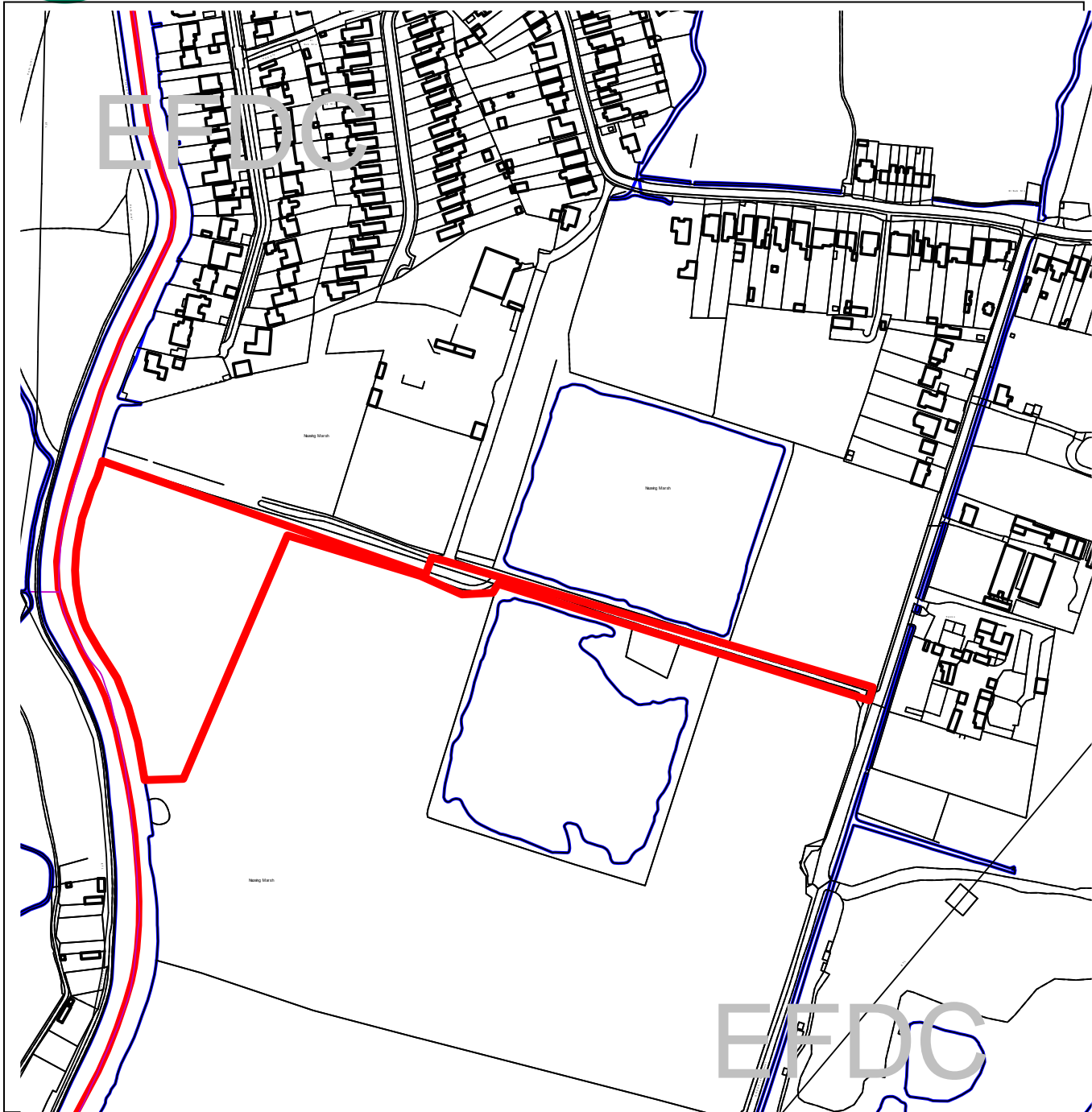




Epping Forest District Council



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Application Number:	EPF/3070/20
Site Name:	Broxbourne Cruising Club Ltd Green Lane Nazeing EN10 6RS
Scale of Plot:	1:4000

Report Item No: 9

APPLICATION No:	EPF/3070/20
SITE ADDRESS:	Broxbourne Cruising Club Ltd Green Lane Nazeing Waltham Abbey EN10 6RS
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	John Frazer
DESCRIPTION OF PROPOSAL:	s73 Variation/Removal of condition 7 `Hours of use' for EPF/0977/05 (Use of agricultural land as a boat club) (Amended application to EPF/1254/20).
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=646493

CONDITIONS

- 1 This consent shall inure solely for the benefit of the applicant (Broxbourne Cruising Club) and for no other person or persons.
- 2 The clubhouse shall not be used for the sale of alcohol, including consumption on the premises, nor shall any recorded/amplified music or other sound be played within the premises including dancing during the hours of 23:00 to 07:00 on Sundays to Thursdays, and 00:30 to 07:00 on Fridays, Saturdays and Bank Holidays.
- 3 No use shall be made of open areas within the application site for erecting marquees or holding other social events without the prior written agreement of the Local Planning Authority.
- 4 No amplified music or other sound shall be played outside the clubhouse and such music or other sound shall not be played between 23.00 and 07.00 the following day.
- 5 No external lighting shall be provided on the site or erected to any building or fence on the land unless previously agreed in writing by the Local Planning Authority.
- 6 No open storage shall take place on the site without the prior written agreement of the Local Planning Authority.
- 7 There shall be no raising of ground levels on those parts of the site below 24.38m AOD.

- 8 Any walls of fencing constructed within or around the site shall be designed to be permeable to flood water.
- 9 No soakaways shall be constructed in contaminated ground.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a large parcel of land that includes a boat cruising clubhouse, located within the Green Belt. It is not listed nor in a conservation area.

Proposal

s73 Variation/Removal of condition 7 'Hours of use of Clubhouse' for EPF/0977/05.

The application form states that they would like condition 7 to be removed or varied accordingly.

The cover letter states that they would like 24/7 access to the clubhouse, so members can use the kitchen, toilets and shower facilities.

Relevant Planning History

EPF/0977/05 - Use of agricultural land as a boat club; construction of access road to site from Snakey Lane and construction of moorings, slipway, clubhouse and carpark – Approved

EPF/1254/20 - Application for removal of conditions 7 (Hours of use of Clubhouse), 8 (No use of open areas for erecting marquees or holding social events) & 9 (Hours of use for amplified music or other sound outside the Clubhouse) for EPF/0977/05 - Refused

Development Plan Context

Local Plan & Alterations 1998 & 2006 (LP)

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).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP7	Urban Form and Quality
DBE9	Loss of Amenity
RP5A	Adverse Environmental Impacts
RST22	Potentially Intrusive Activities

National Planning Policy Framework 2019 (Framework)

The Framework 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 127

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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 conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
DM9 High quality design	Significant
DM 21 Local Environmental Impacts, Pollution and Land Contamination	Significant
D4 Community, Leisure and Cultural Facilities	Significant

Summary of Representations

Number of neighbours Consulted: 28. 10 response(s) received
 Site notice: Yes

10 OBJECTIONS RECEIVED – Summarised as:

- Noise disturbance;
- Light pollution;
- Increased traffic;
- Anti-social behaviour;
- Impact on wildlife and Green Belt; and
- Breach of conditions.

NAZEING PARISH COUNCIL – Objection, as there is no need for the condition 7 hours of use to be removed and further, that there is concern with the effect on properties in the vicinity, with noise and light pollution. Contrary to policy DBE2 – Effect on neighbouring properties.

Planning Considerations

The main issue for consideration in this case is whether the removal or variation of condition 7 is acceptable in the interest of protecting nearby residents from any harm with particular regard to noise and general disturbance.

Condition 7 states: The clubhouse hereby approved shall not be used between 23.00 and 07.00 the following day unless otherwise agreed in writing by the Local Planning Authority.
 Reason: To minimise disturbance to local residents.

The nearest residents to the site are Frogs croak and Magnolia House which are in excess of some 100 metres away from the clubhouse; although once the development at the Chimes Garden Centre is completed any future residents would be closer to the site. The applicant states that they require 24-hour access to the clubhouse to use the amenities available, such as the kitchen, shower and toilets.

Furthermore, there is an existing premises license issued by the Council's Licensing Team for the sale of alcohol on the premises, along with recorded music and dancing, which are restricted to the following hours;

Friday – Saturday 12:00 - 00:30
 Sunday – Thursday 12:00 - 23:00

Non-standard timings

Bank Holiday and New Year's Eve until 02:00

Without the above license (due the number of conditions attached) there would be a valid concern for the use of the clubhouse 24/7.

Officers are satisfied that the above licensable activities do not result in a change of use of the clubhouse as they are ancillary to the main use and the premises license would ensure no harm is caused to neighbouring residents in terms of increased noise disturbance from such activities. Thus, for clarity, Officers will vary condition 7, so that they will be able to use the amenities of the clubhouse 24/7, however, they will not be able to use the clubhouse for the above activities outside the licensed hours. This will ensure that the living conditions of neighbouring properties are safeguarded from any harmful noise and general disturbances.

Members attention is drawn to the fact that the proposal (variation of condition 7) was considered to be acceptable in the recent refused application. However, as the LPA is unable to issue a split permission, the application was refused.

Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that planning permission be granted.

The previous conditions where relevant have been added to this consent.

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:

Case Officer: Muhammad Rahman - Direct Line: 01992 564415

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