

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday, 25th March, 2015**

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, 25th March, 2015**  
at **7.30 pm** .

**Glen Chipp**  
**Chief Executive**

**Democratic Services**  
**Officer**

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

#### **Members:**

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

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#### **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.”

Please could I also remind members to put on their microphones before speaking.

**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 - 22)**

To confirm the minutes of the last meeting of the Sub-Committee held on 25 February 2015 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 23 - 38)**

(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. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

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

Confidential Items Commencement

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

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not

include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

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

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

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

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

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

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

### **Can I speak?**

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

### **Who can speak?**

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

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

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

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

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

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

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

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

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

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

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

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

### **Further Information?**

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

## Area Planning Subcommittee West 2014-15

Members of the Committee:



Cllr Knight

Cllr Mitchell

Cllr Bassett

Cllr Butler

Cllr Dorrell

Cllr  
Gadsby



Cllr Glozier

Cllr Kane

Cllr Lea

Cllr Sartin

Cllr Shiell

Cllr  
Stavrou



Cllr Watts

Cllr  
Webster

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 25 February 2015  
West

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 8.57 pm  
High Street, Epping

**Members Present:** Ms Y Knight (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

**Other Councillors:**

**Apologies:** A Mitchell MBE

**Officers Present:** J Godden (Planning Officer), A Hendry (Democratic Services Officer), J Leither (Democratic Services Assistant) and S Tautz (Democratic Services Manager)

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### 57. 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.

### 58. 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.

### 59. ELECTION OF VICE CHAIRMAN

In the absence of the Vice-Chairman, who had tendered her apologies, the Chairman requested nominations for the role of Vice-Chairman.

#### **RESOLVED:**

That Councillor M Sartin be elected Vice-Chairman for the duration of the meeting.

**60. MINUTES**

**RESOLVED:**

That the minutes of the meeting of the Sub-Committee held on 28 January 2015 be taken as read and signed by the Chairman as a correct record.

**61. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Bassett declared a non-pecuniary interest in the following item of the agenda by virtue of living in Hoe Lane, Nazeing. The Councillor indicated that he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0207/14 Stoneshot Farm, Hoe Lane, Nazeing.

(b) Pursuant to the Council's Code of Member Conduct, Councillor S Stavrou declared a non-pecuniary interest in item 3 of the agenda by virtue of being the District Council representative on the Lee Valley Regional Park Authority and item 4 on the agenda by commissioning the Agent to work for her on another project. The Councillor indicated that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2370/14 Netherhouse Farm, Sewardstone Road, Waltham Abbey; and
- EPF/2804/14 Danbury, Lippitts Hill, Waltham Abbey.

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

- EPF/2370/14 Netherhouse Farm, Sewardstone Road, Waltham Abbey.

**62. ANY OTHER BUSINESS**

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

**63. DEVELOPMENT CONTROL**

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

**RESOLVED:**

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

**CHAIRMAN**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0207/14
<b>SITE ADDRESS:</b>	Stoneshot Farm Hoe Lane Nazeing Essex EN9 2RW
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing light industrial buildings and construction of 25 no. 2-bed, 6 no. 3-bed and 5 no. 4-bed houses (36 dwellings in total), with associated off street parking, private gardens, communal amenity space, children's play area and landscaping.
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=559340](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559340)

**REASON FOR REFUSAL**

- 1 The site is considered to be unsustainable in respect of proximity to shops, services and facilities. The new dwelling houses are not readily accessible by sustainable means of transport or provide safe and convenient access to pedestrian and cyclists. Future residents of the dwellings would therefore be heavily dependent on the use of private cars which is contrary to local policies CP1, CP3, ST1, ST2 and ST3 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 2 The proposal constitutes inappropriate development in the Metropolitan Green Belt for which planning permission should not be granted, save in very special circumstances. In addition to the harm by reason of its inappropriateness, the proposed development would also be detrimental to the open character of the Green Belt in this location and would cause harm to the visual amenity of the area. The applicant has failed to demonstrate that other considerations clearly outweigh that identified harm to the Green Belt and, as such, the proposed development is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies GB2A and GB7A of the adopted Local Plan and Alterations.
- 3 The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The proposed dwelling houses are materially greater in size and scale than that of the buildings that they are proposed to replace particularly in relation to their bulk, massing and height and the developed area extends on to currently undeveloped open land. The proposal would therefore result in undue intensification of built development at the site that would unduly diminish the rural character and the openness of the green belt and thus not accord with the aims and objectives of including land within the green belt. No adequate very special circumstances have been demonstrated by the applicant to outweigh the significant

harm of the development to the Green Belt. The proposal is contrary to policies CP2, GB2A and GB7A of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

- 4 The proposal fails to provide on site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to policies H5A, H6A, and H7A of the Adopted Local Plan and Alterations and Para 50 of the NPPF.
- 5 The proposed development is of a design, scale, layout and form that is out of character with the local area and detracts from local distinctiveness contrary to policies CP2, CP3, DBe1, DBE4 and DBE5 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 6 The proposed development has failed to adequately demonstrate sufficient retention of landscaping particularly protected trees along the site access due to conflicting supporting documentation supplied. The development is therefore contrary to policy LL10 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 7 The proposed development would result in significant adverse impact when viewed from the surrounding countryside to the detriment of the character of the rural landscape and contrary to the aims and objectives of policy LL2 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 8 The applicant has failed to make adequate provision for the retention of the existing public right of way through the site to the detriment of local amenities, contrary to CP2, RST2 and RST3 of the Adopted Local Plans and Alterations and the National Planning Policy Framework.

## **WAY FORWARD**

Members considered that a scheme which provided affordable housing, reduced the number of dwellings on the site, and improved the design of the buildings to reflect a rural vernacular with less prominent parking may overcome some of the reasons for refusal.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2369/14
<b>SITE ADDRESS:</b>	Netherhouse Farm Sewardstone Road Waltham Abbey Essex E4 7RJ
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	The conversion and redevelopment of existing redundant commercial buildings to provide 21 new residential dwellings, 10 of which to be affordable units.
<b>DECISION:</b>	WITHDRAWN

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=569210](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=569210)

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2370/14
<b>SITE ADDRESS:</b>	Netherhouse Farm Sewardstone Road Waltham Abbey Essex E4 7RJ
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	The conversion and redevelopment of existing redundant commercial buildings to provide 16 new residential dwellings, 8 of which to be affordable units.
<b>AGREED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=569211](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=569211)

**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: 4093/PA/01, 4093/PA/02, 4093/PA/03, 4093/PA/04, 4093/PA/05, 4093/PA/06, 4093/PA/07, 4093/PA/08, 4093/PA/09, 4093/PA/10, 4093/PA/11, 4093/PA/12a, 4093/PA/13c, 4093/PA/14a, 4093/PA/15a, 4093/PA/16b, 4093/PA/17a, 4093/PA/18, 4093/PA/19, 4093/PA/20, 4093/PA/21, 4093/PA/22, 4093/PA/23, 4093/PA/24, 4093/PA/25, 4093/PA/26, 4093/PA/27, 4093/PA/28
- 3 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.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B, E and D of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 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.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 The parking and turning areas shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 8 Prior to first occupation of the development the bellmouth access, as shown in principle on drawing no. 4239/PA/13a, shall be implemented with all details being agreed with the Highway Authority.
- 9 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.
- 10 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 11 All recommendations in section 5 of the ecological report submitted by EECOS shall be followed, including any required survey works and any subsequent mitigations or biological enhancements recommended within this submitted report or any further surveys or reports.
- 12 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]

- 13      Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 14      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]
- 15      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.
- 16      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.



- 17 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.
- 18 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 19 Prior to occupation of the dwellings hereby approved details of the proposed bin stores, cycle parking and any proposed play equipment located within the 'play area' shall be submitted to and approved in writing by the Local Planning Authority. The approved structures shall be erected in accordance with the approved details prior to occupation of the dwellings and retained thereafter for their specific purposes.
- 20 Prior to occupation of the dwellings hereby approved Secured by Design certification shall be achieved on all units.
- 21 Prior to works commencing, boundary treatment to be agreed.

**And the completion by the 8<sup>th</sup> April 2015 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement under section 106 of the Town and Country Planning Act to secure a financial contribution of £69,785 towards the provision of early years, childcare and the primary school provision (index linked to April 2014 costs) along with securing 50% affordable housing and the provision of highways works. In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing and that it would cause harm to local education services and to the capacity of existing transport services by generating additional demand that cannot be accommodated within existing capacity.**

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2804/14
<b>SITE ADDRESS:</b>	Danbury Lippitts Hill Waltham Abbey Essex IG10 4AL
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use and conversion of outbuildings to form three residential units; alterations to vehicular access; and associated parking and landscaping.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=571655](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=571655)

**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: 3447/1, 1, 2, 3, 4 Rev: A, 5 Rev:A, 6 Rev: B
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 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 extension or outbuildings generally permitted by virtue of Class A, B, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for

planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 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, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 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 None of the development hereby approved shall be used as holiday lets.

**Report Item No:5**

<b>APPLICATION No:</b>	EPF/2886/14
<b>SITE ADDRESS:</b>	3 Ash Groves Sheering Essex CM21 9LN
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>APPLICANT:</b>	Mr Alex Groom
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey front extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=572033](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=572033)

It was noted that this item was incorrectly reported to this Committee when it should have been reported to Area Planning Sub-Committee East.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0030/15
<b>SITE ADDRESS:</b>	7 Thaxted Way Waltham Abbey Essex EN9 1LQ
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>DESCRIPTION OF PROPOSAL:</b>	Front and rear single storey extension, two storey side/rear extension and loft extension with dormer window to rear. Resubmission of EPF/2683/14
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=572893](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=572893)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed first floor window openings in the northern flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

## AREA PLANS SUB-COMMITTEE 'WEST'

25 March 2015

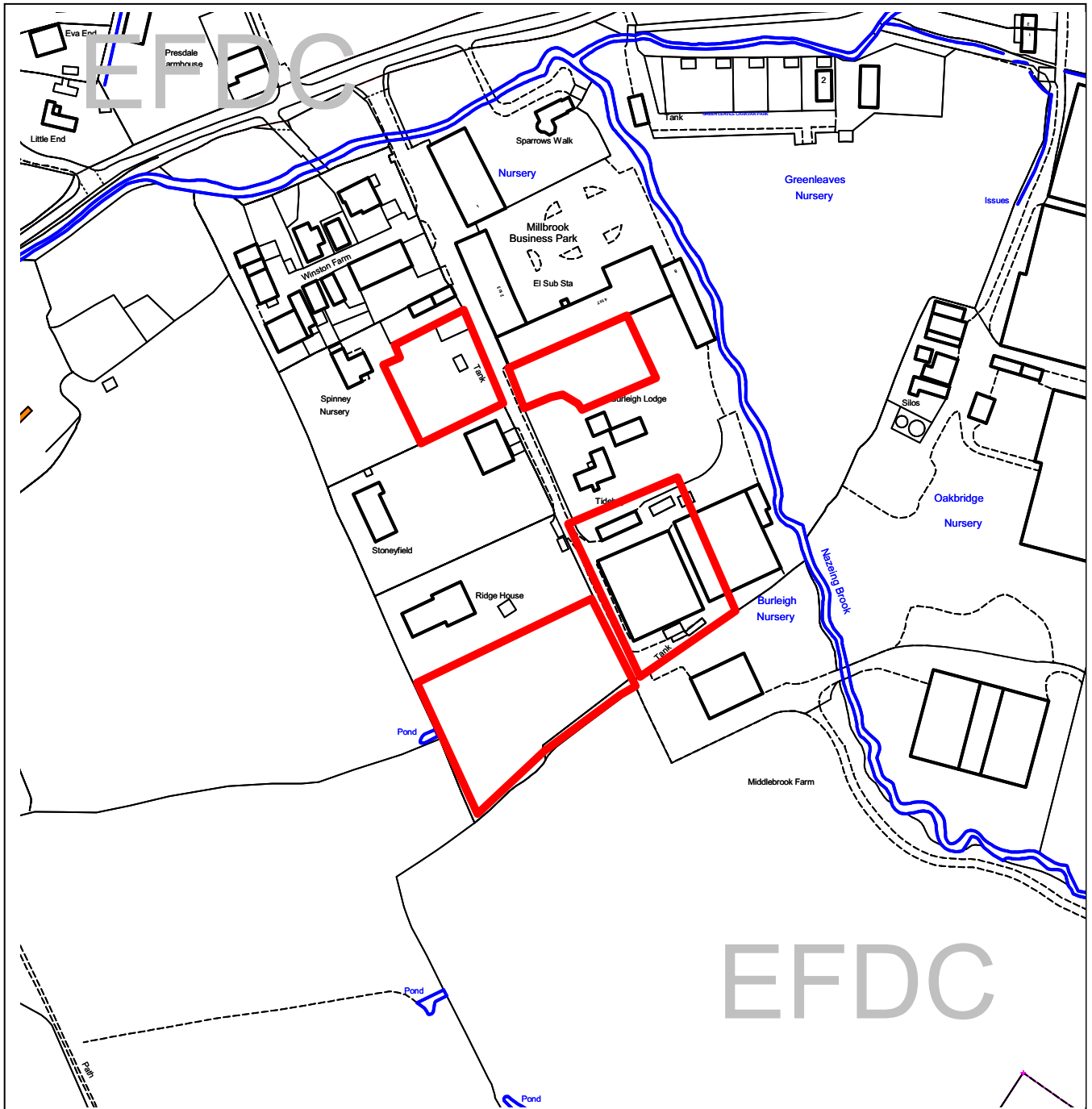
### INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0204/14	Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery Nazeing	Refuse Permission	24



# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/0204/14
Site Name:	Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery, Nazeing, EN9 2RJ)
Scale of Plot:	1/2500



**Report Item No:**

<b>APPLICATION No:</b>	EPF/0204/14
<b>SITE ADDRESS:</b>	Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery Nazeing Essex EN9 2RJ
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Messrs C Shorter, M Frederick & J Marsetic
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of nursery glasshouses and commercial sheds and construction of 10 no. detached five bed houses with associated amenity space, off-street parking, vehicle crossovers and landscaping
<b>RECOMMENDED DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=559337](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559337)

**REASON FOR REFUSAL**

- 1 The proposal constitutes inappropriate development in the Metropolitan Green Belt for which planning permission should not be granted, save in very special circumstances. In addition to the harm by reason of its inappropriateness, the proposed development would also be detrimental to the open character of the Green Belt in this location and would cause harm to the visual amenity of the area. The applicant has failed to demonstrate that other considerations clearly outweigh that identified harm to the Green Belt and, as such, the proposed development is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies GB2A and GB7A of the adopted Local Plan and Alterations.
- 2 The proposed development would result in the provision of ten new residential properties in the Metropolitan Green Belt. Local plan policies indicate that such developments require a provision of 50% affordable housing and no provision has been put forward. The findings of the Applicant's submitted Viability Appraisal which states that the development would be carried out at a loss even before affordable housing is factored into considerations is not accepted. The Council are of the view that the development could be carried out in a way which would provide a reasonable profit and the policy required level of affordable housing in line with Paragraph 173 of the NPPF. Affordable Housing provision is necessary to make this development acceptable in planning terms and in the absence of an agreed level of provision the proposed development is contrary to national policy contained in the NPPF and local plan policies H5A, H6A and H7A.

*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 off Hoe Lane on the outskirts of Nazeing. The enclave of properties includes a mix of residential and commercial uses. The road into the site is private with properties off either side. Towards the front is the Millbrook Business Park with its associated parking area. Winston Kennels is on the opposite side of the road.

The sites for development are located further into the enclave at Spinney Nursery, Ridge House and Burleigh Lodge/Nursery. In the centre of the site is another residential property with associated nursery, Stoneyfield Nursery, which does not form part of the sites for development. The entire site is within the Metropolitan Green Belt and although the local Conservation Area abuts the enclave none of the sites proposed for development are within it. A number of trees are within the immediate area and the Nazeing Brook passes along the front and eastern side of this enclave of properties.

#### **Spinney Nursery**

Spinney Nursery is located towards the centre of the enclave on the eastern side and is just to the south of Winston Kennels. The red/blue line site plan submitted includes a fairly generous residential curtilage with a large detached house. Adjacent to the private road are some commercial buildings which have a lawful use for motor repairs and vehicle storage in connection with a vehicle recovery business. The red line site includes part of the garden for Spinney Nursery and an area that is occupied by a number of shipping containers. This part of the site also benefits from a Lawful Development Certificate for commercial use for motor vehicle repairs, ancillary storage and as a base of operations for a vehicle recovery business.

#### **Burleigh Lodge/Nursery**

Burleigh Lodge is to the south of the Millbrook Business Park on the eastern side of the private road. The house is served by generous grounds. To the south of the residential curtilage is an area currently occupied by glasshouse structures and a number of ancillary buildings. The glasshouses are in a dilapidated state and some have either collapsed or had sections of glass removed. The existing glasshouses are in a poor state and extend up to the road edge, and are clearly no longer suitable for a horticultural use without extensive renovation or replacement.

A vehicle repairs use is housed in units to the rear of the site and a car restoration business housed in a brick building to the front of the site. The vehicle repairs and other specific buildings within the site benefit from lawful use confirmed by a Certificate of Lawfulness issued in 2009 (EPF/1528/09). The nursery site benefits from a planning permission to demolish the buildings on site and replace them with one large warehouse structure and associated parking facilities (EPF/0087/14).

#### **Ridge House**

Ridge Lodge is a residential property with extensive garden on the western side of the road on the opposite side from Burleigh Nursery. Behind Ridge House and Burleigh Nursery are further commercial premises at Middlebrook Farm.

### **Description of Proposal:**

Consent is sought to demolish commercial buildings and replace them with ten detached residential properties. Eight house types are proposed (A-H). B, D and E are variations of a similar design and C, F, G and H are also variations of a similar style. One of house type A would be constructed in the garden area of Burleigh Lodge, to the north of the existing dwelling. One of both house type G and H would be constructed in the garden area/land occupied by shipping containers at Spinney Nursery, to the west of the house. The plans indicate that the commercial units at Spinney Nursery would be demolished.

One example of house types B, C and D would be constructed in the commercial area of Burleigh Nursery. The plans indicate that all commercial uses would be demolished. One of type C and E and two house type F would be constructed in the garden area of Ridge House to the rear of the existing house. All houses would have garages for the parking of vehicles and individual garden areas.

#### **House Type A**

Large detached dwelling with a cross wing style and a footprint measuring 19.0m in width and 11.5m deep. The house would have a ridge level measuring 8.4m from the ground and an eaves level of 5.0m. The front and rear of the dwelling would have matching projecting gables. A balcony would project at first floor level on the rear elevation. The proposal also includes dormer windows on the front and rear elevation. A detached double garage with a hipped roof would be located to the front of the house. The house would be served by an entrance drive with a garden area to the rear.

#### **House Type B/D/E**

Two storey dwellings with a long two storey range projecting from the front elevation. The houses would have differing ridge levels, 9.8m at the highest point. The main body of the house would have a footprint measuring 12.0m x 7.0m and the front projection would extend for 8.5m from the front elevation. The roof structure would be a mix of gables and hips with integral double garages. Garden areas would be provided to the rear.

#### **House Type C/F/G/H**

Two storey dwellings with hipped roof to a height of 9.7m and double garage projecting from the front elevation. The main house would have a footprint measuring 12.7m x 10.0m. The dwellings would be served by private garden areas to the rear and would be accessed off Hoe Lane.

### **Relevant History:**

#### **Spinney Nursery**

There is a relatively long history of applications at the site, the most relevant and recent being;

CLD/EPF/2430/03 - Certificate of lawfulness for use of part of nursery for motor vehicle repairs/parts and storage of vehicles and plant for abandoned vehicle recovery service. Lawful - 27/01/2004.

### Burleigh Lodge/Nursery

EPF/0444/09 - Certificate of lawful development for existing use of barn as a workshop for the repair and maintenance of all types of commercial vehicles and machinery with associated parking and storage of vehicles within the revised curtilage. (Revised application). Lawful – 21/04/09.

EPF/0083/12 - Demolition of existing glass houses and vehicle workshops and erection of a replacement building to provide modern vehicle workshops and storage units. Refuse Permission - 08/03/2012. Appeal Dismissed – 27/02/13.

EPF/0087/14 - Outline application for proposed replacement of existing warehouse units and removal of glass house remains, with new warehouse building. Grant Permission (With Conditions) - 27/03/2014.

### Ridge Lodge

EPF/0953/90 - Outline application for dwelling. Refuse Permission - 24/08/1990.

### **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

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 214 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.

51 neighbours consulted, Site Notice displayed and press advert in local newspaper.

Objections- 2 replies.

*West Essex Ramblers:*

The proposed development is for luxury houses and is in no way justifiable as the required very special circumstances do not exist.

*Greenleaves:*

Inappropriate development in the Green Belt. It is unclear if all the existing commercial uses would cease and as such where is the planning gain? The majority of the development is of residential garden areas. Concern that the immediate area will become overdeveloped. Concern about developing housing estates along Hoe Lane. Commercial traffic will still visit other premises on the lane. Industry and housing should not co-exist together. Concern that Great Crested Newts have been found on or near the site.

Support – 21 replies received.

A standardised response was signed by the occupants of the following properties:

*Paddock View, Lodge Hall, Ridge House, Stoneshott Cottage, LNS Nursery, Burleigh Lodge, Unit 12 Middlebrook Farm, Tudor Lodge, Fieldside, Parke Farm, 3 Millbrook Business Park, Shiree Lodge, Winston Farm, Camps Manor, Stoneshott View, Stoneyfield Nursery, Oakley Hall, 39 Hoe Lane, Prospects House, Spinney Nursery, Presdale Farm House.*

Hoe Lane is continually blighted by the movement of heavy goods lorries and this proposal would help reduce such movements. The scheme would help provide much needed housing on brownfield sites as required by the Government. The proposed housing is in keeping with the existing pattern of development. This area of Hoe Lane has a small access and is unsuitable for the movement of large vehicles. The road surface of Hoe Lane is badly damaged by the movement of commercial vehicles along it.

### **Further Individual Comments Added:**

*Lodge Hall:*

Fly tipping is a problem along the lane.

*Ridge House:*

Hoe Lane needs money spent on it to repair the damaged road surface.

*LNS Nursery:*

We support this application because of the shortage of housing and the reduction in commercial traffic that will result.

*Tudor Lodge:*

Traffic on the lane would be reduced.

*Fieldside:*

Residential is preferable to commercial.

*Parke Farm:*

A reduction in traffic is a considerable benefit.

*3 Millbrook Business Park:*

As an owner of a business we do not want to see an increase in commercial traffic.

*Shiree Lodge:*

Reduction in noise and disturbance from heavy goods vehicles.

*Winston Farm:*

Residential is preferable to commercial on a country lane.

*39 Hoe Lane:*

Would prefer to see residential to commercial development.

*Presdale Farm House:*

Would like to see a reduction in commercial uses on the lane.

*Stoneyfield Nursery:*

We live on the lane (beside Spinney Nursery) and the change to residential will bring an immense improvement. Concern that all around us horticultural uses have become commercial with associated noise, disturbance, traffic movements and parking concerns. Concern that Hoe Lane was not built to deal with large volumes of commercial traffic and is not served by lighting or a footpath. If this scheme is not approved the proliferation of commercial uses will increase and cause further distress in this mainly residential area. Low density residential is appropriate and would fit in with the general character of the area. The design is appropriate and an approval will reduce the movement of large commercial vehicles along the lane.

Second Letter from Stoneyfield Nursery received 30/01/15: We are immediate neighbours and strongly in favour of this development as it will reduce the amount of commercial/light industrial uses in the immediate vicinity. It should be noted that all of the applicants are long term residents along the road who have three or four generations living in the same house. We do not see how a recommendation to refuse could be rationalised particularly as it is at odds with the recent decision to grant permission for four houses at Winston Farm.

**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 is; the principle of this development having regard to national and local planning policy, the sites location in the Metropolitan Green Belt, the characteristics of the development, potential impact on the landscape/trees/hedgerows/vegetation, access to the site, the existing habitat and the comments of all consultees.

### Principle of the Development/Green Belt

The application site and indeed the entire lane is within the Metropolitan Green Belt and Paragraph 89 of the NPPF outlines the types of new buildings deemed appropriate in such locations. A case in support of this application has been submitted as part of the Design and Access Statement by Hertford Planning Services (HPS) and local letters of support also provide justification for approving this scheme. The case for approval will be addressed within this report.

The proposal does not meet any of the criteria deemed potentially appropriate in the Green Belt, as set out in Paragraph 89 of the NPPF. The only potential indent of the paragraph which could apply is that which recognises the partial or complete redevelopment of brownfield sites as being not inappropriate. However it is difficult to accept that the sites, save for Burleigh Nursery, are brownfield. The glossary to the NPPF specifically removes private garden areas from what constitutes previously developed land and the majority of the scheme is to develop garden land. In any case the policy requires that the new development does not have a materially greater impact on the open character of the Green Belt. As seven of the houses involves the development of land that is unoccupied by buildings it is clear that this test would not be met. It is accepted that the car repair buildings at Burleigh Nursery would be removed but it cannot be accepted that the impact of this development would not be material in Green Belt terms. The proposed development is therefore deemed inappropriate in the Green Belt and therefore reference must be made to Paragraph 87 of the NPPF which requires in such instances a case for very special circumstances. The HPS Statement does outline a case for very special circumstances which must be addressed. The benefits of the development as outlined by neighbours will also be referred to.

### Policy Vacuum/5-year Supply of Housing

It is firstly stated that owing to the current stage in the preparation of the new Local Plan a policy vacuum exists. It is also stated that Epping Forest District Council cannot demonstrate a 5-year supply of land for housing. It is not accepted that a policy vacuum exists in that if Local Authorities cannot demonstrate a 5-year supply of housing sites then proposals for housing should be assessed in the context of the presumption in favour of sustainable development (Paragraph 49 NPPF). The Council is currently working towards identifying its Objectively Assessed Housing Need target from which the current supply of sites for housing can be determined. Should the outcome of this process conclude that a 5-year supply does not exist then the refusal of consent of housing schemes on the single issue of having a sufficient, identified, suitable and deliverable supply of housing land would be difficult to defend.

The Council's Issues and Options consultation document (the first stage of consultation on the new Local Plan), Community Choices, made clear that Green Belt land is likely to have to be released to meet future housing need. It is of course much more preferable that this is achieved through the plan making process. The issue is therefore whether the proposed development amounts to a sustainable way to meeting housing need in the District.

The recently adopted National Planning Practice Guidance (NPPG) has reaffirmed a view previously espoused by Planning Ministers that the single issue of unmet housing need is unlikely to outweigh harm to the Green Belt and any other harm to constitute a very special circumstances argument. It is not therefore considered that, in the event of a shortfall of deliverable sites for housing, such a scenario would justify the proposed development. Clarification has therefore been provided at paragraph 044 of the NPPG that unmet housing need should not necessarily justify Green Belt development to meet the need and that if Green Belt sites are released for housing this is best achieved through the plan making process.

Furthermore the proposed scheme would fail the test of the presumption in favour of sustainable development in meeting this need. What is proposed are large detached houses set on generous

plots and this is not a sustainable way to meet housing need on Green Belt sites since it is an inefficient use of that land, requiring a relatively large land take for each new dwelling.

#### Removal of Industrial/Commercial Uses

The HPS Statement also outlines how there would be benefits to the visual amenity of the Green Belt through the removal of dilapidated glasshouses and commercial buildings. It appears from the proposed block plan layout (10920-P005-C) that the car repairs building and all buildings on Burleigh Nursery would be removed from site. It is the case that particularly the glasshouse structure is in a poor state of repair. As such the removal of the structures would bring visual benefits. No information is provided as to what would happen to the displaced businesses. Early in 2014 consent was granted for modern warehouse facilities where a strong case was made for the need to regularise the site and provide more practical facilities for its occupants. It is unclear where these businesses would continue to trade or whether this development would result in actual job losses.

Visual benefits can be accepted, however only on the Burleigh Nursery site, and this site benefits from consent for a modern designed building. It is hard to accept that any visual benefits justify the development of garden areas. The development at Ridge House appears to be the construction of four luxury style dwellings in a garden or paddock area. The garden of Burleigh Nursery would accommodate a luxury property. It is assumed that the development at Spinney Nursery involves the demolition of the low set car repairs business and the removal of some shipping containers. However it cannot be accepted that material impact on the open character of the Green Belt would not ensue owing to the material increase in built form across these sites.

#### HGV Movements/Commercial Units

The development sites form part of an opportunity area "Naz 1" as identified in the 2012 Issues and Options Consultation Document. At the outset of this consultation concern was expressed by the Parish Council about the amount of HGV movements and their damage to the lane. It is also apparent from letters of support that the movement of such vehicles is a concern of residents and business owners along Hoe Lane. Whilst some businesses would be removed from the lane, in truth a large number would remain including around the application site. To the front of Burleigh Nursery is the Millbrook Business Park which contains a large number of business units. To the rear of the nursery Middlebrook Farm has been sub-divided to form commercial units. In close proximity to the site are a number of large working nurseries. Stoneshott Farm is located further east along Hoe Lane, and although currently the subject of a separate planning application for residential development, has a lawful use for commercial purposes. Furthermore the Local Planning Authority within the past year has granted consent for three separate glasshouse developments within close proximity of this site and on Hoe Lane. All would attract movements of large commercial vehicles.

The concerns of residents are noted, however HGV movements are more of an issue progressing east from the site along the lane and this residential development would not seriously alter this existing scenario. Any material difference could only be achieved through the plan making progress with the wider area considered more strategically. Strategic issues such as potential impacts on local schools and services could be factored into the decision making process. Piecemeal redevelopments would not seriously address the wider concern. The lane is home to a large number of businesses in separate ownerships and this is a broader concern that cannot be addressed unless considered as a whole. As stated this is best achieved through the plan making process. It is not therefore considered that any reduction in the movement of large vehicles along Hoe Lane would amount to a very special circumstance that would overcome the clear policy objections that this proposed development creates.



### Affordable Housing

Very often with such schemes, a significant amount of affordable housing (often set at 80%) is put forward as a very special circumstance. However, the provision of some of these units for affordable housing is not being put forward by the applicant and the Heads of Terms do not include a financial contribution in lieu of the provision of affordable units either.

There is a significant demand for affordable housing in the District and both local and national policy outlines that, in such circumstances, provision should be made. There is no doubt this site meets the criteria where the Local Planning Authority can require affordable housing. Even with the Government's recent revisions to the threshold for affordable housing contributions, which was updated in December 2014, this scheme would still require an affordable housing provision, since 10 properties are proposed and the gross internal floor area for the proposed scheme (circa 2,800 square metres) is greater than the Government's threshold of 1,000 square metres.

The proposed properties are inappropriate for the provision of affordable housing. In order to achieve affordable housing on site, a re-working of the scheme would be required to either re-design the properties to provide smaller houses, at a much larger density, or where 40% of the site area accommodates affordable housing.

The NPPF, at Paragraph 173, requires that local planning authorities should pay careful attention to scheme viability when considering such issues as affordable housing provision. Any scheme must provide competitive returns to a willing landowner and a willing developer to ensure the development is deliverable.

Although no on-site affordable housing provision has been put forward for this application, a Viability Appraisal has been submitted by the applicants to justify the lack of any affordable housing provision. This suggests that the proposed scheme for ten detached dwellings would not be viable if on-site affordable housing, or a contribution in lieu of on-site provision, had to be provided.

In line with Council policy, the Viability Appraisal has been validated by external consultants appointed by the Council, and a detailed report on their validation has been received. The issue of viability involves debate around issues such as the existing use value, development value, property values, development costs and developer's profit – all of which have been assessed by the Council's own consultants.

Fundamentally, this has revealed that the applicant's Viability Appraisal suggests that the overall Gross Development Value (circa £7.76 million) would be less than the Total Development Costs (circa £10.57 million), even before a developer's profit of 20% (£1.5 million) is added. This suggests that, if undertaken, the development would result in a deficit of around £2.8 million before the developer has taken any profit and, if true, would therefore result in the development being undeliverable.

This therefore begs the question: Why is this development being contemplated, or are the assumptions within the applicant's Viability Appraisal incorrect ?

The Council's Viability Consultants have assessed both the applicant's Viability Appraisal and the required supporting information they have provided. As a result, they have confirmed that, although they are able to validate the applicant's open market sales values used in their Appraisal, and some of the applicant's other assumptions, they cannot validate either the applicant's Existing Use Value (EUV) of the site or many of the applicant's other estimated costs, in particular, their estimated build costs.

Furthermore, based upon the information provided by the applicants; the national guidance that supports the preparation of financial viability appraisals; and the applicant's own assumptions, the Council's consultants are of the opinion that the proposed development, as presented, results in a deficit and therefore does not appear to be viable.

However, as usual under these circumstances, the Council's consultants have generated their own figures using the HCA Development Appraisal Tool (DAT), which is an accepted methodology for undertaking viability appraisals, using their own assumptions where they feel unable to accept the applicant's figures, in order to assess the viability of the proposals.

Having undertaken this exercise, the Council's consultants further advise that, if the scheme were to be re-designed in a way that included affordable homes of a suitable size and construction, and the Building Cost Information Service's (BCIS's) current standard estimated construction costs for the Epping Forest District are used (which are often used by developers and cost consultants, since they provide a good and accepted reference point for current estimated building costs in a specific area), they are of the view that a development on this site would generate a surplus of around £735,000, which would be sufficient to deliver all of the Council's required planning obligations, including the provision of on-site affordable housing provision, and remain financially viable, as well as providing reasonable 20% return / developer's profit.

The Council's Local Plan states quite clearly that, in the first instance, applicants should, if at all possible, meet the Council's affordable housing requirements for developments on site (rather than in the form of a financial contribution).

The Director of Communities, who appoints the Council's consultants on behalf of the Development Control Service, has therefore recommended that:

"In view of the potential large surplus that has been identified by the Council's consultants, irrespective of any other planning considerations, planning permission for the submitted scheme should be refused on the grounds of insufficient affordable housing provision, when it is considered by the Council to be viable to provide affordable housing on-site."

### Green Belt Impact

Paragraph 79 of the NPPF states that "the essential characteristics of Green Belts are their openness and their permanence". There can be little doubt that the proposed development would have a detrimental impact on the open character of the Green Belt, largely through the construction of two storey dwellings on currently undeveloped land, which could not be overcome with planning conditions. Openness is a concept relating to an absence of buildings i.e. it is land that is not built upon. The loss of openness is, of itself, contrary to the underlying Green Belt policy objective. Therefore the fact that some screening exists around the site would not render this inappropriate development appropriate. The intrinsic impact on open character cannot be overcome.

Paragraph 80 of the NPPF outlines the five purposes of the Green Belt and point three lists one purpose as being "to assist in safeguarding the countryside from encroachment". As stated it is considered that impact on open character would result and this cannot be overcome. Openness is epitomised by a lack of buildings and not by buildings that are unobtrusive or screened. Notwithstanding the impact on openness and despite some screening this development will be more visually intrusive than the existing land uses. Even the houses on the brownfield section of land (Burleigh Nursery) would be much more prominent from the surrounding countryside. At present the development site at Ridge House is used as a garden area. The construction of four two storey dwellings would result in a much more visually intrusive development. It is therefore considered that as well as an injurious impact on open character, the proposed scheme would also be visually intrusive.

As the foregoing has outlined it is not considered that a case for very special circumstances exists to outweigh the harm to the Green Belt. Impact on open character can be identified. Furthermore the proposed scheme would be visually intrusive and much more prominent than the current land uses of these four sites which collectively make up the development site.

### Design

Hoe Lane and the private road have a mix of dwelling styles with a majority of larger detached properties. The use of good quality materials would ensure a satisfactory appearance in terms of finish for all house types.

House type A is a large, fairly imposing structure with front and rear gabled features and dormer windows. Notwithstanding Green Belt concerns the design would not be out of place at this location. Care should be taken to avoid a suburbanising effect but this would not result with this stand-alone property.

House type B/D/E, which would be located at Burleigh Nursery (x2) and Ridge House (x1) are also fairly large dwelling styles. The houses would have a projecting feature which would include a garage/study area, with a bedroom above. The mix of eaves levels and ridge heights adds some character and again the design raises no serious issues.

House type C/F/G/H is more standardised and is a square plan form with projecting garage to the front. The use of good quality material, which could be agreed by condition, should ensure an appropriate appearance.

The layout of the proposed development at Ridge House and Burleigh Nursery is to some degree suburban in nature. However the mix of land uses along this lane is unconventional and it is not considered that the layout would be a serious cause for concern.

### Amenity

There is clearly some disturbance from commercial activity for residents along Hoe Lane and this is one of the reasons that any future redevelopment really needs a strategic approach in order to achieve any significant alleviation. It is important however that future residential amenity is suitably safeguarded. The dwellings at Ridge House would have an adequate level of amenity and although there are commercial properties to the rear at Middlebrook Farm sufficient separation distance exists. The dwelling in the garden of Burleigh Nursery would be adjacent to the Millbrook Business Park. There would undoubtedly be some impact on amenity from the general movements to and from the site. However the impact is not considered to be to such a level as to warrant refusal.

It is noted that part of the commercial sites at Burleigh Nursery and Spinney Nursery are outside the red line site plans. However submitted site plans do show the buildings as being removed and planning conditions can be enforced for development within the blue line of the site. The removal of these buildings would be a prerequisite to any residential development. Many comments have been received about the disturbance that is currently experienced by existing residents from the movement of large vehicles in the area and there is an argument as to whether piecemeal residential developments should be encouraged. However this development will not make this particular issue any worse and from this respect the scheme can be justified. The proposed garden sizes are considered adequate.

House type A includes a rear facing balcony but owing to the distance to the proposed boundary with Burleigh Nursery and the fact that a screen could be agreed on the balcony and/or the boundary this is not considered a serious concern. Concern had been expressed that the original

submitted plans had side facing bedroom windows which it would have been necessary to condition as obscure glazed. However amended plans received have reconfigured the internal layout and this has addressed this issue of concern. All side facing windows on the dwellings at first floor level can now be reasonably conditioned as obscure glazed.

#### Highway Safety and Parking

The Highway Authority has no objections to this proposal. The accessway off of Hoe Lane is private and consequently the Highway Authority has no control over it. The proposal will not generate significant amounts of traffic over what the lawful commercial/industrial use could have, and it would have the benefit of reducing HGV movements to the site. The access onto Hoe Lane has appropriate visibility and geometry and the proposal will not be detrimental to highway safety or efficiency as a result.

#### Environment Agency/Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is therefore required. The applicant is proposing to dispose of surface water by a sustainable drainage system. Further details are required. The applicant has not provided a proposal to dispose of foul sewage. Further details are required for the disposal of foul sewage and this can be agreed by condition.

The Environment Agency has requested a Flood Risk Assessment prior to any approval being issued. However this site is in Floodzone 1 which has a low probability of flooding and requiring the details by a condition of approval is sufficient.

#### Trees and Landscaping

Tree reports have been submitted with this proposal which demonstrate that the majority of the trees can be safely retained. As such they will provide good screening and maturity to garden areas. There is no objection to this element of the scheme subject to the submission of a tree protection plan and details of hard and soft landscaping.

#### Ecology

A condition requiring a Great Crested Newt Survey would be necessary on any approved scheme as the submitted Ecology Assessment suggests that part of the site is most likely occupied by the species. Should the survey reveal the presence of any Great Crested Newts then a detailed mitigation strategy must be submitted in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Council for approval.

#### Contaminated Land

Owing to previous and existing uses of the site the standard land contamination conditions would be necessary on any approved scheme.

#### Section 106 Heads of Terms

A Heads of Terms for a Section 106 Agreement to agree development contributions has been submitted. It is noted that the proposed education contributions (£88,897) are much higher than what Essex County Council has requested (£36,510) but the details of the contribution could be agreed on the grant of permission or prior to the determination of any subsequent appeal. It is considered an education contribution is necessary to make this development acceptable in planning terms.

The Heads of Terms makes reference to contributions for waste management and green infrastructure but there are no details how this figure is arrived at. The Council has no adopted Community Infrastructure Levy (CIL) with a set figure for contributions. Therefore there is no mechanism to validly request such a contribution.

### **Conclusion:**

The proposed scheme is considered an inappropriate development in a Green Belt location for which a case for very special circumstances is required. It is not considered that such a case exists. Furthermore impact on the open character of the Green Belt would be materially greater should this scheme be developed. Regardless of whether the Council can demonstrate a 5-year supply of housing land it is not considered that the redevelopment of undeveloped land with luxury homes is a sustainable way to meet this need. There would be some visual benefits from the removal of dilapidated structures from the site but this can only be afforded limited weight when judged against the in principle Green Belt objections and the harm to open character/visual amenity which can be demonstrated.

The Council has been advised through external consultants that this development would provide an acceptable profit for developers whilst also providing the required level of affordable housing. The findings of the applicant's consultants, that this scheme would result in a £2.8 deficit before any development profit is even considered and would therefore be unviable, is not accepted.

It is accepted that the removal of some commercial units will reduce the amount of HGV movements along the land and that this is clearly an issue of local concern. However any benefits do not justify this form of development. A large number of businesses would still attract HGV movements and it has been suggested in this report that the matter cannot be addressed with piecemeal developments and requires a more strategic approach through the Local Plan making process.

However for the clear concerns identified above it is recommended that this application is refused consent.

### **Is There a Way Forward?**

The scheme is clearly contrary to national and local Green Belt policy and as stated it is not considered a case for very special circumstances exists. National policy through the NPPF does permit the redevelopment of brownfield sites which do not have a materially greater impact on the Green Belt. Ridge House does not contain any built form which could be used as justification for housing in lieu. In truth Spinney Nursery is only occupied by a small commercial building which would justify potentially one small dwelling of a similar volume in order not to have a materially greater impact and be policy compliant. There would be the added benefit of removing a use which has nuisance potential. A large section of Burleigh Nursery can be classed as brownfield and this site also benefits from an extant permission to redevelop with new commercial units. A number of dilapidated glasshouse structures could also be removed to justify a small housing scheme. However the housing proposed is not suitable as affordable housing and this would need to be considered as part of a resubmission. The foregoing provides an informal potential way forward for a much scaled down, redesigned scheme.

***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:  
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