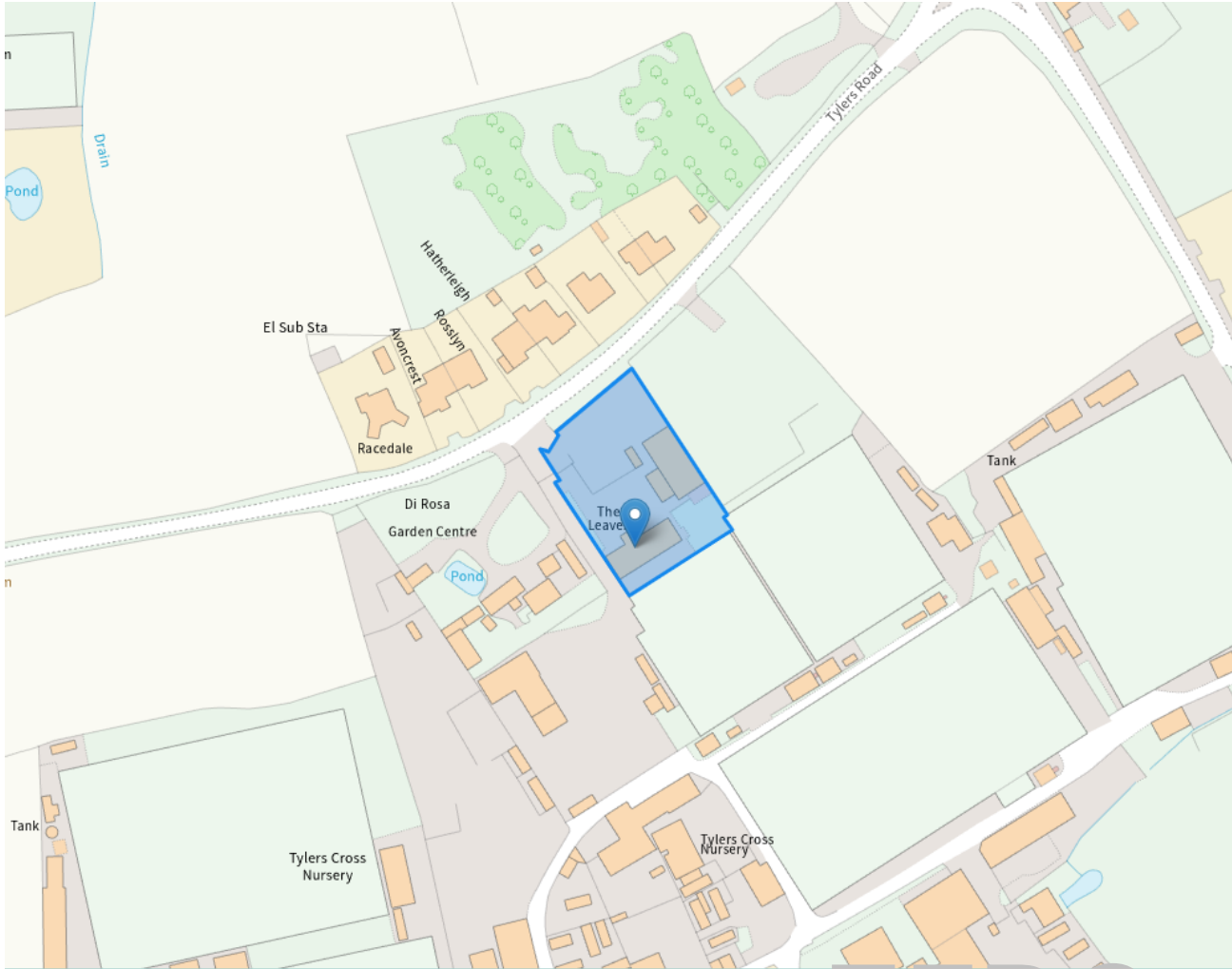




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Application Number:	EPF/2456/21
Site Name:	The Leaves, Tylers Road Roydon CM19 5LJ

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OFFICER REPORT

Application Ref: EPF/2456/21
Application Type: Full planning permission
Applicant: Mr Matt Maskell
Case Officer: Ian Ansell
Site Address: The Leaves
Tylers Road
Roydon
Harlow
CM19 5LJ
Proposal: Storage & sales of cars.
Ward: Broadley Common, Epping Upland and Nazeing
Parish: Roydon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzFa>
Recommendation: Approve with Conditions

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

Description of Site:

The application site lies on the south side of Tylers Road, around 220 metres west of the Tylers Cross roundabout. The site comprises around 0.28ha and comprises a industrial building in its south east corner of around 270 sq.m. area and an open yard on which a small temporary canopy was erected at the time of the site visit. The site is screened from the road by an established hedgerow.

Access to the site lies in the north west corner of the site. The entrance is set back off a shared entrance area which also serves the dwelling The Leaves a chalet style bungalow that lies behind. An adjacent entrance serves Di Rosa Nursery which extends to the rear and incorporates glasshouses and a range of commercial and industrial buildings and uses. Opposite the site lies a ribbon of residential bungalows.

The site and all surrounding land lies within the Green Belt. The northern site boundary marks the edge of the Nazeing and South Roydon Conservation Area with the site located outside of the protected area.

Description of Proposal:

The application seeks to regularise the use of the site for the storage and sale of cars. The business is primarily conducted on-line and no vehicles are displayed in the historic manner at the site. The building is used for the preparation of vehicles involving cleaning, valeting and minor works, the applicant stresses that no mechanical repairs are conducted on the premises. Customers may call by appointment to view and collect vehicles, but a proportion of vehicles are delivered.

Working hours at the site are 9am – 6pm Mondays to Fridays and 9am – 5pm Saturdays.

Relevant History:

EPF/0416/12 – change of use from nursery to garden centre approved. This application related to the whole of The Leaves comprising the dwelling and its curtilage and the application site.
EPF/1541/14 – lawful development certificate for use of building as dwelling house – lawful.

EPF/2586/15 – Demolition of existing glasshouses, erection of building for storage of ice cream vans and re-use of glasshouses for ancillary parking approved. While the site location is given as ‘Di Rosa Garden Centre and The Leaves’, the site location plan clearly identifies the current application site and the building approved is that which is now part of current application. A personal condition was subsequently removed under application EPF/0114/17.

Policies Applied:

Adopted Local 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).

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
GB2A	Development in the Green Belt
GB7A	Conspicuous development
NC1	SPA's, SAC's and SSSI's
E4A	Protection of employment sites
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
ST2	Accessibility of development
ST6	Vehicle parking

NPPF (July 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:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

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 MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open Land
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM4	Green Belt
DM9	High Quality Design
DM13	Advertisements
DM21	Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Date of site visit: 12 September 2022
Number of neighbours consulted: Eight
Site notice posted: No, not required
Responses received: No response received from neighbours.
Parish Council: No response from Parish Council

Main Issues and Considerations:

The application is effectively seeking a change from the storage of ice cream vans to the current use. In broad term, there are a number of benefits that arise from the removal of the previous use – ice cream vans are usually diesel fuel operated with an element of noise when they operate, with in and out vehicle movements on a daily basis for much of the day during the season. The previous use was permitted to operate between 10:00 to 20:30 hours seven days a week. A simple comparison therefore suggests the use for car sales will reduce potential impact on surrounding residents, which is reflected in the lack of any public response.

Officers note the applicants submission as to the character of the business being primarily on-line and can attest to the number of similar such operations emerging over recent years. Vehicles are not displayed in the traditional manner with garish signs and no advertisements are proposed to be erected externally to the site. Visually, therefore the use has little material impact on the location and setting.

There is no evidence that significant repair work is being or could be carried out on the site. The building is not equipped for such works and the site is maintained in a clean and tidy condition.

The application is accompanied by a Trip Generation Analysis which concludes that compared to previous uses, the present use results in a reduction in overall vehicle movements, and an appropriate assessment has been completed taking account of these conclusions.

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 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 site has a history of commercial use, including activities which potentially could have resulted in amenity concerns for nearby residents. As a result of these activities, the hard surface areas and the building on the site are pre-existing and are not intended to be altered.

The use is therefore not considered to have a discernible impact on the Green belt or local amenity. Therefore the application is recommended for approval, subject to conditions that ensure the use remains consistent with the details set out in the application.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

Conditions: (4)

- 1 The development hereby permitted shall be retained strictly in accordance with the following approved plan: ELA/4 Rev A.

Reason: For the avoidance of doubt and to ensure the proposal is retained in accordance with the approved plan.

- 2 The use hereby permitted shall only operate between 9am and 6pm Mondays to Fridays and 9am and 5pm Saturdays, and at no times on Sundays and Bank or Public Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017 and the NPPF 2021.

- 3 The workshop building shall be used only for cleaning, valeting and preparation of vehicles and shall not be used for mechanical repairs or the painting or spraying of vehicles.

Reason: In order to protect the amenities of surrounding residents in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017 and the NPPF 2021.

- 4 Notwithstanding the provisions of the Town & Country Planning (Control of Advertisement) (England) Regulations 2007 (or any subsequent order amending, revoking or re-enacting the Regulations), no advertisements shall be displayed at or on the site or on any vehicle so as to be visible from the road without prior consent from the Local Planning Application through an appropriate application.

Reason: In order to protect general visual amenity and the Green Belt, in accordance with policies GB2A and DBE13 of the adopted Local Plan and Alterations, Policies DM4 and DM13 of the Local Plan Submission Version 2017 and the NPPF 2021.

Informatives: (1)

- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.