

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 17th December, 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, 17th December, 2014**
at **7.30 pm** .

Glen Chipp
Chief Executive

**Democratic Services
Officer**

Adrian Hendry (Directorate of Governance)
Email: 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 6.30 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 Public Relations Manager on 01992 564039.

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 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 19 November 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 15 - 86)

(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. PROBITY IN PLANNING (Pages 87 - 96)

(Director of Governance) To consider the attached report.

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. 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:** 19 November 2014
West

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.28 pm
High Street, Epping

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

Other Councillors: J M Whitehouse

Apologies: R Bassett, Ms H Kane, Mrs M Sartin, Ms S Stavrou and Mrs E Webster

Officers Present: J Godden (Planning Officer), M Jenkins (Democratic Services Assistant) and A Hendry (Democratic Services Officer)

37. 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.

38. 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.

39. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 22 October 2014 be taken as read and signed by the Chairman as a correct record.

40. DECLARATIONS OF INTEREST

- (a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a non-pecuniary interest in the following item of the agenda by virtue of being the Essex County Council representative on the Lee Valley Regional Park Authority. The Councillor indicated that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1556/14 Former Haulage Yard, Sewardstone Road, Waltham Abbey

- (b) Pursuant to the Council's Code of Member Conduct, Councillor D Dorrell declared a non-pecuniary interest in the following item of the agenda by virtue of living across from the site area. The Councillor indicated that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1556/14 Former Haulage Yard, Sewardstone Road, Waltham Abbey

41. ANY OTHER BUSINESS

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

42. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 2 be determined as set out in the annex to these minutes.

43. 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

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1156/14 |
| SITE ADDRESS: | Forest Lodge Motel Forest Lodge High Road Epping Essex CM16 5HW |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey High Beach |
| DESCRIPTION OF PROPOSAL: | Demolition of existing motel and indoor play facility, retention of existing four-bed house and construction of 19 new dwellinghouses and their associated landscaping. |
| DECISION: | Refused Permission |

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=563515

REASONS FOR REFUSAL

- 1 The proposed scheme would result in a residential development within the Metropolitan Green Belt and immediately adjacent to Epping Forest, a site of Special Scientific Interest and a Special Area of Conservation. Whilst this site is previously developed land the proposed scheme would be greater in height and bulk than the buildings currently on site and would result in an undue intensification of the built development on the site, resulting a greater visual impact on the surrounding forest and would unduly diminish the rural character, appearance and openness of the site, contrary to the guidance contained within the National Planning Policy Framework and policies GB2A, CP2, NC1, LL1, LL2 and LL11 of the adopted Local Plan and Alterations.
- 2 The proposal would result in a unsustainable form of development due to its isolation from affordable services and facilities, contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6 and CP9 of the adopted Local Plan and Alterations.
- 3 The proposal would result in an unacceptable loss of employment at the site contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6 and E4A of the adopted Local Plan and Alterations.
- 4 The proposal would result in an unacceptable loss of community and tourist services in the District due to the removal of the motel facilities and recreational facilities, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP6 and CF12 of the adopted Local Plan and Alterations.

WAY FORWARD:

Members discussed the possible uses of the site and if there was a way forward for a residential use on the site. Whilst some members considered that reducing the density of the development, especially closest to the Epping Road & reduce the light pollution into the forest from the scheme would assist, others stated that they felt the site was unsuitable for residential use and the owners should improve the motel facilities or use the site for recreational use or as a craft centre.

Report Item No: 2

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1556/14 |
| SITE ADDRESS: | Former Haulage Yard Sewardstone Road Waltham Abbey Essex |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey High Beach |
| DESCRIPTION OF PROPOSAL: | 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. |
| DECISION: | Refused permission |

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=565330

REASONS FOR REFUSAL

- 1 The proposed scheme would result in a residential development within the Metropolitan Green Belt. Whilst the site constitutes previously developed land the proposed scheme, by reason of its density and use, would have a greater and more adverse impact on the openness and character of the Green Belt and rural landscape in this location than the existing buildings and use, contrary to the guidance contained within the National Planning Policy Framework and policies GB2A, CP2, LL1 and LL2 of the adopted Local Plan and Alterations.
- 2 The proposal would result in an unsustainable form of development outside the existing urban area and is not well served by public transport or local services, and would therefore result in an increase in vehicle commuting contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6 and CP9 of the adopted Local Plan and Alterations.
- 3 The proposal would result in an unacceptable loss of employment and small scale industrial units on the site, contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6 and E4A of the adopted Local Plan and Alterations.

WAY FORWARD:

Members discussed the possible uses of the site and if there was a way forward for a residential use on the site. Members considered that reducing the density of the development would assist.

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AREA PLANS SUB-COMMITTEE 'WEST'

17 December 2014

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| 4. | EPF/1972/14 | Carlton House Stables Lippitts Hill Loughton Essex IG10 4AL | Grant Permission (With Conditions) | 46 |
| 5. | EPF/2021/14 | Plot 48 Roydon Lodge Estate Roydon Essex CM19 5EF | Grant Permission (With Conditions) | 54 |
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| 8. | EPF/2435/14 | St Leonards Farm St Leonards Road Nazeing Essex EN9 2HG | Details Approved | 72 |

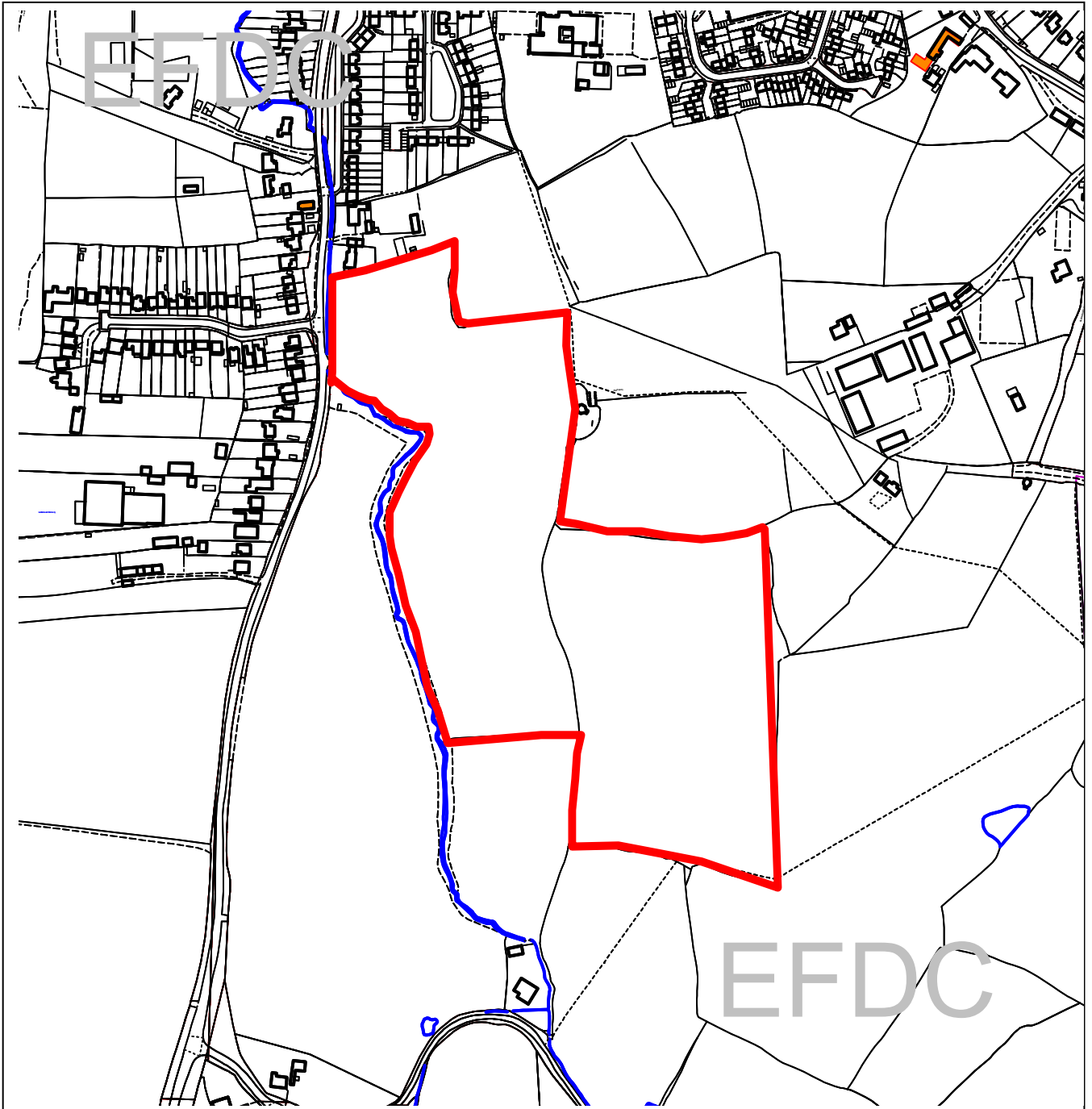
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|-----|-------------|--|---------------------------------------|----|
| 9. | EPF/2458/14 | 1 Ruskin Avenue Waltham Abbey Essex EN9 3BW | Refuse Permission | 76 |
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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| | |
|---------------------|---|
| Application Number: | EPF/0202/14 |
| Site Name: | Land off St Leonards Road Nazeing, EN9 2HN |
| Scale of Plot: | 1/5000 |

Report Item No: 1

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0202/14 |
| SITE ADDRESS: | Land off St Leonards Road Nazeing Essex EN9 2HN |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Mr G Abella |
| DESCRIPTION OF PROPOSAL: | Construction of 6no. 2-bed, 26no. 3-bed, 10no. 4-bed and 3no. 5-bed houses (45 dwellings in total, including 16 affordable homes), with associated off street parking and amenity space; construction of multi-purpose hall with associated sports pitches and car parking; new access onto St Leonards Road; drop off/pick up car parking for Primary School; and landscaping |
| RECOMMENDED DECISION: | Refuse 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=559335

REASON FOR REFUSAL

- 1 The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice contained in the NPPF and policy GB2A of the adopted Local Plan and Alterations. This includes the development of housing, a school parking facility, a sports hall and sports pitches all of which are inappropriate developments within the boundaries of the Green Belt for which no very special circumstances sufficient to outweigh the very significant harm to the openness of the area and any other harm have been demonstrated.
- 2 The proposed development results in an under provision of affordable housing contrary to local plan policies and national guidance within the NPPF. Furthermore the proposed mix would result in an unsatisfactory blend of affordable and market housing with the majority of smaller units affordable. It is not considered that a case justifying an under provision of affordable units has been made. The proposed development is therefore contrary to national guidance and Local Plan and Alterations policy H7A.
- 3 Insufficient information has been submitted in order to make an informed decision on the impact of the proposed development on the landscape at this location. The levels plans do not cover the whole site, no contour plans have been submitted (existing and proposed) showing level changes and a ground Remodelling Proforma are necessary. It has not therefore been demonstrated that the proposed development would conserve, enhance or respect the character of the landscape contrary to policies LI1 and LL2 of the adopted Local Plan and Alterations and national guidance in the NPPF.

- 4 Notwithstanding the above reason to refuse consent and based on the submitted information it is considered that the proposed development would have a detrimental impact on the character and appearance of the countryside for which no special demonstration of need has been put forward. The proposed development is therefore contrary to Local Plan and Alterations policies LL1, LL2 and LL10 and national guidance in the NPPF.
- 5 The visibility splays as shown on the submitted plans are not sufficient for the speed of the road. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. Furthermore it is noted that no speed survey has been undertaken or a Stage 1 Road Safety Audit. It is therefore considered the development is contrary to national guidance in the NPPF and Local Plan and Alterations policy ST4.
- 6 The applicant has failed to provide any details as to how the public's rights and ease of passage over public footpath No.13 Nazeing shall be maintained free and unobstructed at all times. The proposal as submitted appears to obstruct the footpath to the detriment of pedestrian safety and the public's right of passage along it contrary to national guidance in the NPPF and Local Plan and Alterations policy ST4.
- 7 The internal layout, as submitted, on drawing no.11043-P002-F does not conform to current standards and guidance on parking and layout. Furthermore there are insufficient parking spaces to meet the needs of future occupants. The proposed development is therefore contrary to Local Plan and Alterations policies DBE5, ST4 and ST6 and national guidance in the NPPF.

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

Description of Site:

The application site is located to the south of the junction in Nazeing and just where the built form of the village ends. This is an expansive site and is entirely within the boundaries of the Metropolitan Green Belt. The site is accessed from an existing accessway onto St. Leonard's Road. Only the northern boundary of the site is bordered by residential properties, a site which contains a large detached dwelling known as Cranbrook. The area of the site closest to the road is largely flat and it rises steadily further in. The land is characteristically arable farmland. The EFDC Settlement Edge Landscape Sensitivity Study (Chris Blandford Associates 2010) places the area (including this site) within the 'Lower Nazeing fringes' and describes it as comprising an undulating patchwork of small to medium sized predominantly arable fields that are delineated by mature hedgerows.

A Public Right of Way (PROW) Footpath No13 passes through the site and along its eastern fringe heading towards the local primary school. The site is a short walk from Nazeing Parade which provides a limited range of typically village facilities including corner shops. The site lies within an Epping Forest District Council flood risk assessment zone but is not within Environment Agency Floodzones 2 or 3. The site includes features such as hedging, scrubland and grass which could potentially provide habitat for various animal species. A brook runs along the western boundary of the site adjacent to the road. Part of the site falls within the "NAZ B" area in the 2012 Issues and Options Consultation Document.

Description of Proposal:

The applicant seeks consent to construct 45 dwellings in the north east corner of the site. It is proposed that 16 dwellings would be affordable. The housing element would include a mix of two, three, four and five bed dwellings consisting of a range of detached, semi detached and terraced houses. All dwellings would be two-storey and would be served by private amenity areas and parking facilities.

To the south of the proposed housing it is proposed to construct a large multi purpose hall with associated parking. The building would include changing facilities, meeting rooms and a basketball court. It is also proposed within the submission to provide parking facilities for the local school with a drop off point and access leading to the school along the public footpath. Further to the south of the proposed hall five sport pitches would be constructed (football and rugby pitches).

Relevant History:

No relevant history.

Policies Applied:

CP1- Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 - New Development
CP4 - Energy Conservation
CP5 - Sustainable Building
CP6 - Achieving Sustainable Urban Development Patterns
CP7 - Urban Form and Quality
CP8 – Sustainable Economic Development
CP9 - Sustainable Transport
GB2A – General Restraint
GB7A – Conspicuous Development
RP4 – Contaminated Land
U2B – Flood Risk Assessment Zones
U3B – Sustainable Drainage Systems
DBE1 – New Buildings
DBE2 – Impact of Buildings on Neighbouring Property
DBE4 – Design and Location of New Buildings within Green Belt
DBE5 – Design and Layout of New Development
DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity space
DBE9 – Amenity
H3A - Housing Density
H4A – Dwelling Mix
H5A - Affordable Housing
H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
NC4 – Protection of Established Habitat
LL1 – Rural Landscape
LL2 – Resist Inappropriate Development
LL3 – Edge of Settlement
LL10 – Retention of Trees
LL11 – Landscaping Schemes

ST1 - Location of Development
ST2 - Accessibility of Development
ST3 – Transport Assessments
ST4 – Road Safety
ST6 – Vehicle Parking
ST7– Criteria for Assessing Proposals (new development)
I1A – Planning Obligations

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

SUMMARY OF REPRESENTATIONS:

NAZEING PARISH COUNCIL: No Objection.

The application was widely advertised; with 376 neighbours directly consulted, four site notices displayed adjacent to the site/within the village and an advertisement placed in the local newspaper.

Objections: Cranbrook, St Leonards Road, The Firs St Leonards Road, Long Acre St Leonards Road, 44 North Street, The Cottage Long Green, Yewlands Tatsfield Ave, The Robin Middle Street, 5 Blackadder Cottages, 1 Tatsfield Houses, Green Acres, 24A Nazeingbury Parade, Essex Area Ramblers, Quantock, Holmrook St Leonards Road, Westways, Garden House Laundry Lane, Mapledene Tatsfield Avenue, 39 St Leonards Road, The Laurels St Leonards Road, 41 St Leonards Road, 6 Tatsfield Avenue, The Holies Tatsfield Avenue, 24 Hyde Mead, 20 Western Road, 42 Western Road, 90 North Street, 5 North Street, Grazebrook, 7 Blackadder Cottages, Mulberries St Leonards Road, Holmbrook Saint Leonards Road, Yelverton Saint Leonards Road, Campaign to Protect Rural England, Craighour Middle Street, 88C North Street, 31 Saint Leonards Road, Longacre, The Barn Mansion House Farm, The Laurels St Leonards Road, The Jays St Leonards Road, Netherbrook St Leonards Road, Cutlands St Leonards Road, Lynton St Leonards Road, 3 Tatsfield Houses, 42 Shooters Drive, The Laurels Saint Leonards Road, Lynton St Leonards Road, Willows Saint Leonards Road, 22 Highland Road, Flat 14 Hyde Mead House, 30 Middle Street, Longacre Saint Leonards Road, Oakleigh Saint Leonards Road, 19 St Leonards Road, Clovelly St Leonards Road, Little Acorns Tatsfield Avenue, Valley View Colemans Lane, Sheiling Tatsfield Avenue, Pound House Saint Leonards Road, Larksmead Saint Leonards Road, The Old House Old House Lane, Hill Top Cottage Old House Lane, Hunters Lodge Old House Lane, The Cottage Coleman's Lane, 24 Castle Street Hertford, 41 North Street, Bildakin Tatsfield Avenue, The Ramblers Company, 39 Hoe Lane, Ivinghoe Tatsfield Avenue, Cutland Saint Leonards Road.

Owing to the volume of responses and the detailed nature of some it is necessary to provide a summary of correspondence received. The issues of concern are as follows:

- The development is on Green Belt land and is contrary to the purposes of maintaining a Green Belt, in that it will result in encroachment into the countryside. The land has recently been used for growing crops. Brownfield sites should be developed first.
- Concern that development will result in the overlooking of a neighbouring property and that some of the new properties will be overlooked.
- Concern that the increased run off will exacerbate flooding issues when the brook along the road overflows. The main sewer along the road has already been damaged and is stretched to capacity. Concern that this development is proposed on a flood plain.

- Concern that the proposed access onto the highway will be inadequate. The development will result in a staggered junction with Tatsfield Avenue. St Leonards is a very busy and dangerous road and despite the written report, traffic is exceptionally bad at peak periods and there are long delays.
- Concern about potential impact on protected species.
- The proposed development will put intolerable pressure on the local roads network. The infrastructure of Nazeing is not sufficient to take such a development. There is no pavement from the development to the local shops and getting there involves crossing a dangerous road. The road is too narrow and dangerous for another access.
- The local area is already well served by community/sporting facilities and this aspect of the scheme is not needed. The community facility will lead to a marked increase in traffic in the village.
- The proposed parking for the school is too far away to be of any use and involves the use of a PROW which is not suitable. The path is in a poor state and unsuitable for use by parents with children. The path would be treacherous in winter.
- A Public Right of Way across the site will be stopped up.
- The school may not have the capacity to deal with a further intake. Local schools and Doctor's Surgeries are full.
- Concern about the need for floodlighting and a beautiful hillside would be decimated.
- This is purely a money making venture which will spoil the village.
- Assurances would be needed that the sports pitches are built and not negotiated down as a second phase.
- This is a poor location for the development. "Sweeteners" have been added to make the proposal more acceptable.

NAZEING PRIMARY SCHOOL – No contact has taken place and ideas proposed are not from the school. There are vehicle problems in Hyde Mead Road at arrival and departure times and welcome alleviation of this. Governors of the school are sure deviation to southern point proposed would be accepted by parent drivers who live north of the traffic lights, nor convinced a walk along footpath into Pound Close be welcomed in wet or inclement weather, a new back entrance to the school would not be acceptable for security reasons. Pressure on the school if this and other proposed developments in the area are granted and will have to make physical changes to the school to cope with the increase in pupil number.

Issues and Considerations:

There are a number of issues to consider with regards to this development, and a large number of consultees' responses to assess. Chief among these are (i) the principle of this development having regard to national and local planning policy;(ii) the supply of housing/affordable housing in the district; (iii) the site's location in the Metropolitan Green Belt, (iv) the characteristics of the development, (v) potential impact on the landscape/trees/hedgerows/ vegetation; (vi) access to the site;(vii) land drainage;(viii) the existing habitat; and (ix) the comments of all consultees.

Principle of the Development/Green Belt

Paragraph 89 of national policy contained in the NPPF lists the instances when new buildings within the Green Belt need not be inappropriate. It is clearly evident that a development of this nature is inappropriate development and as outlined in Paragraph 87 should only be approved "in very special circumstances". The starting point for this scheme is therefore that it is inappropriate by definition and only a very special circumstances argument would justify an approval. The applicant has put forward such an argument and this can be summarised as follows;

- Policy Vacuum/No five year housing supply
- Proposed affordable housing element

- Proposed multi purpose hall/sports pitches
- Proposed primary school parking

Policy Vacuum/No Five Year Housing Supply

The first very special circumstance is that the Council does not have an adopted Local Plan in place and as such there is a policy vacuum. As of March 2013 local plan policies can be afforded weight according to their degree of consistency with the NPPF. The greater the consistency the more weight the policy can be given. With the NPPF and the remaining Local Plan policies there is no policy vacuum. Where the Local Plan is silent on an issue reference is made directly to the NPPF.

The NPPF, at paragraph 47, requires Local Planning Authorities;

To boost significantly the supply of housing. Local Planning Authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

In order to meet this requirement the Council is awaiting a decision on what its Objectively Assessed Housing Need (OAHN) will be and this will be based on a recently updated Strategic Market Housing Assessment (SHMA). At that point the Council should be able to determine if it has a five year supply of sites. The applicant states that the Local Planning Authority cannot demonstrate the required supply of sites but it is currently the case that the OAHN target has not been agreed so the five year supply cannot be calculated.

In any case Central Government, through the National Planning Policy Guidance (NPPG) Document, has provided direction at Paragraph 34. This states that "*Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt*". It is not therefore considered that the issue of unmet need, if proven to be the case, would constitute a very special circumstance sufficient to outweigh the harm to the open character of the Green Belt which would clearly result in this instance.

In line with the NPPF, the Council is reviewing Green Belt boundaries and accepts that some GB land will have to be released to meet future development needs – but this should be done through the Local Plan review process which looks at the entire district rather than on an individual settlement or site basis. Only last month the Government re-emphasised the importance of Green Belt protection stating that the NPPF “makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation and review of the Local Plan.”;

Proposed Affordable Housing

It is stated within the submission that 16 of the 45 units (36%) would be affordable houses and that this amounts to a very special circumstance. Local Plan policy H7A requires that in settlements with a population of 3,000 or more dwellings, as is Nazeing, a provision of 40% affordable will be sought. There is therefore an under provision in terms of the local policy requirement, which is considered NPPF compliant. Often to make a very special circumstances argument as much as 80% affordable housing is proposed on Green Belt sites. Under provision of affordable housing cannot be considered a special circumstance.

The applicant states that the proposed provision is the upper limit of what can be achieved if the development is to remain viable. However no clear evidence has been provided and it is noted that the Viability Appraisal undertaken by KED Consulting refers to 40 units when the application is for 45 dwellings. This report can therefore only be afforded limited weight. Furthermore there appear to be inaccuracies in the submission. For example, no provision is made for the build cost of the hall and pitches and £50,000 costs are proposed for demolition which seems unnecessary. It is therefore considered that it has not been clearly demonstrated that this development would be unviable if at least 40% affordable was requested.

Notwithstanding the insufficient amount of affordable housing, the application proposes the following mixes of market and affordable housing in percentage terms:

| Affordable Properties | | Market Properties |
|-----------------------|--------|-------------------|
| 2 bed properties | 37.5 % | - |
| 3 bed properties | 62.5 % | 55.1 % |
| 4 bed properties | - | 44.5 % |

As can be seen, there is a far greater proportion of larger properties provided as market housing, compared to the affordable housing. However, the property mix for the affordable housing needs to reflect the property mix of the market housing, in terms of the ratio of 2, 3 and 4 bedroom properties.

In summing up the applicant would have to provide a much greater level of affordable housing for this to be considered a special circumstance. In order to be policy compliant, at least 2 more affordable units would be required or a detailed appraisal indicating how the development would not be viable if there was an obligation to meet the policy requirement. Furthermore the mix of affordable housing needs to reflect the mix of market housing.

Proposed Multi Purpose Hall/Sports Pitches

The proposed development would include the provision of a multi purpose hall and a number of playing pitches. The submission indicates that no such facilities exists in Nazeing and is considered of real benefit to the local community.

Case Law on decisions such as “*Timmins 2014*” and “*Fordent Holdings 2013*” has clearly established that the change of use of land in the Green Belt under the NPPF is an inappropriate

development requiring a very special circumstances argument. In order to meet this requirement a clear demonstration of need would be required.

It is evident that need to some degree is currently met by Bumbles Green Hall which includes playing pitches. The application is light on supporting information and what, if any, consultation has taken place with local stakeholders which establishes the need. Sport England has commented on the scheme and also makes the point that to overcome the very special circumstances hurdle need must be clearly demonstrated. It is suggested that in relation to the sports hall any assessment should look at the adequacy, or inadequacy, of existing facilities. This should be carried out in conjunction with local stakeholders such as the Parish Council and community/sports organisations in the area.

Sport England has consulted on the provision of the football pitches. This has found that the village is home to 1 football team, Nazeing Youth FC, which currently plays at Bumble's Green. This facility is considered inadequate, but the Essex Football Association question the need for a facility of the size proposed to meet the need of this team with three football pitches proposed. Although the plans are to some degree indicative at this stage, two rugby pitches are shown and there is no local club to take up the use. Sport England advises that Rugby Union is almost entirely club based and therefore questions the need for these pitches.

It seems that greater research is needed, including consultation with local stakeholders to make a case for what under both aspects (the change of use of land to sports uses and an indoor sports complex) are inappropriate developments in the Green Belt. It is not considered that a clear demonstration of need has been provided and as such these elements of the scheme represent inappropriate development for which no very special circumstances have been demonstrated.

The height of the proposed building and the layout of the pitches may also need reworking in order to be of a suitable size and standard. Furthermore it is unclear who would fund and maintain the facilities and this is something which would need clarity if this inappropriate Green Belt development is to be considered acceptable.

Primary School Parking

In a similar vein to the above analysis no evidence has been provided of the need for additional parking for the nearby school. This element of the scheme also constitutes an inappropriate form of Green Belt development. Furthermore the proposed drop off would involve a 500m walk to the school across an unpaved Public Right of Way and there must be some scepticism that, even if a need is established, will the proposed facility be utilised? Much of the path to the school is across third party land and therefore its physical improvement could not be guaranteed. The pathway would perhaps provide an unsuitable means to reach the school, particularly in winter months.

Summary of the Case for "Very Special Circumstances"

In summary, it is not considered that a case for very special circumstances exists such as to justify what is an in principle inappropriate Green Belt development. Central Government has recently emphasised that the single issue of unmet need should not outweigh the harm to the open character of the Green Belt. It has also been clarified that the best way to release Green Belt land to meet housing need is through the plan making process. The scheme currently provides an under provision, in terms of local policy, of affordable housing and this cannot be deemed a special circumstance notwithstanding the desire to bolster the local supply of such dwellings. Furthermore the proposed mix needs altering to reflect a more balanced blend between affordable and market housing in terms of size.

The provision of the sports pitches and indoor sports facility are inappropriate in the Green Belt and only deemed acceptable in very special circumstances. In the absence of any demonstration

of need as outlined above the case has not been made. This is similarly true of the proposed school parking. It is therefore considered that a case for very special circumstances, sufficient to outweigh the harm to the open character of the Green Belt, has not been made with this submission.

Details of the Proposed Development

Landscape Character/Topography

The EFDC Settlement Edge Landscape Sensitivity Study (Chris Blandford Associates 2010) places the area (including this site) within the 'Lower Nazeing fringes'. This describes the landscape setting as comprising of an undulating patchwork of small to medium sized predominantly arable fields that are delineated by mature hedgerows. It notes that the 'urban gateway' to the south of the site (i.e. along the B194) marks a transition zone between the predominantly rural landscape and the start of the village. The site subject to this proposal is on a visually significant slope, with a 'key pedestrian route' passing east – west through the site.

The site falls along the western edge of landscape setting area '3' within the Lower Nazeing fringes. In terms of sensitivity of the landscape setting this area is considered to make a 'positive' representation of typical character of the area (none of the other landscape setting areas within the Lower Nazeing fringes are rated as high), and has a high overall landscape character sensitivity.

In terms of visual sensitivity the area is moderate, with a moderate grading for overall sensitivity to change. The recommendation is that those landscape areas identified as 'high' or 'moderate' overall sensitivity are desirable to safeguard in landscape terms and considered to have a significant role in contributing to the structure, character and setting of the settlement (i.e. Lower Nazeing).

The submitted information makes it difficult to determine clearly the impact of the development on this landscape. No levels plan has been submitted for the entire site including the area where the football pitches are proposed. A contour plan showing existing levels, proposed and the degree of change is also deemed necessary. Information with regards to the proposed status for the Public Right of Way and any ground remodelling required would also be of use. It is therefore considered that a fully informed assessment of impact on the landscape cannot be made. The detailed information as highlighted above has not been forthcoming.

An assessment has been made by the Trees and Landscaping section with the information that has been submitted. This concludes that the development would have an unacceptably adverse impact on the landscape at this location.

Such developments will by their nature impact on the existing landscape and the setting of a village. Local plan policies on the rural landscape require that new development conserves and enhances its character and respects the setting. As is highlighted above the area of the site is sensitive to change and its character will be wholly altered. It has also been stated that a case has not been made for the need for the sports pitches and also that it is the Local Authority's position that the release of Green Belt land for housing should come through the plan making process. As part of that process issues such as landscape sensitivity will be factored into any designation. It may be that any future need for what is proposed here could be met on less sensitive sites and, in light of the research carried out by Sport England, to a more reduced level. As stated, such matters are best considered strategically. It is therefore concluded that the proposed development would have an adverse impact on a landscape which is sensitive to change and for which there is no apparent justification.

Archaeological Advice from Essex County Council

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area with archaeological potential. The site lies to the south-east of the historic settlement of Nazeing Bury (now Lower Nazeing). Within the development area are the sites of a World War II pill-box and anti-tank blocks (EHER 10092 and 10093). The 1777 map of Essex shows the route of a former road from Perry Hill to St Leonard's Road bisecting the site. Such roads usually serviced settlements and medieval activity within the development area is a possibility. In addition recent fieldwork to the west, comprising the excavation of 32 cremation burials, has established the presence of prehistoric activity in the Nazeing area.

The site has therefore got archaeological potential for multi-period remains. Archaeological deposits and features are both fragile and finite, and therefore any future works should not be undertaken until a full archaeological survey has taken place.

Ecology

A Phase I Ecological Survey has been submitted which has been assessed by both the Council's Countrycare Section and Natural England. Both conclude that the development could proceed with appropriate conditions and if recommendations advised in the submitted Habitat Survey are adhered to.

Design and Layout

In design terms the proposed scheme will be a stand alone development and as such it is more important that the dwellings create a harmonious streetscene as opposed to conforming to existing dwelling designs. As it stands however, the proposed bulk and scale of the houses would not be out of keeping with the general built form around Nazeing. The scheme includes a good mix of dwelling styles with a varying roofscape and mix of materials. The agreement of good quality materials should ensure an acceptable finish to the buildings and generally this development would not detract from the character of the area in design terms. Indeed as a stand alone housing development the buildings are well designed.

The proposed community hall is in the style of a large traditional barn. Again the use of good quality materials should ensure a suitable finish to this building and its design is considered acceptable.

The dwellings are arranged in a series of cul-de-sacs which branch off a main road through the development. Parking would be provided by garaging and in communal parking courts, in rows to the front of the terrace housing. If the rows of parking spaces were replicated over the entire development this would result in a very parking dominated scheme. In this instance it is only on one branch off the main road and can be accepted in contributing to meeting the parking requirements of the development. Some of the garden areas are below the local standards of 20 sq m per habitable room. For example some of the three bed terracing is served by garden areas of approximately 40 sq m when the standards would require 80 sq m. However it is accepted that this is a greenfield site and an attempt has been made to constrain the spread of development where possible. In terms of public amenity space the proposed playing fields would compensate for the under provision, in some cases, of private amenity space.

Amenity

The proposed layout would provide a reasonable level of amenity for future occupants with adequate privacy. There is only one immediate neighbour of the development located at Cranbrook. Concern has been expressed about overlooking from the development into this property resulting in a loss of amenity. Rear elevations of the new dwellings retain a gap of circa 20m to the common boundary and this is an adequate distance to guard against overlooking or loss of privacy. It is also stated that an existing balcony/terrace on the rear elevation of Cranbrook

will result in overlooking of the proposed rear garden areas. There is undoubtedly the potential for overlooking from the balcony but there is also the option of future occupants planting screening on the boundary and the balcony is located off the boundary. This is an existing scenario and is more a case of future occupants being aware of this potential issue. However the existence of the balcony would not be a strong enough reason to refuse consent for the development.

Highways/Parking

Some local residents have expressed concern about road safety with regards to this development. Essex County Council Highways Division has been consulted on the scheme and provided comments. Concern is expressed that the visibility splays as shown are not suitable for the speed of the road and as such would result in a hazard to road safety. A revised access drawing showing visibility splays of 2.4m x 70m should be provided with 10m radii - no speed survey has been undertaken as part of the Transport Assessment and as such it does not justify the 40m splay.

It has also not been shown how the public's rights and ease of passage over public footpath no.13 Nazeing shall be maintained free and unobstructed at all times. The proposal as submitted appears to obstruct the footpath to the detriment of pedestrian safety and the public's right of passage along it.

Concern is also expressed that the internal layout, as submitted, on drawing no.11043-P002-F does not conform to current standards and guidance on parking and layout. It is evident from correspondence received from Essex County Council that the internal layout of the site needs revisions with the following advice received;

1. A revised access drawing showing visibility splays of 2.4m x 70m should be provided with 10m radii - no speed survey has been undertaken as part of the Transport Assessment and as such it does not justify the 40m splay.
2. A raised table for traffic calming and to aid pedestrians crossing should be located, no closer than 12m from St Leonards Rd, across the new bellmouth access.
3. All footway widths should be 2m wide.
4. All internal junctions should have visibility splays of 2.4m x 25m.
5. All internal roads should have a minimum width of 4.8m – unless intended to be a shared private drive (5 dwellings or less).
6. Any shared private drive should have a minimum width of 5m for the first 6m to allow 2 cars to pass each other.
7. A drawing showing all the parking and for which plots should be produced including all visitor parking spaces.
8. Any garage to be counted as a parking space must have dimensions of 7m x 3m.
9. Parking bays at plots 12-16 (type D & E) need a clear 6m behind them.
10. Plot no.22 should be sited a minimum of 0.5m clear of the carriageway.
11. All turning heads shall be in accordance with a Size 3 as per the Essex Design Guide.

It is therefore considered there are clear highways grounds to refuse this application in its current format.

In terms of parking for the proposed development 2 spaces per dwelling + 22 visitor parking spaces are the Essex County Council standards requirements (111 spaces). The development proposes 78 off street parking spaces, both by the use of parking bays and detached garages. This falls short of two spaces per dwelling and it is unclear where visitor parking would be. It is conceivable that the area designated for the school drop off could be used for visitor parking but this is not stated in the submission. Furthermore in order for the garages to be considered as viable parking spaces they need to measure 7m x 3m as opposed to 6m x 3m. In urban areas with good transport links a reduction in parking spaces can be accepted but Nazeing could not be considered an area with the necessary characteristics. It is therefore considered that the development would result in an under provision of parking contrary to local planning policy and guidance provided by Essex County Council.

Land Drainage

A number of objection letters have expressed the concern that an approval of this scheme would result in an increase in flooding and flood risk in the area. It is stated that St. Leonard's Road has flooded in the past. Both the Council's Land Drainage section and the Environment Agency have been consulted on the proposed development. Both consultees are of the view that the development would not lead to an increase in flooding in the area having regard to the submitted Flood Risk Assessment. The site is not within EA designated Floodzones. A condition ensuring that the development is carried out in accordance with the submitted assessment is deemed necessary. A condition agreeing details of means to discharge surface water is also necessary. Land Drainage Consent is also required. The EA also require that an 8.0m buffer zone is retained to the watercourse along the western boundary of the site. However all such matters can be dealt with by conditions. It has been suggested by local residents that the existing sewage system could not cope with further pressure; however Thames Water has no objections and has raised no issues with this scheme.

Contamination

As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

Essex County Council (Education) Comments

Any approved scheme of this nature will require a financial contribution, secured through Section 106, to meet the need for further school places that would be generated by the proposal. The figure that Essex County Council has generated amounts to £328, 582. This would be necessary to make the development acceptable in planning terms and passes the test for a Legal Agreement as outlined at paragraph 204 of the NPPF.

NHS England Comments

The following response has been received from the NHS;

"Thank you for Consulting NHS England and NHS Property Services on the above planning application. We have identified that there is currently capacity within the GP practice serving this proposed development to absorb the patient growth as a result of this development. Therefore NHS England and NHS Property Services have no objection to the proposed development and will not be submitting a request for a S106 contribution at this time".

Conclusion:

The proposed development is by definition inappropriate in the Green Belt and as such should only be approved in very special circumstances. Although such an argument has been put forward it is not accepted that very special circumstances exist which would justify an approval of this scheme. It is not considered that there is a policy vacuum. A five year supply of sites cannot currently be calculated. As stated within the report, Central Government has made it clear through changes to the NPPG that, on the single issue of unmet need, this will be unlikely to constitute the very special circumstances which would justify Green Belt housing development. In line with national guidance, the Council will alter Green Belt boundaries to meet housing need through the plan making process.

The proposed development would also result in an under provision of affordable housing which would be in conflict with local, NPPF compliant, policies. It has not been clearly demonstrated that a shortfall in the provision is necessary in order to result in a viable development and the proposed mix of affordable/market dwellings needs revisiting. Ultimately an under supply of affordable housing cannot be considered a very special circumstance.

Without a clear demonstration of local need for both the community hall and the sports pitches are inappropriate developments and further justify reasons to withhold consent. Further information is needed clearly outlining the need for these facilities. This is similarly true of the proposed parking area to serve the local school as a drop off pick up point.

Insufficient information has been submitted with regards to landscape impact but on the information provided it is considered the impact would be excessive with no clear justification for the proposed changes. Larger housing schemes are better considered through the plan making process and the need for the amount of sports fields has not been clearly demonstrated.

In design terms the proposed development is considered acceptable. There is some concern that the proposed layout includes some rows of parking, contrary to Essex Design Guide guidance, and that some of the rear amenity areas are quite small. However it has been concluded that this can, on balance, be justified. It is also considered that the amenity for future occupants will be acceptable and that screening could address potential issues of overlooking from Cranbrook.

There is further concern that inadequate visibility splays have been shown for the site access and that the ease of passage across Footpath No13 has not been demonstrated. The internal layout of the development from a highways perspective is also considered inappropriate and the proposed housing would not be served by a sufficient level of parking spaces, or spaces that would meet the required standard to be deemed a parking space.

Notwithstanding the concerns of neighbours it is not considered that the development would contribute to an increase risk of flooding in the immediate area.

In light of the above appraisal it is recommended to Members that this application should be refused consent.

Is There a Way Forward?

It is evident that the proposed development has both fundamental and technical issues as presented. A pre-application meeting with the Local Planning Department could have ensured that issues that have arisen with regards to the internal layout of the site, the requisite information for a landscape appraisal and the requirement to demonstrate need for the sports facilities could have been made clear. Affordable housing issues could also have been clearly outlined and agreed.

However on the fundamental issue of releasing such a site to meet housing need, Officers are of the view that such decisions should be made through the plan making process. This position has been supported by Central Government and recent appeal decisions are also supportive of the

view that the plan making process is the best way to meet housing need as opposed to ad hoc applications. It is further considered that if a site was, or sites were, released for such a need in the Nazeing area this may not necessarily be the best option. However such matters are best addressed strategically. Furthermore the need for the sports facilities would have to be clearly demonstrated and if such a need does exist a decision would be made if this was the best available site to meet the need. Changes to the scheme would result in a better proposal coming forward but the fundamental issue with regards to its Green Belt location cannot be overcome.

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: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

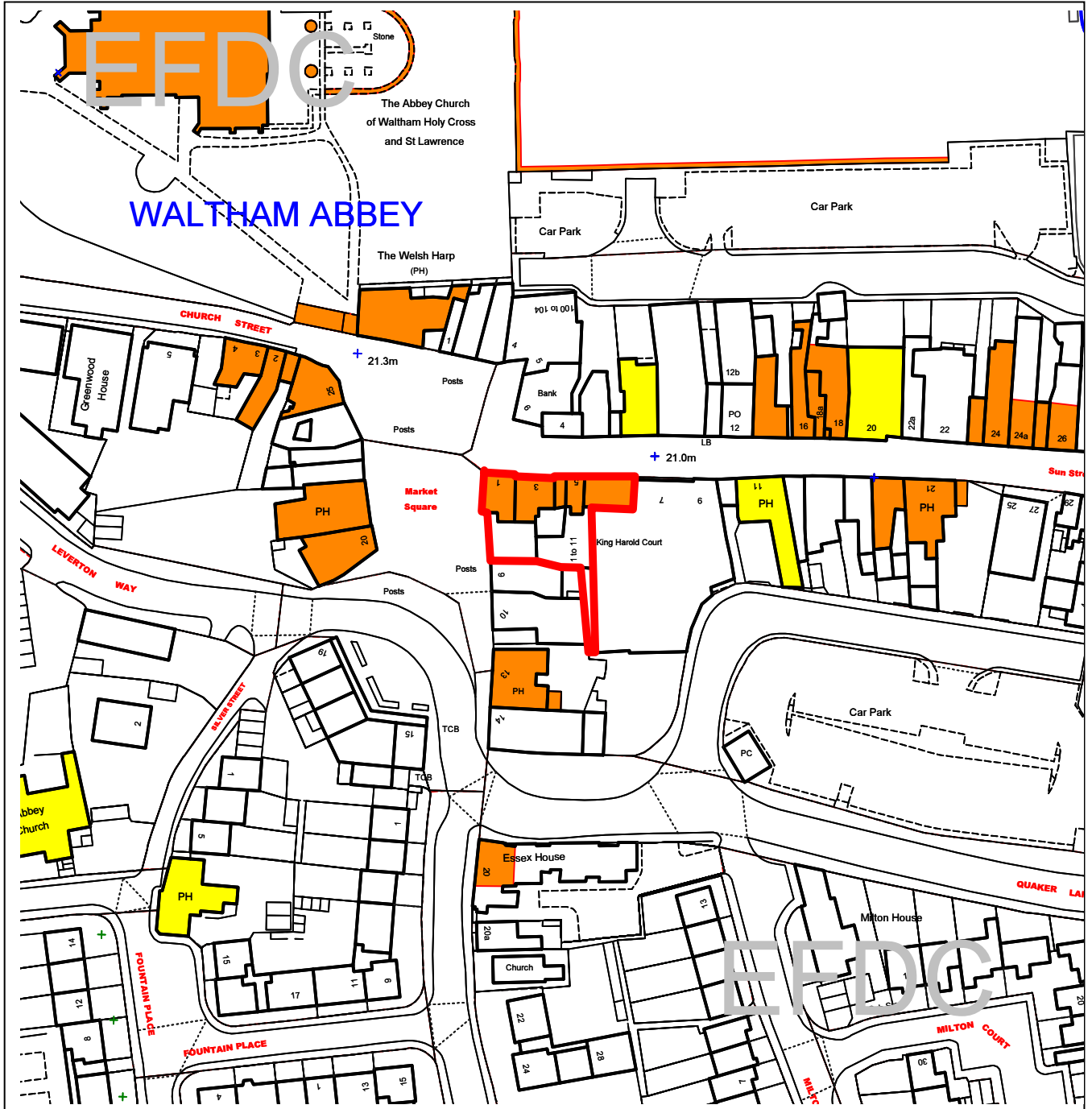
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 2



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| | |
|---------------------|---|
| Application Number: | EPF/0928/14 & EPF/2304/14 |
| Site Name: | King Harold Court, Sun Street Waltham Abbey, EN9 1ER |
| Scale of Plot: | 1/1250 |

Report Item No: 2

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0928/14 |
| SITE ADDRESS: | King Harold Court Sun Street Waltham Abbey Essex EN9 1ER |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey South West |
| APPLICANT: | Mr Paul Viner |
| DESCRIPTION OF PROPOSAL: | Conversion and refurbishment of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a, & 5 Sun Street and 7-9 Market Square), comprising of 1 office unit at ground floor and 10 residential units on the upper floors (7x 1 bed & 3 x2 bed) (Revised application to EPF/0681/13). |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562470

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 980 001 -009, 010, 011A, 012B, 013C, 014C, 015C, 016-022, 023B, 024A.
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Prior to first occupation of the development hereby approved, the window openings on the northern elevation fronting the courtyard shall be entirely fitted with obscured glass and all the windows on the east, west and southern elevations facing the courtyard shall be entirely fitted with obscured glass to the lower panels only. In addition, the proposed new windows on the southern elevation of the building as indicated on plan number 980 016 shall also be entirely fitted with obscured glass. These windows shall be permanently retained in that condition unless otherwise agreed by the Local Planning Authority.

- 5 Prior to first occupation of the proposed 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.

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

since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A.(d))

Description of Site:

King Harold Court is located in the centre of Waltham Abbey and the application site fronts the pedestrianised Market Square and Sun Street. The site includes a number of self contained buildings, essentially 1, 3, 3a & 5 Sun Street and 7-8 Market Square, and occupies a corner plot. The buildings are all three storey with those facing Sun Street Listed. The corner building, No 1 Sun Street is Grade II* Listed. Access is gained to a central courtyard via a carriage style arch from Sun Street and the buildings that form the site are arranged around the courtyard with window openings facing towards it. The site is in the heart of the town centre with the ground floor units largely in A1 use. The upper floors have a lawful use as office space. The subject site and the surrounding area are located within the Waltham Abbey Town Centre Conservation Area. It is also located within the principal commercial and key frontage area and is within the setting of other listed buildings.

Description of Proposal:

The applicant seeks consent to convert part of the ground floor to create a B1 office use off the central courtyard. The first and second floors of the buildings would be converted to form 10 residential flats. This would include a mix of 7 one bed flats and 3 two bedroom flats. The majority of the physical alterations would be internal works such as providing a new lift and removing and replacing internal partitions and walls. External works would include two new windows at first and second floor at the rear facing No 10 Market Square. No private or communal amenity space or off street parking is proposed within the development.

Relevant History:

EPF/2230/12 - Conversion of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a and 5 Sun Street and 7-8 Market Square) from office to residential use comprising 11 units (8x 1-bed and 3x 2-bed) (withdrawn).

EPF/2257/12 - Grade II listed building application for the conversion of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a and 5 Sun Street and 7-8 Market Square) from office to residential use comprising 11 units (8x 1-bed and 3x 2-bed) (withdrawn).

EPF/0681/13 - Conversion of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a and 5 Sun Street and 7-9 Market Square) from office to residential use comprising 11 units (8x 1-bed and 3x 2-bed).(Revised Application). Refuse permission - 04/07/2013.

EPF/0705/13 - Grade II listed building application for the conversion of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a and 5 Sun Street and 7-9 Market Square) from office to residential use comprising 11 units (8x 1-bed and 3x 2-bed). Refuse permission - 17/07/2013.

Policies Applied:

Local Plan policies relevant to this application are:

CP1 Achieving sustainable development objectives
CP2 Protecting the quality of the rural and built environment
CP3 New development
CP5 Sustainable buildings
CP6 Achieving sustainable urban development patterns
CP7 Urban form and quality
DBE1 Design of new buildings
DBE2 Detrimental effect on existing surrounding properties
DBE3 Design in urban areas
DBE6 Car parking in new development
DBE8 Private Amenity space
DBE9 Loss of Amenity
ST1 Location of development
ST2 Accessibility of development
ST4 Highway safety
ST6 Vehicle parking
H1A Housing Provision
H2A Previously developed land
H3A Dwelling mix
HC6 Character, appearance and setting of conservation areas
HC7 Development within conservation areas
HC10 Works to listed buildings
HC12 Development affecting the setting of listed buildings
TC1 Town centre hierarchy
TC2 Sequential approach
TC3 Town centre function

The above policies form part of the Council's 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.

Summary of Representations

WALTHAM ABBEY TOWN COUNCIL – Objection. Committee raised concerns at the lack of amenity, lack of parking space available, loss of office space and considered this to be an overdevelopment.

58 neighbours consulted: 1 reply received.

WALTHAM ABBEY HISTORICAL SOCIETY. Support: We welcome the re-use of currently under-utilised space, and the opportunity the change of use offers to bring people into the town centre when the shops are shut. Waltham Abbey Historical Society request a photographic survey by a specialist architectural historian and a watching brief during any work.

Issues and Considerations:

The main planning issues are considered to be:

- Principle of development/Planning History of the Site
- Design and appearance

- Neighbour amenities
- Highway safety, traffic Impact, parking and access
- Environmental Health

Principal of the Development/Planning History

Plans to redevelop this site for residential use have been mooted for some time and a similar scheme has been before committee in 2013. This application was refused consent for the following reasons;

1. *The proposed development is unacceptable due to its excessive density and inappropriate development in the centre of Waltham Abbey, contrary to policies CP1, CP2, CP6 and CP7 of the Adopted Local Plan and Alterations and contrary to the National Planning Policy Framework.*
2. *In relation to construction and long term vehicular access, such access to the site is inadequate and would have an adverse impact on the footfall and movement of pedestrians using this part of the pedestrianised shopping area, detrimental to the vitality and viability of the town centre, contrary to policies TC3 of the adopted Local Plan and Alterations and to the National Planning Policy Framework.*
3. *Insufficient justification has been provided for the loss of office accommodation and the introduction of residential use, particularly at ground floor level, and therefore the proposal will be detrimental to the vitality and viability of the town centre, contrary to policy TC3 of the adopted Local Plan and Alterations and to the National Planning Policy Framework, particularly paragraph 23.*
4. *The proposed development does not provide adequate access for waste disposal vehicles to collect domestic waste associated with the proposal, contrary to policies DBE9 and RP5A of the Local Plan and Alterations.*

It is therefore of use to consider this scheme and any subsequent material changes which may warrant a different outcome with this scheme. Each reason for refusal will therefore be addressed.

Excessive Density/Inappropriate Development

Members expressed concern last time that the scheme had an excessive density and was an inappropriate form of development in the town centre. Officers have previously expressed the view that in line with local plan policy TC3, residential development, as long as it is not on the ground floor, need not be inappropriate. The 2012 adopted national guidance in the NPPF also, at Paragraph 23, recognises the important role that residential development can play in town centre vitality. The NPPF also states that the purpose of the planning system is to “contribute to the achievement of sustainable development”. The “presumption in favour of sustainable development” should be seen as the “golden thread running through both plan making and decision taking”.

Whilst respectful of the previous committee decision it is considered that the proposed scheme is a sustainable form of development which is in the best interests of the overall vitality and viability of Waltham Abbey Town Centre. The NPPF outlines three strands to sustainable development and this development, economic, social and environmental and it is considered this scheme is in compliance with all three strands.

The town centre currently has a plethora of vacant and underused office space which must be harmful to its overall well being. Planning policy has for some time continued to move away from a

position which protects employment sites excessively and where there is no long term prospect of an employment occupation. Local plan policies to that effect have been found not to be in compliance with the NPPF. These offices have for some time been vacant and have been marketed with no success. It is considered that the time is right to consider alternative uses and town centre living is a suitable reuse. The Government continues to promote the reuse of office space as residential and under changes to the permitted development regulations such developments qualify under a “fast track” process (Class J). Schemes in Waltham Abbey have recently been granted consent at Conquest House (EPF/1176/14) for 12 flats and at 5 Church Street (EPF/1175/14) for 4 flats. This development does not qualify as some of the buildings are listed.

There are benefits to encouraging the repopulating of town centres. There is a higher than the national average vacancy rate of retail units in the town centre and any development which potentially increases footfall most be of benefit to both existing and future traders. This scheme could play a small role in increasing the vitality and viability of this town centre. The scheme is therefore considered to be economically sustainable in line with local and national policy.

The proposed development is also socially sustainable. The development proposes some small residential units which will help meet the housing needs of the district including providing choice in the market. As household sizes continue to decrease there will be a need for smaller dwelling sizes and this scheme will help cater for this need. The development will help foster socially cohesive communities with ease of access to local services.

The proposed development is also considered environmentally sustainable. Town centre developments have long been considered sustainable forms of development which encourage alternative forms of transport to the private car. This scheme is archetypal of the types of benefits housing provision of this manner brings. At a time when a new Local Plan is being formulated and sites for large scale housing are being considered, potentially on Green Belt land, this site offers an example of the benefits of more efficient use of brownfield or previously developed land. The scheme will provide ten dwellings at a sustainable location and this and similar developments would go some way to reducing the need to build on greenfield sites.

Access

Concern was also expressed previously that the development would have an inadequate access and that this could be detrimental to the movement of pedestrians along the pedestrianized area. It is accepted that the access to the site is not ideal but the impact of residential use would be no worse than the lawful office use. It is not considered there would be a material increase on impact of pedestrian movement in the pedestrianized area with either scenario. As stated there are benefits with bringing the site back into use and these are considered to outweigh the concern about access. The movement of construction traffic is unfortunately a necessary circumstance of any development scheme but should not be of such significance as to prevent what is otherwise considered a good scheme.

Loss of Office

As stated in the preceding text planning policy has tended to move away from the long term protection of employment sites, so much so that office to residential conversions in the vast majority of cases are permitted development. Almost 18 months have passed since the last application and the offices are still vacant. This can't be good for the overall well being of the town centre. A good case could always be made for this conversion and in light of recent national policy changes the case has been bolstered. It is no longer considered reasonable in this case to prevent a change of use to residential and as referred to there are quantifiable benefits to bringing this development forward.

Waste Disposal

The submitted plans indicate bin storage facilities to the rear of the site and accessed down a gated alley which is within the red line of the site. The storage area is an adequate size and is safe, secure and accessible for collection services. Such provision is an increase from the previous internal arrangement and is considered acceptable.

In conclusion it is considered that the previous concerns with this development have been overcome with changes to both the submitted scheme and the planning system generally. Previous Member concerns are considered to have been addressed and are respectfully presented on this occasion for reconsideration. The preceding was the extent of concerns with this scheme and the rest of this report will address issues which were previously considered acceptable.

Design/Layout and Appearance:

The development site is within a prominent location at the junction of Sun Street and Market Square. In addition, the application buildings are located within the Waltham Abbey Conservation Area and are within the setting of listed buildings. As such the proposed external additions will need to be sensitively considered.

Apart from minor repair and maintenance works such as repainting the facades of the building and replacing entrance doors and windows, the only major works to the exterior of the buildings would be the insertion of roof lights to 3a and 5 Sun Street.

There are no objections to the proposed design and appearance of the proposed external works. The general maintenance and repair work to the facades of the buildings would improve the existing appearance of the buildings. In addition the four roof lights would be inserted on the rear roof slope of 3a and 5 Sun Street and as such would bear no impact to the appearance of the street scene or the character of the surrounding locality.

The proposal was referred to Council's Conservation Officer who stated that they had no objections to the proposed development as the works would not result in a detrimental impact to the character and appearance of the Waltham Abbey Conservation Area. As the site includes a number of Listed Buildings, design and any internal alterations will be covered in more detail in the twinned Listed Building application (EPF/2304/14).

The Council's policy seeks to ensure an adequate amount of conveniently located amenity space is provided in new residential developments which is usable in terms of its shape and siting. The proposed development does not provide any provision for private amenity space. Although no private amenity space is proposed within the development, given that the development is situated within a town centre location and that the Abbey Gardens are located approximately 60 metres north of the site, on balance, officers consider that the provision of no amenity space is appropriate as there is communal amenity space nearby. Furthermore it is a common scenario in town centres for development not to be served with amenity space. In this case the provision of ten residential units is considered to outweigh any lack of provision of amenity space within the development.

Neighbouring amenities:

Due consideration has been given regarding the potential impact the proposal would have on the amenities enjoyed by adjoining occupiers in relation to loss of privacy, loss of light and visual blight.

Due to the relatively minor external additions to the existing buildings, the proposed additions would not result in an excessive amount of overshadowing or be visually intrusive that would result in an unneighbourly development.

Although the proposal would not amount to an excessive amount of overlooking of adjoining properties, there is the potential for the flats to overlook one another from the windows that surround the courtyard due to small distances and angles that would separate them. As such a condition would be required for all the windows on the northern elevation fronting the courtyard to be obscure glazed and all the windows on the east, west and south elevation facing the courtyard shall have obscure glazing to the lower panels only.

It is considered that there would not be excessive harm caused to the amenities enjoyed by adjoining property occupiers.

Highway safety, traffic impact & vehicle parking

The Adopted Council parking standards recommends that 1 vehicle space per one bed dwelling and 2 spaces per two bed dwelling, plus in this instance, 3 visitor parking spaces. In addition, 1 secure cycle space for each dwelling. This would mean that the parking requirements for the proposal would be:

- 17 parking spaces
- 12 secure cycle parking spaces

No parking spaces are proposed within the development however 12 secure cycle spaces are provided on the ground floor within a double tier stand. The Adopted Parking Standards state that reductions of the vehicle standard may be considered if there is a development within an urban area (including town centre location) that has good links to sustainable transport.

Officers consider that as the site is located within a sustainable town centre location, with adequate accessibility to public transport links, and given its close proximity to public car parks, the reduction in parking provision would be acceptable in this instance. In addition, as the existing offices do not benefit from any off street parking provision, it is considered that the proposal would result in less demand for parking provision than the lawful use on site.

The application was referred to Essex County Council's Highways Officer who stated that they had no objection to the proposed development as the proposal would not have any more demand than the existing use in terms of parking provisions. As such the proposal would not lead to a highway safety issues within the vicinity.

Conclusion:

In light of the above appraisal the development is considered to overcome previous concerns and is in compliance with national and local policy. The scheme would result in the more efficient use of previously developed and underused land. It is therefore recommended that consent is granted subject to conditions.

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

***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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

Report Item No: 3

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2304/14 |
| SITE ADDRESS: | King Harold Court Sun Street Waltham Abbey Essex EN9 1ER |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey South West |
| APPLICANT: | Mr Paul Viner & The Co-Operative Group |
| DESCRIPTION OF PROPOSAL: | Listed building consent for conversion and refurbishment of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a, & 5 Sun Street and 7-9 Market Square), comprising of 1 office unit at ground floor and 10 residential units on the upper floors (7x 1 bed & 3 x2 bed). |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568834

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 Notwithstanding the approved drawings, the type, position and size of all rooflights shall be submitted to and approved by the LPA prior to the commencement of any works.
- 3 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate and include dimensions, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 4 No part of the fabric of the building, including any timber framing, infill panels and external brickwork shall be removed, cut cleaned or coated without the prior written approval of the LPA, unless specified on the approved plans.
- 5 Details of the types and colours of the external finishes shall be submitted for approval by the local planning authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 6 All new rainwater goods and soil and vent pipes to the listed buildings shall be of black painted cast iron.

- 7 Works to level historic floors, drawn details at an appropriate scale and methodology shall be submitted to the LPA prior to commencement of works.

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

Description of Site:

King Harold Court is located in the centre of Waltham Abbey and the application site fronts the pedestrianised Market Square and Sun Street. The site includes a number of self contained buildings, essentially 1, 3, 3a & 5 Sun Street and 7-8 Market Square, and occupies a corner plot. The buildings are all three storey with those facing Sun Street Listed. The corner building, No 1 Sun Street is Grade II* Listed. Access is gained to a central courtyard via a carriage style arch from Sun Street and the buildings that form the site are arranged around the courtyard with window openings facing towards it. The site is in the heart of the town centre with the ground floor units largely in A1 use. The upper floors have a lawful use as office space. The subject site and the surrounding area are located within the Waltham Abbey Town Centre Conservation Area. It is also located within the principal commercial and key frontage area and is within the setting of other listed buildings.

Description of Proposal:

Listed Building Consent is sought, in conjunction with application EPF/0928?14, for essentially internal alterations to the buildings. External works would include two new windows at first and second floor at the rear facing No 10 Market Square. The majority of the works requiring Listed Building approval involves internal modifications and demolition.

Relevant History:

EPF/2230/12 - Conversion of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a and 5 Sun Street and 7-8 Market Square) from office to residential use comprising 11 units (8x 1-bed and 3x 2-bed) (withdrawn).

EPF/2257/12 - Grade II listed building application for the conversion of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a and 5 Sun Street and 7-8 Market Square) from office to residential use comprising 11 units (8x 1-bed and 3x 2-bed) (withdrawn).

EPF/0681/13 - Conversion of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a and 5 Sun Street and 7-9 Market Square) from office to residential use comprising 11 units (8x 1-bed and 3x 2-bed).(Revised Application). Refuse permission - 04/07/2013.

EPF/0705/13 - Grade II listed building application for the conversion of 1-11 King Harold Court (which includes the upper floors of 1, 3, 3a and 5 Sun Street and 7-9 Market Square) from office to residential use comprising 11 units (8x 1-bed and 3x 2-bed). Refuse permission - 17/07/2013.

Policies Applied:

HC10 Works to listed buildings

HC12 Development affecting the setting of listed buildings

Summary of Representations

WALTHAM ABBEY TOWN COUNCIL – No Objection.

58 neighbours consulted: 1 reply received.

WALTHAM ABBEY HISTORICAL SOCIETY. Support: We welcome the re-use of currently under-utilised space, and the opportunity the change of use offers to bring people into the town centre when the shops are shut. Waltham Abbey Historical Society request a photographic survey by a specialist architectural historian and a watching brief during any work.

Issues and Considerations:

The application was previously refused consent owing to the fact that insufficient information had been submitted and that a proposed dormer window would fail to preserve or enhance the setting of this group of buildings. The scheme has been resubmitted with a significant increase in information, including details of proposed internal demolition. The proposed dormer windows have been removed from the submitted plans.

The application relates to the conversion and refurbishment of the premises which is currently vacant. Comment is restricted to the impact on the listed buildings as the works to the unlisted buildings (1-5 King Harold Court) should have minimal impact on the listed buildings and their setting. In particular, there is no listed building objection to the proposed new use or external alterations.

The proposals affect the upper storeys of 1-5 Sun Street; please note that no.1 is Grade II*. The principle of residential use raises no objection, subject to assessment of any changes required for building regulations, e.g. to walls, floors and finishes, but it appears likely that these can be accommodated without harm to the internal character of the buildings. Concerns were initially highlighted to the agent when the application was submitted and these were subsequently addressed and amended in the current drawings and include the removal of a proposed dormer window to 3 Sun Street and the reconfiguration of living accommodation layout in 1 Sun Street (Grade II*). These amendments reduce the impact on the historic fabric and character of the listed buildings.

The proposed layouts to the listed buildings preserve the layout of the heritage assets and their reuse as accommodation is an acceptable form of their suitable and economic reuse as defined by Paragraph 131 of the NPPF which states:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The proposed development is considered to meet these aims.

Conclusion:

The proposed development is considered acceptable from a Listed Building perspective. It is therefore recommended that consent is granted subject to conditions.

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

Planning Application Case Officer: Mr Dominic Duffin

Direct Line Telephone Number: (01992) 564336

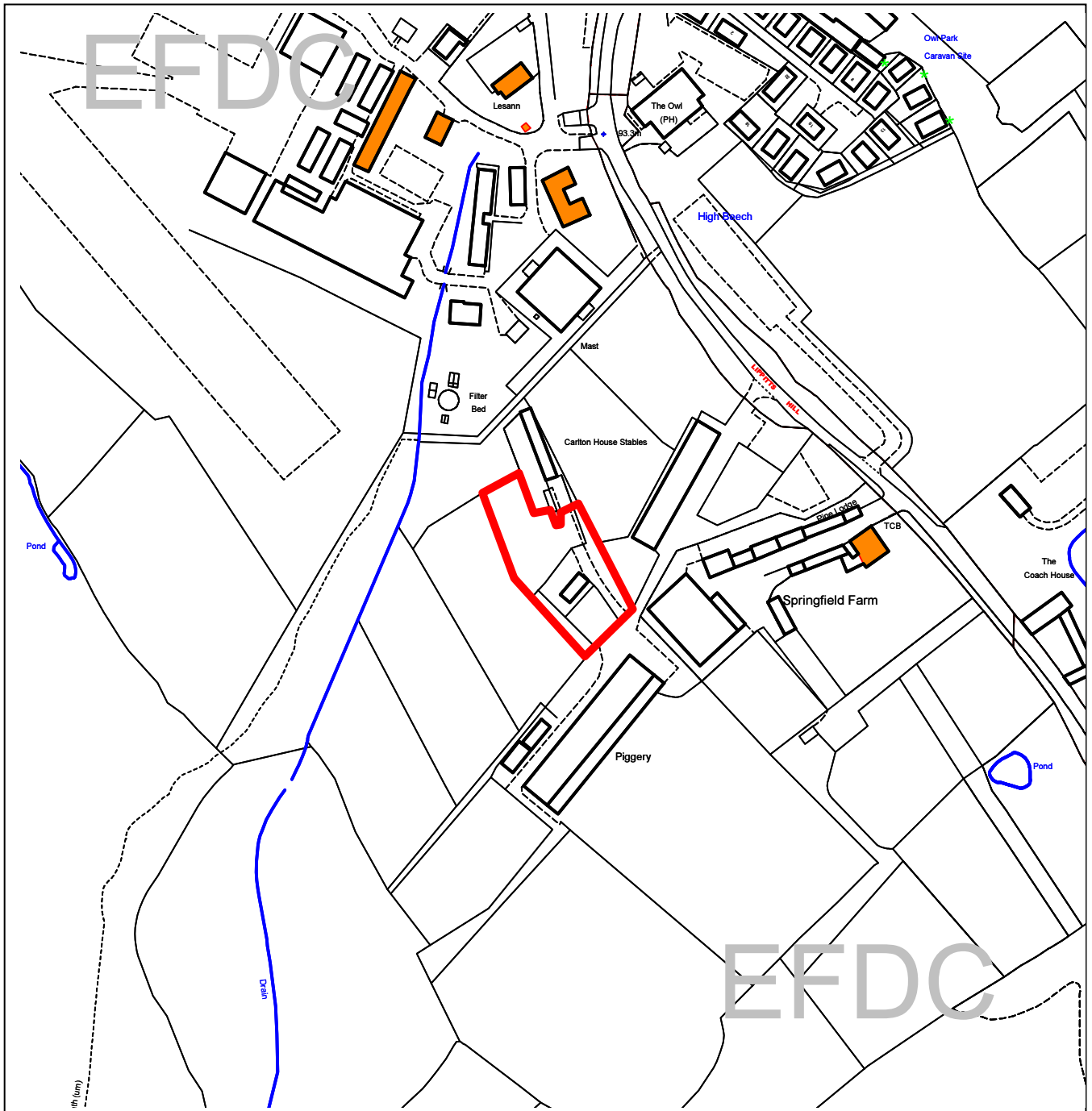
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 4



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| | |
|---------------------|---|
| Application Number: | EPF/1972/14 |
| Site Name: | Carlton House Stables, Lippitts Hill Loughton, IG10 4AL |
| Scale of Plot: | 1/2500 |

Report Item No: 4

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1972/14 |
| SITE ADDRESS: | Carlton House Stables Lippitts Hill Loughton Essex IG10 4AL |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey High Beach |
| APPLICANT: | Mr & Mrs V Rees |
| DESCRIPTION OF PROPOSAL: | Replacement of mobile home with bungalow. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567172

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: 3377/1A, 1499.1E, 1499.2D, 1499.3C, 1499.4C.
- 3 The occupation of the dwelling hereby approved shall be limited to persons responsible for the welfare and security of horses kept at Carlton House Stables (outlined in blue on the submitted application drawings) and any resident dependants of such persons.
- 4 Removal of caravan upon erection of house
On or before the expiration of 28 days from the date of the first occupation of the new dwelling the caravan at present located at the site, and any associated base, or associated works shall be removed, and the land shall thereafter cease to be used for the stationing of a caravan.
- 5 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.
- 6 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 Classes A, B, C, E and F of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 7 No development shall take place 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]
- 8 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, ground waters 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]
- 9 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]
- 10 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.

- 11 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.
- 12 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.
- 13 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 14 No development shall take place until details of foul and 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.

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

Description of Site:

The application site is a small part of a 4.5 hectare site located on the south western side of Lippitts Hill to the south of the Metropolitan Police Air Support Unit. The red lined site is an area of approx. 0.2 of a hectare within which there is a residential mobile home and the land is used as garden. The site slopes significantly and there is a decked area to the south of the mobile home. The remaining 4.3 hectares of land within the applicant's ownership comprises established stables, originally part of the adjoining Pine Lodge Stables, and an extensive area of paddocks.

Description of Proposal:

The proposal is to replace the existing mobile home with a bungalow. The proposed siting is immediately adjacent to the existing mobile home, to enable the mobile home to be lived in while the new property is being built. The proposed bungalow measures 17.1m by 8m with a small gable feature to the front and has a total floorspace of 150sq metres. The bungalow comprises three bedrooms, a kitchen, bathroom and lounge/dining area. The main ridge height is 5.5m. The proposal includes the provision of a raised decking area.

Relevant History:

The site has an extensive planning history.

Permission was originally granted for a mobile home on the site back in 1962 when the site was part of a piggery and the mobile home was approved for the occupation of a caretaker, the permission was regularly renewed until 1987 when it was refused as the piggery had ceased operation. However an appeal in 1989 allowed the caravan to remain as part of the Pine Lodge Stables site.

In addition to this mobile home a second unit was given temporary consent on a site towards the road frontage for occupation by a long standing member of staff.

In the early 1990's the Carlton House Stables was sold off from Pine Lodge and the current occupants moved into the unit. In 1994 planning permission for retention of the mobile home was refused and an enforcement notice was served, an appeal against the notice was dismissed and a further year was allowed for compliance (given that this was the only home of the occupants). In 1997 an application for further retention of the home was approved but is subject to a condition restricting occupation to the current applicants.

In 2003 an application for removal of the mobile home from the front of the site and continued use of land for the stationing of one mobile home for residential purposes was approved, reducing the number of units at the stables to 1. This is subject to an occupancy condition which restricts occupation to Mr and Mrs V Rees and their dependant relatives and requires the removal of the unit when it is no longer occupied by Mr and Mrs Rees.

SUMMARY OF REPRESENTATIONS

A site notice was erected and 1 neighbour was written to, no responses were received.

PARISH COUNCIL – Objection. Inappropriate development in the Green Belt.

Reconsultation has been carried out on amended plans which reduced the scale of the building from that originally consulted on. Any responses received will be reported orally to committee.

Policies Applied:

Local Plan Policies

CP2 Quality of the environment

GB2A Development in the Green belt

DBE1 Design of new buildings

DBE4 design in the Green Belt

DBE8 Private amenity space

LL1 rural landscape

LL2 inappropriate rural development

LL10 landscape retention

LL11 landscaping schemes

ST1 location of development

ST2 Accessibility of development

ST6 vehicle parking

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

Issues and Considerations:

The main issues in the determination of this application relate to the Green Belt, the impact of the development on the visual amenity and character of the area, impact on neighbouring amenity.

The site is within the Metropolitan Green Belt and is not a form of development which is not inappropriate; it is therefore for the applicant to show that there are very special circumstances that are sufficient to outweigh the harm to the Green Belt that would result from the development. The applicant's agent argues that there is a need for 24 hour supervision of the horses stabled at the site. 33 horses are stabled at Carlton House Stables and on site residential accommodation is considered essential to be able to respond to any emergency that may occur with the animals and also to provide security and deter trespass and protect the horses from theft or injury by malicious intruders.

It is considered that without the presence of the applicants on site, horse owners would not be prepared to stable their horses here and there would be difficulties in gaining insurance.

The existing business has been established for over 20 years and has proven its long term viability.

The NPPF, whilst placing great importance on maintaining the openness of the Green Belt also seeks to maintain and encourage the rural economy. The existing stable use ensures that over 4 hectares of land is maintained in open use in connection with outdoor recreation. Para 55 of the NPPF suggests that the essential need for a rural worker to live permanently at or near their place of work in the countryside can be grounds to allow new homes in the countryside.

It is considered that given the nature of the site and the number of horses kept at the site there is a reasonable need for a 24 hour presence and the fact that there has been at least one mobile home at the site for in excess of 50 years and that the current business has been operating with permanent residential presence for in excess of 20 must be taken into consideration. Whilst the previous consents have been temporary or latterly personal to the current occupants, it is officer's view that such a restriction is not appropriate given that the long term viability of the business has been proven. In the event that the current applicants were to sell the business there would no doubt still be a requirement for a 24 hour presence and the mobile home would be retained for that purpose. Generally it is not good practice to continue to give temporary consents for mobile homes, where a permanent need has been established and therefore an appropriately designed permanent dwelling is now considered justified.

The impact of the proposed development on the Green Belt therefore needs to be assessed. The proposed dwelling although undeniably considerably larger than the existing mobile home has been restricted to 150 square metres in floor area which is the size that is set out as appropriate for agricultural workers dwellings in the Green Belt. The design is simple and the roof level has been kept low, such that there is not scope for first floor accommodation. The proposal provides a three bed unit and is not considered excessive. The siting is within the area that has been utilised as garden for many years and the development is set away from the road, only visible in the context of the surrounding stables. The design has been amended from that originally submitted, such that it is set lower on the site and has been reduced in size and ridge height. It is not considered that the development as now proposed will have any adverse impact on the character or amenity of the area.

On this basis, it is considered that the circumstances set out are sufficient to outweigh the harm to the Green Belt and any other harm that will result from the development.

It should be noted that a similar case was accepted on stable premises at High Beech Riding School in Pynest Green Lane, where a mobile home had been on site for 30 years. The replacement dwelling approved in that case was a similar 150 sq metre bungalow.

Conclusion

In conclusion it is considered that although the development is clearly inappropriate there are very special circumstances sufficient to outweigh the harm to the Green Belt and to justify the erection of a dwelling on the site to replace the longstanding mobile home. It is therefore recommended that permission be granted subject to conditions including that the dwelling is only occupied by persons in connection with horsekeeping at Carlton House Stables.

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

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

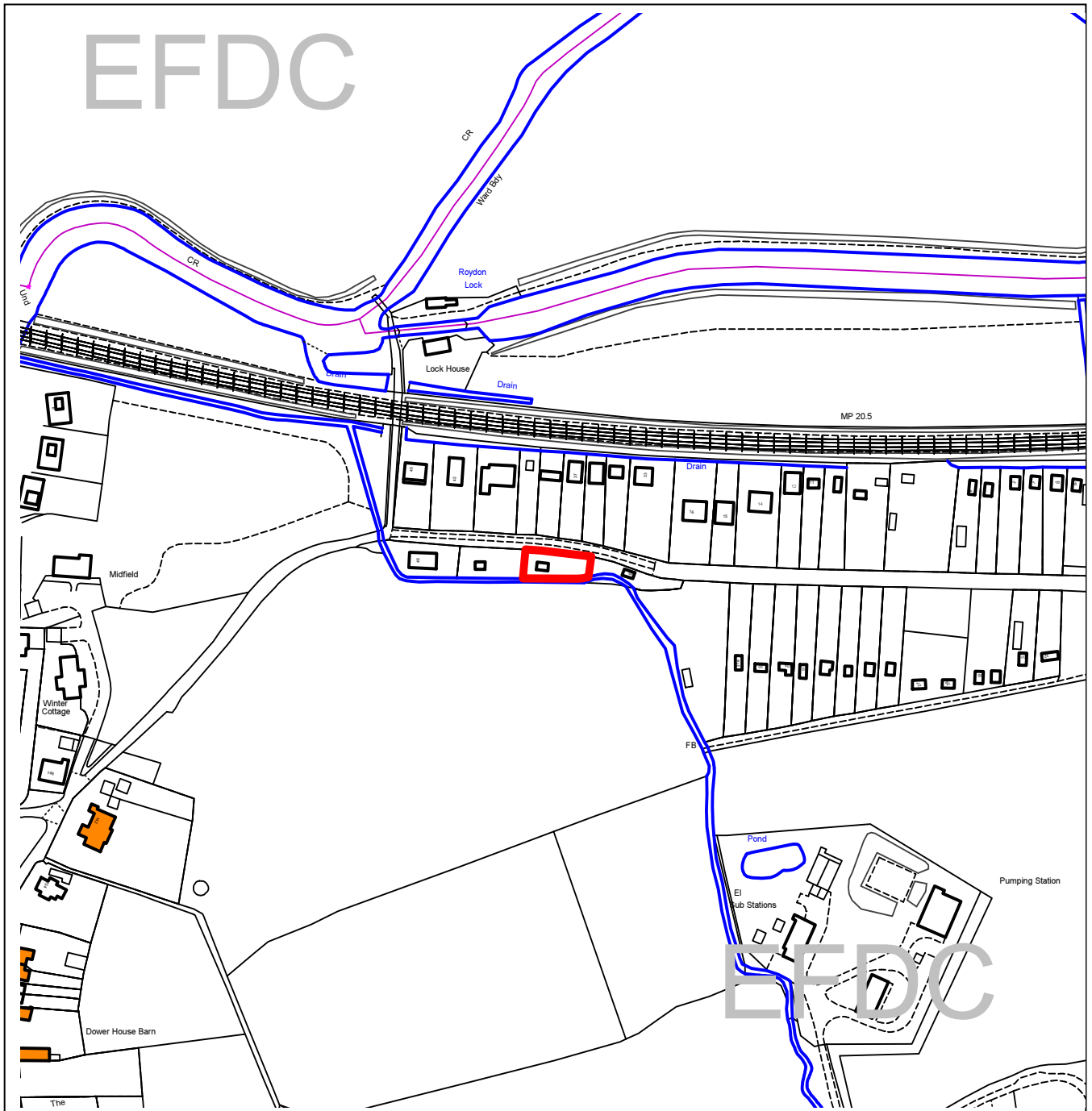
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AGENDA ITEM NUMBER 5



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| | |
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| Application Number: | EPF/2021/14 |
| Site Name: | Plot 48, Roydon Lodge Estate Roydon, CM19 5EF |
| Scale of Plot: | 1/2500 |

Report Item No: 5

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2021/14 |
| SITE ADDRESS: | Plot 48 Roydon Lodge Estate Roydon Essex CM19 5EF |
| PARISH: | Roydon |
| WARD: | Roydon |
| APPLICANT: | Mrs Maureen Parker |
| DESCRIPTION OF PROPOSAL: | The erection of a new wood cabin. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567436

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: 1512.01B
- 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.

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

Description of Site:

The Roydon Chalet Estate is located on the outskirts of the village. The estate was originally developed as holiday homes for use over the summer months. The application site obtained consent for a replacement log cabin in September 2013. The rear boundary of the site abuts the Roydon Brook. The site is within floodzone 2 as identified by the Environment Agency and the Metropolitan Green Belt. Access to the estate is by a narrow unmade track from the village through open countryside. The buildings on the estate primarily consist of chalets and mobile homes of a modest size set in well-landscaped plots, although there are some larger, more substantial buildings in evidence.

Description of Proposal:

Consent is being sought for a new wood cabin on the site. Permission was previously granted for a new cabin on this site, however this application proposes to extend the structure previously approved under EPF/1207/13. The proposed addition would extend the width of the previously approved chalet by 3m. The enlarged chalet would be in the same location and would continue the previously approved shallow pitched roof to a height of 2.45.

Relevant History:

EPR/0259/54 - Recreational Chalet – approved/conditions 01/12/54

EPF/1207/13 - Erection of a new chalet for recreational purposes – approved/conditions 09/08/13

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB5 – Residential Moorings and Non-permanent Dwellings

GB7A – Conspicuous Development

DBE1 – Design of New Buildings

DBE4 – Design in the Green Belt

U2A – Developments in Flood Risk Areas

U2B – Flood Risk Assessment Zones

U3A – Catchment Areas

RST10A – Roydon Chalet Lodge Estate

Roydon Lodge Chalet Estate Design Criteria SPG (September 2003)

The above policies form part of the Council's 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:

The planning application for this development was originally submitted in September at which point 4 neighbouring properties were consulted and a Site Notice was displayed. However the submitted location plan outlined the wrong site in red (Plot 47) and therefore the application was subsequently restarted and a reconsultation was undertaken.

PARISH COUNCIL – Object. Agree with the Environment Agency that the proposed cabin location is too near to the river and is at risk of flooding.

ENVIRONMENT AGENCY – Object. Unfortunately, we have no option but to object to this development as we believe it could lead to an increase in flood risk. Flood risk is a material consideration under the planning regime. If you are minded to grant planning permission despite our objection please advise the applicant that they must apply for Flood Defence Consent prior to any building works onsite. They are unlikely to receive this. Any development that does not receive Flood Defence Consent may be subject to enforcement action.

Issues and Considerations;

Consent was previously granted for a new chalet on this site in August 2013, despite objections from the Parish Council and the Environment Agency. The proposed new chalet would be in the same location as that previously granted consent but the footprint would increase from 32m² to 44m², which is not excessive and complies with the adopted SPG regarding this estate.

This proposal would be a relatively small enlargement to the previously approved scheme and, given its small scale and acceptable appearance, would have no additional impact on the openness or character of the Green Belt or the appearance of the area.

The site is located within floodzone 2 and as such the Environment Agency have been consulted and comment as follows;

The proposed development is unacceptable because it involves building within 1.5 metres of the Roydon Brook. This could lead to an increased risk of flooding by:

- *Obstructing flood flows.*
- *Adversely affecting the construction and stability of the river bank.*
- *Interfering with natural geomorphological processes.*

This is contrary to the National Planning Policy Framework, Planning Practice Guidance and your policy U3A.

The Environment Agency state that the only way to overcome the objection is to set the new chalet at least 4m from the top of the bank and to submit calculations that demonstrate that the works would not be detrimental to the construction or stability of the bank. Unfortunately planning permission has already been approved for a new chalet within 1.5m of Roydon Brook, and the concrete base has already been laid (and therefore this consent has been implemented). As such it is not considered that the enlargement of width of the previously approved chalet would be any more harmful than that previously granted consent.

This proposal would provide an opportunity to impose a condition with regards to details on how the chalet will be constructed without having a detrimental impact on the stability of the bank, which was not previously imposed on EPF/1207/13.

An informative can also be attached to the decision highlighting the need for Flood Defence Consent, and it should be noted that the grant of planning consent does not override the need to obtain this consent from the EA. As such, should the EA be extremely concerned about this development (or that previously granted consent) then they could refuse to give Flood Defence Consent and, if necessary, enforce against any works on site. However given the previous (implemented) permission on this site it is not considered that planning permission can be withheld due to this flood risk issue

Conclusion:

A new chalet that would be located 1.5m from Roydon Brook has already been granted planning permission on this site, and the consent has been implemented. This latest application relates to an acceptable, small scale enlargement to the previously approved chalet. Whilst the Environment Agency object due to the proximity with Roydon Brook it has already been accepted by the Council that the new chalet can be built in this location and as such it is not considered that this development would result in any significantly greater impact than the previous approval. Furthermore this matter can be suitably addressed by the Environment Agency since consent would be required from themselves for the proposed works. Due to this the application is considered to generally comply with the relevant Local Plan policies and National Planning Policy guidance and is therefore recommended for approval.

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

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

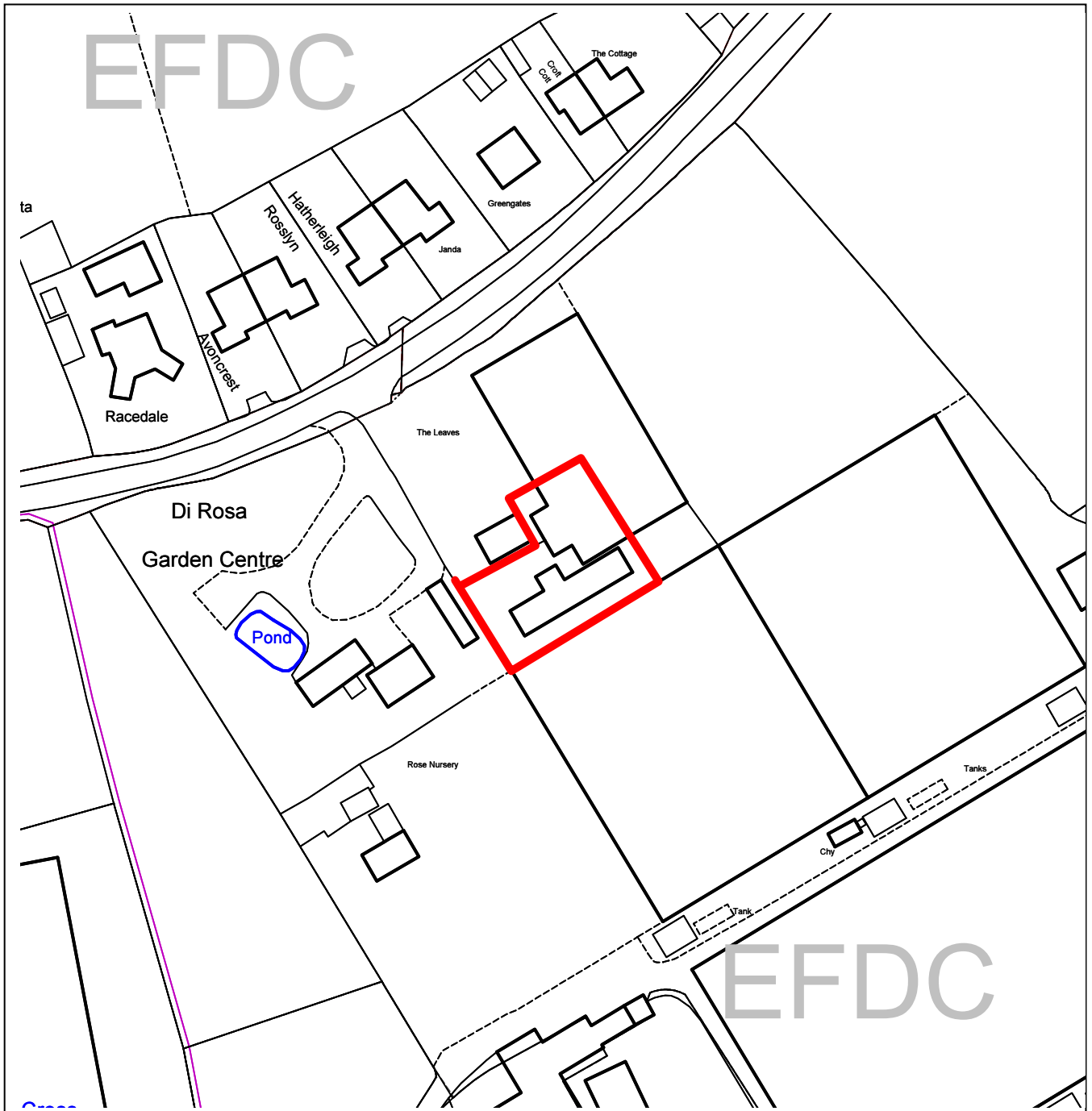
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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AGENDA ITEM NUMBER 6



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|---------------------|---|
| Application Number: | EPF/2249/14 |
| Site Name: | The Leaves, Tylers Road, Roydon Broadley Common, CM19 5LJ |
| Scale of Plot: | 1/1250 |

Report Item No: 6

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2249/14 |
| SITE ADDRESS: | The Leaves Tylers Road Roydon Broadley Common Essex CM19 5LJ |
| PARISH: | Roydon |
| WARD: | Broadley Common, Epping Upland and Nazeing |
| APPLICANT: | Mr & Mrs S Di Rosa |
| DESCRIPTION OF PROPOSAL: | Change of use to private residential garden. |
| RECOMMENDED DECISION: | Grant Permission |

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=568530

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawing no: 3436/1A

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

Description of Site:

The application site is a former packing shed located within a previous horticultural nursery that has been used as a residential dwelling for approximately nine years. Due to this a certificate of lawful development was recently considered to be lawful for the use of the building as a dwellinghouse. However whilst the use of a building becomes lawful (time immune) after a period of four years, the change of use of land is not time immune until it has been used continuously for a period of at least ten years. The surrounding garden of the now lawful dwelling has not in itself been used for residential purposes for this required period and therefore planning permission is required for the retention of this change of use.

The application site is located on the southern side of Tylers Road adjacent to Di Rosa garden centre. To the north of the site is the remaining former horticultural site, which is also within the applicant's ownership. Beyond this on the northern side of Tylers Road is a linear development of residential properties. To the south of the site is Tylers Cross Nursery. The application site is located within the Metropolitan Green Belt.

Description of Proposal:

Consent is being sought for the retrospective change of use of the former agricultural land surrounding the lawful dwelling to residential garden. The proposed garden covers an area of approximately 630m² and is predominantly to the front of the dwelling.

Relevant History:

CLD/EPF/1541/14 – Certificate of lawful development for existing extension and use of building as a single dwelling house – lawful 03/09/14

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB4 – Extensions of residential curtilages
DBE8 – Private amenity space

The above policies form part of the Council's 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:

1 neighbouring property was consulted and a Site Notice was displayed on 07/11/14.

PARISH COUNCIL – Object. This is Metropolitan Green Belt and the Parish Council does not believe that the use applied for has existed for 10 years **(this comment was queried with the Parish Council as it is not a material planning objection and an email confirmation was received stating “the Parish Council would argue that the change of use would harm the Green Belt”)**.

Main Issues and Considerations:

The application site is located within the Metropolitan Green Belt and has been used for residential purposes for the past nine years. Whilst the associated building is lawful as a dwelling due to time immunity, the use of the garden falls short of the required ten years time immunity and therefore requires planning consent.

Local Plan policy GB4 states that:

The extension of the curtilage of a residential property which involves an incursion into the Green Belt will be permitted only where the Council is satisfied that:

- (i) It would not have an adverse effect upon the open character of the landscape;
and**
- (ii) It would relate well to the curtilages of any adjoining residential properties;
and**
- (iii) It would not be excessive in size.**

Since the adoption of this Local Plan policy there has been new guidance in the form of the National Planning Policy Framework. Recent appeal decisions dealing with the change of use of land state the following:

Uses of land are not included as one of the forms of development that are defined in paragraph 90 as not being inappropriate.

Considering the development in the context of the Green Belt, paragraphs 89 and 90 of the National Planning Policy Framework (NPPF) set out the various forms of development that are appropriate or not inappropriate. Material changes in the use of land are not included in any of the categories, and must be regarded as inappropriate development.

Changes of use are not included in the list of exceptions to inappropriate development and I therefore consider that the proposal to use the land in a different way... also amounts to inappropriate development.

As such, the change of use of agricultural land to residential garden clearly constitutes inappropriate development that is, by definition, harmful to the Green Belt. Therefore the proposed development would only be considered acceptable if there are sufficient very special circumstances that clearly outweigh the harm from the proposal.

Given that the proposed garden is relatively modest in size and would not be excessive in comparison to surrounding properties, and due to the location of the site to the rear of the former horticultural nursery and on the edge of Tylers Cross Nursery, it is not considered that the proposed change of use would have any significant physical impact on the openness or character of the Green Belt.

The arguments put forward within the submitted supporting letter in favour of the development are as follows:

- The, now lawful, dwelling located on the site has been using the area of land in question for nine years as residential curtilage, however does not at present benefit from any 'lawful garden'. Given the recommendations contained within the Local Plan (particularly policy DBE8 and the supporting text) and the Essex Design Guide regarding the provision of appropriate private amenity space, the grant of planning permission would ensure that the lawful dwelling complies with this guidance/policy.
- The creation of the curtilage removed a large section of derelict glasshouse and replaced this with open garden, which increased the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.
- The garden area is a more visually attractive use of the land rather than the former, derelict horticultural use.
- The proposed garden is commensurate in size to those within the surrounding area.
- The proposal complies with the requirements of Local Plan policy GB4.

Given the location of the site and the lack of visibility of the garden from public view it is considered that the arguments in favour of the development put forward by the applicant are sufficient to outweigh the minor harm from this inappropriate development. Therefore it is considered that the proposed development is acceptable within this Green Belt location.

Since the area of land has been used as residential garden for the last nine years there is clearly no detrimental impact to surrounding residents or regarding highway safety. Given that the majority of the garden is to the front of the lawful dwelling there would be no reason to remove permitted development rights since most of the garden sits forward of the principal elevation and therefore the space to erect an outbuilding without planning consent (to the side and rear of the dwelling) would be extremely limited.

Conclusion:

Whilst the change of use of land constitutes inappropriate development within the Green Belt the physical harm from the retention of this garden is limited and there are sufficient very special circumstances in this instance to clearly outweigh the limited harm from the proposal. Therefore the proposed retention of this garden area complies with the relevant Local Plan policies and 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***

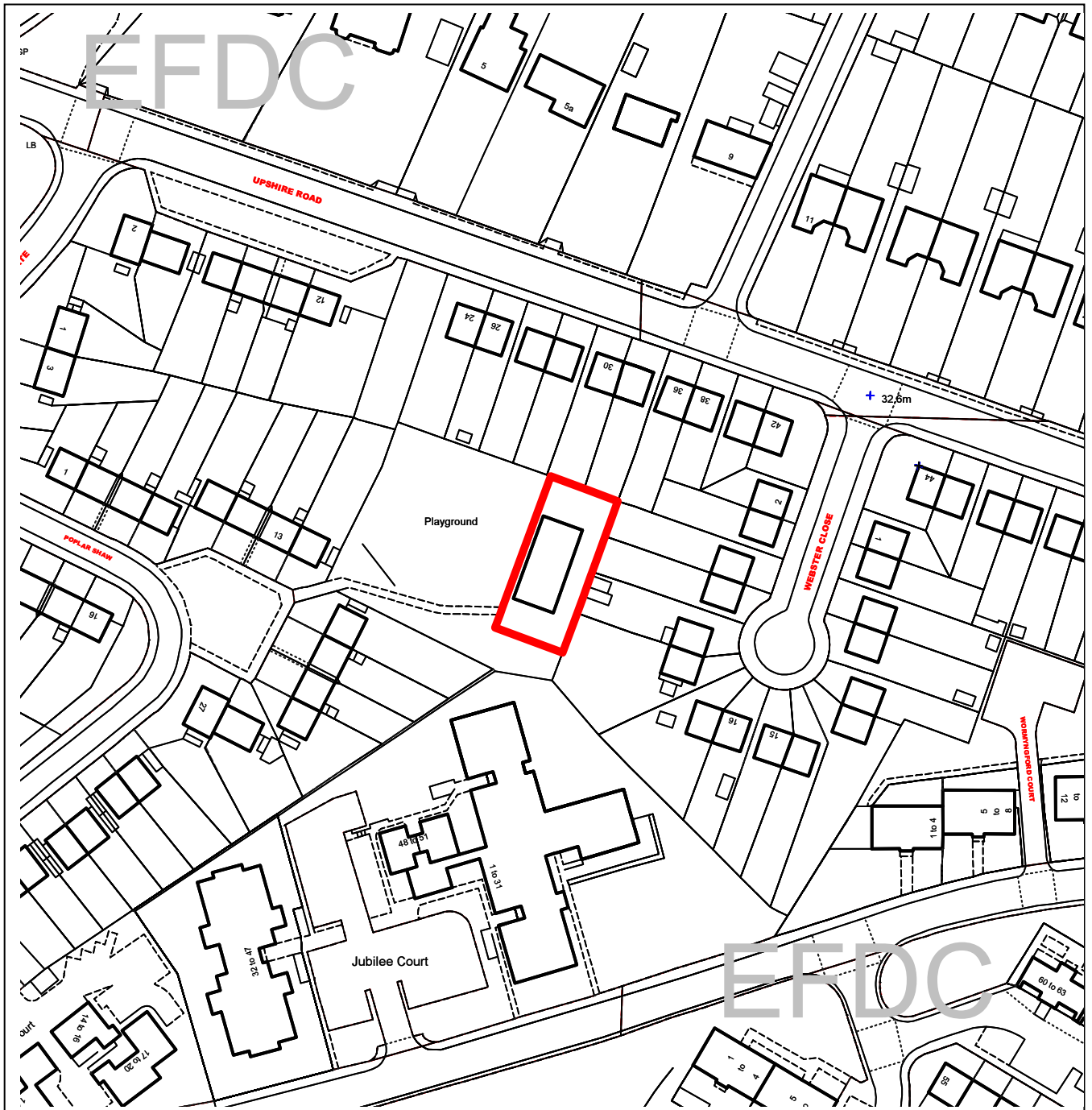
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AGENDA ITEM NUMBER 7



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|---------------------|---|
| Application Number: | EPF/2257/14 |
| Site Name: | Former Scout Hut, Poplar Shaw Waltham Abbey, EN9 3NJ |
| Scale of Plot: | 1/1250 |

Report Item No: 7

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/2257/14 |
| SITE ADDRESS: | Former Scout Hut Poplar Shaw Waltham Abbey Essex EN9 3NJ |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey Paternoster |
| APPLICANT: | Miss Lynn Russell |
| DESCRIPTION OF PROPOSAL: | Change of use from former Scout Hut to Childrens Day Nursery with 30 places. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568592

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 nursery use hereby permitted shall not be open to customers outside the hours of 7:30 am to 18:30 pm Monday to Friday and not at all on Saturdays, Sundays or Bank/Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- 3 There shall be no more than 30 children in attendance at the nursery premises hereby approved at any given time.
- 4 The premises shall be used solely for Pre-School Day Nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

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

Description of Site:

The Former Scout Hut at Poplar Shaw is located to the rear of two rows of dwellings and accessed down a single, tarmacked track. The building is in a dilapidated state and appears to have been unused for some time. The building, which is Council owned, is located behind a high palisade

fence and there is a children's playground adjacent. There are also a number of parking spaces adjacent to the site. The immediate area is residential in nature.

Description of Proposal:

The applicant seeks permission to change the use of the building from a use within Class D2 (scout hut) to a use within Class D1 (daycare nursery).

Relevant History:

No relevant history.

Policies Applied:

DBE2 & 9 – Neighbour Amenity
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
RP5A – Adverse Environmental Impacts (Noise and Disturbance).
CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment

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

Summary of Representations

PARISH COUNCIL: No comments received at the time of the report.

102 neighbours consulted: 3 replies received.

1 POPLAR SHAW: Objection. This is already a busy area when it comes to cars, there are not enough car parking spaces as it is let alone when there could be up to 30 parents picking up and dropping off children at different times during the day. Also I would like to know how children are supposed to access the playground safely when the only way in is to use the road that cars will be using as there is not a separate footpath available.

4 POPLAR SHAW: Objection. I think it is a great idea to use a redundant building as a day nursery. The concern is that there may be an issue with parking. There could be 5-7 staff spaces needed and if the places were taken up anything up to thirty parents at any one time. If there was a solution to the parking issue I would support the scheme.

34 UPSHIRE ROAD: Objection. This property backs directly onto my garden, if the nursery is established with 30 children in attendance the noise level will dramatically increase, and my privacy that I have always had and enjoyed since living here for the past 13 years will diminish.

The increase in traffic in the local area, although I live behind the hut, the area already has traffic issues during the morning and evening, children being dropped off and collected will definitely add to this, especially parents who will drop their child and then park in the local area, thus causing other issues. Furthermore there is no demand for daycare places in the Waltham Abbey area.

Issues and Considerations:

The main issues relate to the principle of the development, impact on neighbour amenity and parking/road safety. The comments of consultees and neighbour representations will also be considered.

Principle of Development

The existing site is long established as a youth facility within Waltham Abbey. This proposed use of the site in many ways conforms to the Council's core sustainable development objectives in that it is located within the confines of the town and would reduce the need for similar facilities in less sustainable locations including the Green Belt as suggested with previous applications nearby at Knolly's Nursery, Pick Hill. Parking provision will be addressed further within this report but there are grounds to state that this proposal will reduce the need for private car use as such a location will cater for walking to the site by local residents. The site is a reasonable walk from the town centre and bus services pass nearby. The development is therefore accessible by sustainable means of transport. Furthermore the reuse of a currently redundant, dilapidated structure is also highly sustainable. The national guidance contained in the National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development and this scheme is considered economically, socially and environmentally sustainable. The general principle is therefore considered acceptable.

It has been suggested by an objector that there is no demand for use of such a facility in the area, however no evidence has been provided to support this contention and Local Authorities should be supportive of small business.

Neighbour Amenity

The proposed development would cater for up to 30 children and there is the potential for noise generation particularly if playing outside. There would be an increase in noise disturbance during the opening hours of the nursery but there is a reasonable separation distance to the elevations of neighbouring dwellings. There would be an increase in noise levels heard in adjacent garden areas but on balance this element of the scheme is considered acceptable.

Parking/Road Safety

The plans indicate a number of parking spaces adjacent to the scout hut but are not shown under ownership. The Highways Authority at Essex County Council has commented on the scheme and has raised no objections. A number of neighbours have raised concern about parking issues around the site.

The Adopted Parking Standards recommended for a D1 use (children's day nursery) is a maximum of 1 space per full time equivalent staff + drop off/pick up facilities required on site. This indicates a need for 6 parking spaces. This is however a maximum requirement and the guidance indicates that a lower provision may be acceptable for nurseries located in urban locations with good access to alternative forms of transport. As indicated previously the location of the development is in a sustainable location with good access to forms of transport other than the private car.

The drop off and pick up point would be on the road at Poplar Shaw. Residents have voiced concern that this will lead to haphazard parking and road safety issues. The concern about short term parking and dropping off and picking up times is recognised. However there will always be local issues regarding the short term parking by parents outside of schools/nurseries; these issues are not dissimilar to those experienced near to schools/nurseries across the county. Parent parking is for a very limited period at the beginning and end of the day and will not be highly

detrimental to highway/pedestrian safety at this location. Therefore although there may be a slight increase in on-street parking at drop off and pick up times this is a relatively small scale venture and it is not considered that it will be highly detrimental to highway safety.

Contaminated Land

Due to the presence of a 40m² infilled pond and Made Ground on site (the original 1966 consent was for a scout hut with a corrugated asbestos cement roof) there is the potential for contaminants to be present. Children's Nurseries are classified as a particularly sensitive proposed use. In this case, as the building has been used for similar activities for some time an informative attached to the Decision Notice advising the client of potential risks is considered proportionate.

Conclusion:

The principle of the development of a nursery facility at this site is deemed acceptable and promotes sustainable development. Impact on the amenity of neighbouring properties is not excessive and can be further safeguarded by conditions. Parking and road safety concerns are not deemed sufficient to warrant a refusal of permission. The comments of consultees and objectors are noted and given appropriate weight. Having regard to all material considerations relevant to this application it is recommended that the proposal is approved with conditions.

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

***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

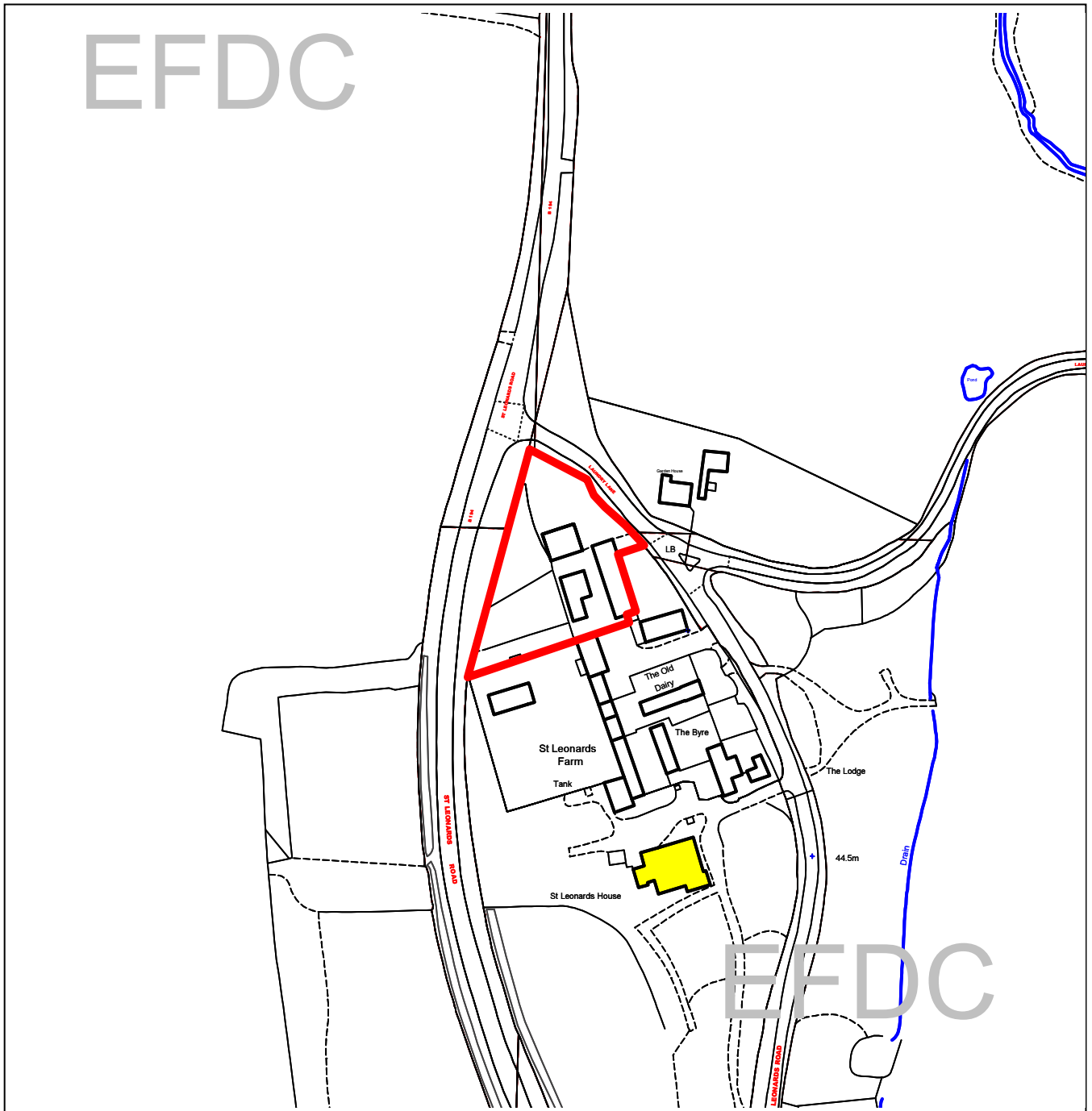
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AGENDA ITEM NUMBER 8



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| Application Number: | EPF/2435/14 |
| Site Name: | St Leonards Farm, St Leonards Road Nazeing, EN9 2HG |
| Scale of Plot: | 1/2500 |

Report Item No: 8

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2435/14 |
| SITE ADDRESS: | St Leonards Farm St Leonards Road Nazeing Essex EN9 2HG |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Mr William H Wood |
| DESCRIPTION OF PROPOSAL: | Application for approval of details reserved by condition 14 'Advertisement Board' for EPF/1343/14 (Change of use of agricultural land and outbuildings to use Class B1/B8 including ancillary works and new vehicular access). |
| RECOMMENDED DECISION: | Details Approved |

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=569590

CONDITIONS

Not Applicable

This application is before this Committee since it was previously requested by Members that the details of this condition be decided by Councillors (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site:

The application site is a former farm complex located on the western side of Laundry Lane, Nazeing that was recently granted planning consent for the change of use to Class B1/B8. The site is located within the Metropolitan Green Belt, the designated Lee Valley Regional Park and an EFDC flood risk area.

Description of Proposal:

Application for approval of details reserved by condition 14 'Advertisement Board' for EPF/1343/14. The proposed signage would be a 914mm (3 foot) wide by 1.2m (4 foot) high estate sign board located adjacent to the new entrance to the estate on Laundry Lane. The proposed sign would be non-illuminated.

Relevant History:

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

Main Issues and Considerations:

This application is to approve the details of the proposed advertisement board, as required by condition 14 of EPF/1343/14, which reads:

Within 1 month of the date of this approval, details of a single estate sign board to be located at the entrance to the site shall be submitted to the Local Planning Authority for approval in writing. The approved sign shall be installed within 2 months of the approval and thereafter maintained. No other signage shall be erected at the site without the prior written approval of the Local Planning Authority.

The reason for the imposition of this condition was “*to maintain the rural character and visual amenity of the area and prevent an inappropriate proliferation of signage*” and was primarily considered necessary since, at the time of the previous committee meeting where EPF/1343/14 was approved, some unlawful adverts were under investigation at the junction of Laundry Lane and St Leonards Road that related to the commercial uses on the application site. In order to avoid such advertisements being required Members considered that a single estate board naming the businesses on site should be erected.

The proposed advertisement board would be white with green trim and lettering and would allow for the names of the businesses occupying the site to be clearly displayed on the single board. The proposed sign would be located adjacent to the new entrance to the site on Laundry Lane. This would therefore be less visually intrusive than a sign at the junction with Laundry Lane and St Leonards Road. Whilst it is arguable that a sign on the junction would be more beneficial to the businesses than the proposed location, it does not appear that the applicants own the grass verge at this junction and any signage within the site at this point would be largely obscured by existing landscaping, which must be retained pursuant of condition 6 of EPF/1343/14.

Conclusion

The proposed sign would be a non-illuminated and appropriately designed estate sign that will clearly advertise the businesses located on site. The proposed location would not be visually intrusive to highway users on St Leonards Road, however would be obvious (but not harmful) to those accessing Laundry Lane. As such the proposed signage is considered to be appropriate to this rural area and the details are considered sufficient. Therefore it is recommended that the details submitted in relation to condition 14 are acceptable and should be approved.

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***

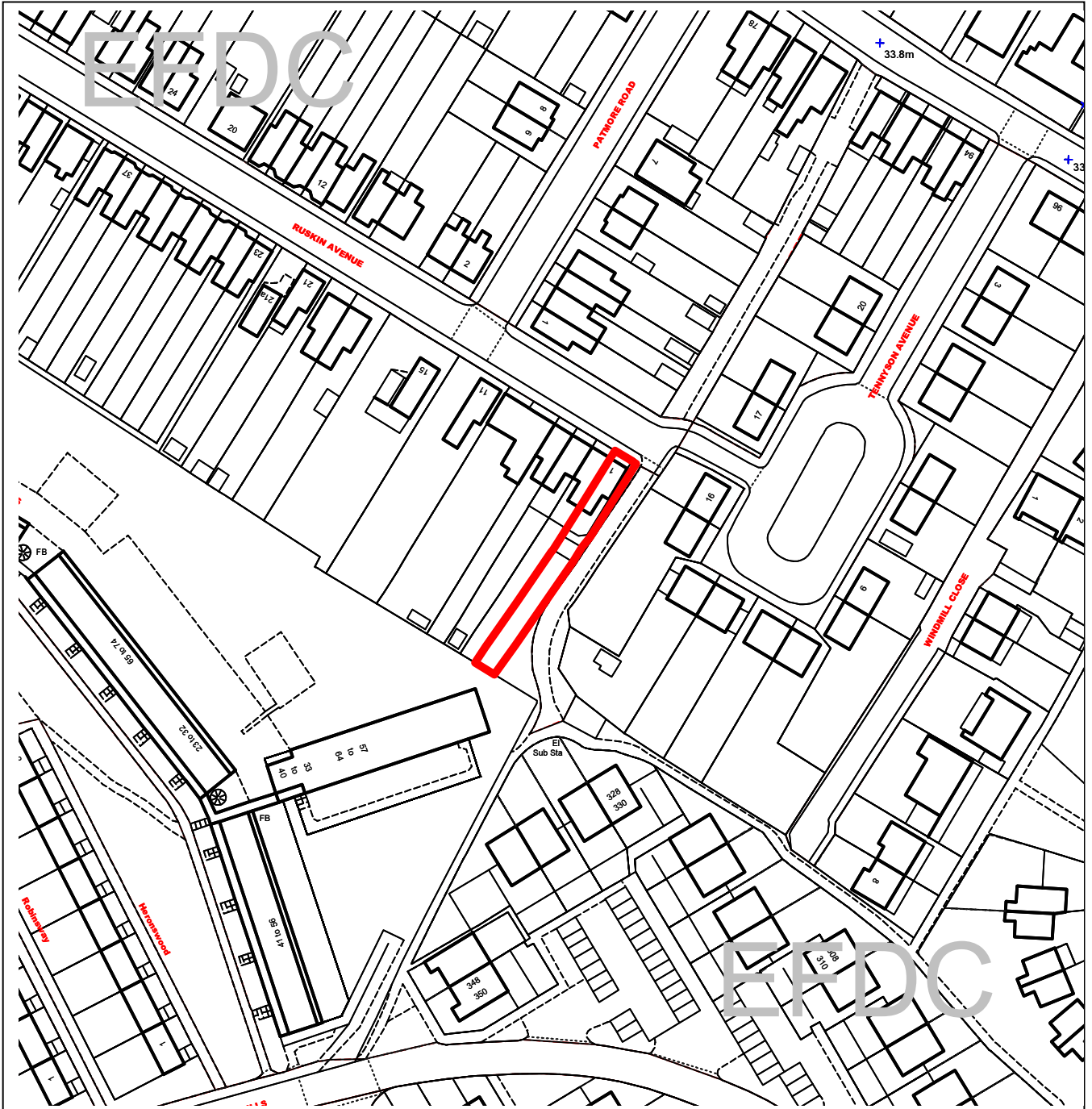
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 9



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| | |
|---------------------|---|
| Application Number: | EPF/2458/14 |
| Site Name: | 1 Ruskin Avenue, Waltham Abbey EN9 3BW |
| Scale of Plot: | 1/1250 |

Report Item No: 9

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/2458/14 |
| SITE ADDRESS: | 1 Ruskin Avenue Waltham Abbey Essex EN9 3BW |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey Honey Lane |
| APPLICANT: | Mr & Mrs Helen & Colin Bates |
| DESCRIPTION OF PROPOSAL: | Rear extension at ground, first and roof level of existing dwelling house. (Revised application to EPF/1235/14 |
| RECOMMENDED DECISION: | Refuse Permission (Householder) |

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=569715

REASON FOR REFUSAL

- 1 The proposed extension to the dwelling by reason of its bulky appearance and flat roof design would fail to complement the character of the existing dwelling and would be out of place within the existing streetscene. Furthermore the raising of the party wall would accentuate the bulk of the addition and the resulting extension would appear excessively prominent, dominating the existing house to the detriment of its character and that of the immediate area. The proposed scheme is therefore at odds with Government guidance contained in the NPPF and local plan policy DBE10

This application is before this Committee since it has been 'called in' by Councillor Shiell (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site:

1 Ruskin Avenue occupies a corner plot and forms an end terrace in a group of residential properties. The house is two storey with a gable roof and also has a two storey rear return which forms a gable at the rear with the adjacent property. The garden area serving the house is deep and falls steadily from the rear elevation of the house to the back boundary. The garden area is surrounded by 2.0m close boarded fencing and a gravel track runs along the side boundary. On the opposite side of the track are the garden areas of houses in Tennyson Avenue.

Description of Proposal:

This is a revised application following the refusal of consent for the following scheme which was determined in August 2014 (EPF/1235/14);

“extension to the dwelling on the rear elevation over three floors, “squaring off” the rear return behind the main house and extending beyond it by 1.9m. At second floor level a mansard style roof would be created set down slightly from the main ridge. This would extend from just below the ridge line over the entire newly created rear section of the house. A dormer window would be inserted in the side and rear slope of the roof. In order to achieve this roof the party wall would be built up by approximately 0.70cm. Two rooflights would be inserted in the front roof slope and also three windows in the new side elevation at first floor level. Two of these would be high set with the other a larger window serving a bedroom”.

This application was refused consent for the following reasons;

- 1. The proposed extension to the dwelling by reason of its bulky appearance and flat roof design would fail to complement the character of the existing dwelling and would be out of place within the existing streetscene. Furthermore the raising of the party wall would accentuate the bulk of the addition and the resulting extension would appear excessively prominent, dominating the existing house to the detriment of its character and that of the immediate area. The proposed scheme is therefore at odds with Government guidance contained in the NPPF and local plan policy DBE10.*
- 2. The proposed side facing first and second floor bedroom windows would overlook the rear of Number 15 Tennyson Avenue causing a significant loss of privacy to their rear elevation windows and private amenity space. As such the proposal is contrary to policy DBE9 of the adopted Local Plan. To require the first floor window which is the only window into a bedroom to be obscured glazed and fixed shut would result in unsuitable living conditions and as such it is not considered that this issue can be overcome by condition.*

This application differs in that the overall depth of the extension at first and second floor has been reduced by 3.3m on the alleyway side and it is proposed to obscure glaze the second floor window facing towards Tennyson Avenue. A second window serving the bedroom has been inserted on the proposed rear roof plane. The first floor side facing window has been removed.

Relevant History:

EPF/1235/14 - Rear extension at ground, first and roof level of existing dwelling house. Refuse Permission - 06/08/2014.

Consultation Carried Out and Summary of Representations Received:

TOWN COUNCIL – Objection. The committee considered this an overdevelopment of the property and not in keeping with neighbouring dwellings.

6 neighbours consulted: 2 replies received.

14 TENNYSON AVENUE: Comment. We have no objections of any kind to this development.

15 TENNYSON AVENUE: Objection. Loss of light to all rooms within our house due to extension onto rear of property. There is no way this has changed from original plan and still spoils our view out of bedroom windows and first floor hall way.

Development windows to side and rear (bedroom) will overlook entire house and garden, creating loss of privacy. The resulting building will be larger than surrounding buildings along Ruskin Avenue, thereby appearing bulky and out of scale with neighbouring properties. Since the applicants own the building next door - there can be no objection to the loss of light directly into the next garden and house.

Issues and Considerations:

The main issues to consider relate to amenity, design and whether previous concerns have been addressed.

Amenity

The proposed extension would project some 1.9m beyond the rear section of the adjoined house. The rear gable on the adjoined house is served by a window at first floor level; however there would not be serious overshadowing and this protrusion beyond the building line is considered on balance acceptable. There is also the potential for this element of the scheme to be unneighbourly, particularly for occupants exiting from the rear door on this elevation. However as garden areas are relatively deep, including at this property, this will reduce any sense of enclosure and again this element of the scheme can, on balance, be justified.

The rear section of the building would be served by a side facing window at first floor level with a dormer window above. The neighbour across the track at No15 Tennyson Avenue has raised concern that the proposed scheme would lead to overlooking and overshadowing of their property. It is not considered that serious overshadowing would result given the distance to the boundary and the established layout. Any increase would not result in a material loss of amenity.

With regards to overlooking there was previous concern that side facing windows at first and second floor would result in a material loss of amenity. The applicant has modified the scheme by moving the first floor bedroom window to the rear elevation. A dormer window would still exist at second floor level. However as this window is no longer the only one serving the bedroom it is reasonable to condition that it be obscure glazed. This would address any serious concern about overlooking and the amenity level within in the some would be satisfactory. Therefore all new windows facing towards Tennyson Avenue could be obscure glazed and this addresses the second reason to refuse permission.

It is not considered that there would be a perception of overlooking from these windows if they were obscure glazed particularly as there is already an obscure glazed side facing window.

Design

The previous application was also refused consent on design grounds and the Council entered into negotiations with the applicant in an attempt to secure a suitable design and to assess if a reasonable compromise could be reached. This has resulted in the overall depth of the extension at first and second floor being reduced such that the expanse of flat roof has been reduced. However it was concluded during pre-application discussions by Officers that the fundamental design had not changed. Flat roof extensions are generally considered not acceptable and this site, being an end dwelling, is relatively open to public views.

It is still considered that the proposed development would result in significant bulk being added to the rear of the house. This would include the creation of a large expanse of flat roof serving the mansard style structure below. In order to accommodate the works the party wall would be built up with the adjacent property. It is considered that the proposed addition would appear significantly bulky and out of scale with the existing pattern of development. Local policy tends to guard against flat roofs and this feature would be clearly discernible from the street, the adjacent track and rear garden areas. The proposed bulk would appear excessively prominent and would fail to complement the existing dwelling or the streetscene. Extensions to dwellings should be read as adjuncts to the original house but the proposed works would totally dominate the original house and the increase in the party wall accentuates this bulk.

It is understood that there is a demand to create additional floorspace at the site and the need for further bedrooms. A letter attached to the application from Essex County Council highlights how the applicant is fostering two young nieces and ideally each foster child should have their own bedroom space. It is hoped that the children will remain with the applicants at this address. This is understandable and the Local Planning Authority is keen to help the applicant reach a solution. Officers previously suggested the following way forward;

“The submitted scheme is very ambitious particularly with regards to the second floor. It is considered the first floor of the development would work but with a double gabled roof tying into the rear return. The only conceivable way of achieving space at second floor level is with a rear facing, and perhaps front dormer, window. This will not achieve anywhere near the same floorspace but perhaps a smaller bedroom could be achieved at second floor level, therefore achieving the required four bedrooms. This would involve the loss of the dressing room, and as stated a much smaller room, but it may offer a potential way forward. The present scheme is however considered unacceptable in design terms”.

The applicant has advised that such a scenario would not work and the required headroom could not be achieved at first floor level. However it appears similar style dwellings in the immediate area have extended with rear dormer windows. It is hoped that a bedroom, even a children’s bedroom, could be provided at second floor level through front and rear dormer windows. There are three good size bedrooms proposed at first floor level. The proposed layout suggests that an adult room could be provided at the front first floor room with two good size bedrooms at the rear and a third children’s room at second floor. The personal circumstances are noted and hopefully a compromise can still be reached but it is considered that the proposed design is not acceptable visually. Generally speaking personal circumstances are not a material planning consideration. Although some weight can be attributed to the personal circumstances of the applicant and be taken into account in the determination, the more general planning considerations, such as consistency with the relevant adopted planning policy and the impact of the extension on the streetscene/dwelling, are still the principal considerations.

The applicant has submitted photographs of development in the area which it is stated helps make a case for this scheme. The photographs appear to relate to older style flat roofed extensions or permitted development dormer windows. The montage does include a lower set mansard style roof that has been approved in recent years but this is not considered directly comparable and is located at a house of a different design. Ultimately each application must be judged having regard to the characteristics of the immediate area, the existing dwelling and any other material considerations. It has been assessed that the proposed development would be injurious to the character of this dwelling and the existing streetscene. It is therefore considered inappropriate judged on it’s own merits.

Way Forward

It is hoped that a way forward has been included within the text of the report.

Conclusion:

The proposed extension, by reason of its excessively bulky appearance and flat roofed design is considered inappropriate. It is therefore recommend that consent is refused.

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

Planning Application Case Officer: Mr Dominic Duffin

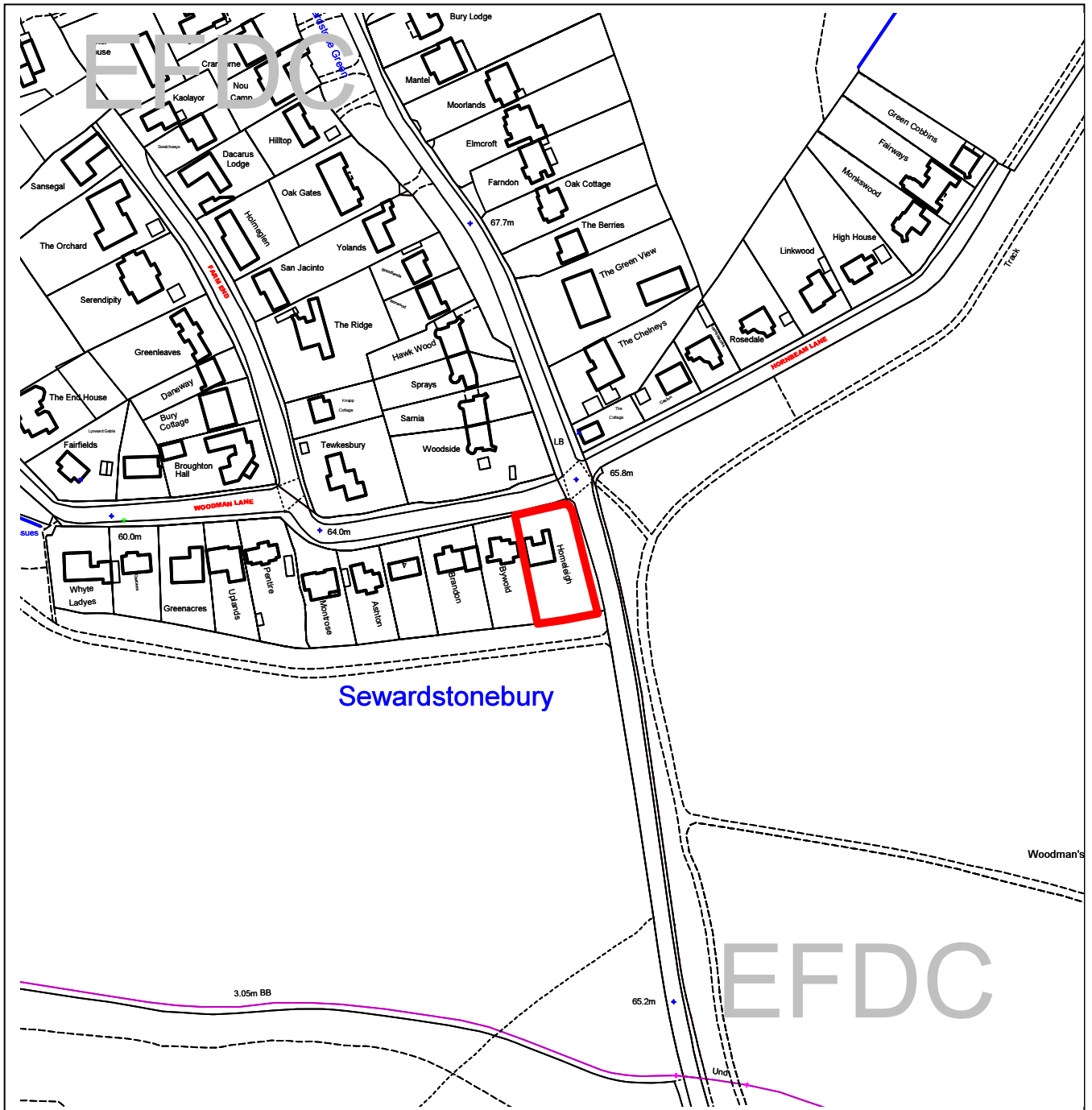
Direct Line Telephone Number: (01992) 564336

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



Epping Forest District Council

AGENDA ITEM NUMBER 10



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| | |
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| Application Number: | EPF/2500/14 |
| Site Name: | Homeleigh, Woodman Lane Sewardstonebury, E4 7QR |
| Scale of Plot: | 1/2500 |

Report Item No: 10

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|---------------------------------|--|
| APPLICATION No: | EPF/2500/14 |
| SITE ADDRESS: | Homeleigh Woodman Lane Sewardstonebury E4 7QR |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey High Beach |
| APPLICANT: | Mr Tony Scott |
| DESCRIPTION OF PROPOSAL: | Proposed double storey front and side extensions and single storey front and rear extension plus dormer windows to front and rear of roof (Revised application to EPF/0505/14) |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=569955

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.

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

Description of Site:

The application site is located on the corner of Bury Road and Woodman Lane within the village of Sewardstonebury. The site itself is relatively level, rectangular in shape and comprises of approximately 1125sqm.

Located towards the front of the site is a double storey detached dwelling house with an attached garage externally finished from facing brickwork and plain tiles. Vehicle access to the site is via Woodman Lane with off street parking either located on the hard standing area or within the attached garage. A modest size private garden area is located to the rear of the dwelling house. Boundary treatments include a low brick wall to the sites frontage and a medium size timber paling fence along with mature vegetation are positioned along the side and rear boundaries.

The site is located within a well-established residential area that comprises a mixture of building forms, styles and sizes. Front setbacks from the highway are relatively consistent along the southern side of Woodman Lane and space/gaps between building blocks form a strong component to the character of the street scene. The site and the surrounding area are located within the Metropolitan Green Belt.

Description of Proposal:

Revised application for the construction of a two storey front and side extension, single storey front and rear extensions, and front and rear dormer windows. The proposed two storey side extension would be 5.3m in width to the entire depth of the existing dwelling and would continue the existing roof across the addition. The two storey front extension would be 1.6m in depth and 6.5m in width and would consist of a gabled front projection with a ridge height of 9.6m (1m set down from the main ridge). The single storey front extension would be an additional 1.5m beyond the two storey front elevation across the entire frontage (including 1.5m beyond the new two storey front gable projection) and would have a pitched roof to a height of 3.8m. The single storey rear extension would be 2m in depth to the rear of the existing dwelling and 5m deep beyond the two storey side extension and would have a pitched roof to a height of 3.3m. The section beyond the two storey side extension would contain a roof terrace accessed by a first floor bedroom.

Relevant History:

WHX/0075/71 - Erection of double garage – approved/conditions 13/04/71
EPF/1336/05 - Demolition and reconstruction of garage – approved 12/09/05
EPF/0505/14 - Proposed two storey side extension, single storey rear extension and two storey stair block to front elevation – refused 16/04/14

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
DBE9 – Loss of amenity
DBE10 – Residential extensions

The above policies form part of the Council's 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 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – Objection. Committee considered this to be an overdevelopment of the property.

CITY OF LONDON – No observations.

Main Issues and Considerations:

An application was previously refused consent for extensions to this dwelling in April 2014 for the following reasons:

- 1. The proposed development, due to its inappropriate design, in particular front gable additions, size and scale, would result in a development that would appear**

over dominant and excessive in terms of bulk and massing. As such, it would not appear or be in keeping with the architecture of the existing building and it would have a detrimental impact to the character and appearance of the surrounding locality and the street scene. The development is, therefore, contrary to policies CP2 and DBE10 of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.

- 2. The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The proposed extensions, due to their excessive building footprint, size and scale, would result in disproportionate additions to the original dwelling and would therefore result in an inappropriate development, harmful to the openness of the Green Belt, contrary to policies CP2 and GB2A of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.**

This revised application has sought to address the previous reasons for refusal by reducing the width of the two storey side extension, depth of the two storey front extension, and by removing the previously proposed gable additions on both ends of the front elevation. The central gable addition has also been reduced and redesigned. As such the only considerations in this application are whether the proposed revisions have sufficiently overcome the previous concerns.

Design:

Local Plan policies CP2 and DBE10 seek to ensure that a new development is satisfactory located and is of a high standard of design and layout. Furthermore they ensure that the appearance of new developments should be compatible with the character of the surrounding area and do not prejudice the environment of occupiers of adjoining properties.

The development site is within a prominent location at the junction of Bury Road and Woodman Lane and it was previously considered that the overall bulk, scale and design of the extensions would result in an unacceptable imposing and excessively prominent appearance. In particular the previously proposed large front projecting gable features emphasised the three storey height of the building. The revised plans have reduced the overall width of the extended property by 2.5m and removed two of the projecting front gable features. Furthermore the central projecting gable extension has been reduced in depth and height and increased in width. This provides a more proportioned feature that no longer over-emphasises the height of the building and would appear more in character with the scale and bulk of the surrounding dwellings.

Sewardstonebury constitutes a small, but densely developed, residential enclave that contains a wide variety of dwellings in terms of scale, design and detailing. As such, whilst the proposed extended property would alter this modest inter-war period home into a larger, more contemporary style dwelling, this would not appear unduly detrimental to the character and appearance of the street scene or wider area. Furthermore, there is good vegetation screening to the side and rear and a tree at the front, not protected but also not affected by the proposed development, which limits its visual impact on the street scene. As such it is considered that the revised development would comply with policies CP2, DBE4 and DBE10 of the adopted Local Plan and Alterations.

Green Belt:

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment. The Framework explains that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Policy GB2A within the

adopted Local Plan and Alterations is broadly in accordance with these objectives in that it sets out forms of development that are appropriate in the Green Belt.

The original dwelling house had a building footprint of approximately 107m². The previous proposal would have resulted in an increase of approximately 116% over and above that of the original building footprint, which is clearly disproportionate to the original dwelling. This revised application has reduced the overall footprint of the proposed extensions to 74.5m², which equates to a 69% increase over and above the original dwelling.

Given the relatively built up nature of this enclave within the Green Belt the Council has generally been more flexible in its interpretation of the Green Belt policy in this area than in some areas, where there is a more open character. There are numerous similar examples in the area with recent planning permissions. Due to this it is considered that an extension of 69% in this location would be a limited extension and therefore the revised proposal would no longer constitute inappropriate development harmful to the Green Belt. Therefore the proposed alterations are sufficient to have overcome the previous reasons for refusal for this development.

Other considerations:

It was previously concluded that the proposed extensions would not have a detrimental impact on the amenities of neighbouring residents and, since this revised application is smaller than the previous proposal, these proposed extensions would similarly not result in any undue loss of light, outlook or privacy to neighbouring residents.

Conclusion:

The proposed revised application would constitute a limited extension that would not be harmful to the Green Belt. The redesigned scheme no longer appears out of keeping or detrimental to the character and appearance of the area and would not have any detrimental impact on the amenities of neighbours. Therefore the proposed development complies with the relevant Local Plan policies and 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

Report to Area Plans Sub-Committee



**Epping Forest
District Council**

**Date of meeting: West – 17 December 2014
South – 07 January 2015
East – 21 January 2015**

Subject: Probity in Planning – Appeal Decisions, 1 April 2014 to 30 September 2014

**Officer contact for further information: Nigel Richardson (01992 564110)
Democratic Services Officer: Adrian Hendry (01992 564246)**

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Governance) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

Performance

4. Over the six-month period between 1 April 2014 and 30 September 2014, the Council received 36 decisions on appeals (29 of which were planning related appeals, the other 7 were enforcement related).
5. KPI 54 and 55 measure planning application decisions and out of a total of 29, 10 were allowed (34.5%). Broken down further, KPI 54 performance was 4 out of 18 allowed (22.2%) and KPI 55 performance was 6 out of 11 (54.6%).

Planning Appeals

6. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following cases:

COMMITTEE REVERSALS - APPEALS ALLOWED:

Area Committee South

| | | |
|-------------|--|--|
| EPF/0942/14 | Retention of ground floor rear extension. | 69 Queens Road Buckhurst Hill |
| EPF/2595/13 | Change of use from Class A1 Shop to Class A5 fish and chips hot food takeaway use together with installation of extract duct on roof of cold room at the rear. | Chigwell Food & Wine 10 Brook Parade High Road, Chigwell |

Area Committee East

| | | |
|-------------|--|--|
| EPF/0879/14 | Two storey rear extension. | 11 Tower Road Epping |
| EPF/1043/13 | Application for engineering operations comprising formation of roadway and installation of cesspool (Resubmitted application to EPF/0132/13) | Great Notts Moreton Road Ongar |
| EPF/1683/13 | Retention (with modifications) of agricultural building and erection of agricultural building. | The Acres Bounebridge Lane Stapleford Abbots |

Area Committee West

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|-------------|---|---|
| EPF/1521/13 | Variation of condition 16 'Parking Area' of planning permission EPF/0339/13. (Redevelopment to form 28 sheltered apartments for the elderly including communal facilities(Category II type accommodation), access, car parking and landscaping) | The Green Man Public House, Broomstick Hall Road, Waltham Abbey |
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7. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision. However, the committees were successful in the following 5 cases:

COMMITTEE REVERSALS - APPEALS DISMISSED:

Area Committee South

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|-------------|--|---------------------------------------|
| EPF/0219/14 | Single storey side and rear extension with part second storey to side and rear. | 49 Southern Drive, Loughton |
| EPF/2664/13 | Redevelopment of site to create four detached dwellings, formation of vehicular access and car parking | 48 Church Lane, Loughton. |
| EPF/0941/13 | New semi detached house and alterations to existing dwelling. | Land adj 20 Ollards Grove Loughton |

Area Committee East

| | | |
|-------------|--|--|
| EPF/1052/14 | Two storey extension to rear of property together with first floor extension built over existing garage to side (Revised application to EPF/0431/14) | 17 Emberson Way, North Weald. |
| EPF/2075/13 | Private stables and log store. | Brook House Farm Barn Epping Lane, S Tawney |

8. Out of 7 **ENFORCEMENT NOTICE APPEALS** decided, 2 were allowed and 5 were dismissed. These are as follows:

Allowed

| | | |
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| ENF/0021/13 | Without planning permission the change of use of the land from menage to parking and or storage of vehicles and storage of plant and machinery in connection with recycling business and; Without planning permission the change of use of the land from agricultural to storage, sorting, distribution, recycling of concrete, hard core, tarmac and screen waste together with the stationing or related plant and machinery | Marlow High Road Thornwood |
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| ENF/0251/13 | Breach of condition 4 attached to Planning Inspectors decision (EPF/0492/09) dated | Disney Alpacas Hamlet Hill Roydon |
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Dismissed

| | | |
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| ENF/0263/13 | Without planning permission the change of use of the land from agriculture to residential use | Paslows Field (Oak Tree Lodge) King Street High Ongar |
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| ENF/0356/13 | Without planning permission the erection of a storage shed | Highfields Gravel Lane Chigwell |
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| ENF/0642/12 | Without planning permission the erection of a front wall, railings, gates and piers more than one metre in height adjacent to a highway | 75 Honey Lane Waltham Abbey |
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| ENF/0062/11 | Without planning permission the material change of use of the land to a mixed use comprising agriculture, residential and storage | Barkers Farm Mount End Road Theydon Mount |
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| ENF/0721/11 | Without planning permission material alterations to a barn to form a mixed use of residential and agricultural | Land adj.Great Notts Moreton Road Bobbingworth |
|-------------|--|--|

Costs

9. During this period, costs were awarded against the Council in respect of the following.

| | | |
|-------------|---|---|
| EPF/1521/13 | Variation of condition 16 'Parking Area' of planning permission EPF/0339/13. (Redevelopment to form 28 sheltered apartments for the elderly including communal facilities(Category II type accommodation), access, car parking and landscaping) | The Green Man Public House, Broomstick Hall Road, Waltham Abbey |
|-------------|---|---|

10. Members attention is brought to the fact recent appeal changes allows Planning Inspectors to award costs against a party that has behaved unreasonably even if neither the Council or the appellant has applied for costs. In the case above, Committee West's concern was that despite condition 16 requiring up to 15 spaces to be provided, the developer argued a need for 12 and the application was submitted to vary the condition to 12. Committee West refused on the

grounds of increased on-street parking resulting in harm to amenity and traffic hazard. At the appeal, there was no County Council highway objection, and evidence put forward relied on local knowledge and comment from Waltham Abbey Town Council that this was an accident hot-spot. The appellants produced evidence that 12 were needed. The Inspector concluded that the Council had behaved unreasonably because it could not provide any substantiated evidence why 3 extra cars would result in amenity and traffic hazard harm and awarded costs, which Officers have negotiated down to a final payment of £10,328.

Conclusions

11. Whilst performance in defending appeals has improved during the last couple of years, Members are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for. As the above appeal cost case demonstrates, it is in the area of highway and parking refusals that the Council has difficulty in defending Members objections on these grounds without substantiated evidence. Highway and parking appears to be weighed far more heavily in favour of the developer who usually can justify parking provision from evidence.

12. Finally, at a previous request from Planning Services Scrutiny Standing Panel, appended to this report are the 11 appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 5 of which were dismissed and therefore refused planning permission.

13. A full list of appeal decisions over this six month period appears below.

Total Appeal Decisions April to September 2014

Allowed

Buckhurst Hill

| | | | |
|---|-------------|---|-----------------|
| 1 | EPF/0312/14 | First floor rear extension. (Revised application to EPF/0024/13) | 146 Queens Road |
| 2 | EPF/0584/14 | Prior notification application for an 8 metre deep single storey rear extension, height to eaves 3.0 metres and maximum height of 4.0 metres. | 5 Forest Side |
| 3 | EPF/0942/14 | Ground floor rear extension. | 69 Queens Road |

Chigwell

| | | | |
|---|-------------|--|--|
| 4 | EPF/2595/13 | Change of use from Class A1 Shop to Class A5 fish and chips hot food takeaway use together with installation of extract duct on roof of cold room at the rear. | Chigwell Food & Wine 10 Brook Parade High Road |
|---|-------------|--|--|

Epping

| | | | |
|---|-------------|--|----------------|
| 5 | EPF/0159/13 | Change of use from 4 no. 1 bed self contained flats to single dwelling (Appeal against a condition). | 66A Bower Hill |
| 6 | EPF/0879/14 | Two storey rear extension. | 11 Tower Road |

Moreton, Bobbingworth and the Lavers

| | | | |
|----------------------------|-------------|--|--|
| 7 | EPF/1043/13 | Application for engineering operations comprising formation of roadway and installation of cesspool (Resubmitted application to EPF/0132/13) | Great Notts Moreton Road |
| Stapleford Abbotts | | | |
| 8 | EPF/1683/13 | Retention (with modifications) of agricultural building and erection of agricultural building. *** Revisions to building *** | The Acres Bournebridge Lane |
| Waltham Abbey | | | |
| 9 | EPF/0365/13 | Installation of illuminated fascia sign. | Castles 2-4 Highbridge Street |
| 10 | EPF/1521/13 | Variation of condition 16 'Parking Area' of planning permission EPF/0339/13. (Redevelopment to form 28 sheltered apartments for the elderly including communal facilities(Category II type accommodation), access, car parking and landscaping) | The Green Man Public House, Broomstick Hall Road |
| Dismissed | | | |
| Chigwell | | | |
| 11 | EPF/2397/13 | Retrospective application for the retention of a storage shed. | Highfields Gravel Lane |
| 12 | EPF/2615/13 | Proposed two storey rear extension. | The Shaws |
| Lambourne | | | |
| 13 | EPF/0679/13 | Construction of three new 3 bedroom houses with associated access and parking. | 92-110 London Road Abridge |
| 14 | EPF/1641/13 | Installation of 648 ground mounted photovoltaic panels. | Patch Park Farm Ongar Road |
| Loughton | | | |
| 15 | EPF/0014/14 | Formation of additional bedrooms in re-profiled and extended roof, including new window with juliet balcony at second floor rear, and first floor side extension over integral garage. | 65 Roundmead Avenue |
| 16 | EPF/0219/14 | Single storey side and rear extension with part second storey to side and rear. | 49 Southern Drive |
| 17 | EPF/0941/13 | New semi detached house and alterations to existing dwelling. | Land adjacent to 20 Ollards Grove |
| 18 | EPF/2664/13 | Redevelopment of site to create four detached dwellings, formation of vehicular access and car parking | 48 Church Lane |
| Nazeing | | | |
| 19 | EPF/2081/13 | Variation of condition 4 'Removal of mobile home and shed structures' of planning permission EPF/2133/12. (Proposed barn conversion and demolition of redundant former farm buildings by removing any reference to the mobile home structure from condition 4) | Church Farm Back Lane |
| North Weald Bassett | | | |
| 20 | EPF/0733/14 | Proposed garage and domestic store (Revised application to EPF/2471/13) | Amber Cottage Foster Street Hastingwood |

| | | | |
|--------------------------|------------------|---|---|
| 21 | EPF/1052/14 | Two storey extension to rear of property together with first floor extension built over existing garage to side (Revised application to EPF/0431/14) | 17 Emberson Way |
| 22 | EPF/2030/12 | Removal of condition 5 'Demolition of Unit 7A' of planning permission EPF/2562/11 (Retention of building on site of former agricultural buildings for small scale B1 use (unit 50) and the demolition of Unit 7A to provide access to rear) | Chase Farm Vicarage Lane |
| 23 | EPF/2056/12 | Retain change of use from residential to vehicular access to and parking for small scale B1 use in connection with business centre | Chase Farm Vicarage Lane |
| Ongar | | | |
| 24 | EPF/0914/13 | 1 non-illuminated projecting sign and 1 trough lit externally illuminated sign in middle of fascia. | Co-operative Retail Services Ltd 198 High Street |
| 25 | EPF/1097/13 T | Listed building application for installation of 1x rough light above existing fascia sign, installation of 1x projection sign with wrought iron bracket fixed to existing fascia sign. (No alterations of shop front) | Co-operative Pharmacy 198 - 202 High Street Ongar Essex CM5 9JJ |
| Stapleford Abbots | | | |
| 26 | EPF/1629/13 | Replacement dwelling. | Underwoods Nupers Hatch |
| Theydon Bois | | | |
| 27 | EPF/2469/13 | Single storey rear and single storey side extensions, raising existing roof to accommodate rooms in roof and insertion of two front dormers | 121 Theydon Park Road |
| Theydon Mount | | | |
| 28 | EPF/2075/13 | Private stables and log store. | Brook House Farm Barn Epping Lane Stapleford Tawney |
| Waltham Abbey | | | |
| 29 | EPF/1029/13 | Phase 1 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor. | 54 Sun Street |



Appeal Decision

Site visit made on 17 March 2014

by **Isobel McCretton BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 April 2014

Appeal Ref: APP/J1535/A/13/2206643

**The Green Man Public House, Broomstick Hall Road, Waltham Abbey
EN9 1NH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Churchill Retirement Living Ltd against the decision of Epping Forest District Council.
 - The application Ref. EPF/1521/13, dated 19 July 2013, was refused by notice dated 25 September 2013.
 - The application sought planning permission for redevelopment to form 28 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping without complying with a condition attached to planning permission Ref. EPF/0339/13 dated 12 July 2013.
 - The condition in dispute is No.16 which states that: Notwithstanding the parking layout shown on the approved plan, prior to commencement of the development, the developer shall submit a revised parking layout to demonstrate how 15 spaces could be accommodated within the site, the full details of which shall be agreed in writing by the local planning authority. The approved parking details 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.
 - The reason given for the condition is: In the interests of highway safety.
-

Decision

1. The appeal is allowed and planning permission is granted for redevelopment to form 28 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping at The Green Man Public House, Broomstick Hall Road, Waltham Abbey EN9 1NH in accordance with the application, Ref. EPF/1521/13, dated 19 July 2013, without compliance with condition number 16 previously imposed on planning permission Ref. EPF/0339/13 dated 12 July 2013, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition:
 - 1) The 12 parking spaces shown on drawing no.4013WA-Park01 shall be provided prior to the first occupation of the development and shall thereafter be retained free of obstruction for the parking of residents', staff and visitors' vehicles.

Procedural Matters

2. The application was made prior to the publication of the Planning Practice Guidance (planning guidance) by the Government on 6 March 2014. However, having regard to the submissions, I am satisfied that no party's interests would be prejudiced by my determination of the appeal in the light of the advice therein.

Application for Costs

3. An application for costs was made by Churchill Retirement Living Ltd against Epping Forest District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the proposed level of parking on highway safety.

Reasons

5. The appeal site lies at the junction of Broomstick Hall Road, Farm Hill Road, Honey Lane and The Gladway, with frontages onto Broomstick Hall Road and The Gladway. It was formerly occupied by a public house, but the site has been cleared and, at the time of my visit, was surrounded by a temporary site hoarding.
6. The scheme originally proposed showed 10 parking spaces. The scheme was recommended for approval by Officers, but Members expressed concern at the level of parking provision. Rather than refuse permission, it was agreed with the developer that a condition would be imposed requiring an amended layout to provide 15 spaces.
7. Following the Committee meeting, the appellants commissioned an independent parking review to specifically identify areas within the site where additional parking could be provided. As a result of this study, the appellants maintain that the provision of 15 spaces is not practicable. There are significant level changes within the compact site, landscape constraints and additional parking is not considered feasible where the amenity of residents would be affected due to the impact of noise and headlights. The conclusion of the study is that the maximum number of spaces which could be satisfactorily accommodated, taking visual and safety considerations into account, is 12. While the Council states that not all options were explored, there is no explanation as to how this study was deficient.
8. Under the adopted parking standards¹ the Council states that 35 on-site spaces would normally be required (of which 3 should be disabled parking bay sizes), 3 cycle parking spaces, 28 powered two wheeler spaces and 14 mobility scooter spaces. However the guidance states that '*.....parking should be provided for each unit unless there is the evidence base to support a reduction in the standard*'. The Council agreed to accept a reduced level of parking on the site in view of the nature of the development and because it is within an urban area with adequate sustainable transport links to local services and facilities.

¹ Essex County Council Parking Standards: Design and Good Practice (2009)

9. The proposed development is a scheme of sheltered retirement flats and, as specialists in the provision of this type of accommodation, the appellants argue that their experience, based on a survey of 9 of their schemes, shows that the level of parking sought by the Council is not necessary. This information was provided in the Transport Statement which accompanied the original planning application and the Council has not sought to challenge the findings.
10. The practice guidance (as with the previous advice in Circular 11/95 in force at the time of the Council's decision) sets out six tests for planning conditions, and states that any proposed condition that fails to meet any of these tests should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by the members of a planning committee or a third party. I consider that the condition, when it was not known whether it was feasible to provide the additional 5 parking spaces, was not reasonable.
11. It is stated that Members relied on local knowledge about the site, local roads and public transport and concluded that the development, with the level of parking proposed, would be likely to result in increased on-street parking to the detriment of the amenity of the area and highway safety. Nonetheless, there is no systematic analysis of the overall parking situation in the area. No substantiated evidence has been adduced to demonstrate that on-street parking in the surrounding roads is so problematic that the impact of parking up to 3 additional cars (i.e. the difference between the number sought through the condition and the number the appellants are able to provide) would result in conditions prejudicial to highway safety (the reason given for the imposition of the condition). There is also no justification given for 15 spaces being required in the context that the Council accepts that a reduced level of parking is appropriate.
12. Waltham Abbey Town Council argues that the area is an accident black spot, but no accident statistics are provided to support this assertion. Photographs taken one Saturday morning and one Sunday afternoon in November 2013 show that much of the available on-street parking space was taken up, but there is no evidence showing that this situation pertains for much of the time. At the time of my site visit for instance, there were spaces available in Broomstick Hall Road, The Gladeway and Honey Lane. I have no reason to doubt that, at some times of the day/week, on-street parking may be heavier, but while there are parking restrictions around the junctions, there is no general controlled parking zone in place and, again, there is no substantiated evidence to show that up to 3 additional cars would compromise highway safety to an unacceptable degree.
13. I conclude that, although the level of parking proposed would not accord with policy ST6 of the Local Plan and Alterations (1998), it would not conflict with policy ST4 in terms of highway safety.

Other Matters

14. In the 'final comments' submitted by the appellants reference is made to the fact that the Council has failed to provide any evidence to support the claims made in respect of affordable housing on the site. It is assumed that this is an error as the provision of affordable housing is not an issue raised in the Council's reasons for refusal.

Conditions

15. I have considered the need for conditions in the light of the advice in the practice guidance. Given that the appellants have demonstrated that 12 parking spaces could be achieved on the site I consider that it is reasonable that these are provided before the first occupation of the development and are retained for use by residents, staff and visitors.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Isobel McCretton

INSPECTOR