

AREA PLANS SUB-COMMITTEE 'WEST'

20 July 2016

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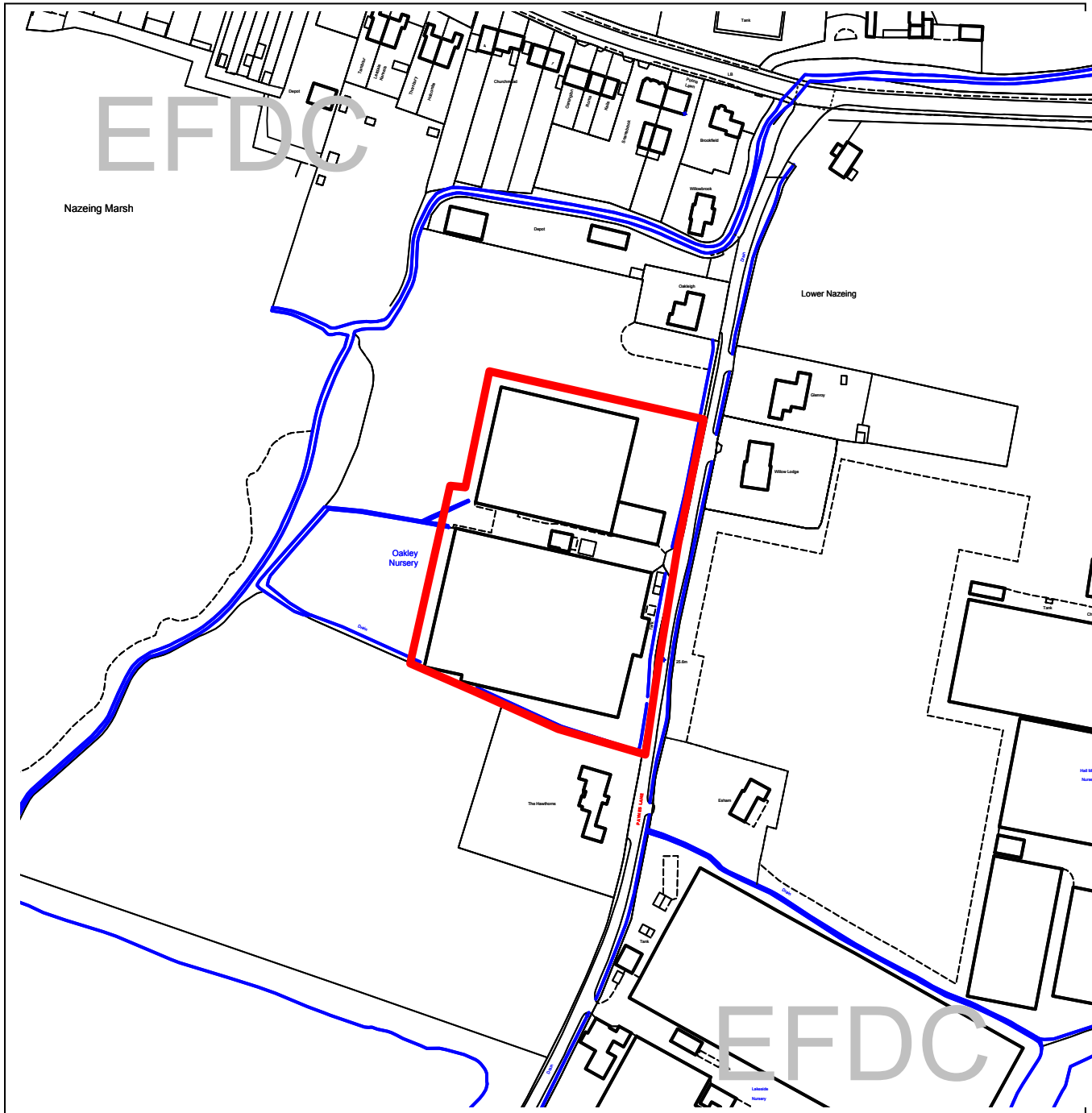
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/3275/15
Site Name:	Oakleigh Nursery, Paynes Lane, Nazeing, Waltham Abbey, EN9 2EU
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/3275/15
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing Waltham Abbey Essex EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Giovanni Orlando
DESCRIPTION OF PROPOSAL:	Change of use of part of packing shed to single dwelling unit for nurse worker (retrospective)
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=581555

CONDITIONS

- 1 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.
- 2 Details of foul water disposal shall be submitted to the local planning authority within 2 months of this decision for agreement in writing. The agreed scheme must be fully implemented within 3 months of that agreement.
- 3 A Phase 1 Land Contamination investigation shall be carried out within 3 months of the date of this decision. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 4 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, a Phase 2 site investigation has been carried out within 3 months. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 5 Should Land Contamination Remediation Works be identified as necessary under the above condition, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to the Local Planning Authority within 2 months, for approval by the Local Planning Authority. The approved remediation works shall be completed within 2 months of their approval by the LPA unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 6 Within 1 month of completion of the measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 7 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))

Description of Site:

Oakleigh nursery is a working nursery with two glasshouses and associated outbuildings, located on the western side of Paynes Lane. The site is within the Metropolitan Green Belt. There are a number of nurseries within the road but there are residential properties adjacent to this site.

Description of Proposal:

The application under consideration is for the conversion of part of an existing packing shed within the centre of the nursery to a dwelling to house agricultural workers. The works have already taken place. The residential area is accessed through the agricultural storage area and consists of 1 bedroom with a kitchen/living area and a bathroom.

Relevant History:

The site has no recent planning history; it is a long established nursery.

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB8A - Change of use or adaptation of Buildings
DBE2 – Effect on neighbouring properties
DBE9 – Loss of amenity
U2A – Development in Flood Risk Areas
RP4 – Contaminated land

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Response

7 neighbours were consulted and a site notice was erected,
The following responses were received;

OAKLEIGH, PAYNES LANE – Strongly object – Contrary to policy GB17A which amongst other things requires evidence of an agricultural need for workers to be housed on the nursery and long term viability of the enterprise.

I am not aware of anyone living on the site until the last 2-3 years. It has not been 10 years. This is a small site there can not be a need for the number of workers proposed with this and the other 2 applications.

All year round occupation can not be justified given the nature of the business. It is questionable whether the all the residents actually work at the site.

The amenity of residents of Willow Lodge has been particularly impacted.

The intervention of the EHO should not have been taken to imply planning permission was not needed or would be granted.

WILLOW LODGE, PAYNES LANE – Strongly Object At the time this application was submitted the site consisted of the following; Glasshouses equating to approximately 2 acres, a packing shed and stores, a boiler room and 5 caravans (two of which are dilapidated, and three second-hand caravans which appeared last summer). The original owners of the site never lived on site, they operated it by working all day and visiting at 10pm to check the boiler. When they left in 2010 we started to suffer noise and traffic nuisance. When alarms sounded at night (from 2012,) it was evident no one was living on site. EH officers visited in 2013 due to the alarm and no one was living there then. We noticed someone moved into the packing shed in 2014. EH records should back up that there was no one present on site overnight until 2014. Since then the number of occupants has grown. A number of occupants of the caravans are seen leaving in the early morning and returning in the evening. They are living on site all year round and are not seasonal workers.

PARISH COUNCIL – No Objection but if planning permission is granted it should be subject to a condition that dwelling is only used for agricultural workers employed at the nursery and the site is cleaned up for the agricultural workers.

Issues and Considerations:

Background to the Application.

This site and many other nursery sites within the District were investigated by Environmental Health officers, concerned about the health and welfare of residents living on Nursery sites in sub standard accommodation. Officers discovered conditions on this site were particularly poor and that there was an urgent need to upgrade the accommodation. In the interests of the occupants. the owner of the site was advised to provide improved accommodation for the 6 workers that were then living in the two caravans located in the centre of the site and within the packing shed.

Green Belt

The site is within the Metropolitan Green Belt, where new development is restricted in order to maintain openness. The NPPF identifies that the change of use of existing substantial and permanent buildings is one of the few forms of development that is not inappropriate within the Green Belt. Indeed many such changes of use do not now need full planning permission. No extensions are required for the conversion and there is therefore no adverse impact on openness. The development is therefore acceptable in Green Belt terms.

Housing Need

Paragraph 49 of the NPPF states that "*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in

several recent appeal decisions, both within and outside of the District that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission.

Adjacent Residential Amenity

The packing shed is located towards the centre of the site a significant distance from any neighbouring properties. The use will not result in any harm to neighbouring amenity, and has the advantage of providing security within the site and an overnight on site presence which may reduce disturbance from alarms, which appears to have been a problem in the past. The development does not result in any overlooking of adjacent private amenity areas.

No information has been provided with regard to the disposal of domestic waste, but there is ample room within the nursery for the provision of waste and recycling bins without harm to amenity of neighbours and this could be conditioned should the application be approved.

The Living Conditions of Occupants of the dwelling

The applied for use is for occupation of workers on the nursery and their dependents. Occupation by persons not associated with the nursery would not be considered appropriate due to the lack of privacy within the site and the noise and disturbance that the surrounding nursery use would generate. However, use by the nursery manager and his family would be acceptable as there is some control over the surrounding environment.

Highway Issues.

Paynes Lane is a private road which serves a number of residential properties and nurseries, it is not considered that the introduction of a residential use at the site will result in a significant increase in traffic, particularly as the occupation is intended to be by persons working on the nursery, which can be restricted by condition. The Highway Authority has no concerns with the application.

Contaminated Land

Due to the use of the site for various horticultural packing sheds / chemical stores etc since before 1945 and the presence of 3 Landfill Sites within 250m of the shed, there is the potential for contaminants to be present on site. Contaminated land conditions are therefore suggested to ensure that hazards to health are properly assessed and remediated where necessary.

Conclusion

The development is appropriate within the Green Belt and does not result in any other harm; as such it is in accordance with the adopted policies of the Local Plan and Local Plan Alterations and is recommended for approval, subject to conditions.

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

***Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992 564106***

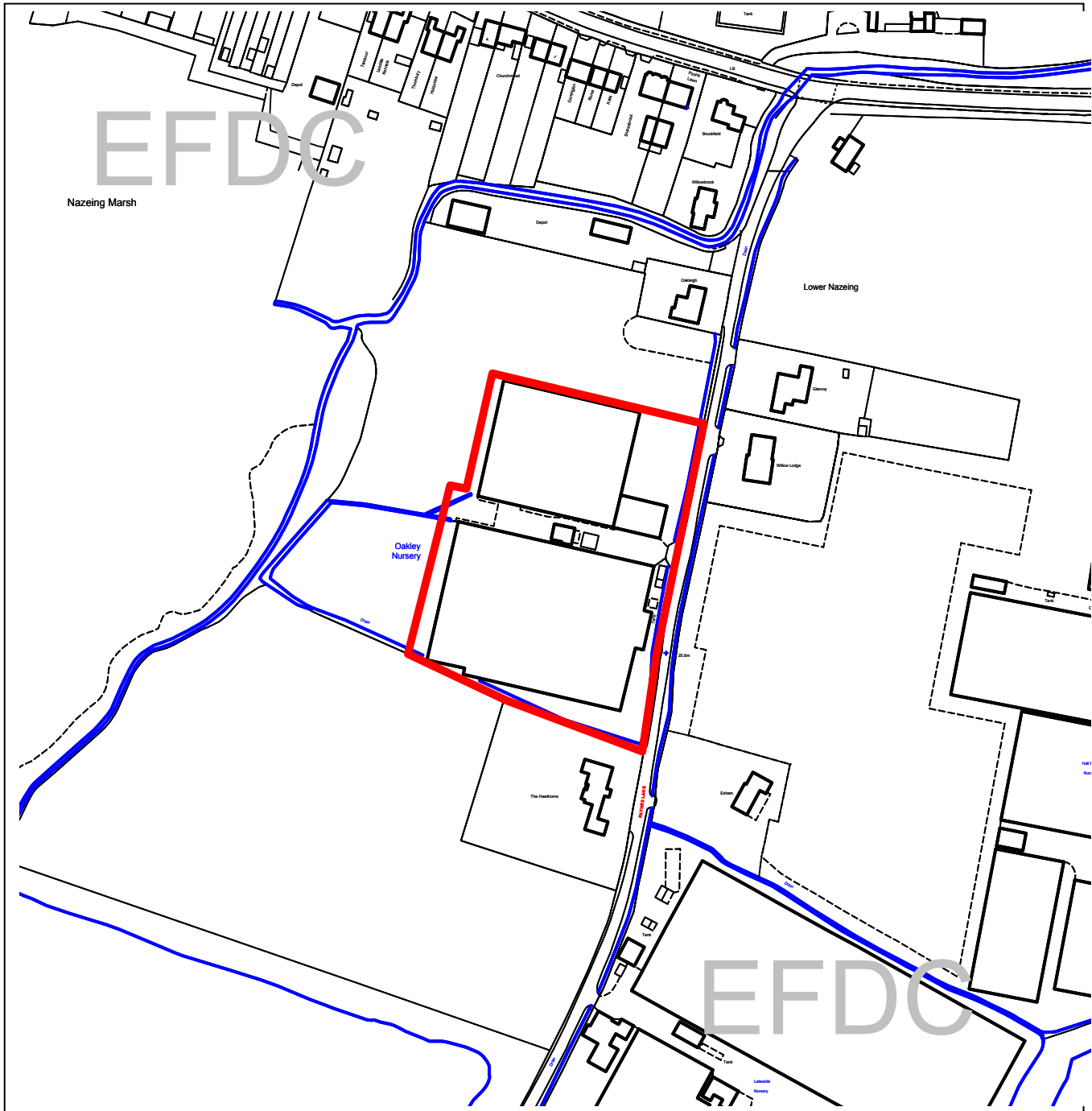
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2 and 3



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Application Number:	EPF/0041/16 and EPF/0861/16
Site Name:	Oakleigh Nursery, Paynes Lane, Nazeing, EN9 2EU
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/0041/16
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing Essex EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Giovanni Orlando
DESCRIPTION OF PROPOSAL:	The replacement of two existing dilapidated caravans with 2 new caravans for residential use by nursery workers (and associated concrete bases).
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=581777

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development harmful to the openness of the Green Belt. There are no very special circumstances that clearly outweigh the harm from the development and therefore the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2, GB2A and GB17A of the adopted Local Plan and Alterations.
- 2 The proposal would introduce a highly vulnerable development into an Environment Agency Flood Zone 2 and is therefore contrary to the guidance contained within the National Planning Policy Framework and policy U2A of the adopted Local Plan and Alterations.

Report Item No: 3

APPLICATION No:	EPF/0861/16
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing Essex EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Giovanni Orlando
DESCRIPTION OF PROPOSAL:	Retention of 1 mobile caravan to provide accommodation for workers.
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=583653

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development harmful to the openness of the Green Belt. There are no very special circumstances that clearly outweigh the harm from the development and therefore the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2, GB2A and GB17A of the adopted Local Plan and Alterations.
- 2 The proposal would introduce a highly vulnerable development into an Environment Agency Flood Zone 2 and is therefore contrary to the guidance contained within the National Planning Policy Framework and policy U2A of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))

Description of Site:

Oakleigh nursery is a working nursery with two glasshouses and associated outbuildings, located on the western side of Paynes Lane. The site is within the Metropolitan Green Belt. There are a number of nurseries within the road but there are residential properties adjacent to this site.

Description of Proposal:

This report relates to both EPF/0041/16 and EPF/0861/16

EPF/0041/16 is for the siting of two caravans for the year round occupation of nursery workers, and for the concrete bases on which they stand. This is a retrospective application and the caravans are already in position adjacent to the southern boundary of the site. The two caravans replace dilapidated caravans which had been sited within the centre of the site, between the two glasshouse buildings, although no permission has ever been granted for residential use within the site.

EPF/00861 is for 1 additional caravan and its concrete pad, located adjacent to the southern boundary of the site, to the rear of the caravans subject to EPF/0041/16. This caravan is also in position.

Relevant History:

The site has no recent planning history. It is a long established horticultural nursery.

This site and other nursery sites within the District were investigated by Private Sector Housing/Environmental Health Officers, as part of an investigation into the living conditions of Nursery Workers within the District. Officers discovered that conditions on this site were well below acceptable standards and the owner of the site was advised to provide improved accommodation for the workers that were then living in overcrowded and squalid conditions, within two caravans located within the centre of the site and within a packing shed.

The Environmental Health Officer liaised with Planning Enforcement Officers and the applicant was advised that the provision of two replacement mobile homes would be tolerated, and that these should be located away from the front of the site to minimise visual impact.

This advice was given on the assumption that the two existing caravans within the site had lawful residential use.

The stationing of caravans is a use of land rather than built development; swapping a small caravan for a larger one usually does not require any planning permission as there is no change of use involved. Additionally as the site is a single planning unit, changing the position of an approved or lawful caravan within the site, for the same use, would not require planning permission, although the installation of hardstanding for such a development would.

The applicant, following the advice from officers, fully co-operated with the requests of Environmental Health to provide improved facilities for his workers and installed the two caravans, the subject of this application, as well as upgrading the facilities within the packing shed.

Subsequently however, following a complaint from a neighbour, regarding the stationing of the new caravans, it was found that there was no clear evidence that the caravans within the centre of the site had been occupied residentially, for in excess of 10 years, and that as such the use of the site for stationing of residential caravans was not lawful.

The applicant was therefore advised that planning permission was after all required for the caravans, and the concrete pads on which they are stationed.

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP6 Sustainable Urban Development Patterns
CP8 – Sustainable Economic Development
GB2A – Development in the Green Belt
GB11 – Agricultural buildings
GB17A – Agricultural, horticultural and forestry workers dwellings
DBE2 – Effect on neighbouring properties
DBE9 – Loss of amenity
U2A – Development in Flood Risk Areas
RP4 – Contaminated land

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Response

7 neighbours were consulted and a site notice was erected,
The following responses were received;

PAYNES FARM, PAYNES LANE – Object. In 20 years there have never been residents on the site. The caravans were used only for tea breaks etc. previous owner did not live on site. Whilst caravans may have been deemed unfit there are planning issues that need to be considered. The caravans were in disrepair because they were not lived in. There is an application also to convert the packing shed, this is a small nursery what proof is there of how many need to be resident Concerned that this will lead to a caravan site with illegal workers. Leading to loss of amenity, increased traffic, unknown number of people.

OAKLEIGH, PAYNES LANE – Strongly object – Contrary to policy GB17A which amongst other things requires evidence of an agricultural need for workers to be housed on the nursery and long term viability of the enterprise. Para 5.87a says “Only in very special circumstances is temporary caravan or mobile home accommodation acceptable in the Green Belt. Where this is expected to lead in due course to an application for a permanent dwelling (e.g. where long-term viability of an agricultural enterprise is maintained), the Council will not permit the temporary accommodation if permission would not subsequently be given for a permanent dwelling. Permission for temporary accommodation will be granted for a limited period only, which will not normally be extended, and will be conditional upon restricted occupancy. In the interests of maintaining the openness of the Green Belt the Council will require the removal of the caravan or mobile home in periods when the temporary dwelling is not being used, unless very special circumstances are demonstrated.” The planning statement submitted is misleading. I am not aware of anyone living on the site until the last 2-3 years. It has not been 10 years. This is a small site there can not be a need for the number of workers proposed with this and the other 2 applications. All year round occupation can not be justified given the nature of the business. It is questionable whether the all the residents actually work at the site. The amenity of residents of Willow Lodge has been particularly impacted. The intervention of the EHO should not have been taken to imply planning permission was not needed or would be granted.

WILLOW LODGE, PAYNES LANE – Strongly Object At the time this application was submitted the site consisted of the following; Glasshouses equating to approximately 2 acres, a packing shed and stores, a boiler room and 5 caravans (two of which are dilapidated, and three second-hand caravans which appeared last summer). The original owners of the site never lived on site, they

operated it by working all day and visiting at 10pm to check the boiler. When they left in 2010 we started to suffer noise and traffic nuisance. When alarms sounded at night (from 2012,) it was evident no one was living on site. EH officers visited in 2013 due to the alarm and no one was living there then. We noticed someone moved into the packing shed in 2014. EH records should back up that there was no one present on site overnight until 2014. Since then the number of occupants has grown. A number of occupants of the caravans are seen leaving in the early morning and returning in the evening. They are living on site all year round and are not seasonal workers. Since the 3 second hand units were brought on site there has been a substantial increase in movements and disturbance.

HAWTHORNS, PAYNES LANE – Strongly Object – The caravans have been sited over a back filled drain. We have been in correspondence with Land drainage officers about this. The development should not have been allowed to go ahead. The development encroaches on other land, and has increased flooding of our property. This brings a total of 3 30ft caravans sited on our boundary and 5 caravans on the site in total. Those on the boundary affect privacy and enjoyment of occupants of Hawthorns. Concerns about noise, disturbance, domestic waste and security. Loss of property value. Breach of basic human rights. The caravans overlook all aspects of the rear of our property and have views directly into our bathroom and bedroom.

There is no need for workers to live on site for such a small nursery, like any other business the workers should live elsewhere. If it is not viable it should close down. Strongly dispute that there were historically caravans in residential use. The previous owner of Hawthorns has confirmed that this was not the case. If caravans are needed they should be sited between the glasshouses where they have less impact.

The application does not address access to the caravans, parking for them or removal and storage of waste.

The caravans on my boundary are unlawful and should be removed.

Also have concern over the way the nursery is run, burning rubbish and dumping rotting vegetation. Granting these caravans will exacerbate the situation.

The plans are inaccurate, the caravans are not shown actual size, they are far bigger. One of the two the subject of this application has been built on someone else's land, as has the third (EPF/861/16) we have a step 3 complaint against the Council's actions, currently ongoing. This is the first opportunity we have had to put forward our objections to the development.

PARISH COUNCIL – No Objection but if planning permission is granted it should be subject to a condition that the two new caravans are only used for agricultural workers employed at the nursery.

LEE VALLEY REGIONAL PARK AUTHORITY – If permission is recommended it should include a condition restricting the use of the accommodation for staff based at the premises.

Issues and Considerations:

Green Belt

The site is within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF, CLG, 2012) attaches great importance to the protection of the Green Belts and inappropriate development in the Green Belt and it should not be approved unless very special circumstances can be demonstrated which **clearly** outweighs the harm caused.

The NPPF sets out what forms of development can be regarded as not inappropriate in the Green Belt but this does not include the use of land for the stationing of caravans for residential use.

Policy GB17a of the adopted Local Plan and Alterations sets out the circumstances in which the Council may consider an agricultural workers dwelling as acceptable. This requires the applicant to demonstrate that the dwelling is essential, taking into account the nature of the enterprise, that

there is firm evidence that the enterprise has long term viability and that genuine and sustained efforts to find suitable alternative accommodation have been made.

The applicant has not provided any evidence that there is a need for any agricultural workers to be present on the site 24 hours a day in order for the nursery to operate effectively. He has relied instead on an argument that there have been residential mobile homes at the site for in excess of 10 years (which would make the use lawful). The applicant has not submitted any information in support of this assertion and it does not accord with the statements of neighbours.

If there were evidence that the use had continued uninterrupted for in excess of 10 years it would be open to the applicant to apply for a certificate of lawful development for the use of the site for the stationing of residential caravans, but he has not chosen to do this.

The applicant therefore needs to prove an *agricultural* need for the residential use of the site.

This is a small nursery, and the applicant has not demonstrated why there is a need for even 1 person to be present on site overnight. It appears that the nursery operated for many years without an on site presence and with modern technology it is generally accepted as possible to monitor conditions in glasshouses remotely and respond to emergencies when required.

The applicant has not met the requirements of Policy GB17A nor made any argument of very special circumstances in his supporting statement, however we do know that Nursery operators in this area are finding it difficult to recruit staff to this industry given the low wages involved and the current excessively high cost of accommodation in the District.

This argument was made with regard to the recent application for worker accommodation blocks to house 12 workers, at Shottenton's Farm in Peck's Hill Nazeing. In that instance, although officers recommended refusal on Green Belt grounds members of the District Development Committee accepted that there was a need to provide accommodation for workers, in order to support the Glasshouse industry. The provision of purpose built accommodation blocks restricted to use only by agricultural workers was accepted as an appropriate way of achieving this.

However in this instance no "need" argument has been put forward and as with the Shottentons Farm application officers are of the view that there are no very special circumstances apparent sufficient to outweigh the harm to the Green Belt from inappropriate development. (If the need to provide cheap accommodation applies to all nurseries, it can not, by definition be regarded as "very Special" circumstances, indeed if accepted, then other business uses in the District could potentially make the same argument). To allow the caravans with no very special circumstances would set a significant precedent which could be repeated elsewhere to the serious detriment of the Green Belt.

The Council is however aware of the issue and as part of the Local Plan process the Council is considering policies for the future of the Glasshouse industry and the need for worker accommodation to support the industry is one of the aspects being considered, It is possible that the new Local Plan will include policies that seek to actively support the Glasshouse industry, by allowing accommodation to be provided on site, but at present there is no policy that would support this application..

The development is therefore inappropriate and by definition harmful to the Green Belt. In addition, the physical presence of the caravans on the site has a small impact on openness which is also harmful.

The development is therefore contrary to policies GB2a and GB17a of the adopted Local Plan and the Green Belt policies of the NPPF.

Flood Risk

The application site falls within the Environment Agency Flood Zone 2. Caravans for permanent residential occupation are considered “Highly Vulnerable” development, that is, in the event of flooding the occupants of such mobile homes are at risk, and even if raised above the likely flood level, there is the possibility that they would be surrounded by water, cut off and in need of rescue. The development is therefore at risk and is contrary to the policies of the NPPF and the adopted Local Plan and Alterations.

Whilst concern has been raised by the neighbour at Hawthorns regarding the infilling of a drainage ditch and increased risk of flooding to his dwelling, the council’s land drainage team have concluded that there is adequate drainage within the site and that the development has not led to an increased risk of flooding elsewhere. Suitable conditions could be applied if the application were approved.

Housing Need

Paragraph 49 of the NPPF states that “*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the District that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However this is not in itself sufficient to set aside normal Green Belt restrictions and in the absence of any other significant factors in favour of the development the lack of a demonstrable 5 year housing land supply is not sufficient grounds to warrant a recommendation for approval of the application.

Human Rights

In the event that planning permission is refused, and enforcement action is taken to secure the removal of the caravans, the people occupying the caravans will likely be made homeless. This is a material consideration and the Human Rights of the occupants need to be considered.

The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) into UK law and is a relevant consideration. Before making a decision to pursue enforcement action it is necessary for the Council to be mindful of the impact it would have on the occupants, of the site. It is recognised that the refusal of planning consent and subsequent enforcement action will be an interference with the Human Rights of the people currently occupying the site, there is a clear obligation upon the Council to ensure that the any decision it makes accords with the obligations under Article 8 of the ECHR.

Whilst the refusal of planning consent and any subsequent enforcement notice will impact on the occupation of the site in that the occupants will need to relocate. no evidence has been provided to show that the occupants include children, (who are particularly protected under the Act) or that there are other particular needs that need to be considered. Accordingly as it has been concluded that the development constitutes inappropriate development harmful to the Green Belt and, since the objections to the development are significant and serious, interference with Article 8 rights by refusing planning consent remains necessary to safeguard the public interest.

Adjacent Residential Amenity

The two new mobile homes have been sited close to the southern boundary of the site adjacent to the detached house known as Hawthorns and agricultural land to the rear of that dwelling. The owner of that property argues that the western of the two units actually intrudes over the boundary of the site into the agricultural land behind his house which is not within the applicants ownership. That is however a civil legal matter between the two property owners and is not relevant to the determination of the application. Planning permission does not override any other legal requirements.

However, the impact of the development on the living conditions of the occupants of surrounding dwellings needs to be considered.

The two mobile homes are visible from Hawthorns and the occupant has raised concern regarding loss of privacy to his garden and to his bathroom and bedroom windows. Whilst it is appreciated that the introduction of these mobile homes has changed the outlook from this dwelling, given that the mobile homes are single storey and are located in excess of 25m from the rear elevation of his dwelling and at right angles to it is not considered that they have resulted in an excessive level of overlooking or loss of privacy.

The addition of these units has no doubt resulted in additional activity and noise adjacent to the boundary with Hawthorns, but the use is residential and should not therefore be excessive or harmful to the adjacent residents. Once again the units have been sited a significant distance from the actual dwelling and bearing in mind that the authorised use of the site is as a nursery, which would be likely to generate a certain level of noise, the residential occupation is not considered harmful in that respect.

No information has been provided with regard to the disposal of domestic waste, but there is ample room within the nursery for the provision of waste and recycling bins without harm to amenity of neighbours and this could be conditioned should the application be approved.

The Living Conditions of Occupants of the Caravans

The caravans provide no amenity space for their occupants and, being located within an active nursery, do not provide suitable conditions for general residential use not connected with the nursery. The applied for use is for occupation of workers on the nursery and traditionally, caravans were used on nursery and agricultural sites to house seasonal workers indeed such temporary seasonal occupation does not require planning permission and is not controlled by any site licencing, (which explains why there are now so many caravans being occupied with horticultural sites)

However, this application is for year round occupation not for a short harvest season and although the caravans are a big improvement over the caravans that they have replaced, (which were occupied without consent and were overcrowded and lacked basic sanitary conditions,) it is not considered that the replacement caravans provide suitable living conditions for long term, year round occupation.

The Local Plan Alterations at para 5.87a states; "only in very special circumstances is temporary caravan or mobile home accommodation likely to be acceptable. Where this is expected to lead in due course to an application for a permanent dwelling, (eg where long term viability of the agricultural enterprise is maintained) the council will not permit the temporary accommodation if permission would not be subsequently given for a permanent dwelling. Permission for temporary accommodation will be granted for a limited period only, which will not normally be extended and will be conditional upon restricted occupation.

In this instance the applicant has not indicated that the proposed use is intended to be temporary.

Visual Amenity.

Whilst the provision of caravans within the rural area can have an adverse impact on the character and amenity of an area, these caravans are set well back from the road and are viewed in the context of the nursery and nursery buildings including large glasshouses and as such it is not considered that they have a particularly harmful impact on the character and visual amenity of the area.

The concrete pads similarly, whilst they have resulted in the loss of a previously overgrown area, have been kept to a minimum size and do not have an adverse impact on the visual amenity of the area.

Highway Issues.

Paynes Lane is a private road which serves a number of residential properties and nurseries, it is not considered that the introduction of residential caravans at the site will result in a significant increase in traffic, particularly as the occupation is intended to be by persons working on the nursery, which could be restricted by condition. The Highway Authority has no concerns with the application.

Sustainability

The NPPF states that the purpose of the Planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to sustainable development: economic, social and environmental. There is support in the NPPF for development that supports the rural economy and it may be considered that the provision of worker accommodation on this site will help support an existing rural business, however this needs to be balanced against the social role, of supporting strong vibrant communities by providing the supply of housing required to meet the need of present and future generations and by creating a high quality built environment with accessible local services, and the environmental role of protecting and enhancing the natural and built environment. Taking all three strands into account it is not considered that the development is sustainable. However, recent appeal decisions indicate that the Council's lack of a demonstrable 5 year housing land supply would outweigh objection on sustainability grounds.

Contaminated Land

The proposed caravans are located on the site of 2 demolished old boiler houses (solid fuel "stokeholes") on a Horticultural Nursery within 250m of 4 x landfill sites, and Peat Beds are present in the underlying geology. There is therefore the potential for contaminants to be present over all or part of the site however the contaminated land officer concludes that subject to conditions, risks from contamination can be overcome.

Conclusion

In conclusion it is not considered that there are very special circumstances sufficient to outweigh the harm to the Green Belt from the inappropriate development. In addition the proposal is contrary to flood risk policies and provides poor long term living conditions. The development is clearly contrary to the current adopted policies of the Local Plan and local Plan alterations and is recommended for refusal.

However, the works have been undertaken in consultation with both Planning and Private Sector Housing officers, in order to quickly improve the appalling living conditions of the workers at the site, and approval of this application would enable the Council to exercise controls and impose conditions (to improve the safety, health and wellbeing of the occupants of the site), that it is not

possible to exercise on caravans that are occupied only by seasonal workers. With the modern glasshouse industry the “season” has been argued to be well in excess of 6 months and technically the original caravans on the site could have continued to be occupied by workers at the site, for “the season” without any control or input from the Council whatsoever, which clearly results in seriously sub standard living conditions.

Approval of the new caravans with year round occupation would however help secure the longer term viability of the nursery, enabling it to continue providing employment, and continue to grow crops to the benefit of the local economy.

The current agricultural workers dwellings policy (GB17A) dates back to 2006 and there have been significant changes in the Glasshouse industry since that time. The intention is that the new Local Plan currently being formulated will specifically address the current and future needs of the Glasshouse Industry as the current policies are not founded on an up to date evidence base. On that basis, whilst, permanent permission for the development is not appropriate, and also bearing in mind the current lack of a demonstrable 5 year housing land supply, which will also be addressed in the new Local Plan, should members be minded to approve the application it is suggested that a temporary consent that would enable the matter to be reassessed at such time as a new local plan is in place may be an option.

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: Jill Shingler
Direct Line Telephone Number: 01992 564106***

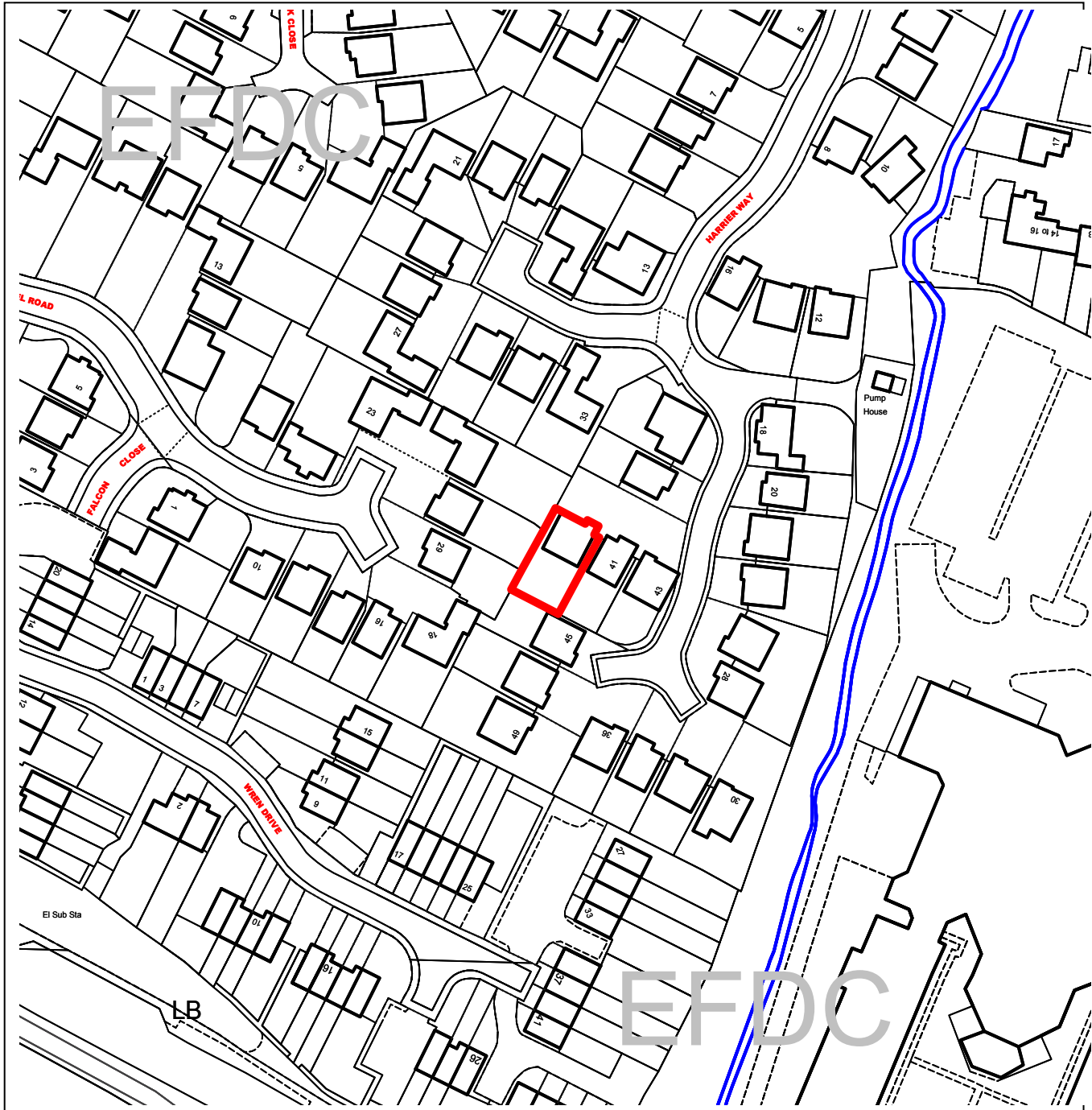
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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/0049/16
Site Name:	39 Harrier Way, Waltham Abbey, EN9 3JQ
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0049/16
SITE ADDRESS:	39 Harrier Way Waltham Abbey Essex EN9 3JQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr Richard Parsons
DESCRIPTION OF PROPOSAL:	Raising of the existing ridge line by 350mm and the construction of a rear dormer with rooflights to the front roofslope.
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=581797

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The rooflights hereby approved shall protrude no more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

Two storey detached dwelling located on the western side of Harrier Way within a built up residential estate within Waltham Abbey.

Description of Proposal:

Planning permission is sought for the ridge height to be raised and new rear dormer to be inserted. The increase in ridge height would be 350mm. The dormer would be close to the full width of the rear roofslope.

Relevant History:

None

Policies Applied:

Policy CP2 - Protecting the Quality of the Rural and Built Environment
Policy DBE9- Loss of Amenity
Policy DBE10 – Design of Extensions

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

SUMMARY OF REPRESENTATIONS:

Waltham Abbey Town Council: OBJECTION - Concerns were raised with regard to the height and size of the rear dormer and the detrimental effect on the privacy of neighbours that this could cause.

8 neighbours consulted: No responses received.

Issues and Considerations:

The main issues to consider relate to:

- Effect on character and appearance
- Effect on Living Conditions

Effect on character and appearance

The raising of the ridge would have little noticeable impact on the character and appearance of the surrounding area. Although the properties are relatively uniformed in their design, there are slight differences in bulk and height between the dwellings and this property is tucked away at the end of small row of detached properties but some angled views of roof can be had from within Harrier Way to the southeast.

Whilst the dormer window would cover much of the rear roofslope of the dwelling, the same sized dormer could be erected without the need for planning permission; permission is required here as the ridge line is being raised. A section has been submitted demonstrating that a loft conversion could take place under permitted development with adequate height from top of the stairs to the ceiling in the roof.

The applicant has expressed the preference to raise the ridge in order to give him some additional headroom over and above what could be achieved through a loft conversion under permitted development.

Therefore, although views of the rear roofslope can be had from within the streetscene, given the modest increase in height of the dwelling and that the same rear dormer could be erected without planning permission, officers consider that a refusal on the grounds of character and appearance would be unreasonable given the circumstances.

In this instance the design of the proposal complies with policies CP2 and DBE10 of the Local Plan (1998) and Alterations (2006).

Effect on Living Conditions

Neither the increase in bulk of the roof nor the dormer extension would materially impact on the amenity of adjoining neighbours nor result in excessive loss of overshadowing.

The neighbouring properties to the southwest, south and southeast are already overlooked at first floor level so the insertion of a dormer window into this rear roofslope would not create overlooking where none currently exists. All properties are mutually overlooked so additional windows within the roofslope are not considered to excessively harm the amenities of neighbouring occupiers in this case. In addition, as pointed out in the previous section the same dormer could be erected without permission if the ridge wasn't to be raised.

Therefore the proposal is considered to comply with policy DBE9 of the Local Plan (1998) and Alterations (2006).

Response to Town Council objection

The issues raised have been considered within the main body of the report.

Conclusion:

The proposed development is appropriate in terms of design and appearance and would not result in excessive harm to the amenities of adjoining property occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and the NPPF. It is therefore recommended that permission be granted subject to conditions.

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

Planning Application Case Officer: Steve Andrews

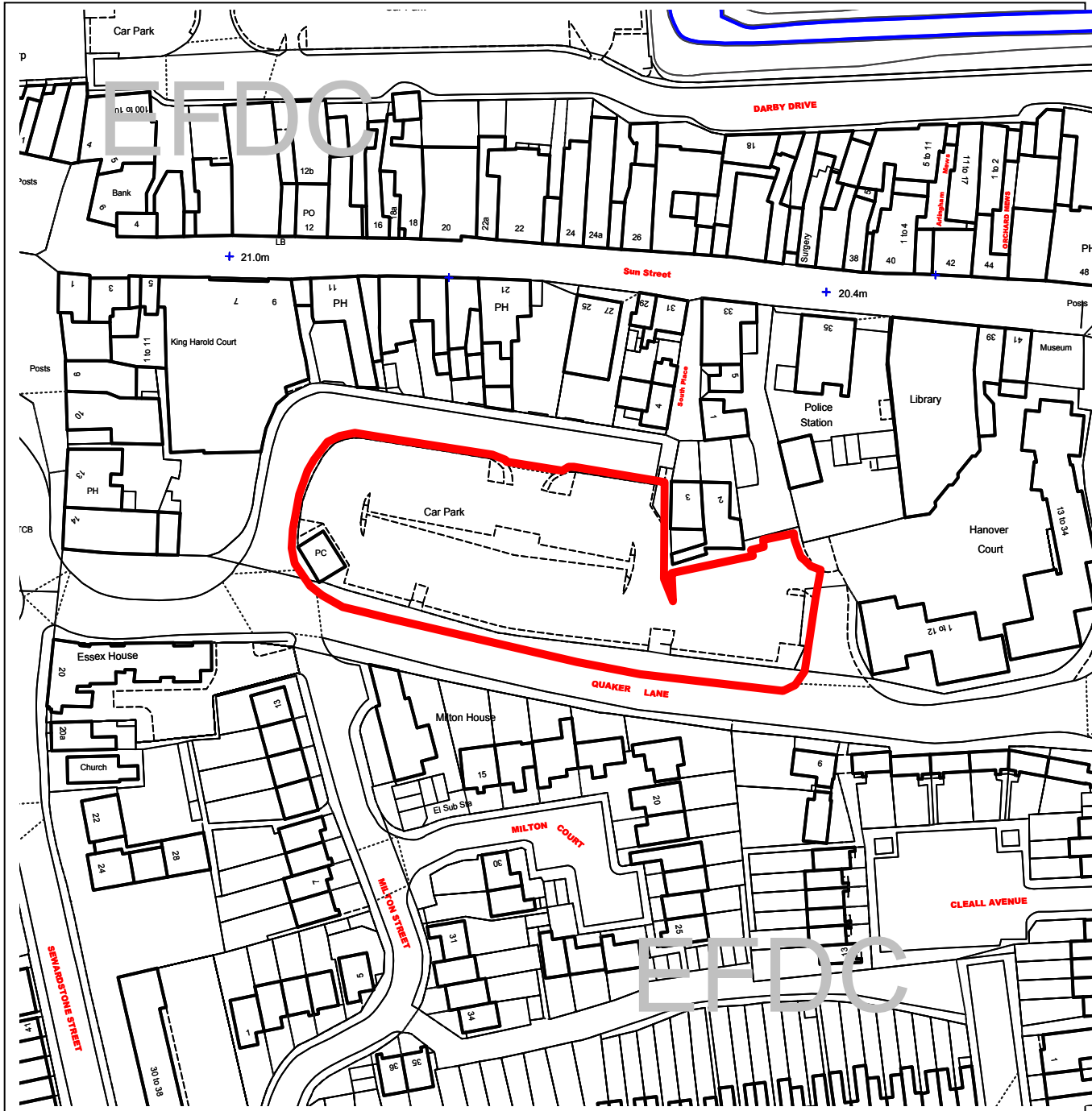
Direct Line Telephone Number: 01992 564337

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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/0682/16
Site Name:	Quaker Lane Car Park, Quaker Lane, Waltham Abbey, EN9 1ER
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/0682/16
SITE ADDRESS:	Quaker Lane Car Park Quaker Lane Waltham Abbey Essex EN9 1ER
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mrs Amanda Hoadley
DESCRIPTION OF PROPOSAL:	Knock down wall at first part of Quaker Lane Car Park and replace with railings.
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=583273

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 3 The railings hereby approved shall be painted black and retained as such in perpetuity.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Location Plan, Fencing drawings SF 8.14 and SF 8.32.

This application is before this Committee since it is an application for development on the Council's own land or property that is for disposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(e))

Description of proposal:

Planning permission is sought to knock down the wall at the first part of Quaker Lane Car Park and replace with railings. The railings are approximately 1m high and would run for approximately 20m with 13m along the Quaker Lane frontage and 7m round the corner.

The application has been submitted as the existing wall is cracking and becoming less secure due to the roots of the adjacent Silver Maple tree. The wall has been worked on previously however it appears that these works to the foundations have not adequately dealt with the impact from the tree. There is concern that the wall may fall and injure pedestrians along the adjacent pavement.

Description of site:

The site is public car park located on the northern side of Quaker Lane. Located within Waltham Abbey town centre and the conservation area.

Relevant History:

None

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
DBE1 – Design of new buildings
HC6 – Character, appearance and setting of conservation areas
HC7 – Development within conservation areas
LL10 – Adequacy or provision for landscape retention

Consultation Carried Out and Summary of Representations Received:

27 neighbours were consulted and a Site Notice was displayed

TOWN COUNCIL – No objections

Issues and Considerations:

The main considerations in this application are the impact the impact on the conservation area and impact on the mature Silver Maple tree adjacent.

Conservation area:

The works being relatively minor would not be detrimental to the character and appearance of the conservation area. The proposal had been discussed with Conservation Officer prior to the application being submitted and the railings were considered to be the solution that would harm the conservation area and tree the least.

The proposal would comply with policies CP2, DBE1, HC6 and HC7 of the adopted Local Plan

Trees and Landscaping:

An impact study relating to the adjacent tree has been undertaken and it is considered that the railings provide a good solution in ensuring that the tree would not be materially harmed by the proposal along with the fact that they would be less hazardous to the public than a large wall. The Council's Landscape Officer has commented on the application having no objections subject to a tree protection condition which is considered reasonable.

The proposal would comply with policy LL10 of the adopted Local Plan.

Conclusion:

As such, the proposed development complies with the relevant Local Plan policies and is therefore recommended for approval.

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: Steve Andrews

Direct Line Telephone Number: 01992 564337

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



Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/0880/16
Site Name:	2 Ladywell Prospect, Sheering, CM21 9PT
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0880/16
SITE ADDRESS:	2 Ladywell Prospect Sheering Essex CM21 9PT
PARISH:	Sheering
WARD:	Lower Sheering
APPLICANT:	Miss Eloise Boxall
DESCRIPTION OF PROPOSAL:	Change of use from residential (C3) to a mixed use of residential (C3) and childminding (D1 Nursery) use.
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=583674

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PROJ006/002/AO and Supporting Statement and Site Location Plan and no more than 3 children shall be cared for at any one time.
- 2 The change of use from residential (C3) to mixed use of residential (C3) and childminding (D1 Nursery) use hereby permitted shall not be open to customers / members outside the hours of 08:00 to 18:00 on Monday to Thursday and 08:00 to 17:00 on Friday and not at all on Saturdays, Sundays and Bank Holidays.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

2 Ladywell Prospect is a site which is irregular in size and proportion and accommodates a two storey dwellinghouse. The property is an end of terrace dwelling which benefits from a front and side forecourt which provides off street car parking. A triangular garden area is located to the rear of the site. A parking area which services Moorlands Reach is located adjacent to the rear boundary of the site. The immediate and surrounding area is residential in nature.

Description of Proposal:

This is a revised application following a previously refused retrospective application for the change of use of this residential dwelling house to a mix of (C3) residential and childminding (D1 Nursery) which included the following child care provision:

At ground floor the existing kitchen and converted garage have been allocated for D1 nursery use. The remaining living room and conservatory remain as C3 residential. At first floor level two small bedrooms have been allocated for D1 use. The remaining two bedrooms and two W/C's remain in C3 use. The rear of the property has been identified as an outdoor play area. A communal entrance is used to provide access to both D1 and C3 uses.

The childminding facility currently operates on a 6 (children) to 2 (staff) ratio but has the legal capacity for a ratio of 8 to 2. The hours of operation are 08:00 – 18:00 Monday to Thursday and 08:00 – 17:00 on Fridays and not at all during the weekend or bank holidays. It is noted that drop off and pick times along with the number of children can vary day to day.

That application was refused for the following reasons:

- 1. An insufficient level of off-street parking has been identified for the combined D1 (childminding) and C3 (residential) uses. The lack of parking and safe manoeuvrability will have a negative impact on the traffic flow of this residential street, creating an increase to on-street parking and activity over and above that which is acceptable within a residential setting contrary to policies ST4 and ST6 of the adopted Local Plan and Alterations.*
- 2. The proposed combined uses will result in a level of noise and activity over and above that which is expected from a normal family home. In particular, occupants of No.9 Ladywell Prospect will experience noise and disturbance from both within the dwelling, from the outside garden area and the front access to the property throughout the day, to the detriment of the existing neighbouring and surrounding amenity and functions*

The current application seeks to overcome these issues for refusal and proposes a reduction in the number of children cared for to a maximum of 3 children with staggered drop off and pick up times. In addition, all play activity and sleeping will take place in the play room which is located in the recently converted garage to the west of the site which is not adjoining another property.

Relevant History:

EPF/3263/15 – Retrospective planning permission for the change of use of this residential dwelling house to a mix of (C3) residential and childminding (D1 Nursery) – REFUSED.

Retrospective planning permission was sought following an Enforcement site visit on the 4th November 2015.

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
RP5A – Adverse Environmental Impacts (Noise and Disturbance)
ST6 – Vehicle Parking
ST4 – Road Safety
DBE2 & 9 – Neighbour Amenity

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the NPPF and therefore are afforded full weight.

Consultation and Representation:

Surrounding Occupiers

13 surrounding occupiers have been consulted and 3 objections have been received regarding:

- The noise and disturbance to No.9 during the summer months.
- Parking.
- Increased traffic
- Rear entrance gate

Sheering Parish Council

Raise no objection

Issues and Considerations:

The main issues relate to the principle of the development, the use and operation, travel, parking and visitors, as well as the impact on neighbourhood amenity. The comments of neighbour representation will also be considered.

Principle of Development – Use and Operation

It is noted that the applicant has considered the councils suggested way forward and amended the application accordingly. As such, the amended scheme conforms to the Councils core sustainable development objectives in that it meets employment and commercial activities that both meet local needs and reduce the need to travel and reduce the reliance on the use of the private car which is welcomed.

The submitted plans indicate that the number of rooms used for the provision of the child minding service has been reduced to 1 with the occasional use of the kitchen and bathroom which is essential. It is considered that this is an effective use of space and will not result in a general level of activity which would significantly alter the use of the C3 residential space during operational hours or subsequently alter the character of this residential dwelling house as the proposed D1 use remains the secondary use on site. Furthermore the reduced level of child care provision is only marginally over what would be achievable under permitted development. As such the amended application conforms to Council policy DBE2, DBE9 and RP5A.

Parking/Road Safety

The number of people visiting and using a childminding facility and how they get to the site can have a harmful environmental impact for others in the surrounding area. It is important that an application for a proposed change of use such as this demonstrates how this issue will be addressed.

The reduction of the number of staff from 2 to 1 and the children cared for from 6 to 3, combined with the staggered pick up and drop off times from 08:00 – 18:00 Monday to Thursday and 08:00 – 17:00 on Fridays and not at all during the weekend or bank holidays will significantly reduce the impact of the proposal upon parking function of the site and the surrounding area.

In addition it is noted that some of the patrons of the D1 use are local residents who will mostly access the facility by foot. In this instance the traffic generated will not be over and above that which is acceptable within this residential enclave.

The existing dwelling benefits from 2 parking spaces one of which is used by the business owner and occupier. The remaining parking space is considered sufficient for the patrons of the childminding facility provided that the pick up and drop off time remain staggered.

It is noted that an emergency access gate has been installed within the rear boundary of the site which is adjacent to the parking area servicing Moorlands Reach. Concerns have been raised that this gate will be used as an informal access to the site and would thereby cause additional traffic, parking and pedestrian footfall to Moorlands Reach. The emergency access gate was installed to comply with the health and safety legislation applicable to a D1 Nursery servicing 8 children with 2 staff members. Due to the reduced level of children and staff there is no longer a need for the emergency gate which should be removed upon determination of this application.

As such these amendments to the previous scheme are considered sufficient to overcome the previous reason for refusing the scheme and the proposal conforms to policy ST4 and ST6.

Neighbour Amenity

As previously stated D1 use is likely to create noise and disturbance resulting from children playing in groups larger than a normal family unit both inside and outside of the property. Internally generated noise can be an issue and it is necessary to consider whether this could be overcome for example by the installation of a noise insulation scheme to party walls.

However, it is considered that the reduction of the number of children will greatly reduce the potential level of noise, vibration and activity from the previous scheme and would not be over and above that which is expected from a normal family home or could be achieved from the provision of childcare under Permitted Development.

It is considered that, in particular the occupants of the adjoining dwelling will not experience noise and disturbance from both within the dwelling and from the outside garden area and the front access to the property throughout the day over and above that which is expected of a normal family home.

Conclusion

Therefore the balance of considerations with this proposal would ensure that the application complies with the guidance contained within the Local Plan policies and DBE1, DE8, DE9 and ST6 the application is now recommended for approval, subject to conditions.

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

***Planning Application Case Officer: Nicola Dawney
Direct Line Telephone Number: 01992 562020***

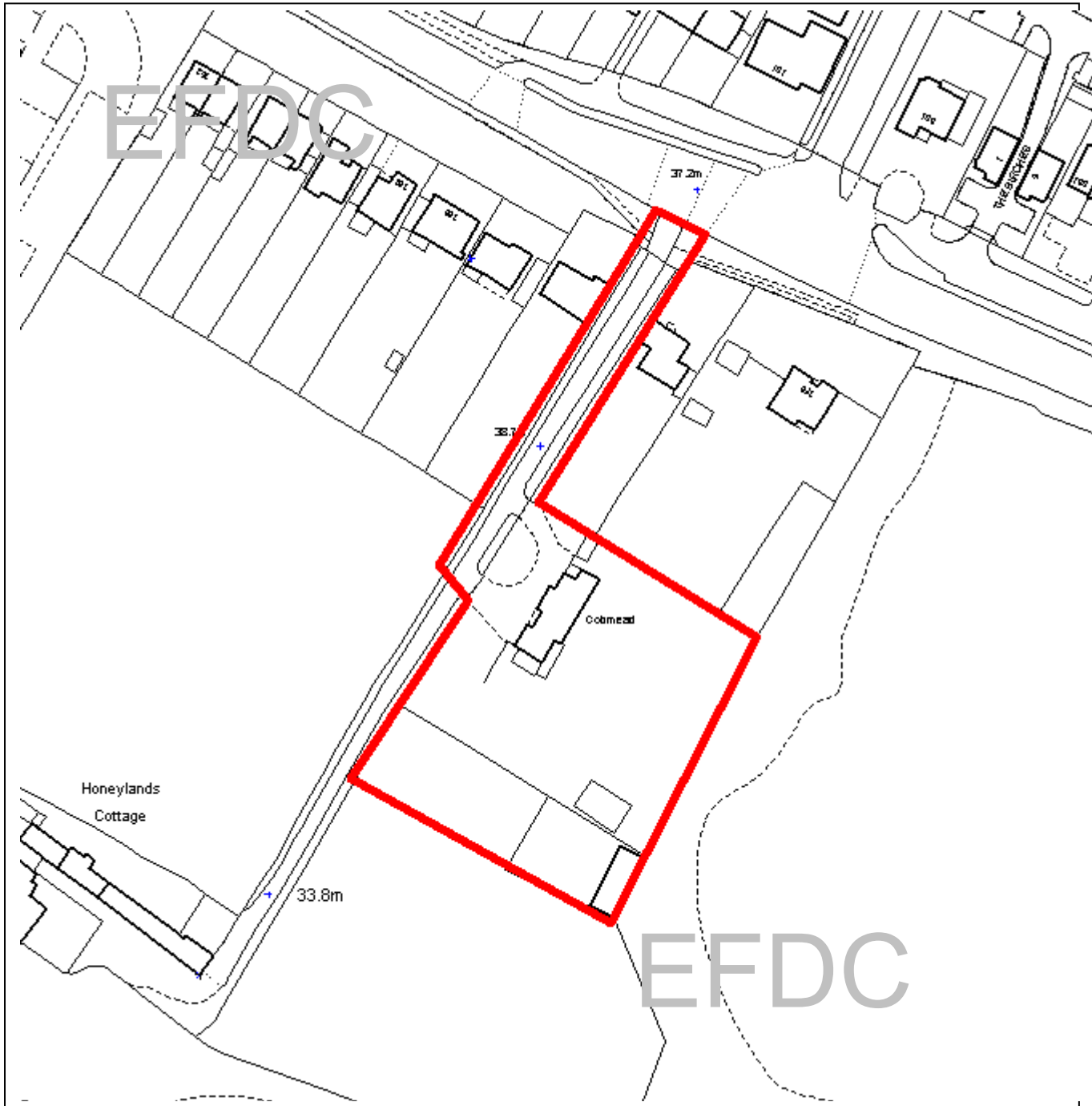
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Agenda Item Number 7



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Application Number:	EPF/0888/16
Site Name:	Cobmead, Honey Lane, Waltham Abbey, EN9 3BA
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0888/16
SITE ADDRESS:	Cobmead Honey Lane Waltham Abbey Essex EN9 3BA
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr Oliver Hookway
DESCRIPTION OF PROPOSAL:	Residential development of 5 no. detached dwellings and associated infrastructure.
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=583683

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2014-454-: 002 REV A and 001 - 019
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local

Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank

Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 15 No preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority
- 16 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 17 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A. (g))

Procedural matters

This application was withdrawn from the previous agenda due to concerns that four of the new dwellings were to be located within the boundaries of the Metropolitan Green Belt. As there was insufficient time to investigate this prior to the previous meeting, the Chair of Plans West agreed to withdraw the application from the agenda so that Officers could investigate this issue.

Measurements of the Green Belt boundary were taken from the Council's Local Plan map and it is apparent that only the rear garden areas of plots 2, 3, 4 and 5 are within the Green Belt, no part of plot 1 is within its boundaries.

Description of site

The application site is located to the south of Honey Lane which is located within the built up area of Waltham Abbey. The existing building is a two storey detached dwelling which is situated within a large plot and is located to the rear of two dwellings to the north east which front onto Honey Lane. The application site is partly within the boundaries of the Metropolitan Green Belt, and it is not in a conservation area. There is a row of protected trees to the west of the site close to its entrance.

Description of proposal

The proposed development is to erect five new dwellings within the curtilage of the existing dwelling.

Relevant History

EPF/0526/85 - First floor side extension. - Approved

EPF/0476/98 - Detached garage and workshop. – Approved

Relevant Policies:

The following saved policies within the Council's adopted Local Plan (2004) and Alterations (2008) are relevant:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
GB2A – Green Belt
GB7 – Development conspicuous from the Green Belt
DBE4 – Design in the Green Belt
DBE9 – Loss of Amenity
ST4 – Road Safety
LL1 – Rural Landscape
LL9 – Felling of Preserved Trees
LL10 – Adequacy of Provision for Landscape Retention
LL11 – Landscaping Schemes
DBE1 Design of new buildings
RP4 Contaminated land
U3B sustainable drainage
DBE8 private amenity Space
ST6 vehicle parking standards
ST1 Location of development
ST2 Accessibility of development
H1A Housing Provision

Following the publication of the NPPF, policies from this Plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation carried out and summary of representations received

15 Neighbours consulted –

152 Honey Lane – OBJECTION – The design of the houses is not consistent with the style of Cobmead, the private road is inadequate for the increased traffic, the vehicle movements will harm no.172 and no.174 Honey Lane through increased movements, this development will set a precedent for other developments in the future.

162 Honey Lane – OBJECTION – overdevelopment of the site, the increased traffic movements will create dangerous access onto Honey Lane

176 Honey Lane – OBJECTION – The development is in the Green Belt, there is a covenant on the land, water pressure is too low and there will be potential risk to protected trees.

Waltham Abbey Town Council – OBJECTION – Committee were concerned over road safety issues and also felt that this application could set a precedent for the future.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of the neighbours, the character and appearance of the locality, parking and access issues, landscaping, land drainage and contamination.

Green Belt

The application was withdrawn from the previous agenda due to the lack of clarity on the boundary of the Green Belt around Cobmead. The confusion arose as the Council's online mapping system incorrectly shows the Green Belt boundary 50m from the shared boundary with no.176 Honey Lane, whereas the Adopted Local Plan Map shows it to be 60m from this shared boundary, this measurement has been checked with regards to other fixed points on the Local Plan Map. It is now clear that none of the new buildings will be located within the Green Belt boundary and only the rear gardens will be within it.

Given that the proposed rear garden areas are currently used by Cobmead as residential curtilage its use as residential curtilage for the new dwellings is not inappropriate in the Green Belt.

In summary, none of the buildings are located within the Green Belt boundary and therefore it does not constitute inappropriate development.

Living conditions of neighbours

The proposed new dwellings relate well to each other and have an orientation which will not cause any significant harm to the living conditions of occupiers of the new dwellings. The dwellings on plots 2, 3, 4 and 5 are set against each others side elevations and have rear building lines which are roughly similar (with the exception of plot 5 which has an element which projects beyond that of plot 4, but which is set away from the proposed shared boundary).

The side elevation of the new dwelling on plot 1 will be adjacent to Cobmead, approximately 22m from its rear elevation and this relationship has the potential for some overlooking of plot 1, however the distance is such that there will not be any significant harm to their living conditions.

Turning to the existing dwellings which front Honey Lane, the closest of the new dwellings will be approximately 58m from the existing rear elevation of these neighbours and clearly this will not cause any overlooking or appear overbearing. Concern has been raised that the increased traffic movements to and from the site will cause significant disturbance and pollution to the neighbours on Honey Lane. However given the relatively small scale of the development, the increased traffic movements will not be significant and therefore disturbance of these residences will be minimal.

Character and appearance

The site has no relationship with the main public carriageway of Honey Lane and it could be argued that it is somewhat of a back land development. However Cobmead is already located to the rear of Honey Lane and there are other examples of such a relationship in the surrounding area, most notably at Honey Mews located less than 250m from the site. Consequently officers do not consider that this is a back land development but rather an effective use of urban land.

In terms of detailed design the proposed dwellings have a bulk, mass and scale which is appropriate to the existing site and to the wider context of Honey Lane. The dwellings have a varied design in relation to one another which prevents a uniform and somewhat recycled feel to the new development. Their eaves and ridge heights are uniform which prevents them from appearing overly prominent from public viewpoints surrounding the site.

Parking and access issues

Each of the new dwellings offers a suitable level of off street parking provision which complies with the standards prescribed in the Essex Parking document.

In terms of access, the new dwellings will utilise the existing private road which is located off Honey Lane and there have been concerns from neighbours and indeed the Parish Council that the increased volume of traffic will have a deleterious impact on the current access.

The highway officer from Essex County Council has been consulted as part of this application and after visiting the site and assessing the current situation concludes that the access provides suitable visibility and geometry for an additional 5 dwellings and therefore will not be detrimental to highway safety. Suitable conditions controlling provision of parking and turning areas are required, but it is not considered that there will be potential access issues to justify a refusal.

Landscaping

A tree report accompanied the application and the tree and landscape team have been consulted on the application and have stated no objection, subject to conditions requiring tree protection measures be agreed as well details required of hard and soft landscaping.

Archaeology issues

The Historic Environment Team of Place Services, Essex County Council has identified that the application has the potential to impact on historic environment assets. The proposed development is located adjacent to the medieval farmstead of Honeylands and flanking a medieval lane. Honey Lane itself is of possible Roman origin. It is possible therefore that the proposed development could impact on medieval or Roman remains. Archaeological deposits are both fragile and finite, in view of this the following recommendation is made in line with the National Planning Policy Framework

Contaminated Land

Due to the presence of Stables and made ground from the former associated Stable Yard, the presence of part of the former Honeylands Farmyard on site, and the infilling of the swimming pool, there is the potential for contaminants to be present over parts of the site. Domestic dwelling gardens are classified as a particularly sensitive proposed use.

Contamination reports can be secured through the use of planning conditions.

Land Drainage issues

The Council's land drainage team have been consulted and state that the development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A condition for a Flood Risk Assessment (FRA) is required.

The applicant is proposing to dispose of surface water by sustainable drainage system. This can be secured through the use of a planning condition.

Other matters raised

For clarity it is important to note that issues regarding covenants and water pressure are not material planning considerations.

Conclusion

In light of the above appraisal it is recommended that planning permission is granted.

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: James Rogers

Direct Line Telephone Number: 01992 564 371

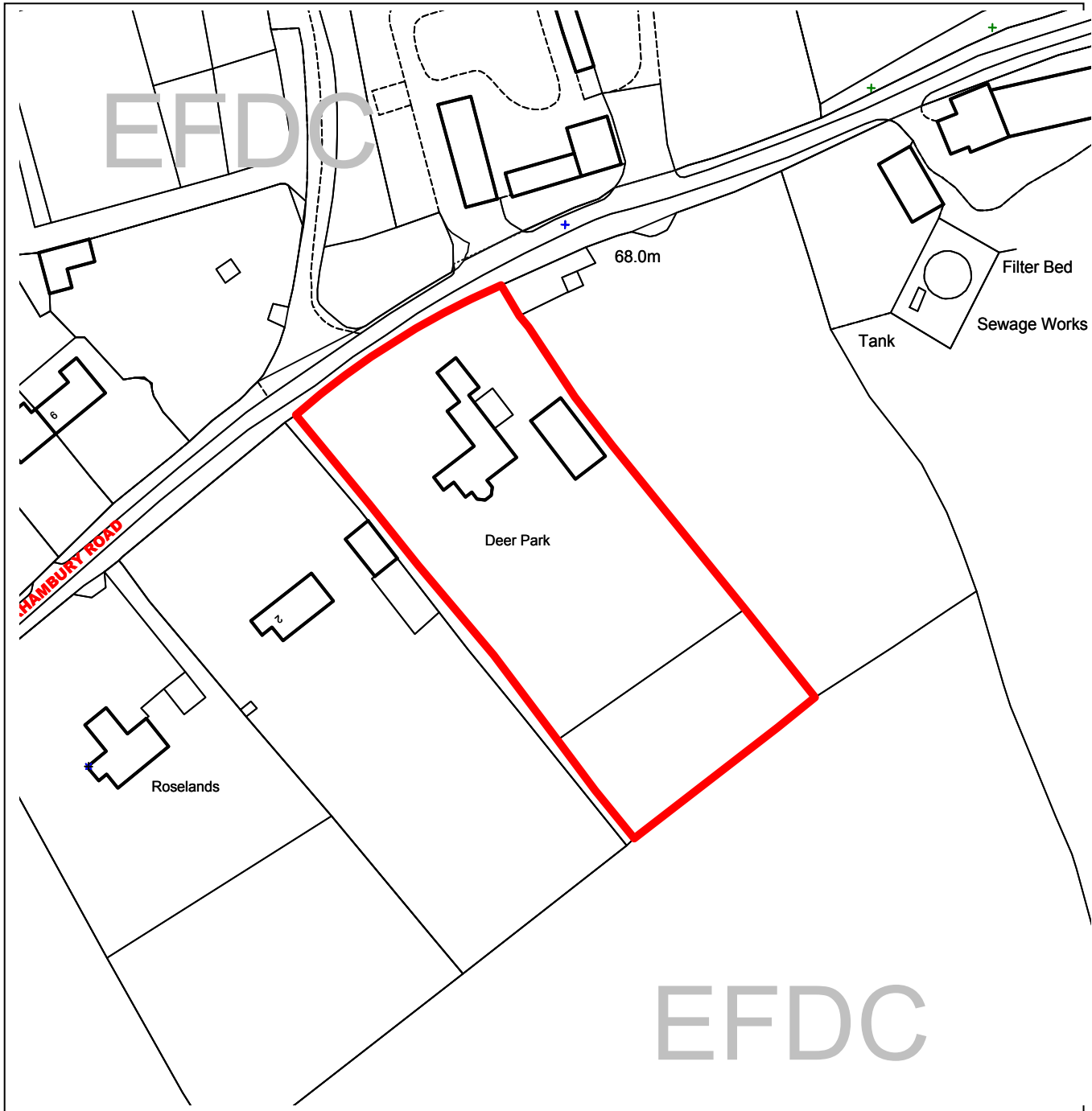
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 8



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Application Number:	EPF/1111/16
Site Name:	Deer Park, 3 Claverhambury Road, Waltham Abbey, EN9 2BL
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/1111/16
SITE ADDRESS:	Deer Park 3 Claverhambury Road Waltham Abbey Essex EN9 2BL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Mr Michael Bourne
DESCRIPTION OF PROPOSAL:	Change of use from residential to mixed use for residential and commercial use.
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=584235

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved Location Plan, Existing floor plan, Proposed floor plan and Red lined aerial photograph.
- 3 The parking of commercial vans relating to the business being run at the site known as Deer Park, 3 Claverhambury Road, Waltham Abbey shall be limited to the area indicated for parking purposes on the submitted red lined aerial photograph and shall not take place anywhere else within the application site.
- 4 Prior to the use of the commercial van parking area hereby approved details of a suitably designed 2m high boundary treatment along the adjacent northern front boundary shall be submitted to and agreed in writing by the Local Planning Authority. The approved boundary treatment shall be erected prior to the parking of any commercial vans and shall be retained thereafter for as long as the business use continues on the site.
- 5 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
- 6 There shall be no outdoor storage within the application site.

- 7 The level of business use taking place within the property known as Deer Park, 3 Claverhambury Road, Waltham Abbey shall be limited to the areas indicated in red on the approved Proposed floor plan.

- 8 The business use hereby permitted shall not be open to staff outside the hours of 09:00 to 18:00 on Monday to Friday and 09:00 to 13:30 on Saturdays and at no time on Sundays or Bank Holidays.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site consists of a relatively large detached bungalow and outbuilding situated on the south eastern side of Claverhambury Road within the boundaries of the Metropolitan Green Belt. This part of Claverhambury Road is rural in nature with swathes of open farmland. The road is sparsely populated by residential properties and there are also a number of businesses within the locality, particularly to the north (the various kennel sites).

Description of Proposal:

The proposal seeks to introduce a commercial element to the existing residential property to create a mixed use. The application proposes the use of the existing conservatory as an office with a small bathroom to be available as an associated facility, and the use of the attached triple garage for storage purposes. It is also proposed to park 3 commercial vehicles on the site on an area of land between the attached garage and the highway.

Relevant History:

No relevant planning history.

Policies Applied:

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
DBE2 – Effect on Neighbouring Properties
DBE9 – Loss of Amenity
ST4 – Road Safety
ST6 – Vehicle Parking
LL1 – Rural Landscape
LL2 – Inappropriate Rural Development
RP5A – Environmental Impacts

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where

they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

6 neighbours were consulted and a Site Notice was displayed on the 6th May 2016.

TOWN COUNCIL – No objection. If permission is granted committee would like to see conditions applied with regard to the safe storing of the products used and commercial use be restricted to office hours only.

WALTHAM ABBEY HISTORICAL SOCIETY – Object as the site is in the middle of an historic area, Henry VIII's hunting park, and is mentioned in the Domesday book.

PETITION FROM 31 ADDRESSES IN CLAVERHAMBURY ROAD, GALLEY HILL AND ELSEWEHER IN WALTHAM ABBEY – Object as this would be harmful to the area and would lead to a precedent for similar applications in the surrounding residential area, would be inappropriate in the Green Belt, since this would result in an increase of commercial vehicles in the area and it would be almost impossible to control or enforce, since this would be detrimental to the lives of surrounding residents, and because an application at Claverhambury Farm some 200m from the site (EPF/2200/12) was refused on the impact on the Green Belt and the increase in vehicle movements.

Issues and Considerations:

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, highway considerations, neighbour amenity and the surrounding area.

Green Belt Considerations/Site Location:

The site is within the boundaries of the Metropolitan Green Belt which brings development constraints in line with both national and local policy. Paragraph 90 of the NPPF highlights that some forms of development are 'not inappropriate' provided they do not conflict with the purposes of including land in the Green Belt and includes "*the re-use of buildings provided that the buildings are of permanent and substantial construction*".

Since the proposal relates to the internal use of an existing conservatory, bathroom and attached garage the principle of the works would clearly comply with the above exception to inappropriate development. Therefore the key consideration is whether the development would "*conflict with the purposes of including land in the Green Belt*".

The five purposes of the Green Belt are as follows:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The submitted details with regards to the proposed change of use clarify that internally the only parts of the dwellinghouse that would be used for business purposes would be the existing conservatory, a small bathroom and the attached garage. The proposed business is an established industrial cleaning company known as Bourne Property Maintenance Ltd. This company has been running since 2007 and currently operates from Wyldwoods, Woodgreen Road, Waltham Abbey. The two full time workers at the property would be the applicant Sarah

Bourne and her mother, Maureen Bourne, both of which would reside at the dwelling along with Sarah's fiancé and their daughter. There would also be 2 part time workers on site between 09:30 and 13:30 Monday to Friday and 09:30 and 13:30 Tuesday and Thursday. It has also been confirmed that there would be no clients attending the site since all quotations are undertaken on client's sites.

In and of itself the proposed change of use of the building would not normally require planning consent since it would be ancillary to the residential use of the site. It is purely because of the parking of 3 commercial vehicles that would be used by staff living off-site that planning consent is required for this development.

The commercial vehicles would be parked within an existing area of land located between the triple garage and the highway atop a proposed 7m x 12m concrete base. These vehicles are collected upon commencement of a job and remain on the client's site during the job, which is for a minimum two days but can be up to five days. The vehicles are only returned once the job is completed. At present the rota for the vehicles is that only two commercial vans are used at any one time so there would always be at least one commercial vehicle parked at the premises. It is proposed to install a new fence along the front of the site adjacent to the proposed parking area. Whilst under permitted development any such fence would be limited to a height of 1m a condition could be imposed requiring details of a 2m high fence along this boundary, which would assist in screening the commercial vehicles from public view.

The only relevant purpose of the Green Belt in relation to this proposal is "*to assist in safeguarding the countryside from encroachment*". Given the relatively low level of vehicle movements that would result from the proposal (see below), since the majority of the proposed works would not usually require planning consent, and due to the existing commercial sites within the surrounding locality, it is not considered that the proposal would be contrary to the purposes of the Green Belt and therefore the development would not constitute inappropriate development.

Whilst the application site is not located within a particularly sustainable location since it is a significant distance from local amenities and public transport links and the majority of Claverhambury Road and Galley Hill do not benefit from pavements, the majority of the proposed works would not usually require planning permission. Furthermore the NPPF puts great emphasis on promoting economic growth and supporting existing businesses and states that "*the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future*" and goes on to highlight that "*planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development*". In order to achieve this it is emphasised that local authorities should:

- *Support the sustainable growth and expansion of all types of business and enterprise in rural area, both through conversion of existing buildings and well designed new buildings; and*
- *Promote the development and diversification of agricultural and other land-based rural businesses.*

Since the proposed development would contribute to meeting the Frameworks objective to support the growth and expansion of business and enterprise in rural areas through the partial change of use of the existing site this matter should be given some weight in favour of the development.

The neighbouring residents make reference to the previously refused scheme at Claverhambury Farm ref: EPF/2200/12, which related to a retrospective planning application for the change of use of an agricultural yard to use for the parking and overnight storage of three heavy goods vehicles. This was refused in part for the following reasons:

- 1. The proposed development by reason of its isolated location within the boundaries of the Metropolitan Green Belt would have a detrimental impact on the character and appearance of the rural landscape, at what is a particularly sensitive location, eroding its character and appearance contrary to Policies GB2A, GB7A, LL2 and HC5 of the adopted Local Plan and Alterations and contrary to guidance contained within the National Planning Policy Framework (NPPF).*
- 2. The proposed development by reason of its isolated location would be an unsustainable form of land use which would result in unnecessary encroachment into the rural landscape and would fail to adhere to the principles of sustainable development contrary to policies CP1, CP2, CP3 and ST1 of the adopted Local Plan and Alterations and guidance contained within the National Planning Policy Framework (NPPF).*

Whilst this refusal is a material planning consideration each application is assessed on its own merits and the above application related to the change of use of agricultural land to commercial use and involved the storage of heavy goods vehicles. Such a change of use would not meet any of the exceptions to inappropriate development and, unlike this example, the application under consideration at Deer Park does not relate to heavy goods vehicles, only standard commercial vans (specifically a Vauxhall Movano and 2 x Mercedes Sprinters). Such vehicle parking/movements would not be significantly greater or more harmful than a household with multiple personal vehicles. A condition could be imposed to restrict the parking of heavy goods vehicles, along with other restrictions (such as outdoor storage or greater use of the dwelling), which would assist in protecting this rural Green Belt site.

Highways:

A petition signed by a number of neighbours has been submitted and one of the key concerns is regarding the impact on the highway network as a result of both this development and any subsequent proposals that may follow if this sets a precedent for commercial use within the area. Again reference has been made to the previous refusal at Claverhambury Farm, which along with the above stated reasons was also refused for the following reason:

- 3. The proposed development has resulted in the intensification in the use of the site resulting in an increase in the movement of large heavy goods vehicles along country lanes which are unsuitable for use by such vehicles contrary to policy ST4 of the adopted Local Plan and Alterations.*

Unlike the above mentioned refusal this application proposes the parking of three commercial vans as opposed to heavy goods vehicles. It is accepted that Claverhambury Road is a substandard road that is inadequate to cater for the regular movement of HGVs while providing safety and efficiency for all road users however Essex County Council Highways have been consulted on this application and whilst they objected to the proposal at Claverhambury Farm they have raised no objection to this proposal for the following reason:

The applicant has provided additional information concerning the vehicle movements associated with the above proposal. The additional information demonstrates that the vehicle movements are negligible, the vehicle size is small and consequently there will be no highway safety or efficiency issues associated with the proposal. Further to this the site is served from the Claverhambury Road and not off the bridleway.

The additional details received, which were reconsulted on, relates to the number and types of vehicles that would be parked on the site and the times and movements of these. This is as follows:

- 2 personal vehicles for residents of the site, which would be used for social purposes only;

- 1 personal van for a resident of the site, which would be used during standard commuting times (leaving at 07:30/08:00 and returning approx. 18:00);
- 2 staff vehicles, 1 of which would arrive at the site 09:30 and leave 13:30 Monday to Friday and the other would arrive at the site 09:30 and leave 13:30 Tuesday to Thursday;
- 3 commercial vans, 2 of which would leave and return to the site on average three times a week, always during office hours.

Whilst neighbours are objecting to the future potential for increased vehicle movements as a result of a precedent set by this proposal the surrounding area already includes commercial sites, in particular there are several commercial kennels to the north of the site. Such surrounding uses have already set a precedent for commercial uses within this area.

There is sufficient off street parking within the site to accommodate the commercial vehicles as well as the personal vehicles of the residents without causing any detrimental impact to the public highway.

Amenity:

Concerns have been raised with regards to the potential impact on neighbour's amenities with particular focus being on the impact on the highway and devaluation of neighbour's properties. As stated above it is not considered that the level of vehicle movements associated with this application would cause any undue harm to the free flow of traffic on Claverhambury Road or neighbours amenities.

The potential for additional schemes on other sites within the locality to follow suit is not considered to be a material planning consideration since any such planning applications would be assessed on their own merit.

Any impact on the value of neighbour's houses is not a material planning consideration and therefore does not form part of this consideration.

Concern has been raised with regards to the potential intensification of use of the site and photographs have been sent showing the site in January 2015 when an unlawful use for scaffolding storage was taking place. Planning enforcement were never made aware of this since the neighbours convinced the site owner to cease the use, however they are concerned that this level of commercial activity may commence again as a result of this proposal. However it is considered that a condition restricting outdoor storage, along with other restrictions on the use of the site, would be sufficient enough to protect against any intensification of use of this kind.

The proposed commercial vehicle parking area would be the only visible part of the proposed business use and would be screened from the public highway by way of a new boundary fence. As such it is not considered that the proposal would cause any significant harm to the character and appearance of this rural location.

Conclusion:

The proposed partial change of use of this site would not constitute inappropriate development harmful to the purposes of the Green Belt and would not result in any significant vehicle movements such that it would be detrimental to traffic and highway safety on Claverhambury Road or Galley Hill. The use of the dwellinghouse in itself for the proposed business would not usually require planning consent and it is simply the storage of three commercial vans on the site that renders this as a material change of use. Subject to conditions it is not considered that the parking of these vehicles, or the general mixed use of this site for residential and commercial purposes, would be unduly detrimental to the amenities of neighbouring residents or the character and appearance of the area and as such the proposal complies with the guidance contained within the

National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

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:

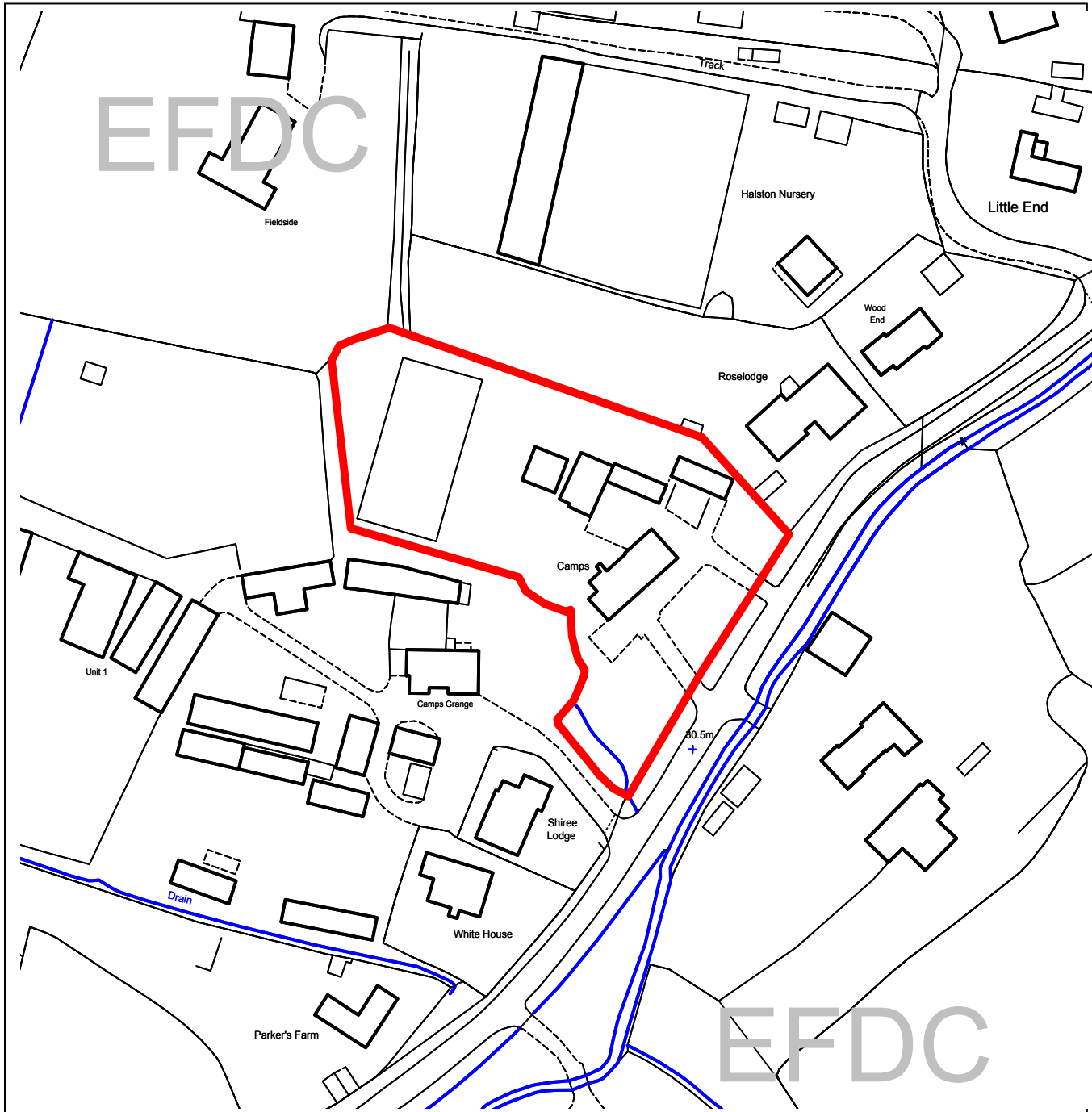
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 9



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Application Number:	EPF/1131/16
Site Name:	Camps, Hoe Lane, Nazeing, EN9 2RG
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/1131/16
SITE ADDRESS:	Camps Hoe Lane Nazeing Essex EN9 2RG
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Derek Brown
DESCRIPTION OF PROPOSAL:	Proposed outbuilding
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=584262

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 225.20, 225.21, Design and Access/Historic Impact Assessment, Aboricultural Impact Assessment: OS 1167-16-Doc1 dated February 2016 by Open Spaces, OS 1167-16.1, OS 1167-16.2 by Open Spaces.
- 3 Prior to first occupation of the development hereby approved, the proposed rooflights) over the shower and gym rooms shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No development shall have taken place until photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

- 5 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 'Camps'.

- 6 The development shall be undertaken in accordance with Open Space Arboricultural Impact Assessment dated February 2016 (ref: S1167-16Doc1) and Tree Protection Plan (ref OS1167-16-Doc1) and Tree Protection Plan (ref OS1167-16.2). The development shall be carried out only in accordance with these approved documents unless the Local Planning Authority gives its written consent to any variation.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).

Description of Site:

The proposal site comprises a Grade II listed dwelling originally built in the 16th Century and then subsequently altered and a Grade II listed 18th century Barn in the rear garden. It is located on the north western side of Hoe Lane. The proposed outbuilding will be sited in the south western corner of the rear garden. This area is currently being used as a tennis Court. The proposal seeks to remove the tennis court, build the outbuilding and landscape the remaining area.

The site falls within land designated as falling within the Nazeing and South Roding Conservation Area and Green Belt and the Environment Agency have given the application site a flood zone risk category of 2 and 3.

Description of Proposal:

Permission is sought for the construction of an L shaped outbuilding which has a maximum width of 12m reducing to 5m after depth of 5m, a maximum depth of 9m reducing to 5m after width of 5m. The height to the ridge of its gable roof is 4.05m

Materials are proposed to match those of the existing barn complex with in the wider curtilage of the site.

Relevant History:

Reference number	Description	Decision
LBC/EPF/1625/00	Listed building application for demolition and rebuilding of barn.	Granted

EPF/0806/03	Rear conservatory	Permission not required
LB/EPF/0811/03	Grade II Listed building application for a rear conservatory, extension to kitchen area and internal alterations.	Grant permission
EPF/1920/09	Change of use and adaption of the barn to a single dwelling	Grant permission with conditions
LBC/EPF/1926/09	Listed building consent for the change of use and adaption of barn to a single dwelling	Grant permission with conditions
EPF/1719/14	Grade II listed building application for the change of use and adaption of barn to single dwelling	Grant Permission with conditions
EPF/2756/15	Re-instate previous vehicular crossover, gates, railings and driveway, erection of car port for Camps House.	Grant permission with conditions
EPF/0583/16	Discharge of materials condition under reference EPF/2756/15	Approved

Policies Applied:

National
National Planning Policy Framework (2012)
National Planning Policy Guidance (2013)

Combined Policies of Epping Forest District Local Plan (1998) and alterations (2006). Published in February 2008 (Local Plan) These policies are which were adopted pre 2012 are broadly consistent with the National Planning Policy Framework and therefore are afforded full weight.

CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB14A (i) and (ii) Residential Extensions
DBE1- Design of new buildings
DBE9 – Loss of amenity
DBE10 – Residential extensions
HC6 – Character appearance and setting of Conservation Area
HC7 – Development within Conservation Areas
HC12-Development Affecting the setting of a Listed Building

Consultation Carried out and Representations Received

11 householders consulted and a site notice displayed. 1 neighbour response was received. The concerns raised were as follows:-

- Outbuilding is too large for the property another floor could be added;
- Could be converted into house. Condition should be imposed to prevent this.
- Rooflight windows overlooks our property. Should move to the other side of the building or be obscure glazed.

Nazeing Parish Council: Object as overdevelopment and contrary to policies DB2, DBE 3 and DBE 9.

Main Issues and Considerations:

The proposal seeks to remove the tennis court, build the outbuilding and landscape the remaining area.

The key considerations for the determination of this application are

Impact on the aims and purposes of the Green Belt?

Impact on the setting of the listed buildings within the site and the character and appearance of the wider Nazeing and Roding Conservation Area.

Impact on neighbouring residential amenity

Impact on the aims and purposes of the Green Belt?

The National Planning Policy Framework March 2012 (NPPF) defines development that is appropriate for the Green Belt as that which would not have a greater impact on the openness of the Green Belt and the five purposes of land included within it.

The five purposes being:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The NPPF defines appropriate development to include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

An outbuilding is considered to fall within this category as it would be ancillary to the enjoyment of the dwelling house and permitted development rights within the curtilage of a single family dwelling house would still apply on land designated as Green Belt.

Appeal decisions for proposals which seek to construct outbuildings with the curtilage of listed buildings which are also on Green Belt land indicate that subject to no other demonstrable planning harm, the stipulations of this legislation would also define what the 'proportionate' parameters would be. The size and height (subject to condition that the height be reduced to be no more than 4m high) and position of the outbuilding would fall within permitted development parameters if it was not within the curtilage of a listed building. The Conservation Officer also finds that the proposal is subordinate to the character and appearance of the Listed Building and has a design which subject to condition will have a neutral impact on special architectural and historical significance of the Grade II listed main building and barn.

In summary the proposal has a size, scale and appearance which is appropriate and proportionate to the appearance of the main building and large curtilage of the site. The proposal therefore accords with the requirements of the NPPF and policy GB2A of the Local Plan. Furthermore no objections have been raised by the Trees and Landscape Team subject to a condition requiring the works are carried out in accordance with the submitted arboricultural method statement. It is

for these reasons that the proposal will have a less than substantial impact on the character and openness of the Green Belt in accordance with chapter 9 of the NPPF and policy GB14A of the Local Plan.

Impact of the proposal on the setting of the Grade II listed dwelling, barn and the wider Conservation Area.

S66(1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possesses.

S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Paragraph 132 of the NPPF requires that “When considering the impact of a proposal on the significance of the designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater weight should be given to its conservation. Significance can be harmed or lost through (inter alia) development within its setting. As heritage assets are irreplaceable any harm to a Grade II listed building should be exceptional”.

The proposal was reviewed by the Conservation Team who in their expert opinion found that the size, height, position, use and design of the outbuilding is sympathetic to its local context and would therefore have a neutral impact on the setting of the nearby listed buildings. Furthermore the removal of the tennis court and associated structures along with the re landscaping of the remaining hard landscaped area will be a positive enhancement of this setting. They therefore raised no objection to the scheme subject to a condition which controls the materials to be used.

It is therefore considered that subject to condition, that the proposal will enhance the character and appearance of the site and surrounding area. It is for this reason that the proposal will preserve the economic viability of the application main dwelling and as a result its future conservation. The proposal therefore accords with the requirements of chapters 7 and 12 of the NPPF and policies DBE1, HC6, HC7 and HC12 of the Local Plan.

Impact on neighbouring residential amenity

The neighbouring dwelling at Camp Grange is positioned 7m away from the proposed outbuilding. There is a 2m high brick wall. Two rooflights are proposed for the southern roof slope of the proposed outbuilding which faces Camps Grange. Given that the outbuilding is single storey and this glazing is angled away from this neighbour and is partially screened by trees, it is considered that there will not be any significant loss of privacy to the inhabitants of Camps Grange. However it is recommended that a condition be imposed requiring that these rooflights be obscure glazed in order to prevent this outbuilding being overlooked by the first floor windows of Camps Grange. The proposal will also not result in any significant loss of light or outlook to this neighbour.

All other neighbouring properties are sufficiently distant to ensure that they will not materially be affected in terms of light, outlook, privacy or dominance in accordance with DBE2 and DBE9 of the Local Plan.

Impact on highway safety.

The proposal will not result in additional habitable room space and therefore additional parking provision is not required. The proposal therefore accords with the requirements of Essex County Council's Parking Standards (Design and Good Practice) September 2009.

Other matters

The outbuilding is of a standard single storey height. There is not sufficient height to create a first floor within it.

This application proposes that the use of the proposed structure will be for ancillary residential purposes. The use of the proposed building as a self-contained dwelling would therefore be material change of use and as such would require further planning permission.

Conclusion

The proposal subject to conditions is appropriate development within the Green Belt and will have a neutral impact on its character and openness. The proposal will also preserve and enhance the setting of the Grade II dwelling house and barn on the site, as a result preserve the character and appearance of the wider Nazeing and South Roding Conservation Area. The proposal will also not unduly harm neighbouring residential amenity. It is therefore considered to be sustainable development which accords with national and local policy.

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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 562133***

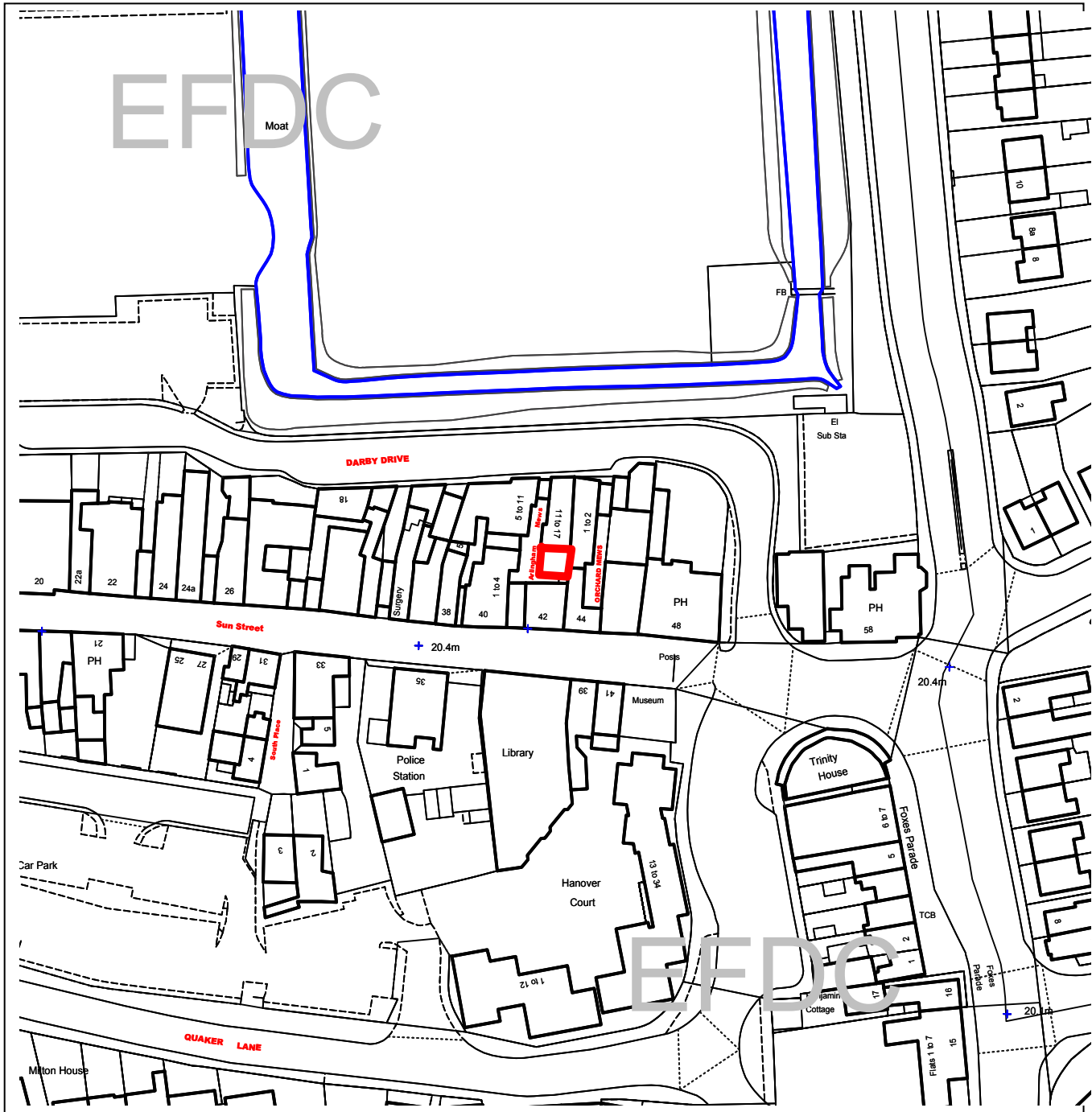
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 10



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Application Number:	EPF/1216/16
Site Name:	Units 14 and 15 Arlingham Mews, Sun Street, Waltham Abbey, EN9 1ED
Scale of Plot:	1/1250

Report Item No: 10

APPLICATION No:	EPF/1216/16
SITE ADDRESS:	Units 14 and 15 Arlingham Mews Sun Street Waltham Abbey Essex EN9 1ED
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Muhammad Anjum
DESCRIPTION OF PROPOSAL:	Change of use from A1 (shop) to D1 (education and training centre)
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=584428

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Location Plan dated 5/5/2016, 13.1031/102, Planning Statement dated 4 May 2016, letter from Alan Wilcox of Duncan Phillips Ltd dated 29 June 2016, Email letter dated 1/7/16 from the applicant.
- 3 The education and training centre hereby permitted shall not be open to customers / members outside the hours of 08:00 to 21:00 on Monday to Saturday and 09:00 to 18:15 on Sundays and Bank Holidays.
- 4 A shopfront display shall be maintained at all times to the satisfaction of the Planning Authority.
- 5 The premises shall be solely for the purposes of an educational learning as indicated by the plans hereby approved and for no other purpose in class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that class in any Statutory Instrument revoking or re-enacting that re-enacting that Order.
- 6 No more than 12 students shall be tutored within the premises at any one time.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).

Description of Site:

The proposal site comprises two previously vacant retail units within a mews development of retail and commercial units situated on the northern side of Sun Street. The site can also be accessed via Darby Drive.

Arlington Mews is made up of 17 units occupied by a range of retail and commercial (including food outlets) uses. A number of units are vacant.

The site is designated as falling within the Waltham Abbey Town Centre; it also falls within the Waltham Abbey Conservation Area. It is not listed.

Description of Proposal:

Permission is sought for the change of use from vacant A1 (retail) to D1 (education and training centre).

The site covers an area of 42.71 square metres.

The business employs 1 full time employee and 3 part-time employees.

Hours of operations will be 5:00 pm until 8:30pm Monday to Friday and 9:00am until 6:15pm on Weekdays including back holidays.

No changes are proposed to the existing access and parking arrangements of the site.

A letter from the local estate Duncan Phillips Ltd has been submitted after a request made by the Planning Authority which confirms that the application property was vacated by the owners of a Tropical fish Sales business in November 2015. No interest was shown by any other retail business prior to the unit being acquired by the Metro Educators (applicant) in April 2016.

The applicant in his statement indicates that there will be 10 to 12 students at any one time on the premises.

The tuition provided will for SATs 11plus, GCSEs and 'A' level revision.

The ages of the children will range from 6 to 18 years old.

Children will be dropped off and picked up by parents or legal guardians and names agreed with the parents at the time of admission. Students are only allowed to leave the building when parents are there to pick them up. GCSE and A level students are allowed to come and go home themselves only if requested by the parent. The company would encourage students and parents to use public transport. There are also public car parks within easy walking distance from the site.

Relevant History:

None

Policies Applied:

National Planning Policy Framework
National Planning Policy Guidance

Combined Policies of Epping Forest District Local Plan (1998) and alterations (2006). Published in February 2008 (Local Plan)

TC1 Town Centre Hierarchy

TC3: Town Centre Function

HC6 Character, Appearance and Setting of Conservation Areas

HC7 Development within Conservation Areas

DBE2 – Effect on neighbouring properties

DBE 9 Loss of Residential Amenity

ST4 – Road safety

Consultation Carried out and Representations Received

Waltham Abbey Town Council – The Committee expressed concerns with regard to health and safety issues such as the positioning of the toilets and the lack of fire exits and were disappointed to see the loss of yet another retail outlet.

45 neighbours consulted – and one response received. The comments made are summarised below.

15 Pinnacles: I would like to oppose this application as I use Arlingham Mews regularly, and it is a quite unique retail area, where D1 use is not appropriate. This will bring noise and rowdiness to this space besides for parking problems. The application is also to be open Sun and Sat and late evening which will also not be appropriate for this type of area.

Main Issues and Considerations:

The key considerations for the determination of this application are the impact the proposal will have on the vitality and viability of the Waltham Abbey Town Centre; the suitability of the change of use; character of the Waltham Abbey Conservation Area; parking and highway safety and neighbouring residential amenity.

The suitability of the use

Chapter 2 of the NPPF (Ensuring the vitality of town centres) requires that policies should support viability and vitality of town centres.

The proposal site is outside of the primary retail frontage therefore policy TC4 (Non retail frontage) would not apply.

If granted planning permission the proposal will bring back into use a previously vacant unit. The use will result in the unit being open in the evenings and throughout normal shopping hours on Saturdays and Sundays. These hours will ensure that variety and activity within this area extends beyond normal shopping hours. The use will also generate employment for 4 people. It is therefore

considered that the proposal will have an overall positive impact on the vitality and viability of the Waltham Abbey Town Centre as a whole and would provide economic and social benefits for longer period of the day. The proposal therefore accords with chapter 2 of the NPPF and policy TC3 of the Local Plan.

Impact on the character and appearance of the site and wider Waltham Abbey Conservation Area.

S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The proposal was reviewed by the Conservation Team who found that the proposed use which would be located within a back area of the Waltham Abbey Conservation area would be sympathetic to its character. Furthermore no external changes are currently proposed for the shopfront. (Any future changes would require a further application). The proposal therefore complies with the requirements of chapter 12 of the NPPF and policies, HC6 and HC7 of the Local Plan.

Highway Safety

Given the site's town centre location close to sustainable forms of public transport, the Highways Authority have raised no objections to the proposal. It is therefore considered that there will be no significant harm to highway safety or parking conditions as a result of this application and as such the proposal accords with the Council's adopted parking standards.

Impact on neighbouring residential amenity

Given the Town Centre location of the site and the limited number of students it is considered that there will be no significant loss of amenity to neighbouring residential properties in terms of noise and disturbance. The proposal therefore complies with the requirements of policy DBE 9 of the Local Plan.

Other matters

Issues related to fire exits and the position or number of toilets would be dealt with by Building Control and Health and Safety legislation and therefore is not material to the determination of this application.

Conclusion

In conclusion, the proposal promotes economic activity by bringing a vacant unit back into use and provides employment for workers in the education field. The social benefits of the proposal are that it would have a positive impact on the vitality and viability of the town and centre and provides a learning facility for the local community. Subject to a number of conditions the proposal will not have significant adverse impact on noise or general disturbance. The proposal therefore meets the criteria required to be deemed sustainable development and therefore accords with the NPPF and the Combined Policies of Epping Forest District Local Plan (1998) and alterations (2006).
Published in February 2008.

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:

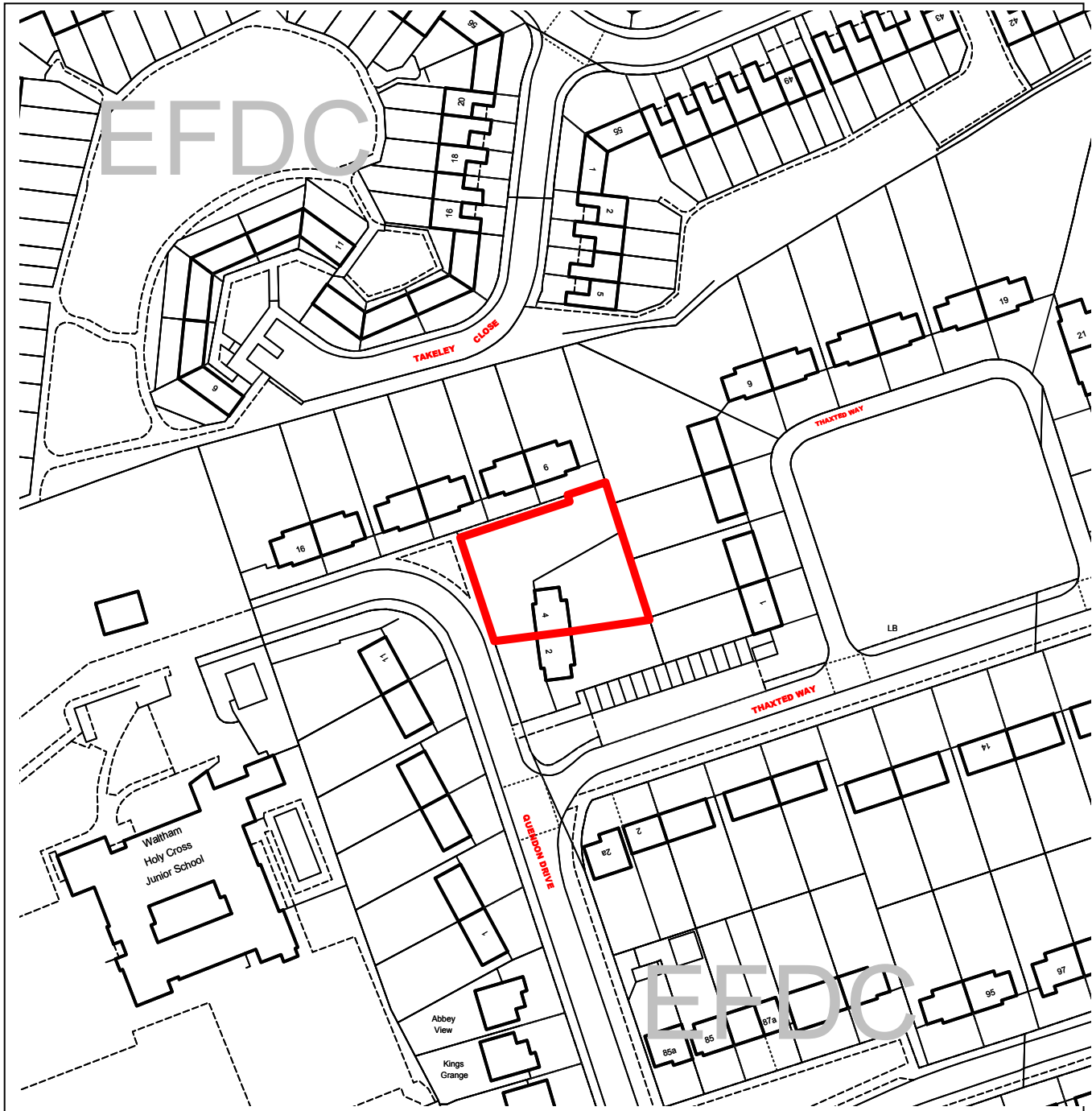
**Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 562133**

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



Epping Forest District Council

Agenda Item Number 11



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Application Number:	EPF/1234/16
Site Name:	4 Quendon Drive, Waltham Abbey, EN9 1LG
Scale of Plot:	1/1250

Report Item No: 11

APPLICATION No:	EPF/1234/16
SITE ADDRESS:	4 Quendon Drive Waltham Abbey Essex EN9 1LG
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Mr Neil Harvey
DESCRIPTION OF PROPOSAL:	New 4 bed detached unit
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=584478

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ELA/ Rev A - 1 - 13
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 5 There shall be no discharge of surface water onto the Highway.
- 6 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.

- 7 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 8 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 9 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of site

The application site is located on Quendon Drive which is located within the built up area of Waltham Abbey. Currently on site is a two storey semi detached property which has a large garden area and a large amount of space to its north. There is a row of properties to the north which front onto the side elevation of no.4 at an approximate distance of 21m. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is for the erection of a new two storey dwelling in the garden area to the north of the existing dwelling.

Relevant history

Pre application proposal was submitted for the erection of a new dwelling.

Policies applied

CP7- Quality of development
CP2 – Protecting the Quality of the Rural and Built Environment
DBE10 – Design of Residential Extensions
DBE9 – Impact on amenity
H1A - Housing Provision
H2A - previously Developed Land
DBE6 - car parking in new developments
ST1 - Location of development
ST2 - Accessibility of development
ST4 - Road Safety
ST6 - vehicle parking standards
LL11 - landscaping
U3B - sustainable drainage
DBE8 - private amenity Space
DBE1 - Design of new buildings
RP4 - Contaminated land

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Consultation carried out and summary of representations received

17 Neighbours consulted –

6 Quendon Drive – OBJECTION – Loss of light, loss of privacy, will be overbearing to our property, loss of parking, out of character with the street scene.

7 Quendon Drive – COMMENT – questions about the availability of the land.

8 Quendon Drive – OBJECTION - There are several well established trees on the land where the new dwelling will sit. My property and that of my neighbours at number 6 have no off-street and have relied on the roadside parking outside number 4 to park our cars. These spaces will be replaced by a new dropped kerb outside the new property. Parking spaces have already been reduced by the recent introduction of a dropped kerb at number 4. We will not be able to park our cars anywhere near our property causing us considerable inconvenience. Parking in our small

road is already difficult and at school pick-up and drop-off times can become dangerous and cause conflict. The further reduction of available parking spaces will only make this situation worse. The new dwelling will cause a loss of light and overshadowing to our property most notably in our ground floor living room and three upstairs front bedrooms. The position and scale of the new dwelling in relation to our own property, being slightly off the main street will cause us to feel hemmed-in and cut off from the neighbouring properties in the street. This encroachment of our property we feel is unfair and will restrict the open aspect and view of the street we enjoy at present. We believe the proposed dwelling to be out of keeping with the surrounding properties. All the neighbouring houses are semi-detached. The new property is detached and overbearing in scale.

10 Quendon Drive – OBJECTION – There will be harm to the existing parking situation, parking will be underneath our bedroom window, there will be significant harm to outlook,

11 Quendon Drive – OBJECTION – The new dwelling will harm the existing off street parking situation, and concerns raised as to the sewage connection.

14 Quendon Drive – OBJECTION – There will be harm to nos. 6 – 10 Quendon Drive due to its proximity. There will be harm to the existing parking situation. There will be drainage issues.

5 Thaxted Way – OBJECTION – There will be significant parking issues on Quendon Drive and the dwelling will cause overlooking.

Waltham Abbey Town Council – OBJECTION - Concerns were raised with regard to the detrimental effect this building could have on Nos. 6 & 8 Quendon Drive. It is understood that there is a covenant on this property preventing development of gardens. If, however, the Authority is minded to grant planning permission the Committee would like to see the appropriate porous materials used in the construction of the driveway and obscure glazing used on the windows facing Nos. 6 & 8.

Comments on representations received

Many neighbours have raised the issue of covenants as part of their objections; however this is not a material planning matter and therefore cannot form part of this assessment.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the living conditions of the neighbours, the design of the new dwelling in relation to the existing street scene, parking considerations, land drainage, land contamination and landscaping.

Living conditions of neighbours

The new dwelling will be sited adjacent to no.4 approximately 4m from its two storey side elevation and 1.2m from the single storey element. No.4 has two first floor, side facing windows which are not obscure glazed but which serve a bathroom and a hallway respectively. As these windows do not serve primary living accommodation and that almost the entirety of the new dwelling will be against this side elevation it is not considered that there will be any excessive harm to its living conditions.

The new dwelling will leave a gap of approximately 8.5m to the front elevation of no.8 and 9.4m from no.6. The new dwelling will not have any windows fronting onto these neighbours and therefore no overlooking of their sensitive areas.

Therefore the primary issue to assess within this application is whether the new dwelling will cause excessive loss of light and outlook to these neighbours. Firstly it is important to note that the first

floor windows on the front elevations of no.6 and no.8 serve primary living areas and BRE guidance suggests that new dwellings which are opposite primary living areas of neighbours should not encroach a 25 degree angle taken from 2m up from the base of the neighbouring property. Measurements have been taken from the front elevations of no.6 and no.8 and in both cases the 25 degree line is only very slightly intercepted by the upmost part of the ridge of the new dwelling. The extent to which this line is intercepted is very minor and as a result it is not considered that there would be any excessive loss of light to these neighbours.

In terms of outlook, whilst the first floor building line will be brought closer to the front elevation of no.6 and no.8, it will be set against the backdrop of an existing two storey dwelling (no.4) and the proximity of the new dwelling to these neighbours will not cause excessive harm to their living conditions.

Design

The new dwelling will have a size, bulk and scale proportionate to its setting, its ridge height will appear slightly lower than the adjacent no.4 as well as the neighbours on the other side (no.6 and 8). As a result it will not appear overly prominent in the street scene. In terms of its detailed design, it reads as a conventional residential property which will preserve the character and appearance of Quendon Drive as a whole.

Parking considerations

The new dwelling will offer a suitable amount of off street parking, which exceeds the usual two which are required by the Essex Parking Standards. Concern has been raised from the neighbours that the creation of a dropped curb will lead to the loss of an on street parking space. Whilst this is the case, the loss of a single space will not cause a significant amount of harm to the existing situation. In any event the applicant could install a dropped curb under permitted development and weight must be attributed to this. This view is shared by the Essex County Council highway engineer who has raised no objection to the scheme.

Land Drainage

The land drainage team has raised no objection to the proposal but has suggested that a condition be attached to the consent required a Flood Risk Assessment. Given that surface water has the potential to cause harm to the existing situation, it is considered that this is a necessary condition.

Landscaping

The landscaping team has offered no objection to the development as there will not be any significant harm to existing trees or green areas.

Conclusion

In light of the above appraisal it is recommended that planning permission is granted.

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: James Rogers
Direct Line Telephone Number: 01992 564 371**

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