

AREA PLANS SUB-COMMITTEE 'WEST'

22 April 2015

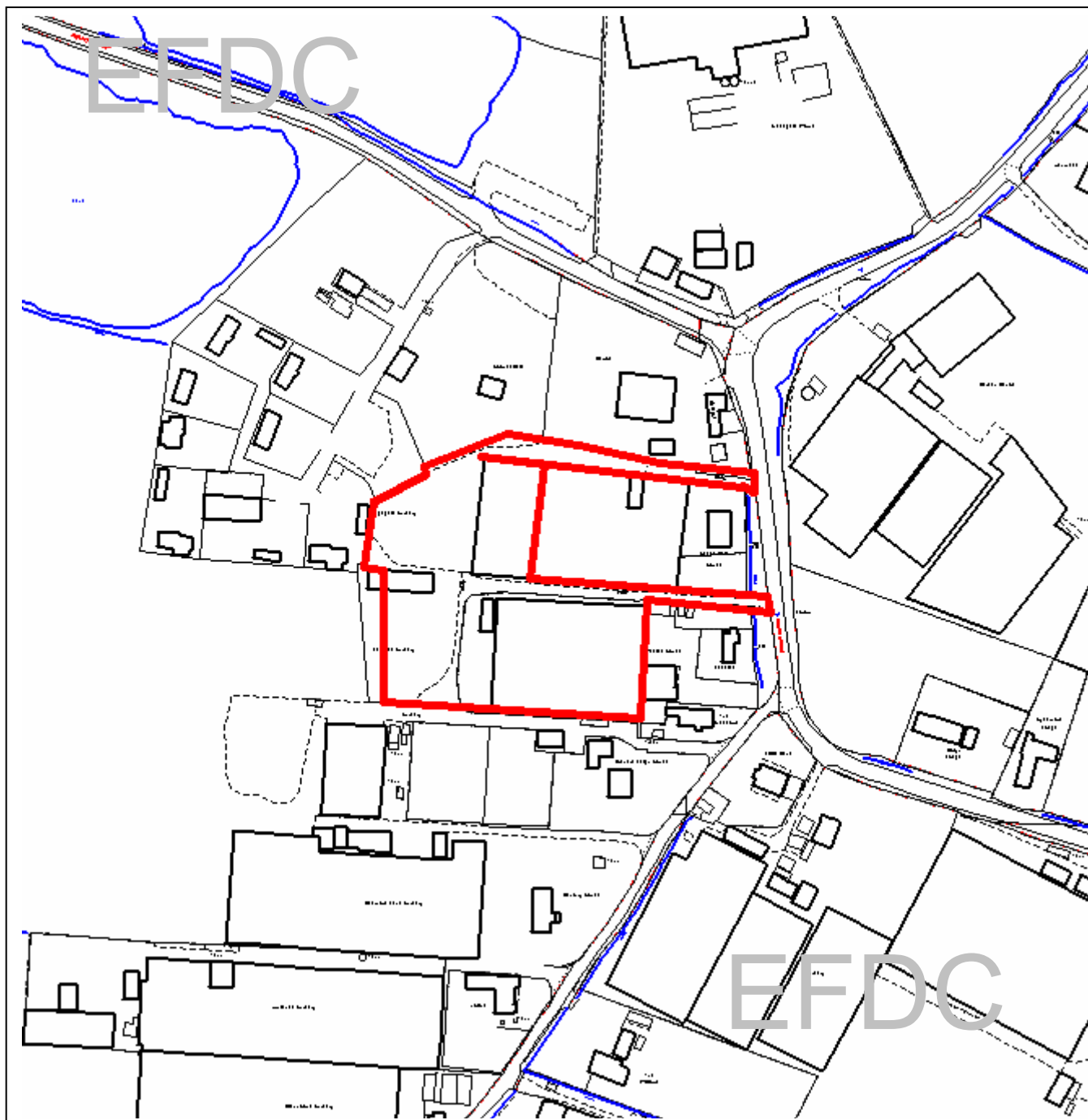
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/2319/14
Site Name:	Leaside Nursery, Sedge Green Nazeing, EN9 2PA
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/2319/14
SITE ADDRESS:	Leaside Nursery Sedge Green Nazeing Essex EN9 2PA
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	P & L Properties
DESCRIPTION OF PROPOSAL:	Demolition of existing nursery/commercial buildings and erection of 17no. B1/B2/B8 commercial units with ancillary parking
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=568930

REASON FOR REFUSAL

- 1 No Sequential Test has been submitted and agreed regarding the use of this site for a vulnerable development within Environment Agency Floodzone 2. As such, there is no justification as to why the proposed development cannot be located on any other site in areas with a lower probability of flooding and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and policy U2A of the adopted Local Plan and Alterations.

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

This item was deferred from the January Committee to allow the applicant to address issues over the sequential flood test and land contamination issues. The applicant has now provided more information about both matters which are addressed below.

Description of Site:

The application site is located on the west side of Sedge Green and is accessed by a narrow track from this road. The site is located within the Metropolitan Green Belt, Lee Valley Regional Park and an area identified for new and replacement glasshouses on the proposals map under policy E13.

The premises is an established horticultural nursery and contains glasshouses that cover a significant proportion of the site. Planning consent was recently granted for a temporary change of use of the two packing sheds to B8 storage use.

To the rear of the nursery is a permanent gypsy site and an area of open land and there are residential dwellings towards the front. To the north of the site is Sedgemoor Nursery, which has now been incorporated into this site, and to the south is a neighbouring horticultural nursery. There is an unauthorised gypsy site on Sedgemoor Nursery behind Sedgemoor House, which is not on land subject of this application. This site is subject of ongoing enforcement action (we are awaiting the SoS decision on an enforcement appeal).

Description of Proposal:

Demolition of existing nursery/commercial buildings and erection of 17 B1/B2/B8 commercial units with ancillary parking. The existing dilapidated glasshouses, ancillary storage buildings, 4 mobile homes (being used for agricultural workers and subject to an existing CLD), and two modern steel framed sheds will be removed from the site.

The 17 units will be arranged in three separate blocks, with one block of 3 bordering the Holmsfield gypsy site, a block of 5 units bordering the unauthorised gypsy site at Sedgemoor and one block of 9 units bordering the southern boundary of the site. Each block would have parking in front, and a total of 68 spaces would be provided. The site will utilise a one way system with entrance from the north access and exit from the southern access.

The units will be of a modern design and will be one storey high at 4.0m with a monopitched sloping roof.

Relevant History:

Leaside Nursery:

Planning History:

EPF/1888/05 - Erection of nursery packing shed and storage shed for boxes and crates – refused 31/01/06

EPF/1080/06 - Erection of one agricultural workers dwelling and erection of packing/ storage shed and erection of replacement glasshouses – refused 02/11/06

EPF/0432/07 - Replacement of greenhouse on footprint of existing and new storage and equipment store (including boundary hedge and landscaping) (revised application) – approved/conditions 08/08/07

EPF/1688/08 - Demolition of existing packing shed, plant room and nursery office. Erection of extension to approved glasshouses and erection of facilities building incorporating replacement packing shed and office and staff welfare facilities including canteen, washroom and first aid room – approved/conditions 03/11/08

EPF/2215/09 - Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room. (Revised siting of building approved under planning permission EPF/1688/08) – approved/conditions 08/01/10

CLD/EPF/0172/11 - Certificate of lawful development for the stationing of one caravan for use as a nursery office with occasional overnight accommodation in association with the lawful horticultural use of the site – lawful 23/03/11

EPF/0082/12 - Variation of condition 11 of EPF/2215/09. (Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room.) to retain existing buildings until construction of new glasshouses commences – refused 07/03/12

CLD/EPF/0265/12 - Certificate of lawful development for proposed siting of three caravans for seasonal workers – lawful 11/05/12

EPF/1819/12 - Change of use of nursery buildings to class B8 storage use – approved/conditions 10/01/13

EPF/2299/13 – Variation of condition 5 and 7 on EPF/1819/12 – refused

EPF/0200/14 – demolition of existing nursery and commercial buildings and erection of 17 B1/B8 commercial units with ancillary parking - withdrawn

Enforcement History:

ENF/0134/08 – Development of site as gypsy caravan site – No evidence found of this.

ENF/0507/10 – Unauthorised building erected – Those granted consent under EPF/1688/08 and EPF/2215/09).

ENF/0508/10 – Change of use for oil recycling business – Breach found however ceased as a result of investigations.

ENF/0509/10 – Change of use for car repairs – Breach found however ceased as a result of investigations.

ENF/0510/10 – Stationing of two mobile homes – One caravan lawful (see CLD/EPF/0172/11), other removed as result of investigations.

ENF/0511/10 – Use of packing shed for importation of unauthorised goods – Breach found however ceased as a result of investigations.

ENF/0689/11 – Condition of EPF/2215/09 not discharged – Application invited (EPF/0082/12).

ENF/0697/11 – Unauthorised caravan on site – Caravan considered lawful under CLD/EPF/0172/11.

ENF/0698/11 – Two caravans on site and used for habitation – Only one caravan on site (previously considered lawful under CLD/EPF/0172/11).

ENF/0032/12 – Breach of condition on EPF/2215/09 requiring removal of existing packing sheds – Ongoing as EPF/0082/12 was refused.

ENF/0070/12 – Three more caravans stationed on site – Use lawful (see CLD/EPF/0265/12).

ENF/0170/12 – Unauthorised change of use of agricultural building – Buildings are empty and no apparent breach taking place.

ENF/0524/12 – Buildings at rear being used for non-agricultural use – Packing sheds had agricultural items stored in them and no evidence was found of non-agricultural use.

Sedgigate Nursery:

Planning History:

EPF/0943/95 - Continued use for storage and distribution of plant containers and production, maintenance and storage of interior plant displays – refused 30/01/96 (dismissed on appeal 23/10/96)

EPF/0036/05 - Car park spaces and storage of agricultural vehicles in conjunction with growing use of greenhouses – refused 01/07/05

CLD/EPF/1391/10 - Certificate of lawful development for an existing use for vehicle repairs – not lawful 28/11/11

EPF/0374/11 - Demolition of existing glasshouses, erection of replacement glasshouses, erection of packing shed and storage building – refused 28/04/11

EPF/1283/11 - Demolition of existing glasshouses, erection of replacement glasshouses and erection of packing shed (revision to application EPF/0374/11) – approved/conditions 16/08/11

EPF/2282/12 - Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes – refused 12/02/13

EPF/1060/13 - Change of use of land for stationing of caravans for occupation by Gypsy/Traveller families with ancillary works (demolish two rows of glasshouses, fencing, portacabin amenity blocks, hardstanding and septic tank). Part Retrospective – refused 24/07/13

EPF/1312/13 - Use of land to park vehicles from units on to Sedgigate Nursery from Leaside Nursery – approved/conditions 26/09/13

Enforcement History:

ENF/0015/96 – Change of use from agriculture to plant operations – Notice served

ENF/0065/98 – Use of land for making & storage of pallets – Enforcement appeal dismissed, notice upheld – 22/06/99
ENF/0105/06 – HGV's on site, car repairs – Use ceased following refusal of EPF/0036/05
ENF/0701/06 – Use of land at nursery as depot for scaffolding firm and builders yard. Use of glasshouse for general industrial purposes – ongoing
ENF/0442/09 – Change of use agricultural to training centre, storage business and interior landscaping business – No breach found

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
GB2A – Development in the Green Belt
DBE9 – Loss of amenity
RP4 – Contaminated Land
RP05A – Potential adverse environmental impacts
E13A & B – Glasshouse Policy
ST4 – Road safety
ST6 – vehicle parking
E13B – Glasshouses
U2A – Flood zones
U2B – Flood risk assessment zones
RST24 – Lee valley regional Park

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

Consultation Carried Out and Summary of Representations Received:

16 neighbours were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object, new buildings in the MGB and within LVRP, increase in traffic nuisance to local residents and release of potential contamination of soil from previous infilling.

ENVIRONMENT AGENCY – Object (see below for full explanation)

HIGHWAY AUTHORITY – No objection (see below for full explanation)

LEE VALLEY REGIONAL PARK – Object, B1/B2/B8 uses not compatible with the Park and Green Belt

LEASIDE – Object, should remain as a nursery, harm to Green Belt, vehicle access unsuitable, will be noisy and busy and would be unsightly.

BELCHER MOTORS – Object, unacceptable in Green Belt area, entrance onto Leaside has civil court orders on it, access to site is disputed, massive ugly steel buildings will be unsightly, vehicle movement will cause disturbance.

SEDGEGATE HOUSE – Object, not suitable on highways grounds, not appropriate for the area and unsafe for children.

Issues and Considerations:

This site has had a long and at times contentious history. In this case the scheme is to radically change the site from its current mixture of uses and areas of dereliction to a small scale industrial park. The site is within the Green Belt, Lee Valley Regional Park, a flood zone (partial), is contaminated, is in a designated glass house area and there are neighbouring dwellings and Highway issues to consider.

This is a resubmitted application after EPF/0200/14 was withdrawn by the applicant after discussions with Officers. The current scheme has been further amended to remove two units and reduce the height of the buildings from 6.5m to 4.m with a sloping monopitched roof for all three blocks. The applicant has also provided more information on the flooding and contaminated land aspects of the scheme.

Green Belt

While the site is in the Green Belt and the LVRP, the current uses, condition and appearance contribute nothing positive to either. In its current state the site satisfies none of the five purposes of including land in the Green Belt (para 80 of the NPPF), although by virtue of Annex 2 part of the site cannot be defined as previously developed land.

The part of the site that is previously developed land (PDL) is subject of a B8 use with 2 large storage sheds and associated parking. Redevelopment of this area would not be inappropriate development within the Green Belt, but would need to be assessed in terms of the new developments impact on the openness and character of the Green Belt compared to the existing buildings and uses.

This area of PDL covers about a third of the total site. The sheds would be removed and three blocks of units erected, each a maximum of 4m high. The current sheds have a footprint of 504 square metres. The new blocks would have a footprint of around 3700 square metres. This is an increase of 740% in the footprint of whole site. (it should be noted that the glasshouses to be demolished footprint is a further 3170 square metres, but they do not fall under the definition of PDL). For the purpose of this site it is fair to take a third of the new built form to see the increase on the PDL site – this would be 1200 square metres, an increase of 240% in built form.

The scheme has been revised, but the removal of two of the proposed units from the scheme has little impact on the footprint issues (although this allows more space for landscape planting and reduces the parking required). However, the scheme has seen a very significant reduction in the height of each unit from 6.5m to a maximum of 4m which needs to be taken into account in any assessment.

Therefore, whilst the reduction in height and volume are welcomed, the increase in the built form in area would be still be considerable and would have a harmful effect on the openness of the Green Belt in this area which would be contrary to policy GB2A. Therefore it would need to be considered whether there are any very special circumstances in this scheme which would justify a grant of approval. These will be considered as part of the assessment below.

With regard to the two thirds of the site which is not PDL this is the nursery site which has the two disused glasshouses, ancillary buildings and the agricultural workers mobile homes. The proposed new buildings and use would be inappropriate development within the Green Belt, by definition harmful, and therefore very special circumstances (VSC) are required to justify the grant of permission. The applicant argues that the VSC are:

- 1) Visual enhancement of the site
- 2) Existing commercial uses
- 3) New employment floor space

With regard to the visual aspects issue it is correct that the two dilapidated nurseries would be removed. However, these are appropriate development and due to their largely glass construction are not visually intrusive within the area, although it is accepted that they add nothing to the amenities of the area in their current state. The existing storage sheds are of a considerable size and higher than the proposed units and of little visual merit. The revised scheme has significantly lowered the height of the 3 proposed blocks, which while they would increase the built form of the site and change the appearance of the glasshouses to modern blocks with a similar height of the glass. It is also the case that there is now more room for a landscaping scheme to be implemented, and this can be conditioned, which would enable significant softening and screening of the impact on the site. It is also accepted that the site would have a more tidy and ordered appearance than the very run down appearance of the current site, and outdoor storage would be able to be conditioned. The removal of the mobile homes and the various run down smaller buildings, and the proper surfacing of the internal access roads are all positive gains for the site in terms of openness and appearance. It is considered that when conducting the appraisal of balancing the benefits against costs of this case that the decision is, whilst balanced, for the revised scheme in terms of the visual enhancement of the site for the reasons above.

The existing commercial uses occupy a third of the proposed site. The applicant argues that developing this part of the site with 3 blocks of units would not have a materially greater impact on the openness of the Green Belt. The proposal occupies more of the site than the third which is currently used for B8 uses, but the revised scheme has reduced the mass, bulk and height of the proposed blocks and it is considered that whilst there would have a greater impact on the openness of the Green Belt that the existing buildings in terms of footprint, this reduction of the height and bulk of the revised scheme would on balance not adversely affect the openness of the Green Belt in this location. It should also be noted that the site is surrounded by built development and uses which in themselves do not contribute to the openness of the Green Belt. It is fair to argue that this is a damaged area of the Green Belt and this scheme would not have a further adverse impact on it and indeed would make a positive contribution to the character and appearance of the area and to a positive use of the land with appropriate landscaping. Additionally conditions would be able to be placed on the whole site regarding hours of working etc which would be an advantage as some current lawful activities are not so conditioned.

Employment floor space, it is last argued, would meet the aims of the NPPF in regard to economic growth, and, it is further argued, help offset the loss of other local employment units at sites such as Stoneshot Farm and Chimes. It is acknowledged that employment is one of the aims of the NPPF, but so is the preservation and enhancement of the Green Belt. In this case there is a clash between the two aims, and in this instance the importance of the Green Belt must be balanced against the economic argument. As explored above it is considered that there is a case that the scheme would not cause significant or adverse harm to the openness of the Green Belt on this site in this specific location. It is accepted that the scheme would assist with economic growth and be in line with the NPPF at paragraph 19 and 28 and would provide welcome employment prospects in the Nazeing area.

However it is noted that the other commercial sites cited are also subject of applications for housing which have not been determined, and have serious problems in their Green Belt locations. Furthermore the Chimes site is subject of an active enforcement investigation which is clearing the site of activities subject of enforcement notices.

Conclusion

It is therefore considered that the Green Belt issues are finely balanced. There is an increase in the built form, especially in footprint, but the height of the units has been reduced significantly, part of the site is PDL and so redevelopment is not inappropriate, part of the site has glass on it which is not PDL, but is run down and derelict and has little chance of reuse for horticulture (see below), there are benefits to the redevelopment of the site in terms of visual appearance, landscaping and

employment. Therefore it is considered that the scheme does provide very special circumstances for the grant of permission for the area of the scheme in which it would be inappropriate development and the overall scheme does not harm the openness and character of the Green Belt in this location.

Glasshouse Policy

The site is subject to Glasshouse policies E13A and E13B still apply, but the Lea Valley Growers' Association has earlier acknowledged that this nursery and the adjoining Sedgemoor Nursery are no longer viable. The Gould study did not look at this site in any detail, but it was included in the much wider Sedge Green Glasshouse area where continued use for glasshouses was recommended. The new Local Plan is likely to move away from the designated areas approach towards criteria-based policies (including considering alternative uses for derelict or unviable sites), but this is a long way from formal policy at this stage. However, it is reasonable to look at alternative uses of such sites.

It is very unlikely that the previous uses (mainly glasshouse horticulture) can be resurrected to bring about an improvement to the site – the Lea Valley Growers Association has accepted that Leaside and the adjoining Sedgemoor Nursery are finished and, indeed, effectively derelict. The costs of returning the site to a condition where it can be put to beneficial uses rule out those more appropriate to its Green Belt or LVRP location. The only potentially viable options would therefore appear to be residential or commercial uses. Given the semi-industrial appearance of much of the locality, and the frequency of HGV movements, this is not a suitable site for residential use.

Local Plan and Alterations policies are therefore of little relevance in guiding productive future development and use of the site. Although the Glasshouse Industry Study (2012) – now part of the new LP Evidence Base – recognised the wider Sedge Green area as significant for the concentration of glasshouse activity and supports continuation and expansion of the industry in this area, the Study did not analyse individual sites or holdings to assess their current use or condition, or their likely viability.

The most appropriate policies to guide the future use of this site are paras 19, 28 and 81 of the NPPF. The first two deal with supporting economic growth generally and more specifically in rural areas, and the third requires local authorities to plan positively to (inter alia) improve damaged and derelict land. In these circumstances there are no policy objections to the principle of the proposed redevelopment of the site.

Lee Valley Regional Park

The Park Authority has forcefully objected to the scheme as the site lies within the Regional Park and the Metropolitan Green Belt. The proposed B1/B2/B8 commercial uses are not compatible with the statutory remit of the Park as set out in the Lee Valley Regional Park Act 1966, and are not compatible with the Metropolitan Green Belt. However, the Council has to weigh these objections against the other factors in the application. Due to its location, the details of the proposed scheme, and the surrounding built environment it is considered that the scheme would not be contrary to local plan policy. Whilst ideally the land should be returned to open uses there is no indication from the park authority that they plan to purchase the land for recreation and as such it is unreasonable to expect development on such a site not to take place

Contamination and Water Pollution

The site is shown as heavily contaminated. However the applicant has discussed this issue at length with the Councils Contaminated Land Officer and she has now commented "The applicants have now agreed on the feasibility of providing appropriate worst case landfill gas mitigation measures with a BS8485:2007 Solution Score of 5 in the proposed buildings, meaning that land contamination risks could be dealt with by way of condition".

The Environment Agency has commented "The applicant should provide information to satisfactorily demonstrate that the risk to groundwater has been fully understood and can be addressed through appropriate measures. This information should be included within a preliminary risk assessment". No preliminary risk assessment has been provided with this scheme (PRA). The applicant has argued that a prior application in 2011 had a PRA (but this has not been submitted with this application) and that the site can be suitably decontaminated and this can be conditioned in any grant of permission. The Council's contaminated land officer now agrees with this stance.

The Council's Land Drainage Section has commented that the scheme could be acceptable subject to several relevant conditions and the submission of further information to both the Council and the Environment Agency.

Therefore the application now meets the requirements of U2A, RP4 and RP5A.

Flooding

The application site is partially located within an Environment Agency Flood zone 2 and is a less vulnerable development, and as such a Sequential Test is required for the proposal.

The proposal is clearly a development that requires a Sequential Test as stated within the *Technical Guidance to the National Planning Policy Framework* (March 2012) and the NPPF clearly states within paragraph 101 that "*the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding*".

The application site is a very constrained site where the proposed development is 'in principle' inappropriate due to the Flood Zone, Green Belt, E13 and LVRP designations. The Sequential Test for this proposal should have been undertaken District wide. Given the above constraints, any site with fewer constraints than the application site would theoretically be 'more appropriate' than this site. As such, it is highly likely that there are reasonably available sites for the proposed development in areas with a lower probability of flooding, and no justification/assessment of these has been submitted to prove otherwise. As such, the lack of the Sequential Test is contrary to the guidance contained within the NPPF and Local Plan policy U2A. Although a flood risk assessment has been submitted with the application, this fails to overcome the above concerns.

The Environment Agency have objected and state "The ministerial statement by Nick Boles makes it explicitly clear that all councils need to consider the strict tests set out in national policy, and where these are not met, new development on flood risk sites should not be allowed". They have further commented "The applicant can overcome our objection by providing revised evidence that the Sequential Test has been completed and demonstrate that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed. This area of search should be agreed in advance with yourself".

The applicant has further stated "According to the flooding maps on the EA's web site the application site falls within Flood Zones 1 & 2. The application site is therefore less at risk from flooding than if it were located in Flood Zone 3a and on this basis the proposed development would clearly pass the Sequential Test".

The EA have responded that the only way for the applicant to demonstrate the development has passed the sequential test is by showing there is nowhere else in the district it could reasonably be located. This has not been done.

The Applicant has stated that "The aim of the sequential test is to locate new development in areas at the lowest risk of flooding and where possible to avoid development in areas at a higher risk of flooding (Flood Zone 2 and 3). In this case, however, the site already has a lawful commercial/horticultural use that is classified as "less vulnerable" and this would not change as a result of the proposed development. On the basis that the proposed use would be no different to the existing in terms of vulnerability it is not considered that the sequential test needs to be applied in this case.

Notwithstanding the above it is the case that it is much harder to produce a sequential test for a commercial use as local authorities do not generally monitor commercial land availability in the same way as they do for residential and therefore no baseline information exists in the form of site allocations or SHLAA's. Without this information it is virtually impossible to demonstrate that there are no sites outside of Flood Zone 2 and 3 available within the entire district that could accommodate the proposed development".

Therefore the application still does not meet the requirements of policy U2A. However, officers consider the facts on this particular constraint results in a finely balanced decision considering the specifics of this particular site.

Highways

The scheme would see the existing two accesses to the site utilised to create a one way system, with access adjacent to Sedge Gate House and egress adjacent to Lee Side House. The Highways Authority has commented "The proposal will regulate the use of the site to the benefit of all highway users. The introduction of a one-way system will utilise the better egress access to the south, which has appropriate visibility for the speed of the road. Furthermore, in the Highway Authority's experience, small unit developments usually attract less HGV movements with most trips being undertaken by van. The traffic impact of this development will have a negligible impact upon the highway in the locality and on the wider strategic network. Consequently the proposal will not be detrimental to highway safety, capacity or efficiency".

Neighbour Amenity

There are a number of residential properties adjacent to the site, including the Traveller site to the west. Whilst it is considered that a B1/B8 use would not have an adverse affect on the neighbours when compared to the lawful agricultural and B8 uses currently on the site, it is considered that the proposed B2 uses could cause problems to neighbouring properties. The applicant has listened to the members comments at the last committee meeting and has offered to restrict the B2 use to the units further away from residential properties (units 6 – 9) and this could be conditioned. Officers are of the opinion that this would, on balance, result in an acceptable level of noise audible from neighbouring properties, and this could be successfully conditioned.

Conclusion:

The scheme has been revised. It is considered that the new scheme has, on, balance overcome the Green Belt issues, noise and disturbance issues, contamination issues, provides for appropriate landscaping and is acceptable in highways terms. However, there are problems remaining with the flooding issues which result, on balance, in the scheme being unacceptable. This scheme is recommended for refusal.

Is there a way forward?

It is the case that the flooding issues are very significant and would currently rule out any further development on this site, although officers accept it is a balanced decision due to the site specific issues.

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: Jerry Godden
Direct Line Telephone Number: 01992 564498***

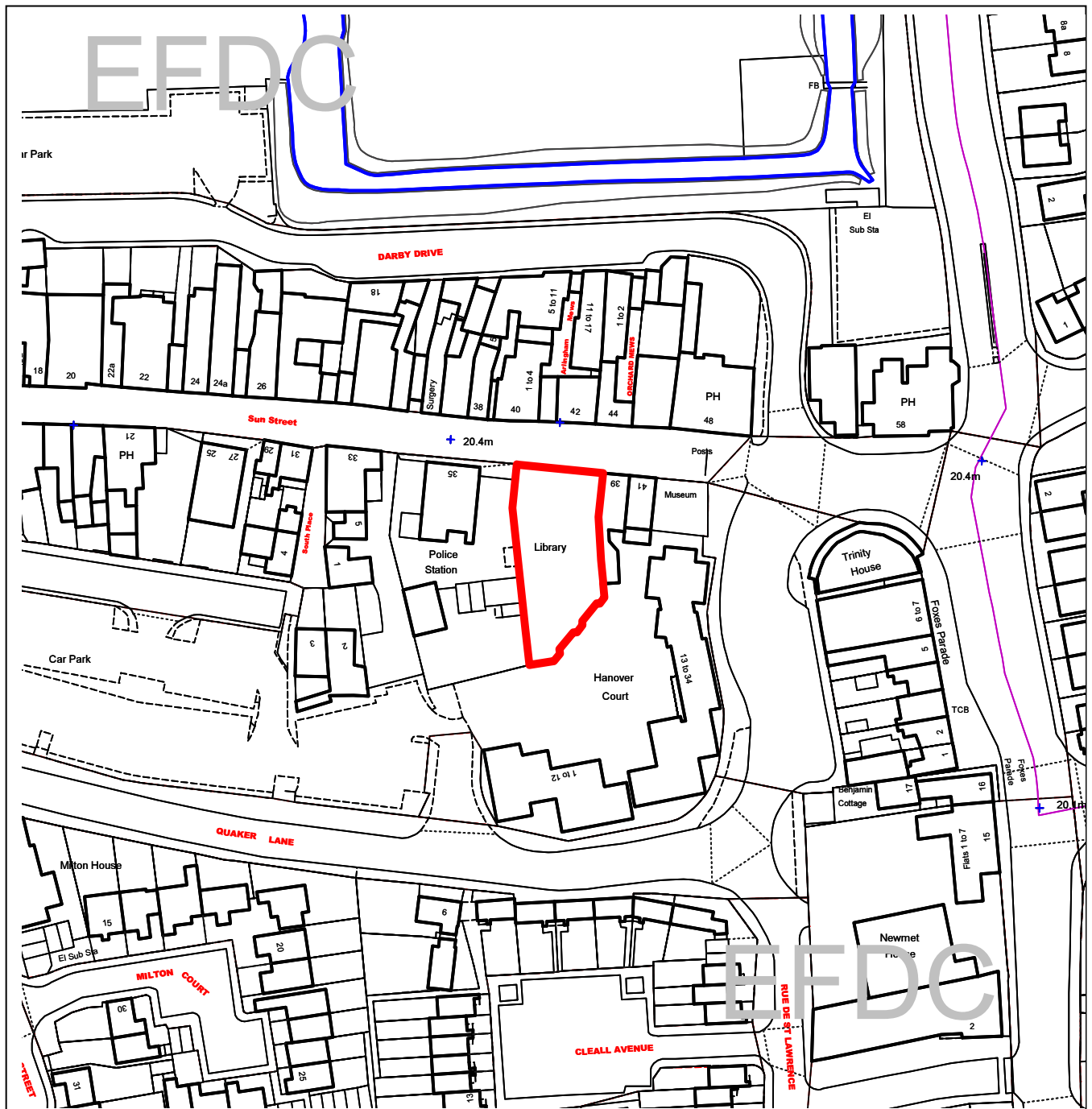
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/0162/15
Site Name:	37 Sun Street, Waltham Abbey EN9 1EL
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0162/15
SITE ADDRESS:	37 Sun Street Waltham Abbey Essex EN9 1EL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Daren Simcox
DESCRIPTION OF PROPOSAL:	Fire escape galvanised metal staircase to new 5 no. flats at second floor level
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=573333

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 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 Further details of the metalwork of the fire escape, and of the proposed door opening to the roof of the building, including the door itself and the extension to the roof accommodating the doorway submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development.
- 4 Notwithstanding what is shown on the drawings hereby approved, details of security measures to stop access onto the roof of the extension of the adjacent museum shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development.
- 5 The proposed fire escape door shall be outward opening only and be fitted with an alarm.

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

Description of Site:

No37 Sun Street is a modern structure located within the town centre of Waltham Abbey. The immediate area contains a number of listed buildings and the building is also within the Conservation Area. Waltham Abbey Museum is located on the ground floor of the building and the first floor is in use as offices. There is also useable floorspace in the roof and this is facilitated by a number of skylights. The 2nd floor has recently been granted approval for 8 flats with associated parking.

Description of Proposal:

Planning permission is sought for the erection of a galvanised metal staircase to serve 5 of the 8 recently approved flats. The width of the structure would be approximately 2.3m and would sit between the wall of a flat roof, two storey rear extension of the museum and the fire exit door of the library at ground floor level.

Relevant History:

EPF/0238/13 - Internal alterations and change of use of first floor to provide additional storage, gallery space, community activity space and curatorial office space. Approved – 27/03/13.

EPF/0228/13 - Proposed change of use of 2nd floor from existing offices (B1) into apartments (C3) to provide 8 flats – Approved - 09/05/2013

Policies Applied:

DBE2 - Effect on Neighbouring Properties
DBE1/9 – Amenity
HC6 – Works in a Conservation Area
HC7 – Development within a Conservation Area
HC12 – Development Affecting the Setting of Listed Buildings
CP2 – Protecting the Quality of the Rural and Built Environment
ST4 – Road Safety
ST6 – Vehicle Parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary Of Representations:

Site Notice Displayed and 39 neighbours consulted – 6 replies received.

WALTHAM ABBEY TOWN COUNCIL - NO OBJECTION

27 HANOVER COURT - OBJECTION: Loss of privacy; noise from metal stairs; impact on parking

30 HANOVER COURT – OBJECTION: Loss of privacy; noise from metal stairs if misused as will be used constantly; will fire door be alarmed to stop constant use? impact on parking; could escape be positioned elsewhere?

33 HANOVER COURT – OBJECTION: Loss of privacy; noise from metal stairs if misused as will be used constantly; will fire door be alarmed to stop constant use? impact on parking; could escape be positioned elsewhere?

EPHING FOREST DISTRICT MUSEUM – COMMENT: Details of security measures required as concern over access from car park to flat roof of museum.

ECC LIBRARIES – Plans do not show correct allocated parking spaces.

INTERNAL CONSULTTEES:

CONSERVATION – No objections subject to conditions requiring further details of design.

EXTERNAL CONSULTTEES:

HIGHWAYS - There are no highway issues associated with the planning application

Issues and Considerations:

The main issues relate to the potential impact on the character and appearance of the Conservation Area and nearby listed buildings, neighbours living conditions, security and parking.

Character and appearance of the Conservation Area/Listed Buildings

The immediate area around the site has a number of historic buildings and it is also within the Conservation Area.

The Council's Conservation Officer has been consulted on this application and she raises no objection arguing that the proposed fire escape is a large, bulky structure, however, it is recognised that it is an unavoidable addition to the flats on the second floor of Bridgeman House. It will be visually dominant within the settings of the listed buildings at nos.39 and 41, but given the modern, built up environment surrounding the proposal site, the fire escape will not cause additional undue harm to the setting of the listed buildings or the appearance of this part of the conservation area.

If the application is approved then conditions should require further details of the metalwork of the fire escape, and of the proposed door opening to the roof of the building (including the door itself and the extension to the roof accommodating the doorway).

It is considered that given the Council's Conservation Officer does not object to the proposal, an alternative location is not required to be considered as this location is considered acceptable.

The proposal is therefore supported by policies HC6, HC7 and HC12 of the Local Plan and Alterations (1998 and 2006).

Living Conditions and security

On their own, a set of fire escape stairs in this location would not result in an excessive impact on the amenity of neighbouring occupiers by reason of their size and siting. However concern has been raised from neighbouring occupiers facing the stairs within the adjoining block of flats at Hanover Court that given the stairs lead down to the parking area the stairs have the potential to be used constantly. Fears of people congregating and smoking out on the steps leading to a loss of privacy have been raised, as views can be had of neighbouring bedrooms.

Concern regarding noise from potentially constant coming and goings has also been put forward.

It is difficult to quantify the loss of privacy or amount of noise generated by the proposal. The stairs would be located approximately 5.5 to 6m from the nearest habitable room windows within the

existing flats opposite and someone standing on the stairs directly facing these windows could result in a loss of privacy to those occupiers. However, it must be considered how often this would happen given that whilst it is a raised area it is not a terrace or balcony designed for sitting out on.

In order to attempt to overcome the concerns raised it is not considered unreasonable to ask for the fire door to be fitted with an alarm to avoid casual use and the subsequent potential to use the stairs to stand out on or for access to the car park. The door should also be for exit only. This would overcome future occupants using the stairs for access back into the flats.

In addition, The Epping Forest District Museum's Manager has asked for details that demonstrate how the stairs will not be used as a potential platform for gaining access to the flat roof at the rear of the Museum when accessed from the car park.

A condition requiring that details of security measures that would prevent access onto the flat roof should be submitted prior to the commencement of works, for example a higher railing could be employed where access onto the roof is possible. Details of the above could be submitted if permission is to be granted.

If these conditions are met it is not considered that the stairs would result in an excessive level of noise or overlooking enough to justify a refusal in this case nor would it be.

Therefore the proposal is considered to comply with policies DBE1, 2 and 9 of the adopted Local Plan and Alterations (1998 and 2006).

Parking

The previous application for the change of use of the second floor to flats indicated that there would be 9 spaces available for the development. However this will be reduced to 8 as the stairs will be located in one of the spaces. Neighbours of the development have expressed concern that the development will lead to parking concerns as the plans only show 3 spaces within the application site. However whilst the application site indicates only 3 spaces according to the previous approval there are spaces leased by the applicant outside of the application site adjacent to the west.

A reduction in one parking space in a town centre location is not considered unacceptable as there would still be one space per flat. The Essex County Council Highways Officer has no objections to the proposal.

The proposal would comply with policies ST4 and ST6 of the adopted Local Plan and Alterations (1998 and 2006).

Response to representations made

The concerns raised by neighbouring occupiers have been considered above. The issue regarding the plans showing the incorrect parking spaces has now been overcome. A revised plan showing the correct parking spaces allocated to the flats has been submitted and supersedes the originally submitted drawing.

Conclusion:

It is considered that the proposal conforms to policy and is in compliance with the aims and objectives of nationally and locally adopted planning policy. It is therefore recommended that the application is approved with conditions.

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

Planning Application Case Officer: Mr Steve Andrews

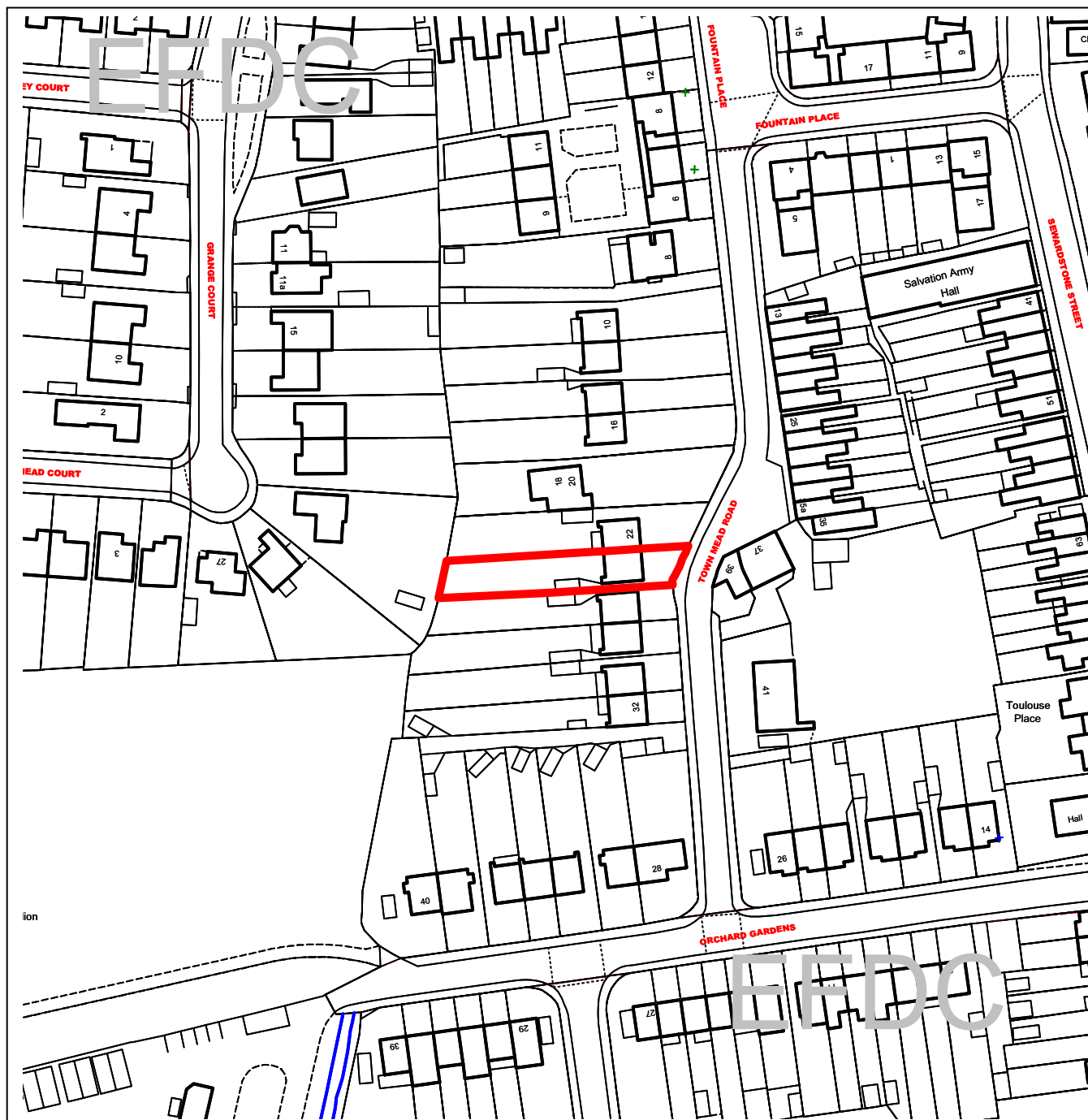
Direct Line Telephone Number: (01992) 564337

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/0171/15
Site Name:	24 Townmead Road Waltham Abbey EN9 1RP
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0171/15
SITE ADDRESS:	24 Townmead Road Waltham Abbey Essex EN9 1RP
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Stephen Williams
DESCRIPTION OF PROPOSAL:	Retention of single storey outbuilding to rear.
RECOMMENDED DECISION:	Grant 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=573373

CONDITIONS

NONE

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:

The application site consists of a two storey detached dwelling located on the western side of Townmead Road in a built-up residential area..

The site is not within a conservation area nor is the building listed.

Description of Proposal:

Planning permission is sought for the retention of a single storey detached outbuilding with dimensions 6.15m wide by 7.5m deep with a ridge height of 3.2m. It is located approximately three quarters of the way into the rear garden and is set between approximately 7-8m from the rear boundary with 23 Grange Court and 800mm off the southern boundary with 26 Townmead Road and 900mm off the northern shared boundary with 26 Townmead Road.

Materials are a mix of a grey/green tin corrugated roofing sheets, Upvc windows and doors in white and white render.

Planning History:

None

Policies Applied:

Local Plan policies relevant to this application are:

- CP2 – Protecting the Quality of the Rural and Built Environment
- DBE1 – Design of new buildings
- DBE2/9 – Loss of Amenity
- DBE10 – Residential Extensions

National Planning Policy Framework 2012

Summary of Representations

WALTHAM ABBEY PARISH COUNCIL:

OBJECTION:- Concerns were raised with regard to the overall size, style and location of the building within the garden

Neighbours:

3 neighbours consulted - One response received.

28 TOWNMEAD ROAD – OBJECTION:-

- Occupies 95% of width and 40-50% of garden
- Eyesore
- Applicant receives weekly deliveries filling up building

Issues and Considerations:

The main issues to be addressed are:

- Effect on character and appearance
- Effect on neighbours living conditions

Effect on character and appearance

Policies CP2 and DBE10 seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and not prejudice the environment of occupiers of adjoining properties.

There are no Officer objections to the design and appearance of the outbuilding. Although it is accepted that it is a large addition to the garden, the fact that it is located approximately $\frac{3}{4}$ of the way into it, means that whilst being visible it does not appear so intrusive as to materially impact on the visual amenities of the area especially when viewed from neighbouring dwellings.

The pitched roof height at 3.2m within 2m of either side boundary requires the outbuilding to benefit from planning permission. A reduction in overall height to 2.5m would result in it being permitted development. It is not considered that the reduction of 700mm here would significantly alter the impact of the building.

On balance therefore officers consider that the proposal does not materially prejudice the visual amenities of the area and in this instance the design of the extension complies with policies CP2 and DBE10 of the Local Plan (1998) and Alterations (2006).

Effect on neighbours living conditions

Policy DBE9 seeks to ensure that an extension would not result in an excessive loss of amenity for neighbouring properties.

The outbuilding is sited, at its closest, approximately 17m from the nearest rear elevations of neighbouring properties. Given its size and siting at a sufficient distance from the neighbouring dwellings it is not considered to materially prejudice the living conditions of the neighbours.

There are already outbuildings in the form of rear garages closer to the neighbouring rear windows which would impact more so on neighbouring living conditions in terms of outlook than this building so it would be difficult to justify any excessive loss of amenity here.

Therefore the proposal is considered to comply with policy DBE9 of the Local Plan (1998) and Alterations (2006).

Response to representations made

As mentioned above, although the building is large it is located approximately $\frac{3}{4}$ of the way down the garden and a similar sized outbuilding could be constructed without the need for planning permission which would have a similar impact to the building here. Whilst the neighbour considers the building to be an eyesore, the outlook isn't aided by the existence of a detached rear garage, greenhouse and materials and ladders being stored outside. The building itself whilst constructed from recycled materials is considered acceptable.

In terms of weekly deliveries, this is not something which has been substantiated further. The applicant explained on site that he was a retired builder and used the outbuilding for storage of tools and building supplies and spends much of his time in there working as a hobby.

There is no evidence to date that the building is being used for business purposes that would constitute a formal change of use.

Conclusion:

In conclusion, the development is in accordance with the policies contained within the Adopted Local Plan and Alterations and the NPPF. It is therefore recommended that permission be 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:

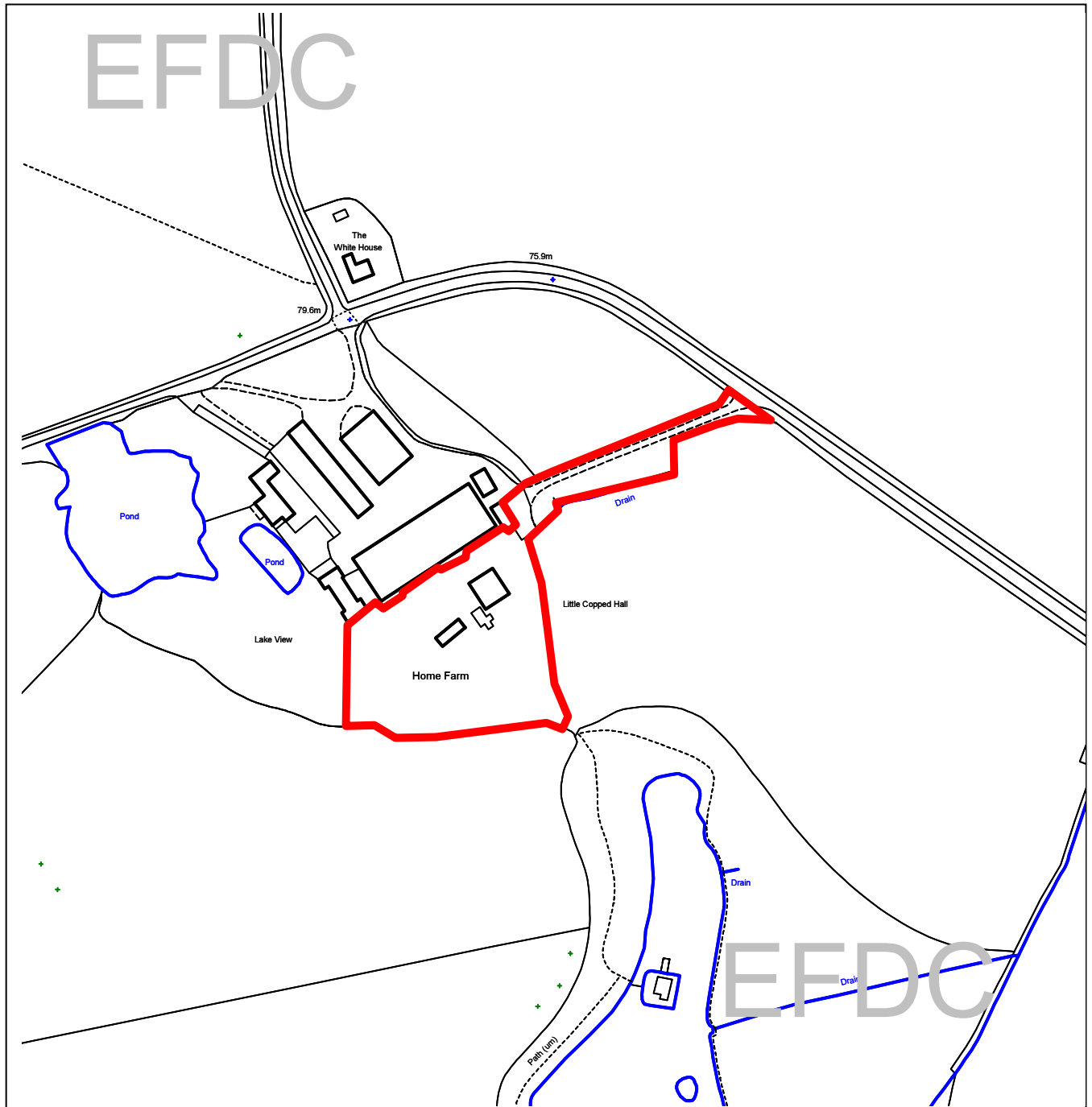
***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564337***

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/0234/15
Site Name:	Little Copped Hall, Copped Hall Estate High Road, Epping, CM16 5HS
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0234/15
SITE ADDRESS:	Little Copped Hall Copped Hall Estate High Road Epping Essex CM16 5HS
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mrs Jo Hosler
DESCRIPTION OF PROPOSAL:	New conservatory and swimming pool at basement level.
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=573518

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 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 Prior to the commencement of any works a Phase I Habitat Survey must be submitted to EFDC. 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 should also be submitted to EFDC. 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 must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to EFDC. 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.

- 5 Additional drawings that show details of proposed new windows and doors by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the 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 functions, Schedule 1, Appendix A.(g))

Description of Proposal:

This application seeks consent for a proposed rear conservatory and the enlargement of an existing basement to include a swimming pool.

The conservatory is to project by between 9.65m and 11.7m into the rear garden, with a width of 5.38m. There will be roof lights in the rear garden to serve the basement, although these are flush with ground level and do not create any volume. A small section of low level decking is also proposed. The basement is to be excavated to create an underground space measuring approximately 150m² to accommodate the swimming pool.

Description of Site:

Detached early 20th century property which previously formed part of a farm unit (Home Farm) within the Copped Hall estate. The unit is formed of a collection of farm buildings.

The site is within the Metropolitan Green Belt, the Copped Hall Conservation Area and is a Registered Park and Garden. Little Copped Hall is also a building which is included within the Council's Local List of historic buildings of interest.

Relevant History:

EPF/2210/05- Change of use of one building to residential and erection of three new dwellings and associated garaging- Refused

CAC/EPF/0256/06- Conservation Area Consent for the demolition of the farm buildings in connection with planning application EPF/2210/05- Approved.

EPF/1084/06- Part conversion and part replacement of redundant farm buildings to form four dwellings together with preservation and enhancement of Grade II* registered parkland (Revised application)- Approved and awaiting Section 106 Agreement.

EPF/1335/07 – Proposed conservatory and enlargement of the existing basement to include a swimming pool – Approved

EPF/2380/07 – Removal of existing timber gates and replace with steel gates – Refused

EPF/2757/14 - Application for a Non-material amendment to EPF/1335/07, proposed conservatory and enlargement of the existing basement to include a swimming pool – Refused

Policies Applied:

Adopted Local Plan

CP2 – Protecting the Quality of the Rural and Built Environment
GB2A- General Constraint
DBE 9- Amenity
DBE10- Design of residential extensions
HC6 – Character, Appearance and Setting of Conservation Areas
HC7- Development within Conservation Areas
HC13A – Local List of Buildings

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:

EPHING UPLAND PARISH COUNCIL- OBJECTION – Conservatory out of keeping with existing building which is Locally Listed. Inappropriate development in the Copped Hall Conservation Area. Appears to be an extension to the existing building and is described as a kitchen and sun lounge (it is understood that the building has been previously extended)

Neighbours – One neighbour consulted and a site notice erected. No responses received at time of writing report.

Internal Consultees

Conservation Officer – NO OBJECTION:-

Little Copped Hall is a locally listed building located within the Copped Hall Conservation Area. It dates from around 1900 and was built as the farmhouse serving Home Farm.

A similar extension to the building was approved in 2007 (EPF/1335/07); this proposal consisted of a fully glazed 'box' extension to the rear of the house. The current proposal also consists of a flat-roofed modernist extension, but with the addition of a deep overhang to the roof, an articulated 'link' between the original house and extension, and elements of brick walling. The principle of a simple, contemporary extension has been established, and the amendments to the previously approved extension improve the scheme. The 'link' provides a clear distinction between the two elements of the building which, combined with the simple, lightweight appearance (due to the expanses of glazing), allows the extension to be subservient but complementary to the original house. The addition of the brick panels to match the house provides a visual link between the two elements.

As per comments made by the conservation section in 2007, the swimming pool will not cause harm to the character or appearance of the conservation area or the locally listed building as it is contained within a basement level and remains hidden from view.

For these reasons I have no objections to the proposal. If the application is approved then conditions should require samples of external finishes to be made available for inspection on site and approved by the LPA, and further details of windows and doors.

This is supported by policies HC6, HC7, and HC13A of our Local Plan and Alterations (1998 and 2006).

Countrycare Manager (Neighbourhoods Directorate) – NO OBJECTION subject to a condition requiring a Phase I Habitat Survey being submitted.

Land Drainage (Neighbourhoods Directorate) – NO OBJECTION subject to conditions relating to foul drainage and surface water details being submitted and an informative relating to subterranean development.

Issues and Considerations:

The key issues relevant to this application are the appropriateness of the additions in light of Green Belt policy and the detailed design and appearance in relation to the host dwelling and the Conservation Area. The dwelling is isolated and well screened, so there is no impact upon neighbouring properties.

Green Belt

Policy GB2A and the National Planning Policy Framework detail that limited residential extensions might be acceptable, provided they do not result in disproportionate additions over and above the original dwelling. This scheme proposes a conservatory of approximately 52m², which equates to an approximate 16% increase in floor area. Furthermore the extension is single storey so in terms of volume the percentage increase over and above the original dwelling is considered limited and its impact on the openness of the Green Belt acceptable. This would thereby comply with both National and Local Plan policy.

Whilst the new basement area will result in a large area of floor space increase to the property, this is all contained underground. The space will not increase the accommodation of the property as it is to be used as a swimming pool. It would be unreasonable for the Council to include this extra floor space in the extensions calculations and the character of the surrounding area would not benefit from such an approach. The basement addition does not conflict with the purposes for including land within the Green Belt.

The proposal is considered to comply with the NPPF and policy GB2A of the adopted Local Plan and Alterations.

Design and Appearance

In terms of the design and appearance, the conservatory meets the approval of the Council's conservation officers who argue that the principle of a simple, contemporary extension has been established, and the amendments to the previously approved extension improve the scheme. The 'link' provides a clear distinction between the two elements of the building which, combined with the simple, lightweight appearance (due to the expanses of glazing), allows the extension to be subservient but complementary to the original house. The addition of the brick panels to match the house provides a visual link between the two elements.

In addition it is considered that the swimming pool will not cause harm to the character or appearance of the conservation area or the locally listed building as it is contained within a basement level and remains hidden from view.

Objections have been raised from the Parish Council that the extension is not in keeping with the building and conservation area. Whilst these concerns are noted, the simple design of the extension is not considered to detract from the character and appearance of the Locally Listed building or the surrounding area. The extension is well balanced in terms of scale and proportions and it would complement the square plan of this early 20th century property.

The proposal is considered to comply with Local Plan policies CP2, DBE10, HC6, 7 and 13A and the NPPF.

Comments of Summary of Representations

The comments made by the Parish Council relating to design have been considered above. The other comment regarding a previous extension being built is not correct. A previous application for a conservatory and basement swimming pool was approved by Members in 2007, but not built. Conditions recommended by Countrycare and Land Drainage have been included in the officer's recommendation. If planning permission is granted, the informative on subterranean development will be added.

Conclusion

The conservatory is well within acceptable parameters for limited extensions in the countryside and the design is considered to complement the Locally Listed building and not detract from the conservation area. Approval is 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:

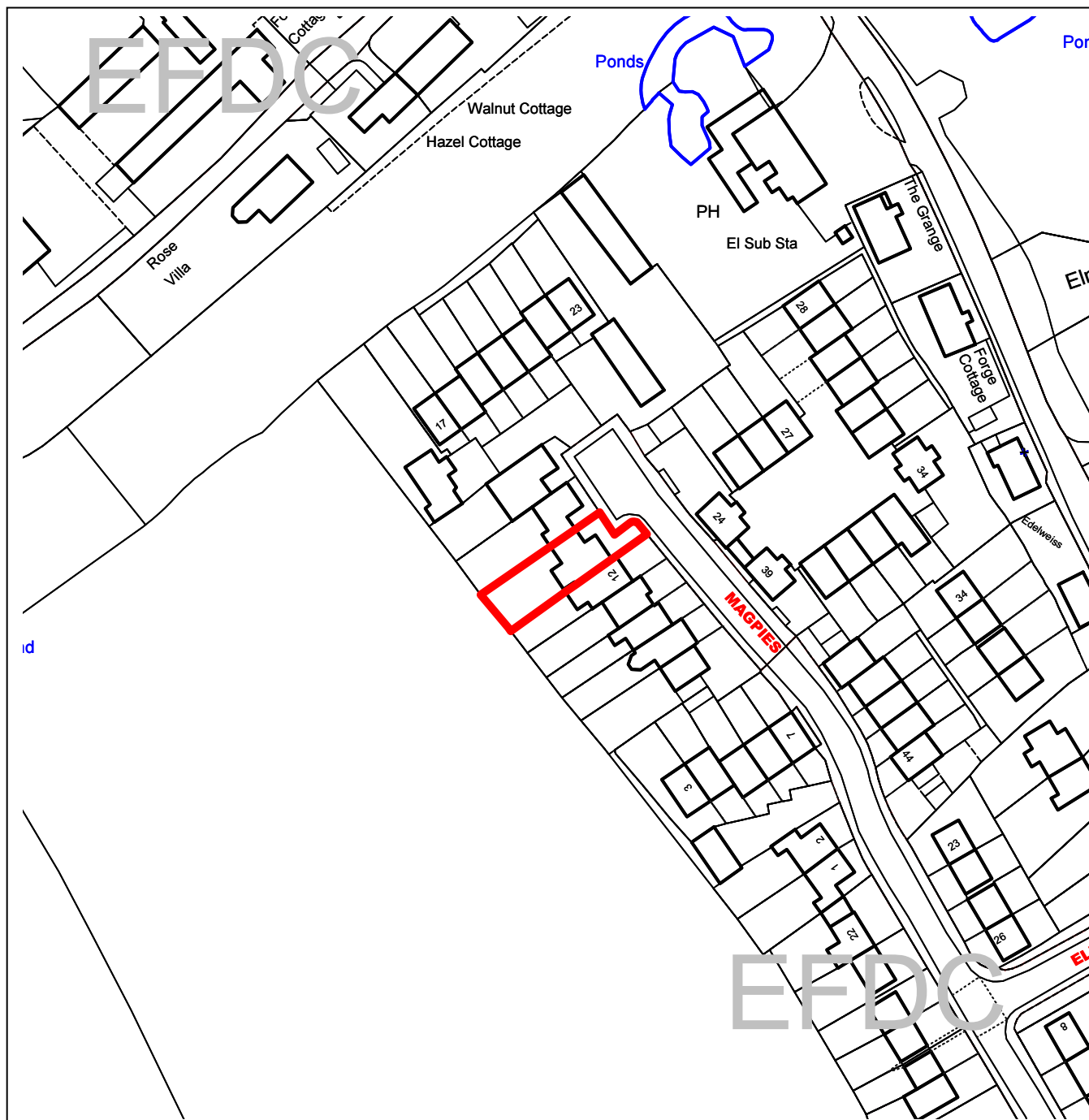
***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/0335/15
Site Name:	13 The Magpies, Epping Upland Epping, CM16 6QG
Scale of Plot:	1/1250

Report Item No:

APPLICATION No:	EPF/0335/15
SITE ADDRESS:	13 The Magpies Epping Upland Epping Essex CM16 6QG
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr S Thoukidides
DESCRIPTION OF PROPOSAL:	Proposed single storey side/rear extension and single rooflight to loft space in rear roof slope. Conversion of garage to living accommodation.
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=573735

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Site:

The Magpies is a development of houses situated in the hamlet of Epping Green and accessed off the B181. The houses are arranged within a cul de sac and No13 is an end of terrace dwelling attached to the north western neighbour by single storey garages. The house is served to the rear by a single storey glazed conservatory.

Description of Proposal:

The applicant seeks consent to extend the dwelling on the rear elevation over one storey. The existing conservatory would be removed to accommodate the works and a flat roofed extension 3.0m deep would project from behind the main house/garage. This structure would be 2.7m in height and served by two lantern light features. A rooflight would be added to the rear roof of the house. The existing garage would be used for storage/living accommodation.

Relevant History:

No relevant history.

Policies Applied:

Policy CP2- Protecting the Quality of the Rural and Built Environment
Policy DBE9- Loss of Amenity
Policy DBE10 – Residential Extensions
Policy ST4- Road Safety
Policy 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:

2 neighbours consulted: 0 replies received.

PARISH COUNCIL: Objection. Overdevelopment of the site and concern about impact on the neighbour at No14. The rear rooflight is not clear on the plans and we believe the proposal may impinge on the original planning permission for this development.

Issues and Considerations:

The main issues relate to design, amenity and the loss of the garage.

Design

The proposed rear extension is a relatively conventional design and would not look out of place nor detract from the original dwelling. The Parish Council has raised concern that what is proposed would be an overdevelopment of the site but this is difficult to substantiate. Quite a few dwellings in the development have been extended to the rear and sufficient amenity space would remain for private enjoyment.

Amenity

The extension would project roughly level with an existing conservatory at No12 and there would be no material impact on amenity. The Parish Council has raised concern about potential impact on the amenity of occupants of No14. The extension would project approximately 3.0m beyond the rear corner of this house, which is not particularly deep. Furthermore the section of house located adjacent to the boundary is the garage and any impact on amenity would therefore be minimal. Windows serving habitable rooms would be unaffected.

Garage Conversion

The conversion of integral garages to additional living accommodation is in the majority of cases not development requiring consent. One type of residential use within the same planning unit is simply replacing another. In addition, Section 55(2)(d) of the 1990 Act specifically allows the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

However in this case a condition on the original consent for the development of houses required that the garages should be retained for the parking of vehicles (EPF/0604a/14). The reason for the condition was to ensure that the future characteristics of the scheme did not prejudice the amenity of the areas with regards to noise and disturbance. Therefore planning consent is required.

It is evident from the site visit that a parking space is still available to the front of the garage. The proposed development was approved in the mid 1970's when average cars were generally smaller and in terms of providing a valid parking space the existing garage, which is approximately 2.7m wide, would struggle to meet modern parking standards adopted by the Council. This requires a garage width of 3.0m in order to be designated a useable parking space. Thus the garage would not be considered a useable parking space by current adopted standards and in effect there is no loss of a parking space in this instance. Furthermore as stated a useable parking space exists to the front of the dwelling and on street parking also exists, if needed, within the wider development.

It is not therefore considered that the loss of the garage would lead to a position whereby unsuitable parking resulted within The Magpies such as to be an issue of highway safety or harmful to the character or appearance of the area.

A concern could be that the granting of consent could set a precedent for further such development in the area. It may be the case that few garages are still used, or capable of being used, to park vehicles and although each application is judged on its own merits the cumulative impact of similar developments may not be injurious to the overall functioning of the area.

Further Parish Council Comments

The Parish Council has raised concern that the proposed rear rooflight is not clearly shown on plans. It is considered that the rooflight is visible on plan number P/15/011/003 and would have no serious impact on amenity. The Parish Council has also raised concern that the original planning permission is being impinged. Whilst the original permission (EPF/0604A/75) does not permit new extensions to the dwellings and that garages must be retained for the parking of vehicles, this does not prevent applications being made and in truth many of the houses have been extended with the garages converted to living accommodation.

Conclusion:

The proposed scheme is considered acceptable and it is therefore 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***