

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 22nd March, 2017**

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 March, 2017**
at **7.30 pm** .

Glen Chipp
Chief Executive

Democratic Services
Officer

S Tautz Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors A Mitchell (Chairman), G Shiell (Vice-Chairman), R Bassett, R Butler, D Dorrell, R Gadsby, L Hughes, H Kane, S Kane, Y Knight, J Lea, M Sartin, 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 ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (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 22 February 2017.

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, 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.

7. DEVELOPMENT CONTROL (Pages 25 - 96)

(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.

Background Papers: Article 17 - 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 and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

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Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

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 Committee.

Meetings of the District Development Management Committee, Area Plans Sub-Committee East and Area Plans Sub-Committee West are held at the Civic Offices in Epping. Meetings of Area Plans Sub-Committee South are held at Roding Valley High School in Loughton.

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**, by ringing 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 generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

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 Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East or Area Plans Sub-Committee West, you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

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

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

How are the applications considered?

The Committee 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 Committee will then debate the application and vote on either the recommendations of

officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information?

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

Area Planning Subcommittee West 2016-17

Members of the Committee and Wards Represented:



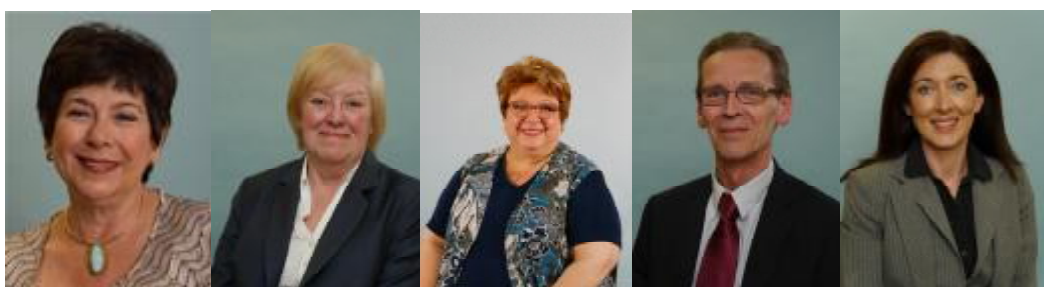
**Chairman
Cllr Mitchell**
Waltham
Abbey North
East

**Vice-Chairman
Cllr Shiell**
Waltham Abbey
Honey Lane

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 Knight
Lower
Nazeing



Cllr Lea
Waltham
Abbey North
East

Cllr Sartin
Roydon

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:** 22 February 2017
West

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.20 pm
High Street, Epping

Members Present: G Shiell (Chairman), J Lea (Vice-Chairman), R Butler, R Gadsby, L Hughes, H Kane, S Kane, M Sartin and S Stavrou

Other Councillors:

Apologies: A Mitchell, R Bassett, D Dorrell, Y Knight and E Webster

Officers Present: J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)), J Leither (Democratic Services Officer), P Pledger (Assistant Director (Housing Property)) and G J Woodhall (Senior Democratic Services Officer)

49. 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.

50. 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.

51. ELECTION OF VICE-CHAIRMAN

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

RESOLVED:

That Councillor J Lea be elected Vice-Chairman for the duration of the meeting.

52. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 25 January 2017 be taken as read and signed by the Chairman as a correct record.

53. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor S Stavrou declared a non-pecuniary interest in the following items of the agenda by virtue of being the Housing Portfolio Holder and Chairman of the Council Housebuilding Cabinet Committee. The Councillor had determined that her interest was prejudicial and that she would leave meeting for the consideration of these applications and voting thereon:

- EPF/2853/16 Land and Garages adjacent to 1 Cross Terrace, Stonyshotts, Waltham Abbey, Essex EN9 3DF
- EPF/2884/16 Land and Garages at Gant Court, Waltham Abbey, Essex EN9 3DY
- EPF/2975/16 Garages at Wrangley Court, Waltham Abbey, Essex EN9 3HN

54. ANY OTHER BUSINESS

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

55. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 5 be determined as set out in the annex to these minutes.

CHAIRMAN

Report Item No: 1

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2853/16 |
| SITE ADDRESS: | Land and Garages adjacent 1 Cross Terrace Stonyshotts Waltham Abbey Essex EN9 3DF |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey Honey Lane |
| DESCRIPTION OF PROPOSAL: | 1 affordable home with 2 parking space |
| DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588861

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: 612 091 PL01B, PL02, PL03B, PL04B, PL05A, PL06A, PL07, Chartwell Tree Consultants Arboricultural Report dated 27/10/16, Paul Mews Associates Parking Assessment October 2016.

- 3 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]

- 4 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]

- 5 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]

- 6 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.

- 7 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.

- 8 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 9 Prior to first occupation of the development hereby approved, the proposed window opening(in the northern flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 10 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.
- 11 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 12 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.
- 13 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the

Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 15 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, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 16 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.
- 17 Prior to the first occupation of the development , the vehicle parking area as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 18 There shall be no discharge of surface water onto the highway.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 20 The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 21 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

Report Item No: 2

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2884/16 |
| SITE ADDRESS: | Land and Garages Gant Court Waltham Abbey Essex EN9 3DY |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey Honey Lane |
| DESCRIPTION OF PROPOSAL: | 3 affordable homes with 7 parking spaces |
| DECISION: | 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=588997

REASONS FOR REFUSAL

- 1 The proposed scheme would see the removal of 20 car parking spaces from this estate. This would cause an unacceptable loss of parking spaces with harm to the on street parking, highway safety and the amenities of neighbours and is contrary to policies CP2 and ST6 of the adopted local plan and alterations

Way Forward

Members suggested a way forward was to have a development which provides sufficient parking.

Report Item No: 3

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/2975/16 |
| SITE ADDRESS: | Garages at Wrangley Court Waltham Abbey Essex EN9 3HN |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey Paternoster |
| DESCRIPTION OF PROPOSAL: | 1 affordable home with 5 parking spaces |
| DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589267

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: 612099PL01, 612099PL02, 612099PL03, 612099PL04, 612099PL05, 612099PL06
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place, 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 development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 6 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 8 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 9 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority

before the submission of details pursuant to the remediation scheme condition that follows]

- 10 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 12 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 13 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.
- 14 A parking space adjacent to the proposed dwelling shall be allocated for the occupants of the property and this shall be managed by EFDC Housing.

Report Item No: 4

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/3163/16 |
| SITE ADDRESS: | Units 20-21 Former Mushroom Farm Laundry Lane Nazeing Essex EN9 2DY |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| DESCRIPTION OF PROPOSAL: | Change of use to mixed B1, B2 and B8 uses including storage and mechanical repair of cars |
| DECISION: | Referred to District Development Management Committee |

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=589766

This application was referred to District Development Management Committee with no recommendation.

Report Item No: 5

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/3254/16 |
| SITE ADDRESS: | Land to West of Wellington Hall Wellington Hill High Beech Loughton Essex IG10 4AQ |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey High Beach |
| DESCRIPTION OF PROPOSAL: | Erection of three dwellings and associated garages. |
| DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590074

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: 1632.44, 1632.45, 1632.46, 1632.47, 1632.48, 1632.49, 1632.50, 1632.51, 1632.52, 1632.53, 1632.54, 1632.55, 1632.56, 1632.57, 1632.58
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until 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 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Prior to the commencement of any works a Phase I Habitat Survey shall be submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the likely presence of any European Protected Species, or their

breeding sites or resting places, then protected species surveys need to be carried out. These surveys shall be submitted to and approved in writing by the Local Planning Authority. Should the protected species surveys reveal the presence of protected species, or their breeding sites or resting places on the site, then a detailed mitigation strategy shall be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to and agreed in writing by the Local Planning Authority. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 11 There shall be no discharge of surface water onto the Highway.
- 12 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice

tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 13 No development shall take place until 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]
- 14 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]
- 15 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]

- 16 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.
- 17 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.
- 18 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 19 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.

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AREA PLANS SUB-COMMITTEE 'WEST'

22 March 2017

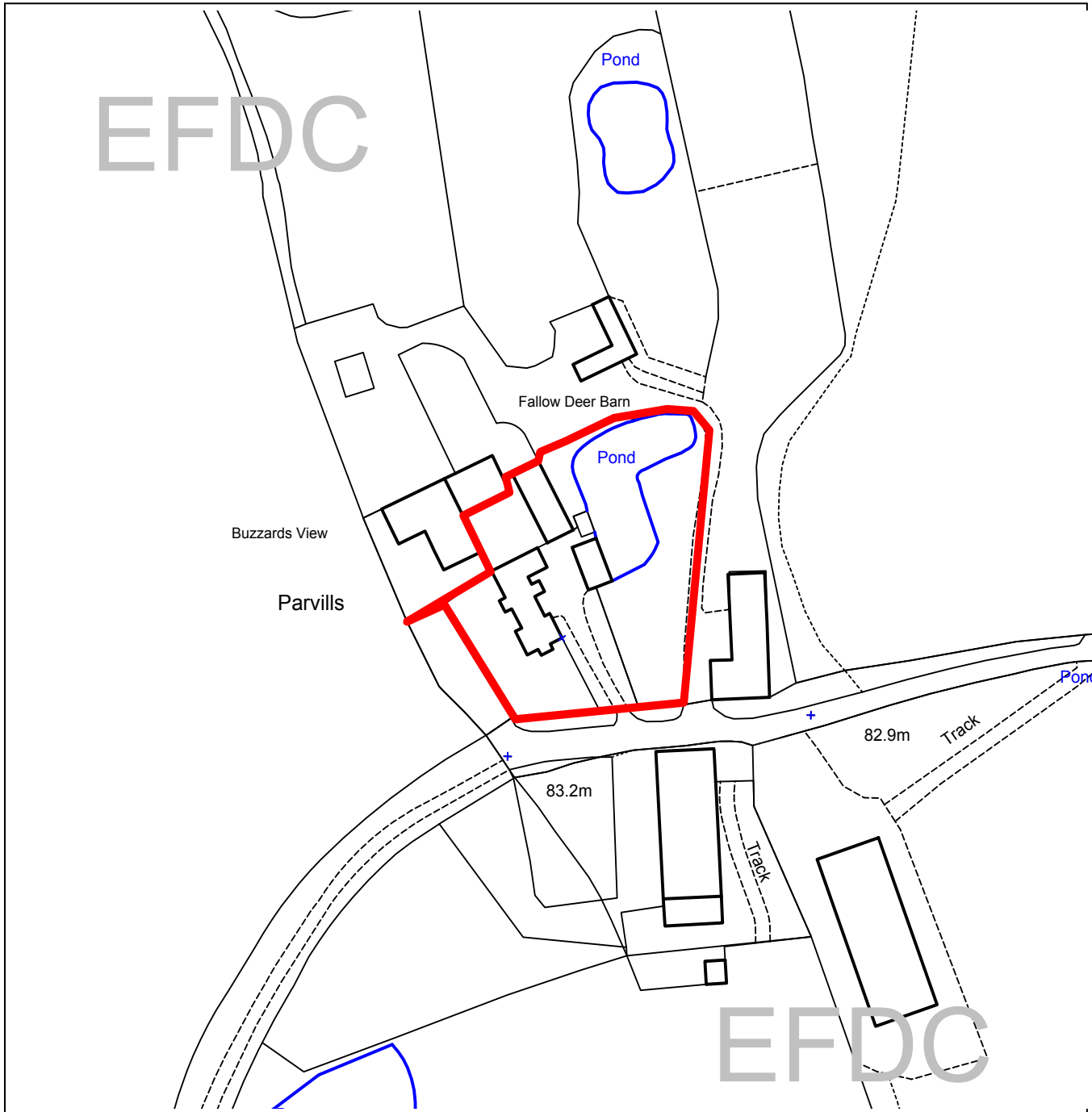
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Epping Forest District Council

Agenda Item Number 1



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|---------------------|--|
| Application Number: | EPF/1958/16 |
| Site Name: | Parvills Farm, Chambers Manor Farm Lane, Epping Upland, CM16 6PL |
| Scale of Plot: | 1/1250 |

Report Item No: 1

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1958/16 |
| SITE ADDRESS: | Parvills Farm Chambers Manor Farm Lane Epping Upland Epping Essex CM16 6PL |
| PARISH: | Epping Upland |
| WARD: | Broadley Common, Epping Upland and Nazeing |
| APPLICANT: | Mr Tom Smith |
| DESCRIPTION OF PROPOSAL: | Listed building consent for Modernisation of services to whole house (already started), with new underfloor heating to ground floor, remodelling of kitchen fireplace and modern bathroom to the first floor stair tower landing. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586056

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 Notwithstanding the approved drawings, the 1930s/1940s fireplace in the central sitting room shall be retained in situ.
- 3 The Victorian timber screen in the central sitting room shall be retained in situ.
- 4 Further photographic details of the woodburner to be installed in the kitchen shall be submitted to and approved by the Local Planning Authority prior to its installation on site.
- 5 Additional drawings that show details of the underfloor heating by section at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

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 function, Schedule 1, Appendix A. (g))

Description of site

Parvills Farmhouse is a grade II* listed building of mid-16th century date, incorporating the remains of an earlier structure, which was substantially remodelled in the 17th century.

Description of proposal

The proposal is to install underground heating to the ground floor, retention of the bressumer and the rendering of the brick to alter its finish and integration into the room and modernisation of first floor bathroom.

Relevant History

None relevant

Policies Applied

HC10 – Works to listed buildings

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 the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

Consultation carried out and summary of representation received

EPPING UPLAND PARISH COUNCIL – OBJECTION – In the absence of a report from the Listed Buildings Officer it was difficult for councillors to comment and therefore on the basis of the current information available councillors object as follows:

- Concerns that such an historical and noteworthy building of national significance (Grade II*) must be sympathetically renovated.
- No photographs of the flooring; concerns regarding the underfloor heating affecting existing timbers
- Concern regarding features that may already have been removed
- Concerns regarding previous works that have been carried out
- There are inaccuracies in the statement about previous ownership and works eg on page 35

No comments received from neighbours

Comments on representation received

The Parish Council have raised the notion of potential inaccuracies in the submitted statement however has not provided any specific details. Therefore this element cannot be afforded weight in this application.

Issues and considerations

The main issue to consider is whether there would be harm caused to the architectural or historic interest of the Grade II* listed building. The Councils Listed Buildings Advisor has commented that:

Parvills Farmhouse is a grade II listed building of mid-16th century date, incorporating the remains of an earlier structure, which was substantially remodelled in the 17th century. Some of the works contained within this application have already been undertaken. The application seeks to rationalise and, in some cases, improve these existing works, and gain consent for some additional upgrading works.*

Additional information was been received in response to concerns raised by Historic England. The subsequent Historic England comments and my view on these issues are discussed below.

Kitchen fireplace

The appearance of the fireplace prior to the removal of the Aga is unknown. However, the likelihood of the loss of historic fabric seems low; investigation of the fireplace (as documented in the BJHC report on the building) has shown that it has been altered in the recent past with modern brickwork (potentially dating to the 1980s) supporting two RSJs. Following the removal of the Aga, a faux bressumer above faux brick piers has been installed to hide the RSJs behind. The current application proposes the retention of the bressumer and the rendering of the brick to improve its finish and integration into the room. It is not considered that this will cause undue harm to the building as the bricks and bressumer are just surface finishes that can be removed at a later date and do not cause any harm to historic fabric.

Underfloor heating

The underfloor heating system will be laid on top of the existing flooring. The majority of the flooring is modern fabric; the kitchen, pantry, scullery and office all have a modern concrete floor. In these rooms the door thresholds protrude above floor level and the skirting boards are unremarkable, so the underfloor heating can be accommodated. Within the sitting room, the floorboards do not appear to be historic and have been clumsily repaired and replaced in places, so there will be minimal impact on historic fabric.

1930s/1940s fireplace

An exploratory hole above the fireplace has revealed that there is not an earlier fireplace behind as, like the kitchen fireplace, it is supported by an RSJ. As the removal of the '30s/'40s fireplace would not reveal any historic features, this should remain in situ as an example of the mid-20th century interventions into the property

Bathroom

Little is known of the bathroom prior to its refitting, however, as it replaces a previous bathroom, there seems to be little additional harm to the building.

It is considered that the harm caused to the significance of the listed building is minimal as the fabric affected by the works is predominantly modern and of little historic value. Additionally, the works to upgrade the services and heating within the house will allow its use as a comfortable home, vital to its long-term conservation. The main features which contribute to its special interest are entirely retained.

*It is recommended that **listed building consent is granted** with reference to the amended drawings received via email on 03/10/2016 (drawing nos. 1677/12A, 1677/15A and 1677/10A), and subject to the following conditions:*

Notwithstanding the approved drawings, the 1930s/1940s fireplace in the central sitting room shall be retained in situ.

The Victorian timber screen in the central sitting room shall be retained in situ.

Further photographic details of the woodburner to be installed in the kitchen shall be submitted to and approved by the Local Planning Authority prior to its installation on site.

This is supported by policy HC10 of our Local Plan and Alterations (1998 and 2006) and paragraphs 132 and 134 of the NPPF.

As the property is Grade II* listed, Historic England has also commented on the application that:

Parvills was constructed in the mid-sixteenth century, incorporating the remains of an earlier dwelling. The house is listed at grade II in recognition of it possessing more than special architectural and historic interest, and it therefore sits within the top 8% of listed buildings nationally. This application proposes a number of interior works at Parvills Farm, many of which we understand have already commenced without authorization.*

Of the works listed on the proposed ground and first floor plans, we wish to make the following observations:

· *Proposed removal of Victorian partitions and door:*

Historic England welcomes the proposed retention of these features.

· *Overlay under-floor heating system:*

We are concerned with the impact this would have on any historic fabric and the implications a raised floor height would have on architectural features throughout the house. This would impact the historic character and appearance of the interior.

· *Modernisation of existing bathroom:*

No further information has been provided of the bathroom prior to its refurbishment, we are therefore unable to comment on the potential harm of these works.

· *Kitchen fireplace:*

It is a shame that the fireplace was altered and Aga cooker removed without authorization. We have not been provided with photographs before the alterations took place and therefore are unable to comment.

· *Living room fireplace:*

We have information that the fireplace was removed prior to the current owners purchase of the property.

1940s fireplace

We understand that a small exploratory hole has been made above the fireplace to ascertain whether there is an inglebrook fireplace behind. These investigations revealed a steel support beam along with debris. Given that a significant fireplace was not revealed the 1940s fireplace should be retained in situ.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Overall balance

There is slight tension between the advice received from the Councils Listed Buildings advisor and that of Historic England. The Listed Buildings advisor visited the site and does not believe that the works to the property will cause any harm to the historic or architectural interests of the building. Historic England meanwhile have raised concern, particularly with regard to the under floor heating

system. However as previously stated by the Listed Building advisor, the floor is covered in modern concrete and the door thresholds protrude above the existing floor level. As a result the underfloor heating can easily be accommodated without any loss to the historic interest of the property.

The other issues raised by Historic England are only due to a lack of photographs of long since altered elements of the listed building. These comments do not contain specific objective concerns, in stark contrast to the comments of the Listed Building advisor. In line with the comments of the Listed Building advisor, whose comments are based on a site visit and specific detail, it is not considered that there will be any harm caused to the listed building as a result of the works.

Conclusion

The proposal is not considered to harm the historic or architectural character of the Grade II* listed building and therefore it is recommended that listed building consent is granted.

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:

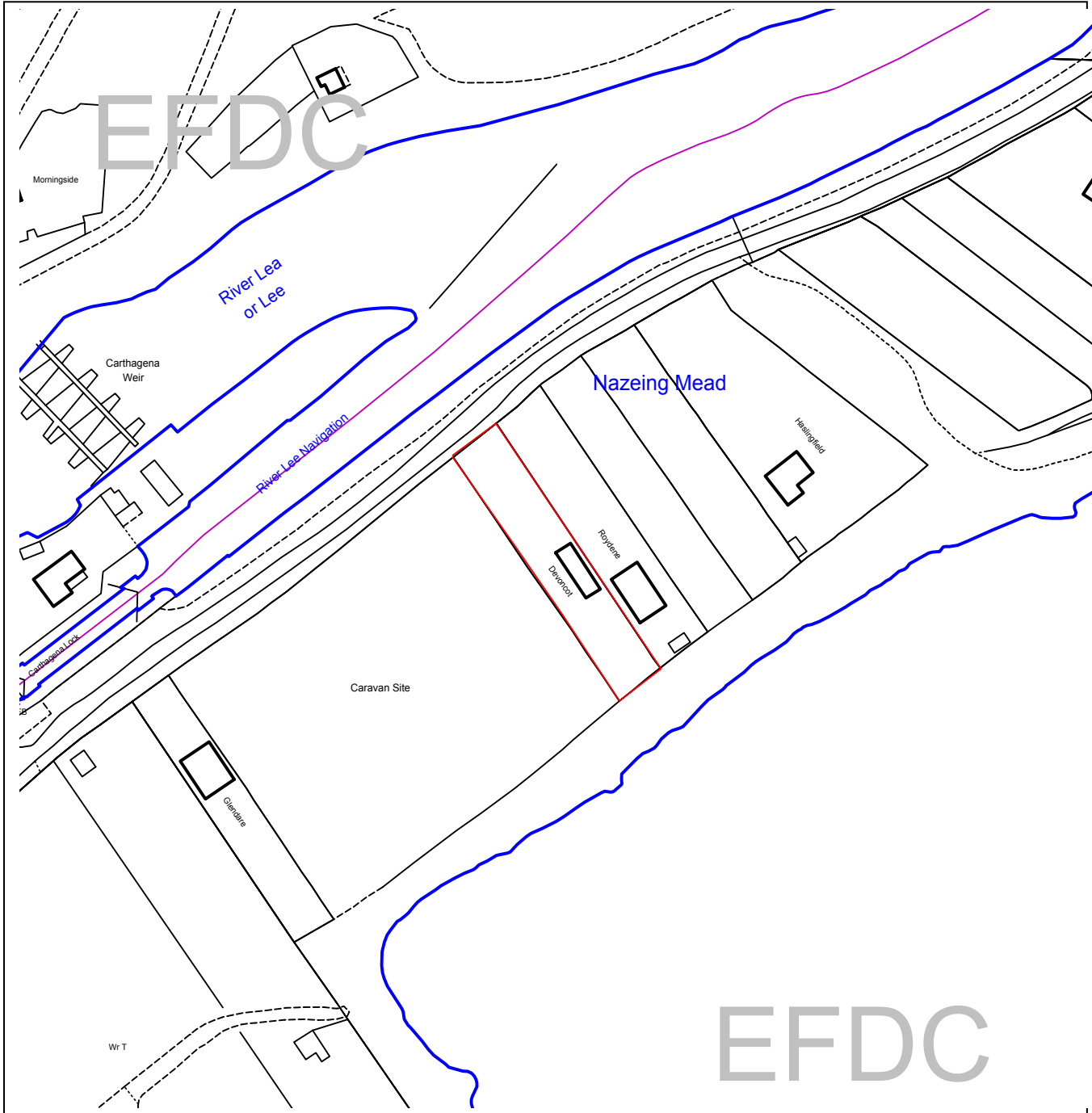
***Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Agenda Item Number 2



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| | |
|---------------------|--|
| Application Number: | EPF/2285/16 |
| Site Name: | Devoncot, Carthagena Estate, Nazeing, EN10 6TA |
| Scale of Plot: | 1/1250 |

Report Item No: 2

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2285/16 |
| SITE ADDRESS: | Devoncot Carthegena Estate Nazeing Essex EN10 6TA |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Mr & Mrs Delaney |
| DESCRIPTION OF PROPOSAL: | Application for variation of conditions 1 and 2 on planning application EPF/2411/11 (Use of site for private gypsy/traveller site for one family comprising two mobile homes, two touring caravans and utility building) to allow for permanent occupation of the site. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587036

CONDITIONS

- 1 The use hereby permitted shall be carried on only by Mr and Mrs Delaney and their resident dependants.
- 2 When the land ceases to be occupied by those named in condition 1 above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
- 3 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static mobile homes) shall be stationed on the site at any time.
- 4 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of that use shall be removed within 3 months of the date of failure to meet any of the requirements set out in (i) to (iv) below:
 - i) Within 3 months of the date of this decision, or such other period as the Local Planning Authority may agree in writing, a suitable flood risk assessment shall be submitted in writing to the Local Planning Authority for its written approval. The scheme shall include an assessment to the 100 year plus 70% event for sensitivity testing, and a design to the 100 year plus 35% event.

ii) Within 11 months of the date of this decision, the scheme referred to above shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted by, the Secretary of State.

iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been finally approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved

- 5 There shall be no stationing or parking of LGVs or vehicles over 3.5T on site, and no commercial or business uses shall take place at any time on the site.

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: Scheme of Delegation, Appendix 3)

Description of Proposal:

Consent is being sought to vary condition 1 of Planning Consent ref: EPF/2411/11 to allow for permanent occupation of the site.

The original application ref: EPF/2411/11 granted consent for the temporary use of the site for private gypsy/traveller site for one family comprising two mobile homes, two touring caravans and utility building. Condition 1 of this approval reads as follows:

- 1. The use hereby permitted shall be carried on only by Mr and Mrs Delaney and their resident dependants, and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.*

Reason:- Insufficient very special circumstances exist to justify the permanent grant of planning consent on the site.

Whilst the description of the proposal as submitted only refers to the variation of condition 1 condition 2 would also require alteration since this reads:

- 2. When the land ceases to be occupied by those named in condition 1 above, or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.*

Reason:- To ensure the site is returned to its former use after the expiration of the temporary consent.

As such the description of the proposal has been amended to reflect this.

Description of Site:

The application site is a former recreational chalet plot located within the Carthegena Estate, Nazeing. It has a site area of approximately 144 sq. m. The site is located within the Metropolitan Green Belt, the designated Carthegena Holiday Estate, and the Lee Valley Regional Park. Furthermore the site lies within the Environment Agency Flood Zones 2 and 3.

Relevant History:

EPF/0532/05 - Change of use of land to private gypsy caravan site for four families – withdrawn 01/01/08

EPF/2411/11 - Use of site for private gypsy/traveller site for one family comprising two mobile homes, two touring caravans and utility building – approved/conditions (temporary) 26/01/2012

EPF/2973/15 - Removal/variation of conditions 1 and 2 on planning application EPF/2411/11 (Use of site for private gypsy/traveller site for one family comprising two mobile homes, two touring caravans and utility building) – refused 15/02/16

Policies Applied:

Epping Forest District Council Local Plan (1998) and Alterations (2006):

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB5 – Residential moorings and non-permanent dwellings

GB10 – Development in the Lee Valley Regional Park

H10A – Gypsy caravan sites

RST9 – Carthegena and Riverside chalet estates

RST24 – Design and location of development in the LVRP

U2A – Development in Flood Risk Areas

U2B – Catchment effects

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Draft Local Plan Consultation document (2016):

SP5 – Green Belt and District Open Land

H4 – Traveller site development

T1 – Sustainable transport choices

DM3 – Epping Forest SAC and the Lee Valley SPA

DM15 – Managing and reducing flood risk

DM18 – On site management of waste water and water supply

DM21 – Local environmental impacts, pollution and land contamination

At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

Consultation Carried Out and Summary of Representations Received:

3 neighbours were consulted and a Site Notice was displayed.

PARISH COUNCIL – Resolved – no comment.

LVRPA - The Authority has no objection to the application subject to planning conditions being included on any permission granted replicating conditions 3, 4 and 5 of the original permission (EPF/2411/11). These would cover a restriction to 4no. on the total number of caravans stationed at the site of which no more than 2no. should be static mobile homes and that there should be no stationing of LGVs or vehicles over 2.5tons on site and no commercial or business use shall take place at any time on the site. Further an additional condition requiring the retention of a 2m high wooden fence around the perimeter of the site should be included.

Main Issues and Considerations:

Policy H10A of the Local Plan states: “*In determining applications for Gypsy Caravan sites within the Green Belt the Council will have regard to (i) whether there are any very special circumstances which would justify an exception to the Green Belt policies of restraint, and (ii) The impact on the openness of the Green Belt and the character and appearance of the Countryside*”. In addition on this site the other considerations are the potential risk from flooding and the impact on the Lee Valley Regional Park.

The previous application to vary these conditions in order to obtain permanent consent was refused for the following reason:

The proposed development is located within the Metropolitan Green Belt, the Lee Valley Regional Park and is within a flood zone. The proposal constitutes inappropriate development harmful to the openness of the Green Belt, the overall character and use of the Lee Valley Regional Park, and would result in increased flood risk. No information has been put forward to clearly outweigh this harm and therefore no very special circumstances exist. As such the development is contrary to the National Planning Policy Framework and policies CP2, GB2A, GB5, GB10, H10A, U2A, U2B, RST9 and RST24 of the adopted Local Plan and Alterations.

There has been a recent appeal decision for a similar development at Sunnyside, Carthegena Estate. This appeal related to the use of the site for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of additional hardstanding and related to a previously refused planning application ref: EPF/0529/12. Within the Inspectors decision letter, dated 26th January 2017, it is recognised that the proposed development at Sunnyside would have ‘moderately adverse’ harm to the openness and purposes of the Green Belt, ‘modest adverse’ harm to the character and appearance of the area, and ‘limited’ harm to the Lee Valley Regional Park. However, with regards to flood risk, the Inspector recognised that “*the site is outside the areas of lowest flood risk and this type of development is highly vulnerable if flooding does occur*” however they conclude that “*the actual risk of flooding during the lifetime of the development would be low and the development complies with the Sequential and Exception Tests. There would be an acceptable evacuation route if flooding did occur. Flood management measures can be required by condition to further mitigate risk and the risk of flooding elsewhere would not be exacerbated*”. A subsequent condition was imposed by the Planning Inspector in order to deal with this matter.

Notwithstanding the above the overall balance undertaken by the Planning Inspector was as follows:

29. *The harm to the Green Belt in this case arises from inappropriateness together with the moderate adverse effect on openness and the conflict with a Green Belt purpose. In accordance with Framework paragraph 89 I give substantial weight to the harm to the Green Belt. Moderate weight is attributable to the harm to character and appearance and I also give moderate weight to the effect on the Lee Valley*

Regional Park. The development would not comply with policies CP2, GB2A, GB5, and RST9. I have taken into account the Council's concern to ensure a plan led approach. However, in view of the limited scale of this development, the granting of planning permission would have little effect on the emerging local plan. I have concluded that the actual risk of flooding would be low. In that context little weight attaches to the likelihood of the emerging local plan identifying sites in lower flood risk zones.

30. *A number of matters weigh in the appellant's favour for a permanent permission. They include the unmet need for sites in the District and more widely, the Council's failure to demonstrate a 5-year supply of deliverable sites, the related failure of policy, the personal need for a site of the 14 residents of the appeal site and the lack of any alternative site. There is also the uncertainty surrounding the extent of future site provision through the development plan process and the likelihood that at least some future allocations would be in the Green Belt. There are personal medical circumstances and permission would facilitate the sustainability benefits arising from a settled site, including access to the education, health and other facilities which are available to the settled community. It would serve the best interests of the children, which is a primary consideration in my decisions, and would help to safeguard and promote their welfare and well-being. Having regard to the number of children in this case, that is a matter to which I attach very substantial weight. Granting permission would avoid infringement of human rights under Article 8 of the European Convention on Human Rights. I also take into account the requirements of Equality Act, 2010, including those concerning equality of opportunity and eliminating discrimination. In that context, granting planning permission would facilitate the traveller way of life. This range of matters extends well beyond the personal circumstances and unmet need to which paragraph 16 of PPTS refers. That paragraph is, in any case, subject to the best interests of children.*
31. *In his 2013 report the Inspector recommended a temporary planning permission. While I take that into account I have reached my own conclusion on where the overall balance lies. I conclude that in respect of a permanent planning permission the harm to the Green Belt and the other harm which would result from the development would be clearly outweighed by other considerations. Having regard in particular to the best interests of the children I find that there are very special circumstances which would justify the granting of planning permission on a permanent basis in this case.*

Devoncot is located within the same designated area (the Carthegena Estate) and is very similar in terms of the proposed works (with the exception that this site benefitted from a temporary planning consent unlike Sunnyside, which until this appeal decision did not have any lawful consent for the residential use on the site). Similarly to the above example the occupants of this site include young children, with letters from the primary school being submitted to confirm their attendance and success, and there are medical needs of the occupants, particularly Thomas and Mary Delaney who require regular medical attention. Letters from Park Lane Surgery have been submitted regarding these conditions along with confirmation of the occupants being registered at the surgery.

Given the above conclusions regarding the harm to the Green Belt, the impact on the Lee Valley Regional Park, the existing (and continued) failure of policy and the best interests of the site occupants (particularly the children on site) it is clear that this application must be viewed the same way and therefore permanent consent should be given to this site

Flood risk:

The application site is located within an Environment Agency Flood Zone 2 however has both previously, and in this instance, passed the Sequential Test since it is acknowledged that at the present time the Council cannot provide any alternative sites that would be more suitable for the proposed development. In addition, as concluded within the Sunnyside appeal decision, despite being located within Flood Zone 2 *“the actual risk of flooding during the lifetime of the development would be low”* and *“flood management measures can be required by condition to further mitigate risk and the risk of flooding elsewhere would not be exacerbated”*.

A Flood Risk Assessment has been submitted with the application, however the Environment Agency has responded to this as follows:

The FRA submitted with this application does not comply with the requirements set out in paragraph 102 of the National Planning Policy Framework (NPPF) which states that for areas at risk of flooding a site-specific flood risk assessment must be undertaken which demonstrates that the development will be safe for its lifetime. It also does not comply with paragraph 94 of the NPPF which requires local planning authorities to adopt proactive strategies to adapt to climate change, taking full account of flood risk. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. This is contradictory to your local plan policy U2A ‘Development in Flood Risk Areas’.

In particular, the submitted FRA fails to assess the impact of climate change using the appropriate climate change allowances.

This response, along with the requirements to overcome their objection, has been forwarded to the Applicant’s agent and further information is to be submitted with regards to the FRA. However at the time of preparing this report this additional information has not yet been received.

Nonetheless, given that the Planning Inspector in the above stated appeal concluded that flood risk in this area can be adequately dealt with by condition it is considered that, irrespective of any objection from the Environment Agency or receipt of an adequate FRA, the proposed development would not conflict with Local Plan policy U2A.

Conclusion:

Due to the recent decision of the Planning Inspector with regards to nearby Sunnyside, and the similarities between these applications, the same conclusions must be reached on this proposal. These being that *“in respect of a permanent planning permission the harm to the Green Belt and the other harm which would result from the development would be clearly outweighed by other considerations. Having regards in particular to the best interests of the children I find that there are very special circumstances which would justify the granting of planning permission on a permanent basis in this case”*.

Whilst there are current concerns from the Environment Agency with regards to the submitted FRA it has been concluded that flooding matters in this area can be adequately dealt with by way of a condition. Therefore, subject to conditions, the application complies with Government guidance and the relevant Local Plan policies and is recommended for approval.

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

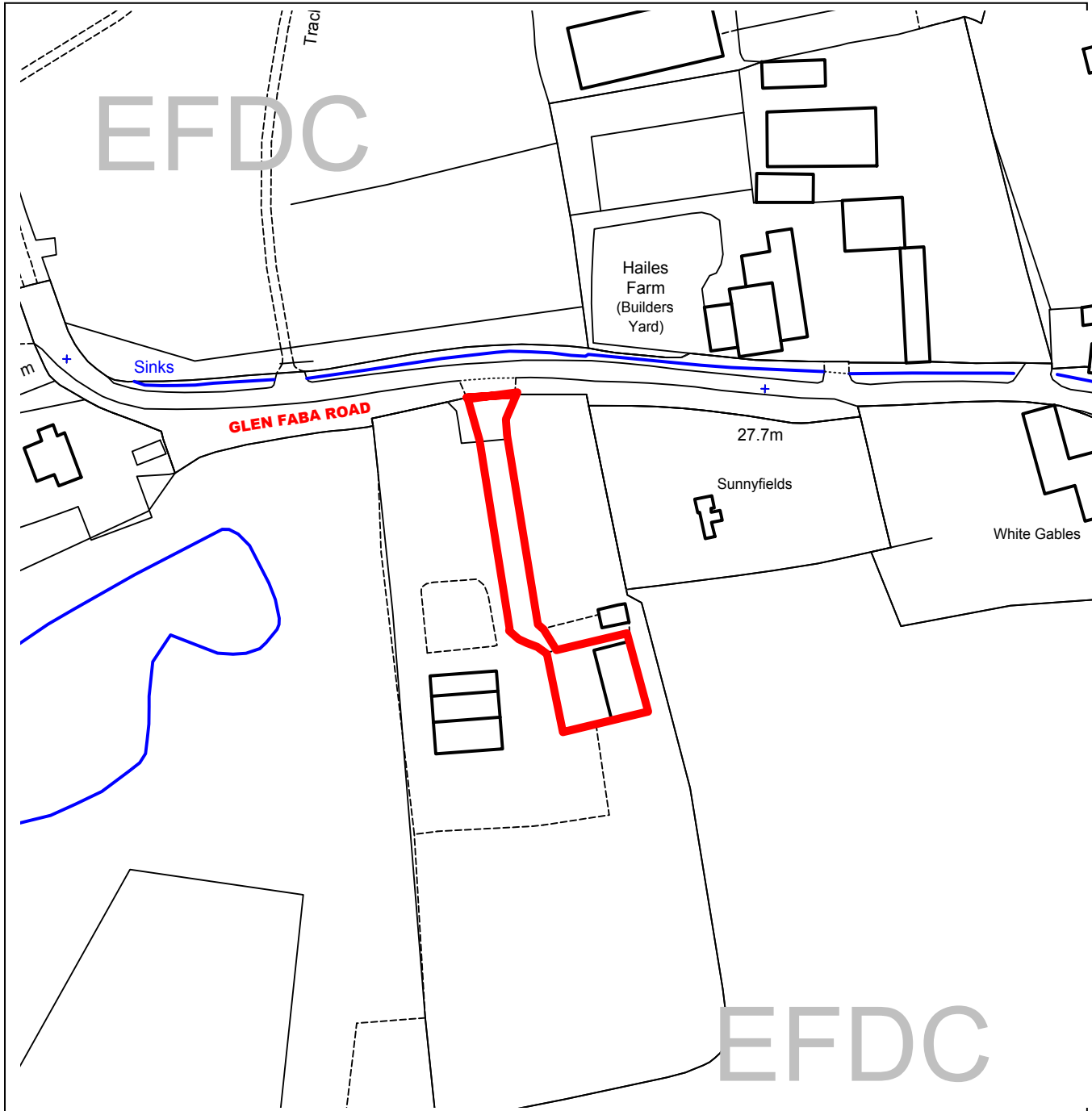
**Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228**

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



Epping Forest District Council

Agenda Item Number 3



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| | |
|---------------------|--|
| Application Number: | EPF/3071/16 |
| Site Name: | The Conifers, Netherhall Road, Roydon, CM19 5JR |
| Scale of Plot: | 1/1250 |

Report Item No: 3

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/3071/16 |
| SITE ADDRESS: | The Conifers Netherhall Road Roydon Essex CM19 5JR |
| PARISH: | Roydon |
| WARD: | Roydon |
| APPLICANT: | Validbuilt Ltd |
| DESCRIPTION OF PROPOSAL: | Continued use of building as temporary sleepover accommodation for security purposes for up to three nights each week between the hours of 6 p.m. to 8 a.m. Ancillary to the Class B1 Use on the site. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589502

CONDITIONS

- 1 The development hereby permitted must accord with the approved drawings nos: Location Plan ref: O1579303, 19973, Existing Floor Plan and Annotated Floor Plan
- 2 The proposed residential use of the building hereby approved shall only be used as temporary accommodation ancillary to the B1 use of the site and shall not be occupied as a unit separately from the commercial use within the site known as The Conifers, Netherhall Road, Roydon.
- 3 The residential use of the building hereby permitted shall not be carried out outside the hours of 18:00 to 08:00 and shall not be occupied for more than three nights a week.

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: Scheme of Delegation, Appendix 3)

Description of Site:

The application site has a lawful Class B1 (light industrial) use for the production of horse-boxes, however is subject to a number of conditions. The site is located on the southern side of Glen Faba Road within a small enclave of development and is within the Metropolitan Green Belt and the Lee Valley Regional Park.

Description of Proposal

Consent is being sought for the continued use of the existing building on site for an office, kitchen/mess room and occasional temporary sleepover accommodation for security purposes for no more than three nights each week between the hours of 18:00 and 08:00. The proposed use would be wholly ancillary to the existing B1 Use of the site.

Relevant History:

EPF/0492/98 - Change of use to class B1 use (light industrial) – refused 13/07/98
EPF/1075/98 - Revised application for the continued use of the site for industrial purposes – refused 25/08/98 (allowed on appeal 16/02/99)
EPF/1366/99 - Erection of replacement industrial building – refused 06/12/99
EPF/2103/00 - Demolition of existing building and erection of replacement building – refused 11/05/01 (appeal dismissed 30/11/01)
EPF/0482/16 - Continued use of building as temporary sleepover accommodation for security purposes for up to three nights each week between the hours of 6 p.m. to 8 a.m. Ancillary to the Class B2 Use on the site – withdrawn 28/10/16
EPF/1600/16 - Continued use of part of site as a temporary car park for 12 months for staff from Galleon Travel – refused 05/08/16
EPF/1630/16 - Continued use of part of site for bus and coach storage for 12 months for Galleon Travel – refused 08/08/16

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB8A – Change of use or adaptations of buildings
E4A – Protection of employment sites
RP5A – Adverse environmental impacts
RST24 – Design and location of development in the LVRP
ST4 – Road safety
ST6 – Vehicle parking
U2A – Development in flood risk areas

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

- SP1 – Presumption in favour of sustainable development
- SP5 – Green Belt and district open land
- E1 – Employment sites
- T1 – Sustainable transport choices
- DM21 – Local environment impacts, pollution and land contamination

Summary of Representations:

3 neighbouring properties were consulted and a Site Notice was displayed. Additional information was requested from the applicant and a reconsultation undertaken once received.

PARISH COUNCIL – Object. Even with the additional information the rationale for a three night security requirement has not yet been given.

LVRPA – The application should include a clear statement presenting a rationale. This is not included in the papers submitted **[no further comments received]**.

Issues and Considerations:

The existing site benefits from a planning consent for use for B1 purposes for the production of horse-boxes, which was allowed on appeal in 1999. 'The Bungalow' subject to this application is subject to an extant Enforcement Notice issued on the 12th October 1989 prohibiting the use of the property as a residence.

The submitted information claims the need for the facility is for the following reasons:

The owner of the applicant company, Mrs Euan Emslie, runs a very successful business from the site manufacturing bespoke high quality horse boxes. This involves the purchase of a lorry chassis. Fibreglass and other material panels are then cut to size and the horse box mounted on the chassis. This process involves the use of high value power tools, many of which are portable and so not secure. Consequently and bearing in mind the somewhat isolated location of the site there is an ever present risk of not only the power tools being stolen but also the horse boxes themselves. To combat this threat Mr Emslie has taken to using 'The Bungalow' as sleepover accommodation on an 'as and when' basis.

Green Belt:

Paragraph 90 of the NPPF states that the reuse of buildings that are of permanent and substantial construction is 'not inappropriate' in the Green Belt provided openness is preserved and there is no conflict with the purpose of including land in the Green Belt. GB2A and GB8A further support this directive by stating that the Council will grant planning permission for the change of use and adaption of a building in the Green Belt provided that the building is of permanent and substantial construction and capable of conversion without major or complete reconstruction, is in keeping with the surroundings in terms of bulk and form, and the use would not have a materially greater impact than the present use on the Green Belt.

The existing building on the site is clearly a permanent and substantial structure and is currently being used for occasional overnight stays. The originally submitted information was somewhat

unclear as to the amount of the building proposed for temporary accommodation use however an additional plan has been submitted that shows the use of the individual rooms within the building. This clarifies that the northern half of the building will continue to be used as an office and a kitchen/mess room for the business. The southern half of the building, which includes the entrance hall to the accommodation and office, would consist of a bathroom, a bedroom and a living room. The covering letter with this plan clarifies that the kitchen/mess room and the bathroom are to be shared by the occupier of the temporary sleepover accommodation and by the horsebox manufacturing employees.

A further letter was submitted confirming the permanent address of the current occupant of the temporary sleepover accommodation. This was requested to ensure that the proposal is not currently in breach of the extant Enforcement Notice.

Despite the submitted justification it is unclear as to why there is a need for a temporary presence on the site since the business has been in successful operation for a number of years assumedly without the need for temporary accommodation. There is no justification provided as to why such a presence is required on site now as opposed to previous years, particularly since issues of security can be addressed in other ways. Furthermore it is curious that this application follows the two previously refused applications for the change of use of parts of the site to bus and coach storage and car parking.

Nonetheless these concerns are somewhat irrelevant within this consideration. It is accepted that, notwithstanding the refused consents and ongoing enforcement investigations, the horsebox manufacturing business does continue to operate on the site. Furthermore the conversion of existing buildings within the Green Belt do not constitute inappropriate development provided openness is preserved and there is no conflict with the purpose of including land in the Green Belt. Irrespective of the justified 'need' for the proposed development the change of use of the existing building to an ancillary temporary sleepover accommodation would not prejudice the purposes of the Green Belt or have any impact on openness. Therefore it would not constitute inappropriate development.

Impact on amenities:

The proposed change of use is for ancillary temporary accommodation with suggested restrictions that the use is personal to the applicant, is only to be used for no more than three nights per week, and the residential use be restricted to the hours of 18:00 and 08:00.

In terms of any detrimental impact on neighbouring residents, it is not considered that any residential use on the site would cause any excessive or undue disturbance to neighbours, particularly given the limited nature of the proposal.

The bigger concern would be the amenities of any occupiers of the site if using the building as a permanent residence. Primarily this concern is due to the impact that the commercial business would have on any permanent residents of the building and the lack of any private amenity space. As such it would be relevant to impose restrictive conditions in order to control the occupation of the building.

Highways:

The proposed temporary overnight use of the building would not have any impact on highway safety or the free flow of traffic.

Other considerations:

Lee Valley Regional Park:

The application site is located within the Lee Valley Regional Park. Whilst the LVRPA have not provided any substantial comments since they consider that there is no “*clear statement presenting a rationale*” it is not considered that an ancillary temporary overnight accommodation to the scale proposed would have any impact on the aims and purposes of the LVRPA.

Flood risk:

The application site is located within Flood Zone 2 and would introduce a more vulnerable use onto the site. However given the restrictive and temporary nature of the proposal, which can be controlled by conditions, it is not considered that the proposal would put the temporary occupants at any significant or undue risk from flooding.

Conclusion:

The development is a retrospective change of use of a permanent and substantial building that would not constitute inappropriate development in the Green Belt. Due to the limited nature of the proposal the impact on the surrounding, neighbours amenities, and highway safety would be minimal. It would however be necessary to impose conditions in order to restrict the occupation of the building in order to ensure that future occupants do not suffer from undue flood risk or a detrimental lack of amenities. Therefore, subject to conditions, the application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and therefore is recommended for approval.

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

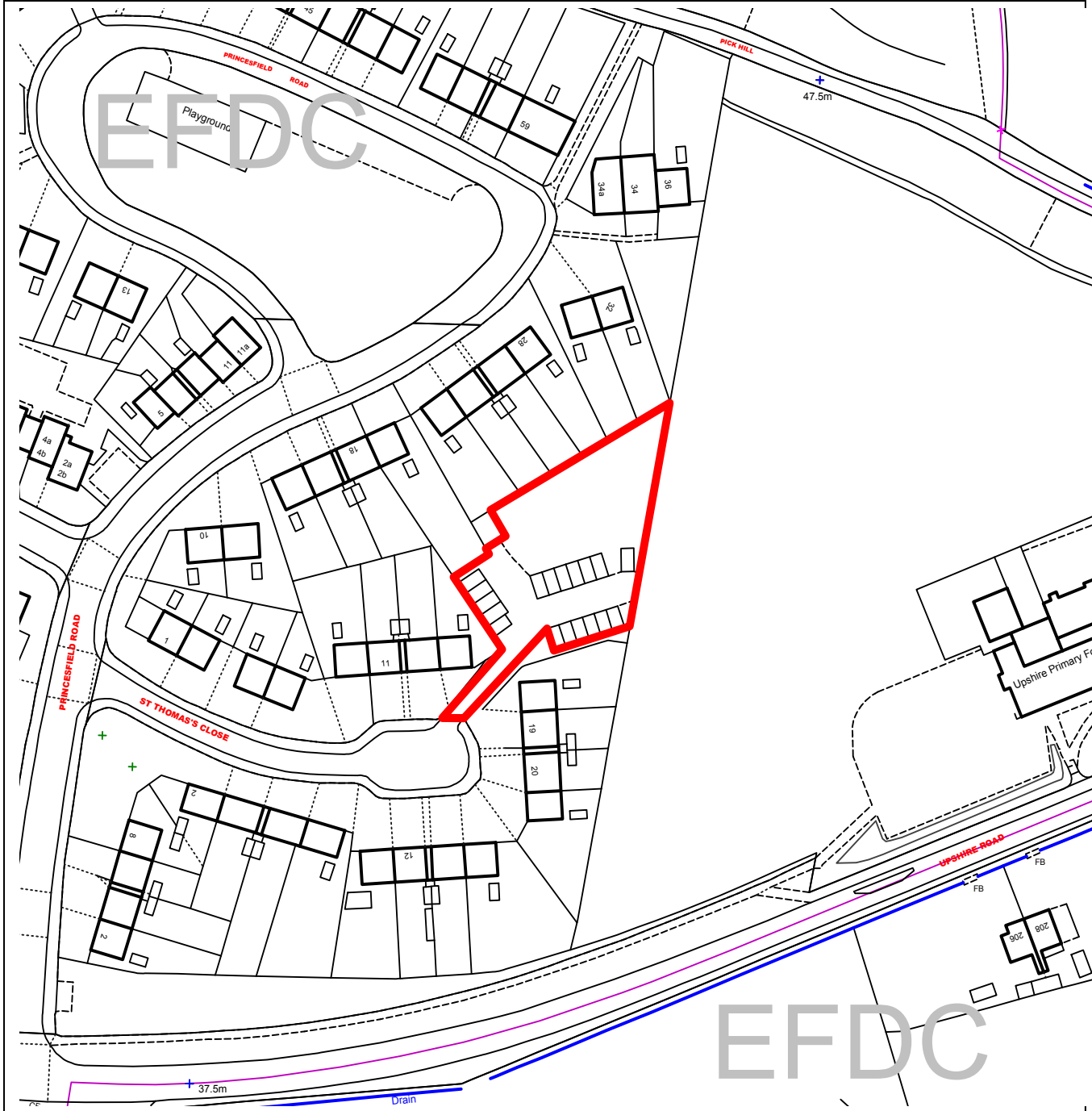
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 4



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| | |
|---------------------|--|
| Application Number: | EPF/3216/16 |
| Site Name: | Garages, St Thomas's Close, Waltham Abbey, EN9 3PQ |
| Scale of Plot: | 1/1250 |

Report Item No: 4

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/3216/16 |
| SITE ADDRESS: | Garages St Thomas's Close Waltham Abbey Essex EN9 3PQ |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey Paternoster |
| APPLICANT: | East Thames |
| DESCRIPTION OF PROPOSAL: | 5 affordable homes with 10 parking spaces |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589893

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: Paul Mews Traffic Consultants Parking Assessment November 2016; Preliminary Ecological Appriasal Landscape Planning Ltd ref 69074 November 2016; 612 096 PL01A; 612 096 PL02; 612 096 PL03A; 612 096 PL04B; ; 612 096 PL05A; 612 096 PL06A; 612 096 PL07; 612 096 PL08; 612 096 PL09.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until 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 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 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, B and E of Part [1] of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 9 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 10 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]

- 11 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]

- 12 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]

- 13 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.

- 14 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.

- 15 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.
- 16 Prior to the first occupation of the development , the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 17 There shall be no discharge of surface water onto the highway.
- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 19 This permission shall not be implemented unless and until the recommendations set out in the Preliminary Ecological Appraisal carried out by Landscape Planning Limited ref 69074 dated November 2016 have been fully undertaken and these mitigation measures shall be maintained for the duration of the use.

This application is before this Committee because it is contrary to an objection from a local council which is material to the planning merits of the proposal and more than four objections have been received which are material to the planning merits of the proposal to be approved (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site

The application site comprises an access route and land containing 12 garages. It has an irregular shape and covers an area of 0.12 hectares. It is surrounded by the rear garden boundaries of semi-detached houses addressed as 20 to 32 Princesfield Road and 15 to 18 St Thomas's Close. The land rises in a north easterly direction. These houses were built as part of an estate within the 1950s. The site is in an urban area which is not listed nor within a conservation area. The site lies within an Epping Forest District Council Flood Risk Assessment Zone but is outside of any Environment Agency Flood zones.

Description of Proposal

Permission is sought for the demolition of the existing garages and erection of 5 affordable homes with 10 parking spaces. They are designed as one terrace and a pair of semi detached houses perpendicular to each other. The group of three have front elevations which face a westward direction and contain two, 3 bed roomed terraced houses attached to third recessed 2 bed roomed house. The semi detached pair of houses have a front elevation which faces northwards and consist of 2, two bedroomed terraced houses. The three bedroomed houses measure 10.2m deep by 5.5m wide and have a maximum height of 9.5m high to the ridge of the gable roof (due to the rise of land). The two bedroomed houses have a maximum width of 7.1m by a maximum depth of 6.8m and a maximum height of 8.1m to the ridge of their gable roofs.

Materials include Hansen Arden Special Reserve or similar approved with feature curtain wall to front elevation for the walls. Dark grey composite windows and doors and metal entrance canopies (colour 7012) along with timber main entrance doors. Redland plain in slate grey or similar approved colour roof tile will cover the roof. Black fascia and soffit and rainwater goods are also proposed.

The private garden areas are marked by a 1.8m fence with 0.3m trellis the patios and semi-private areas are defined by porous paving. The three bedroom houses each have gardens of a size which ranges from 116 sqm to 81 sqm and the 2 bedroom houses have private gardens which range from 52 sqm to just over 80 sqm.

Solar panels are proposed for the southern and eastern roof slopes of the terraces.

5 secure cycle storage boxes (1 for each dwelling) and waste and recycling bins are proposed to be positioned in the rear gardens of the new homes close to a gated rear and side walkway along with further bins provided at the mouth of the access in order for ease of access by the waste collection service.

Relevant History:

No relevant history

Policies Applied:

National Planning Policy Framework National Planning Policy Guidance.

Epping Forest District Local Plan (1998) and Alterations (2006).

CP2 – Protecting the Quality of the Rural and Built Environment

P3 – New Development CP5 – Sustainable Building

CP6 – Achieving sustainable urban development patterns

CP7 – Urban Form and Quality

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE3 – Design in Urban Areas

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety

T6 – Vehicle Parking

H2A – Previously Developed Land

H4A – Dwelling Mix

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes

Epping Forest District Draft Local Plan Consultation 2016

At the current time, only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:-

- SP1 – Presumption in favour of sustainable development
 - H1 – Housing mix and accommodation types
- H2 – Affordable housing T1 – Sustainable transport choices
- DM9 – High quality design
- DM10 – Housing design and quality
- DM 11 – Waste recycling facilities on new developments
 - DM16 – Sustainable drainage systems
- DM18 – On site management of waste water and water supply
- DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried out and Representations Received

WALTHAM ABBEY TOWN COUNCIL raises objection to the proposal on the grounds that:

The Committee considered that the reduction in parking spaces would put pressure on parking availability for those living in Princessfield Road. It is understood that several households pay a rent to park (ungaraged) on the land behind their properties, so even further car parking is lost. The other concern raised is the entry and exit onto the site. Use of a small car width alleyway would cause detrimental effect to both properties adjoining the alleyway.

33 neighbours were consulted and a site notice displayed. This resulted in 8 objections being received.

7A ST THOMAS'S CLOSE: Should fix existing problems including providing dropped kerbs for existing residents within the close rather than build more housing. Loss of parking will cause congestion.

15 ST THOMAS'S CLOSE: Access poor but not used often. Proposal will exacerbate existing poor access issues. Access not suitable for large vehicles. How will emergency vehicles gain access to the proposed site. Refuse truck will not be able to access the site. With the removal of five current standing (and operational) garages, my own property will become completely exposed, and therefore will create a high risk security and safety issue. Removal of garages will cause subsidence.

Another issue which has to be addressed is the installation of sewerage and water pipes for the new build housing. Trees will cause problems for existing pipes.

With the removal of 17 garages (six already having been demolished), there apparently will be 11 parking spaces allotted within the configuration site. Will these be designated to the house owners of the new build, or available to those living in St Thomas's Close and surrounding area as at present? Parking is a huge issue within the cul-de-sac as it is, and the loss of any parking access would have a severe and major impact. Also, as a point of interest, there are only 10 allotted parking spaces shown on the plans, and wondered where the 11th would be placed.

The land site, on which the garages currently stand, would be more suitable as a fully operational car parking area for the current residents of St Thomas's Close and its surrounding area, thereby ensuring that the current level of dangerous "double parking, and parking on double yellow lines can be hopefully eliminated.

18 ST THOMAS'S CLOSE Will exacerbate existing parking congestion problem within the Close

19 ST THOMAS'S CLOSE Will exacerbate existing parking congestion problem within the Close.

20 PRINCESFIELD ROAD: Have no concerns regarding the proposed houses however I am concerned about the rear access as it is used daily.

24 PRINCESFIELD: Existing double parking problem in St Thomas's Close, my family have rented a parking space for over 40 years and so have our neighbours. These parking spaces will be lost along with approximately 11 garages and the 6 new spaces therefore putting more of a burden onto St Thomas's Close and Princesfield Road. The rear entry to those houses on Princesfield Road will be lost and also there is only a small car width lane that comes off of St Thomas's Close

onto that piece of land and there are houses either side of it which the extra traffic will have a detrimental effect on.

26 PRINCESFIELD ROAD: will have a detrimental effect to my visual amenity, it will block out natural light to my property and garden, and cause both noise and light pollution.
I need this vehicular access to my property,

Parking in Princesfield road is already very difficult, so this would put more pressure on parking availability, by taking away our rear parking. It will have a detrimental affect to my visual amenity; it will block out natural light to my property and garden, and cause both noise and light pollution. For the past 30 years we have paid a nominal annual fee to Epping Forest District Council for use of this land for rear vehicular access and parking to our properties, I need this vehicular access to my property, as I find it difficult using the steps to the front, I have a bin exemption in place because I am unable to get it up the steps, so the rear access is vital.
Parking in Princesfield road is already very difficult, so this would put more pressure on parking availability, by taking away our rear parking. Property prices will fall.

28 PRINCESFIELD ROAD: St Thomas Close is very limited on car park spaces already and demolishing those garages and building houses there would even make the situation worse. We will be able to use our back gates; we would be exposed to disruption during the building period. We are concerned about the children at school which will be exposed to dust particles. Lastly our privacy would be affected if another house is attached to our back garden fence. We have only been notified that there is proposal to demolish garages at St Thomas Close. Our next door neighbours are not familiar with computers and they definitely were not able to look up on your website and see what you are really planning. They knocked on our doors and told us that there will be houses build behind our houses and they have been really upset that they didn't have the chance to say anything. (A letter of consultation was hand delivered to this property on 15/2/17 and an additional three weeks were given to allow time for this neighbour to properly consider the proposal).

Main Issues and Considerations:

Planning decisions must be made in accordance with the current development plan unless material considerations indicate otherwise. The 'saved polices' (i.e. they are consistent with current government policy) contained within the Epping Forest District Local Plan (1998 and Alterations 2006) The National Planning Policy Framework and the National Planning Practice Guidance (NPPG) are material considerations in all Council planning decisions.

The key considerations for the determination of this application area:

The principle of the development;

Impact on the character and appearance of the site and surrounding area.

Impact on the living conditions of surrounding residents;

Quality of resulting residential accommodation;

And impact on parking provision and highway safety.

Principle

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged. The National Planning Policy Framework (NPPF) presumption in favour of sustainable development requires local planning authorities to positively seek opportunities to meet the development needs of their area. There is a need for additional housing in the borough and sites such as these go some way in resisting the pressure for sites within the Metropolitan Green Belt to be brought forward for residential development in accordance with policy H2A of the Local Plan. The proposal has a density of 34

units per hectare and is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan. Housing Provision The land is Council owned and the proposed houses would be affordable units provided by a registered social landlord to help meet the Council's demonstrated need for affordable units in accordance with chapter 6 of the NPPF and H5A of the Local Plan.

Design and appearance

Whilst the prevailing character of the development is that of semi-detached post war dwellings built as part of an estate around the same time. The proposed dwellings would only be partially visible from the street due to their set back position adjoining the rear gardens of 20 to 32 Princesfield Road; 15 and 18 St Thomas's Close. The proposed two blocks of terraced dwellings will have a size, bulk and scale which is proportionate to their setting and as a result they will not appear overly prominent in the street scene. Materials are also in keeping. Landscaping can be controlled by condition. The proposal is therefore considered have a neutral impact on the distinctive local character of the application property and surrounding area. The proposal therefore complies with Chapter 7 of the NPPF and DBE1 and DBE3 of the Local Plan and Alterations.

Trees

The Trees and Landscaping Officer is satisfied that the details submitted as part of this application will ensure that there will not be an adverse impact on existing trees on the site. She therefore recommends that subject to a landscaping condition, the proposal is acceptable. On this basis the proposal is considered to comply with the requirements policies LL10 and LL11 of the Local Plan.

Impact on neighbouring residential amenity

The side flank wall of the property at 18 St Thomas's Close will be 13m away from the corner of the nearest proposed residential property. This neighbouring wall contains four windows, two at ground level and a bathroom window and secondary window at first floor level. The ground floor windows will be screened by the proposed 1.8m plus trellis high boundary treatment and at first floor level the small bedroom windows facing the rear garden of this neighbour are proposed to be obscure glazed. It is for these reasons that there will not be able to overlook neighbouring residential properties. The proposed distance and orientation of the new proposed dwellings ensure that this neighbour will not be unduly affected by loss of light or dominance.

All other properties are at least 21m away from the front and rear elevations, it is therefore considered that there will not be an excessive loss of light or outlook to neighbouring properties which surround the site. Furthermore given the existing use of the site and its location within a residential area is not considered that the proposal will result in significant additional noise and disturbance over and above what currently exists. The proposal therefore complies with the requirements of DBE9 of the Local Plan.

Loss of view is not a material planning consideration.

Quality of resulting residential accommodation.

The site will be owned and operated by East Thames Housing Association. This charity will provide affordable housing for people on low incomes. The 2, three bedroom and 3, two bedroom dwellings are considered suitable for families or small households, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

The two bedroom house positioned on eastern half of the two semi-detached properties is positioned 1.9m away from the side flank wall of the two bedroom end terraced two bedroom house, which has meant that the first floor bedroom window is obscure glazed and the outlook for this room is obtained from side elevation windows facing the field. Given that the proposed house

will still retain an acceptable level of light and outlook refusal on these grounds could not be justified.

The Refuse Manager is satisfied that the details and position of the proposed refuse storage are acceptable in terms of refuse collectors being able to access and egress the site on collection days.

It is for these reasons considered that all houses have an acceptable internal size, layout and amenity space provision and therefore comply with current standards contained within the Essex Design Guide and policy DBE8 of the Local Plan.

Impact on Highway Safety

The Highways Authority in their response to the Council considers that “Any displaced parking will not be detrimental to highway safety or efficiency as a result of the development. The submitted Transport Statement has shown that the very worst case scenario demonstrates that on street parking levels will not reach an unacceptable amount. Although the Highway Authority does not necessarily endorse on street parking, the reality is there will be fewer vehicles actually displaced from the garages than the worst case scenario, as a reasonable proportion of them will not be used for parking in. Further to this the proposal will not increase vehicles movements above the level of the previous use, operating at full capacity, so the use of the existing access way will not be intensified by the development. There is also sufficient turning provided within the site.’ The Authority is therefore satisfied subject to suggested conditions that the details submitted as part of this application are sufficient to ensure that there is adequate parking to meet current parking standards in compliance with policies ST6 and ST4 and that there will be no undue harm to highway safety. The proposal therefore complies with the requirements of ST2 of the Local Plan.

Loss of garages for local residents

Objections have been raised at the loss of garage spaces which are currently let to the local residents. The Highways Authority has raised no objection to their loss. This lack of objection indicates that the residual cumulative impact of approving this application and the resultant loss of garage spaces would not be severe. In this circumstance paragraph 32 of the NPPF requires that planning permission should not be refused. Furthermore both national and local policies contain no requirement for the Council to protect storage or garage uses. However the Local Authority is required to boost significantly the supply of housing which meets a local need.

Flood risk

The site is within an Epping Forest District Council flood risk assessment zone, the development is of a size where it is necessary to avoid generating additional runoff and therefore the Council’s Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage in accordance with policy U2B of the Local Plan.

Contaminated Land

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the use of the site as garages, they therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

Other matters

Access for emergency vehicles and subsidence issues are not a material planning considerations as they are controlled by Building Control regulations. Noise and disturbance during the construction phase of the development would fall outside the scope of planning legislation as it is already covered by Environmental Health legislation. Reduction in the value of neighbouring residential dwellings are not a material planning considerations.

Conclusion

The proposal will provide much needed good quality affordable housing for local people within an existing urban area of Epping Forest District Council. This benefit outweighs in policy terms the benefit of protecting the existing garages. The Highways Authority is satisfied that the proposal will not excessively impact highway safety or parking provision within the area. Impact on the living conditions of neighbouring occupiers will not be significantly more harmful than the existing situation. The design of the new housing will preserve the character and appearance of this area. All existing trees will be retained. Additional conditions are also recommended to ensure that the proposal does not increase flood risk within the area. It is therefore considered that the proposal meets the requirements of sustainable development in accordance with policy contained within the NPPF. Approval is therefore recommended.

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: Sukhi Dhadwar

Direct Line Telephone Number: 01992 564597

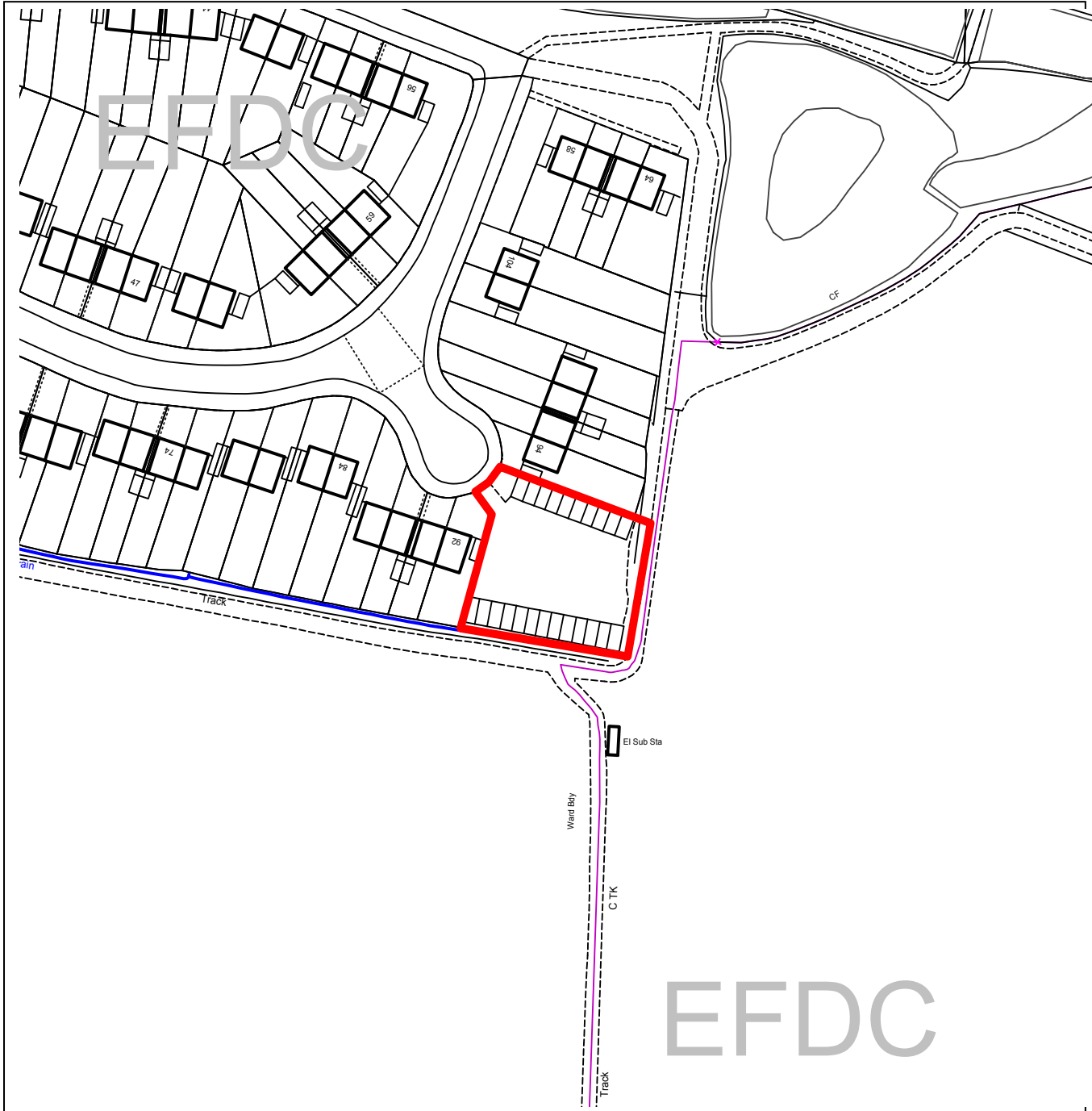
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 5



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| | |
|---------------------|---|
| Application Number: | EPF/3217/16 |
| Site Name: | Garages adj 92/94 Beechfield Walk, Waltham Abbey, EN9 3AD |
| Scale of Plot: | 1/1250 |

Report Item No: 5

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/3217/16 |
| SITE ADDRESS: | Garages adj 92/94 Beechfield Walk Waltham Abbey Essex EN9 3AD |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey South West |
| APPLICANT: | East Thames |
| DESCRIPTION OF PROPOSAL: | 5 affordable homes with 10 parking spaces |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589894

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:
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until 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 development generally permitted by virtue of Class A, B and E of Part [1] of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works

shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 If any tree, shrub or hedge shown to be retained within the submitted Chartwell Tree Consultant Ltd's Arboricultural Report dated 1st November 2016 is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 10 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]

- 11 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]

- 12 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]

- 13 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.

- 14 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.
- 15 No tree works of the overhanging trees should take place between 1st March and 31st August inclusive, unless a qualified ecologist has undertaken a careful, detailed check for active birds' nests immediately before demolition and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
- 16 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 17 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 18 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.
- 19 Prior to the first occupation of the development , the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 20 There shall be no discharge of surface water onto the highway.
- 21 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

*This application is before this Committee because its 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: Scheme of Delegation, Appendix 3)*

Description of Site:

The application site comprises an access route and land containing 23 garages. It has a roughly rectangular shape and covers an area of 0.108 hectares. It shares its northern and western (side) boundaries with 92 and 94 Beechfield Walk and green fields adjoin the southern and eastern boundaries. Beechfield Walk is a cul-de-sac of houses which were built as part of an estate within the 1950s.

The site is in an urban area which is not listed nor within a conservation area. The site lies within an Epping Forest District Council Flood Risk Assessment Zone but is outside of any Environment Agency Flood zones.

Description of Proposal:

Permission is sought for the demolition of the existing garages and erection of 5 x two bedroom affordable homes with 10 parking spaces.

They are designed as a terrace of 5 houses which have front elevations which facing northwards. They have a total width of 27m by 8.5m deep and have a maximum width of 7.1m by a maximum depth of 6.8m and a maximum height of 8.4m to the ridge of their gable roofs.

Materials include Hansen Arden Special Reserve or similar approved with feature curtain wall to front elevation for the walls. Dark grey composite windows and doors and metal entrance canopies (colour 7012) along with timber main entrance doors. Redland plain in slate grey or similar approved colour roof tile will cover the roof. Black fascia and soffit and rainwater goods are also proposed.

The private garden areas are marked by a 1.8m fence with 0.3m trellis the patios and semi-private areas are defined by porous paving. The three bedroom houses each have gardens of between 49.5 sqm and 76 sqm.

Solar panels are proposed for the roof.

10 car parking spaces are proposed to be positioned close to the northern boundary of the site.

5 secure cycle storage boxes (1 for each dwelling) and waste and recycling bins are proposed.

The existing pedestrian right of ways through the site will be altered to facilitate the proposal.

All existing trees within and the around the site are proposed to be retained.

Relevant History:

No relevant history

Policies Applied:

National Planning Policy Framework
National Planning Policy Guidance

Epping Forest District Local Plan (1998) and Alterations (2006).

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP5 – Sustainable Building
CP6 – Achieving sustainable urban development patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 – Design in Urban Areas
DBE8 – Private Amenity Space
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H4A – Dwelling Mix
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes

Epping Forest District Draft Local Plan Consultation 2016

At the current time, only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:-

SP1 – Presumption in favour of sustainable development
H1 – Housing mix and accommodation types
H2 – Affordable housing
T1 – Sustainable transport choices
DM9 – High quality design
DM10 – Housing design and quality
DM 11 – Waste recycling facilities on new developments
DM16 – Sustainable drainage systems
DM18 – On site management of waste water and water supply
DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried out and Representations Received

WALTHAM ABBEY TOWN COUNCIL raises objection to the proposal on the grounds that:

Concerns were raised with regard to the net loss of car parking spaces and the effect this would have on local residents.

18 neighbours were consulted and two site notices were displayed. This resulted in 2 objections being received.

40 LODGE LANE: Not being able to park my car in a garage will be greatly detrimental to me. Waltham Abbey is already grossly overpopulated which has had an effect on infrastructure. This proposal will compound this problem.

45 BEECHFIELD WALK: Insufficient parking for existing residents. You have not informed residents that they are going to lose the garages. Unacceptable disruption during construction process. We should be compensated for the loss of value to our houses. Proposal will cause parking congestion.

Main Issues and Considerations:

Planning decisions must be made in accordance with the current development plan unless material considerations indicate otherwise. The 'saved policies' (i.e. they are consistent with current government policy) contained within the Epping Forest District Local Plan (1998 and Alterations 2006) The National Planning Policy Framework and the National Planning Practice Guidance (NPPG) are material considerations in all Council planning decisions. The key considerations for the determination of this application area:

The principle of the development;
Impact on the character and appearance of the site and surrounding area.
Impact on the living conditions of surrounding residents;
Quality of resulting residential accommodation; and
Impact on parking provision and highway safety.

Principle

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

Five year housing supply

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However, this still has to be weighed against other material planning considerations.

The proposal has a density of 46 units per hectare and is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan.

Housing Provision

The land is Council owned and the proposed houses would be affordable units provided by a registered social landlord to help meet the Council's demonstrated need for affordable units in accordance with chapter 6 of the NPPF and H5A of the Local Plan.

Design and appearance

The proposals are an updated interpretation of the 1950's style estate that surrounds the application sites. The height, size and position of the units are compatible with the design and appearance of the surrounding built form. Furthermore additional soft landscaping and porous paving is proposed for the semi-public areas and right of ways adjoining the eastern side elevation of the residential units. It is therefore considered that the proposal will have an overall positive impact on the distinctive local character of this area. The proposal therefore complies with the requirements of policy DBE3 and DBE5 of the Local Plan.

Trees

The preliminary arboricultural method statement proposes that all existing trees are to be retained and additional soft landscaping is proposed. It is recommended that further conditions are imposed to ensure the protection of existing trees and that the proposed soft landscaping is of an acceptable standard. On this basis the proposal is considered to comply with the requirements policies LL10 and LL11 of the Local Plan.

Impact on neighbouring residential amenity

The proposed houses will be separated from the side flank wall of 94 Beechfield Walk by a distance of 18m. There are no windows on this neighbouring side flank wall. The proposed car parking will be positioned close to the northern boundary where the existing garages are situated.

There is a minimum gap of about 1.8m between the side flank wall of 92 Beechfield Walk and side flank of the proposed houses. The proposed houses do not significantly extend beyond the front and rear elevations of this neighbour.

All other properties are sufficiently distant to ensure that they will not be excessively affected by the proposal.

It is therefore considered that these neighbouring properties will not be significantly affected in terms of loss of light, outlook or privacy.

Quality of resulting residential accommodation.

The site will be owned and operated by East Thames Housing Association. This charity will provide affordable housing for people on low incomes. The 5, two bedroom dwellings are considered suitable for families or small households, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

All houses have an acceptable internal size and layout and therefore comply with current standards contained within the Essex Design Guide. Whilst some of the houses have rear gardens which do not strictly comply with the space standards set out in policy DBE8 of the Local Plan, they are compatible with other private gardens within the surrounding area, and therefore on balance considered acceptable.

Impact on Highway Safety

The Highways Authority in their response to the Council considers that "Any displaced parking will not be detrimental to highway safety or efficiency as a result of the development. The submitted Transport Statement has shown that the very worst case scenario demonstrates that on street parking levels will not reach an unacceptable amount. Although the Highway Authority does not

necessarily endorse on street parking, the reality is there will be fewer vehicles actually displaced from the garages than the worst case scenario, as a reasonable proportion of them will not be used for parking in. Further to this the proposal will not increase vehicles movements above the level of the previous use, operating at full capacity, so the use of the existing access way will not be intensified by the development. There is also sufficient turning provided within the site.' The Authority is therefore satisfied subject to suggested conditions that the details submitted as part of this application are sufficient to ensure that there is adequate parking to meet current parking standards in compliance with policies ST6 and ST4 and that there will be no undue harm to highway safety. The proposal therefore complies with the requirements of ST2 of the Local Plan.

Loss of garages for local residents

Objections have been raised at the loss of garage spaces which are currently let to the local residents. The Highways Authority has raised no objection to their loss. This lack of objection indicates that the residual cumulative impact of approving this application and the resultant loss of garage spaces would not be severe. In this circumstance paragraph 32 of the NPPF requires that planning permission should not be refused.

Furthermore both national and local policies contain no requirement for the Council to protect storage or garage uses. However the Local Authority is required to boost significantly the supply of housing which meets a local need.

Flood risk

The site is within an Epping Forest District Council flood risk assessment zone, the development is of a size where it is necessary to avoid generating additional runoff and therefore the Council's Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage in accordance with policy U2B of the Local Plan.

Contaminated Land

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the use of the site as garages. They therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

Ecology

The Countryside Manager has recommended that two conditions be imposed to any grant of permission. The first requires that no tree works of the overhanging trees should take place between 1st March and 31st August inclusive, unless a qualified ecologist has undertaken a careful, detailed check for active birds' nests immediately before demolition and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. The second requires that a biodiversity enhancement plan be submitted to and approved by the Council in order to ensure compliance with policies NC3 and NC4 of the Local Plan and Alterations.

Other matters

Noise and disturbance during the construction phase of the development would fall outside the scope of planning legislation as it is already covered by Environmental Health legislation.

Reduction in the value of neighbouring residential dwellings is not a material planning considerations.

Conclusion

The proposal will provide much needed good quality affordable housing for local people within an existing urban area of Epping Forest District Council. This benefit outweighs in policy terms the benefit of protecting the existing garages. The Highways Authority is satisfied that the proposal will not excessively impact highway safety or parking provision within the area. Impact on the living conditions of neighbouring occupiers will not be significantly more harmful than the existing situation. The design of the new housing will preserve the character and appearance of this area. All existing trees will be retained. Additional conditions are also recommended to ensure that the proposal does not increase flood risk within the area. It is therefore considered that the proposal meets the requirements of sustainable development in accordance with policy contained within the NPPF. Approval is therefore recommended.

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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

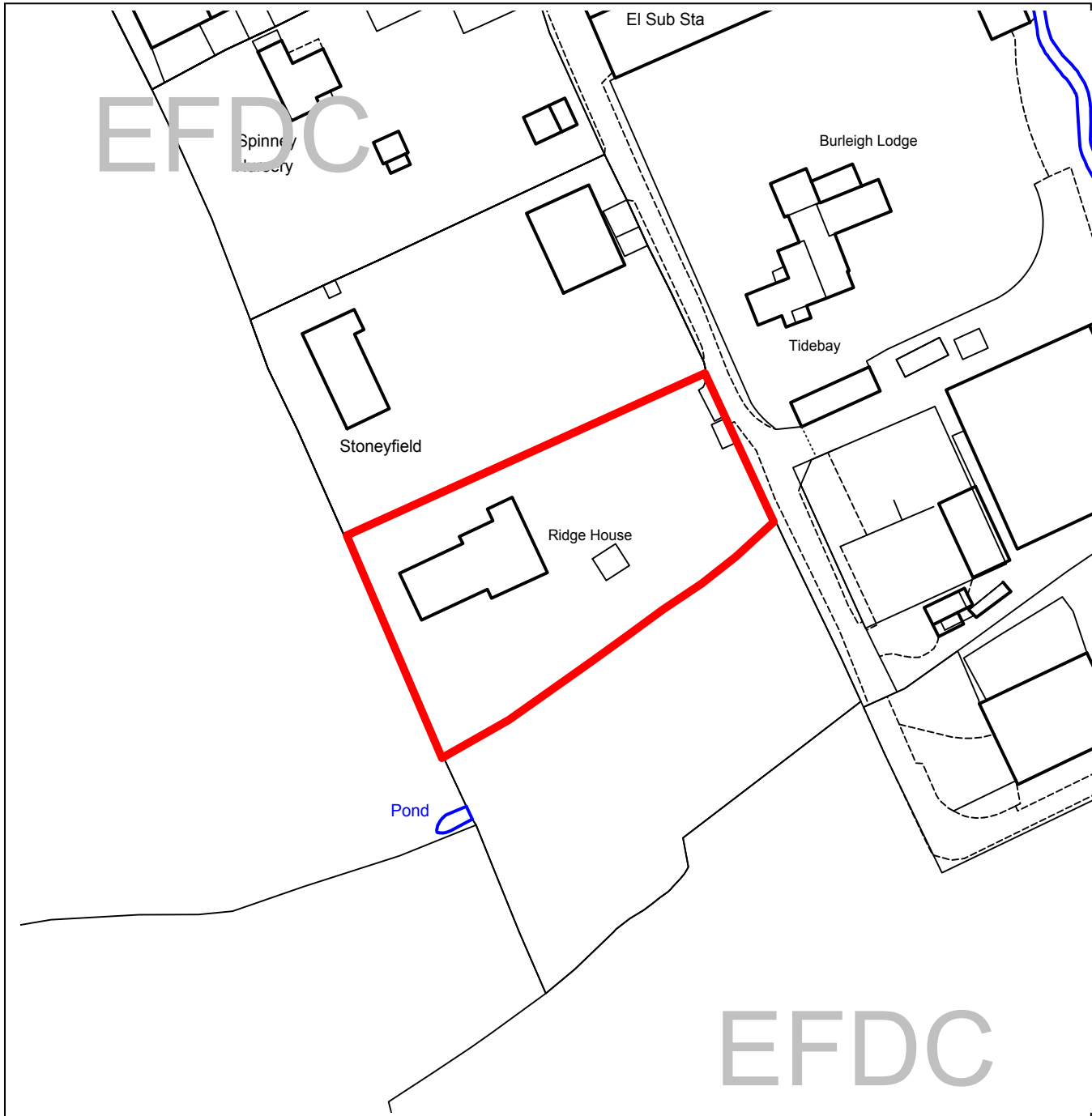
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Epping Forest District Council

Agenda Item Number 6



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| Application Number: | EPF/3273/16 |
| Site Name: | Ridge House, Hoe Lane, Nazeing, EN9 2RJ |
| Scale of Plot: | 1/1250 |

Report Item No: 6

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|---------------------------------|--|
| APPLICATION No: | EPF/3273/16 |
| SITE ADDRESS: | Ridge House Hoe Lane Nazeing Essex EN9 2RJ |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Mr C Shorter |
| DESCRIPTION OF PROPOSAL: | Erection of four detached dwellings |
| RECOMMENDED DECISION: | 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=590114

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 has been 'called in' by Councillor Yolanda Knight (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site

The proposal site comprises a roughly rectangular piece of land which covers an area of 0.38 hectares. It is located at the western end of a private access road into Middlebrook Farm, off Hoe Lane, Nazeing. The application describes the use of the site as being open storage however this is disputed by the Council on the grounds that previous applications included this piece of land as part of the residential curtilage of the property known as Ridge House. (See plan numbers 12180-P002A and S00-1 of EPF/1746/16) and no certificate of existing use has been submitted to prove

on the balance of probabilities that the use has continued for a period of over ten years. Historic aerial photographs of the site also show it being covered in manicured grass since the mid 1980s.

Uses surrounding the site include small industrial and commercial uses, residential and a farm at the southern end of the access road. The site falls within land designated as Green Belt and abuts the boundary of the Nazeing and South Roydon Conservation Area. The southern corner of the site contains trees with preservation orders on them

Description of Proposal:

Permission is sought for the construction of 4, five bedroomed houses.

The 4 houses are arranged in a cul de sac form each with attached garages providing two car parking spaces and curtilages.

House types 1, 2 and 3 measure between 9.55 – 9.95m deep by 12.65m wide and a maximum of 9.7m to the ridge of their hipped roofs. The garages measure 6m deep by 6m wide and 5.15m high to the ridge of their hipped roofs.

House type 4 is irregularly shaped and has a maximum depth of 17m (excluding garage) by a maximum width of 12.2m and a maximum height of 9.7m. The garage measures 5.8m wide by 5.9m deep and 5.7m high to the ridge of its hipped roof.

Materials include plain tiles to main roof and slate tiles for the lower roofs, a choice of facing brick work, hanging tiles and timber boarding for the walls, white painted timber windows white eaves, fascia and soffits and black rainwater pipes.

The access to the site will remain as existing. All houses will have their own individual driveways off this access.

Relevant History:

EPF/0953/90 - Outline application for dwelling. – Refused (Green Belt reason for refusal)

EPF/2358/15 – First floor extension – Refused

EPF/0204/14 - 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 at - LAND OFF HOE LANE (NR BURLEIGH NURSERY/RIDGE HOUSE NURSERY/SPINNEY NURSERY) – Refused on the grounds that it was in appropriate development. (See background section).

Policies Applied:

National Planning Policy Framework
National Planning Policy Guidance

Combined Policies of Epping Forest District Local Plan (1998) and alterations (2006). Published in February 2008 (Local Plan)

CP1: Achieving Sustainable Development Objectives

CP2: Protecting the Quality of the Rural and Built Environment

CP3: New Development
DBE1: New Buildings
DBE2: Effect on neighbouring Properties
DBE4: Design in the Green Belt
DBE8: Private Amenity Space
DBE9: Neighbouring Residential amenity
GB2A: Development in the Green Belt
GB7A: Conspicuous Development
GB15A Replacement Dwellings
LL11 Landscaping Schemes
ST1: Location of Development
ST2: Accessibility of Development
ST4: Road Safety
H2A: Previously Developed Land
H4A: Dwelling Mix
NC3: Replacement of lost habitat
NC4: Protection of established Habitat.

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP5 Green Belt and District Open Land
DM9 High Quality Design
H1 Housing Mix and Accommodation Types
T1 Sustainable Transport Choices
T2 Safeguarding of routes and facilities
DM 15 Managing and reducing flood risk
DM 16 Sustainable Drainage Systems
DM18 On site management of waste water and water supply
DM19 Sustainable Water Use
DM20 Low Carbon and Renewable Energy
DM21 Local environmental impacts, pollution and land contamination

Consultation Carried out and Representations Received

NAZEING PARISH COUNCIL: NO OBJECTIONS. It was noted that Cllr Shorter left the meeting for the duration of the discussion on this application. It is also noted that a number of letters in support has been received. Five Cllrs voted in favour of no objection and it was noted that Cllr Clarke abstained.

6 neighbours consulted and a site notice was displayed, this resulted in 5 letters of support (including Ridge House) and 2 objections being received.

GREENLEAVES HOE LANE: Encroachment rather than infilling. Small natural pond adjacent to the proposed development. Great Crested Newts were found there during a biological survey carried out by Applied Ecology Ltd of Cambridge in May 2010. My growing Oak tree is located within my land but close to the most westerly house on development. It will eventually become a nuisance to them.

NAZEING FOOTPATHS GROUP: One of the main routes is Footpath 23 which crosses open countryside in an east/west direction. At its nearest point this footpath is some 200 metres from the garden of Ridge House. However the site is much more visible at a slightly earlier point from the small hill when it is 300 metres away. Footpath 23 is well used and is the main route to the golf course from the urban area. Whilst the development will have no impact on the use of the footpath it will create a visual impairment on an otherwise rural landscape. We recognise that approval for housing has already been given for housing at the adjoining Burleigh Nursery, but the effect of this further intensive development will be to create a long line of houses which will be an intrusion on the green belt.

PROSPECT HOUSE HOE LANE AND WARWICK HOUSE BUMBLES GREEN: As a resident of Hoe lane we are continually blighted by the heavy goods vehicles that use these and other semi industrialised sites locally, this application if successful will help to reduce the number of commercial vehicles. Design in keeping with the area. Compatible with other permissions already made in the area.

BEECHCROFT RIVERSIDE AVENUE, AND HILLVIEW ST LEONARDS ROAD: Support application will provide housing on former brownfield site, it is in keeping with other houses. Will put pressure off green field land on the Green Belt.

RIDGE HOUSE: We fully support the application.

Main Issues and Considerations:

The issues which are relevant to the determination of this application are:

- Impact on the aims and purposes of the Green Belt;
- Impact on the character of the application site and surrounding area;
- Impact on neighbouring residential amenity; and
- Impact on parking and highway safety.

Background

An application relating to land at Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery for the 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 was submitted under reference EPF/0204/14 and subsequently presented to West Area Planning Committee due to parish council support for the scheme. The consultation of this application had resulted in two objections and 21 letters of support. The grounds of support were that Hoe Lane is not suitable for HGV lorries; the proposal will result in the removal of the current lawful unneighbourly use and would provide much needed housing. The issues raised by objectors were that the proposal was overdevelopment, inappropriate development in the Green Belt and would result in the loss of garden land. The final outcome of the application was that it was refused at planning committee on the grounds that whilst some development could be accommodated at Burleigh Nursery in order that it would remove existing unsightly structures and the anti social use of the site as a HGV transport business on the site and also prevent the approved warehouse facilities being built. These issues were considered to provide significant public benefit to local residents. Development on the remaining sites (including the application site Ridge House) would be inappropriate development.

This proposal is exactly the same as that previously refused at West Area Committee by members under reference EPF/0204/14.

Impact on the aims and purposes of the Green Belt

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 89 and 90 of the National Planning Policy Framework (NPPF). And provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the limited infilling or partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The proposal does not replace any existing structures it is therefore considered that the proposed 4 , five bedroom houses are in principle inappropriate development as they will have a significantly greater impact on the openness of the site in comparison to the existing use. The proposal therefore conflicts with the requirements of paragraph 89 of the NPPF and policy GB2A of the Local Plan.

Sustainability

The site is not easily accessible by public transport, nor are there any public amenities or schools within walking distance of the site. Approval of this proposal will therefore result in the requirement for all journeys to and from the residential dwellings to be carried out by car.

Furthermore no consideration has been made to providing carbon reduction features within each of the proposed residential dwellings which could help offset some of the harm which will result from the over reliance on unsustainable modes of transport by new residents of the site. The proposal is therefore unsustainable in principle and as such contrary to policy CP1 of the Local Plan and Alterations. However since Burleigh Nursery which is across the road from the site has had approval for 6 houses recently under reference EPF/2271/16, refusal on these grounds could not be justified.

Are there very special circumstances?

Paragraph 87 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harm.

The agent cites examples of other 'limited infill development within villages as a reason which he considers falls within this category. These include EPF/1788/15, EPF/0470/16, EPF/1956/16 and EPF/1841/16. This view is not supported by officers. This is because the application proposal unlike these approved schemes is not ribbon development which surrounded by housing on at least two sides and which reflect the plot sizes and building positions of neighbouring properties surrounding the approved sites. These permissions do not therefore act as material considerations.

It is accepted that the Council cannot demonstrate a 5 year supply of housing land. However the government in National Planning Policy Guidance on Housing and economic land availability assessment unequivocally states that "Unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt".

Previous decisions made in relation to sites which are in close proximity to the site.

In addition to the agreed points raised by the agent, the Council is also aware of past decisions which have a material bearing on the determination of this case.

Previous planning decisions made at Winston Farm under reference EPF/0734/14 at Winston Kennels which is situated north western corner of this access road allowed the demolition of existing commercial buildings and the removal of the mobile home on the site and replacement with 4 detached dwellings, this approval was made on the basis that

"It is evident the entire built form on site is general low set and consists of a four bay corrugated storage building and a collection of other low set buildings. In terms of scale and volume what would replace this built form would be materially greater. The new houses are all predominantly two storey with roofs above. The height of the proposed buildings would make them more prominent in the surrounding Green Belt. The new volume on site would be markedly greater than existing. The NPPF allows for redevelopment of previously developed sites only where the new development would not have a materially greater impact on the green belt than the existing development. In this instance given the nature of the existing uses, it is considered that although the new development may be more visually prominent the overall impact on the Green Belt will not be harmful to the purposes of including land within the Green Belt. On balance therefore it is considered that although the development is strictly not appropriate development, the specific circumstances of the site and the proposed development are sufficient to outweigh the limited harm to openness that would result from the development".

2 houses were permitted at Presdale Farm House Hoe Lane due their being considered as limited infill. This site is approximately 23m away from the application site.

The justification made in the Winston Kennels was then a significant material factor in the approval of 2 at Spinney Nursery under reference EPF/0110/16 and the approval of 8 no. detached family houses and 10 no. 'Affordable houses' with associated off-street parking, private gardens and landscaping at Stoneshot Farm off Hoe Lane under reference EPF/0259/16. (Another significant factor in the determination of this application was that 55% of the new dwellings were to be affordable and as such would contribute to housing supply within the borough and provides a type of accommodation which fulfils a local housing.

It is therefore considered that these other decisions do not act as material considerations to justify approval of this scheme.

Impact on the adjoining South Nazeing and Roydon Conservation Area.

The Conservation Officer has reviewed the application and makes the following comments:-

""The proposal site is not part of the Nazeing and South Roydon Conservation Area; however it is directly adjacent to it. The site, which remained an unbuilt land until then, is of similar character

than the conservation area; an open land planted and bounded by mature trees. The proposed development of the site and construction of four detached buildings would irreversibly alter and diminish its character and could, therefore, cause harm to the conservation area.

In addition, I believe the proposal goes against the grain of development historically seen in this area; linear development with detached dwellings occupying large plots and fronting highway. The proposal would appear incongruous with the established pattern of development; the layout in cul-de-sac, suburban in character, would be considered inappropriate within this rural setting.

I, therefore, cannot give my support to the proposed scheme and believe this application should be refused.

If this application is approved, a condition should ensure the preservation of the existing mature trees and the retention of the established green screening between the conservation area and the proposal site as this would be vital in both mitigating the impact of any development and preserving the rural character of the conservation area.

This is supported by policies HC7 of our Local Plan and Alterations (1998 and 2006)."

Given the previous approval of a cul – de sac of houses on the Burleigh Nursery site under reference EPF/2271/16 which also is in close proximity to the Conservation Area, the general design and layout of houses is acceptable and could be conditioned to ensure that soft landscaping adequately screens the development from the Conservation Area to ensure its special character is preserved, The proposal therefore accords with the requirements of chapter 12 of the NPPF.

Trees

The Trees and Landscape Officer is satisfied that the detailed contained within Andrew Day Arboricultural Consultancy and Tree Protection Plan dated 22/2/17 and subject to further conditions will ensure the health and stability of mature trees on the site in accordance with LL10 of the Local Plan and Alterations,

Quality of resulting residential accommodation

The proposed house nos 1, 2 and 3 provide a good standard of internal space, outlook, ventilation, and access and amenity space. However unit number 4 has a first floor bedroom which overlooks the front garden of house type no.3. Whilst this is not ideal, given that the front garden is visible from the public realm also, it is on balance considered acceptable. If approval was recommended a condition could be imposed requiring that the first floor side elevation bathroom windows be obscure glazed to prevent perceived overlooking.

Ecology

The site is in close proximity to a river and woodland, it therefore considered that there is a strong likelihood that bats or other protected species or their breeding sites and resting places might be present within the site. It is therefore recommended that if approval is given then a pre commencement condition should be attached to any permission which requires that a Phase 1 Habitat Survey be carried out by independent Ecology professionals; the results of this survey should then be submitted to and approved by the Council. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species surveys would need to be carried out. These surveys would need to be submitted to the Council, then a detailed mitigation strategy which accords with the requirements of Natural England would be required to be submitted, approved and carried out in accordance with those details so approved prior to any works being carried out on the site.

Further details should also be submitted in relation to a biodiversity plan for the site, then approved and carried out in accordance with those details so approved.

It is on this basis considered that the proposal will make adequate provision for the protection and suitable management of established habitats of local significance for wildlife in accordance with Chapter 11 of the NPPF and policy NC3 of the Local Plan and alterations.

Highways

The existing access onto Hoe Lane provides adequate visibility splays and the intensity of the use of the site would not result in a materially greater number of vehicular movements over and above the existing use of the site. Furthermore the access road is private and the site is far removed from the highway. The proposal therefore accords with the requirements of policies ST4 and ST6 of the Local Plan.

Flood risk and land drainage

The site is within an Epping Forest District Council flood risk assessment zone, the development is of a size where it is necessary to avoid generating additional runoff and therefore the Council's Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage in accordance with policies U2A, U2B and U3B of the Local Plan.

Contaminated Land

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the former use of the site as a nursery (Pre 1985). They therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

Conclusion

The lawful use of the site is residential curtilage and not open storage as described by the application form. The use of the land for open storage has no permission and is unlawful and currently part of an ongoing enforcement investigation under reference ENF/0411/16. It is therefore considered that the nuisance created as a result of this use is not a material consideration in the determination of this application.

The proposal is an identical resubmission (in relation to the development proposed for Ridge House only) of a scheme which was previously refused under reference EPF/0204/14 by members of the West Area Planning Committee on the grounds of its harmful impact, due to it being inappropriate development which will have a seriously greater impact on the openness of the Green Belt than the existing use on the site. No very special circumstances have been identified which would clearly outweigh the harm to the Green Belt and all other harms. The NPPF therefore requires that this proposal be restricted.

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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

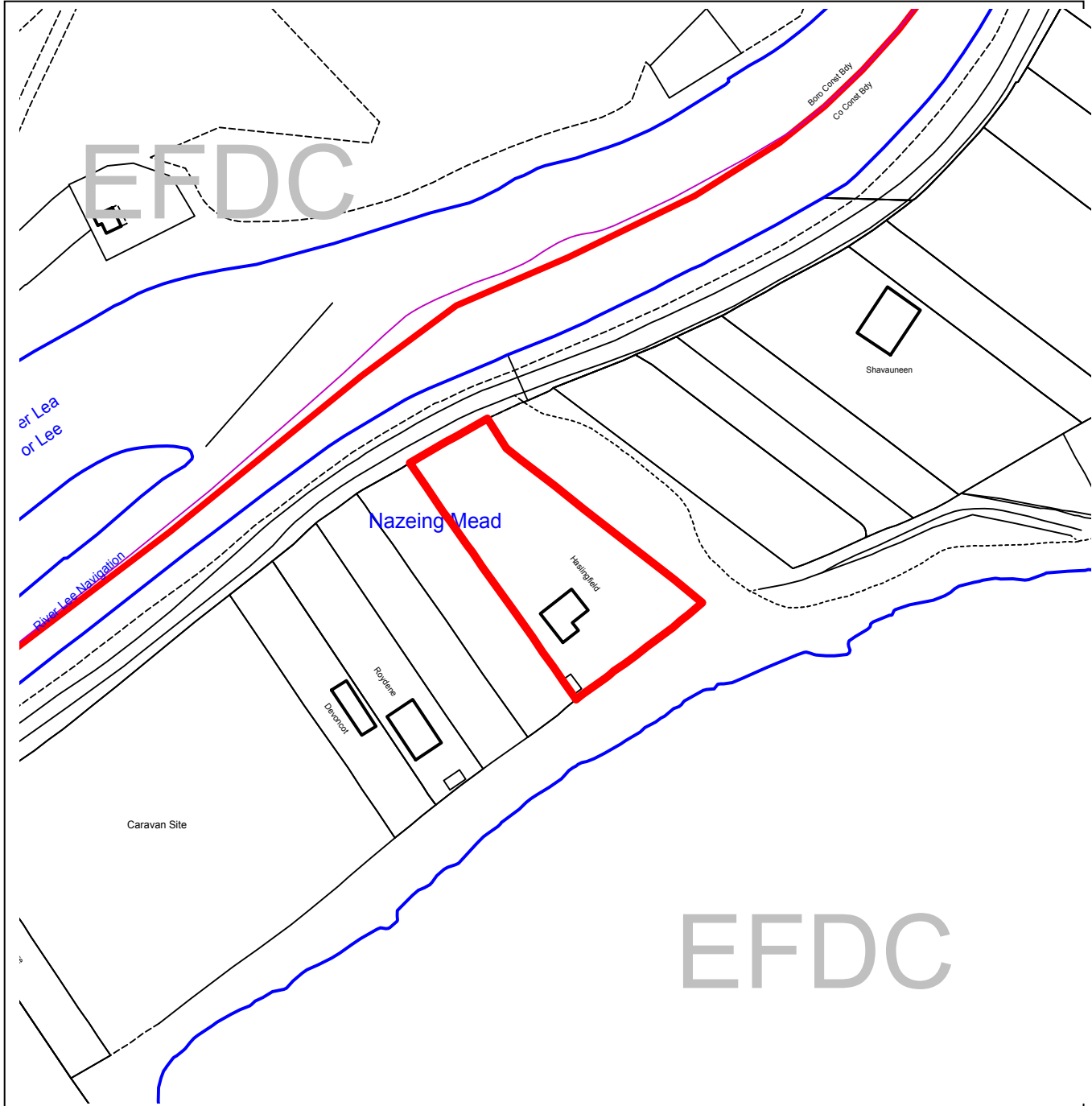
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Agenda Item Number 7



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| | |
|---------------------|---|
| Application Number: | EPF/3325/16 |
| Site Name: | Haslingfield, Meadgate Road, Carthegena Estate, Nazeing, EN10 6TA |
| Scale of Plot: | 1/1250 |

Report Item No: 7

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|---------------------------------|---|
| APPLICATION No: | EPF/3325/16 |
| SITE ADDRESS: | Haslingfield Meadgate Road Carthegenia Estate Nazeing Essex EN10 6TA |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Mr Miley Connors |
| DESCRIPTION OF PROPOSAL: | Application for variation of condition 1 'use for limited period', 2 'restoration of land' and 4 'flood risk assessment' on planning application EPF/0144/12 (Part retrospective change of use from use as a single dwelling to a mixed use of single dwelling and residential caravan site for an extended gypsy family with four caravans. (Two for independent living and two as ancillary accommodation to the dwelling)) |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590262

CONDITIONS

- 1 The mixed use of the site as a single dwelling and residential caravan site for an extended gypsy family with 4 caravans hereby permitted shall be carried on only by Miley and Kathleen Connors, Patrick and Margaret Connors, Miley (Senior) and Mary Connors, Margaret Murphy and their resident dependants.
- 2 When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all non-ancillary caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
- 3 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time, 2 of which shall be occupied only as ancillary accommodation to the dwelling house and not as separate residential units.

- 4 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of that use shall be removed within 3 months of the date of failure to meet any of the requirements set out in (i) to (iv) below:
- i) Within 3 months of the date of this decision, or such other period as the Local Planning Authority may agree in writing, a suitable flood risk assessment shall be submitted in writing to the Local Planning Authority for its written approval. The scheme shall include an assessment to the 100 year plus 70% event for sensitivity testing, and a design to the 100 year plus 35% event.
 - ii) Within 11 months of the date of this decision, the scheme referred to above shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted by, the Secretary of State.
 - iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been finally approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved
- 5 There shall be no stationing or parking of LGVs or vehicles over 3.5T on site, and no commercial or business uses shall take place at any time on the site.

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: Scheme of Delegation, Appendix 3)

Description of Proposal:

Consent is being sought to vary conditions 1, 2 and 4 of Planning Consent ref: EPF/0144/12 to allow for permanent occupation of the site.

The original consent ref: EPF/0144/12 granted a part retrospective consent for the temporary change of use of the site from a single dwelling to a mixed use of single dwelling and residential caravan site for an extended gypsy family with 4 Caravans (2 for independent living and two as ancillary accommodation to the dwelling). The conditions of this approval read as follows:

1. *The mixed use of the site as a single dwelling and residential caravan site for an extended gypsy family with 4 caravans hereby permitted shall be carried on only by Miley and Kathleen Connors, Patrick and Margaret Connors, Miley (Senior) and Mary Connors, Margaret Murphy and their resident dependants, and shall be for a limited period ending in January 2017, or at such time the premises are no longer occupied by the persons named above, whichever is the shorter.*

Reason:- Insufficient very special circumstances exist to justify the permanent grant of planning consent on the site.

- 2. When the land ceases to be occupied by those named in condition 1 above, or at the end of January 2017, whichever shall first occur, the use hereby permitted shall cease and all non-ancillary caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.*

Reason:- To ensure the site is returned to its former use after the expiration of the temporary consent.

- 3. Unless within 3 months of the date of this decision a Flood Risk Assessment is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 3 months of the Local Planning Authority's approval, the use of the site hereby permitted shall cease until such time as a Flood Risk Assessment is approved and implemented; and if no scheme in accordance with this condition is approved within 18 months of the date of this decision, the use of the site hereby permitted shall cease until such time as a scheme approved by the Local Planning Authority is implemented.*

Reason:- To protect the occupants of the site and surrounding areas from additional flood risk.

Description of Site:

The application site was originally a recreational chalet plot located within the Carthegena Estate, Nazeing. It is understood from Council records that the chalet became lawfully used as a dwellinghouse sometime in the late 1970's/early 1980's and the year round occupation of the chalet is lawful. There is a shed in the rear garden which was erected within the limits of permitted development and Council records concur with this view. The site has an area of approximately 1400 sq. m and is relatively well screened from the surrounding area by existing hedging. The site is located within the Metropolitan Green Belt, the designated Carthegena Holiday Estate, and the Lee Valley Regional Park. Furthermore the site lies within the Environment Agency Flood Zones 2 and 3.

Relevant History:

EPF/0144/12 - Part retrospective change of use from use as a single dwelling to a mixed use of single dwelling and residential caravan site for an extended gypsy family with 4 Caravans (2 for independent living and two as ancillary accommodation to the dwelling) – approved/conditions (temporary) 23/03/12

EPF/1263/13 - Proposed 3m extension to each side of the existing property – approved/conditions 12/08/13

Policies Applied:

Epping Forest District Council Local Plan (1998) and Alterations (2006):

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB5 – Residential moorings and non-permanent dwellings

GB10 – Development in the Lee Valley Regional Park

H10A – Gypsy caravan sites

RST9 – Carthegena and Riverside chalet estates

RST24 – Design and location of development in the LVRP

U2A – Development in Flood Risk Areas
U2B – Catchment effects

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Draft Local Plan Consultation document (2016):

SP5 – Green Belt and District Open Land
H4 – Traveller site development
T1 – Sustainable transport choices
DM3 – Epping Forest SAC and the Lee Valley SPA
DM15 – Managing and reducing flood risk
DM18 – On site management of waste water and water supply
DM21 – Local environmental impacts, pollution and land contamination

At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

Consultation Carried Out and Summary of Representations Received:

2 neighbours were consulted and a Site Notice was displayed.

PARISH COUNCIL – The council objects to the application as:

- i) It is a retrospective application it appears that the applicant assumed it would be granted,
- ii) It contravenes Government guidelines in relation to concentration of Traveller sites. The parish of Nazeing already has a high concentration of Traveller sites and possible more than any other Parish in Epping Forest,
- iii) Condition 1 should not be varied.

LVRPA - The Authority has no objection to the application subject to planning conditions being included on any permission granted replicating conditions 3, 4 and 5 of the original permission (EPF/2411/11). These would cover a restriction to 4no. on the total number of caravans stationed at the site of which no more than 2no. should be static mobile homes and that there should be no stationing of LGVs or vehicles over 2.5tons on site and no commercial or business use shall take place at any time on the site. Further an additional condition requiring the retention of a 2m high wooden fence around the perimeter of the site should be included.

Main Issues and Considerations:

Policy H10A of the Local Plan states: *“In determining applications for Gypsy Caravan sites within the Green Belt the Council will have regard to (i) whether there are any very special circumstances which would justify an exception to the Green Belt policies of restraint, and (ii) The impact on the openness of the Green Belt and the character and appearance of the Countryside”*. In addition on this site the other considerations are the potential risk from flooding and the impact on the Lee Valley Regional Park.

There has been a recent appeal decision for a similar development at Sunnyside, Carthegena Estate. This appeal related to the use of the site for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of additional hardstanding and related to a previously refused planning application ref: EPF/0529/12. Within the Inspectors decision letter, dated 26th January 2017, it is recognised that the proposed development at Sunnyside would have

'moderately adverse' harm to the openness and purposes of the Green Belt, 'modest adverse' harm to the character and appearance of the area, and 'limited' harm to the Lee Valley Regional Park. However, with regards to flood risk, the Inspector recognised that "*the site is outside the areas of lowest flood risk and this type of development is highly vulnerable if flooding does occur*" however they conclude that "*the actual risk of flooding during the lifetime of the development would be low and the development complies with the Sequential and Exception Tests. There would be an acceptable evacuation route if flooding did occur. Flood management measures can be required by condition to further mitigate risk and the risk of flooding elsewhere would not be exacerbated*". A subsequent condition was imposed by the Planning Inspector in order to deal with this matter.

Notwithstanding the above the overall balance undertaken by the Planning Inspector was as follows:

29. *The harm to the Green Belt in this case arises from inappropriateness together with the moderate adverse effect on openness and the conflict with a Green Belt purpose. In accordance with Framework paragraph 89 I give substantial weight to the harm to the Green Belt. Moderate weight is attributable to the harm to character and appearance and I also give moderate weight to the effect on the Lee Valley Regional Park. The development would not comply with policies CP2, GB2A, GB5, and RST9. I have taken into account the Council's concern to ensure a plan led approach. However, in view of the limited scale of this development, the granting of planning permission would have little effect on the emerging local plan. I have concluded that the actual risk of flooding would be low. In that context little weight attaches to the likelihood of the emerging local plan identifying sites in lower flood risk zones.*
30. *A number of matters weigh in the appellant's favour for a permanent permission. They include the unmet need for sites in the District and more widely, the Council's failure to demonstrate a 5-year supply of deliverable sites, the related failure of policy, the personal need for a site of the 14 residents of the appeal site and the lack of any alternative site. There is also the uncertainty surrounding the extent of future site provision through the development plan process and the likelihood that at least some future allocations would be in the Green Belt. There are personal medical circumstances and permission would facilitate the sustainability benefits arising from a settled site, including access to the education, health and other facilities which are available to the settled community. It would serve the best interests of the children, which is a primary consideration in my decisions, and would help to safeguard and promote their welfare and well-being. Having regard to the number of children in this case, that is a matter to which I attach very substantial weight. Granting permission would avoid infringement of human rights under Article 8 of the European Convention on Human Rights. I also take into account the requirements of Equality Act, 2010, including those concerning equality of opportunity and eliminating discrimination. In that context, granting planning permission would facilitate the traveller way of life. This range of matters extends well beyond the personal circumstances and unmet need to which paragraph 16 of PPTS refers. That paragraph is, in any case, subject to the best interests of children.*
31. *In his 2013 report the Inspector recommended a temporary planning permission. While I take that into account I have reached my own conclusion on where the overall balance lies. I conclude that in respect of a permanent planning permission the harm to the Green Belt and the other harm which would result from the development would be clearly outweighed by other considerations. Having regard in particular to the best interests of the children I find that there are very special*

circumstances which would justify the granting of planning permission on a permanent basis in this case.

Haslingfield is located within the same designated area (the Carthegena Estate) and is very similar in terms of the proposed works, with the exception that this site benefitted from a temporary planning consent unlike Sunnyside, which until this appeal decision did not have any lawful consent for the residential use on the site. Furthermore this site benefits from a permanent residential use in the form of a dwelling on the site.

Similarly to the above example this site is occupied by an extended traveller family that includes young children. It is confirmed within the submitted Planning Statement that the adult males continue to travel for the purposes of work, usually for 4-6 months each year.

Given the above conclusions regarding the harm to the Green Belt, the impact on the Lee Valley Regional Park, the existing (and continued) failure of policy and the best interests of the site occupants (particularly the children on site) it is clear that this application must be viewed the same way and therefore permanent consent should be given to this site

Flood risk:

The application site is located within an Environment Agency Flood Zone 2 however has both previously, and in this instance, passed the Sequential Test since it is acknowledged that at the present time the Council cannot provide any alternative sites that would be more suitable for the proposed development. In addition, as concluded within the Sunnyside appeal decision, despite being located within Flood Zone 2 “*the actual risk of flooding during the lifetime of the development would be low*” and “*flood management measures can be required by condition to further mitigate risk and the risk of flooding elsewhere would not be exacerbated*”.

A Flood Risk Assessment has been submitted with the application, however the Environment Agency has responded to this as follows:

The FRA submitted with this application does not comply with the requirements set out in paragraph 102 of the National Planning Policy Framework which states that for areas at risk of flooding a site-specific flood risk assessment must be undertaken which demonstrates that the development will be safe for its lifetime. It also does not comply with paragraph 94 of the NPPF which requires local planning authorities to adopt proactive strategies to adapt to climate change, taking full account of flood risk and coastal change. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. This is contrary to your Local Plan policy U2A ‘Development in Flood Risk Areas’.

In particular, the submitted FRA fails to assess the impact of climate change using the appropriate climate change allowances. The submitted FRA and addendum from Marks Heeley Ltd, dated June and August 2012 respectively, uses the 1 in 100 year plus 20% allowance. However, in February 2016 we updated our climate change allowances and so these need to be taken into account within the updated or amended FRA. Please see the advice at the end of this letter regarding which allowances we would expect to be used.

This response, along with the requirements to overcome their objection, has been forwarded to the Applicant’s agent. However at the time of preparing this report no updated FRA has been received. Nonetheless, given that the Planning Inspector in the above stated appeal concluded that flood risk in this area can be adequately dealt with by condition it is considered that, irrespective of any objection from the Environment Agency or receipt of an adequate FRA, the proposed development would not conflict with Local Plan policy U2A.

Conclusion:

Due to the recent decision of the Planning Inspector with regards to nearby Sunnyside, and the similarities between these applications, the same conclusions must be reached on this proposal. These being that *“in respect of a permanent planning permission the harm to the Green Belt and the other harm which would result from the development would be clearly outweighed by other considerations. Having regards in particular to the best interests of the children I find that there are very special circumstances which would justify the granting of planning permission on a permanent basis in this case”*.

Whilst there are current concerns from the Environment Agency with regards to the submitted FRA it has been concluded that flooding matters in this area can be adequately dealt with by way of a condition. Therefore, subject to conditions, the application complies with Government guidance and the relevant Local Plan policies and is recommended for approval.

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

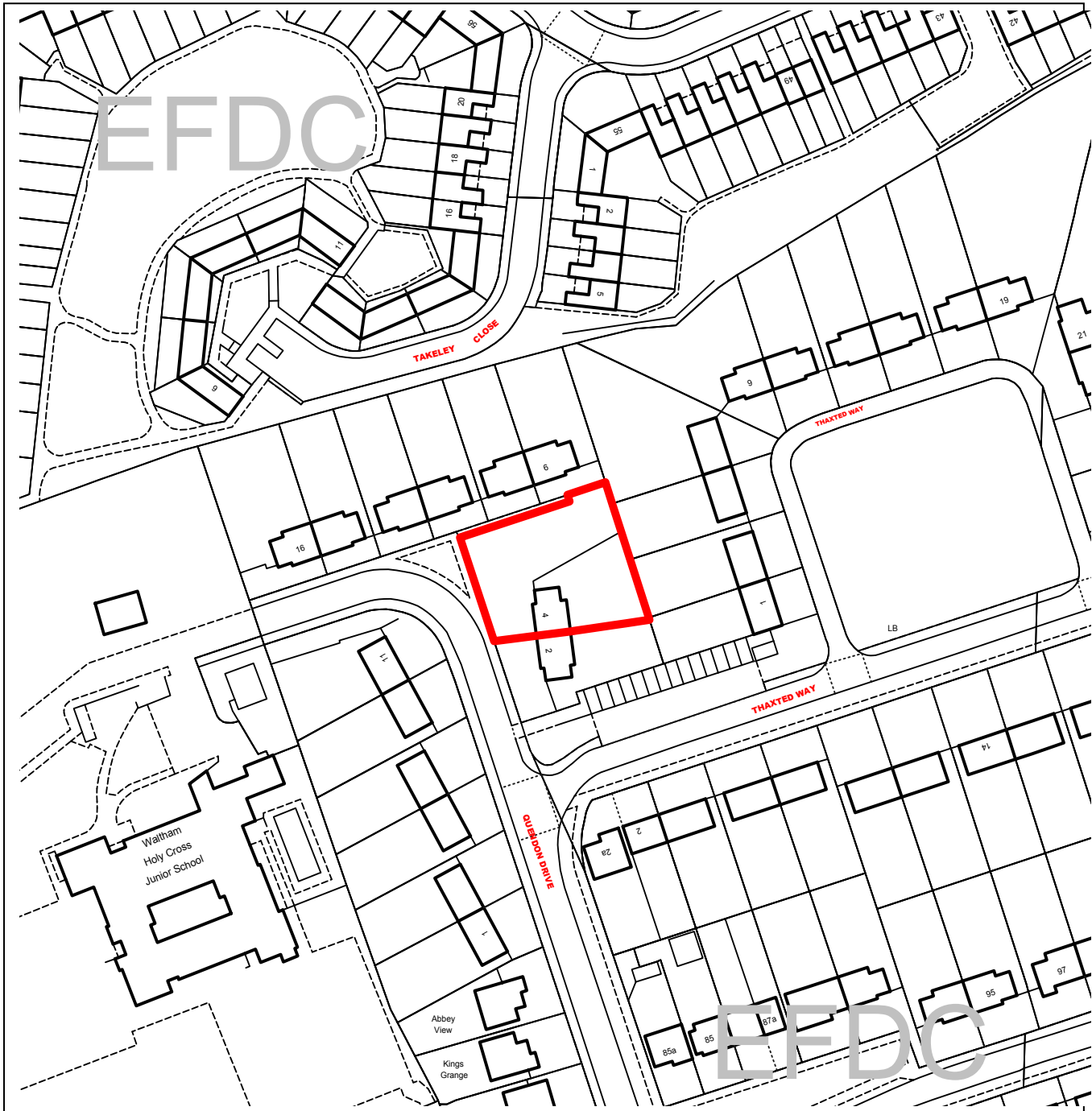
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 8



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| | |
|---------------------|--|
| Application Number: | EPF/3381/16 |
| Site Name: | 4 Quendon Drive, Waltham Abbey, EN9 1LG |
| Scale of Plot: | 1/1250 |

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| | |
|---------------------------------|---|
| APPLICATION No: | EPF/3381/16 |
| SITE ADDRESS: | 4 Quendon Drive Waltham Abbey Essex EN9 1LG |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey North East |
| APPLICANT: | Mr Neil Harvey |
| DESCRIPTION OF PROPOSAL: | Demolition of the existing side extension and replacement with two, three bedroom detached dwellings. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590478

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: Design and Access Statement, ELA/1A, ELA/2A, ELA/3A, ELA4A, ELA/6 A, (Proposed front and rear elevations) ELA/6A (Proposed side elevations). ELA/13 revB ELA/16A.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the first floor southern flank elevation(s) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 5 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the

necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

- 6 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, B and E of Part [1] of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 Prior to the first occupation of the development the access arrangements and vehicle parking as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out in perpetuity for their intended purpose.
- 8 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 9 There shall be no discharge of surface water onto the highway.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 11 The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 12 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 13 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 14 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.
- 15 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 it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site

The proposal site relates to the private garden north of the main dwelling at 4 Quendon Drive and covers an area of approximately 820 sqm. This piece of land is currently covered in lawn. The site is located within a quiet cul-de-sac and is surrounded by housing on its northern, eastern and southern boundaries.

The site is located within an urban area and is not listed nor within a conservation area.

Description of Proposal:

Permission is sought for the demolition of the existing side extension and construction of two three bedroomed detached houses. The two new houses proposed to be positioned parallel to number 4

Quendon Drive and each measure 6m wide by 9m deep (plus a 1.2 by 2m porch). The height to the ridge of house 4A is 7.95m and house 4B has a ridge height of 7.1m. They will each have a floorspace of 90m².

Materials include brickwork for the walls, tiles for the roof and PVC timber doors and windows.

A new access is proposed from Quendon Drive and two parking spaces are provided within the front forecourt of each property.

At least 100 sqm of amenity space is provided for the existing and proposed units.

Relevant History:

Planning permission was granted under EPF/1234/16 for a new 4 bed detached unit.

Policies Applied:-

National Planning Policy Framework
National Planning Policy Guidance

Combined Policies of Epping Forest District Local Plan (1998) and alterations (2006). Published in February 2008 (Local Plan)

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP5 – Sustainable Building

CP6 – Achieving sustainable urban development patterns

CP7 – Urban Form and Quality

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE3 – Design in Urban Areas

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

H2A – Previously Developed Land

H4A – Dwelling Mix

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes

Epping Forest District Draft Local Plan Consultation 2016

At the current time, only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:-

SP1 – Presumption in favour of sustainable development

H1 – Housing mix and accommodation types

H2 – Affordable housing

T1 – Sustainable transport choices

DM9 – High quality design

DM10 – Housing design and quality

DM 11 – Waste recycling facilities on new developments
DM16 – Sustainable drainage systems
DM18 – On site management of waste water and water supply
DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried out and Representations Received

WALTHAM ABBEY TOWN COUNCIL: No objections.

17 neighbours were consulted and a site notice was displayed. This resulted in 5 responses being received. The concerns raised include:-

6 QUENDON DRIVE: Loss of light and overshadowing to our property. Loss of privacy. Will create an oppressive, overbearing and overcrowded environment and have an adverse effect on the residential amenity of our property. Loss of view, Loss of parking. No adequate means of parking will devalue the property. Breach of the Human Rights Act

8 QUENDON DRIVE: The new units will have dropped kerbs removing two parking spaces. Our road is a cul-de-sac with Waltham Holy Cross School at its end. The parking and access is already dangerous and fraught at school times often resulting in confrontation between parents and residents. The further reduction of parking space will make this situation still worse.

The new properties will be overbearing out of character with the current street scene. They will severely encroach upon our property reducing our light and pleasant outlook. We will feel hemmed-in and cut off from our neighbours. The new properties will increase the pressure on the already suspect drainage.

12 QUENDON DRIVE: We have a school opposite the proposed development and there are young children being dropped off and picked up at all times of the day. Danger to highway safety.

14 QUENDON DRIVE: Numbers 6, 8 and 12 will again face the prospect of having new properties built directly in line of sight from the front of their properties. Additionally, all residents at this end will have street parking further reduced. There are insufficient spaces for the existing properties already, and within the last few months 2 spaces were removed to provide number 4 with a double width drop

WALTHAM HOLY CROSS PRIMARY SCHOOL: Will cause additional drainage problems. Our concerns would be during the building work process and to ensure that the safety of the children is of the highest priority. We have deliveries throughout the day, every day and we need constant access through what is a narrow road, at all times. This would also apply to emergency vehicles. We would like this to be taken into account when the application is reviewed because the demolition and new build of two detached houses, would take some considerable time.

Main Issues and Considerations:

The key considerations for the determination of this application are the principle of the proposal and its impact on the character and appearance of the area and neighbouring residential amenity.

Principle

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged. The redevelopment of this garden land has also been approved in principle by EPF/1234/16 for a new 4 bed detached unit.

Five year housing supply

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However, this still has to be weighed against other material planning considerations.

The proposal has a density of 41 units per hectare and is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan and Alterations.

Character and appearance

The new dwellings will have a size, bulk and scale proportionate to its setting, its ridge height will appear slightly lower than the adjacent no.4 as well as the neighbours on the other side (no.6 and 8). As a result it will not appear overly prominent in the street scene. In terms of its detailed design, it reads as a conventional residential property which will have a neutral impact on the character and appearance of Quendon Drive as a whole. Materials are also in keeping. The proposal is therefore considered have a neutral impact on the distinctive local character of the application property and surrounding area. The proposal therefore complies with Chapter 7 of the NPPF and DBE1 and DBE3 of the Local Plan and Alterations.

Trees

The Trees and Landscaping Officer has raised no objection to the development as there will not be any significant harm to existing trees or green areas. The proposal subject to further details regarding new soft landscaping complies with the requirements of policy LL11 of the Local Plan.

Parking provision and highway safety

The proposal will not result in a significantly greater number of vehicular movements over and above the new house already approved on the site. The Highways Authority is satisfied that subject to condition that sufficient space has been provided for onsite car parking to meet current standards and to ensure that it will not result in any significant loss of highway safety. The proposal therefore accords with the requirements of policies ST4 and ST6 of the Local Plan.

Concern has been raised from the neighbours that the creation of a dropped curb will lead to the loss of an on street parking space. Whilst this is the case, the loss of a single space will not cause a significant amount of harm to the existing situation. In any event the applicant could install a dropped curb without planning permission as this work would fall within the permitted development

limitations of the property. Paragraph 32 of the NPPF allows the refusal of planning applications on the grounds of loss of parking and highway safety **only** where it can be demonstrated that the residual cumulative impacts of the development would be **severe**. The Highways Authority is satisfied that this is not the case in relation to this application and therefore refusal on these grounds could not be justified.

Land Drainage

The land drainage team has raised no objection to the proposal but has suggested that a condition be attached to the consent required a Flood Risk Assessment. Given that surface water has the potential to cause harm to the existing situation, it is considered that this is a necessary condition in accordance with policies U2A, U3A and U3B of the Local Plan and Alterations.

Impact on the living conditions of neighbouring properties.

Numbers 6, 8, 10 and 12 of the Quendon Drive are perpendicular to the application site and there is a minimum distance of 9.74m between its side flank and number 8 Quendon Drive. It is acknowledged that the depth of the proposed dwellings are 0.5m deeper than that approved under EPF/1234/16, this is on balance considered acceptable as the proposed houses are sited 1.2m further away from 6-8 Quendon Drive than the previously approved application therefore changed impact will not be discernible.

Plans indicate that daylight guidelines for the ground floor front elevation window at number 8 have not been breached.

Properties on the western side of Thaxted Way are positioned two garden lengths away. The proposal for these reasons is not considered to have a material additional impact over and above the previously approved scheme under reference EPF/1234/16 in terms of light, outlook, dominance or privacy. The proposal extends 2m beyond the rear elevation of the existing property on the site (4 Quendon Drive), however there is a 1m gap between the properties, the nearest affected window serves a kitchen and plans indicate compliance with the 45 degree angle guidelines from this window required by the British Research Establishment, it is therefore considered that the proposal complies with the requirements of policy DBE9 of the Local Plan and Alterations.

Quality of resulting residential accommodation.

All dwellings meet current internal space standards set out in the Essex Design Guidelines. They also provide acceptable levels of outlook and ventilation.

All units meet amenity space standards required by Policy DBE8 of the Local Plan. The quality of the proposed accommodation is therefore considered acceptable.

Other matters

The Council is satisfied that its processes and practices are compatible with Human Rights legislation. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. It is for this reason that this issue is insufficient to justify refusal of the scheme.

Conclusion

The proposal will provide a much needed affordable and good quality home for local people within an existing urban area of Epping Forest District Council. The Highways Authority is satisfied that

the proposal will not excessively impact highway safety or parking provision within the area. Impact on the living conditions of neighbouring occupiers will not be significantly more harmful than the previously approved scheme under reference EPF 1234/16 for one large detached house. The design of the new housing will have a neutral impact on the character and appearance of this area. Additional conditions are also recommended to ensure that the proposal will provide adequate measures to prevent any flooding risk within the area. It is therefore considered that the proposal meets the requirements of sustainable development in accordance with policy contained within the NPPF. Approval is therefore recommended.

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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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