the Lee Valley Regional Park. It represents inappropriate development in the Metropolitan Green Belt and there are no very special circumstances to outweigh the resultant harm or any other of the identified harms. The proposal is therefore contrary to policies GB2A, RST1, RST7 and RST22 of the adopted Local Plan and Alterations, policies DM 3, DM 4, DM 17, D 4, P 9 of the Submitted Version Local Plan 2017 and the National Planning Policy Framework.
- 2 The proposal would unduly exacerbate the traffic movements into and out of the tow path access road from the High Street access very close to a frequently used level-crossing, which would be severely detrimental to highway and pedestrian safety, contrary to policies RST22(V) and ST4 of the Adopted Local Plan and Alterations, policy T 1 of the Submitted Version Local Plan 2017 and the National Planning Policy Framework.
- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

49. Planning Application - EPF/1213/21 Land off Arlingham Mews, Sun Street, Waltham Abbey EN9 1ED

APPLICATION No:	EPF/1213/21
SITE ADDRESS:	Land off Arlingham Mews Sun Street Waltham Abbey EN9 1ED
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Change of Use of Ground Floor Retail Units (A1) to 1 x Studio and 2 x 1 bed unit (C3)
DECISION:	Refuse Permission

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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=651893

REASON FOR REFUSAL

- 1 The proposed development would result in the loss of ground floor retail units, including some falling within the Primary Retail Frontage / Primary Shopping Area, that could harm the vitality and viability of Waltham Abbey Town Centre. Insufficient evidence has been provided to demonstrate that the units are not capable of being re-let for a main town centre use. As such the proposal is contrary to policies TC1 and TC3 of the of the adopted Local Plan and Alterations (1998 & 2006), policies E2 and P3 of the Local Plan Submission Version (2017) as amended by Main Modifications (July 2021) and the NPPF (2021).
- 2 By reason of its design and proposed use, the proposed development would fail to preserve or enhance the existing buildings and yards or the surrounding Waltham Abbey Conservation Area contrary to policies DBE3, DBE10, HC6, HC7 and HC12 of the adopted Local Plan and Alterations (1998 & 2006), policies DM7, DM9 and DM10 of the Local Plan Submission Version (2017), and paragraphs 189, 190, 192, 193, 194, 200 and 201 of the NPPF (2021).
- 3 By reason of its design and layout the proposed development would provide poor levels of outlook and privacy and therefore an unacceptable quality of accommodation for future occupiers. As such the proposal fails to provide suitable living conditions contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.
- 4 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

50. Planning Application - EPF/1503/21 1 Darby Drive, Waltham Abbey EN9 1EQ

APPLICATION No:	EPF/1503/21
SITE ADDRESS:	1 Darby Drive Waltham Abbey EN9 1EQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Erection of a one and a half storey extension to the restaurant & internal alterations to the existing retail unit

	to provide staff amenity space. (Revised application to EPF/1993/20).
RECOMMENDED DECISION:	Granted subject to 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=653098

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 800; 300, 301, 302, 303, 304
- 3 Prior to their installation, details of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4 The use hereby permitted shall not be open to customers outside the hours of operation of the host building.
- 5
 - a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 6 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

51. Planning Application - EPF/1819/21 168 Honey Lane, Waltham Abbey EN9 3BE

APPLICATION No:	EPF/1819/21
SITE ADDRESS:	168 Honey Lane Waltham Abbey EN9 3BE
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane

DESCRIPTION OF PROPOSAL:	Proposed redevelopment to provide x2 no. semi-detached houses.
DECISION:	Refused

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=654517

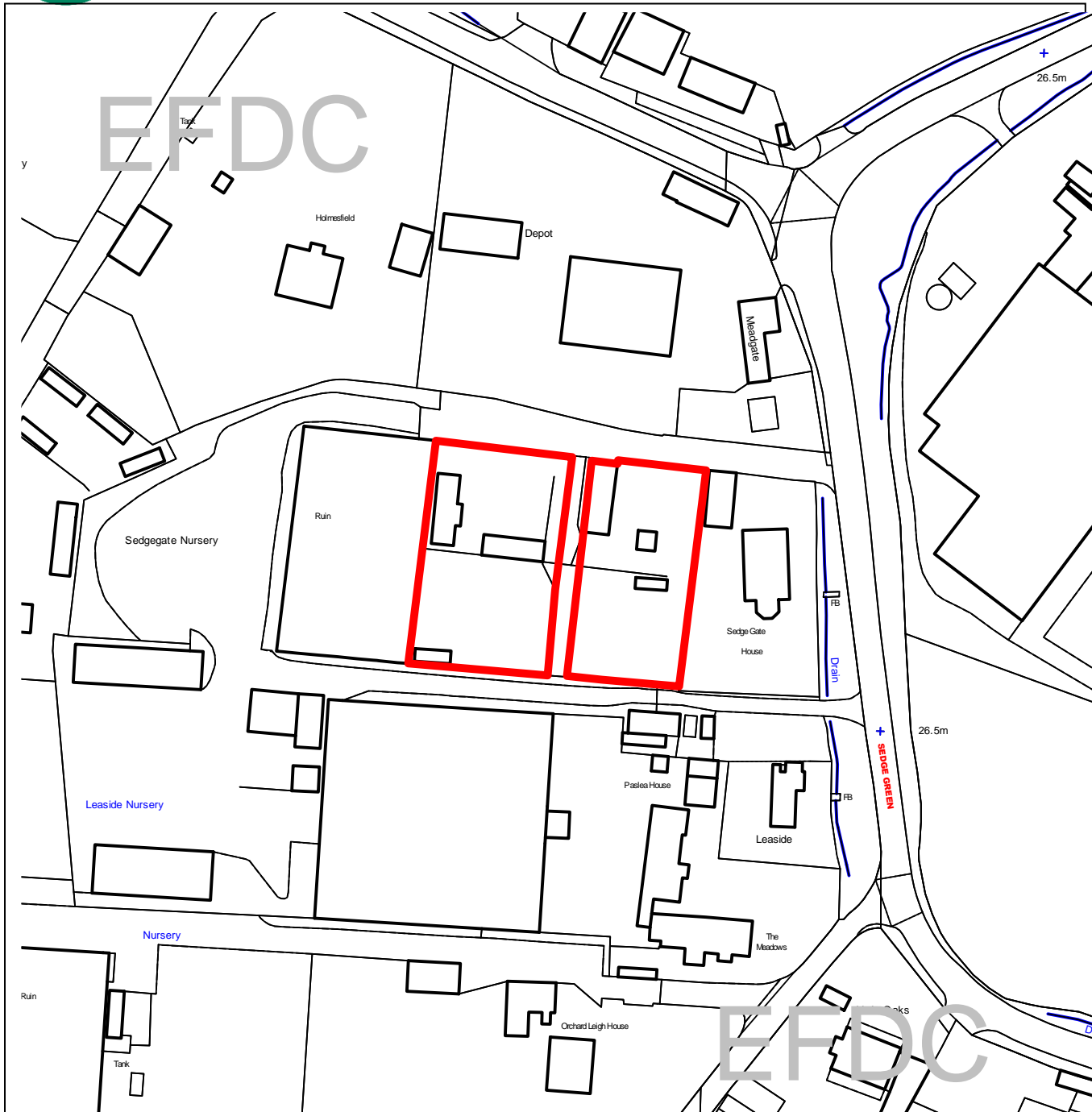
REASONS

- 1 The proposed development will result in the demolition of the existing chalet bungalow and creation of a two-storey dwelling with roof accommodation above. The proposed development by reason of the loss of the bungalow fails to comply with the requirements of Policy H4A of the adopted Local Plan 1998 & 2006, Policy H1 (f) of the Local Plan Submission Version 2017, and the NPPF 2021. These policies seek mixed and balanced communities, which the proposed development would conflict with.

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/2425/21
Site Name:	Sedge Gate Nursery Sedge Green, Nazeing Waltham Abbey, EN9 2PA
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/2425/21
SITE ADDRESS:	Sedge Gate Nursery Sedge Green Nazeing Waltham Abbey EN9 2PA
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Pasquale Milazzo
DESCRIPTION OF PROPOSAL:	Change of use from horticultural use to 14 warehouse units.
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=657256

REASON FOR REFUSAL

- 1 The National Planning Policy Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal is considered to constitute inappropriate development in the Green Belt that would be harmful to its open character and visual amenity. In addition, the scale height, bulk and activities associated with such a development would result in a visually more conspicuous, prominent and intrusive impact on the rural character of the Green Belt. Whilst there are considered benefits to the proposed development they cannot be justified in terms of 'very special circumstances' that would outweigh the harm identified and is contrary to policy DBE1, GB7A and GB2A of the adopted Local Plan and Alterations (2006-2008), and with policy DM4 of the Epping Forest Local Plan (Submission Version), 2017 and with the Green Belt objectives of the NPPF, 2021.
- 2 The development by reason of its design, scale, height, activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise and disturbance and also a loss of light, intrusive and overbearing impact, to Sedge Gate House. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006), policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers

This application is before this Committee since it has been 'called in' by Councillor Bassett (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site is located to the west of Sedge Green in the Settlement of Nazeing, sited to the rear of Sedge Gate House and accessed by a narrow track between Sedge Gate and Meadgate.

The site is a former glasshouse use located within the Metropolitan Green Belt, Flood Zone 2 as defined by the Environment Agency and within the Lea Valley Regional Park. The lawful use of the site continues to be horticulture (agricultural).

The previous nursery site was divided into two, with the front (eastern) parcel constituting the application site and the rear (western) parcel being incorporated into the established adjacent Leaside Nursery.

To the rear of the nursery is a permanent gypsy site and there are residential dwellings sited to the front, and southeast. The site is not sited in a conservation area

Description of Proposal:

The proposal (as amended) is for the construction of 14 units for B1(a), B2 and B8 use arranged in two aligned blocks, each unit measuring a width of 6.7m and a depth of 15m deep with a roller shutter door and pedestrian side door to the front elevation and covered over with a gable end roof at a ridge height of 7.6m and an eaves height of 5.5m.

Units 1-6 are sited to the south boundary of the site with Units 7-14 located to the north boundary with the west flank bordering the shared boundary with Sedge Gate House.

The vehicle access, 14.7m in width is sited to the southwest of the site with the provision of 38 parking spaces located to the central aspect of the site.

Materials: Concrete and profile steel cladding

Relevant History:

EPF/0013/20 - Retrospective development for the change of use of the land from former glasshouses for the stationing of caravans for residential occupation by Gypsy and Travellers with associated hardstanding, fence/gates, lighting and utility buildings and the parking of 2 vehicles on plots 2-3 and 4 - Refused - 01/05/20 on inappropriateness in the Green Belt

EPF/2406/19 - Retrospective application for change of use of land for stationing of caravans for occupation by Gypsy Traveller family - Refused - 22/09/20 on inappropriateness in the Green Belt, no flood risk assessment - currently at appeal

EPF/1060/13 - Retrospective Consent for the change of use of the land for the stationing of caravans for occupation by Gypsy - Traveller families with ancillary works including (including the demolition of two rows of glasshouses and erection of fencing and amenity blocks and the installation of hardstanding and a septic tank).
Refused - 27/05/2013

'The proposal constitutes inappropriate development within the Metropolitan Green Belt that is, by definition, harmful to the openness of the Green Belt, and would also constitute unacceptable development within the Lee Valley Regional Park, the Environment Agency Flood zone 2 and a designated E13 area. No very special circumstances exist that clearly outweigh this identified harm and, as such, the development is contrary to the guidance

contained within the National Planning Policy Framework and policies GB2A, GB5, H10A, E13B, RST24 and U2A of the adopted Local Plan and Alterations’.

‘No Sequential Test has been submitted and agreed regarding the use of this site for a highly vulnerable development within Environment Agency Flood zone 2. As such, there is no justification as to why the proposed development cannot be located on any other site in areas with a lower probability of flooding and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and policy U2A of the adopted Local Plan and Alterations’.

Appeal (Ref: APP/J13/A/13/2206298) - Temporary permission Allowed June 2016 for 3 years

EPF/2282/12 - Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes - Refused 12/02/13

EPF/1283/11 - Demolition of existing glasshouses, erection of replacement glasshouses and erection of packing shed (revision to application EPF/0374/11) – Approved/conditions 16/08/11

EPF/0374/11 - Demolition of existing glasshouses, erection of replacement glasshouses, erection of packing shed and storage building - Refused 28/04/11

CLD/EPF/1391/10 - Certificate of lawful development for an existing use for vehicle repairs - not lawful 28/11/11

EPF/0036/05 - Car park spaces and storage of agricultural vehicles in conjunction with growing use of greenhouses - Refused 01/07/05

EPF/0943/95 - Continued use for storage and distribution of plant containers and production, maintenance and storage of interior plant displays - Refused 30/01/96 (dismissed on appeal 23/10/96)

EPF/1338/16 Storage building replaced by three dwellings - Approved - 29/07/2016

Applied Policies

DEVELOPMENT PLAN

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

CP3 New development

GB2A Development in the Green Belt

GB7A Conspicuous Development

DBE1 Design of new buildings

DBE9 Loss of amenity

DBE2 Effect on Neighbouring Properties

DBE4 Design in the Green Belt

RP5A - Adverse environmental impacts

ST1: Location of development

ST2: Accessibility of Development

ST4 Road Safety

ST6 Vehicle Parking
NC1 SPA's, SAC's and SSS1's
RP4 Contaminated Land
U2A Development in flood risk areas
RST24 - Design and location of development in the LVRP

NPPF, 2021

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 81 & 84
Paragraph 137- 138 and 147-149

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.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

Policy	Weight Afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP6 - Green Belt and District Open Land	Significant
DM4 - Green Belt	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM9 - High Quality Design	Significant
DM15 - Managing and reducing flood risk	Significant
DM21 - Local environmental impacts, pollution and land Contamination	Significant
DM22 - Change in air quality management	Significant
T1 - Sustainable transport choices	Significant

Consultation Carried Out and Summary of Representations Received

Councillor Bassett has 'Called in' the application if officers are minded to refuse as he considers it to be a useful employment zone on a previous employment location and as such there is special consideration

NAZEING PARISH COUNCIL – NO OBJECTION

- Supports the application as it will provide employment and if permission granted conditions can be imposed to control hours of working and use of access road.

Site Notice Displayed 29/10/21 and Advertised 07/11/21

42 neighbours notified and 4 objections have been received that raise the following concerns:

- massive development if allowed then the immediate area will be just an industrial estate with no residents who can reside there.
- object to this application due to the extreme closeness to our home, our garden depth is only 8 metres depth would tower our home block all-natural light and invade our privacy. the applicant has already built the same building to the far end of us and we have had constant traffic lorries causing traffic as not possible to turn in. There is 7.5 tonne restriction

on the road which would be the entrance but is completely ignored by the site owner/warehouse residents and have had our walls to our property knocked down on several occasions. with 18 tonne and 44 tonne articulated vehicles use the entry roads

- Concern on the noise, pollution and furthermore congestion this application should not be approved on the grounds of the detrimental effect to us and Nazeing village.
- the site is also greenbelt. The site is not a suitable location to erect industrial units. 14 units will promote a 100 or more vehicles per day alongside with delivery companies whom tend to use vehicle of over 7.5 tons and Arctic container lorries.
- Years of turmoil with it being a traveller site, now plans to change use into to warehouses is even more concerning as the traffic increase noise will hugely increase. we constantly have vehicles obstructing our access into our home to deliver to the warehouses behind, we are in constant danger of accidents where our drive is used as access into site especially lorries.
- Leaside Ind Estate is already causing noise pollution and aggravation for neighbours. The industrial area is supposed to be restricted to set working times, yet many businesses already seriously abuse this and work 24 hours a day 7 days a week. When asked about out of hours working the resident businesses say take it up with the owner. When the owner is to stop business out of hours working, he says he cannot control the businesses.

Main issues and Considerations:

- Historical Background Information of the site
- Impact on the spatial and visual appearance of the Green Belt
- Impact on neighbour's amenity
- Highway and Parking
- Environment Protection and Land Drainage
- Contamination
- Special Area of Conservation

Historical Background Information of the site

A retrospective planning application in 2013 Ref: EPF/1060/13 to change the use of the site for the stationing of caravans for the occupation by Gypsy - Traveller families with ancillary works was refused planning permission in 2013 due to its inappropriateness and its impact on the Green Belt. An appeal in 2016 ref: APP/J13/A/13/2206298 allowed a temporary period of 3 years which has now expired and further similar planning applications to use the land as a gypsy site have been refused.

The Inspector in her statement noted that the planning history of the appeal site involved no horticultural use of the glasshouses since around 2008, that the site had been used for a number of other unauthorised uses and that on other parts of the wider nursery site been granted temporary permission for non-glasshouse uses.

The Inspector considered that there was no evidence to show that a glasshouse-based industry would be likely to be re-established. The site is not contingent with other nurseries and, on its own, was not suited to modern glasshouse production which favours larger scale glasshouses. As such, the Inspector did not consider that there would be overall harm to the vitality and viability of the glasshouse industry in this area.

The Inspector made reference to the National Planning Framework, where the essential characteristics of Green Belt is its openness and permanence and noted the enclosed nature of the

site by residential buildings and a haulage business to the north with the glasshouses to the south and that the wider area was mixed in character with a variety of commercial and residential uses. She also noted that the site formerly comprised of hardstanding, a derelict glasshouse and some small buildings and was surrounded by fencing.

The Inspector concluded that there was harm to the Green Belt by inappropriate development which should not be approved except in very special circumstances and which carries significant weight. The harm to the Green Belt by way of inappropriate development is not clearly outweighed by other considerations so as to justify inappropriate development but that a temporary permission would be acceptable taking into account the current lack of available sites together with the personal circumstances. The temporary approval of 2016 has now expired

Appropriateness of the development on the Green Belt

The National Planning Policy Framework (NPPF, 2021) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 147 of 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.

Paragraph 149 of the Framework states that the Council should regard the construction of new buildings as inappropriate in Green Belt

The application site is lawfully a horticultural nursery and therefore falls under the category of 'agricultural land'. As such this site does not constitute previously developed (brownfield) land and the development of this site would not meet any relevant exceptions to inappropriate development as set out in paragraph 149.

Furthermore, the proposed industrial units would result in a far greater floor area amounting to some 1,470m² and a cumulative volume of 9,555m³ resulting in significantly greater harm to the Green Belt.

The assessment in terms of the Green Belt is not determined solely by spatial impact to assess proportionality but also the visual impact of the proposal on the surrounding area.

The proposal development would replace previous glasshouses which are considered appropriate in the context of its surroundings whereas the solid brick-built form, height and scale would radically change the site from a horticultural use to an small industrial park resulting in a much more imposing and intrusive impact, intensifying urban activity, vehicular and pedestrian traffic movements, and a larger vehicle access which would result in a greater material impact and the site being of different character to what presently exists contrary to national and local policy.

The amount, scale and form of the units within such a constrained space surround, is unsympathetic within the rural landscape failing to preserve the open rural character of the visual amenity of the countryside and local environment.

The proposal, for these reasons would have a significantly greater impact on the openness and visual amenity of the site and surrounding area. The potential employment contribution that the scheme brings is given significant weight, but the density, height and mass of the buildings would on balance, not outweigh the identifiable harm to the openness and visual amenity of the Green Belt.

The Council is not aware of any very special circumstances which clearly outweigh this harm and any other harm resulting from the proposal. The proposal therefore conflicts with Green Belt policy within the NPPF, policy GB2A and GB2A of the Local Plan and policy DM4 of the Submission Local Plan.

Impact on Neighbouring Amenity

The site is bounded by a mix of uses and residential with Sedge Gate House sited to the immediate west of the site and residential properties sited opposite the single track leading to the vehicle access of the site.

The magnitude and height of the proposed units at 7.6m and a depth of 15m built on the shared west boundary of the site would result in a loss of amenity in the form of a loss of light, overbearing, and an intrusive impact to the adjoining residential property of Sedge Gate House.

Having regard to the nature of the proposed use and its surroundings, appropriate conditions could be imposed to limit the hours of use but it is considered that the siting and scale of the activities associated with such a use would be of a level that would give rise to significant demonstrable harm to neighbour's amenity in the form of noise, disturbance and intensity of use which is contrary to the requirements of policies DBE9 and DM9 of the adopted Local Plan and emerging Local Plan.

Highway and Parking

From a highway and transportation perspective the Highway Authority has no objections to 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 adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

Whilst the proposal will slightly increase vehicle movements to and from the site, it will not result in a significant increase. Consequently, it is considered that the development would not be detrimental to highway safety or efficiency at this location or on the wider highway network.

Environment Protection & Drainage

The applicant has provided a flood risk assessment and the drainage team agree with the findings in principal.

Considered within the flood risk assessment is a surface water drainage strategy and whilst we agree with the general principles of the design, including the use of permeable paving where possible, there are, however concerns of the practicality of using permeable paving for all hardstanding areas in relation to loading. As the development is defined as having multiple HGV movement on a weekly basis, further information is therefore required on the type of permeable paving system proposed including the construction make up. Any changes to the design must be supplied alongside a supporting statement, calculations and detailed drainage plan. Further details are required to be submitted to the Local Planning Authority of the disposal of surface water and drainage prior to preliminary groundworks commencing in accordance with the appropriate policies which are considered reasonable and necessary.

Contamination

The site has acknowledged potentially contaminated land due to use as a horticultural nursery on a former landfill site. As this proposal is for redevelopment of the site, it is necessary to investigate all potential land contaminative issues.

No contaminated land assessment has been submitted for this application to date. In line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

Impact on the Special Area of Conservation

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty 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 (LPSV)

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in combination with other plans and projects are:

- 1) Recreation activities arising from new residents (recreational pressures); and
- 2) Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

- 1) The development would not result in a net increase in traffic using roads through the EFSAC.

The Council is therefore satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate

Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

Conclusion

The National Planning Policy Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal is considered to constitute inappropriate development in the Green Belt that would be harmful to its open character and visual amenity. In addition, the scale height, bulk and activities associated with such a development would be visually more prominent and have a greater physical impact on the openness of the Green Belt. Whilst there are benefits to the scheme the proposed development cannot be justified in terms of 'very special circumstances' which would outweigh the harm identified and is contrary to policy GB7A and GB2A of the adopted Local Plan and Alterations (2006-2008), and with policy DM4 of the Epping Forest Local Plan (Submission Version), 2017 and with the Green Belt objectives of the NPPF, 2021.

The development by reason of its design, scale, height, activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise and disturbance and also a loss of light, intrusive and overbearing impact, to Sedge Gate House. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006), policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers. In light of the above considerations the application 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: 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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