

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday, 22nd July, 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, 22nd July, 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 Y Knight (Chairman), A Mitchell MBE (Vice-Chairman), R Bassett, R Butler, D Dorrell, R Gadsby, L Hughes, H Kane, S Kane, J Lea, M Sartin, G Shiell, S Stavrou and E Webster

#### **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 - 24)**

To confirm the minutes of the last meeting of the Sub-Committee held on 24 June 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 25 - 70)**

(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):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

### Confidential Items Commencement

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

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

### Background Papers

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

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

advice of any political advisor.

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

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

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

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

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

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

### **Can I speak?**

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

### **Who can speak?**

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

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

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

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

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

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

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

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

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

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

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

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

### **Further Information?**

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

## Area Planning Subcommittee West 2015-16

Members of the Committee and Wards Represented:



**Cllr Knight**  
Lower  
Nazeing

**Cllr Mitchell**  
Waltham Abbey  
North East

**Cllr Bassett**  
Lower  
Nazeing

**Cllr Butler**  
Waltham Abbey  
Honey Lane

**Cllr Dorrell**  
Waltham Abbey  
Paternoster

**Cllr Gadsby**  
Waltham Abbey  
South West



**Cllr Hughes**  
Broadley  
Common,  
Epping Upland  
and Nazeing

**Cllr H Kane**  
Waltham  
Abbey South  
West

**Cllr S Kane**  
Waltham  
Abbey  
Honey Lane

**Cllr Lea**  
Waltham  
Abbey North  
East

**Cllr Sartin**  
Roydon

**Cllr Shiell**  
Waltham  
Abbey  
Honey Lane



**Cllr Stavrou**  
Waltham  
Abbey High  
Beach

**Cllr  
Webster**  
Waltham  
Abbey  
Paternoster

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 24 June 2015  
West

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 9.25 pm  
High Street, Epping

**Members Present:** Y Knight (Chairman), A Mitchell MBE (Vice-Chairman), R Bassett, R Butler, D Dorrell, L Hughes, H Kane, S Kane, J Lea, M Sartin, G Shiell and E Webster

**Other Councillors:** D Atanassov (EF Youth Council)

**Apologies:** Councillors R Gadsby and S Stavrou

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

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### 1. 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.

### 2. 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.

### 3. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 20 May 2015 be taken as read and signed by the Chairman as a correct record.

### 4. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors H Kane and S Kane declared a pecuniary interest in the following item of the agenda by virtue of living adjacent to the application. The Councillors indicated that they would leave the meeting for the consideration of the application and voting thereon:

- EPF/0505/15 – Abbey Service Centre, Sewardstone Road, Waltham Abbey, Essex EN9 1NA.

(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 being a customer for the last 15 years. The Councillor indicated that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0505/15 – Abbey Service Centre, Sewardstone Road, Waltham Abbey, Essex EN9 1NA.

(c) Pursuant to the Council's Code of Member Conduct, Councillor E Webster declared a non-pecuniary interest in the following item of the agenda by virtue of being related to a third party who owned part of the access road. The Councillor indicated that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0787/15 – Willows Stables, Lippitts Hill, High Beach, Waltham Abbey, Essex IG10 4AL.

## 5. ANY OTHER BUSINESS

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

## 6. DEVELOPMENT CONTROL

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

### RESOLVED:

That, Planning applications numbered 1 – 7 be determined as set out in the annex to these minutes.

## 7. PROBITY IN PLANNING - APPEAL DECISIONS, 1 OCTOBER 2014 TO 31 MARCH 2015

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions for the period 1 October 2014 to 31 March 2015.

In compliance with the recommendation of the District Auditor, the report on the agenda, Item 8, advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation). The purpose was 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.

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 (GOV08) and the other which measures the performance of officer recommendations and delegated decisions (GOV07).

Over the six-month period between 1 October 2014 and 31 March 2015, the Council received 40 decisions on appeals (38 of which were planning related appeals, the other 2 were enforcement related).

GOV07 and 08 measure planning application decisions and out of a total of 38, 14 were allowed (36.8%). Broken down further, GOV07 performance was 6 out of 29

allowed (20.68%) including one part-allowed/part-dismissed and GOV08 performance was 8 out of 9 (88.88%), although out of this 8, one was part-allowed/part-dismissed.

Whilst performance in defending appeals at 36.8% appears high, there was no national comparison of authority performance. Members were 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 was 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.

**RESOLVED:**

That the report regarding Probity in Planning – Appeal Decisions 1 October 2014 to 31 March 2015 be noted.

**CHAIRMAN**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0505/15
<b>SITE ADDRESS:</b>	Abbey Service Centre Sewardstone Road Waltham Abbey Essex EN9 1NA
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension and increase in height of existing rear projection.
<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=574175](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574175)

**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: 1095-009, 1095-010, 1095-011, 1095-012, 1095-013, 1095-014, 1095-015, 1095-016
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The extension hereby approved shall be used solely for ancillary storage purposes in connection with the existing Abbey Service Centre and shall not be used for any other purposes, including vehicle servicing or MOT's, unless otherwise agreed in writing by the Local Planning Authority.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0782/15
<b>SITE ADDRESS:</b>	Pinchtimber Farm Epping Upland Epping Essex CM16 6PG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of existing brick barn to two bedroom residential dwelling.
<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=574861](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574861)

**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: FP15584/100, FP15584/01, FP15584/02A
- 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 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 6 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]

- 7 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]
- 8 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]
- 9 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.
- 10 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.

- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0984/15
<b>SITE ADDRESS:</b>	Pinchtimber Farm Epping Upland Epping Essex CM16 6PG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Listed Building application for change of use of existing curtilage listed brick barn to two bedroom residential dwelling.
<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=575498](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575498)

**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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: LB15584/100, LB15584/01, FP15584/02A
- 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 Additional drawings that show details of proposed new windows and doors, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0787/15
<b>SITE ADDRESS:</b>	Willows Stables Lippitts Hill High Beach Waltham Abbey Essex IG10 4AL
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of ten stable looseboxes, a tack room and outdoor manege and associated 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=574874](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574874)

**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 site shall only be accessed by horseboxes (both towed and purpose built) between the hours of 0800 - 2100 Monday to Sundays inclusive.
- 3 No more than 10 horses shall be accommodated within the approved stable block at any one time.
- 4 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.

- 5 No lighting shall be installed at the site, including on the stables or at the ménage until a plan has been submitted to, and approved in writing by, the Local Planning Authority, showing the location and types of all lights. The ménage area shall not be illuminated by such approved lights before 0800 or after 2100 Monday - Sunday inclusive.
- 6 There shall be no other commercial activity whatsoever on the site other than equestrian uses.
- 7 The ménage area shall not be used before 0800 or after 2100 Monday - Sunday inclusive.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0950/15
<b>SITE ADDRESS:</b>	The Farmhouse Warlies Park Farm Woodgreen Road Waltham Abbey Essex EN9 3SD
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Loft conversion incorporating increase in ridge height, rear dormer providing staircase headroom, and 4 no. velux type roof windows in rear slopes (Revision to EPF/2677/14)
<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=575355](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575355)

**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 shall be finished in the materials indicated on the submitted plans and application form unless otherwise agreed by the local Planning authority.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0978/15
<b>SITE ADDRESS:</b>	1 Pynest Green Lane Waltham Abbey Essex EN9 3QL
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for the erection of gates and brick pillars and proposed new front iron fence.
<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=575473](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575473)

**CONDITIONS**

- 1 The colour and materials of the proposed new boundary fencing shall match that specified within the submitted application form, being black coloured iron railings, unless otherwise agreed in writing by the Local Planning Authority.
- 2 A landscaping scheme to provide a hedge behind the railings shall be submitted to, and approved in writing by, the Local Planning Authority showing details of the species and density of the proposed planting within 3 months of the date of the planning permission. Once such a plan is approved the scheme shall be implemented within 6 months of the date of the permission and thereafter retained.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0995/15
<b>SITE ADDRESS:</b>	Sons Nursery Hamlet Hill Roydon Harlow Essex CM19 5JZ
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing  Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block.
<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=575573](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575573)

**REASONS FOR REFUSAL**

- 1 The proposal constitutes inappropriate development in the Metropolitan Green Belt which erodes openness and by definition causes harm to the Green Belt. Planning permission should not be granted for inappropriate development in the Green Belt, save in very special circumstances. The applicant has failed to demonstrate that other considerations clearly outweigh the 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, Planning Policy for Travellers Sites and saved policies GB2A, GB5, GB7A and H10A of the adopted Local Plan and Alterations.
- 2 The proposed material change in the use of the land as a residential traveller site would involve the adaptation and reuse of the existing building on the land and the stationing of four additional caravans for residential use. The use of the land as a traveller site would exacerbate the over-concentration of existing traveller site uses in the Parish of Roydon and the adjacent Parish of Nazeing, when compared with the rest of Epping Forest District. As such, the proposal represents an unsustainable form of development that will result in an adverse impact on the environment and infrastructure of these parishes and is therefore contrary to Government guidance contained within the National Planning Policy Framework, 'Planning Policy for Travellers Sites' and saved policies CP1, CP2, CP3 and H10A of the adopted Local Plan and Alterations.

## **WAY FORWARD**

The Council acknowledges that the specific health needs of the Applicant, Mrs Kathleen O'Driscoll, are material planning considerations weighing in favour of an application for temporary planning permission for the adaptation and reuse of the existing building on the site for residential use by the applicant. The Council also acknowledges that the adaptation and reuse of the existing building on the land to provide temporary residential accommodation for the Application would not constitute inappropriate development in the Green Belt.

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## AREA PLANS SUB-COMMITTEE 'WEST'

22 July 2015

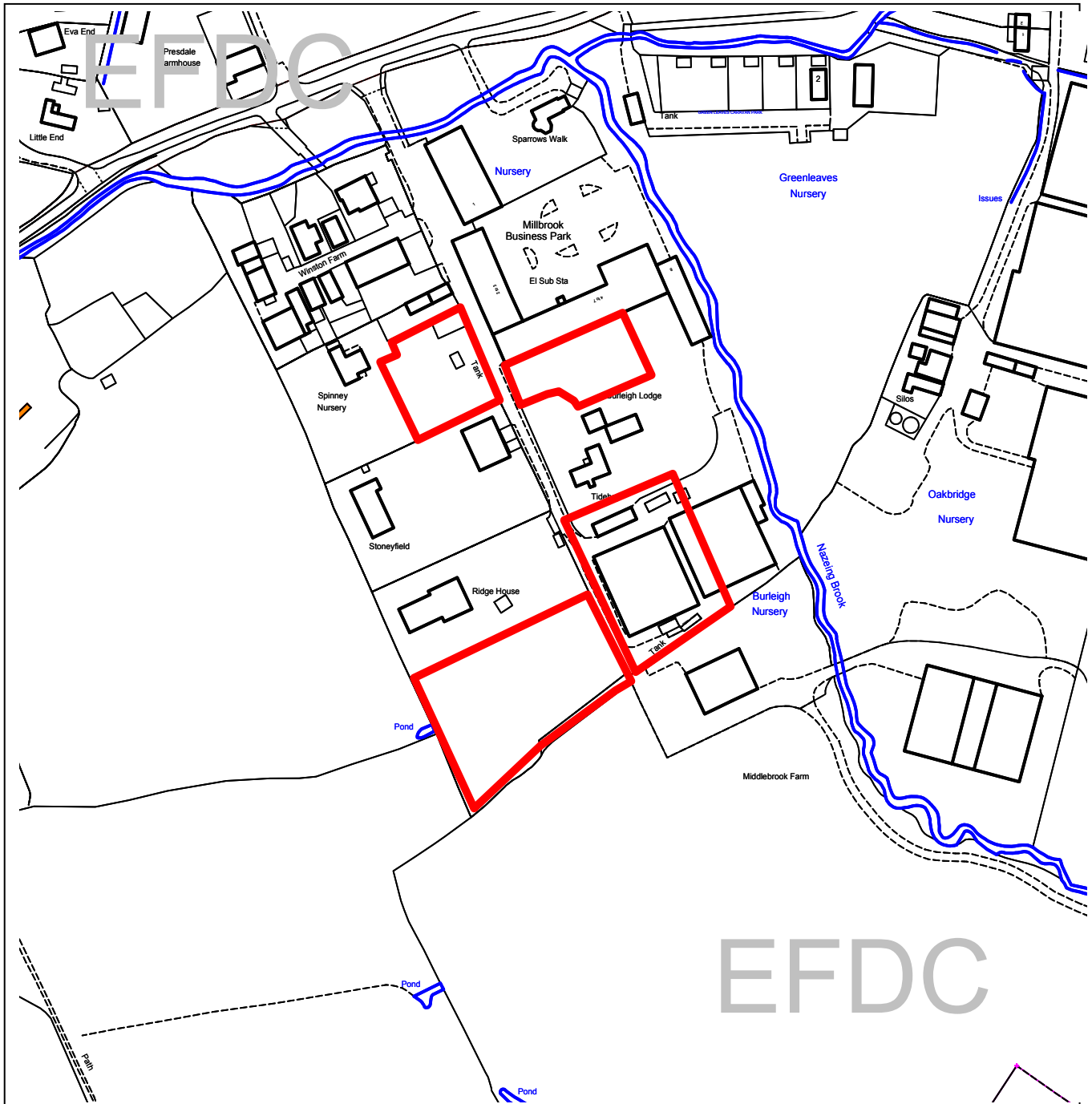
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# Epping Forest District Council

## 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: 1**

<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.

*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.

### 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 a generous curtilage. 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 Lodge

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.

1 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. 1 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:**

PARISH COUNCIL: No objection.

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

Objections- 2 replies.

WEST ESSEX RAMBLERS: Objection. The proposed development is for luxury houses and is in no way justifiable as the required very special circumstance.

GREENLEAVES: Objection. 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.

FIELD SIDE: 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.

STONEFIELD 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 site's 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.

In the Local Planning Authority's view what is proposed does not meet any of the criteria deemed potentially appropriate in Paragraph 89. 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 involve the development of land that is unoccupied by buildings it is difficult to conclude that this test would 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 necessarily 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.

It has been accepted through the Community Choices document that Green Belt land will 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, is the proposed development a sustainable way to meet 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 that such a scenario would justify the proposed development. Clarification has therefore been provided that unmet 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.

#### 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 would this development 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 can't 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 has a lawful use for commercial. 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. Furthermore glasshouse redevelopments such as at Silverdale Nursery (EPF/2908/14) & at Presdales (EPF/2323/13) seem to indicate that any meaningful reduction in commercial activity along this lane is some way off.

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 and this has been validated by Council appointed consultants. This suggests that the proposed scheme for ten detached dwellings would have a surplus of £51,470. That is to say that if a reasonable return is to be achieved this is what is left over to meet off site affordable housing.

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.

This is an issue which has taken some time to resolve and in light of the advice received, and with the engagement of relevant national guidance on scheme viability, it is recommended that the above sum is secured in order to render this scheme acceptable in planning terms.

### 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 standalone 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 mixed and it is not considered that the layout would be a serious cause for concern.

### Amenity

There is clearly some disturbance for 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 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 appropriate affordable housing contribution.

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. Should Members form the view that the scheme can be justified the application should be presented to District Development Management Committee as a scheme for approval contrary to policy.

### **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 where 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. The foregoing provides an informal potential way forward for a much scaled down housing 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***

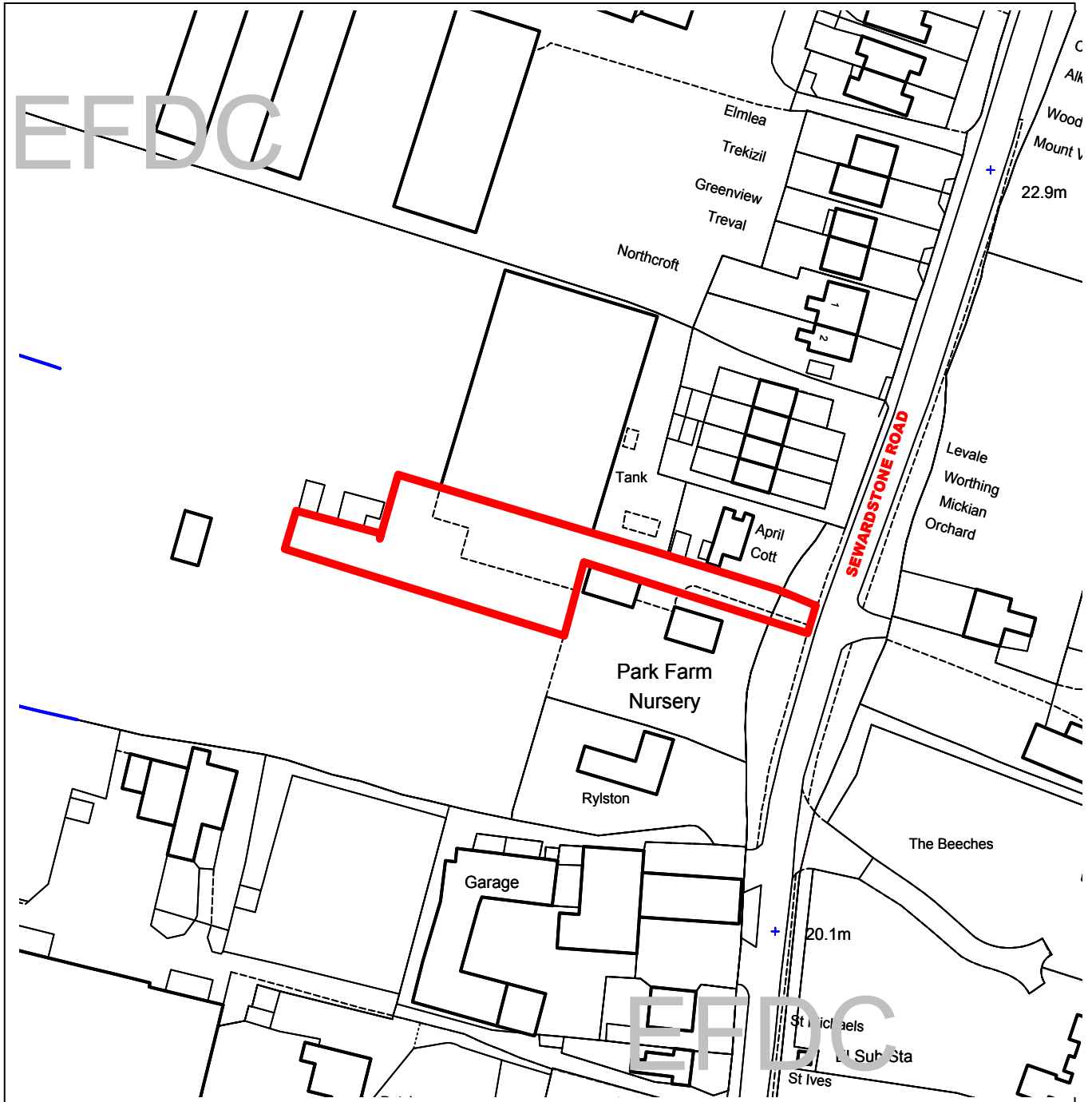
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/1058/15
Site Name:	Park Farm Nursery, Sewardstone Road Waltham Abbey, E4 7RG
Scale of Plot:	1:1250



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1058/15
<b>SITE ADDRESS:</b>	Park Farm Nursery Sewardstone Road Waltham Abbey Essex E4 7RG
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr Mandeep Binning
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for the use of land for open storage of building materials (Sui Generis use).
<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=575715](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575715)

**CONDITIONS**

- 1 No machinery shall be operated, no processes shall be carried out and no deliveries taken in or dispatched outside the following hours:- 08.00 - 18.00 hours Monday to Friday and 09.00 - 13.00 Saturdays.
- 2 The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
- 3 The use hereby approved for open storage shall be contained within the area outlined in red on the submitted site plan.

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

**Description of Site:**

The application site is a glasshouse building served by a yard area ancillary to the glasshouse use. The area is currently used to store building aggregates. The glasshouse is a five bay structure with three bays currently being used to store building materials, the other two bays are being used to grow fruit and vegetables. The site is accessed down a private track off Sewardstone Road and is within the boundaries of the Metropolitan Green Belt. It is also within an E13 area, an area designation policy which is aimed at concentrating new glasshouse developments. Properties fronting Sewardstone Road are for the most part in residential use, but there are also a number of nurseries within the immediate vicinity of the site.

**Description of Proposal:**

The applicant seeks consent to retain the use of the yard area for the storage of construction materials. The use would be in connection with the adjacent glasshouse which would be used to store building materials.

**Relevant History:**

EPF/0012/15 - Erection of two detached dwellings, with ancillary works, and demolition of existing houses. Grant Permission (With Conditions) – 02/03/15.

**Policies Applied:**

GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB8A – Change of Use or Adaptation of Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE9 – Loss of Amenity  
RP05A – Potential Adverse Environmental Impacts  
CP1 – Achieving Sustainable development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
E13A – New and Replacement Glasshouses  
E13B – Protection of Glasshouse Areas  
RST24 – Development in the Lea Valley Park

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:**

TOWN COUNCIL: No Objection.

9 neighbours consulted and site notice displayed: 7 replies received.

ORCHARDS, ALKANET, MOUNT VERNON, 2 NORTHCROFT, WORTHING, TREKIZEL:  
Objection.

Petitions have also been attached to two of the letters signed by approximately 30 local residents.

The objections can be summarised as follows:

“Our peace is broken by the relentless movements of large vehicles, and there is significant dust and noise pollution”.

“Our properties have suffered loss of privacy and we are overviewed by the workmen, who seem to be living insitu”.

“Sewardstone Road has become increasingly dangerous and this danger is exacerbated by broken and cracked pavements”.

“We have not been told the nature of the proposed storage”

“The site will be a magnet for undesirables and no security plan has been submitted”.

“this development has resulted in increase noise, dust and disturbance along the road”.

"Wildlife on this site has been disrupted".

"This road is not suitable for industrial estates".

"This is a small residential community not an industrial area".

"The damage they have caused to pavements as well as bonfires and dust been blown from park farms has some what already taken its toll".

"Since the current owners of the land have moved in myself and the local residents have had to put up with constant noise from the land, from 6am in the morning until 9pm, 7 days of the week".

"There are commercial vehicles entering the property constantly from 6am in the morning causing unbearable noise and constant traffic issues on Sewardstone Road, which is congested enough".

"The traffic is often at a standstill due to the high amount of cement mixers".

"There are large fires that are constantly being set on the land, which has left me unable to open my windows or to use my garden at times due to the toxic smoke bellowing into my garden".

"There is also the issue with sewage that has been leaking onto the main road from the land just outside of the site, which has been there for over a year without being rectified, which is a health hazard".

"The current owners of the property have no consideration for the local community or neighbours, and the constant noise and pollution is having an effect on my health and well being".

LEA VALLEY REGIONAL PARK: Objection. The Authority objects to the proposed uses of the nursery site for storage purposes as it does not comply with the stated purposes of the Green Belt and the statutory purpose of the Lee Valley Regional Park Act 1966 was approved.

### **Issues and Considerations:**

The main issues relate to the site's location within the Green Belt/designated glasshouse area/Lea Valley Park, amenity, highway safety and consideration of the comments of consultees.

### **Site's Location**

Consent was granted to the front of the site to demolish existing buildings and construct two large detached dwellings (EPF/0012/15). As part of this consent the buildings towards the rear would be demolished. The applicant now seeks consent to use the three bays of the glasshouse, with a small section of yard, to store building materials and aggregates. The use has already commenced on site but it is apparent that over the last few months the yard area has been generally tidied up.

Under both national and local planning policies the reuse of existing buildings is a long standing potentially appropriate form of development, as long as the building is of permanent and substantial construction and the open character of the Green Belt is preserved. In this case, as the building in question is a glasshouse structure the analysis is more detailed and involves an assessment of policies pertinent to this local industry.

### **Glasshouse Sites**

The Lawrence Gould study, which has been alluded to within the submission outlines how, as this industry continues to evolve and change, larger glasshouse sites are the way ahead. As the new local Plan is being prepared the issue of what to do with the smaller glasshouses will have to be grappled with. However the use of this site to serve the local Glasshouse industry no longer seems viable.

The application site is within an E13 area in the LP Alterations and, as such, policy E13B applies. This policy outlines how the Council will refuse applications which will undermine the policy approach of concentrating glasshouses in clusters or would harm the future viability of the industry. However it is not considered that this conversion would seriously harm this policy aim, particularly when it appears much larger sites will be used for the future growth of the industry.

The Laurence Gould Study on the future of the glasshouse industry (2012), which is part of the Local Plan Evidence Base, still recognised this cluster for E13 purposes, and indeed identified an area between Northfield Nursery and Hannah Nursery (to the north of the application site), which had potential for new glasshouse development. The loss of the application site (which is at the very southern end of this cluster) should not affect potential glasshouse expansion elsewhere within the cluster. It is therefore considered that this reuse would not harm the future viability of this important local industry or the policy aim of concentrating such developments.

### Green Belt

As the general principle of losing the glasshouse can be accepted the proposal can now be assessed against both national (Paragraph 90 NPPF) and local (Policy GB8A) Green Belt policy. Policy GB8A is considered to be broadly consistent with the NPPF and can therefore be afforded full weight in determining the application.

Policy GB8A of the adopted Local Plan allows for a change of use of buildings provided they meet the following criteria;

- (i) The building is:
  - (a) of permanent and substantial construction; and
  - (b) capable of conversion without major or complete reconstruction; and
  - (c) in keeping with its surroundings by way of form, bulk and general design;
- (ii) The proposed use would not have a materially greater impact than the present use of the Green Belt;
- (iii) The use and associated traffic generation would not have a significant detrimental impact on the character or amenities of the countryside;
- (iv) The Council is satisfied that works within the last 10 years were not completed with a view to securing a use other than that for which they were ostensibly carried out;
- (v) the use will not have a significant adverse impact on the vitality and viability of a town centre etc.

The building has been clad in timber and for the most part has been converted to this new use without major works. It is not considered that low level storage would have a materially greater impact on the open character of the Green Belt than the lawful glasshouse use. Whilst part of the proposed use will involve outdoor storage within a small yard area it is not considered that this will seriously compromise openness.

Concern has been raised about traffic movements to and from the site and this will be further addressed within this report, but in terms of Green Belt openness the movements of vehicles to and from the site would not seriously affect the amenity of the countryside on what is a site within a built up area with a number of commercial sites nearby. With regards to IV, the building has been in place for sometime and it is not considered it was constructed with a view to securing another use. It is more a case that the industry has outgrown smaller sites and the existing building/site is suitable for other uses. The use of the building/yard is considered Green Belt policy compliant.

Whilst the site is within the Lea Valley Park it is not considered that this use would compromise the important function of the park as a place of outdoor leisure, recreation and nature conservation.

### Neighbour Amenity

There is obviously a groundswell of concern among some local residents about this proposal and that is understandable. The actual storage use, both internal and external, is relatively low key at present. The submitted information suggests that the site is used to store building materials which falls into the Sui Generis use class. As has been stated in preceding paragraphs the general

principle of reuse can be agreed and the Council has a wider policy issue of what to do with redundant glasshouses, which have no real prospect of being reused for this purpose, to address.

Concern has also been raised about dust, general noise and disturbance, and vermin at the site. These are potential issues even with the lawful use as a nursery and are more adequately addressed by separate legislation which requires adequate upkeep of such sites.

Sewardstone Road is largely a residential area. However it is a busy road carrying a significant amount of commercial traffic and goods vehicles. This site has a lawful use as a nursery and it is not considered that the movement of vehicles onto a busy thoroughfare is reasonable justification to refuse consent in this instance. Furthermore this part of Sewardstone Road is home to a number of Nursery businesses. As has previously been alluded to, the general area has been identified as potential suitable for glasshouse expansion. Commercial traffic and lorry movements are in reality part and parcel of life along this road and in this immediate area. That is not to state that there is not some sympathy with the concerns that have been submitted. However it is not considered that the site specifics of this use would excessively impact on amenity bearing in mind the lawful use and the conditions of traffic movement along this road.

One of the main issues raised is with regards to noise disturbance for long periods. This can at least be alleviated with a condition limiting the hours of operation. The use can also be confined to the small yard area and the three bays of the glasshouse identified on submitted plans which will further reduce any impacts. As the use falls within the Sui Generis use class any other uses would require a new planning application.

**Conclusion:**

The proposed use of the yard area for open storage ancillary to the glasshouse storage is considered acceptable. Whilst there is a concern about the amenity of adjoining residents it is considered that appropriate conditions could limit any harm to amenity to an acceptable level. 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:***

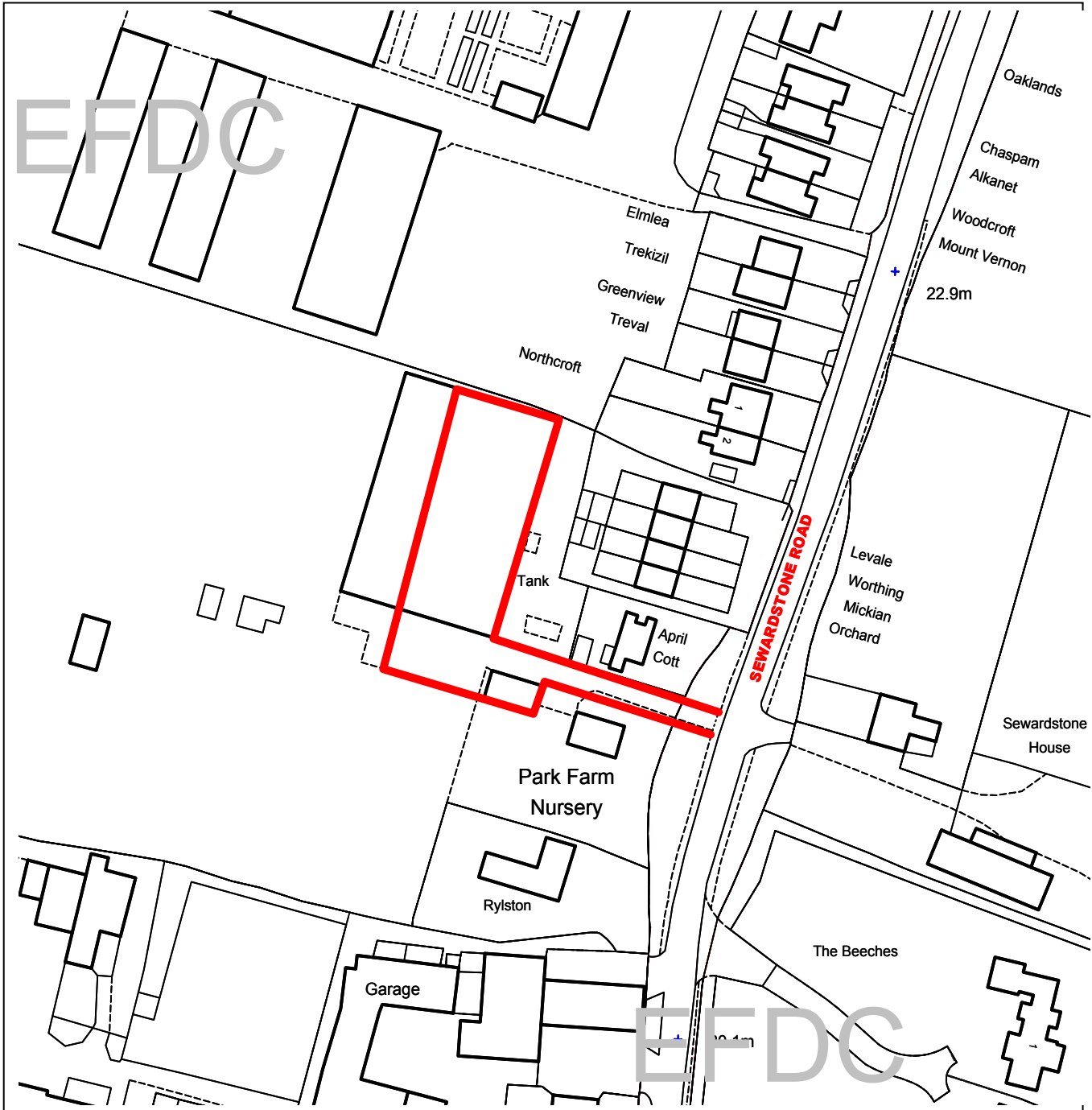
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	Epf/1076/15
Site Name:	Park Farm Nursery Sewardstone Road, E4 7RG
Scale of Plot:	1:1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1076/15
<b>SITE ADDRESS:</b>	Park Farm Nursery Sewardstone Road Waltham Abbey Essex E4 7RG
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr Mandeep Binning
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for the change of use from glasshousing to storage of building materials (Sui Generis use).
<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=575757](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575757)

**CONDITIONS**

- 1 No machinery shall be operated, no processes carried out and no deliveries shall be taken in or dispatched outside the following hours:- 08.00 - 18.00 hours Monday to Friday and 09.00 - 13.00 on Saturdays.
- 2 The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
- 3 The use hereby approved for low level storage of building materials shall be contained within the building as shown for storage on submitted plan No 2971/1, and outlined in red on the submitted site plan.

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

**Description of Site:**

The application site is a glasshouse building served by a yard area ancillary to the glasshouse use. The area is currently used to store building aggregates. The glasshouse is a five bay structure with three bays currently being used to store building materials, the other two bays are being used to grow fruit and vegetables. The site is accessed down a private track off Sewardstone Road and is within the boundaries of the Metropolitan Green Belt. It is also within an E13 area, an area designation policy which is aimed at concentrating new glasshouse developments. Properties fronting Sewardstone Road are for the most part in residential use, but there are also a number of nurseries within the immediate vicinity of the site.

**Description of Proposal:**

The applicant seeks consent to retain the use of three bays of the glasshouse for the storage of construction materials. The use would be in connection with the adjacent yard which would be used to store building materials.

**Relevant History:**

EPF/0012/15 - Erection of two detached dwellings, with ancillary works, and demolition of existing houses. Grant Permission (With Conditions) – 02/03/15.

**Policies Applied:**

GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB8A – Change of Use or Adaptation of Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE9 – Loss of Amenity  
RP05A – Potential Adverse Environmental Impacts  
CP1 – Achieving Sustainable development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
E13A – New and Replacement Glasshouses  
E13B – Protection of Glasshouse Areas  
RST24 – Development in the Lea Valley Park

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:**

TOWN COUNCIL: No Objection.

9 neighbours consulted and site notice displayed: 7 replies received.

ORCHARDS, ALKANET, MOUNT VERNON, 2 NORTHCROFT, WORTHING, TREKIZEL:  
Objection.

Petitions have also been attached to two of the letters signed by approximately 30 local residents.

The objections can be summarised as follows:

“Our peace is broken by the relentless movements of large vehicles, and there is significant dust and noise pollution”.

“Our properties have suffered loss of privacy and we are overviewed by the workmen, who seem to be living insitu”.

“Sewardstone Road has become increasingly dangerous and this danger is exacerbated by broken and cracked pavements”.

“We have not been told the nature of the proposed storage”

“The site will be a magnet for undesirables and no security plan has been submitted”.



"This development has resulted in increased noise, dust and disturbance along the road".

"Wildlife on this site has been disrupted".

"This road is not suitable for industrial estates".

"This is a small residential community not an industrial area".

"The damage they have caused to pavements as well as bonfires and dust been blown from park farms has some what already taken its toll".

"Since the current owners of the land have moved in myself and the local residents have had to put up with constant noise from the land, from 6am in the morning until 9pm, 7 days of the week".

"There are commercial vehicles entering the property constantly from 6am in the morning causing unbearable noise and constant traffic issues on Sewardstone Road, which is congested enough".

"The traffic is often at a standstill due to the high amount of cement mixers".

"There are large fires that are constantly being set on the land, which has left me unable to open my windows or to use my garden at times due to the toxic smoke bellowing into my garden".

"There is also the issue with sewage that has been leaking onto the main road from the land just outside of the site, which has been there for over a year without being rectified, which is a health hazard".

"The current owners of the property have no consideration for the local community or neighbours, and the constant noise and pollution is having an effect on my health and well being".

LEA VALLEY REGIONAL PARK: Objection. The Authority objects to the proposed uses of the nursery site for storage purposes as it does not comply with the stated purposes of the Green Belt and the statutory purpose of the Lee Valley Regional Park Act 1966 was approved.

### **Issues and Considerations:**

The main issues relate to the sites location within the Green Belt/designated glasshouse area/Lea Valley Park, amenity, highway safety and consideration of the comments of consultees.

### **Site's Location**

Consent was granted to the front of the site to demolish existing buildings and construct two large detached dwellings (EPF/0012/15). As part of this consent the buildings towards the rear would be demolished. The applicant now seeks consent to use the three bays of the glasshouse, with a small section of yard, to store building materials and aggregates. The use has already commenced on site but it is apparent that over the last few months the yard area has been generally tidied up.

Under both national and local planning policies the reuse of existing buildings is a long standing potentially appropriate form of development, as long as the building is of permanent and substantial construction and the open character of the Green Belt is preserved. In this case, as the building in question is a glasshouse structure the analysis is more detailed and involves an assessment of policies pertinent to this local industry.

### **Glasshouse Sites**

The Lawrence Gould study, which has been alluded to within the submission outlines how, as this industry continues to evolve and change, larger glasshouse sites are the way ahead. As the new Local Plan is being prepared the issue of what to do with the smaller glasshouses will have to be grappled with. However the use of this site to serve the local Glasshouse industry no longer seems viable.

The application site is within an E13 area in the LP Alterations and, as such, policy E13B applies. This policy outlines how the Council will refuse applications which will undermine the policy approach of concentrating glasshouses in clusters or would harm the future viability of the industry. However it is not considered that this conversion would seriously harm this policy aim, particularly when it appears much larger sites will be used for the future growth of the industry.

The Laurence Gould Study on the future of the glasshouse industry (2012), which is part of the Local Plan Evidence Base, still recognised this cluster for E13 purposes, and indeed identified an area between Northfield Nursery and Hannah Nursery (to the north of the application site), which had potential for new glasshouse development. The loss of the application site (which is at the very southern end of this cluster) should not affect potential glasshouse expansion elsewhere within the cluster. It is therefore considered that this reuse would not harm the future viability of this important local industry or the policy aim of concentrating such developments.

### Green Belt

As the general principle of losing the glasshouse can be accepted the proposal can now be assessed against both national (Paragraph 90 NPPF) and local (Policy GB8A) Green Belt policy. Policy GB8A is considered to be broadly consistent with the NPPF and can therefore be afforded full weight in determining the application.

Policy GB8A of the adopted Local Plan allows for a change of use of buildings provided they meet the following criteria;

- (i) The building is:
  - (a) of permanent and substantial construction; and
  - (b) capable of conversion without major or complete reconstruction; and
  - (c) in keeping with its surroundings by way of form, bulk and general design;
- (ii) The proposed use would not have a materially greater impact than the present use of the Green Belt;
- (iii) The use and associated traffic generation would not have a significant detrimental impact on the character or amenities of the countryside;
- (iv) The Council is satisfied that works within the last 10 years were not completed with a view to securing a use other than that for which they were ostensibly carried out;
- (v) the use will not have a significant adverse impact on the vitality and viability of a town centre etc.

The building has been clad in timber and for the most part has been converted to this new use without major works. It is not considered that low level storage would have a materially greater impact on the open character of the Green Belt than the lawful glasshouse use. Whilst part of the proposed use will involve outdoor storage within a small yard area it is not considered that this will seriously compromise openness.

Concern has been raised about traffic movements to and from the site and this will be further addressed within this report, but in terms of Green Belt openness the movements of vehicles to and from the site would not seriously affect the amenity of the countryside on what is a site within a built up area with a number of commercial sites nearby. With regards to criteria iv, the building has been in place for sometime and it is not considered it was constructed with a view to securing another use. It is more a case that the industry has outgrown smaller sites and the existing building/site is suitable for other uses. The use of the building/yard is considered Green Belt policy compliant.

Whilst the site is within the Lea Valley Park it is not considered that this use would compromise the important function of the park as a place of outdoor leisure, recreation and nature conservation.

### Neighbour Amenity

There is obviously a groundswell of concern among some local residents about this proposal and that is understandable. The actual storage use, both internal and external, is relatively low key at present. The submitted information suggests that the site is used to store building materials which

falls into the Sui Generis use class. As has been stated in preceding paragraphs the general principle of reuse can be agreed and the Council has a wider policy issue to address of what to do with redundant glasshouses which have no real prospect of being reused for this purpose.

Concern has also been raised about dust, general noise and disturbance, and vermin at the site. These are potential issues even with the lawful use as a nursery and are more adequately addressed by separate legislation which requires adequate upkeep of such sites.

Sewardstone Road is largely a residential area. However it is a busy road carrying a significant amount of commercial traffic and goods vehicles. This site has a lawful use as a nursery and it is not considered that the movement of vehicles onto a busy thoroughfare is reasonable justification to refuse consent in this instance. Furthermore this part of Sewardstone Road is home to a number of Nursery businesses. As has previously been alluded to, the general area has been identified as potentially suitable for glasshouse expansion. Commercial traffic and lorry movements are in reality part and parcel of life along this road and in this immediate area. That is not to state that there is not some sympathy with the concerns that have been submitted. However it is not considered that the site specifics of this use would excessively impact on amenity bearing in mind the lawful use and the conditions of traffic movement along this road.

One of the main issues raised is with regards to noise disturbance for long periods. This can at least be alleviated with a condition limiting the hours of operation. The use can also be confined to the small yard area and the three bays of the glasshouse identified on submitted plans which will further reduce any impacts. As the use falls within the Sui Generis use class any other uses would require a new planning application.

**Conclusion:**

The proposed use of the yard area for open storage ancillary to the glasshouse storage is considered acceptable. Whilst there is a concern about the amenity of adjoining residents it is considered that appropriate conditions could limit any harm to amenity to an acceptable level. 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:***

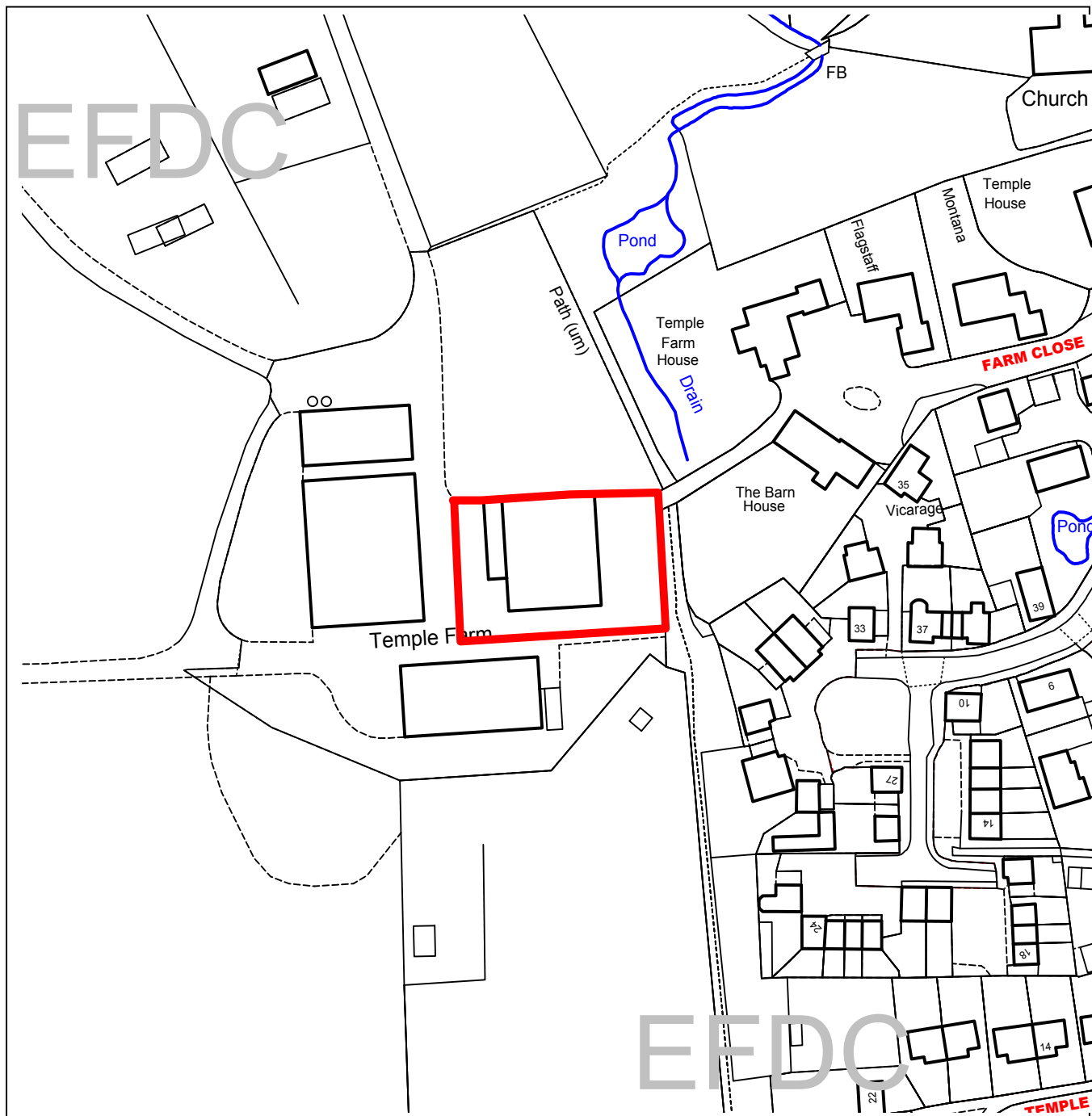
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/1104/15
Site Name:	Temple Farm Roydon, CM19 5LW
Scale of Plot:	1:1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1104/15
<b>SITE ADDRESS:</b>	Temple Farm Roydon Harlow Essex CM19 5LW
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Mr C Frederick
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of existing grain store into three residential dwellings.
<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=575795](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575795)

**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 11631-S004, 11631 P200-B.
- 3 Materials to be used for the external finishes of the proposed development shall be as detailed on plan number 11631-P002-B, unless otherwise agreed in writing by the Local Planning Authority..
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 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]

- 6 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]
- 7 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]
- 8 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.
- 9 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.

- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site is located on the western edge of the village of Roydon and is accessed down a long track. There are a collection of buildings, mainly large agricultural buildings in connection with the use of the site as a working farm. On the western side of the site is one such large agricultural building which is currently being used to store grain. Further to the west of this building is the Farm Close/Church Mead development of residential dwellings and a laneway leading from this development provides a second access to the farm. The entire site is within the Green Belt.

**Description of Proposal:**

The applicant seeks consent to convert the agricultural building to form three separate residential units. The site benefits from a Prior Notification approval for a similar development (EPF/2004/14). This scheme differs in that a first floor has been added across the entire building as opposed to just above unit 2 as before. Garden areas would be provided to the rear of the building and access would be from the main farm entrance.

**Relevant History:**

EPF/2004/14 - . Prior Approval of a Proposed Change of Use of Agricultural Building to form three Dwelling Houses (Use Class C3). Approved - 12/11/2014.

**Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB8A – Conversions of Buildings  
LL11 – Landscaping Schemes

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:**

Site Notice Displayed and 6 neighbours consulted: 1 reply received:

32 CHURCH MEAD: If the Council allows three houses to be built on farmland will they then approve building on farmland adjacent to our site at the rear of Church Mead?

PARISH COUNCIL: Objection. The Parish Council appreciates that under current rules conversion into residential of the existing building, as it stands, is allowed but members believe that this application is overdevelopment in the Metropolitan Green Belt.

## **Issues and Considerations:**

The main issues to consider relate to the sites location in the Green Belt and the planning history.

### *Green belt/Planning History*

The site benefits from a Prior Notification consent to convert to three residential units under the changes brought in by the last Government. Whilst this is a planning application and therefore in theory open to the full rigours of the system, the extant permission is also a material consideration of some weight. The applicant could build out the approved scheme once the conditions are cleared. The only material difference here is that instead of a first floor above the middle unit, the entire first floor would provide residential space. This is because the Prior Notification under Class Q, under the Local Planning Authority's reading, only permits the creation of 450 sq m of floorspace (Q.1.B). This new space is beyond the 450 sq m threshold.

The addition of this floorspace at first floor level would have no material difference. The general principle of such conversions has been established through separate legislation and the conversion of an existing building is an appropriate form of development in the Green Belt. In Green Belt terms there would be no additional impact over what has already been approved. There are therefore no objections to this proposal and the overall concept of converting the building, as per the regulations, would remain intact.

The Parish Council has raised concern that the proposed scheme is an overdevelopment in the Green Belt. Setting aside the fact that a Prior Notification permission remains extant, it is well established in both local and national planning guidance that the reuse of existing buildings for residential need not be inappropriate. Multiple conversions of barn structures are a common application. It is not therefore considered that this is an overdevelopment. It is also the case that the thrust of Government policy must be recognised, and this is to encourage the reuse of existing buildings. The regulations permit the creation of up to three dwellings and a planning application, which has no real material difference from an extant scheme must be deemed appropriate.

### *Design*

A design is difficult to integrate into a building of this size. In that respect it is probably best to apply for three units which can better split the sheer bulk of the building and at least have the appearance of a group of rural dwellings or a conventional barn conversion. The regulations permit the practical rebuild of such buildings and the use of appropriate materials will go some way to ensuring an appropriate design. The design of this building looks industrial in nature and in some ways like a purpose built office in the mould of a weatherboarded agricultural building. It does help that there are three units which, as stated, will help convey the appearance of residential. It is accepted that there is no easy way to design residential into these buildings but the front inset and glazing features add some character. The proposed design is generally acceptable to reach a suitable appearance.



### Amenity

Whilst there are residential properties adjacent to the rear boundary, a sufficient distance is retained between dwellings and there would be no impact on amenity.

### Highway impact:

The Highways Authority at Essex County Council has not raised any objections to this scheme and there is sufficient space to meet the parking standards.

### Contamination Risks

Due to its historic farming uses, including its current agricultural machinery storage use and the presence of a diesel tank and agrochemical store within the proposed curtilage, and the presence of an 8000m<sup>2</sup> infilled gravel pit beneath the site, there is the potential for contaminants to be present.

The proposed unmanaged use of the asbestos cement clad agricultural building as a dwelling house with gardens is classified as a particularly sensitive use vulnerable to the presence of contaminants.

The July 2014 by Herts & Essex Site Investigations Phase 1 report submitted with the application has identified potentially significant risks from ground gases, asbestos, agrochemicals, diesel and other farmyard contaminants and has advised that a Phase 2 site investigation will be required to quantify the risks.

As additional contaminating uses may take place in the three years between planning approval and the commencement of works, it is advisable to include a Phase 1 condition in addition to Phase 2, Remediation, Verification and Unexpected Contamination Conditions.

The standard land contamination conditions SCN87, 87A, 87B, 87C and 87D are therefore necessary to be attached to any prior approval.

### Flooding Risk on Site

There is no objection to the principle of this development but details of foul and surface water drainage are required. This can be agreed by condition. There is no requirement for a Flood Risk Assessment.

### Conclusion:

The proposed development is not considered to be materially different from the extant scheme and the general principle of conversion has been established with the existing permission. 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:***

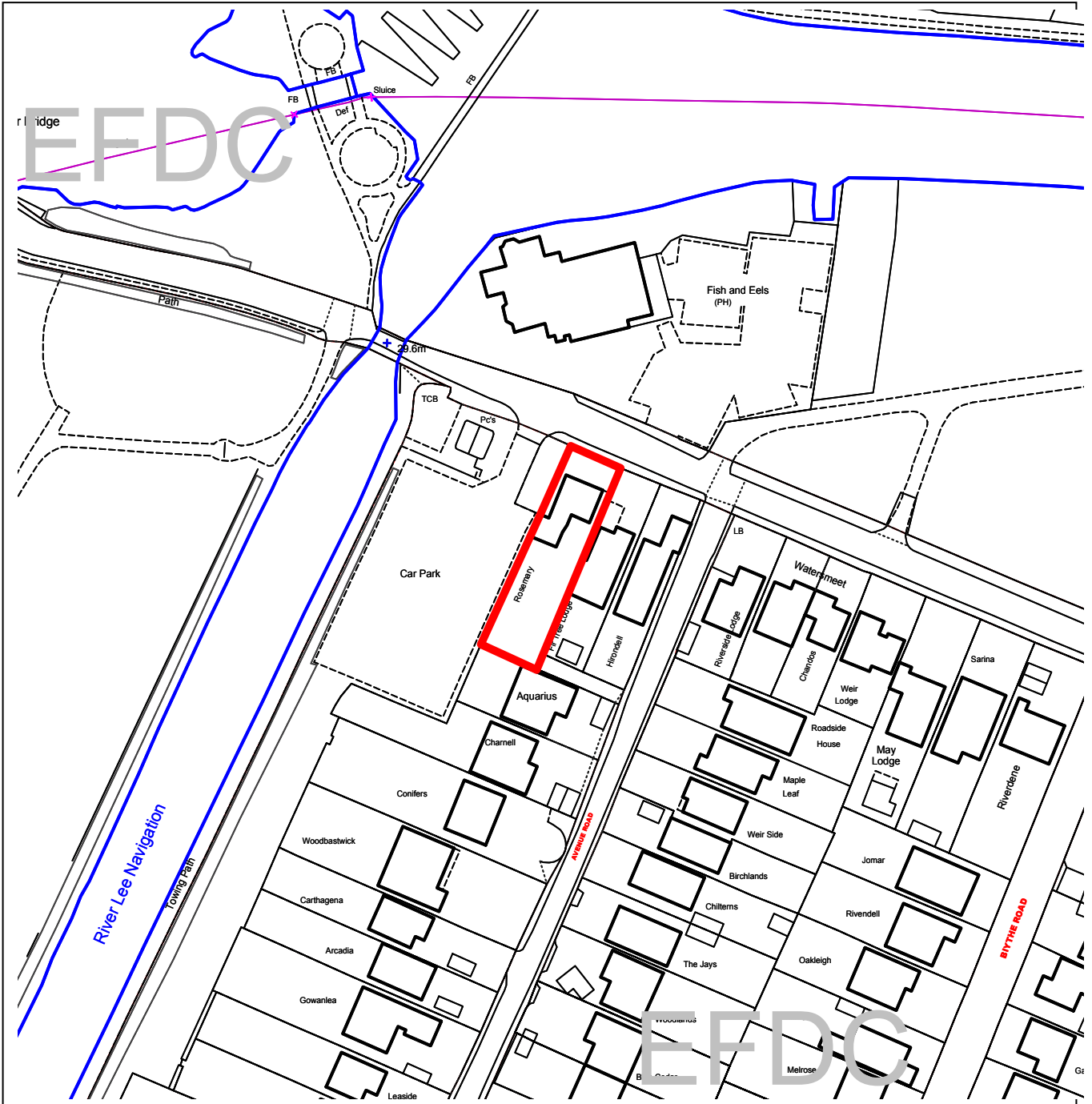
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/1124/15
Site Name:	Rosemary and Dobbs Weir Café, Dobbs Weir Road, Roydon,
Scale of Plot:	1:1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1124/15
<b>SITE ADDRESS:</b>	Rosemary and Dobbs Weir Cafe Dobbs Weir Road Roydon Harlow Essex
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Mr Gary Littwin
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed change of use of dwelling to form shop at ground floor and one bed flat above.
<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=575913](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575913)

**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 use hereby permitted shall not be open to customers outside the hours of 07:00 to 20:00 on Monday to Saturday and 09:00 to 18:00 on Sundays and Bank Holidays.

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

**Description of Site:**

The application site contains a detached dwelling currently in residential use with an area of hardstanding to the front. To the rear of the site and shown under ownership is an A3 café contained within a long single storey building. To the west of the site is a large parking area which is adjacent to the River Lee. The site is within the boundaries of the Lea Valley Park. The site is not within the Green Belt although it is adjacent to it. The subject site is close to the Fish and Eels Bridge and opposite the public house. There are residential properties to the south and east.

**Description of Proposal:**

The applicant seeks consent to change the use of the dwelling to form a mixed use with an A1 unit on the ground floor and a 1 bedroom flat above. The forecourt to the front would be used for vehicle parking.

### **Relevant History:**

EPF/0242/11 - Replacement cafe and change of use of dwelling to Bed and Breakfast accommodation. Grant Permission - 13/07/2011.

### **Policies Applied:**

CP2 Quality of rural and built environment  
GB10 Development within the Lee Valley Regional Park  
RP5A Adverse environmental impacts  
RST1 Recreational, sporting and tourist facilities  
RST7 recreational function for the Lee and Stort navigations  
RST24 Lea Valley Park  
U2A Development in flood risk areas.  
DBE1 Design of buildings  
DBE2 Effect on neighbouring amenities  
DBE9 Loss of amenity  
DBE11 Subdivision of dwellings  
ST4 Road safety  
ST6 Vehicle parking

### **Summary of Representations:**

PARISH COUNCIL: Comment. The Parish Council would like to understand what type of shop this will be and what the arrangements for parking and delivery would be as the adjacent car park is not in the ownership of this property.

4 neighbours consulted and site notice displayed: 3 replies received.

AQUARIUS: Objection. Concern that this is an overintensification of use at this site. There is no indication of what type of shop this will be. The proposal would negatively affect the visual aspect of adjoining residences. Concern that there will be associated litter with this use. Deliveries should be through the car park adjacent to the site. This is a potentially dangerous place to have a shop with regards to traffic movements.

HICONDELL: Objection. Concern that the type of shop may not be suitable for the area. It may not be suitable to park on the forecourt as the car park has a very narrow entrance.

FIR TREE LODGE: Objection. Concern about what type of shop this will be and proposed opening hours. Concern about parking with this use and the generation of litter which could be dumped around the site. Concern about highway safety and parking. The use will not be in keeping and there could also be increased noise and disturbance.

LEE VALLEY PARK: No Objection.

### **Issues and Considerations:**

The site is within the residential area of Dobbs Weir and within the Lee Valley Regional Park. The main issues in determining the application proposals are; the principle of the development in policy terms, impacts on neighbours, parking and access, and design and visual amenity.

#### **The principle of the use**

The proposed change of use of the main dwelling to an A1 unit/flat would fall under policy DBE11 which relates to the sub division of dwellings. The main considerations are whether the change

would result in an intensification of use that would create an undesirable precedent or detract from the character of the area, noise and disturbance, overlooking or loss of important garden space to car parking.

In this instance the proposal is to provide a shop on the ground floor and although the area is not characterised by premises in this kind of use, this location is at the entrance to the Lee Valley Park car park and opposite a public house. The type and level of use is not considered excessive or likely to lead to harm to residential amenity. There will be no increase in overlooking, and although there will be potentially more comings and goings, given the busy location on the Dobbs Weir Road and adjacent to the car park this is considered appropriate for this kind of use.

The development of a shop at this site would have wider benefits particularly to users of the Lea Valley Park and in particular walkers along the river tow path. This use would potentially add value to the immediate area. A condition limiting hours of operation is considered necessary and reasonable in order to safeguard residential amenity. Whilst concern has been expressed about what type of shop could open here, it does not seem reasonable to restrict movement within the class, and it would be difficult to see anything other than a retail shop being successful here and this would complement the existing A3 unit to the rear. There are no policy objections to the proposal and the first floor flat raises no issues.

#### Impacts on Neighbours

As stated an hours of operation condition should ensure that there was not undue disturbance from this use. The overall size of the building would not change whilst there would be some movements with regards to the A1 unit this would not seriously infringe on amenity. Whilst there is a concern expressed about litter being generated, the Council has to accept that this will be a well run operation and the immediate area is well served by litter bins. There is nothing to suggest that this will be an issue of real concern.

#### Parking and Access

The scheme provides 2 parking spaces on site, one of which is a disabled space. Given that the site is immediately adjacent to the Lee Valley Park Car Park and that people utilising the A1 unit will most likely to be enjoying the adjacent park or café it is not considered that there is a requirement to provide additional parking within the site itself. Whilst it is accepted that the car park may become full on particularly pleasant summer weekends, this is currently the case and it is not felt that the small development proposed would be a major attraction in its own right that would aggravate this situation. Whilst the applicant does not have ownership over the adjacent car park it is assumed that the existing scenario for deliveries to the café will remain and there is no record of this previously being an issue of concern.

#### Design and visual amenity.

There are no issues with regards to design, with only minor modifications to the building, and no proposal for signage at this stage.

#### Other issues.

The site is within a flood risk area but the scale of the development is small and will result in only negligible increased surface water run off therefore a flood risk assessment is not required.

**Conclusion:**

It is considered the proposed use would be beneficial to the immediate area and users of the nearby recreational facilities. There are no serious issues with regards to amenity, parking or highway safety. 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***

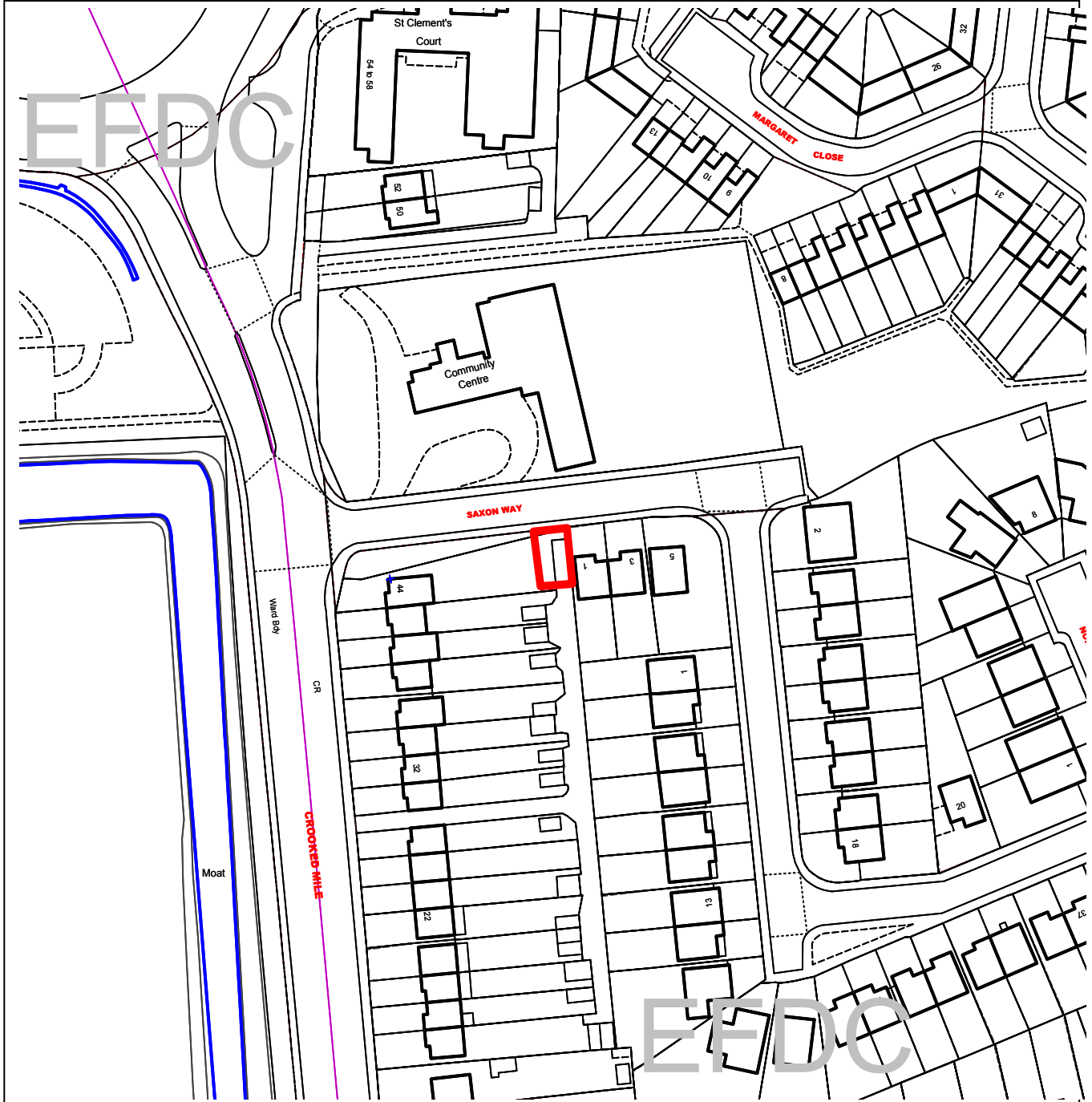
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 6



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Application Number:	EPF/1241/15
Site Name:	44 Crooked Mile Waltham Abbey, EN9 1PS
Scale of Plot:	1:1250



**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1241/15
<b>SITE ADDRESS:</b>	44 Crooked Mile Waltham Abbey Essex EN9 1PS
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>APPLICANT:</b>	Mr Noel Wilson
<b>DESCRIPTION OF PROPOSAL:</b>	Existing outbuilding/garage converted into 1 bed dwelling
<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=576456](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576456)

**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: 2491-15A2-01, 2491-15A2-02, 2491-15A4-03
- 3 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.
- 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) (England) Order 2015 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 or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 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.

*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 an existing detached outbuilding/garage located at the end of the two dwellings of No. 44 Crooked Mile and the attached new dwelling. The existing outbuilding measures 11.5m in width and 5m in depth with a pitched roof with a ridge height of 4m and eaves height of 2.3m. The parcel of land is currently subdivided off from the two donor properties, which are also within the applicant's ownership, and appears to currently be used for storage purposes. The site benefits from direct access from Saxon Way.

To the north of the site (on the opposite side of Saxon Way) is a community centre and to the east and south of the site are residential dwellings. The site is located outside of the Waltham Abbey Conservation Area and the Metropolitan Green Belt however is in an EFDC flood risk assessment zone.

**Description of Proposal:**

Consent is being sought for the conversion of the existing outbuilding/garage into a single one bedroom dwelling. The proposal would subdivide the site in order to provide a single parking space and 40m<sup>2</sup> area of garden for the new dwelling and would provide four parking spaces within the rear gardens of the adjacent dwellings to provide off-street parking for the two existing properties.

**Relevant History:**

EPF/1897/79 - Erection of a double garage – approved/conditions 22/02/80

EPF/0796/85 - Single storey side extension – approved/conditions 12/08/85

EPF/0760/91 - Two storey side extension (Ground floor - retail shop; first floor - bedrooms and bathrooms) – refused 01/11/91

EPF/0328/99 - Erection of a detached house (within rear garden) – refused 20/08/99

EPF/1368/12 - Demolition of single storey side and rear extension and erection of new 3 bed end terrace dwelling with new dropped kerb to the rear for additional off street parking spaces and new single storey rear extension on existing dwelling – approved/conditions 11/09/12

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U2B – Flood risk assessment zones  
RP4 – Contaminated land

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:**

7 neighbours were consulted and a Site Notice was displayed on 12/06/15.

TOWN COUNCIL – Object. Committee considered this to be an overdevelopment of the site.

### **Issues and Considerations:**

The key issues in this consideration are the location of the development, the overall design and impact on the street scene, with regards to amenity considerations, and highways and parking considerations.

A previous application was submitted and refused in 1999 for the demolition of this existing outbuilding and the erection of a one-and-a-half storey chalet bungalow. This was refused planning consent for the following reasons:

*The proposal represents overdevelopment of a site of restricted depth resulting in an unsatisfactory layout, out of character with and harmful to the visual amenity of the street scene, contrary to policies DBE3 and DBE6.*

*The proposal will result in unacceptable overlooking, harmful to the residential amenity of neighbours, contrary to policy DBE9 of the adopted Local Plan.*

This proposal differs from the previous application in that it would involve the conversion of the existing building and would only be single storey in nature, and the extent of the land utilised for the new dwelling is less than previously proposed, therefore resulting in more land being retained for the existing dwellings.

### **Location:**

The application site consists of the section of garden at the bottom of the two existing properties on the corner of Crooked Mile and Saxon Way (including the recently erected new dwelling). The site is approximately 180m from Waltham Abbey Town Centre and is served by local bus services and is a short distance from other local amenities (such as leisure facilities and health care facilities). As such, the site is considered to be in a reasonably sustainable location. The National Planning Policy Framework puts forward a presumption in favour of sustainable development.

The proposal would involve the reuse of the large existing structure on this site and, provided all relevant amenity and parking provision can be achieved, would make more efficient use of this sustainable urban site. As such it is considered that the principle of the proposed development would be acceptable.

#### Design:

The existing outbuilding and parcel of proposed amenity space currently appears to be subdivided off from the two existing dwellings within the applicants ownership. The building is currently accessed directly off of Saxon Way and is set back some 1.5m from the edge of the highway. The remainder of the land is screened from the highway by a high brick wall, which continues along the length of the side boundary of the existing dwelling, and a solid gate. The proposed change of use would involve the removal of the existing up-and-over garage door and its replacement with a single pedestrian door and a flush window. It is also proposed to replace the existing pedestrian door and window in the flank wall (opening out into the proposed garden) with two patio doors and a window. The proposed parking space would be served by the existing crossover and vehicle access onto the site.

The submitted existing plan shows four parking spaces to the rear of the two existing dwellings fronting Crooked Mile, however these parking areas are not in place. In order to provide these off-street parking spaces for the two existing dwellings (which required parking to be provided on this application site as part of EPF/1368/12) then a section of the existing brick wall would need to be removed and some of the existing amenity space for the two existing dwellings would be lost.

From a visual point of view the change of use and external alterations of the existing building would not appear detrimental to the overall appearance of the street scene. Whilst the provision of the proposed off-street parking would entail the loss of a stretch of the existing brick wall this would improve the overall openness of the site and therefore would not be harmful to the character of the street scene.

#### Amenity considerations:

The proposed conversion of the garage would have no additional impact on the amenities of neighbouring residents as it would make use of the existing building and would not introduce any alternative use to the site since this is lawfully residential garden land at present, although it appears to currently be in use for storage purposes. Furthermore it is not considered that the intensification of use that would occur from a one bed dwelling on this site would lead to any undue harm to neighbours amenities.

In terms of private amenity space, the proposed new dwelling would benefit from 40m<sup>2</sup> of rear garden area, which would meet the requirements for a small one bed dwelling. The two existing dwellings fronting onto Crooked Mile would each retain 80m<sup>2</sup> of private amenity space, which would also meet the requirements as laid out within the Essex Design Guide and the supporting text to DBE8

#### Highways/parking:

The proposed development would provide a single off-street parking space for the new dwelling and there is adequate space within the donor properties to provide two off-street parking spaces for each of the existing dwellings, which complies with the Essex County Council Vehicle Parking Standards. Whilst there is no off-street visitor parking proposed the surrounding roads are unrestricted and provide ample on-street parking provision to cater for visitor parking to both the proposed and existing dwellings. As such the proposal would not detrimentally impact on highway safety or the free flow of traffic and complies with the relevant Local Plan policies.

Other considerations:

*Flood risk:*

The application site lies within a Flood Risk Assessment zone however the development would only cause a negligible increase in surface water runoff. As such, this proposal does not require a flood risk assessment. However details of surface water drainage will be required, which can be dealt with by condition.

*Contamination:*

Due to the former use of the site as part of a horticultural nursery, the presence of a heating oil supply pipe fed from a 7500 gallon heating oil tank serving the Saxon Way Estate adjacent to the eastern boundary, and its use as a domestic garage, there is the potential for contaminants to be present on site. As remediation of any worst case scenario would be feasible this matter can be dealt with by conditions.

**Conclusion:**

The proposed development would be located within a sustainable urban location and would make more efficient use of this site. The proposal would provide all required amenity space and off-street parking provision for both the new dwelling and the two existing donor properties and as such does not constitute overdevelopment of the site. Given that the proposal would convert the existing outbuilding there would be no detrimental impact on the character and appearance of the street scene or neighbours amenities and as such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

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

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

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***