

## AREA PLANS SUB-COMMITTEE 'WEST'

19 October 2016

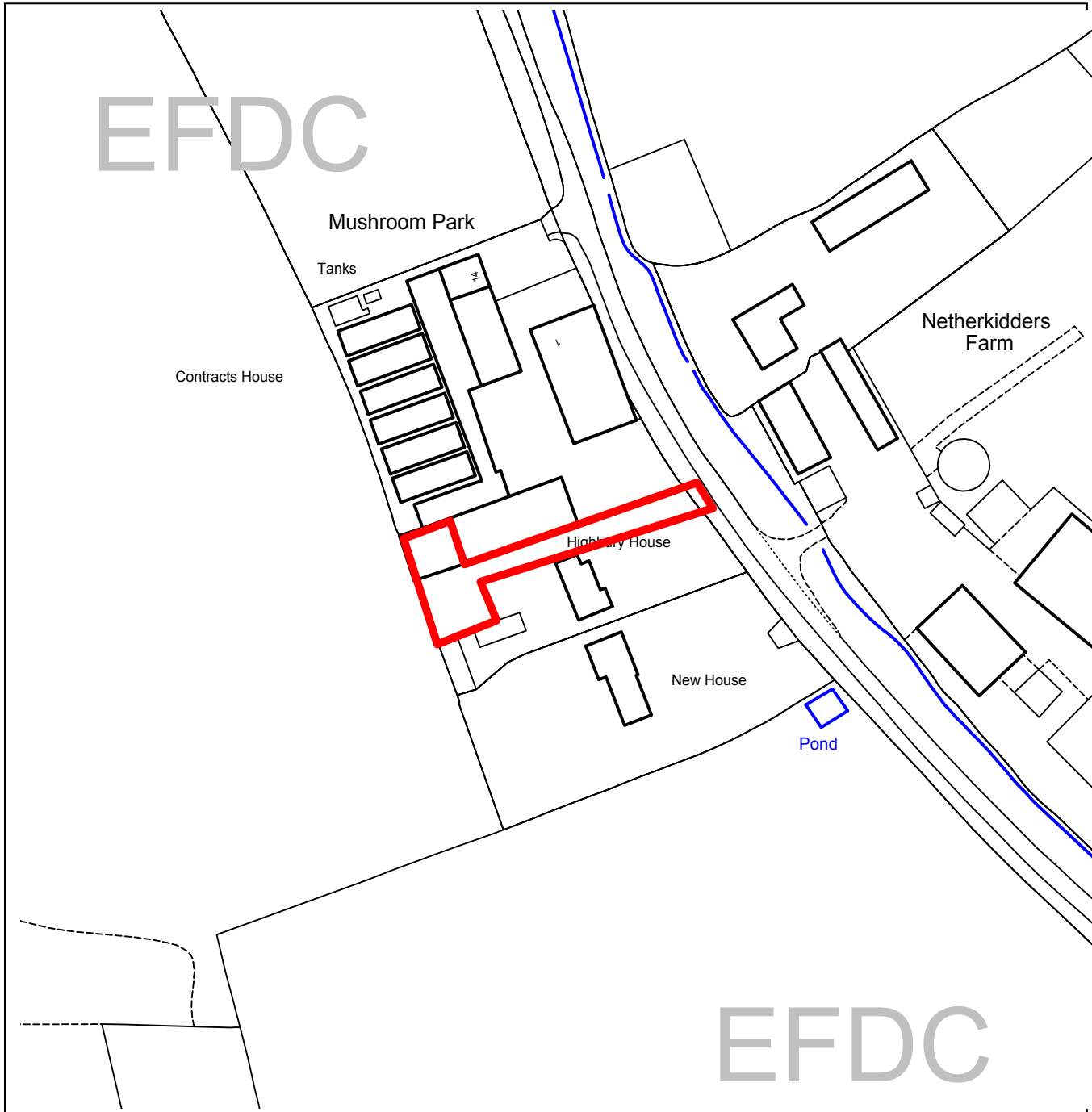
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# Epping Forest District Council

## Agenda Item Number 1



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|                     |   |
|---------------------|---|
| Application Number: | EPF/1176/16                                       |
| Site Name:          | Highbury House, Laundry Lane,<br>Nazeing, EN9 2DY |
| Scale of Plot:      | 1/1250  |

**Report Item No: 1**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/1176/16   |
| <b>SITE ADDRESS:</b>            | Highbury House<br>Laundry Lane<br>Nazeing<br>Essex<br>EN9 2DY                               |
| <b>PARISH:</b>                  | Nazeing   |
| <b>WARD:</b>                    | Lower Nazeing   |
| <b>APPLICANT:</b>               | Mr Kevin Butchart   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Use of units 20 & 21 for storage of second hand cars including valeting and internet sales. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)  |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=584356](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584356)

**CONDITIONS**

- 1 The premises shall be used solely for storage of no more than 10 vehicles and associated internet sales and valeting and for no other purpose (including any other purpose in Class [sui generis] 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.
- 2 The use of units 20 and 21 Highbury House for the storage of 10 vehicles for the purposes of internet sales and associated valeting hereby permitted shall not be open to customers / members outside the hours of 09:00 to 17:30 on Monday to Friday and 09:00 to 12:00 on Saturdays and not at all on Sundays and Bank Holidays.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council and two objections from local residents which are material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Site Description:**

Highbury House, Laundry Lane, Nazeing is a chalet style cottage dwelling formerly known as Contracts House, Farm Cottage. The site as a whole was formally a large farmstead, over time the original farmstead has been divided into three separate planning units. Mushroom Park is located to the north which accommodates a large complex of agricultural buildings. Highbury

House is centrally located and is currently in residential use set within a deep 't-shaped' residential curtilage. To the rear of the site towards the south of the residential curtilage are two B1 and B2 units which are accessed via a track adjacent to Highbury House. The northern boundary of the residential curtilage is defined by a long, single storey, pitched roof, storage building known as unit 2 Mushroom Park, unit 20-21 Highbury House are located within the rear portion of this building which has been extended to abut the common boundary to the west. These units are accessed via the existing track adjacent to Highbury House.

The surrounding area is defined by a further residential dwelling which is located to the south of the site with large residential curtilage and Netherkidders Farm which is located on the eastern side of Laundry Lane. The site and surrounding area form part of the Metropolitan Green Belt.

### **Description of Proposal:**

Retrospective planning permission is sought to establish the use of units 20 and 21 for the storage of second hand cars including valeting and internet sales which falls within the sui generis use class as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended). Units 20 and 21 offer a floor area of 140m<sup>2</sup> and are located to the rear of unit 2 Mushroom Park which has an established B8 use since 2007.

Access to Units 20 and 21 is via the northern boundary to the rear of the site using a shared track access with Highbury House which runs from Laundry Lane adjacent to the Highbury House and unit 2 Mushroom Park.

The proposed sui generis use will enable the storage of no more than 10 vehicles at anytime. The vehicles would be stored until such time as they are sold via an internet sales forum whereby the cars are advertised online. Viewing of the vehicles are by appointment only and opening hours would be 09:00 – 17:30pm Mondays to Fridays and not at all on Saturdays, Sundays or Bank Holidays. The applicant states that on average the turn over is two cars per week.

Associated parking for two vehicles would be provided adjacent to units 20 and 21 within the rear yard of Highbury House

### **Planning History:**

EPF/0546/77 - Details of a P.C. Portal frame building for use as a compost cover- Permitted development.

EPF/1578/81 - Outline Application for agricultural workers dwelling – APPROVED.

EPF/2304/03 – Retrospective planning permission sought for the change of use of the existing buildings to B2 industrial use ie worm farming, joinery and engineering. REFUSED.

EPF/0899/07 - Change of use of former mushroom growing and composting shed to B1, B8 and use as a depot for fork lift trucks – REFUSED – APPEAL DISMISSED.

### **Policies Applied:**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

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

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB8A – Change of use or adaptations of buildings

RP5A – Adverse environmental impacts

ST4 – Road Safety

ST6 – Vehicle parking

## **Summary of consultation carried out and responses received:**

Five neighbours have been consulted and three objections have been received:

LAUN HOUSE - I am concerned that Laundry Lane is becoming an industrial estate with developments at either end. I thought this was green belt.

NEW HOUSE – extreme problems with passing vehicles, enhance noise and disturbance from the site, the use of the sales and valeting has been piecemeal since 2014 and caused considerable disruption.

NETHERKIDDERS HOUSE – Laundry Lane is a rural environment, and not suitable for a used vehicle sales operation, increase in traffic along Laundry Lane which causes problems on a single track road, noise from the site from engines being loudly revved, and if valeting is to be carried on this will cause further noise and disturbance. If this is allowed then there is nothing to stop it increasing, car transporters outside my house in the middle of the road, parking in the gateway to my farm, I do not feel that this operation will be by appointment only. I have a 12 year old son who suffers with autism. Autistic children are extremely sensitive to sound, and often find it very distressing, The mushroom farm operates 7 days a week at any hour they feel, when it should only operate for 5½ days a week with no bank holiday activity. It is not unusual for vehicles to enter and leave these premises during late evening and early hours of the morning.

NAZEING PARISH COUNCIL object to the application which appears to be retrospective and state that the site is in a rural area and the proposal is out of keeping with the area and contrary to council policy.

## **Planning Considerations:**

### Green Belt

The NPPF is in favour of sustainable development. Para 90 section 9 of the NPPF considers that the reuse of buildings that are of permanent and substantial construction is not inappropriate in the Green Belt provided openness is preserved and there is no conflict with the purpose of including land in the Green Belt. GB2A and GB8A further support this directive in that the Council will grant planning permission for the change of use and adaption of a building in the Green Belt provided that the building is of permanent and substantial construction and capable of conversion without major or complete reconstruction and is in keeping with the surroundings in terms of bulk and form. In addition the use would not have a materially greater impact than the present use on the Green Belt. Significantly the policy goes on to state that permission will be granted if the use and associated traffic generation would not have a substantial detrimental impact on the character and amenities of the countryside.

Units 20 and 21 Highbury House to the rear of unit 2 Mushroom Park are formed of an extension to the main building which is of permanent and substantial construction. It is unclear when the unit was extended to the western boundary but it appears to be in excess of 10years. As such the units meet this element of the criteria within policy GB8A. Furthermore the units propose no external alterations and are obscured from the view of public vantage points and will no impact upon the permanent openness of the Green Belt.

### Use and the Rural Environment

Mushroom Park to the north of the site is a working farm which as highlight by the occupants of Netherkidders House has formal operating hours of 5½ days per week. The associated activities of Mushroom Park include vehicles coming in and out of the site during operational hours with expected noise omitting from the vehicles and the overall use of the site. This activity is appropriate for the historical use of the site and is acceptable within the surrounding agricultural context.

Due to the limited nature of the second hand car storage and the small turn over of sales being on average two cars per week it can be argued that the introduction of second hand car storage and

sales within the context of the surrounding area would not result in an increase in vehicular traffic over and above that which can be expected of the a farm within a rural environment.

No repairs are proposed to be undertaken on site. The stored cars will be valeted inside units 20 and 21 which is located to the rear of Highbury House and unit 2 of the Mushroom Park and is an isolated area deep within the site obscured from view. Due to the location and orientation of the units it is considered that the valeting would not create a noise and disturbance of a significant level as to warrant refusal of the scheme.

Equally, due to the nature of the car sales and the minimal transactions per week, the number of visitors to the site are controlled by appointment and do not rely on passing trade or informal viewings. Due to the limited nature of the activity on site and the associated parking provision of 2 spaces, the impact of the proposal on the surrounding rural environment is anticipated to be minimal.

A condition is suggested in order clarify the acceptable hours of operation and volumes of vehicles and visitors to the site.

### Highways

Highways engineers have been consulted and comment that from a highway and transportation perspective, owing to the scale of the proposal it is very unlikely to generate any significant increase in traffic movements to and from the site. The Highway Authority had further no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan.

### Conclusion

The development is acceptable in Green Belt terms and it is considered that because of the limited nature of activity on site, the impact of the proposal on the surrounding rural environment is anticipated to be minimal. Traffic movements are not severe to justify a refusal as stated in the NPPF. Therefore the balance of considerations with this proposal would ensure that the application complies with the guidance contained within the National Planning Policy Framework and Local Plan policies and CP1, CP2, GB2A, GB8A, RP5A, ST4 and ST6 the application is now recommended for approval, 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: Nicola Dawney  
Direct Line Telephone Number: 01992 564000***

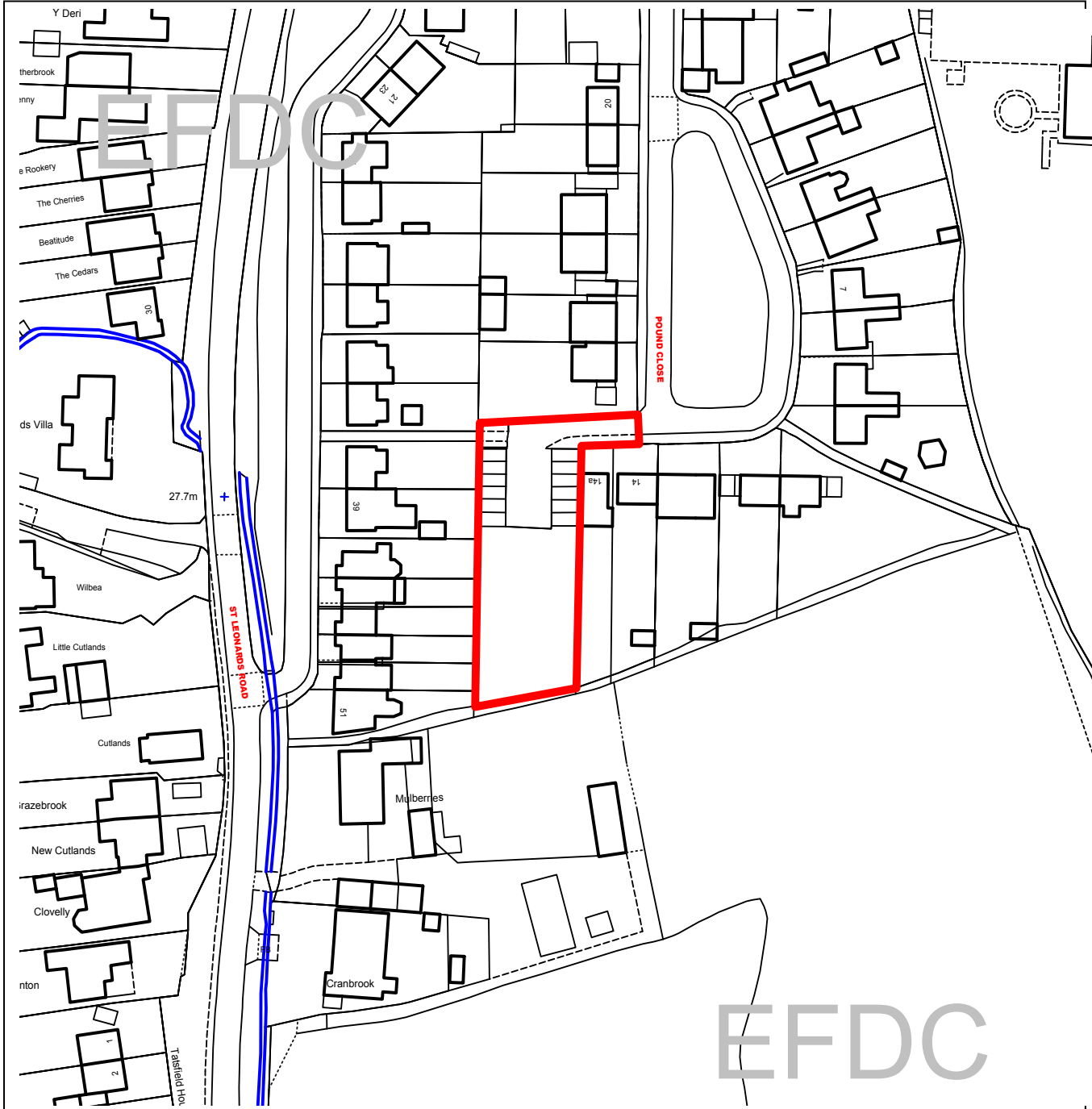
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 2



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|                     |   |
|---------------------|---|
| Application Number: | EPF/1829/16   |
| Site Name:          | Land and garages adjacent 14A Pound Close, Nazeing, EN9 2HR |
| Scale of Plot:      | 1/1250  |



**Report Item No: 2**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/1829/16  |
| <b>SITE ADDRESS:</b>            | Land and garages adjacent 14A Pound Close<br>Nazeing<br>Essex<br>EN9 2HR |
| <b>PARISH:</b>                  | Nazeing  |
| <b>WARD:</b>                    | Lower Nazeing  |
| <b>APPLICANT:</b>               | East Thames  |
| <b>DESCRIPTION OF PROPOSAL:</b> | 4 affordable homes with 10 parking spaces                                |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)                                       |

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=585753](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585753)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Transport Planning Practice 30872/D/3a dated June 2016, Chartwell Tree Consultants Limited Arboricultural Report dated 15/6/2016, 612086 PL01, PL02, PL03A, PL04, PL05, PL06B, PL07B, PL08, PL09, PL10A, PL11A. 30872/AC/005.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window opening in the first floor of the western flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 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.

- 6 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in

accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 12 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 13 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 14 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that

follows]

- 15 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 16 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 17 Prior to the first occupation of the development , the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 18 There shall be no discharge of surface water onto the highway.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 20 Prior to the commencement of any works, a Phase I Habitat Survey must be submitted to the Local Planning Authority. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species need to be carried out. These surveys should be submitted to and approved by the Local Planning Authority. Should the protected species survey 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 guidelines available from Natural England (or other relevant body) and submitted to the Local Planning Authority. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

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

## **Description of Site:**

The proposal site is located in the most south western corner of the cul-de-sac named Pound Close. It comprises a roughly rectangular site plus access and covers an area of 0.129 hectares. The front half of the site facing Pound Close is currently occupied by 12 garages of which 7 are currently vacant and 4 are being used by local residents. The rear of the site is currently covered in vegetation and has a nil use. The levels on the site are fairly even.

The northern boundary of the site adjoins the side flank of the residential plot at 15 Pound Close the eastern boundary adjoins the highway access and the side flank of the residential plot at 14a Pound Close. The southern boundary adjoins a right of way which is north of the side flank of the residential plot at Mulberries. The western boundary adjoins the rear boundary of the residential plots at 35-51 St Leonards Road.

Out of the 12 garages 5 garages are let, (4 locally to the site) this leaves a remainder of 7 vacant garages within the site. There are 4 vacant garages available for rent within Hyde Mead.

The character of the surrounding area is defined by the post war 'Airey' constructed semi detached houses and the central grassed area currently used as a children's play area.

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

## **Description of Proposal:**

Permission is sought for the demolition of the existing garages on the site and the construction of 4 affordable homes with 9 parking spaces. They are designed as two sets semi detached properties named Block A and Block B.

Two of the units (Block A) will be positioned parallel to number 14a and at the head of the cul-de-sac. They will be three bedroomed and have an internal area of 94 sqm. They measure 5.5m wide by 10.2m and 8.2m high to the ridge of their hipped roof

The third and fourth units (Block B) will be positioned towards the southern end of the site and will have an area of 78 sqm. They will provide two bedrooms each. They measure 6.6m wide by 7.3m and 7.3m high to the ridge of their hipped roof.

Solar panels are proposed for the southern roofslopes of both blocks.

Materials include Hansen Arden Special Reserve or similar approved with feature curtain wall to front elevation for the walls.

Dark grey composite windows and doors and metal entrance canopies (colour 7012) along with timber main entrance doors.

Redland plain in slate grey or similar approved colour roof tile will cover the roof. Black fascia and soffit and rainwater goods are also proposed.

The private garden areas are marked by a 1.8m fence with 0.3m trellis the semi private area are defined by porous paving.

Access to the site remains as existing. Out of the 9 parking spaces provided, 2 will be positioned at the front of the site, 4 near the western boundary and two mid-way along the eastern boundary.

4 secure cycle storage boxes and waste and recycling bins are proposed to be positioned in the rear gardens of the new homes close to their side accesses along with further bins provided at the mouth of the access in order for ease of access by the waste collection service.

An Arboricultural Method Statement and Transport Statement as been submitted as part of this application.

**Relevant History:**

No relevant history

**Policies Applied:**

National Planning Policy Framework

National Planning Policy Guidance

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

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP5 – Sustainable Building

CP6 – Achieving sustainable urban development patterns

CP7 – Urban Form and Quality

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE3 – Design in Urban Areas

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

H2A – Previously Developed Land

H4A – Dwelling Mix

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes

**Consultation Carried out and Representations Received**

NAZEING PARISH COUNCIL raises objection to the proposal on the grounds that:

- (i) the garages were built for the benefit of the properties in Pound Close & consequently should not be removed,
- ii) it is overdevelopment,
- (iii) by removing the garages, more cars will be parked within the Close which will adversely impact & compromise access by emergency vehicles,
- (iv) loss of amenity Policy DBE 9,
- (v) users of the play area will be put in danger.

49 neighbours were consulted and two site notices were displayed. This resulted in 21 objections being received.

NAZEING RESIDENTS GROUP: Too many existing new builds in the area already a strain on infrastructure and services. Proposal is overdevelopment of site.

15 POUND CLOSE: This is a speculative development, over development and effect on local amenity, Acute loss of privacy, loss of daylight and is not in keeping with the stylistic content or scale of the local area. The parking and traffic congestion in the close at school times is very bad. It would not be advisable to add to this, yet there is even a lack of compensatory parking for the displaced garages. Construction traffic would create total chaos. There is no adequate turning point for large vehicles, which would have to back out onto a busy residential road with a school. Refuse vehicles at present cannot make the turn in the close even during quieter times of the day. The single track lane outside 14a and the garages is not a suitable width for LGVs. Fire service. In 2002 a similar development EPF/00064/02 was refused permission. The reasons listed as contrary to policies DBE1, DBE3 and DBE9. Nothing has changed in policy to change this. a) Epping Forest DC and Nazeing Parish council have still not put in place an up to date, relevant core planning strategy. The Pound Close site garages, despite being in better condition and in a more secure and desirable location, are not offered. b) There is a significant need for garage space and storage nationally. The proposed housing to the rear directly look into the back windows and patio doors of 14a. The proposed housing would involve cutting through significant parts of the root ball. These have branched out many meters searching for resources; especially in the clay soil. So, a building within 2/3 meters of these trees would cause such harm to the existing willow that it would almost certainly kill it and remove the little screening it offered anyway. Disturbance to neighbours during build and beyond.

4 HYDE MEAD objects on the grounds that plans previously turned down due to inadequate emergency access. The access at present is an unacceptable single service road.

FLAT 4 HYDE MEAD HOUSE: Loss of a decent garage space lack of any provision in this area and reiterates concerns regarding construction traffic, safety risk to children, loss of wildlife beyond garages, further erosion of the rural nature of our village.

Present access is also available for private garage for number 15 Pound Close. Without an integrated Local Plan, redevelopment of Nazeing is too intense a strain on the Pound Close site. Infrastructure and local services need to be improved. It is overdevelopment of the site. The congestion in Hyde Mead at school times is unacceptable. Windows overlook back gardens of residents and as a result compromise privacy. No alternative design would overcome this issue. Garden grabbing is unacceptable when access goes straight across number 14a Pound Close. No consideration of local people only targets and saving money. Increased noise as a result of car slamming and noise from new residents, Additional light from the dwellings will have an adverse impact on tranquillity of area. At night the garden is dark and bats are frequently flying around the area proposed for building, If approved this would be destroyed and give rise to increased light levels in the bedrooms at the rear of the houses in St Leonards Road. At the end of the gardens ins St Leonards Road there would be a fence which would be adjacent to the parking area and the fence may well be used to kick balls against and become a nuisance, causing damage to the fence, adverse impact on property values. Land not fit for development due to clay soil. Not suitable for village location better in a city location. Adverse impact on trees surrounding the site. Adverse impact on wildlife, adverse impact on local neighbourhood. Adverse impact on neighbourhood cohesion. Adverse impact on security and safety. Added pressure on local services and amenities. Additional traffic may pose a risk to children's safety when playing on the lawn. Adverse impact on drainage and surface water, Loss of another green space. Application in 1998 was refused. Disruption of building works.

1 POUND CLOSE: The road is narrow and parking is already a problem in particular during school pick and drop off times when the road is completely blocked by vehicles, therefore lorries delivering construction materials to the site will be extremely disruptive for existing residents and will result in damage to the kerbs and roads outside the house. Existing residents will have to endure upheaval without any gain for themselves.

10 POUND CLOSE: Without current integrated local plan this infill is over development. A similar 6 house plan 200m away known as the "Total" site was rejected on access grounds. Impact on local infrastructure especially by a play green and primary school. Existing traffic level is at zero tolerance levels. How can Councillor make difficult decision when the Local Plan to 2033 will not be published until 2018. The proposal will result in overall reduction in 3 parking spaces compared with the current provision.

41 ST LEONARDS ROAD. The plans state that at the back of my property there is an assumed boundary that cuts across my garden which is obviously unacceptable. Directly behind my rear boundary fence are proposed parking spaces. It would be my concern that at some time the fence would be knocked down or damaged as a result of bad parking.

- The plans show that the side elevation of block A has windows which potentially would overlook our property. The plans show no windows on the attached semi of block A. Any configuration of housing on this site would result in the loss of privacy to neighbouring homes.
- The rear boundaries of our property and those of our neighbours in St. Leonards Road are not clearly defined on the plans, being referred to as assumed boundaries. It would appear from these assumed boundaries that some of our garden and those of our neighbours are being shortened, which would be totally unacceptable.
- The extra houses would add an extra strain on the sewer/drainage system, which already frequently blocks.
- There is only a narrow, service road onto the site. We know from a previous planning application that the fire services would not be able to get a fire engine onto the site, posing a risk to the occupants of the proposed houses and those of surrounding properties, should a emergency occur. With the roads being so narrow and parking at a premium with cars parked anywhere they can it would be difficult for any emergency vehicle to gain access to the site.
- At least half of the proposed site has been left mainly untended for at least the last 40 years and has become a wild haven. The loss of this site would almost certainly have a detrimental effect on many species of wildlife including, mice, voles, grass snakes, owls and various other birds and creatures that live and hunt there.
- We believe the local school is oversubscribed and already has two demountable units. It would seem highly unlikely to be able to accommodate children from this proposal and all the other extra homes that have applied for planning permission in the immediate vicinity.
- Hyde Mead (the only access road to the site) is already heavily congested, especially at school times.
- Squeezing these houses onto a site that has inadequate access and congested roads leading to that access, would be an overdevelopment of our local community.

39 ST LEONARDS ROAD: In addition to the points already mentioned this neighbour raises concerns that whilst they are pleased that the existing brick wall would be retained thus maintaining some of our privacy, if this development goes ahead, we are concerned about how this will be achieved as it forms the rear wall of the garages that would be demolished. This rear brick wall also forms the rear boundary to our garden and has a well established pond very close to it that contains many fish, some of which are over 20 years old. Their and our safety would be compromised while demolition/retention/rebuilding is being carried out. It is not stated on the plans if the existing wall would be retained at the existing height.

3 POUND CLOSE: I live at 3 Pound Close and am a tenant of No 11 Pound Close garage and my mother in law who is a tent ant of no 12 pound close garage we have these garages because we are unable to park outside our property due to the oak trees. We are very concerned if the planning goes ahead for the garages to be taken away. We would need time to be able to relocate. This objector also reiterates the comments already mentioned.

43 ST LEONARDS ROAD (two objections) : In addition to the points already made also raises the concern that previous application refused – In 1998 a similar application was made and was



refused following significant local objection from residents and the Parish council. We trust the level of opposition will still be high.

2, 11, 49 POUND CLOSE, MULBERRIES FARM, 8 HYDE MEAD, THE FIRS 9, 15 reiterate points made above.

No address given: Application has been submitted at the worst time when people are away on holiday. Was this done on purpose? (The consultation period was extended so that it ran from 8<sup>th</sup> August until 23<sup>rd</sup> September 2016 – 6 weeks and 4 days in order to allow neighbours sufficient time to comment on the application).

No address given: raises concerns regarding the data submitted as part of the Transport Statement.

### **Main Issues and Considerations:**

Planning decisions must be made in accordance with the current development plan unless material considerations indicate otherwise. The 'saved policies' (i.e. they are consistent with current government policy) contained within the Epping Forest District Local Plan (1998 and Alterations 2006) The National Planning Policy Framework and the National Planning Practice Guidance (NPPG) are material considerations in all Council planning decisions. It is for this reason that there would be no requirement at this stage to take into consideration a future Local Plan which has not as yet been through a full and proper consultation and evaluation process. Nor would it be premature to make a decision on this application without this future document having been published.

The key considerations for the determination of this application area:

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

#### Principle

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

The National Planning Policy Framework (NPPF) presumption in favour of sustainable development requires local planning authorities to positively seek opportunities to meet the development needs of their area. There is a need for additional housing in the borough and sites such as these go some way in resisting the pressure for sites within the Metropolitan Green Belt to be brought forward for residential development in accordance with policy H2A of the Local Plan.

The proposal has a density of 31 units per hectare and is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan.

#### Housing Provision

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

#### Design and appearance

The proposed scale, height, density, massing, materials and hipped roof design reflects properties within this locality. The fenestration, canopy and cladding are contemporary in appearance will have a neutral impact on the distinctive local character of this area. The two dwellings labelled Block A are positioned as if to form a continuation of the existing pattern of development within this location and the two dwellings labelled Block B are set further back but given their staggered position would still be visible from the street scene within Pound Close. The proposal is therefore considered to have a neutral impact on the distinctive local character

### Trees and Landscaping

The Trees and Landscape Team are satisfied that the preliminary tree arboricultural method statement has confirmed that the health and safety of existing trees will not be adversely affected however they do recommend that tree protection and landscaping conditions be attached to any permission to ensure that more detailed information is submitted which includes the alignment of utility apparatus as well and information regarding how construction work will be carried out within the vicinity of these trees and further information regarding additional landscaping. On this basis the proposal is considered to comply with the requirements LL10 of the Local Plan.

### Impact on the living conditions of neighbouring residential properties

The front elevation of block A is positioned 12m away from the side flank boundary of the rear garden at 15 Pound Close. Its position is consistent with the building line of the street including 14a Pound Close (approved under reference EPF/2057/02). Given Block A's perpendicular permission and distance from 15 Pound Close along with existing mature trees on the boundary of the site and the side flank boundary of 15 Pound Close, it is considered that there will not be a material loss of privacy, light or outlook to the occupiers of this property.

The side flank of Block A is parallel to the rear elevations of 37 and 39 St Leonards Avenue. These properties have a garden depth of 18m and the proposal is set 7m away from the western boundary. Furthermore the first floor side flank window is a high level window. It is also recommended that it be obscure glazed to ensure that these neighbours are unduly affected by perceived loss of privacy.

This block does not extend beyond the front and rear elevations of no. 14A Pound Close.

Block B is set in from the eastern boundary by 3m and is 20m away from the rear elevation of 14a Pound Close. There are mature trees running across the majority of the mutual (eastern) boundary with this neighbour. It is therefore considered that this neighbour will not be unduly affected by loss of light, outlook or privacy.

The side flank wall of Block B is parallel to the rear elevations of 45 and 47 St Leonards Close, however the separation distance between Block B and these neighbours is 21m. There are no windows proposed for the side flank walls of this block. It is therefore considered that there will be no significant loss light, outlook or privacy to residents of St Leonards Road

Block B is positioned 8m away from the southern boundary of the site and overlooks the rear garden of the Mulberries. However there are 3 large mature trees positioned in the garden of the Mulberries which cover the full length of this boundary and which would therefore fully screen this neighbour from the development.

All other properties are sufficiently distant to ensure that they will not be adversely affected. The proposal is therefore considered to comply with the requirements of policy DBE9 of the Local Plan.

### Quality of resulting residential accommodation.

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

Whilst the proposal provides private garden spaces which generally smaller than those of neighbouring properties. This provision is at the rear of the dwellings, is directly adjacent to and easily accessible from the relevant building; is of size, shape and nature which enables reasonable use are south facing, the land is relatively flat and will remain private on a continuing basis. The provision is therefore considered consistent with the requirements of policy DBE8 of the Local Plan. It is recommended that permitted development rights for outbuildings be removed by condition for all new dwellings approved on this site, in order to ensure that the size of the garden is remains useable.

### Contaminated Land

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

All houses have an acceptable internal size and layout, The window to window distance between the two properties is 22m which is sufficient to ensure that provision for car parking also accords with ST6 However given the site context close to other neighbouring properties and the very limited garden space it is considered that there is no scope to extend the property, it is therefore recommended that, conditions should be imposed requiring the removal of permitted development rights to extend the house.

### Impact on Highway Safety

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

An objector has queried the results of the Transport Assessment Carried out by Transport Planning Practice, (TPP) who are independent professional firm of transport consultants whose code of conduct is regulated by the Institute of Highway Transport. His comments were reviewed and responded to by the TPP. They stated that "Transport Planning Practice (TPP) commissioned a parking survey from Advanced Transport Research (ATR) in order to assess the parking stress in the area of the proposed Pound Close development. ATR are specialist traffic and parking Survey Company. The survey was specified to be conducted in accordance with what is termed the 'Lambeth' methodology. This is an appropriate methodology as it looks at the demand for

parking during the peak period relating to residential properties. The methodology allows the level of parking stress to be determined against common criteria thereby permitting results from different surveys to be compared and measured against desirable maximum levels". The company then explained in detail why each assessment made was reliable. These comments were reviewed by the Essex Highways Authority who were satisfied with the response given. Furthermore no details were given by the objector as to what methods were used to obtain his data.

#### Loss of garages for local residents

Objections have been raised at the loss of 4 garage spaces which are currently let to the residents of 3, 14 and 14a Pound Close. The Highways Authority has raised no objection to their loss. This lack of objection indicates that the residual cumulative impact of approving this application and the resultant loss of garage spaces would not be severe. In this circumstance paragraph 32 of the NPPF requires that planning permission should not be refused.

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

#### Flood risk

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

#### Area of wilderness /Conservation of protected species

The area to rear of the site is currently covered in small trees and bushes and other naturally occurring plants. Given that this natural scrubland is not protected by any nature conservation designation and instead falls within an urban area outside of Green Belt where very special circumstances would not be required to develop the land, the loss of the openness of the site is acceptable.

Furthermore the Countrycare Team recommend that a pre commencement condition be attached to any permission which requires that a Phase 1 Habitat Survey be carried out by independent Ecology professionals; the results of this survey should then be submitted to and approved by the Council. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species surveys would need to be carried out. These surveys would need to be submitted to the Council, then a detailed mitigation strategy which accords with the requirements of Natural England would be required to be submitted, approved and carried out in accordance with those details so approved prior to any works being carried out on the site. It is on this basis considered that the proposal will make adequate provision for the protection and suitable management of established habitats of local significance for wildlife in accordance with Chapter 11 of the NPPF and policy NC4 of the Local Plan.

#### Other matters

Access for emergency vehicles is not a material planning consideration as it is controlled by Building Control regulations.

However the Fire Service were consulted and who then responded by confirming that the access Additional plans have also been submitted by Transport Planning Practice labelled 30872/AC/005 which demonstrate that there would sufficient space for an ambulance or other emergency vehicle to access the site.

Objectors refer to an application submitted in 1998 which was refused following significant local objections. This application was in reality a consultation exercise carried out by the Housing Committee, which as a result of the strong local opposition against the redevelopment of this site for housing resulted in the Housing Department of the Council not pursuing the matter at that time. This stance has now changed due to increased numbers of local people on the housing register and the existing lack of supply to house them.

The application refused under reference EPF/00064/02 for outline permission for the erection of a pair of semi detached 2/3 bed cottages in the rear garden of 14 Pound Close is not a direct comparison with this application as the proposed houses were positioned closer to the existing residential property at 14 Pound Close. (18m apart as compared with 22m). The proposed distance between the rear elevation of Block A and the front elevation of Block B is consistent with other developments within the District. National and local policy has also changed since that decision was made. The NPPF (2012) now requires a greater emphasis on the redevelopment of brown field sites within sustainable urban areas in order to boost housing supply and there is no longer any additional protection for sites adjoining Green Belt land.

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

## **Conclusion**

This proposal is considered to comply with the requirements of 'sustainable development' as defined by the NPPF because it would contribute to housing supply within the borough, provides a type of accommodation which fulfils a local housing need in a sustainable location; will preserve the distinctive local character of area; the impact on parking provision and highway safety is considered acceptable by the Highways Authority and with the help of conditions requiring good landscaping will ensure that neighbouring residential amenity is not affected. A pre-commencement condition is also recommended to ensure that if the proposal results in the harm of protected species, or their breeding sites or resting places then measures must be put in place to mitigate against this harm in accordance with Licences required by European Directives. It is therefore considered to comply with the aims and objectives of the NPPF and as such should be approved without delay.

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

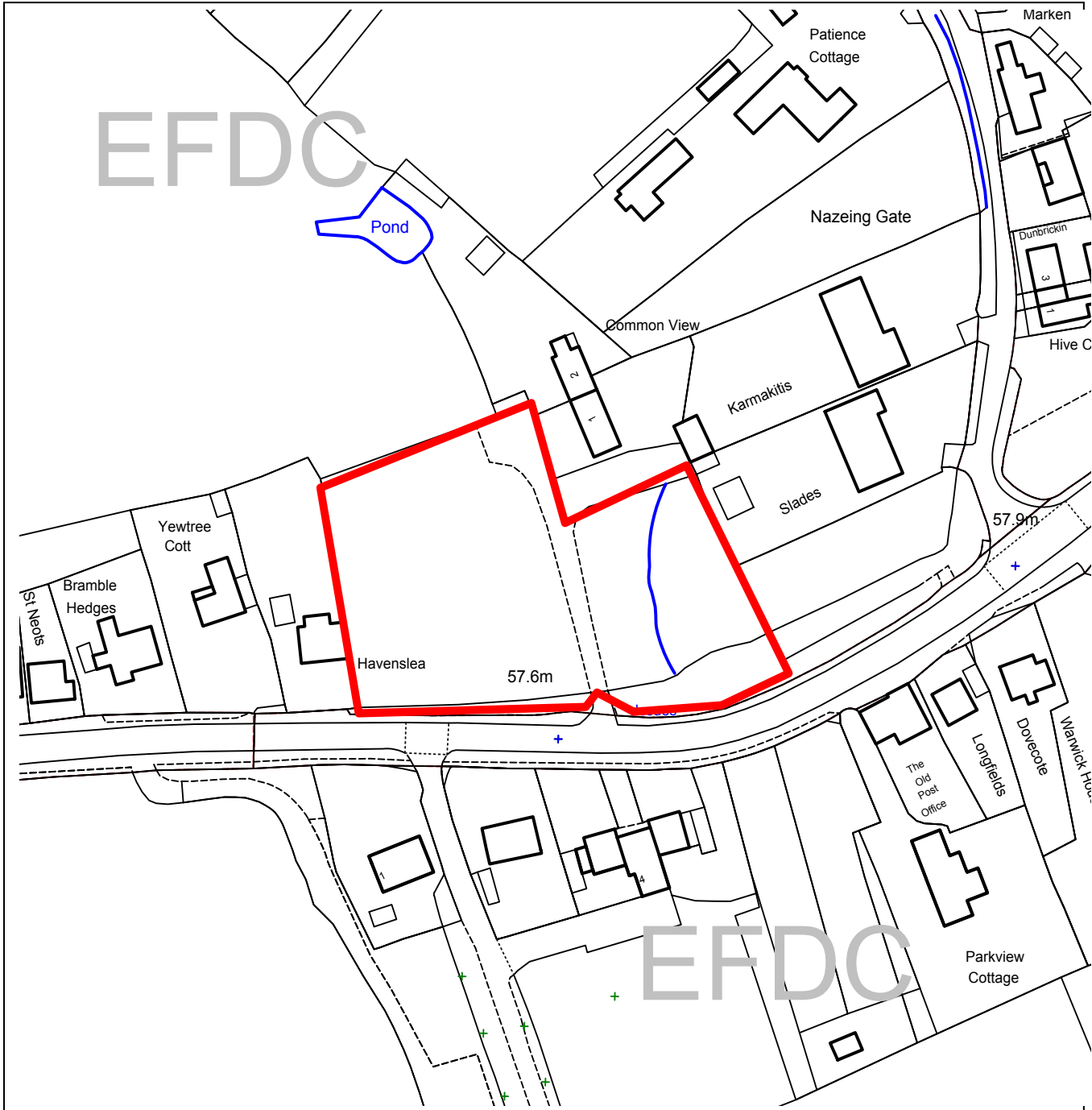
***Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

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



# Epping Forest District Council

## Agenda Item Number 3



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|                     |   |
|---------------------|---|
| Application Number: | EPF/1956/16   |
| Site Name:          | Land to the North of Nazeing Common, Nazeing Common, Nazeing, EN9 2SE |
| Scale of Plot:      | 1/1250  |

**Report Item No: 3**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/1956/16   |
| <b>SITE ADDRESS:</b>            | Land at Common View<br>North of Nazeing Common<br>Nazeing<br>Essex<br>EN9 2SQ   |
| <b>PARISH:</b>                  | Nazeing   |
| <b>WARD:</b>                    | Broadley Common, Epping Upland and Nazeing  |
| <b>APPLICANT:</b>               | Mr & Mrs Sutton   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Erection of 4 no. market dwellings with garages, parking and turning; 1 no. new highways entrance; upgrading of existing highways entrance. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)  |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=586054](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586054)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 02B, 03B, 04A, 05, 06
- 3 No development shall have taken place until details of the types and colours of the external finishes, including doors, windows and render, 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.
- 4 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.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed

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

- 6 Prior to the first occupation of the development the visibility splays, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The visibility splays, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 7 No development, including works of demolition or site clearance, shall take place until details of the retained landscaping (trees / hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.
- 8 Prior to first occupation of the development the proposed vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 9 Prior to the first occupation of the development the existing private access shall be constructed to a minimum width of 5 metres for at least the first 6 metres from the back edge of the carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 11 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 12 There shall be no discharge of surface water onto the Highway.
- 13 The development shall be carried out in accordance with the recommendations as laid out within the Preliminary Phase 1 Habitat Survey undertaken by t4 ecology Ltd (May 2016).



- 14 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 15 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.
- Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.
- Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 16 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*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: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site is 0.35 hectares in size and situated on the northern side of Common Road within the village of Bumbles Green. The site currently consists of two undeveloped parcels of land that straddle Common View, which is a private road leading to two residential properties. The site is located within the Metropolitan Green Belt and the Nazeing and South Roydon Conservation Area.

The site is bounded along the front boundary by an existing hedge that is a key feature to the road. Any trees located within the site are automatically protected by way of the Conservation Area.

### **Description of Proposal:**

Consent is being sought for the erection of four dwellings consisting of two detached four bed properties and two semi-detached three bed cottages with associated access, parking and amenity space. The two detached dwellings would front onto Nazeing Common and one would contain a detached double garage. The property with the garage would be accessed by way of Common View however the one without the detached garage would be served by a new vehicle access directly off of Nazeing Common. The two semi-detached cottages would be accessed by way of common view and would benefit from attached garages.

### **Relevant History:**

EPF/1253/06 - Change of use of the land from agricultural to residential – refused 18/08/06 (appeal dismissed 31/05/07)

EPF/1047/09 - Outline application for a Gypsy and Traveller's site – refused 18/08/09

EPF/1748/12 - Outline application for a Gypsy and Traveller's site – withdrawn 02/01/13

### **Policies Applied:**

CP1 - Achieving sustainable development objectives  
CP2 - Quality of rural and built environment  
CP3 - New development  
GB2A - Development in the Green Belt  
H3A - Housing density  
HC6 - Character, appearance and setting of conservation areas  
HC7 - Development within conservation areas  
DBE2 - Effect on neighbouring properties  
DBE8 - Private amenity space  
DBE9 - Loss of amenity  
ST1 - Location of development  
ST4 - Road safety  
ST6 - Vehicle parking  
LL10 - Adequacy of provision for landscape retention  
LL11 - Landscaping scheme  
RP4 - Contaminated land

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:**

25 neighbouring residents were consulted and a Site Notice was displayed.

PARISH COUNCIL – No objection. Councillor Joslin covered the points raised when this development was considered as a pre-application submission, which were:

- It is an accident black spot.
- It falls within the conservation area.
- Access and egress must be considered.
- The current Common View track would need to be upgraded.

Sarah Roberts [the applicants Agent] then responded by advising how these points had been addressed.

1 COMMON VIEW – Object as this is Green Belt, conservation area and agricultural land and is not an infill site. There would be a loss of light, privacy and noise pollution, there are highway safety concerns, there would be a loss of wildlife and potential flooding problems, and since this would set a precedent.

2 COMMON VIEW – Object as this is in the Green Belt, is agricultural land, and is in the conservation area; since it would impact on access; and due to highway safety concerns.

SLADES, BELCHERS LANE – Object due to intrusion of privacy and noise and since this is overdevelopment.

3 THE AVENUE – Object as this is agricultural Green Belt land and the development would set a precedent and due to highway safety concerns.

5 THE AVENUE – Object as this is not infill but agricultural land, as cars using Common View cause light nuisance and disturbance that would increase, since the site is in the Green Belt and conservation area and due to highway safety concerns.

HAVENSLEA, COMMON ROAD – Object due to highway safety concerns and as this is a conservation area and the site should be left as agricultural land.

YEW TREE COTTAGE, COMMON ROAD – Object as this is Green Belt land, it is in the conservation area, and due to highway safety concerns.

BRAMBLE HEDGES, COMMON ROAD – Object as this is on a dangerous position in the road and is agricultural Green Belt land.

ST NEOTS, COMMON ROAD – Object as the site is in the conservation area and is on a dangerous bend in the road.

### **Main Issues and Considerations:**

The key considerations are the impact on the Green Belt, the character and appearance of the surrounding area, highway safety considerations, and regarding neighbours amenities.

#### **Green Belt:**

The proposed development would entail the erection of 4 no. dwellings on a currently undeveloped parcel of land on the northern side of Nazeing Common within the village of Bumbles Green. The site is located wholly within the Metropolitan Green Belt and a previous application for residential development was refused consent in 2006 for the following reason:

*This site is located within the Metropolitan Green Belt and by definition the proposed change of use is inappropriate development, contrary to government guidance (PPG2), Structure Plan policy (C2) and Local Plan Policy GB2A. It will therefore harm the openness*

*of the Green Belt and there are no very special circumstances to outweigh the harm to the Green Belt.*

Since the date of the previous decision the previous Government guidance in the form of PPG2 has been superseded by the National Planning Policy Framework (NPPF). Whilst PPG2 did also allow for limited infill within existing villages this applied only to settlements identified in adopted Local Plans as suitable for such development. Bumbles Green is not identified as such within the Local Plan and therefore was previously not considered to meet this exception.

However the NPPF now simply states that the erection of new buildings within the Green Belt constitutes inappropriate development with a number of exceptions to this. The list of exceptions includes *“limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”*. Unlike the previous PPG2 there is no longer any requirement for such settlements to be allocated as being suitable within the Local Plan and therefore the only considerations with regards to this exception are whether Bumbles Green would meet the definition of a ‘village’ and whether the proposed development would constitute a ‘limited infill’.

There have been a number of appeal decisions with regards to ‘limited infilling’ both within and outside of Epping Forest. An appeal decision for an infill development in Spellbrook, Herts stated that *“given the almost continuous pattern of development along the main road, it is reasonable to conclude that the ribbon of development and, consequently, the appeal site, should be regarded as within the village”*. An appeal at Pond House, Matching Green (Ref: EPF/2136/12) allowed for an infill development in this village. Within the Inspectors decision letter it was stated that *“the scheme would be visible from within the village and the wider countryside but I consider it would have a very limited impact on the openness of the Green Belt because, as an infill development, it would be contained within the existing envelope of built development in Matching Green and seen in the context of the existing village development. For the same reason, it would not have a material adverse effect on the purposes of including land within the Green Belt”*.

There have been two recently granted planning applications for infill properties within Belchers Lane, Bumbles Green (EPF/1788/15 & EPF/0470/16) on the basis that these constitute ‘limited infill within a village’ and therefore it has clearly been accepted that Bumbles Green does constitute a village whereby limited infilling is acceptable. This application site itself is surrounded on three sides by residential development and only shares one boundary with open, undeveloped land, which has further housing beyond.

The previously refused consent essentially amounted to outline consent with indicative plans for up to ten dwelling. This proposal is for four new dwellings and whilst this is a greater number than the two aforementioned examples in Belchers Lane it is nonetheless considered that, given the size of the application site, this would be a suitably ‘limited’ development within this location since it would amount to just 12 dwellings per hectare that would be seen within the context of the village of Bumbles Green and would not detrimentally encroach into open countryside. A recent example of a similar sized scheme (four dwellings) was approved at Epping Road, Roydon under ref: EPF/1841/16.

Due to the above, whilst the previous application was contrary to the former Government guidance this proposed application would comply with the exception of *“limited infilling in villages”* as laid out in the NPPF and therefore would not constitute inappropriate development harmful to the openness of purposes of the Green Belt.

#### Design:

The application site is located at the south end of the Nazeing and South Roydon Conservation Area. Bumbles Green and its well preserved ‘closed field’ patterns are important landscape features which form a fundamental part of the character and appearance of the area. Nazeing

Common comprises a linear group of houses interspersed with greens at the south edge of the conservation area. The building layout is quite consistent (with the exception of a few developments) and features two storey buildings erected along the road, leaving the rest of the plot to garden, mainly unbuilt. This layout allows the development of this part of Nazeing Common while preserving the 'closed field' patterns.

Within such a sensitive setting any new development needs to ensure the preservation of this unique sense of place and remain subservient to its environment and would need to blend with the landscape.

The proposed development was subject to pre-application discussions and minor amendments during the life of the application and is now considered to meet the expectations in terms of design and conservation. The proposed new buildings are sympathetically designed and draws on architectural references from the local area. The proposed scale and massing, building form and proportions demonstrate a good understanding of the sensitive context and a great desire to integrate the new building into it. As such the Councils Conservation Officer recommends that the application be approved, subject to conditions.

The existing front hedgerow is an important feature of the site and, with the exception of the proposed new access, would be retained and reinforced with additional planting. Subject to conditions regarding tree protection and additional landscaping the proposal would not be unduly detrimental to the existing landscaping on the site.

#### Access and Parking:

One of the key concerns raised by neighbouring residents is regarding the impact on highway safety. The main problem being that this section of road is known locally as an accident black spot.

Essex County Council Highways have been consulted on the application and raised no objection to the proposal since *"the accessed do have appropriate visibility and geometry for the speed of the road. Furthermore the accident date for the last 3 years has been interrogated and there are no recorded accidents in the locality within this time. Consequently the development will not be detrimental to highway safety, efficiency or capacity at this location or on the wider highway network"*. Therefore, despite neighbour concerns, it is not considered that the proposed development would have any detrimental impact on highway safety or the free flow of traffic on Common Road.

The proposed dwellings would each be served by garages and at least two additional off-street parking spaces with adequate turning space to allow for vehicles to enter and leave in forward gear. This level of parking provision exceeds the requirements for resident parking as laid out within the Essex County Council Vehicle Parking Standards.

#### Amenity concerns:

The proposed detached houses would follow the building line of the adjacent dwelling on Common Road (Havenslea) and would be located 3.75m from the shared boundary and some 4.5m from the neighbours flank wall. Whilst originally a rear balcony was proposed to these dwellings which, whilst screened along the side by a 1.5m obscure glazed balustrade, may have caused perceived overlooking, this element was removed as part of the required revisions.

The proposed semi-detached cottages would be located a minimum of 13m from the shared boundary with Slades, Belchers Lane to the rear and the existing hedging would be retained and reinforced with additional planting. Due to this there would not be any excessive loss of amenity to the neighbours to the rear of these cottages.

The closest part of the proposed cottages to No. 1 Common View would be the single storey attached garage that would be located 1.3m from the shared boundary and some 10m from the flank wall of the neighbouring dwelling with the neighbour's detached garage between the two properties.

Whilst the provision of four additional dwellings on the site would result in increased pedestrian and vehicle movements, along with noise from future residents it is not considered that this would cause any significant harm given the location of the site within the centre of the existing village.

#### Other Concerns:

##### *Ecology:*

The application is accompanied by an Habitat Survey. Subject to the recommendations in this report (dated May 2016) there are no objections in respect of ecology.

##### *Drainage:*

The application site is located within an EFDC flood risk assessment zone and is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a flood risk assessment is required, which can be sought by condition.

The applicant is proposing to dispose of foul sewage by main sewer/package treatment plant. Due to the close proximity of the foul sewer to the site, in accordance with Approved Document H, this must be utilised. The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required regarding foul and surface water drainage, which can be dealt with by condition.

##### *Contamination:*

All readily available Council held desk study information has been screened and reveal that most of the site has been paddocks since at least the mid-19<sup>th</sup> Century, with part of a 19<sup>th</sup> Century shed on the north boundary. As potential land contamination risks are likely to be low it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

#### **Conclusion**

The proposed development would constitute a limited infill within a village and therefore would not be inappropriate development harmful to the Green Belt. The design and layout of the proposed dwellings is considered to be appropriate to the conservation area and would not detrimentally impact on neighbours amenities. No objection has been raised from Essex County Council Highways with regards to the vehicles access points and sufficient off-street parking is provided. Therefore, subject to conditions, the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies and the application is therefore recommended for approval.

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

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

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



# Epping Forest District Council

## Agenda Item Number 4



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|                     |  |
|---------------------|--|
| Application Number: | EPF/2112/16  |
| Site Name:          | Units 1-6 Craner Produce, Common Road, Broadley Common, Nazeing, EN9 2DF |
| Scale of Plot:      | 1/1250   |



**Report Item No: 4**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/2112/16   |
| <b>SITE ADDRESS:</b>            | Units 1-6 Craner Produce<br>Common Road<br>Broadley Common<br>Nazeing<br>Essex<br>EN9 2DF   |
| <b>PARISH:</b>                  | Roydon  |
| <b>WARD:</b>                    | Broadley Common, Epping Upland and Nazeing  |
| <b>APPLICANT:</b>               | Mr Michael Craner   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Change of use of 4 fruit farm storage units to 4 general purpose storage units with concrete hard standing and new rollers shutters to each unit. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)  |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=586455](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586455)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: MP/MM/1755 dated 3/8/16, 1755/01A, 1755/02B, 1755/03
- 3 The 4 general storage units hereby permitted shall not be open to customers / members outside the hours of 08:00 to 18:00 on Monday to Saturday and 09:00 to 17:00 on Sundays and Bank Holidays.
- 4 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: Scheme of Delegation, Appendix 3).*

### **Description of Site:**

The proposal site comprises 6 agricultural storage units and access road. The site is currently used for storage of fruit grown within the wider blue line of the site. To the north and west of the site are residential properties in generous curtilages. Open fields adjoin the east and south of the site.

The site falls within the Nazeing and South Roydon Conservation Area and is designated as being within the Green Belt.

### **Description of Proposal:**

Change of use of 4 fruit farm storage units to 4 general purpose storage units (use class B8) 239 sqm extension to the existing area of hardstanding on the site to provide 8 additional parking spaces and extended access road along with associated alterations including the replacement of doors with roller shutters.

### **Relevant History:**

| <b>Reference</b> | <b>Description of development</b>                            | <b>Decision</b>   |
|------------------|--|-------------------|
| EPO/0346/60      | Erection of a dwelling house (adjacent to Merryleas)         | Refused           |
| EPO/0342/64      | Details of greenhouse and mushroom houses (Mushroom farm)    | Granted           |
| EPO/0519/66      | Stationing of mushroom vending machine (Merryleas)           | Refused           |
| EPO/0435/67      | Revised application for mushroom vending machine (Merryleas) | Granted           |
| EPO/0117/68      | Stationing of egg vending machine (Merryleas)                | Appeal allowed    |
| EPO/0410/68      | Proposed dwelling (Merryleas)                                | Refuse permission |
| EPO/0129/69      | Proposed agricultural dwelling (Mushroom farm)               | Appeal Dismissed  |
| EPO/0696/71      | O/A agricultural dwelling (Mushroom farm)                    | Appeal Dismissed  |
| TPX/EPF/0005/85  | Clear orchard but retain chestnut tree (Mushroom farm)       | Lapsed            |
| TPX/EPF/0003/87  | Thinning of woodland/removal of sycamore (Mushroom farm)     | Lapsed            |

### **Policies Applied:**

National Planning Policy Framework  
National Planning Policy Guidance

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

GB2A Development in the Green Belt  
HC6 Character, Appearance and setting of the Conservation Areas.  
HC7 Development within Conservation Areas  
DBE9: Loss of Amenity  
ST4 Road Safety

ST6 Parking Provision

### **Consultation Carried out and Representations Received**

ROYDON PARISH COUNCIL objects to the application in its current form as they believe this could mean that at a later date this could be used for warehousing but would have no objection to change of use to 'light storage only'

21 neighbours were consulted and a site notice was displayed. No objections were received.

### **Main Issues and Considerations:**

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

- Impact on the aims and purposes of the Green Belt ;
- Impact on the character and appearance of the Nazeing and South Roydon Conservation Area ;
- Impact on neighbouring residential amenity; and
- Impact on parking and highway safety .

#### **Impact on the aims and purposes of the Green Belt.**

The National Planning Policy Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development in the Green Belt and development should not be allowed except in very special circumstances.

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

Local Plan policies GB2A is broadly in compliance with the aims and objectives of national Green Belt policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the re-use of buildings provided that the buildings are of a permanent and substantial construction and they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The 4 agricultural units cover an area of 331 sqm. They are constructed of concrete block walls, box profile roof and concrete floor. The units were erected in the 1960's and are of a permanent and substantial construction and the proposed alterations to the external appearance are minimal. The Highways Officer is satisfied that the proposal will not result in significantly more activity than the current agricultural storage use. The additional hard landscaping proposed will extend the existing access road to the rear of the site to allow for deliveries and collections from this elevation and provide 2 parking spaces per unit. This coverage is considered the minimum required to facilitate the change of use. Plans have been amended in order to confirm that the hard landscaping will be porous. The proposal is therefore considered not to result in any significant additional loss of openness or cause additional urban sprawl. The proposal is therefore not inappropriate development in accordance with the requirements of chapter 9 of the NPPF and policy GB2A of the Local Plan.

### Impact on the character and appearance of the Nazeing and South Roydon Conservation Area.

S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The application proposes very minimal changes to the external appearance of the agricultural units, namely changing the doors to roller shutters. The proposal was reviewed by the Conservation Officer who in her professional opinion found the proposal will not harm the character and appearance of the Nazeing and South Roydon Conservation Area subject to the roller shutter being made of metal and the hard surfacing being porous. In order to not to cause delay, these details have been annotated onto revised plans at the request of officers. On this basis the proposal complies with the requirements of chapter 12 of the NPPF and policy HC7 of the Local Plan.

### Impact on neighbouring residential amenity

Given the existing use of the site and the distance of neighbouring residential properties, it is considered that there will not be significant additional adverse impact to neighbouring amenity in terms of noise and disturbance over and above the existing use. The proposal therefore complies with the requirements of policy DBE 9 of the Local Plan.

### Impact on Highway Safety and Parking Provision.

The Highways Authority are satisfied that the details provided are sufficient to ensure adequate parking provision and will not raise any highway safety concern. The proposal therefore accords with the requirements of policies ST4 and ST6 of the Local Plan.

### Other matters

The applicant has applied for a change of use to carry out activities which fall within the B8 (storage and distribution) use class as described in The Town and Country Planning (Use Classes) Order 1987 (as amended) which allows for all types of general storage and distribution. This use category is not broken down into light and general storage uses therefore it would not be possible to control the type of storage that the units accommodate beyond what is permissible within this use class.

### **Conclusion**

The principle of the development is considered not inappropriate and it would not significantly harm the openness of the Green Belt or the character and appearance of the Nazeing and South Roydon Conservation Area. Furthermore the level of activity on the site will not be materially more than that currently generated by the existing use and therefore it is not considered to have a significant adverse impact on the amenity of the area. On this basis the proposal is recommended for permission.

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

***Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

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