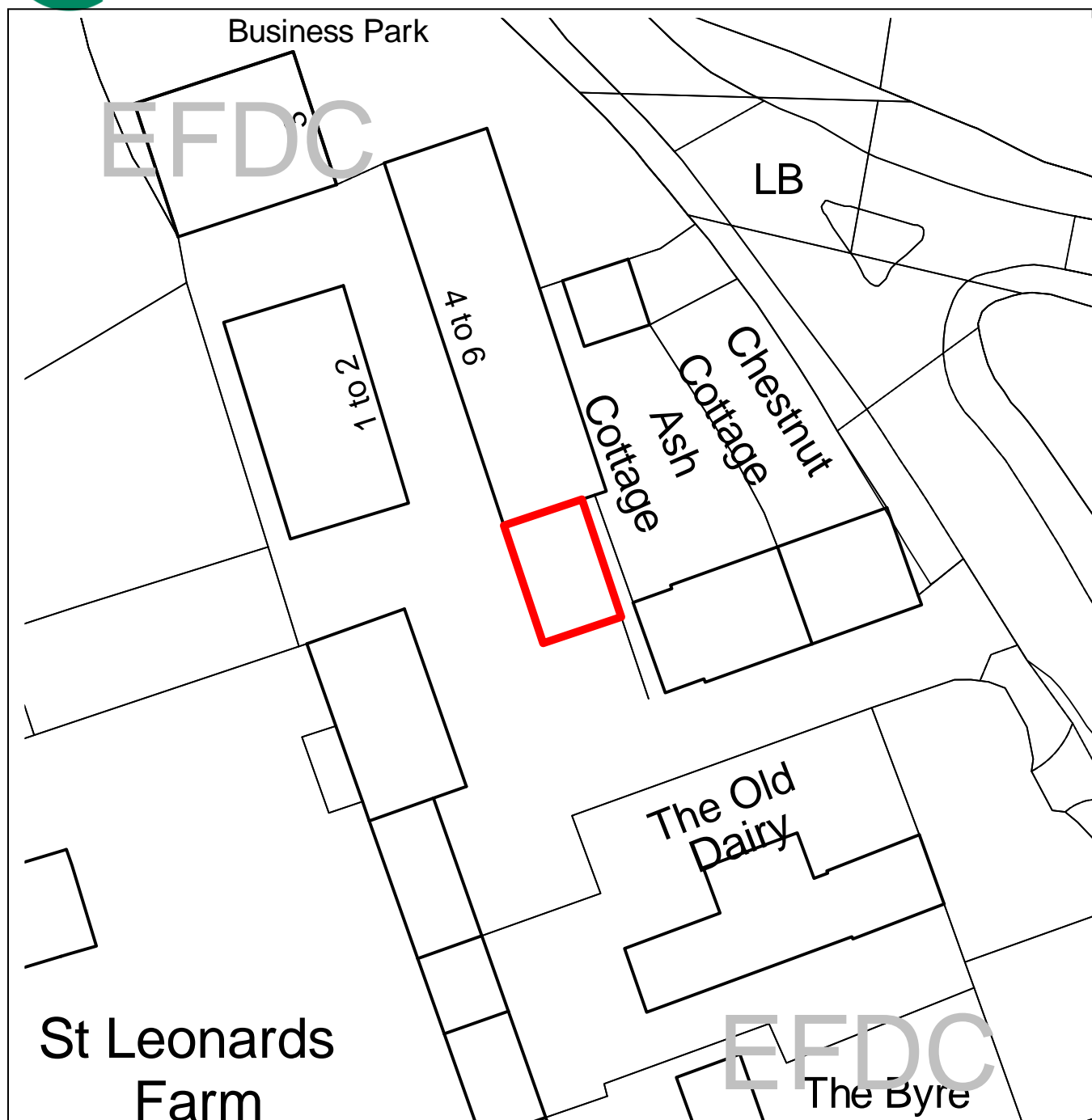




Epping Forest District Council



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Application Number:	EPF/1206/20
Site Name:	Unit 7 St Leonard's Farm St Leonard's Road Nazeing EN9 2HG
Scale of Plot:	1:500

Report Item No: 9

APPLICATION No:	EPF/1206/20
SITE ADDRESS:	Unit 7 St Leonard's Farm St Leonard's Road Nazeing EN9 2HG
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Robert Moore
DESCRIPTION OF PROPOSAL:	Change of use of the office and double garage within Unit 7 from agricultural use to an independent office (Class B1a) and storage (Class B8) and installation of a 1.8m high timber fence panel.
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=637776

CONDITIONS

- 1 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 004 August 2020; Site Plan; Location Plan; Planning Statement; Agents Email dated 26/08/2020
- 2 Within 1 month of the date of this decision notice, the window opening(s) in the West and East flank elevations and roofslopes shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the windows are installed and shall be permanently retained in that condition.
- 3 The use hereby permitted shall not operate outside the hours of 07:00 to 18:00 on Monday to Friday, 07:30 to 13:00 on Saturday and at no time on Sundays and Bank Holidays.
- 4 No outdoor storage shall be undertaken within the application site.
- 5 Within 1 month of the date of this decision notice, a 1.8m high timber fence sited on the applicants land, in between the entrance of the offices and the rear garden of Ash Cottage, St Leonards Road shall be erected and shall be permanently retained thereafter.
- 6 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

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 and more than 4 objections material to the planning merits of the proposal to be approved have been received. (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).

Description of Site:

Unit 7 comprises of a pitched roof double garage formerly attached to the existing barn to the northwest of the pair of farm buildings within St Leonards Business Park, a group of business units to the north of a small group of residential dwellings, (ex-agricultural buildings) located to the west of Laundry Lane, a plot triangular in shape bounded by St. Leonards Road.

The site was formerly in agricultural use but is now in use as a series of light industrial and storage uses in accordance with planning permission for B1/B8 uses which was granted on the 27th August 2014 Ref: EPF/1343/14.

The garage and office known as Unit 7 was not part of the aforementioned planning permission but was instead subject to an earlier grant of planning permission in June 2014 Ref: EPF/0909/14 for the erection of a double garage originally built as an office for the running of the established farm business on the first floor and a garage on the ground floor accessed through a side door from the residential properties and, the ground floor toilets would be accessed from the farm yard. The Unit measures 6.4m in width, 10m in depth with a pitched roof at a height of 6.5m. The vehicle access to the Unit is via the residential area.

The site is located within the Metropolitan Green Belt, the designated Lee Valley Regional Park and an EFDC flood risk area.

The site is not a designated employment site. The site is not within a Conservation Area.

Description of Proposal:

Planning permission is sought for the change of use of the garage and office at first floor within Unit 7, once associated with St Leonards Farm to an Independent office (Class B1a) and storage (Class B8) (storage or distribution) use. Mon – Fri - 7-6.00pm; Sat 7.30-1.00pm.

Six rooflights are sited in the roof slopes and 2 ground floor windows to the West and East elevation. The amended plans show that they are to be obscure glazed and non-openable.

Relevant History:

The majority of the following history relates to the wider St Leonards Farm site, which has now in part been sold off, and does not all relate to the specific application site.

EPF/1343/14 - Change of use of agricultural land and outbuildings to use Class B1/B8 including ancillary works and new vehicular access. - Approved - 28/08/2014

EPF/0909/14 - Erection of double garage with office in roof space to include toilet accommodation - Approved 12/06/14 - Implemented

PN/EPF/0904/14 - Prior notification for proposed change of use of agricultural barn and animal shelter adjacent to south-west boundary of holding to a single dwelling house and curtilage - Prior approval required and granted - 10/06/14

EPF/1908/13 - Removal of former pair of cottages and erection of replacement pair of cottages - Approved - 31/10/13

EPF/0962/09 - Conversion of existing outbuilding to dwelling with minor amendments to planning approval EPF/0196/09 and demolition of part of rear outbuilding and erection of new store - Refused - 24/07/09
EPF/0196/09 - Conversion of existing outbuildings to dwelling. Amendment to planning approval EPF/0413/07 to include demolition of rear outbuilding and two single storey extensions for rear - Approved 09/04/09
EPF/0413/07 - Conversion of existing outbuildings to dwelling - Approved - 26/04/07
EPF/1432/04 - Change of use of redundant farm building to residential and removal of 4 no. buildings - Approved - 27/10/04
EPF/0363/98 - Change of use of farm building to dwelling and demolition of 4 farm buildings - Approved- 24/08/98

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

CP1 Achieving sustainable development objectives
CP2 Protecting the quality of the rural and built environment
GB2A Development in the Green Belt
GB7A Conspicuous development
RP5A Adverse environmental impacts
DBE9 Loss of amenity
RST24 Design and location of development in the LVRP
ST4 Road safety
ST6 Vehicle parking
DM15 Managing and Reducing Flood Risk

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 83
Paragraph 133 -146
Paragraph 155 -164
Paragraph 178-180

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP5 Green Belt and District Open Land	Significant
SP6 Green Belt	Significant
SP7 Natural Environment & Landscape Character	Significant
T1 Sustainable Transport	Significant
DM4 Green Belt	Significant
DM9 High Quality Design	Significant
DM21 Land Contamination	Significant
DM22 Air Quality	Significant
U2A Managing and Reducing Flood Risk	Significant

Consultation Carried Out and Summary of Representations received:

NAZEING PARISH COUNCIL - OBJECT

- People visiting the site at all times of the day and night 7 days a week resulting in noise pollution on adjoining residents
- No planning permissions but still used by a roofing company and as a workshop
- Issues with parking

6 neighbouring properties were notified, and 5 objections have been received.

OAK COTTAGE -

- The occupant, James roofing arrive at unit 7, 6 in the morning (Loading and banging van doors talking on mobiles,
- storage was used to saw wood in their workshop when they first moved in, yet shelving was already up.
- different roofers are pulling up in morning banging doors
- truck with gas bottles was parked all night on occasion

ASH COTTAGE -

- Become a mini industrial estate out of character with the area, due to highway safety concerns,
- development would result in increased noise nuisance, increase in traffic and on-street parking. Suggest that if approved the hours of use should be restricted and the existing 7-foot-high fence should be retained.
- The building was originally built as an office for the running of St Leonard's farm on the first floor and garage on the ground floor under application number EPF/0909/14 and had conditions attached to the approval that it was only to be used for the running of the farm. In fact, contrary to planning the owner took up residence on the first floor as it was kitted out with a kitchen and bathroom facilities and this continued until last year when it was then vacated, and an application was made to convert it to a house. This went to the Secretary of state and was rejected.
- At the beginning of this year it was let to a local roofing company James Roofing also contrary to planning permission. The garage area has been converted to a workshop. There have been numerous vehicles here large vans trucks with gas bottles on the back parked blocking drives and also in the road one day there were at least 9 vehicles here with people coming and going at all hours of the day and night 7 days a week and staying overnight.
- The entrance is up steps immediately next to the side gate of Ash cottage so that anybody coming or going has full view on to the garden and living rooms at the back of the house. There are roof lights on both sides of the property which look directly into our garden Ash cottage as well as Chestnut cottage and on the other side overlooking Willow and Oak cottages. These have been open, and we can hear every word of all the telephone conversations in our gardens at all hours including weekends and until late at night.

- The proposed hours of this type of business is not acceptable when they are causing so much disruption to the residents here with vehicle noise and people talking shouting and swearing as there is no access to unit 7 from the Business Park only via the driveway to all the houses here. We have been woken up on numerous occasions by the vehicles coming in and out the other day at 5.30 in the morning which is not unusual.
- Flammable materials being stored with no fire exit for a business of this nature. Employees are not adhering to regular office hours 9 to 5 Monday to Friday, they arrive as early as 5am, they often stay at weekends.
- The building is not equipped by design for anything other than storage. It is entirely inappropriate for any business to operate in the middle of this enclave of residential properties and is a serious encroachment on residents' privacy

THE OLD DAIRY -

- St Leonards farm was converted into 2 separate areas, one being commercial and the other residential with a planning requirement to have a brick wall between the 2 areas. This unit is within the Residential area and this change of use significantly changes the nature of the residential area. rather than being a garage where the resident's car(s) were stored the garage becomes a storage unit that requires regular access by Lorries and Vans.
- The new usage also creates a 24/7 Lorry / Van parking area for the people using the unit which again changes the nature of the residential area. Lorries and vans being parked overnight and at weekends the drivers arrive in their cars, parking on the (private) St Leonards road while they take their Lorry/Van to their place of work.
- The change in use brings lorry/Van noise and pollution to my property from very early in the morning to late in the evening.
- Another attempt to extend the industrialisation of this once agricultural area, it is unnecessary and completely out of character with the surrounding residential properties.

WILLOW COTTAGE -

- Unit 7 currently being used by a roofing company who have converted into a workshop
- Overlooking and a Loss of privacy to residential properties
- Commercial use in a small rural residential development is inappropriate.
- Noise nuisance at all times but particularly at unsociable hours
- Increased traffic is both dangerous and inconvenient.
- Application contains lots of misrepresentations and falsehoods intending to mislead.
- Vans block the access at times
- Previous planning decisions concerning the site, including by the Planning Inspectorate, support the rejection of this application
- The use of the site causes a significant loss of privacy to us, Oak, Ash and Chestnut Cottages
- Commercial use in a small, rural, residential development is inappropriate
- It creates a noise nuisance at all times but particularly at unsociable hours
- Increased traffic is both dangerous and inconvenient
- The application contains numerous misrepresentations and falsehoods that are intended to mislead the planning department

CHESTNUT COTTAGE -

- The entrance is up steps immediately next to the back gate of Ash Cottage so that anybody coming or going has full view on to the garden and living rooms at the back of the house. There are roof lights on both sides of the property which look directly into our garden Chestnut cottage as well as Ash cottage and on the other side overlooking Willow and Oak cottages. These have been open, and we can hear every word of all the telephone conversations in our gardens at all hours including weekends and until late at night.
- This application is to allow the building to be used as a standalone office and storage for the same business hours as the Leonard's farm business park these are 7am to 6pm Monday to Friday and 7.30 until 1 on Saturday. These hours and this type of business is not acceptable when they are causing so much disruption to the residents here with vehicle noise and people talking shouting and swearing as there is no access to unit 7 from the Business park only via the driveway to all the houses here .
- We have been woken up on numerous occasions by the vehicles coming in and out the other day at 5.30 in the morning which is not unusual.
- The issues we have been experiencing are causing all the residents here a lot of stress and anxiety.
- Section 5.22 of their document states there are 2 employees with 2 parking spaces however there are numerous vans small and large and cars coming here daily.

Rt. HON ROBERT HALFRON MP -

- Because of the close proximity between the industrial and residential areas, it seems clear that the impact of the type of business being allowed to operate from the industrial area needs to be assessed and controlled.

Main Issues and Considerations:

The key considerations in this application is the

- Principle of the Use
- Impact on the Green Belt, the Lee Valley Regional Park,
- Impact on the neighbouring properties
- Highway Considerations
- Land Drainage
- Impact on the Epping Forest Special Area of Conservation

Impact on the Metropolitan Green Belt:

The National Planning Policy Framework, (NPPF), 2019 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Local Plan policies and the National Planning Policy Framework (NPPF) allows for the change of use or adaptation of buildings in the Green Belt.

The NPPF promotes the “sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings”.

Paragraph 146 states that “certain other forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt” and includes “the re-use of buildings provided that the buildings are of permanent and substantial construction”.

The building is of permanent and substantial construction. The proposed re-use of the building from a garage with offices above to a B1/B8 light industrial use/office use is considered an appropriate form of development in its setting and supported by paragraph 3.35 of the Submission Version, 2017 which states that, ‘National planning guidance promotes the sustainable growth of all types of businesses in rural areas, including conversion of, and new buildings as well as encouraging the retention and development of local services.

The change of use of the building as a B1/B8 use is not considered inappropriate development that would result in any material greater harm on the openness of the Green Belt than its previous use as a garage and complies with policy CP1, CP2, ST1, GB2A, GB7 and of the Epping Forest Local Plan and, policy DM4 of the Submission Version, 2017.

Impact on the Amenity of Neighbouring Properties:

The Unit is sited in a residential close and as such is in close proximity to neighbouring residential dwellings. A number of objections have been received with regard to the potential impact that the use has on the neighbours’ amenities and the unsuitability of the unit as a B8 use and that the tenant is using the unit for other purposes such as a workshop and the offices for residential purposes.

The proposed change of use is to B1 (Business) and B8 (storage and distribution), is by definition:

“a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit”. As such the proposed B1 use would be an acceptable use to take place adjacent to residential properties.

A B8 use is for storage and distribution, which primarily relates to the storage of goods. Whilst these uses can sometimes attract large vehicles, they are historically low maintenance businesses that have moderate movements and activity, particularly such a small storage unit as this one.

Whilst it is unfortunate that the only access to the unit is via the residential access, its use should be similar to if a residence of the residential close owned the garage for storing his own business equipment that he had to access on a daily basis to go to work. It is a small quiet residential close and any noise or disturbance generated from the Unit would be noticeable because it is the only garage sited in the close.

Given the existing uses of the Unit and the nature of the proposed use and its surroundings, it is not considered that the use would result in any significant increase in noise or disturbance to the residents to justify a refusal of the application. A condition would be imposed at any approval ensuring that the building is only used for B1/B8 use and for no other purposes. Furthermore, other conditions such as hours of use and restriction on outside storage can be imposed to further protect the amenities of surrounding neighbours which will be monitored to ensure compliance.

Site Visits to the Unit have been made by the Case Officer in July and August and the Enforcement Team on many occasions who have also accessed the unit. Amended plans have been submitted to show that the unauthorised windows to the West and East elevation and in the roofslopes are to be non-openable and obscure glazed and a condition would be attached to ensure that this work is completed within 1 month of any approval.

These conditions should resolve some of the issues raised by the residents along with the owner's willingness to address existing problems and his assurances that new conditions will not be breached. If they are, the owner has stated he will terminate the company's existing lease.

Indeed, it is considered that the use itself is acceptable but requires better, more appropriate management of the Unit to limit noise and disturbance in the area which can be achieved.

The applicant has also agreed to install a 1.8m high timber fence on his land by the entrance to the offices that adjoins Ash Cottage to screen their rear garden and prevent overlooking and a loss of privacy which has been added as a condition at any approval.

Parking and Highways:

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Land Drainage

No objection in principle subject to conditions requiring details of foul and surface water drainage to be submitted which is deemed as reasonable and necessary.

Epping Forest Special Area of Conservation:

A significant proportion of the Epping Forest Special Area of Conservation (EFSAC) lies within the Epping Forest District Council administrative area. The council has a duty as the 'Competent Authority' under the Conservation of Habitats and Species Regulations 2017 (as Amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so, the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version, 2017.

Policy NC1 of the Epping Forest Local Plan 1998 (the adopted Local Plan) states that the Council will comply with the UK's international obligations for SAC's and the Framework requires that if significant harm to biodiversity cannot be avoided, for example through mitigation, planning permission should be refused.

Policy DM22 of the emerging plan, provides the policy context for dealing with the effect of development on the integrity of the Epping Forest SAC which are material considerations, also require that development proposals conserve the SAC in terms of access management and monitoring of visitors and that the SAC is not adversely impacted in terms of air quality.

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways and concludes as follow:

1. The proposed use is not for residential and consequently, the development will not result in a likely significant effect on the integrity of the EPSAC as a result of recreational pressures.

2. In the context of the Epping Forest Special Area of Conservation it is considered that the B1/B8 use, a building of limited size comprising of storage and offices accommodation would not generate any additional vehicles movement above its previous usage. As the development would not result in a net increase in traffic using roads through the EFSAC, the proposal is not considered as resulting in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

On this basis the Council is satisfied that the development complies satisfactorily with policy CP1, CP2 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policy DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Conclusion:

The change of use of the garage into a B1/B8 office/light industrial use is an efficient use of the land supported by the current and emerging Local Plan and when considered against the National Framework, 2019 is deemed as being not inappropriate development within the Green Belt. The development would not result in any additional harm to the LVRP, neighbours' amenities or highway safety over and above the former use of the site subject to the imposition of conditions which are supported by the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In the light of the above considerations, it is recommended that planning permission is approved 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: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk