

## AREA PLANS SUB-COMMITTEE 'WEST'

27 August 2014

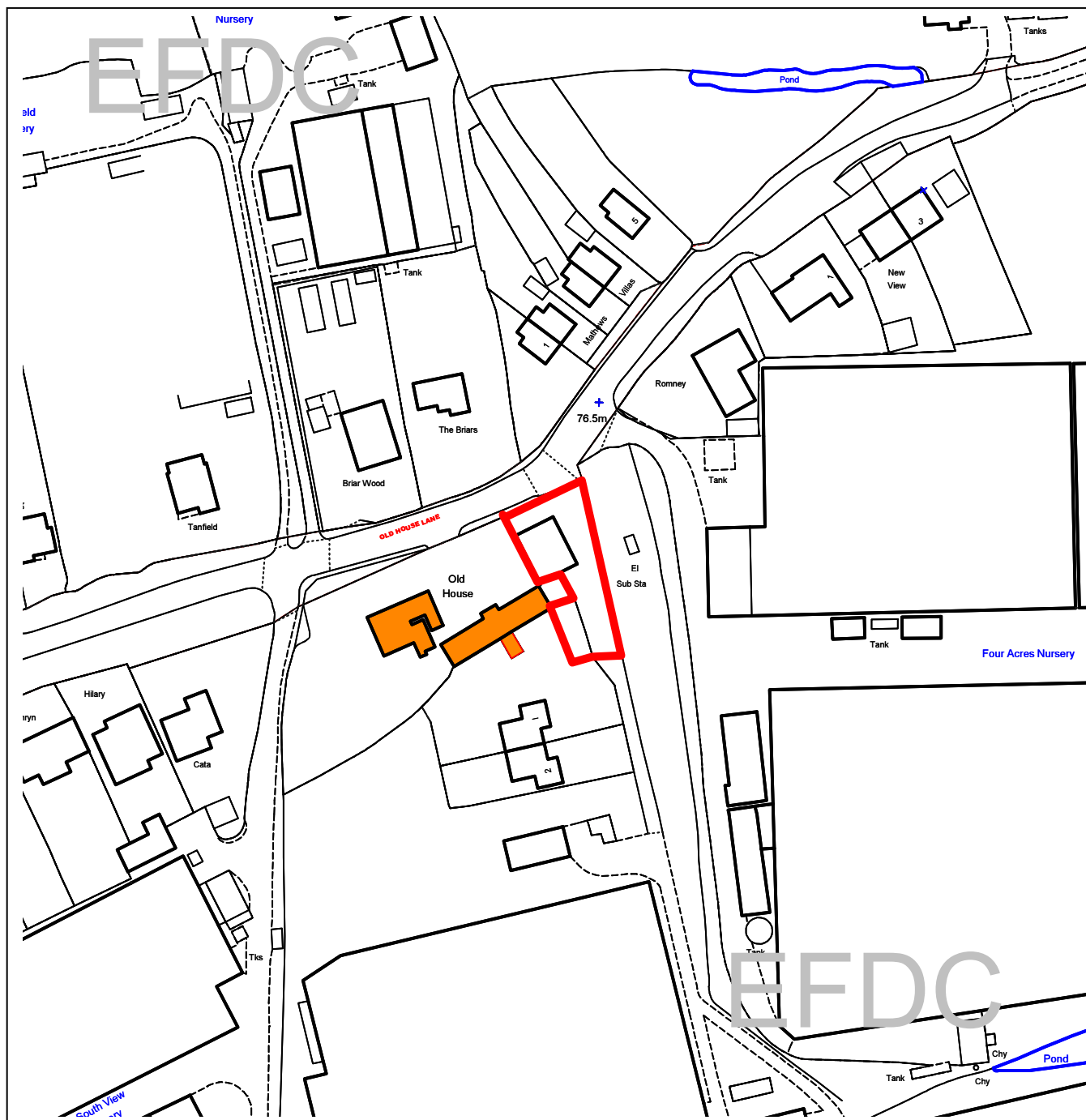
### INDEX OF PLANNING APPLICATIONS

| ITEM | REFERENCE   | SITE LOCATION  | OFFICER<br>RECOMMENDATION             | PAGE |
|------|-------------|--|---------------------------------------|------|
| 1.   | EPF/1276/14 | Old House<br>Old House Lane<br>Roydon<br>Essex<br>CM19 5DN                           | Grant Permission<br>(With Conditions) | 24   |
| 2.   | EPF/1343/14 | St Leonards Farm<br>St Leonards Road<br>Nazeing<br>Waltham Abbey<br>Essex<br>EN9 2HG | Grant Permission<br>(With Conditions) | 32   |
| 3.   | EPF/1354/14 | Red Roofs<br>Low Hill Road<br>Roydon<br>Harlow<br>Essex<br>CM19 5JN                  | Grant Permission<br>(With Conditions) | 40   |



# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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|                     |   |
|---------------------|---|
| Application Number: | EPF/1276/14                                   |
| Site Name:          | Old House, Old House Lane<br>Roydon, CM19 5DN |
| Scale of Plot:      | 1/1250  |

**Report Item No: 1**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/1276/14  |
| <b>SITE ADDRESS:</b>            | Old House<br>Old House Lane<br>Roydon<br>Essex<br>CM19 5DN   |
| <b>PARISH:</b>                  | Roydon   |
| <b>WARD:</b>                    | Broadley Common, Epping Upland and Nazeing   |
| <b>APPLICANT:</b>               | Mr Sam Marino  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Conversion of existing horticultural packing shed currently in residential use to form a single residential dwelling, with proposed internal and external alterations to the appearance of the building. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)   |

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=563976](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563976)

**CONDITIONS**

- 1 Within three months of this decision the lean-to addition to the Grade II Listed Barn, facing the proposed patio area, shall be modified to the condition previously approved under application EPF/1414/13. That is to say the side elevation wall shall be finished in weatherboarding.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings No's: NWA-14-007-LOC-P, NWA-14-007-SURV, NWA-14-007-1, NWA-14-007-2, NWA-14-007-3 and the works shall be fully completed within six months of the date of this decision notice and permanently retained in this state as long as this use continues.
- 3 Within six weeks of the date of this decision notice a Phase 1 Land Contamination investigation shall be 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, a Phase 2 site investigation shall subsequently be carried out within 6 weeks of agreement in writing of the phase 1 report. 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, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to the Local Planning Authority within 6 weeks of the agreement in writing of the Phase 2 report, and approved in writing. 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 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 in writing prior to the first occupation of the dwelling. 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.

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

### **Description of Site:**

The application site is occupied by a former packing shed which was connected to a nursery business which operates from the lane and has had previous uses including for vehicle repairs. The building has for some time been converted for residential purposes and is the subject of an Enforcement Notice served in 2006 and the terms of this are still enforceable. The building has been sub divided to form two separate residential properties. The building is a fairly standard design for its original purpose and has rendered finished walls and a tiled roof.

There is no real conventional curtilage land around the building and the immediate area adjacent to it is laid with concrete. Old House Lane “dog legs” around the side and front of the site. The submitted plans do indicate creating a patio/garden and parking spaces to the south of the building. This would involve using part of the residential site at No1 Game Cottages which is indicated as under the applicant’s ownership on the site plan.

Immediately to the west of the building and adjoined to it by a single storey extension is a Grade II Listed barn which has recently been granted consent for conversion to a separate residential property (EPF/1414/13). The works of conversion are at an advanced stage despite the fact that conditions of approval have not been addressed. Furthermore the extension adjoining the subject building has not been built in accordance with the approved plans and includes windows and a door facing the proposed new patio area. The barn is in the curtilage of the Grade II Listed “Old House” which has also recently been the subject of extensive remodelling works.

Old House Lane is relatively built up with residential and commercial premises but the entire lane and this site are within the boundaries of the Metropolitan Green Belt. The site is also in the locally designated Conservation Area.

### **Description of Proposal:**

The applicant seeks consent to remodel the existing building to create a single residential unit. As stated a curtilage area with garden/patio and two parking spaces would be created to the south of the house. The building would be finished in black weatherboard.

### **Site History:**

EPF/1414/13 – Conversion of existing building into a single residential unit. Grant Permission (With Conditions) - 03/09/2013.

EPF/1418/13 - Grade II listed building application for existing barn to be converted into single residential unit. Grant Permission (With Conditions) - 03/09/2013.

### **Enforcement**

ENF/0181/06 - Notice that became effective on 07/06/06 requiring the cessation of the use. Appealed Decision – Appeal dismissed on 27/03/07 (APP/J1535/C/06/2019750 & 2019753).

### **Policies Applied:**

CP1- Achieving Sustainable Development Objectives

CP2- Protecting the Quality of the Rural and Built Environment

GB2A- Development in the Green Belt

GB7A- Conspicuous Development  
GB8A- Change of Use or Adaptation of Buildings  
HC6- Character, Appearance and Setting of Conservation Areas  
HC7- Development within Conservation Areas  
HC12 – Development Affecting the Setting of a Listed Building  
NC4- Protection of Established Habitat  
RP4- Contaminated Land  
H2A- Previously Developed Land  
H4A- Dwelling Mix  
DBE1- Design of New Buildings  
DBE2- Effect on Neighbouring Properties  
DBE4- Design in the Green Belt  
DBE8- Private Amenity Space  
DBE9- Loss of Amenity  
ST4- Road Safety  
ST6- Vehicle Parking

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

### **Summary of Representations:**

ROYDON PARISH COUNCIL: Objection. The use has already commenced, is therefore an illegal development, and requires enforcement action.

10 neighbours consulted and Site Notice displayed: 1 reply received.

1 MATTHEW VILLAS: Objection. The building has been designed so that it does not blend in with the surroundings and has already added to the traffic and drainage issues the road already suffers from.

### **Issues and Considerations:**

The main issues to consider relate to the planning history of the site, the Green Belt location of the site, design and appearance, amenity and the comments of neighbours and consultees.

#### **Green Belt/Planning History**

As stated the present circumstances are that this building has been the subject of an Enforcement Notice dating back to 2006. This required the cessation of the use of this building for residential purposes and the reinstatement of the original internal layout. This Enforcement Notice was appealed and permission refused for the use in 2007. The conclusion of this matter has not been secured but a satisfactory resolution is, and has been, the sole intention of the Council. The securing of a resolution has involved an appearance at Chelmsford Court and attempts to ascertain the whereabouts and contact details of an alleged new owner (Mr Franco). This has proved an arduous task and with the prospect of direct action imminent it has been agreed that an application could be made for consideration by Mr Marino, the former owner, and occupant of the adjoining house (No1 Game Cottages). Hence this application is before the Council.

With reference to the 2007 decision, the Inspector's determination was that the appeal should be dismissed and that enforcement action should commence. It is evident that significant weight was given to the following matters:

- 1 Policy GB9A which requires the building to be worthy of retention. In his view it was not;
- 2 That the retention of the building would have a detrimental impact on the setting of the adjacent Listed Buildings;
- 3 That there is no suitable amenity provision for occupants of the building.

In the period since this decision, national guidance contained in the relevant Planning Policy Statements (PPS's) and Planning Policy Guidance (PPG) has been replaced by the National Planning Policy Framework (NPPF). This document is explicit in stating that local plan policies are only relevant in decision making insofar as they are in compliance with policies in the NPPF. Any policies not in compliance are therefore out of date and cannot be afforded any significant material weight.

#### Policy GB9A

It is evident that Policy GB9A is no longer in compliance with national guidance and a view from Counsel has advised so. Therefore there is no requirement for a building in the Green Belt to be "worthy of retention" in order to be policy compliant. The NPPF states that the reuse of buildings in the Green Belt is a potentially appropriate use if the building is of "permanent and substantial construction".

This building has served as residential accommodation for a number of years and notwithstanding the fact that it currently provides sub-standard living conditions for two families residing in this district the building is clearly of permanent and substantial construction. The building is constructed of conventional materials; a blockwork skin, finished in render with a tiled roof. The Inspector's first concern could no longer be substantiated as with further modification this building could be suitable for residential use.

#### Impact on the Listed Buildings/Design

There is little doubt that the current state of the building detracts from the listed barn and dwelling at the site. Indeed the lawful use as a packing shed would also detract from this special setting. The proposed works to the building would have a positive impact on the overall setting around Old House.

The proposed external alterations to the building including timber weatherboard cladding, alterations to the fenestration design, open eaves detail, and the replacement of uPVC windows with timber, will improve the appearance of the building thereby enhancing the settings of the adjacent listed buildings and the appearance of this part of the Conservation Area. The proposed building would not look out of place in the wider setting of Old House Lane which includes a mix of dwelling styles.

The proposed new design of this building could be secured with appropriate conditions and if this was achieved the setting of this group of buildings would be greatly enhanced. Paragraph 203 of national guidance in the NPPF makes it clear that if conditions can be used to make otherwise unacceptable development acceptable, then Local Authorities should consider this option. Notwithstanding other issues for determination, on this point there is the potential to make this development acceptable in planning terms through the use of planning conditions.

#### Amenity Provision

The Inspector was further concerned that the existing scenario provided a poor standard of amenity space for the enjoyment of occupants, indeed there is currently no private amenity space associated with this use. The applicant has attempted to rectify this by modifying the layout of No1

Game Cottages to provide an area of circa 80 sq m. Such a provision is reasonable for a single dwelling of this size and the space would remain suitable private for future occupants. Again this could be agreed by condition and the result would be a satisfactory residential curtilage to serve the house.

### Overall Conclusions on Addressing Appeal Decision Concerns

It is evident from the above that the passage of time and changes to the planning system means that a case can be made for what is proposed. Subject to other material considerations, to be addressed later in this report, this is potentially a suitable form of development at this site and the general principle can be agreed. Furthermore the setting of this group of historic buildings could be enhanced with an appropriate design and an acceptable level of amenity space provided to serve future occupants. However it is important that the Council retains the option of enforcement action should the works required to make this development acceptable not be undertaken and completed. Unless the proposed scheme is fully implemented the Enforcement Notice relating to this building would retain full force.

### Amenity

As has been concluded the proposed layout would provide a reasonable level of useable amenity space for future occupants.

There is one issue of concern with regards to the layout. The adjacent barn has been converted to residential accommodation and a single storey lean to would be located adjacent to the proposed patio area. The approved plans indicated that the wall of the lean to facing the patio area should be entirely finished in weatherboard. In actual fact the elevation includes windows and a door. Such an arrangement would result in a material loss of amenity to future occupants and would have to be rectified, with the original approved lean to constructed on site. The entire site of the barn conversion is shown under the applicant's ownership and therefore these works could be secured. Under such a scenario the layout of the site would be suitable but such a position should be reached prior to the commencement of the conversion works.

### Land Drainage

A neighbour has raised concern about drainage at the site and that it adds to an overall issue along the road. At present foul sewage discharges into the mains sewer and owing to the site characteristics there would be no increase in surface water run off. In fact owing to the proposed garden area there may be a decrease. The current arrangement is therefore considered acceptable.

### Highway Safety

Two parking spaces to the south of the dwelling as proposed is a reasonable provision and the advice of Essex County Council is that the proposed development will not result in road safety issues.

### Contaminated Land

Clearly the use of this building for residential purposes has always been potentially hazardous to the health of occupants. Surveys are necessary to ascertain if this building is fit for human habitation as previous uses have included agriculture, horticulture and vehicle repair uses. Furthermore the site includes the presence of infilled and made ground. This is an issue which needs the attention of professionally commissioned reports and this can be secured by condition prior to this new use being taken up.



**Conclusion:**

The proposed development at this site is, under national policy, in principle acceptable. However to make this development acceptable in planning terms will require necessary conditions and an applicant willing to undertake the required changes. A suitable small dwelling could be provided on site which would provide a reasonable standard of accommodation. The setting of this group of buildings would be enhanced. Subject to the agreement of these changes the development is considered acceptable and recommended for approval with conditions.

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

***Planning Application Case Officer: Mr Dominic Duffin***

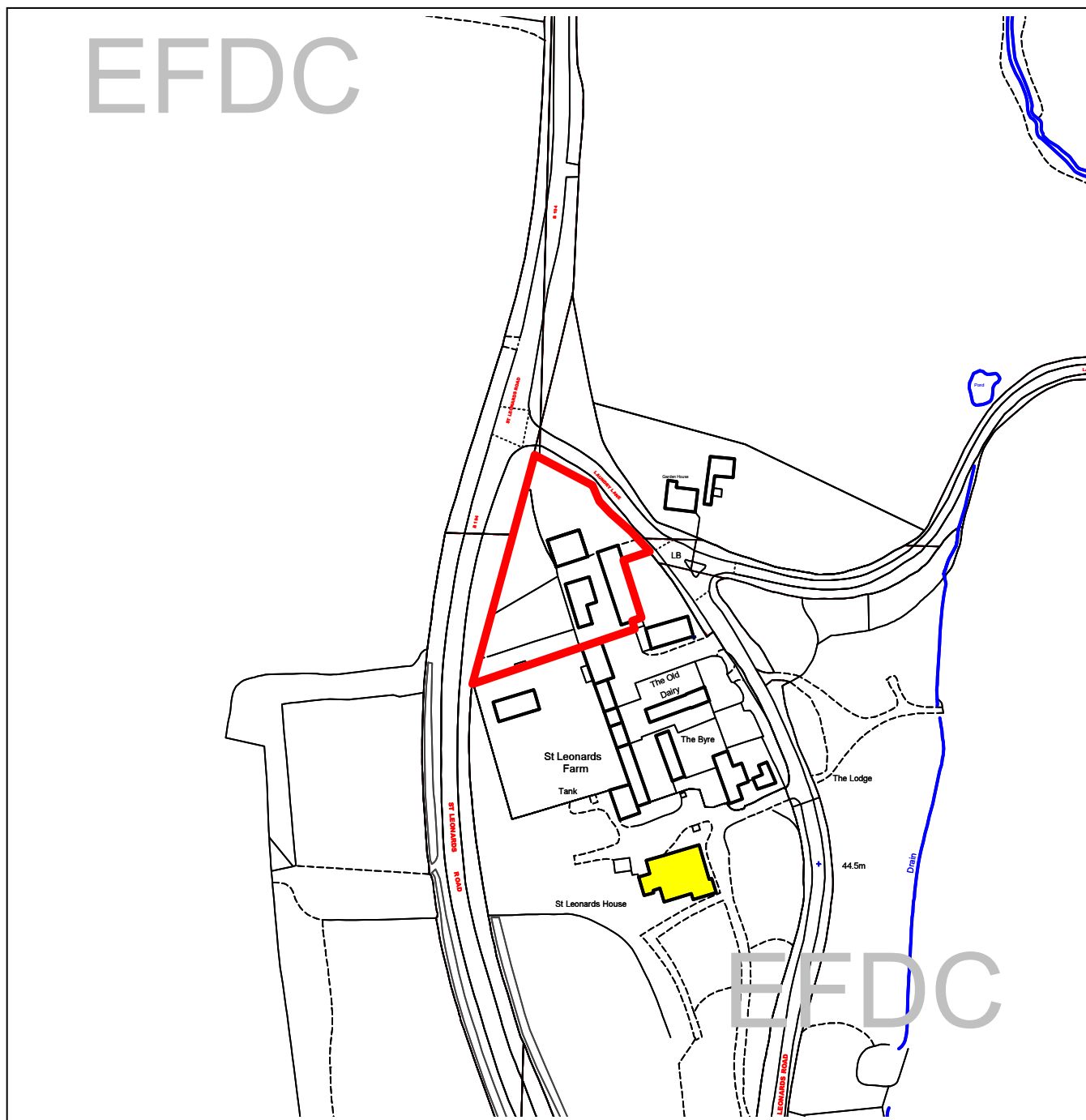
***Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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|                     |  |
|---------------------|--|
| Application Number: | EPF/1343/14  |
| Site Name:          | St Leonards Farm, St Leonards Road<br>Nazeing, EN9 2HG |
| Scale of Plot:      | 1/2500   |

**Report Item No: 2**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/1343/14  |
| <b>SITE ADDRESS:</b>            | St Leonards Farm<br>St Leonards Road<br>Nazeing<br>Waltham Abbey<br>Essex<br>EN9 2HG                                       |
| <b>PARISH:</b>                  | Nazeing  |
| <b>WARD:</b>                    | Lower Nazeing  |
| <b>APPLICANT:</b>               | Mr William H Wood  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Change of use of agricultural land and outbuildings to use Class B1/B8 including ancillary works and new vehicular access. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)   |

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=564252](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564252)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved Location Plan, approved Site Plan, and drawing no: 2943/1
- 2 The premises shall be used solely for B1 and/or B8 and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 3 Within three months of the date of this decision, details of foul and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The disposal systems shall thereafter be implemented and retained in accordance with the approved details.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A-D of Part 8 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The use hereby permitted shall not operate outside the hours of 07:00 to 18:00 on Monday to Friday, 07:30 to 13:00 on Saturday and at no time on Sundays and Bank Holidays.
- 6 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars 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.

- 7 Within three months of the date of this decision, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to the Local Planning Authority for written approval. The works shall thereafter 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 Within three months of the date of this decision 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) shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be carried out in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 Prior to first use of the approved new access, this shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary and provided with an appropriate dropped kerb crossing of the verge.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 11 Within 28 days from the date of first use of the new vehicle access, any vehicle access to the application site from the south shall cease. No vehicle access shall thereafter be permitted from the south.
- 12 No outdoor storage shall be undertaken within the application site.
- 13 Prior to the installation of any outdoor lighting, details of the type, location and positioning of the lighting shall be submitted to and agreed in writing with the Local Planning Authority. Any lighting shall thereafter be installed in accordance with these approved details.

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

### **Description of Proposal:**

Retrospective consent is being sought for the change of use of the farm yard to B1 (business) and B8 (storage or distribution) use. This would create six business units within the existing farm buildings served by a total of 21 parking spaces and a new vehicle access on to Laundry Lane at the northeast edge of the site.

### **Description of Site:**

The application site is a farm complex located on the western side of Laundry Lane, Nazeing. The site is located within the Metropolitan Green Belt, the designated Lee Valley Regional Park and an EFDC flood risk area.

### **Relevant History:**

The following history relates to the wider St Leonards Farm site, which has now in part been sold off, and does not all relate to the specific application site.

EPF/0363/98 - Change of use of farm building to dwelling and demolition of 4 farm buildings – approved/conditions 24/08/98

EPF/1432/04 - Change of use of redundant farm building to residential and removal of 4 no. buildings – approved/conditions 27/10/04

EPF/0413/07 - Conversion of existing outbuildings to dwelling – approved/conditions 26/04/07

EPF/0196/09 - Conversion of existing outbuildings to dwelling. Amendment to planning approval EPF/0413/07 to include demolition of rear outbuilding and two single storey extensions to rear – approved/conditions 09/04/09

EPF/0962/09 - Conversion of existing outbuilding to dwelling with minor amendments to planning approval EPF/0196/09 and demolition of part of rear outbuilding and erection of new store – refused 24/07/09

EPF/1908/13 - Removal of former pair of cottages and erection of replacement pair of cottages – approved/conditions 31/10/13

PN/EPF/0904/14 - Prior notification for proposed change of use of agricultural barn and animal shelter adjacent to south-west boundary of holding to a single dwelling house and curtilage – prior approval required and granted 10/06/14

EPF/0909/14 - Erection of double garage with office in roof space to include toilet accommodation – approved/conditions 12/06/14

### **Policies Applied:**

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB7A – Conspicuous development

RP5A – Adverse environmental impacts

DBE9 – Loss of amenity

RST24 – Design and location of development in the LVRP

ST4 – Road safety

ST6 – Vehicle parking

U2B – Flood risk assessment zones

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

### **Consultation Carried Out and Summary of Representations received:**

6 neighbouring properties were consulted and a Site Notice was displayed on 27/06/14.

PARISH COUNCIL – Object on the following grounds:

1. It is totally inappropriate for the area which is predominantly rural.
2. Residential development has taken place close to the site and it makes no sense for industrial buildings to be located near to the houses which will have a seriously detrimental effect on the residents.
3. Units are available in Nazeing at the existing industrial sites e.g. Hillgrove.

It is evident from an inspection of the site that the application is effectively retrospective. If permission for the development is granted it should be subject to the following conditions:

- (i) Screening around the site in the form of trees must be provided not simply a wooden fence.
- (ii) The entrance to the site from the residential area be closed off and exit/egress to or from that area be prohibited. A separate access be provided to the site from Laundry Lane.
- (iii) Restrictions should be imposed on hours of working.
- (iv) The old barn adjacent to the development should not be included as part of the industrial development.

LVRPA – Have an in-principle objection to changing use from agricultural uses to commercial B1/B8 uses within the Regional Park, and approval could add to an undesirable precedent in relation to other agricultural buildings in Nazeing, which together could cause harm to the character and appearance of the Park. In addition, the proposed new vehicle access point is located in an area of mature trees, which form a valuable part of the visual softening of the site boundary. If approved it is recommended that a landscaping condition be added to ensure the site boundaries remain well-vegetated.

GARDEN HOUSE, LAUNDRY LANE – Object as this would become a mini industrial estate out of character with the area, due to highway safety concerns, the development would result in increased noise nuisance, there would be a possible increase in traffic and on-street parking. Suggest that if approved the hours of use should be restricted and the existing 7 foot high fence should be retained.

THE OLD DAIRY, ST LEONARDS ROAD – Object as this proposal will create industrial/commercial units out of character with the area, there would be highway safety issues, and as there will be noise nuisance as a result.

### **Issues and Considerations:**

The proposed change of use is retrospective and has been submitted as a result of Enforcement Investigations. Whilst external works have also been undertaken to the buildings this consists of recladding of barns and other repair works that do not require planning permission and therefore do not form part of this application. The key considerations in this application are the impact on the Green Belt, the Lee Valley Regional Park, regarding neighbours amenities, and in respect of highway safety.

#### **Green Belt:**

The application site is part of a formerly much larger agricultural site that over the years has benefitted from planning consents for the change of use of several former buildings to residential

dwellings, including a recent prior determination (permitted development) approval. Irrespective of this history the application site itself has remained for agricultural use until this recent change of use.

Local Plan policies and the National Planning Policy Framework (NPPF) allow for the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of the NPPF promotes the *“sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings”* and paragraph 90 states that *“certain other forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”* and includes *“the re-use of buildings provided that the buildings are of permanent and substantial construction”*.

Furthermore there have been recent changes to permitted development rights which allow for the conversion of agricultural buildings to a multitude of uses including A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), B8 (storage and distribution), C1 (hotels), C3 (dwellinghouses), D2 (assembly and leisure) and state funded schools. Whilst the three buildings proposed for conversion exceed the total floor area (500m<sup>2</sup>) that can be converted without consent and no prior notification was received for the works (so this development would not constitute permitted development), these recent changes nonetheless clearly show the Government's willingness and acceptance towards the conversion of agricultural buildings.

The proposed application is for the retention of the change of use, which has already occurred on site. As the buildings have already been converted for the proposed purposes the buildings are clearly *“of permanent and substantial construction”* and were capable of conversion. The change of use of the buildings would have no greater impact on the openness of the Green Belt since the agricultural buildings have been on site for a number of years, and it is not considered that the use of the site for B1 and B8 purposes would be any more harmful to the character of the Green Belt than the former agricultural use.

Another material consideration is that the application for the change of use would retain an employment base for 12 people, in contrast to the one former agricultural employee, and therefore complies with the Government's aim to encourage economic growth. This should be given some weight in light of the NPPF's encouragement of economic development.

Due to the above, it is considered that the proposal would not constitute inappropriate development within the Green Belt and would not be harmful to the openness of the Green Belt.

#### Lee Valley Regional Park:

The LVRPA have an 'in-principle' objection to the change of use of agricultural buildings to commercial B1/B8 uses anywhere within the Park, assumedly irrespective of the recent permitted development rights that allow for various changes with very little assessment from the LPA. Under different circumstances the majority of buildings on this site could have been converted under the prior notification process, and their presence within the LVRP would not be a material consideration in such cases.

Given that the proposed development is reusing existing agricultural buildings and would not result in any further built form on the site it is not considered that this would have any additional detrimental impact on the LVRP than the existing agricultural use.

The other objection received from the LVRPA is regarding the impact that the new vehicle access would have on the existing mature trees on site. Whilst there are a number of trees on site these are not preserved and the trees formerly within the area of the new access have already been cleared prior to the submission of this application. Since no consent was required for the felling of these trees this is not considered a material planning consideration. Several trees still remain on

site and the new access onto Laundry Lane can be provided without the need to remove any more of the existing trees. However to ensure these trees do remain, and that additional planting/screening is provided, conditions regarding tree retention, protection and new landscaping should be imposed.

#### Neighbours amenities:

Concern has been raised with regards to the potential impact on neighbours amenities and the unsuitability of the site as an 'industrial estate'. However the proposed change of use is to B1 (business) and B8 (storage and distribution), and the very definition of a B1 use is "*a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit*". As such the proposed B1 use would be an acceptable use to take place adjacent to residential properties without causing undue noise and disturbance.

B8 use is for storage and distribution, which primarily relates to warehousing of goods. Whilst these uses can sometimes attract relatively large vehicles they are historically low maintenance businesses that have moderate movements and activity, particularly small storage units such as those proposed.

Whilst the use of the site for B1/B8 purposes would result in commercial traffic movements these would be similar in scale and number to what would likely result from the former lawful use of the site as an agricultural farm (if used more intensely than previously). Therefore it is not considered that this would result in any additional noise or disturbance to surrounding residents. The proposed new access would remove any conflict between the existing (and recently) approved dwellings in the southern part of the applicant's site and commercial vehicles, and would also draw heavy vehicle movements away from the residential properties to the south of the applicant's site. Whilst the new access would now be opposite Garden House on the opposite side of Laundry Lane, any farm vehicles accessing the current site have to drive past this property to reach the existing access. Therefore it is not considered that the new access would significantly increase the harm caused to these residents.

A condition can be imposed ensuring that the site is only used for B1 and/or B8 use and for no other purposes. Furthermore other conditions such as hours of use and restriction on outside storage can be imposed to further protect the amenities of surrounding neighbours. The landscaping condition would ensure adequate screening is provided and that a fence is retained along the eastern boundary (as requested by the residents of Garden House), which would further assist in reducing the impact from the development.

#### Highways:

The proposed new access would open onto Laundry Lane and would result in a separate access to the proposed commercial site, with the original access being retained exclusively for use by the existing and recently approved dwellings in the southern part of the site. This would reduce the conflict between the former agricultural site and the residential dwellings and has not raised any objection from Essex County Council Highways, subject to conditions.

Adequate car parking provision has been provided on site to cater for the proposed business uses and therefore there would be no detrimental impact on on-street parking provision within the surrounding area.

#### Other considerations:

The application site is located within an EFDC flood risk assessment zone but since it is for the change of use of existing buildings it would only cause a negligible increase in surface water



runoff. However it is proposed to dispose of foul sewage by package treatment plant and surface water by existing watercourse. Whilst this application is retrospective and therefore the drainage systems have likely already been installed, it is still necessary to approve details and, if necessary, for the applicant to undertake any required changes.

The existing site contains several trees, none of which are preserved, however those on site are of amenity value and offer screening to the existing site. Given that some trees have already (lawfully) been removed, and the proposed new parking areas will be located within the root protection zones of some of the retained trees, a condition regarding protection measures, as well as the retention of these trees, should be imposed.

### **Conclusions:**

The proposed change of use of the buildings, when considered against local and national policy, is deemed as being not inappropriate development within the Green Belt. The development would not result in any additional harm to the LVRP, neighbours amenities or highway safety over and above the former (lawful) use of the site and therefore, subject to relevant conditions, the application complies with the relevant Local Plan policies and the guidance set out within the NPPF. As such the application is recommended for approval.

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

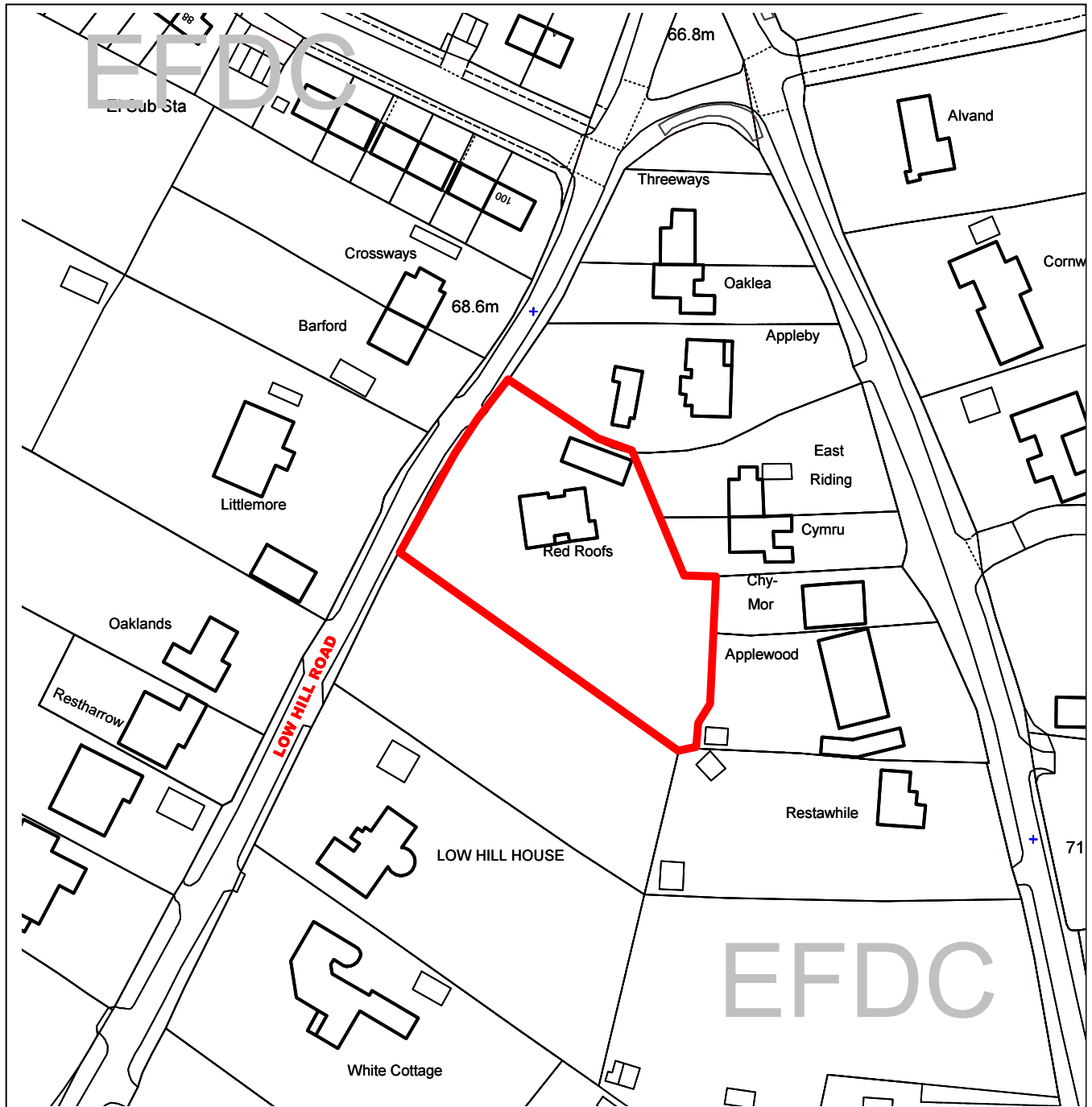
***Planning Application Case Officer: Graham Courtney***  
***Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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|                     |  |
|---------------------|--|
| Application Number: | EPF/1354/14                                  |
| Site Name:          | Red Roofs, Low Hill Road<br>Roydon, CM19 5JN |
| Scale of Plot:      | 1/1250                                       |

**Report Item No: 3**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/1354/14  |
| <b>SITE ADDRESS:</b>            | Red Roofs<br>Low Hill Road<br>Roydon<br>Harlow<br>Essex<br>CM19 5JN  |
| <b>PARISH:</b>                  | Roydon   |
| <b>WARD:</b>                    | Roydon   |
| <b>APPLICANT:</b>               | Mr Kurt Obeney   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Alterations and conversion of existing barn to annexe accommodation. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)                                   |

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

[http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=564313](http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564313)

**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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 3 Prior to first occupation of the development hereby approved, the proposed window openings, including the rooflights, in the northern rear elevation facing Appleby, shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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

**Description of Site:**

Red Roofs is located within a cluster of properties close to the junction of Low Hill Road and Epping Road. The property is a short walk from the village centre in Roydon. The site is occupied by a large detached dwelling which is currently under construction and benefits from consent for a replacement dwelling (EPF/0750/11). The plot is extensive with a large garden area to the south of the house and indeed this part of the site benefits from a consent for a new dwelling (EPF/2679/13).

Towards the north of the site and on the common boundary with Appleby the adjacent neighbour is a detached barn structure (13.5m x 5.5m). This building is single storey with a gabled roof and a lean-to projection to the side. The building is finished in weatherboarding with a tiled roof and has a ridge level of approximately 5.0m. The boundary to the rear of the building is demarcated by a 1.0m high close boarded fence and on the opposite side is the garden area serving Appleby. The boundary of the Metropolitan Green Belt runs along this fence line.

### **Description of Proposal:**

The applicant seeks consent to convert the outbuilding to create ancillary residential space. This would include three bedrooms, a lounge, study and en suite bathrooms. Windows would be inserted in the ground floor rear/fence elevation and at first floor level three skylights would be inserted in the rear roof slope and three dormer windows in the rear. The footprint of the building would not alter, however the eaves level and ridge level would be increased by 0.50m. The total height of the finished building would therefore increase from 5.0m to 5.5m.

### **Relevant History:**

EPO/0536/61 - Details of studio extension – approved 02/01/62

EPF/1228/09 - Erection of a detached house and formation of new vehicular access – approved/conditions 02/09/09

EPF/2247/09 - Erection of detached garage with storage/play room above – approved/conditions 18/01/10

EPF/0750/11 - Removal of a detached house and the erection of a replacement detached house and formation of a new vehicular access – approved/conditions 01/06/11

EPF/0255/13 - Erection of garage (revised application) – approved/conditions 02/04/13

EPF/1801/13 - Raising of roof to create additional bedroom and bathrooms – approved/conditions 28/10/13

EPF/2679/13 - Erection of detached dwelling (amended application to EPF/1228/09) – approved/conditions 11/02/14

EPF/0957/14 - Erection of a new detached double garage and store room. Grant Permission (With Conditions) – 20/06/14.

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

GB2A – Green Belt Constraint

GB7A – Conspicuous Development

GB8A – Reuse of Buildings in the Green Belt

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

### **Summary of Representations:**

PARISH COUNCIL: Objection. We would request a condition of approval that the building is not to be sold off separately from the main house if consent is to be granted.

APPLEBY: Objection. I am objecting based on the fact that the proposed annex is within 1 metre of my boundary fence and directly looks on to my garden/patio area which is in constant use.

### **Issues and Considerations:**

The main issues to consider relate to the sites setting within the Metropolitan Green Belt, design and amenity.

#### Green Belt

The actual conversion of the existing building to residential annexe would not be development requiring consent as Section 55 (d) of the 1990 Town and Country Planning Act recognises actual development as not including *“the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such”*. In this case the existing building is within the curtilage of the dwellinghouse. Its current use appears to be for storage and this would be replaced with additional residential accommodation. Therefore one form of ancillary/incidental use for the building would be simply replacing another.

However in this instance, as significant alterations to the building are proposed the works would require planning consent. Government policy adopted through the NPPF recognises the reuse of existing buildings in the Green Belt as a potentially appropriate form of development and local policy GB8A also encourages the reuse of existing buildings. Therefore there is policy support for such a development. In Green Belt terms the increase in the height of the building by 0.50cm and the addition of three dormer windows would have no significant impact on openness. The existing building which is in a tired state would be rejuvenated and this would be a clear benefit to the overall character of the site. The building is of substantial and permanent construction and notwithstanding the exterior works would be capable of a conversion. From a Green Belt viewpoint the proposed development is considered acceptable and in compliance with both national and local policy.

#### Design

The existing building would be altered, primarily by the insertion of the dormer windows in the front roof slope, but also with the insertion of further windows and rooflights. Generally the design raises no issues and subject to the agreement of suitable materials would be acceptable. The building would become more domestic in appearance, but at a residential site, in a built up area, this will be as equally appropriate as its current design.

#### Amenity

The ancillary building is close to the common boundary with the adjacent neighbour Appleby. The building would increase in height and would also involve the insertion of rooflights at first floor level and two windows on the ground floor of the elevation facing this property. Concern is raised that the scheme will lead to a material loss of amenity through overlooking.

The proposed skylights would result in elevated overlooking into the garden and in that regard obscure glazing would be necessary. Appleby is served by quite a large garden area with a significant outbuilding to the rear of the house. The windows in the ground floor, rear elevation of the building would be located close to the common boundary but could be added without the need for any consent in reality. It is noted that these windows would serve bathroom areas therefore it would be reasonable to condition that they are also obscure glazed. Such provisos would nullify any serious impact of overlooking from this development. The building, as stated, would also increase in height but this would have no serious impact on the amenity of adjacent occupants.

### Parish Council Comments

The Parish Council has requested if consent is granted a condition of approval is attached which prohibits the separation of the building to form a new residential unit. This conversion would provide a three bedroom unit of accommodation with a study and lounge area. There is no doubt that the facilities to form an independent unit would exist. However case law has determined that such facilities in an existing building can still remain ancillary to the host dwelling even if they afford the potential for a high level of independent living. Anything other than the use of this building in an ancillary capacity, such as by a member of the family, would result in the formation of a new residential unit and as such would require planning permission in its own right. Members may feel a condition is necessary in any case, but it is considered that enforcement action could be instigated if the ancillary nature of this use were to change, and that a condition to this effect is unnecessary.

### **Conclusion:**

The proposed conversion and extensions to this building to form an ancillary unit of accommodation is considered policy compliant. Conditions relating to materials and the obscure glazing of north facing windows is deemed necessary. It is therefore recommended that consent is granted subject to conditions.

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

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

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