

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday, 19th November, 2014**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping**  
on **Wednesday, 19th November, 2014**  
at **7.30 pm** .

**Glen Chipp**  
Chief Executive

**Democratic Services**  
**Officer**

Mark Jenkins (Directorate of Governance)  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Tel:  
01992 564243

#### **Members:**

Councillors Ms Y Knight (Chairman), A Mitchell MBE (Vice-Chairman), R Bassett, R Butler, D Dorrell, Mrs R Gadsby, R Glozier, Ms H Kane, Mrs J Lea, Mrs M Sartin, Ms G Shiell, Ms S Stavrou, A Watts and Mrs E Webster

**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.45 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.**

#### **WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound**

recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

## **1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

## **2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

## **3. APOLOGIES FOR ABSENCE**

## **4. MINUTES (Pages 9 - 20)**

To confirm the minutes of the last meeting of the Sub-Committee held on 22 October 2014 as a correct record (attached).

## **5. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests in any item on this agenda.

## **6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent

items is required.

**7. DEVELOPMENT CONTROL (Pages 21 - 60)**

(Director of Governance) To consider the planning applications set out in the attached schedule.

Background Papers

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

**8. DELEGATED DECISIONS**

(Director of Governance) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members’ Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

**9. EXCLUSION OF PUBLIC AND PRESS**

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

### **Can I give the Councillors more information about my application or my objection?**

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

### **Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

## Area Planning Subcommittee West 2014-15

Members of the Committee:



Cllr Knight

Cllr Mitchell

Cllr Bassett

Cllr Butler

Cllr Dorrell

Cllr  
Gadsby



Cllr Glozier

Cllr Kane

Cllr Lea

Cllr Sartin

Cllr Shiell

Cllr  
Stavrou



Cllr Watts

Cllr  
Webster

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 22 October 2014  
West

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 8.30 pm  
High Street, Epping

**Members Present:** Ms Y Knight (Chairman), A Mitchell MBE (Vice-Chairman), R Butler, D Dorrell, Mrs R Gadsby, R Glozier, Ms H Kane, Mrs J Lea, Ms G Shiell and Mrs E Webster

**Other Councillors:**

**Apologies:** R Bassett, Mrs M Sartin, Ms S Stavrou and A Watts

**Officers Present:** J Cordell (Senior Planning Officer), J Leither (Democratic Services Assistant) and A Hendry (Democratic Services Officer)

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### 30. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 31. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

### 32. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 24 September 2014 be taken as read and signed by the Chairman as a correct record.

### 33. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Lea declared a pecuniary but non prejudicial interest in the following items of the agenda and advised that she would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1818/14 – Tesco, Sewardstone Road, Waltham Abbey
- EPF/1842/14 – Tesco, Sewardstone Road, Waltham Abbey

**34. ANY OTHER BUSINESS**

It was reported that there was no urgent business for consideration at the meeting.

**35. DEVELOPMENT CONTROL**

The Sub-Committee considered a schedule of applications for planning permission.

**RESOLVED:**

That, Planning applications numbered 1 – 6 be determined as set out in the annex to these minutes.

**36. DELEGATED DECISIONS**

The Sub-Committee noted that details of planning applications determined by the Head of Planning Economic Development under delegated authority since the last meeting had been circulated to all members and were available for inspection at the Civic Offices.

**CHAIRMAN**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1630/14
<b>SITE ADDRESS:</b>	47 Roydon Lodge Estate High Street Roydon Harlow Essex CM19 5EF
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Rear single storey extension
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=565651](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=565651)

**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/1 Rev: A (Site Location Plan), ELA/1 Rev: A (Existing Layout) ELA/2 Rev: A (Block Plan), ELA/2 Rev: A (Existing Elevations), ELA/3 Rev: B, ELA/6 Rev: B
- 3 Materials to be used for the external finishes of the proposed development, shall be as detailed on the submitted application forms unless otherwise agreed in writing by the Local Planning Authority.
- 4 The chalet hereby approved shall be used solely for recreational purposes during the months of April to October inclusive, and shall not be used at any time for permanent residential accommodation. During the months of November to March inclusive the chalet shall be used solely for the storage of domestic items and household effects.
- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development 1995 Order or any Order revoking or re-enacting that Order, no extensions, outbuildings, replacement fencing or further hardstanding generally permitted by parts 1 and 2 shall be erected within the curtilage unless otherwise agreed in writing by the Local Planning Authority.
- 6 Prior to commencement of the development details of the means of construction of the chalet shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1751/14
<b>SITE ADDRESS:</b>	2 The Nook Derby Road Hoddesdon Hertfordshire EN11 0BG
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Part single storey, part two storey side and rear extension
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=566130](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=566130)

**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 proposed window opening in the flank elevation shall be 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 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.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1818/14
<b>SITE ADDRESS:</b>	Tesco Sewardstone Road Waltham Abbey Essex EN9 1PH
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Installation of three new small scale pods containing car related uses within existing store car park incorporating new single storey pod buildings and canopies, and the erection of four small scale retail kiosks adjacent to the store car park along with an alteration to the car park layout
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=566410](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=566410)

**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: WAL/P00, WAL/P01, WAL/P02, WAL/P03 Rev: A, WAL/P04, WAL/P05 Rev: A, WAL/P12 Rev: B
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The pods and kiosks hereby permitted shall not be open to customers outside the hours of 08:00 to 21:00 on Monday to Saturday and 10:00 to 17:00 on Sundays and Bank Holidays.
- 5 The car wash hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:1997) emitted from the jet washing, vacuum cleaners and any other mechanical equipment employed at the car wash exceeds 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997 (or such other standard which may supersede it from time to time).
- 6 The car wash hereby approved shall be carried out and operated in accordance with the Waves Design and Access Statement dated July 2014.

- 7 The existing barrier to the eastern car park shall be closed and locked outside of the opening hours of the car hire use hereby permitted within this site.
- 8 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]
- 9 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]
- 10 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]

- 11 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.
- 12 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.
- 13 No development shall take place until details of external lighting for the pods and kiosks have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed and maintained thereafter in accordance with the approved details.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1842/14
<b>SITE ADDRESS:</b>	Tesco Sewardstone Road Waltham Abbey Essex EN9 1PH
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Advertisement consent for 2 no. illuminated fascia signs, 1 no. non-illuminated fascia sign and 12 no. non-illuminated signs.
<b>DECISION:</b>	Grant Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=566590](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=566590)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: WAL/P00, WAL/P01, WAL/P02, Proposed Elevations plan dated 08.07.2014 and Proposed Signage plan dated 08.07.2014



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1919/14
<b>SITE ADDRESS:</b>	Sunnyside Netherhall Road Roydon Harlow Essex CM19 5JP
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for change of use of agricultural land to garden, construction of outbuilding with swimming pool, outbuilding to be used as gym, garage and games room.
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=566952](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=566952)

**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 be as detailed on the submitted application forms, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority. This shall relate to the property known as Sunnyside and identified outlined in both red and blue on the submitted location plan.
- 5 The outbuilding hereby approved shall only be used for ancillary purposes to serve the dwelling known as Sunnyside and at no time shall be used for sleeping accommodation or for any other purpose or separated to form a separate residential unit.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1985/14
<b>SITE ADDRESS:</b>	Rear of 66 to 70 Western Road Nazeing Waltham Abbey Essex EN9
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Residential development comprising 3 detached dwellings rear of 66 to 70 Western Road, Nazeing (Revised application to EPF/0931/14).
<b>DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=567251](http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567251)

**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 drawing no: 6841/P20 Rev: A, 6841/P21 Rev: A, 6841/P22, 6841/P23, 6841/P24
- 3 No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to erection of the dwellings details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 5 Within three months of the date of this decision a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a) the parking of vehicles of site operatives and visitors
  - b) loading and unloading of plant and materials
  - c) storage of plant and materials used in constructing the development
  - d) wheel cleaning facilities
  - e) measures to control the emission of dust and dirt during construction

- f) a scheme for recycling/disposing of waste resulting from site preparation and construction works
  
- 6 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevations 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.
  
- 7 The parking areas hereby permitted shall be provided before the occupation of the dwelling hereby permitted and shall be kept available for the parking of motor vehicles at all times.
  
- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
  
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
  
- 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 08.00 to 17.30 Monday to Friday and 09.00 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.

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## AREA PLANS SUB-COMMITTEE 'WEST'

19 November 2014

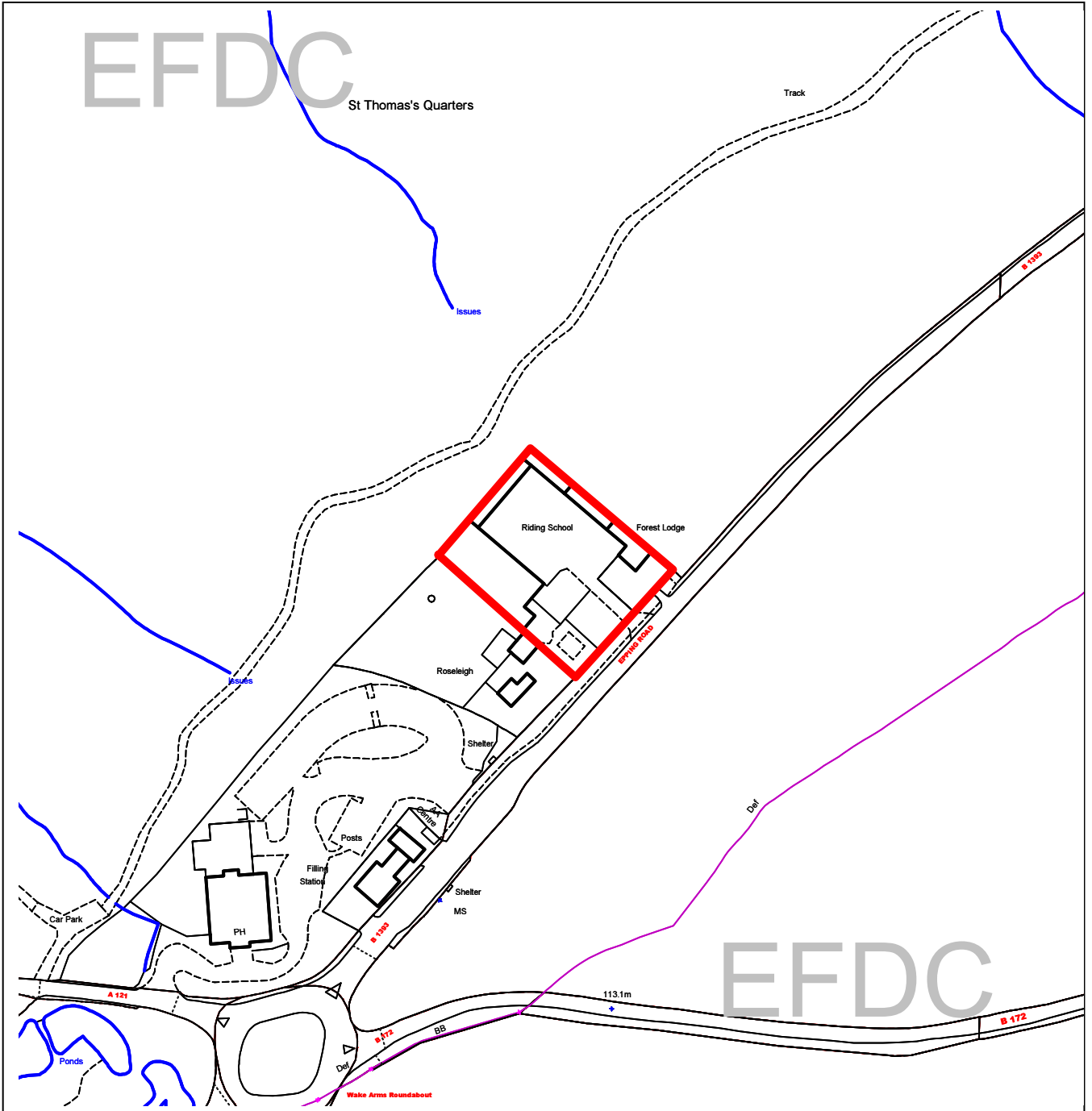
### INDEX OF PLANNING APPLICATIONS

<b>ITEM</b>	<b>REFERENCE</b>	<b>SITE LOCATION</b>	<b>OFFICER RECOMMENDATION</b>	<b>PAGE</b>
1.	EPF/1156/14	Forest Lodge Motel, Forest Lodge, High Road, Epping	Grant Permission (Subject to Legal Agreement)	22
2.	EPF/1556/14	Former Haulage Yard, Sewardstone Road, Waltham Abbey	Grant Permission (Subject to Legal Agreement)	42



# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/1156/14
Site Name:	Forest Lodge Motel, Forest Lodge High Road, Epping, CM16 5HW
Scale of Plot:	1/2500

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1156/14
<b>SITE ADDRESS:</b>	Forest Lodge Motel Forest Lodge High Road Epping Essex CM16 5HW
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr Thomas Mitchell
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing motel and indoor play facility, retention of existing four-bed house and construction of 19 new dwellinghouses and their associated landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=563515](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563515)

**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: 1301-101-000 P10, 1301-101-001 P6, 1301-101-002 P3, 1301-101-003 P2, 1301-101-010 P5, 1301-101-011 P4, 1301-101-012 P3, 1301-101-020 P3, 1301-102-001, 1301-102-002, 1301-106-001, 1301-106-002, 1301-106-003, 1301-SK-001
- 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 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.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 No development shall commence until a Phase 1 Habitat Survey has been submitted to and agreed in writing by the Local Planning Authority. Any recommendations within the approved survey shall be implemented in full prior to the occupation of the development hereby approved.
- 7 Prior to the commencement of the development, dusk and dawn surveys for bats shall be undertaken in accordance with guidelines from Natural England (or any other relevant body). These surveys shall be submitted to and agreed by the local planning authority prior to the commencement of development. Should the surveys reveal the presence of bats, or their breeding sites or resting places, then an appropriate and proportionate detailed mitigation and compensation strategy must be submitted to and agreed in writing by the local planning authority. All works shall thereafter proceed in accordance with the approved strategy.
- 8 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 and 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 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.
- 9 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.
- 10 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.
- 11 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.



- 12 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.
- 13 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.
- 14 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]
- 15 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]
- 16 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]

- 17 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.
- 18 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.
- 19 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 20 Prior to the erection of the boundary wall along the northeast and northwest boundaries of the site, details as to the final height, design and method of construction shall be submitted to and approved in writing by the Local Planning Authority.
- 21 Prior to the first occupation of the development hereby approved the following highway works shall be implemented, as shown in principle on drawing No. 000 P9 Site Layout - Ground Floor Plan, with all details to be agreed by the Highway Authority, including the following:
  - The provision of a bellmouth access with minimum radii of 6m.
  - The continuation of the footway of the access around the radius tapering into the shared surface.
  - The provision of dropped kerb pedestrian crossing points with appropriate tactile paving across the new bellmouth access.

- 22 Prior to first occupation of the development hereby approved, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 23 Prior to commencement of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to occupation of the development and shall be retained and maintained thereafter at all times.

**And the completion by the 17<sup>th</sup> December 2014 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement under section 106 of the Town and Country Planning Act to secure a financial contribution of £56,701 towards the provision of early years, childcare and the primary school provision, to secure 84% affordable housing and the provision of highways works. In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing and that it would cause harm to local education services and to the capacity of existing transport services by generating additional demand that cannot be accommodated within existing capacity.**

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d)) 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).) and 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 consists of a 0.46 hectare area of land on the north western side of the B1383 (Epping Road/High Road) that currently contains a single residential dwelling, a motel and a currently vacant indoor and outdoor play facility.

Access to the site is via Epping Road by way of an existing crossover. The application site is bounded on two sides by Epping Forest, which is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC), and Epping Forest is adjacent to the site to the southeast, on the opposite side of the B1383. Bordering the site to the southwest is a residential property known as Roseleigh, with a petrol filling station and restaurant beyond this. The application site, neighbouring dwelling, petrol station and restaurant are the only buildings within this small enclave set within Epping Forest.

The application site is located within the Metropolitan Green Belt and an EFDC flood risk assessment zone.

## **Description of Proposal:**

Consent is being sought for the demolition of all existing structures except the dwellinghouse at the front of the site and the erection of 19 dwellings with ancillary parking, access, gardens and landscaping.

The proposed development proposes six no. 1 bed apartments, four no. 2 bed houses, six no. 3 bed houses and three no. 4 bed houses. The proposed 1 and 2 bed properties would be social housing, the 3 bed houses would be shared ownership, and the 4 bed houses would be private. The breakdown therefore constitutes 84% of the proposed development being affordable.

The proposed dwellings would be two storeys in height with pitched roofs reaching heights of between 7.1m and 7.5m. The dwellings would be finished in a mix of brick and black stained timber.

The development proposes 38 parking spaces to serve the proposed new dwellings and the existing dwelling to be retained on site.

## **Relevant History:**

### Previous uses:

EPF/0325/76 - Erection of a hay and barn end extension and stepped gallery side extension to indoor riding school building – approved 10/05/76

EPF/0338/79 - Additions to provide accommodation for visitors to the stables – refused 30/04/79

EPF/1379/82 - Lecture hall and social centre with integral members coffee bar and toilets – refused 24/01/83

EPF/0279/83 - Lecture hall with ancillary recreational uses by members of the Horse Rangers Association – refused 23/05/83

EPF/1449/83 - Clubroom/Lecture Hall with ancillary recreational uses by members of Horse Rangers Association – refused 23/02/84

EPF/1129/84 - Revised plans for clubroom/lecture hall with ancillary recreational uses by members of Horse Rangers Association – refused 26/11/84 (appeal dismissed 16/09/85)

EPF/0190/90 - Conversion of existing buildings to form thirteen (13 no.) dwellings – refused 23/03/90 (appeal dismissed 30/04/91)

EPF/0192/90 - Change of use of land and buildings to garden centre – refused 23/03/90 (appeal dismissed 30/01/91)

EPF/0662/97 - Extension to indoor riding school and extension to existing hard surfaced car parking area – approved/conditions 04/08/97

EPF/0607/98 - New Vehicular access – approved/conditions 06/10/98

### Current use:

EPF/0282/01 - Conversion of stables to provide overnight accommodation (7 rooms) – approved/conditions 12/09/01

EPF/0283/01 - Retention of existing use of childrens play centre contrary to condition and expansion of play area including alterations – approved/conditions 12/09/01

EPF/2145/01 - Change of use of fitness centre to 13 rooms for overnight accommodation including alterations to the elevation of the building by the insertion of door and window openings – approved/conditions 06/03/02

EPF/0371/03 - Use of paddock as additional off-street parking – refused 30/06/03

### Unimplemented consent:

EPF/2057/03 - Conversion of existing building and cottage to overnight accommodation and ancillary facilities including 2 conference rooms – approved/conditions 31/03/04

### **Policies Applied:**

CP1 - Achieving sustainable development objectives  
CP2 - Quality of rural and built environment  
CP3 - New development  
GB2A - Development in the Green Belt  
HC5 - Epping Forest  
H2A - Previously developed land  
H3A - Housing density  
H4A - Dwelling mix  
H5A - Provision for affordable housing  
H6A - Site thresholds for affordable housing  
H7A - Levels of affordable housing  
NC1 - SPAs, SACs, and SSSIs  
NC4 - Protection of established habitat  
DBE1 - Design of new buildings  
DBE2 - Effect on neighbouring properties  
DBE4 - Design in the Green Belt  
DBE6 - Car parking in new development  
DBE7 - Public open space  
DBE8 - Private amenity space  
DBE9 - Loss of amenity  
RST24 - Design and location of development in the LVRP  
LL1 - Rural landscape  
LL2 - Inappropriate rural development  
LL10 - Adequacy of provision of landscape retention  
LL11 - Landscaping schemes  
ST1 - Location of development  
ST4 - Road safety  
ST6 - Vehicle parking  
RP3 - Water quality  
RP4 - Contaminated land  
RP5A - Adverse environmental impacts  
U2B - Flood risk assessment zones

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:**

3 surrounding properties were consulted and a Site Notice was displayed.

TOWN COUNCIL – **Object**. Committee raised a number of concerns with this development, including overdevelopment within the Green Belt; insufficient parking; lack of amenities; and the fact that vehicles will need to enter and exit the site on to what is already a busy main road so close to the roundabout could cause added problems with regard to road and pedestrian safety.

CONSERVATORS OF EPPING FOREST – **Object** as this is inappropriate development in the Green Belt and would be harmful to the character of Epping Forest, and there is insufficient off-street parking and would result in increased traffic movements.

FRIENDS OF EPPING FOREST – **Concerned** that housing is not an acceptable use on sites surrounded by Epping Forest, however recognise that the present use of the site is unsuitable.

The current use often results in a line of cars parked on the roadside, however the proposed development appears to also provide inadequate parking provision. There are also concerns regarding potential disturbance to wildlife within the forest as a result of a housing scheme.

EPPING SOCIETY – **Object** as this is inappropriate for a Green Belt area within the Forest. The height and density of the dwellings would have a negative impact on the site and the increase in traffic would be harmful to highway safety.

ROSELEIGH, EPPING ROAD – **Object** as this is inappropriate development in the Green Belt, the impact on Epping Forest, the location of housing close to the road would be visually intrusive, the bulk of the development would be too urban for this location, the site is within an unsustainable location, it would have a detrimental impact on traffic and on-street parking, there will be a loss of light to their property and future houses on the site, and due to concerns regarding flooding.

7 LADYFIELDS, LOUGHTON – **Object** as the development is not in character with the surrounding area, it would be too intensive a development, there would be an increase in traffic, the site is not well served by sustainable transport means, there are possible flooding concerns on site, and since the dwellings at the front would be forward of the building line.

14 WESTALL ROAD, LOUGHTON – **Object** as the dwellings at the front would be forward of the building line and not in keeping with the surrounding area, there are a lack of facilities to serve the development, there would be an increase in traffic movements, flooding and drainage concerns, as the design of the dwellings would be unsightly, and due to the impact on nearby trees.

28 ALBION PARK, LOUGHTON – **Object** to the loss of the children's play area, as the development would impact on Epping Forest, due to highway safety concerns, and because the site is located within the Green Belt.

### **Main Issues and Considerations:**

The key considerations in this application are the appropriateness of the proposal within the Green Belt, the sustainability of the development, the impact on Epping Forest, highway concerns, the impact on the character and appearance of the area, and regarding the impact on neighbouring residents.

#### **Green Belt:**

The application site is a former stable yard that is now (and previously) used as a motel and a children's indoor and outdoor play area and a residential dwelling, which is to remain. The National Planning Policy Framework identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The definition of previously developed land is provided within Annex 2 of the Framework and reads:

***Previously developed land:*** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land

*that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*

Given the lawful use of the site for commercial purposes and since the majority of the site is covered in permanent buildings or hardstanding the application site would constitute previously developed (brownfield) land.

Notwithstanding the above, in order for this designation as brownfield land to form an exception to inappropriate development any proposed redevelopment must not have a greater impact on the Green Belt and the purpose of including land within it than the existing development.

The potential impact on the Green Belt covers many factors, including increased activity and type of use. However one of the key considerations is the impact on openness, which is largely reliant on the level of built development on a site. The submitted Design and Access Statement identifies that the existing site has 1,529m<sup>2</sup> of permanent buildings, 2,255m<sup>2</sup> of permanent hardstanding, 580m<sup>2</sup> of loose hardstanding (bark mulch/gravel) and 268m<sup>2</sup> of soft landscaping. Their comparison calculations show that the proposed development would result in a footprint of 1,241m<sup>2</sup> of permanent buildings, 1,249m<sup>2</sup> of permanent hardstanding, 236m<sup>2</sup> of gravel hardstanding and 1,694m<sup>2</sup> of soft landscaping. As such the proposed redevelopment would result in a lower footprint of permanent buildings and hardstanding areas and an increase in soft landscaped areas. In terms of the coverage of the site the proposal would therefore improve the openness of the Green Belt in this location.

Whilst the footprint of the buildings is less than the existing commercial buildings on site the height of the proposed redevelopment would be greater than the height of the existing structures. The commercial buildings on site consist of a range of former stables laid out in an L shape (now the motel) that are single storey to a height of some 3.4m, and a large two storey corrugated building (the indoor play area) that has a ridged roof reaching approximately 6.4m in height. The proposed dwellings would reach heights varying from 7.1m to 7.5m, so these would be more visually prominent within the Green Belt that would have an impact on its openness.

In terms of balancing the above impacts it is considered that the overall reduction in built footprint and areas of hardstanding would outweigh any additional harm from the increase in height on the site, particularly since the application site is surrounded and effectively screened on three sides by Epping Forest. As such it is considered that the proposed redevelopment of this site constitutes the above exception to inappropriate development within the Green Belt and would therefore be considered acceptable.

Notwithstanding the above, the applicants state within the submitted Design and Access Statement that *“from our experience of working on Greenbelt sites, we believe that ‘very special circumstances’ on this site will be demonstrated by:-*

- *Provision of a high percentage of affordable housing, with 80% as a minimum;*
- *Changing the existing inappropriate use to residential, which may be considered more sympathetic to the Green Belt context as it generates significantly fewer traffic movements and can dramatically increase the amount of soft landscaping on site; and*
- *Improving the visual amenity of the site through sensitive contextual design”.*

Whilst it is not considered that the proposed development would have a greater impact on the openness of the Green Belt it is nonetheless considered that the above benefits do weigh in favour

of the development and would outweigh any potential harm from the redevelopment of this site. In particular the provision of 84% of affordable housing, which will assist the Council in meeting its housing needs, and through the removal of the commercial businesses that have previously led to highway problems. These issues are dealt with in more detail below.

Due to the above it is considered that the proposed development complies with the relevant Green Belt guidance and policies.

### Sustainability:

The National Planning Policy Framework places great emphasis on sustainability and states that “*at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking*”. It also highlights that “*there are three dimensions to sustainable development: economic, social and environmental*”, given the following explanations on each:

- **An economic role** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- **A social role** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
- **An environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

The application site is located within a very small enclave currently consisting of the application site (the motel, children’s play building and dwelling), a single detached house, a petrol station and a restaurant. Almost directly outside of the site is a bus stop (plus one on the opposite side of Epping Road) served by route 255/250, which runs between Debden and Waltham Cross every 10-20 minutes between 05:40 and 23:40 Monday to Friday, every 30 minutes between 06:15 and 23:40 on Saturdays, and every hour on Sundays between 08:30 and 23:30 (route 240/250).

Whilst initially it was considered that the application site is not within a sustainable location the site is actually fairly well served by local facilities, given the small scale of the built up enclave. The existing petrol station has an associated 24 hour shop (which serves coffee and pastries) and an ATM machine, the nearby Miller and Carter provides both a restaurant and bar area, and the site has easy access to Epping Forest for recreational purposes. There is a regular bus service to Debden and Waltham Cross (via Waltham Abbey) and cycling along the B1383 and surrounding roads is common through the Forest.

Furthermore, although there is a drive to promote sustainable modes of transportation within new developments (i.e. walking, cycling and public transport), private car use also needs to be taken into consideration since the vast majority of households will own or operate private vehicles. Whilst located within a relatively isolated location the application site is approximately 2.5 miles (down the B1393) from Epping Town Centre, 3.5 miles (down the A121 and up Sewardstone Road) from Waltham Abbey Town Centre, and 2 miles (down the A121) from Loughton Town Centre, with Junction 26 of the M25 being just 1.5m down the A121. All these trips are by way of major, heavily-used roads and would provide future occupants easy access to three major towns and the M25,



and therefore the application site has significantly better road links than several housing areas that are considered more 'sustainably located'. As such it is considered that the site, whilst not highly sustainable, is by no means within an 'unsustainable' location.

Further to the location of the site, the considerations on environmental sustainability are wider than simply with regards to location. The removal of longstanding commercial buildings of low environmental value and their replacement with new dwellings that would have to comply with the current Building Regulations and relevant Code Level requirements would result in a more sustainable build on the site that would incorporate renewable energy features and sustainable construction. This would have a positive impact on the overall sustainability of the site.

In respect of the other strands of sustainable development, the proposed redevelopment of the application site would provide additional housing within the District with a high percentage of affordable housing provision, which will assist the Council in meeting both its current housing needs and its five-year land supply. Although the provision of additional housing is best allocated through a plan-led approach there is a preference for previously developed land (such as this) to be developed over greenfield sites.

With regards to the economic sustainability of the site, the National Planning Policy Framework states that "*planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*". Whilst the motel is still currently operational the play area is now vacant and, with regards to redeveloping previously developed sites within the Green Belt the Framework clearly recognises that this is for sites "*whether redundant or in continuing use*". Furthermore the proposed development is in line with the Government's goals and incentives to 'drive local growth' and to 'get the housebuilding industry building'. Within Eric Pickles March 2011 statement he recognised that "*every new home built will create jobs in the UK building industry*". As such, it is recognised that the provision of additional housing increases the existing workforce and customer base to the benefit of local businesses and would provide construction work in order to undertake the development.

In light of the above it is considered that the proposed reuse of this brownfield site would conform to the 'presumption in favour of sustainable development' as outlined within the National Planning Policy Framework.

#### Housing considerations:

Since the application site is located within a settlement with a population of less than 3,000 and proposes the erection of more than three dwellings on previously developed land Local Plan policy H7A requires 50% of the total number of dwellings to be affordable. The application proposes to provide 84% affordable housing on the site, which is significantly more than the policy requirement.

The Council currently has in excess of 1,500 applicants on its Housing Register and, as evidenced by the National Housing Federation in their annual 'Home Truths' studies, the ratio of average property prices (and lower quartile property prices) to average earnings in Epping Forest District is consistently the highest in Essex – and is within the highest three local authority districts in the East of England. As such the provision of 84% affordable housing on this site would assist in providing much-needed affordable rented and shared ownership housing within the District and weighs heavily in favour of the development. Housing Services consider that the location is sustainable in terms of the provision of affordable rented housing for sufficient numbers of applicants already on the Council's Housing Register.

With regards to housing mix, both in terms of open market and affordable housing, Housing Services consider the proposal to be satisfactory.

### Impact on Epping Forest:

One of the key considerations in this application is the potential impact on Epping Forest, which surrounds the site on three sides (albeit dissected by Epping Road to the southeast). Since Epping Forest is a designated SSSI and SAC the Council has a statutory duty as the Competent Authority within the meaning of the Habitats Regulations to continue to protect and enhance the Forest.

Initially concerns were raised by Natural England, the Conservators of Epping Forest and the Council's Tree & Landscape Officers as to the impact on Epping Forest as a result of, but not exclusively:

- Effects on the root protection area of trees located within the forest (particularly veteran trees);
- Increased exposure to pollutants from the surrounding area;
- The potential increase of light pollution at night (including new street lighting); and
- Fly tipping, garden encroachment, garden escapes and increased predation from cats.

Whilst originally Natural England raised no objection this was based on the assumption that there would be a 15m buffer (including garden land) between the application site boundary with the Forest and any built development. However no such buffer was proposed nor is considered feasible/viable by the applicant. There has been a large amount of correspondence and an eventual site meeting attended by the applicants, Planning Officer, Natural England, Conservators of Epping Forest and a Tree & Landscape Officer. The areas of concern were discussed and a proposed mitigation process has been put forward (originally suggested by the Council's Tree & Landscape Officer) concerning the erection of a 3m high partially solid boundary treatment along both the north east and north western boundaries of the site (directly shared with Epping Forest). This solid boundary is proposed to recreate the existing scenario as far as possible so that the proposed impact from the redevelopment of this site is no worse than the current situation.

It appears from the latest response from Natural England that they accept that the proposed 3m high wall/fence should initially discourage cat predation and would stop any major encroachment, fly tipping and light pollution from the dwellings, despite the distance between the shared boundary and the built development being as little as 4.22m. Furthermore landscape control (either by way of a planning condition or from Home Group), appropriate foundation design and construction methods (which can be dealt with through planning conditions), and the lowering of the ground level baseline through the wholesale removal of the existing concreted area would assist in ensuring that any detrimental impact on the Forest is kept to a minimum. However Natural England has stressed that the views of the Conservators of Epping Forest and the Tree & Landscape Officers are equally important in this instance.

Both the Conservators of Epping Forest and the Tree & Landscape Officers are continuing to object to the proposed development despite the proposed boundary wall for the following reasons:

#### **Conservators of Epping Forest (prior to meeting and revisions):**

*The proposal will have a serious adverse impact upon the character of the land adjoining within Epping Forest, appearing overly prominent and visually obtrusive when viewed from the Forest. Even if the ridge and eaves level of the properties have been lowered from the original proposal it will still have a materially greater impact on the open character of the Green Belt than the built form which it will replace.*

*The proposed development would also have a serious adverse impact on adjacent trees within the Forest that are likely in the future to require removal or significant pruning, resulting in potential loss of habitat and reduction in biodiversity.*

The originally submitted comments also refer to concerns regarding vehicle movements, on-site parking provision, and the drainage capacity of the area.

In response to the meeting and revisions regarding the erection of a 3m high boundary wall/fence the Conservators of Epping Forest have provided further comments, however within this they state that they “*wish to reiterate their clear objection to the above mentioned development*”. They expand on some of the previous comments and state that they do not consider that the proposed development would enhance the landscape within this Forest environment, they consider the creation of a residential enclave in the heart of the Forest “*is inappropriate as it is a clear change in the character of the whole area and will affect the way it develops in the long-term, to the detriment of the Forest*”, since permanent residential use on the site would “*generate demands for a high level of additional services and infrastructure*”, and because they consider that the proposed redevelopment would have a ‘greater impact’ on the openness of the Green Belt and therefore would constitute inappropriate development.

The Conservators still consider that a semi-natural habitat buffer would be necessary in order to protect the Forest from the following issues:

- *Dumping of garden waste and rubbish*
- *Introduction and transfer of non-native species*
- *Introduction of contaminated soil*
- *Light pollution*
- *Potential pesticide or herbicide use in gardens*
- *Increased noise and disturbance on the edge of the development site*
- *Uncontrolled access and predation of pets*

It is considered by the Conservators that the proposed 3m barrier has limitations and does not address all of the above issues.

The last objection from the Conservators is regarding the potential impact on the adjacent ancient woodland and trees. They consider that a root protection zone of at least 15 times the diameter of the ancient trees would be required, which in terms of the closest ancient Oak tree would require a 17m minimum distance for any proposed construction.

#### ***Tree & Landscape Officers response (prior to meeting and revisions):***

*This site is in a rural location adjacent to the B1393 between the Wake Arms roundabout and Epping. The site shares its north western and north eastern boundaries with Epping Forest as well as facing Epping Forest on the other side of the road. Epping Forest is designated as a Site of Special Scientific Interest (SSSI) and as a Special Area of Conservation (SAC) meaning that it is of significant conservation value at both a national and an international level. Epping Forest is also listed on Natural England’s Ancient Woodland Inventory meaning that it has been continuously wooded since at least 1600, and is one of only a few remaining large-scale examples of ancient wood-pasture in lowland Britain. It has a number of high nature conservation value habitats including woodlands, veteran trees, old grassland plains and scattered wetlands. It also hosts populations of a number of rare and endangered species. As a consequence of the adjacent Forest, any redevelopment of the site should take into account the very special and significant nature of it.*

*Historically, this site was used as a riding stables, the buildings that were present at that time have been converted to their current use in more recent years. In conversion of the buildings the setting of them and their impact on the adjacent environment did not materially alter. The current proposal is for the removal of all buildings on site, and the*

*development of houses, such a change alters the visual impact within the locality as well as impacting on the adjacent Forest.*

*In the EFDC Landscape Character Assessment (Chris Blandford – Jan 2010) the area falls within 'D2 – Epping Forest Ridge' The 'suggested Landscape Planning Guidelines' for this area include 'ensure that any potential new development responds to the historic settlement pattern and uses local vernacular materials. Any such development should be well integrated into the surrounding landscape.'*

*Additionally, within the EFDC Settlement Edge Landscape Sensitivity Study (Chris Blandford – Jan 2010) this site falls just outside landscape setting area 1 of the 'Loughton / Buckhurst Hill / Theydon Bois fringes', however, it is considered sufficiently close to make comment on in respect of this application. The report concludes that the area has a 'high overall landscape character sensitivity' and a 'high overall sensitivity to change.' In landscape terms it is desirable to safeguard an area with a high sensitivity to change as it is considered to have a significant role in contributing to the character and setting of the area.*

*The current buildings have a very visual link to their past use, which is in keeping with the adjacent Forest. What is proposed has no relationship with the Forest and does little to respect or acknowledge its presence. Overall the proposal appears intrusive, inappropriate, and detrimental to the appearance and setting of the locality. It has not been demonstrated as to why it is necessary to develop in this location or how the potential benefits of development in this location outweigh the impact of the development on the adjacent forest.*

*Additionally, the proposal will have an adverse impact on adjacent trees within the Forest, appearing overly prominent and visually intrusive when viewed from the Forest.*

*The proposed dwelling houses are materially greater in size and scale than that of the buildings they are proposed to replace, and therefore result in undue intensification of the built development of the site. The proposal will have a greater visual impact and would unduly diminish the rural character and openness of the site contrary to policy CP2 (i, ii, iv, v, vi, vii), LL1, LL2 and LL11.*

Despite the proposed revision to address the concerns previously raised regarding the need for an appropriate buffer land (excluded from the above comments), the Tree & Landscape Officers still consider that the proposed redevelopment of this site fail to meet the core principles as laid out within the National Planning Policy Framework and do not consider this to be an effective re-use of a brownfield site. Whilst they recognise the gain in terms of assisting in meeting the Councils housing targets, they consider this to be a small gain at a highly disproportionate cost.

They consider that the main harm resulting from the development would be the creation of a densely developed enclave in the heart of the Forest – inimical to its 'natural aspect'. The current use is considered to be substantially open, low rise and maintains the appearance of the stables, which was a forest related use. They also consider that the previous decision to allow commercial uses on this site was a poor one and any gain from 19 dwellings would be so small that it cannot mitigate the harm to the Forest.

The views of the Conservators and Tree Officers are not fully supported by Planning Officers since it is considered that the current use and layout of the site, with the current buildings abutting the site boundaries shared with the Forest, already results in significant harm. Whilst the development does not include any form of semi-natural habitat barrier the proposed residential development would relocate the bulk of built development away from the Forest boundaries, which is considered to be an improvement to the overall setting of the Forest. Although it is appreciated that there are

several adjacent trees, including ancient trees, the erection of a 3m high boundary treatment to replace the existing back wall of the buildings would ensure that the impact on these adjacent trees would be unchanged from the current situation.

It is recognised that the proposed development would have some additional impact on Epping Forest which, given the designation of the Forest as a SSSI and a SAC, should be given significant weight against the development. It is nonetheless considered by Planning Officers that the balance in favour of the development outweighs the additional harm to Epping Forest. Furthermore, the proposed redevelopment of this site provides an opportunity to introduce additional soft landscaping within the site, particularly along the front boundary adjacent to Epping Road, which would assist in screening the site and providing additional landscaping to this rural location in the heart of Epping Forest.

#### Highways considerations:

The application has been viewed by Essex County Council Highways, who assessed the development and have found the proposal acceptable since the development is similar in terms of traffic generation when compared to the lawful use of the site and because the access has excellent visibility onto Epping Road. It is considered that the traffic impact of the development will be imperceptible on the highway network in the vicinity and consequently the development is not detrimental to highway safety, capacity or efficiency.

The development proposes 38 parking spaces on site. The Essex County Council parking standards require the following level of off-street parking provision:

- 1 space for each 1 bed property = 6 spaces
- 2 spaces for each 2+ bed property = 26 spaces
- 0.25 visitor spaces for each property (rounded up) = 5 spaces

Based on the above there would be a requirement for 37 spaces to serve the proposed new development (excluding the existing house). Since 2 of the 38 spaces would serve the existing house, which is to remain, the proposed development falls short of meeting the Essex County Council requirements by 1 space. Some of the proposed spaces are slightly smaller than the preferred bay sizes, however do meet the minimum size requirements. Since the site is extremely constrained, and any additional parking provided would result in a loss of landscaped areas (which are considered important given the setting of the site) it is accepted that the slight reduction in parking standards is acceptable in this instance, particularly since Essex County Council Highways Officers often consider that one space per dwelling is sufficient to cater for affordable housing (irrespective of the number of bedrooms).

Consequently the Highway Authority (Essex County Council) is satisfied that the development will not be detrimental to highway safety, capacity or efficiency and will provide sufficient off-street parking provision. Furthermore the proposed residential use would remove the previous highway problems that frequently occurred during busy periods (such as school holidays) as a result of large numbers of visitors to the indoor/outdoor play area.

A number of conditions would be required to ensure the development complies with the relevant highways policies, and any legal agreement should include works to upgrade the bus stops within the vicinity of the site through:

- The provision of a bus shelter and raised kerbs on the southbound side of Epping Road; and
- The replacement of the old bus shelter with a new bus shelter and the provision of raised kerbs to the northbound side of Epping Road.

### Character and appearance:

The application site is located within a small enclave containing just two existing dwellings, a petrol station and a large detached restaurant. As such there is very little in the way of 'character' or design requirements for the site to follow. The proposed dwellings would have a relatively modern design and appearance, however would utilise traditional materials such as black stained timber (to reflect the 'Essex barn' style) and would be laid out to generally follow a stable 'courtyard' layout.

The three private dwellings would be located at the front of the site and would follow the building line of the existing house (to remain) and the neighbouring property of Roseleigh. The private houses would be a mix of dark and light stained timber and brick and would be set back behind an area of additional landscaping, which would help to screen the development from Epping Road.

The overall design and layout of the proposal is considered to be acceptable and, given the relatively isolated location, would not be out of 'character' with the surrounding built form.

Whilst the proposed dwellings would have relatively small private gardens, some of which are less than recommended by the Essex Design Guide, the presence of the public recreational facility of Epping Forest is sufficient to warrant a slightly smaller level of private amenity space within this estate.

### Amenity concerns:

The only neighbouring resident to the site is Roseleigh, which shares its north eastern boundary with the application site. The flank wall of this neighbouring dwelling is located approximately 12m from the shared boundary and benefits from a large detached garage and parking area immediately adjacent to the front section of the application site. The rear section of the application site adjoins the neighbour's considerable rear garden area, however this boundary is currently occupied completely by the indoor play area, which measures 3.4m to its eaves and 6.4m to its ridge. The proposed new dwellings, whilst higher than the existing building, would be set back 3.5m from the shared boundary with Roseleigh and would result in a total combined depth of 18m, split into two 9m deep dwellings, in comparison to the 47m continuous depth of the existing structure. Therefore the proposed development would result in a significantly lesser expanse of built form than the current situation, which would be beneficial to the amenities of the neighbouring residents.

There are no flank windows proposed within the new houses and, given the location, positioning, and prevalence of existing landscaping, the windows within the front and rear elevations of the closest dwellings would not result in any significant loss of privacy or overlooking to the neighbour's property. Since the application site is located to the northeast of the neighbour's property and would result in far less expanse of building than the existing situation it is not considered that the proposal would result in any undue loss of light to the neighbouring resident.

The removal of the commercial businesses, particularly the indoor/outdoor play facility, would have a significant benefit to the neighbour with regards to noise nuisance as the existing outdoor play area immediately adjoins the shared boundary with the neighbour at the point closest to their dwellinghouse.

### Other Concerns:

#### *Ecology:*

The majority of the buildings on site have the potential to host roosting bats. As such further surveys to determine their presence or absence would need to be undertaken, as detailed within

the Extended Phase 1 Habitat Survey by GS Ecology dated 20<sup>th</sup> February 2014.

The originally submitted Phase 1 Habitat Survey recommended a suitable 15m semi-natural buffer to protect Epping Forest, however a revised survey has since been submitted removing this recommendation due to the inability to provide this on site. No additional survey has been received referring to the erection of the 3m high boundary treatment and how this would impact on conserving existing habitats. As such a condition should be added requiring a further Phase 1 Habitat Survey that takes into account the hard boundary treatment instead of any form of semi-natural buffer land.

*Flooding:*

The application site lies within an EFDC flood risk assessment zone and is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. Therefore a flood risk assessment would be required, which can be dealt with by condition.

The applicant is proposing to dispose of surface water by sustainable drainage system/soakaway/main sewer. Further details of this are required since the geology of the area is predominantly clay and infiltration drainage may not be suitable. Therefore details of surface water drainage should be submitted and approved prior to the commencement of development.

*Contamination:*

Due to the previous uses of the site for farming, stables and commercial storage uses, and the presence of made and infilled ground, there is the potential for contaminants to be present on the site. Since domestic dwellings with gardens are classified as particularly vulnerable use contaminated land investigations will be required, however can be dealt with by way of conditions.

*Education:*

Essex County Council Educational Services have assessed the application and consider that there will be sufficient secondary school places to serve the needs of the development, however insufficient pre-school and primary school places for the children likely to be generated by the development. On the basis of 13 qualifying houses the early years and childcare contribution would be £14,452 and the primary school contribution would be £42,249, giving a total of £56,701 index linked to April 2014 costs. This financial contribution should be secured by way of a legal agreement.

**Conclusion**

The introduction of the NPPF and subsequent exceptions to inappropriate development enable the principle of redeveloping this brownfield site. Whilst the proposal would increase the overall height of development this would be outweighed by the reduction in footprint and level of hardstanding. Therefore the proposed redevelopment would not result in any greater harm to the openness of the Green Belt in this location. The application is considered to meet the general aims of sustainability as laid out within the National Planning Policy Framework and, despite concerns raised by third parties, the development is not considered to result in a detrimental impact on traffic or highway safety.

Whilst concern has been raised by the Council's Tree & Landscape Officers and the Conservators of Epping Forest (and to a lesser degree by Natural England and the Councils Ecologist) as to the impact on Epping Forest, which should be given significant weight, it is considered that the harm to the Forest is sufficiently outweighed by the benefits of the development. In particular since the redevelopment of this previously developed site would provide 84% affordable housing (which is

over and above the policy requirement) and would therefore assist the Council in meeting its much needed affordable housing provision. As such it is considered that the balance of issues of the proposal weigh in favour of the development and therefore it is considered that the development generally complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and consent 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](mailto:contactplanning@eppingforestdc.gov.uk)***

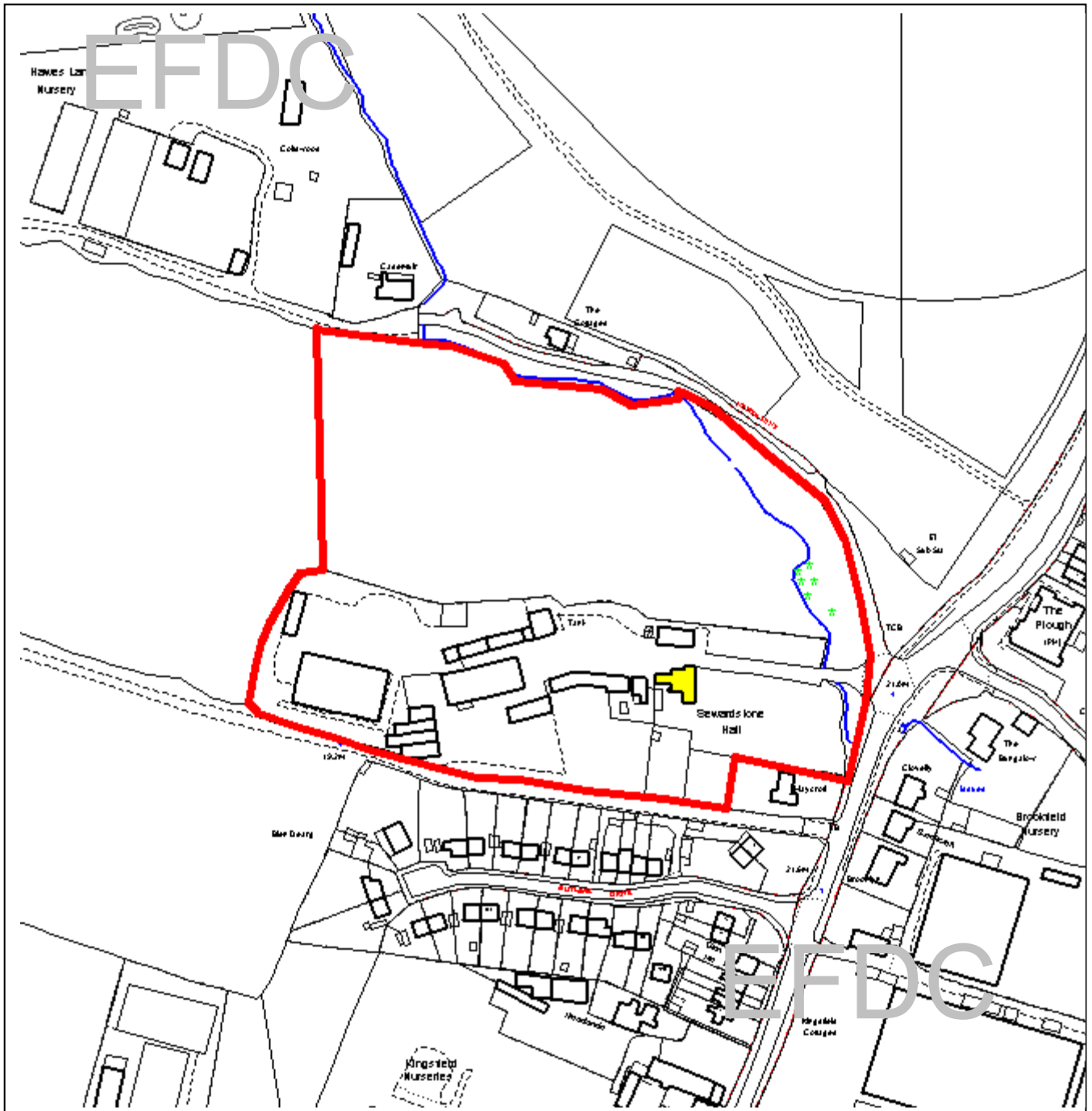


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# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/1556/14
Site Name:	Former Haulage Yard, Sewardstone Road, Waltham Abbey
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1556/14
<b>SITE ADDRESS:</b>	Former Haulage Yard Sewardstone Road Waltham Abbey Essex
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	EW Davies Farms Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application with all matters except access reserved for demolition of all existing structures except the farmhouse and erection of up to 72 dwellings (50% affordable) with ancillary parking, access and gardens, along with the erection of a community building.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=565330](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=565330)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) layout;
    - (ii) scale;
    - (iii) appearance; and
    - (iv) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 The northern part of the application site, as shown as an open landscaped area on drawing No's. 13027\_101 A, 13027\_110 B , 13027\_110 A, 13027\_112 A, shall be retained open and undeveloped as landscaped buffer land.
- 4 The locally listed building known as Sewardstone Hall shall remain and be incorporated into any proposed redevelopment of the site.
- 5 No development shall take place until details of foul 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.

- 6 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.
- 7 All recommendations made in Table 4 of the Phase 1 Habitat Survey dated November 2013 shall be undertaken, including further surveys for Water Vole, Otter, Badgers, Reptiles and Amphibians, and all recommendations made in Section 5 of the Bat Survey shall be followed.
- 8 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.
- 9 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 10 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 11 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.
- 12 Prior to first occupation of the development the following highway works shall be implemented, as shown in principle on i-Transport drawing no. ITB6205-DA-002 Rev D, with all details being agreed with the Highway Authority, to include but not limited to:
  - The provision of a bellmouth access into the site with associated right turn land into

the site and for Mott Street;

- Clear to ground visibility splays of 2.4m by 70m to the northeast;
- Clear to ground visibility splays of 2.4m by 70m to the southwest;
- The realignment of Hawes Lane; and
- The provision of a pedestrian refuge island on Sewardstone Road with associated dropped kerbs and tactile paving.

- 13 Prior to the first occupation of the development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 14 All internal roads and footways within the development shall be constructed in accordance with the construction types as set out in the Essex Design Guide and shall be constructed prior to occupation of the development.
- 15 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to occupation of the development and shall be thereafter retained and maintained at all times.
- 16 The development shall be implemented in accordance with the submitted flood risk assessment dated November 2013. 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.
- 17 Prior to commencement of the development a detailed surface water drainage scheme, based on the submitted flood risk assessment dated November 2013, shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined. The development shall be implemented in accordance with the approved details prior to occupation of the dwellings.
- 18 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]
- 19 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]

- 20 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]

- 21 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.

- 22 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.

- 23 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials

3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 24 No development 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 in writing by the Planning Authority.

**And the completion by the 1<sup>st</sup> December 2014 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement under section 106 of the Town and Country Planning Act to secure financial contribution towards the provision of early years, childcare and the primary school provision, healthcare provision, and towards improvements to Lea Valley Regional Park, along with securing 50% affordable housing and the provision of highways works. In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing and that it would cause harm to local education and health services and to the capacity of existing transport services by generating additional demand that cannot be accommodated within existing capacity.**

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d)) 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).) and 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 consists of a 3.67 hectare area of land on the western side of Sewardstone Road as you enter the built-up enclave known as 'Sewardstone'. The site essentially consists of two separate areas; the open and green parcel of land on the northern half of the site and the built-up parcel of land on the southern side of the site. The built-up section of the site currently contains two dwellings and a number of lawful commercial buildings, along with large areas of hardstanding and outdoor storage. One of the two dwellings (Sewardstone Hall) is on the local list of historic buildings. The group of trees to the front of the site, adjacent to Sewardstone Road, are subject to a group tree preservation order.

Access to the site is via Sewardstone Road by way of an unmarked junction between Sewardstone Road and Hawes Lane. Hawes Lane contains a small number of detached dwellings and Hawes Lane Nursery. Beyond these properties to the north are open fields. To the east of the site on the eastern side of Sewardstone Road are a linear collection of residential dwellings and a public house (The Plough). Further to the north on the eastern side of Sewardstone Road are more residential properties, a hotel and another public house (The Bakers Arms). To the south of

the site is the main built-up area of Sewardstone, which consists of a linear settlement with collective offshoot developments such as Butlers Drive and Godwin Close. To the west of the site is an open field and a wooded area, which is part of a Lee Valley Regional Park recreational area. Beyond this is Enfield Island Village.

The application site is located within the Metropolitan Green Belt and the Lee Valley Regional Park. It is not located within an EFDC flood risk assessment zone or Environment Agency Flood Zone 2 or 3, however since the application site exceeds 1 hectare the Environment Agency have been consulted.

### **Description of Proposal:**

Outline consent is being sought for the demolition of all existing structures except the locally listed farmhouse and the erection of up to 72 dwellings, a community building, along with all ancillary parking, access and gardens.

Whilst indicative plans have been submitted all matters are reserved with the exception of access, for which details have been received.

The submitted indicative plans are purely for illustrative purposes to show how such a scheme could be achieved on the site. All of the proposed development would be located within the existing built-up southern section of the site, with the northern half remaining as an open landscaped area.

### **Relevant History:**

EU/EPF/0001/88 – Application for established use certificate for parking and storage in connection with haulage contractors business – lawful 08/04/88

CLD/EPF/0679/04 – Certificate of lawfulness for continued use of site as haulage yard with B1, B2 and B8 uses and as stables – not lawful 26/05/04

EPF/1826/04 – Change of use of site to a mixed use for B1(c), B2 and B8 use and storage and parking in connection with haulage contractors business (retrospective application) – approved/conditions 08/06/05

### **Policies Applied:**

CP1 - Achieving sustainable development objectives

CP2 - Quality of rural and built environment

CP3 - New development

GB2A - Development in the Green Belt

H2A - Previously developed land

H3A - Housing density

H4A - Dwelling mix

H5A - Provision for affordable housing

H6A - Site thresholds for affordable housing

H7A - Levels of affordable housing

HC13A - Local list of buildings

NC4 - Protection of established habitat

DBE2 - Effect on neighbouring properties

DBE7 - Public open space

DBE8 - Private amenity space

DBE9 - Loss of amenity

RST24 - Design and location of development in the LVRP

LL3 - Edge of settlement

LL10 - Adequacy of provision of landscape retention



ST1 - Location of development  
ST4 - Road safety  
ST6 - Vehicle parking  
RP3 - Water quality  
RP4 - Contaminated land  
RP5A - Adverse environmental impacts  
U3A - Catchment effects

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:**

82 surrounding properties were consulted and a Site Notice was displayed on 28/07/14.

#### **Neighbour responses:**

TOWN COUNCIL – **Object**. In the Committee's opinion this is inappropriate development within the Green Belt; there are concerns regarding road and pedestrian safety on a busy road. We would suggest that if and when there is research undertaken regarding the use of Sewardstone Road then this is done during the busy times of the day and not just during quiet periods.

PETITION SIGNED BY 21 PEOPLE – **Support** the application (petition submitted by applicant – no reason for support provided)

9 BUTLERS DRIVE – **Object** due to a loss of privacy, loss of trees and wildlife, and the impact on traffic and highway safety.

10 BUTLERS DRIVE – **Object** due to the increase in vehicles and lack of public transport, overlooking of neighbouring residents, and due to highway safety concerns.

11 BUTLERS DRIVE – **Object** due to the loss of trees, the provision of social housing, loss of privacy to neighbouring properties, and due to highway safety concerns.

12 BUTLERS DRIVE – **Object** due to the environmental impact from the development, the risk of flooding, impact on wildlife, archaeological concerns, the impact on schools, and since a community centre is not required.

23 BUTLERS DRIVE – **Object** due to the impact on traffic, since the existing bus service is substandard, and due to the impact on schools and doctors in the area.

5 ELM COTTAGES, SEWARDSTONE ROAD – **Raise concerns** with regards to highway safety due to increased use of the access on a blind corner.

4 KINGSFIELD COTTAGE, SEWARDSTONE ROAD – **Object** due to the potential impact on highway safety and the increase in traffic within this Green Belt location.

TREKIZEL, SEWARDSTONE ROAD – **Object** due to increased flooding problems, further exacerbation of existing traffic problems, impact on protected flora and fauna, concerns about contamination on site, and since additional development would add increased strain on the local infrastructure (i.e. schools, doctors, hospitals, fire service, etc.).

ALKANET, SEWARDSTONE ROAD – **Object** due to the impact on traffic and highway safety and due to the loss of employment.

BROXTED, SEWARDSTONE ROAD – **Object** due to the impact on traffic, highway safety, and the lack of public transport.

GLEN IRIS, SEWARDSTONE ROAD – **Object** as the proposed development would be inappropriate and detrimental to the visual character of the area, since the current use creates no noise issues, due to highway safety concerns, increased anti-social behaviour from kids, lack of telecommunication infrastructure, loss of privacy to neighbouring residents, loss of employment, lack of schools and doctors surgeries, and due to the lack of public transport.

25 GODWIN CLOSE – **Object** due to highway safety concerns.

THE BUNGALOW, MOTT STREET – **Object** due to the loss of employment, the impact on wildlife, impact on traffic, the lack of public transport, flooding concerns, and since there is no need for a community centre.

WALTHAM ABBEY RESIDENTS ASSOCIATION – **Object** to the loss of employment, the impact on the Green Belt, increased traffic and highway safety concerns, lack of sustainable transport options, possible flood risk, the introduction of additional young people to an area with no facilities, and since there is no need for a community facility.

Statutory Consultee Responses:

LVRPA – **No objection** subject to a £75,000 financial contribution for improvements to nearby parts of the Park to account for the additional usage that would occur from the development and subject to conditions regarding the following:

- The designation of a 10m deep landscaping bund, to include the existing tree belt, along the site frontage with Sewardstone Road;
- Strengthening perimeter planting along the northern and southern boundaries;
- Completion of ecological surveys as recommended by the submitted Preliminary Ecological Appraisal Report;
- Details of lighting for the cycle/pedestrian route on the southern boundary; and
- Directional signage to the Regional Park is included in the new junction design.

ECC HIGHWAYS – **No objection** subject to the implementation of highway works and the following conditions:

- A construction method statement must be approved prior to commencement of works;
- Prior to occupation of the development all highway works shown in principle of i-Transport drawing no. ITB6205-DA-002 Rev: D shall be implemented;
- Prior to occupation the developer must provide and implement Residential Travel Information Packs for each residential property;
- All internal roads and footways must be constructed in accordance with the Essex Design Guide;
- The level of parking provided must comply with the Parking Standards: Design and Good Practice Guide (2009); and
- Details showing the means to prevent the discharge of surface water from the development onto the highway shall be agreed.

ENVIRONMENT AGENCY – **No objection** subject to a surface water drainage scheme, based on the submitted Flood Risk Assessment, being agreed and carried out. We do not consider this site a priority in terms of groundwater as the natural geology will protect the chalk aquifer from contamination at or near the ground surface. The submitted report indicates that contamination is

likely to be present but we are satisfied with the conclusions and recommendations that there are generic remedial options available to deal with the risks.

**ECC EDUCATIONAL SERVICES – No objection** subject to a financial contribution to mitigate the development's impact. There will be sufficient secondary school places to serve the needs of the development however insufficient pre-school and primary school places for the children likely to be generated by the development. On the basis of 72 qualifying houses (the maximum that the outline consent could provide) at this time the early years and childcare contribution would be £80,041 and the primary school contribution would be £233,993, giving a total of £314,034 index linked to April 2014 costs.

**NHS ENGLAND – No objection** subject to a financial contribution to mitigate the development's impact. NHS England have recently carried out a review of GP services to identify capacity issues throughout Essex. This development is likely to have an impact on the services of 3 GP practices and 1 branch surgery within the district of Epping Forest. These GP practices do not have capacity for the additional growth as a result of this development. Therefore a Healthcare Impact Assessment (HIA) has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area. The results of the HIA require a financial contribution of £23,720, payable before the development is first occupied, to mitigate the impact from the proposed development.

**ECC ARCHAEOLOGICAL SERVICES – No objection** subject to a programme of archaeological works being agreed and undertaken. The proposed development has the potential to impact on features and finds associated with the medieval Pentenary Farm and since archaeological deposits are both fragile and finite a programme of works must be approved to ensure these are not lost.

**THAMES WATER – No objection** with regards to either sewerage infrastructure or water infrastructure capacity. However surface water drainage details should be agreed prior to development.

### **Main Issues and Considerations:**

This application is for outline consent with all matters reserved with the exception of access. Therefore the only consideration is the principle of erecting 72 dwellings and a community centre on this site. Whilst indicative plans have been provided showing an example of how the proposed development could be achieved, these are not actually proposed. Furthermore the originally submitted indicative layout plan has been revised to show that the area of preserved trees to the front of the site (adjacent to Sewardstone Road) can be retained.

### **Green Belt:**

The southern portion of the site that is proposed for redevelopment consists of the former haulage yard and residential dwellings (one of which is to remain). The National Planning Policy Framework identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The definition of previously developed land is provided within Annex 2 of the Framework and reads:

**Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Given the lawful use of the site, the current occupation by commercial businesses, and since the majority of the southern portion of the site is covered in permanent buildings or hardstanding, this half of the application site would constitute previously developed (brownfield) land.

Notwithstanding the above, in order for this designation as brownfield land to form an exception to inappropriate development any proposed redevelopment must not have a greater impact on the Green Belt and the purpose of including land within it than the existing development.

Whilst 'impact on the Green Belt' would cover many factors, including increased activity and type of use, one of the key considerations is with regards to the level of built development on a site. Since the proposed development is for outline consent with all matters reserved (except access) there are no final details regarding the size and height of the proposed development. Based on the indicative site layout the proposed dwellings would have a footprint of approximately 3427m<sup>2</sup>, whereby the footprint of the existing permanent buildings is 2,485m<sup>2</sup>. However the total area of hardstanding currently on site is in excess of 8,900m<sup>2</sup>.

Whilst the footprint of the buildings based on the indicative plans is greater than the existing commercial buildings on site, and it is likely that the average height of the proposed redevelopment would be greater than the average height of the existing structures, there are other considerations with regards to built form, such as the level of hardstanding. Again whilst no details are currently being assessed regarding this it is likely that the proposed housing development would result in decreased levels of hardstanding and increased landscaped areas. Furthermore a residential development would result in the removal of the open storage and any temporary buildings currently on site.

Further to the above physical harm, matters such as vehicle movements (type and number), level of activity, type of use, and any resultant nuisance (such as noise, pollution, etc.) would also be factors that determine whether the redevelopment of this site would have a greater impact on the Green Belt than the existing use. All of these factors would likely be reduced as a result of the proposed redevelopment. As such, subject to the overall scale of the development, which is to be agreed at reserved matters stage, the proposed development could be considered to constitute the above exception to inappropriate development within the Green Belt and would therefore be considered acceptable.

Notwithstanding the above, the applicants themselves consider within the submitted Planning Statement that the proposal would in principle constitute 'inappropriate development'. The National Planning Policy Framework allows for inappropriate development to be approved in very special circumstances, however it states that "*very special circumstances shall not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other consideration*". The applicant has put forward the following arguments in favour of the development:

- *The site represents infill to an existing established settlement and is bound on three sides by existing permanent structures including buildings and roads. The development is wholly contained to brownfield and would not constitute urban sprawl and would not lead to further encroachment in the Green Belt;*
- *The provision of circa 72 additional homes would enable Epping Forest to meet housing supply targets sustainably, meeting an identified shortfall and significantly improving the housing offer in the local area;*
- *The development of this relatively large site enables the incorporation of additional community benefits that would not be possible with smaller piecemeal development. The site would establish a village play area and sports fields along with a community resource building for Sewardstone, with significant local amenity benefits, improved pedestrian and cycle linkages, improved links to services and significant impact on the 'sense of place' in line with NPPF objectives;*
- *Open space and access to high quality amenity space would be significantly improved, including linkages to the wider open countryside and opening up the site which is currently not easily accessible to the public with safe pedestrian and cycle links;*
- *By removing the un-neighbourly commercial uses on site, the development has the opportunity to significantly improve the biodiversity, natural landscape and visual impact on the surrounding Green belt, with well designed, smaller buildings, gardens and landscaping and design enabling density to be reduced as the site nears the more sensitive Green Belt boundary. Impacts on openness would be reduced against the existing situation, creating positive sustainable development;*
- *In addition, a development of this size would enable a sustainable design-led scheme incorporating high levels of energy efficiency, a Sustainable Urban Drainage System, sustainable construction and renewable energy opportunities not viable on smaller schemes; and*
- *The development can be accommodated via the existing highway network and would have an overall beneficial impact on the local network by removing the heavy load commercial vehicles currently using the site.*

It is considered that, despite the potential increase of bulk on site, which can be suitably controlled within the reserved matters application, the proposed development constitutes the 'redevelopment of previously developed land' and would not have a greater impact on the openness of the Green Belt. Therefore the proposal would not constitute inappropriate development harmful to the Green Belt. Nonetheless, if it is considered that the proposed redevelopment would have a greater impact on the openness of the Green Belt than the existing commercial site, the above benefits constitute sufficient very special circumstances in this instance to outweigh the harm. In particular the provision of both general and affordable housing, which will assist the Council in meeting its housing needs without developing greenfield sites, and through the removal of the commercial business, which is ill-placed close to residential properties. Therefore it is considered that the proposed development complies with the relevant Green Belt guidance and policies.

#### Sustainability:

The National Planning Policy Framework places great emphasis on sustainability and states that "at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-

*making and decision-taking*". It also highlights that "*there are three dimensions to sustainable development: economic, social and environmental*", given the following explanations on each:

- **An economic role** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- **A social role** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- **An environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

The application site is located within the linear enclave of Sewardstone located on Sewardstone Road between Waltham Abbey and Chingford. This area is served by Bus Service No. 505, which runs between Harlow and Chingford via Sewardstone Road once an hour until 19:30 and has no service on a Sunday.

In 2009 a planning application was refused for the erection of 41 dwellings with a shop/community centre at Netherhouse Farm, Sewardstone Road (EPF/0583/09). This site is located on the opposite side of Sewardstone Road, some 200m south of the proposed development site, and within the same built up enclave. Amongst other reasons EPF/0538/09 was refused on the following grounds:

**The proposed development is in an unsustainable location not well served by public transport or local services. As such the development would result in an increase in vehicle commuting contrary to policies CP1, CP3, CP6 and ST1 of the adopted Local Plan and Alterations.**

The refusal was subsequently appealed and dismissed by the Planning Inspectorate. Within the Inspector's appeal decision it was stated that "*the development would be outside the existing urban area and would be very unlikely to avoid further commuting or reduce the need to travel. It would not be easily accessible by existing sustainable means of transport. I conclude that it would not conform to the sustainability objectives of national policy in Planning Policy Guidance Note 13: Transport, the advice in Planning Policy Statement 1: Delivering Sustainable Development or the relevant policies in CP1, CP3, CP6 and ST1 of the LP*". Planning Policy Statement 1 and Planning Policy Guidance 13 have since been replaced by the National Planning Policy Framework, however the principles of sustainability remain.

There do not appear to have been any significant improvements to the sustainability of the area since this previous appeal, and therefore the application site is considered to be situated within an unsustainable location. However, unlike the previous government guidance, the National Planning Policy Framework recognises that 'sustainable development' is determined by more than just environmental sustainability and should also be both socially and economically sustainable.

The proposed redevelopment of the application site would provide additional housing within the District, including affordable housing provision, which will assist the Council in meeting both its current housing needs and its five-year land supply. Although the provision of additional housing is best allocated through a plan-led approach there is a preference for previously developed land

(such as this) to be developed over greenfield sites. Furthermore, the proposed development includes the erection of a community building (with reference within the submitted Planning Statement to the possibility of the inclusion of a shop) and the opening up and management of the northern part of the site. Whilst there are disputes by neighbouring residents regarding the need for such a community facility, which is assessed in more detail below, such a proposal would nonetheless provide social benefits and therefore the development meets the requirements of being socially sustainable.

With regards to the economic sustainability of the site, the National Planning Policy Framework states that "*planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*". Although the site is currently occupied the applicant states that "*the existing buildings on site are let on short-term leases or licenses and are coming to the end of their useful lives*". Furthermore, with regards to redeveloping previously developed sites within the Green Belt the Framework clearly recognises that this is for sites "*whether redundant or in continuing use*". Furthermore the proposed development is in line with the Government's goals and incentives to 'drive local growth' and to 'get the housebuilding industry building'. Within Eric Pickles March 2011 statement he recognised that "*every new home built will create jobs in the UK building industry*". As such, it is recognised that the provision of additional housing increases the existing workforce and customer base to the benefit of local businesses and would provide construction work in order to undertake the development.

Whilst it is established that the application site is located within an unsustainable location not well served by public transport, the considerations on environmental sustainability are wider than simply with regards to location. The removal of longstanding commercial building of low environmental value and their replacement with new dwellings that would have to comply with the current Building Regulations and relevant Code Level requirements would result in a more sustainable build on the site that would incorporate renewable energy features and sustainable construction. This would have a positive impact on the overall sustainability of the site.

With regards to the availability of sustainable transport, the proposed development would necessitate the provision of works to upgrade the existing bus stops which, whilst not improving the physical service would nonetheless improve the existing situation. There is also a requirement to provide a £75,000 financial contribution towards improvement works within the Lee Valley Regional Park. This could be used to upgrade the existing informal footpath that links the application site to the wider Lee Valley Regional Park public footpath network and Enfield Island Village beyond this. Whilst Enfield Island Village includes several essential facilities (such as shops, library, doctors surgery, gym, etc.), along with significant public transport links, it is unlikely that any main trips, such as weekly shops or commuting to work, would be undertaken by this route due to the nature of the footpaths and distance to Enfield Island Village. Nonetheless this is a sustainable link that would provide future residents with occasional trips into both the Lee Valley Regional Park recreation area and Enfield Island Village. Any improvements to these footpaths, or the Lee Valley Regional Park in general, would be beneficial to all users and therefore would be given some weight in favour of the development.

In light of the above, whilst the location of the site and the lack of public transport remains a concern it is considered that the balance of issues regarding all three strands of sustainable development is sufficient to conclude that the proposed reuse of this brownfield site would conform to the 'presumption in favour of sustainable development' as outlined within the National Planning Policy Framework.

#### Housing considerations:

Since the application site is located within a settlement with a population of less than 3,000 and proposes the erection of more than three dwellings on previously developed land Local Plan policy

H7A requires 50% of the total number of dwellings to be affordable. The application proposes to provide the required 50% affordable housing on the site in line with this policy.

The Council currently has in excess of 1,500 applicants on its Housing Register and, as evidenced by the National Housing Federation in their annual 'Home Truths' studies, the ratio of average property prices (and lower quartile property prices) to average earnings in Epping Forest District is consistently the highest in Essex – and is within the highest three local authority districts in the East of England. As such the provision of up to 36 affordable houses would assist in providing much-needed affordable rented and shared ownership housing. Whilst it is not considered generally that the site is in a sustainable location Housing Services nonetheless consider that the location is sustainable in terms of the provision of affordable rented housing for sufficient numbers of applicants already on the Council's Housing Register.

With regards to housing mix, both in terms of open market and affordable housing, this would be assessed within the subsequent reserved matters application.

Highways considerations:

The application has been viewed by Essex County Council Highways, who assessed the development against current National and County policy and safety guidelines and have found the proposal acceptable.

A comprehensive and robust Transport Assessment has been submitted with the application, which demonstrates that the development would not have a detrimental impact upon the local highway network in the vicinity of the site or upon the wider highway network. There are no capacity issues associated with the development and the access has more than appropriate visibility for the speed of the road. Furthermore the application proposes significant highway works that would greatly improve and regulate the operation of the site access, Hawes Lane and Mott Street to the benefit of all highway users. This includes the introduction of a more efficient staggered crossroads with Mott Street and the provision of both a left and right hand turn lane. Furthermore the proposal would re-align the access to Hawes Lane in order to consolidate traffic before it meets the junction with Sewardstone Road. This access would be marked out in accordance with Essex County Councils requirements.

Consequently the Highway Authority (Essex County Council) is satisfied that the development will not be detrimental to highway safety, capacity or efficiency and will improve safety and accessibility to the site and in the locality. However a number of conditions would be required to ensure the development complies with the relevant highways policies, and any legal agreement should include works to upgrade the bus stops within the vicinity of the site through:

- The provision of a free standing real-time passenger information sign for the north-bound bus stop; and
- The provision of raised kerbs for the south-bound bus stop.

Concerns have been raised by neighbouring residents and the Town Council regarding traffic implications from the proposed development, along with highway safety concerns. The LPA is aware of longstanding traffic issues along Sewardstone Road, which is exacerbated by matters such as the car boot sale at Netherhouse Lane and the prevalence of horse riders utilising this road. However these are existing, longstanding problems that are not associated with this site. Whilst it is appreciated that the provision of 72 additional properties would result in an increase in road users within the area, the specific impact that would result from the proposed development has been assessed and is considered relatively minor in comparison to the heavy usage that currently occurs on Sewardstone Road and the potential usage from



the lawful use of the site (even if it is not intensively utilised at present). Therefore the increase in traffic as a result of the development is considered acceptable by the Highways Authority. Furthermore the proposed development would enable highway works that would actually improve highway safety within the locality.

Amenity concerns:

Given that the application is for outline consent with all matters reserved the layout and design of the dwellings is to be determined within any subsequent Reserved Matters application. Concern has been raised by neighbouring residents with regards to possible loss of privacy as a result of the indicative plans. The final design and layout of the development could be drawn up in such a way so as to avoid any overlooking of neighbouring properties. Furthermore, whilst the current operations on the site do not appear to be a disturbance to neighbouring residents the lawful use of the site is for a mixed use B1, B2 and B8 use. Therefore more intensive and intrusive commercial businesses could occupy the existing site without the need for any further planning consent, which could have a detrimental impact on neighbouring residents. Therefore, despite objections from neighbouring residents, it is considered that the removal of this commercial site would have a positive impact on neighbours amenities.

The required levels of private amenity space for the proposed dwellings would be dictated by the final size/internal layout of the dwellings, however it is likely that there would be more than sufficient land available to provide adequate private amenity space to the future occupants.

Landscaping and existing habitats:

A recent tree preservation order was served on the collection of trees to the front of the site adjacent to Sewardstone Road, and there are a number of other existing trees throughout the site. The originally submitted indicative plan indicated that a large amount of the preserved trees would be removed to make way for the proposed community building however, even though this was purely indicative, a revised indicative plan has been provided to show that the development can be accommodated on site without the removal of any of the preserved trees.

Landscape details have been reserved for consideration at the Reserved Matters application, however it is considered that there is adequate space on site to accommodate additional landscaping to soften the new built development, as well as retention and strengthening of the existing landscaping within the undeveloped northern half of the site. This would ensure the retention of a soft boundary between the built form on site (located at the edge of the built up area of Sewardstone) and the open countryside to the north of the site.

The application site is located within the Lee Valley Regional Park and is close to some of the Park's established recreational areas. Whilst the redevelopment of this previously developed site would not result in any greater physical harm to the Lee Valley Regional Park, since it would replace an established commercial site, it would result in a greater number of users to the nearby recreational areas. As such the Lee Valley Regional Park Authority raise no objection to the proposal, subject to the following:

- i. The designation of a 1m deep landscaping bund, taking advantage of the existing tree belt along the frontage with Sewardstone Road;
- ii. Strengthened perimeter planting of appropriate native species along the western, northern and southern boundaries;
- iii. Completion of the additional ecological surveys as recommended within the submitted Preliminary Ecological Appraisal Report;
- iv. That details of proposed lighting for the cycle/pedestrian route on the southern boundary be agreed;

- v. That directional signage to the Park is included in the new junction design; and
- vi. A financial contribution of £75,000 is sought for improvements to nearby parts of the Park to account for the additional usage that would occur from the additional residents living on the site.

Points i. and ii. will be assessed and sought as part of the subsequent Revised Matters application. Point iii. will be sought by way of a planning condition and is wholly reasonable and appropriate. With regards to point iv., whilst details of proposed lighting can, and would, be sought for the development this can only relate to the application site itself since the land outside of the red line (including the pathway running along the southern boundary of the site) is outside of the applicant's ownership and control. It is however understood that this pathway is maintained by the Lee Valley Regional Park Authority, although owned by the Enfield Island Village Trust. The applicant has stated that they have attempted to contact the Enfield Island Village Trust but received no response, and therefore they have been unable to secure any rights to undertake improvement works to this pathway. However, as requested within point vi, the Lee Valley Regional Park Authority have requested £75,000 for improvement works to the Park, which could include additional lighting along this pathway if they deem it appropriate (and with agreement from the Enfield Island Village Trust).

The request for directional signage at the new junction in point v. is outside of the remit of this planning consent, as any such signage would be controlled and approved through Highways consent. Therefore any such request should be made directly to Essex County Council.

With regards to the requested £75,000 financial contribution, the Lee Valley Regional Park Authority have provided the following list of potential projects that the contribution could be used to fund:

- Knights Pits wooded area: Access improvements of coppicing of trees by path - £5,000
- Knights Pits lakes: Tree removal and bankside habitat improvements - £10,000
- Opening up waterways for Water Vole habitat - £5,000
- Remove fence round lake and make safe banks and habitat management, creating a new circular pedestrian route - £30,000
- Possible installation of new fencing (including cattle corral) - £10,000
- De-siltation of pool in front of viewing screen (Osier Marsh) - £10,000

Given that the proposed residential development would result in additional usage of the nearby Park the provision of a financial contribution towards improvement works is considered appropriate, and the requested amount has been justified by Lee Valley Regional Park Authority. The applicant has agreed to provide the financial contribution as part of a legal agreement. Therefore, as a result of the above, it is not considered that the proposed development would be harmful to the aims and use of the Lee Valley Regional Park. Furthermore any improvements to the Park as a result of the financial contribution would, as well as mitigating the harm from the additional users, be beneficial to all users of the Park.

A Phase 1 Habitat Survey has been submitted with the application, which is considered acceptable providing all recommendations made in Table 4 of the Survey are undertaken, including further surveys for Water Vole, Otter, Badgers, Reptiles and Amphibians. Furthermore all recommendations made in Section 5 of the Bat Survey should be followed, including further bat surveys if development has not begun by 2015.

#### Flooding:

Since the application site is an area greater than 1 hectare the Environment Agency was consulted on the application. No objection has been received subject to a surface water drainage scheme being agreed and carried out in accordance with the submitted Flood Risk Assessment.

There has been no detailed received at this stage with regards to the disposal of foul water drainage, and therefore a condition should be added requiring such details to be approved prior to commencement of development.

Other Concerns:

*Locally Listed Dwelling:*

The application site contains a locally listed dwelling known as Sewardstone Hall. It is intended for this building to remain and be incorporated into the proposed scheme. Subject to the final design and layout of the development it is not considered that the proposal would be harmful to the historic character or setting of this building, however a condition should be added to ensure that the locally listed building is retained.

*Community Facility:*

Many neighbouring residents have stated that there is no requirement for a community building on site, yet they also comment that there is nothing in the area for young adults to do, which leads to anti-social behaviour. There are currently few community facilities within Sewardstone, with the only local services being the petrol station/shop and the two public houses. Whilst there has been no evidence provided as to any overriding need for a community building the provision of such is undoubtedly going to add to the services available to both future residents of the development and the existing surrounding properties. At this stage no details have been provided with regards to the community building, however at Reserved Matters stage details of the proposed design, scale and use of this building would be assessed. Such potential uses could include a crèche/day nursery, a community hall, a youth centre, or a shop. Any or all of these facilities would provide additional services currently lacking in Sewardstone and would be beneficial to the entire settlement.

*Contamination:*

An Environmental Constraints Report was submitted with the application, which has identified potentially contaminating onsite farming, haulage and vehicle repairs activities, however has concluded that all potential risks should be capable of being mitigated. Whilst the assessment is not sufficiently detailed to enable the omission of a Phase 1 Land Contamination Assessment, such matters can be dealt with by way of conditions.

*Health care:*

NHS England have recently carried out a review of GP services to identify capacity issues throughout Essex. They consider that this development is likely to have an impact on the services of three GP practices and one branch surgery within the district of Epping Forest. These GP practices do not currently have capacity for the additional growth as a result of this development. Therefore a Healthcare Impact Assessment (HIA) has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area. The results of the HIA require a financial contribution of £23,720, payable before the development is first occupied, to mitigate the impact from the proposed development.

*Education:*

Essex County Council Educational Services have assessed the application and consider that there will be sufficient secondary school places to serve the needs of the development, however insufficient pre-school and primary school places for the children likely to be generated by the development. On the basis of 72 qualifying houses (the maximum that the outline consent could provide) at this time the early years and childcare contribution would be £80,041 and the primary

school contribution would be £233,993, giving a total of £314,034 index linked to April 2014 costs. However the final level of financial contribution required to mitigate the proposed development will not be able to be calculated until details have been received with regards to the final number and type of dwelling, which will be index linked to the then current costs. Therefore, whilst a financial contribution should be secured by way of a legal agreement, the final amount cannot be decided until Reserved Matters stage.

#### *Archaeology:*

The Essex Historic Environment Records shows that the proposed development lies on the site of a medieval Pentenary Farm. This farm was one of the holdings of Waltham Abbey, and is first recorded in 1408. The name derives from 'pittance' and it is thought that the revenues from the farm formed part of the Abbey's alms-giving programme. It was renamed as Sewardstone Hall in the early 20<sup>th</sup> century. A watching-brief on the Epping Green-Enfield Gas Pipeline which ran around the western and northern edges of the proposed development identified a spread of post-medieval building material adjacent to Hawes Lane and the post-holes and gullies of a substantial early medieval structure immediately to the north of the proposed development area. The proposed works therefore have the potential to impact on features and finds associated with Pentenary Farm. Archaeological deposits are both fragile and finite, and therefore the implementation of a programme of archaeological work must be secured, in accordance with a written scheme of investigation, prior to any development or preliminary groundworks.

#### **Conclusion**

The introduction of the NPPF and subsequent exceptions to inappropriate development enable the principle of developing this brownfield site and, despite a possible increase in bulk, it is considered that the proposed redevelopment would not result in any greater harm to the openness of the Green Belt in this location. Whilst the application is only for outline consent with all matters reserved, given the size of the site there would be scope to erect the proposed dwellings and community building with adequate parking and amenity space and without any detrimental impact on neighbour's amenities. Despite existing highway issues on Sewardstone Road the increase in traffic movements are considered to be acceptable and the proposed development would result in an improvement to the highway through the introduction of a staggered crossroads with right and left turn lanes along with the realignment of the access to Hawes Lane. Whilst the site is not situated in a sustainable location it would provide other sustainable benefits, including the provision of renewable energy and sustainable construction, along with improvements to Lee Valley Regional Park. Furthermore the redevelopment of this previously developed site would assist the Council in meeting both housing needs and much needed affordable housing provision. As such it is considered that the balance of issues of the proposal weigh in favour of the development and therefore it is considered that the principle of this development generally complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and outline consent is 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](mailto:contactplanning@eppingforestdc.gov.uk)***