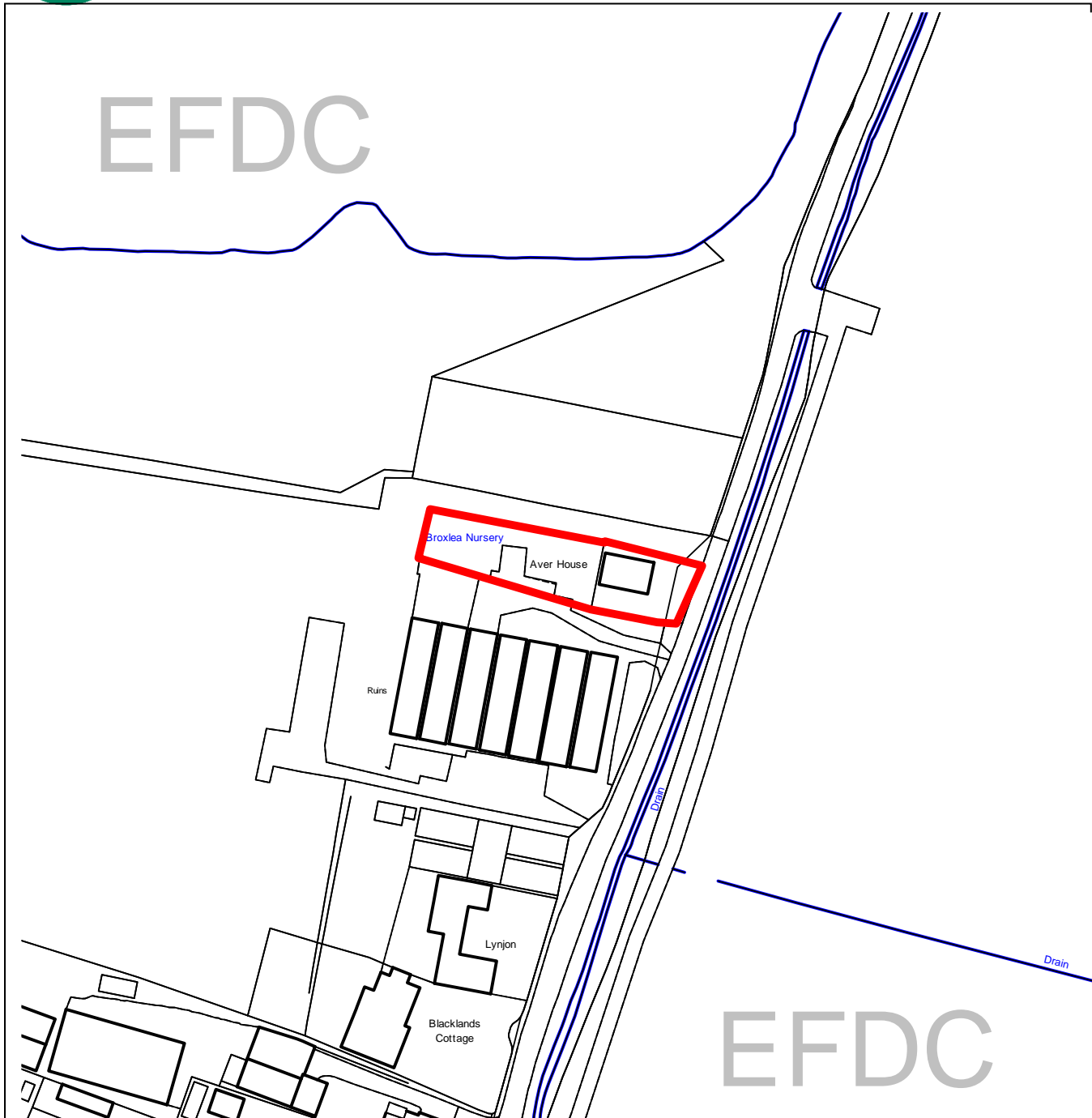




# Epping Forest District Council



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Application Number:	EPF/2712/21
Site Name:	Aver House, Nursery Road Nazeing. EN9 2JE
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2712/21
<b>SITE ADDRESS:</b>	Aver House Nursery Road Nazeing Waltham Abbey EN9 2JE
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Kevin Ellerbeck
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of commercial office building and replacement with a single dwelling.
<b>RECOMMENDED DECISION:</b>	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=658754](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=658754)

**REASON FOR REFUSAL**

- 1 The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Moreover, by reason of its scale, and height, the proposal would result in a significant reduction in the openness of the Green Belt. Consequently, the development is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, policy DM4 of the Local Plan (Submission Version 2017) and the objectives of the National Planning Policy Framework.
- 2 In the absence of a completed Section 106 planning obligation to mitigate against the adverse impact that the development may have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 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, the NPPF, and the requirements of the Habitats Regulations 2017.

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

**Description of Site:**

The application site is a roughly rectangular plot with a single storey building (last in use as a B8 Storage building) fronting onto Nursery Road within the rural area of Nazeing. Directly to the south of the site is a development site in the latter stages of construction for 4 detached dwellings that replaced mushroom farm buildings. To the south of this is a ribbon of detached properties all on the same side of the road as Aver House. Nursery Road is a private road, and has the appearance of a country lane with properties only on one side opposite a robust hedge/tree line

which reinforces the rural appearance. The site is within the Metropolitan Green Belt and flood zone 2.

### **Description of Proposal:**

The application seeks consent for the demolition of the existing storage building and replacement with a 2 storey, pitched roof property. This application is a revised scheme following two previous refusals and a dismissed appeal.

### **Relevant History:**

EPF/2701/21 - Application for Prior Approval for the demolition of the existing buildings and erection of a new dwelling in their place – Concurrent application

EPF/0858/20 - Demolition of a commercial building and replacement with a single dwelling. (Revised application to EPF/0196/19) – Refused and dismissed at appeal

EPF/0196/19 - Demolition of a commercial building and replacement with a single dwelling – Refused

The application was refused for the following reasons:

- 1. The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Moreover, by reason of its scale, height and siting, the proposal would result in a significant reduction in the openness of the Green Belt. Consequently, the development is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, policy DM4 of the Submission Version of the Local Plan (2017) and the objectives of the National Planning Policy Framework.*
- 2. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 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, the NPPF, and the requirements of the Habitats Regulations 2017.*

EPF/1582/18 - Prior approval for proposed change of use from storage unit (Class B8) to residential dwelling (Class C3) – Prior approval granted

### **Policies Applied:**

*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).

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

CP2 – Protecting the quality of the Rural and Built Environment  
 DBE1 – Design of new buildings  
 DBE2 - Effect on neighbouring properties  
 DBE5 – Design and Layout of new development  
 DBE8 – Private amenity space  
 DBE9 – Loss of amenity  
 GB2A – Development in the Green Belt  
 GB7A – Conspicuous development in the Green Belt  
 ST01 – Location of Development  
 ST06 – Vehicle Parking  
 LL10 – Adequacy of provision for landscape retention

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

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:

<b>Policy</b>		<b>Weight</b>
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant

**Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 4 - No responses received  
 NAZEING PARISH COUNCIL: No response received

**Main Issues and Considerations:**

**Green Belt**

The site is wholly within the Metropolitan Green Belt, located some 600m+ outside of the defined village of Nazeing with no development connecting the two areas. As described above the site is within an area that is more rural and distinct in character than the built up area to the south east which is within the defined built up area of Nazeing.

The NPPF is clear that an exception to Green Belt policy is 'limited infilling in villages'. However, notwithstanding the above, the Appeal Inspector for EPF/0858/20 found that this proposal was within the village of Nazeing and that given the clear boundary to the Lea Valley Regional Park the Inspector considered it to be an infil development. However, the Inspector did not consider that the previous proposal was limited.

This proposal has been amended since the previous refusal:

## Proposed Scheme



Whereas the previous scheme followed the design of the adjacent four dwellings, this proposal has been brought in from the site boundaries. The proposal will be located broadly in line with the neighbouring properties but without the large front and rear projections that the exist on the neighbouring plots.

The existing building has been calculated to have a volume of approximately 225 cu. m., whereas the proposed new dwelling has a volume of circa 665 cu. m. Although the depth and width has been reduced the building would still result in a 195% increase in built form on the site. Furthermore, the height remains the same and this is something the Inspector specifically mentioned within their assessment of 'limited'. Given the increased size of the built development and since the height has remained the same it is not considered the proposal has overcome the previous reason for refusal as the proposed scheme is still not the required 'limited'.

As with the previous Officer view, the Inspector also considered that the previous scheme had a detrimental impact on openness. Previously the inspector found:

30. *I find that the proposed development would have a much greater impact on the openness of the Green Belt than the existing building. Spatially, there would be no greater spread into the countryside or encroachment beyond the vegetated boundary and I find limited harm in this respect. However visually, the construction of a substantial detached dwelling would result in greater harm over and above the effects of the existing building on the site.*
31. *I acknowledge that it would be similar in scale to its neighbours. However, there is limited spacing between the dwellings resulting in a cramped appearance which would be amplified by the proposed development. I find there would be moderate harm to openness, and I also give this harm substantial weight in accordance with paragraph 148 of the Framework.*

Although as stated above, the width and depth has been reduced the increased scale of the building means that the revised scheme does not overcome Officer or the Inspector concerns with regards to openness. Although the proposal will appear less cramped than the adjacent properties it would result in a greater harm over and above the effects of the existing building.

The Council agree that the previous history is a material consideration as the conversion can take place, however it does not provide any weight for allowing a new, much bigger dwelling within this Green Belt, rural area.

It is not considered that the fact the current scheme allows for a substantial rear amenity space to be provided is a very special circumstance in its own right as the Applicant states.

In addition, there is no fallback position with the concurrent prior approval application, although the Applicant states that there is. Regardless, what can be achieved through permitted development is beyond Green Belt and Design controls and therefore does not set a precedent to allow an alternative scheme under planning legislation.

In addition to the above – it is not considered the Applicant had put forward any very special circumstances so unique to the site to justify the proposal.

### **Design**

The design of the proposal in isolation is considered acceptable. Whilst the different spacing, large gable and detailing fails to mirror the new adjacent dwellings, Nursery Road contains a mix of dwellings and this variation in design would not be unacceptable in this instance.

### **Impact on Amenity**

The proposed dwelling will be located set away from the shared boundary with the adjacent plot 4. Side windows are proposed but given these serve non-habitable rooms can be conditioned as obscure glazed. Given the proposed internal layout and the sufficient separation, the proposal is not considered to raise any amenity concerns.

### **SAC and Air Quality**

#### **Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)**

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 effects of urbanisation with a particular focus on 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.

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies outside of the 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

2. The development would not result in a net increase in traffic using roads through the EFSAC. Therefore, the proposal will not result 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 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.

Although no additional AADT is proposed financial contribution towards the continued monitoring of effects on air quality within the EFSAC, together with provision of an EV charging point and digital communications infrastructure to support home working is still required. A draft S106 has not been submitted with this application.

### **Flood Risk**

The Council's Land Drainage Engineer has no objection subject to conditions.

### **Conclusion:**

Given the above discussion, it is recommended that planning permission is **refused**.

***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: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***