

AREA PLANS SUB-COMMITTEE 'WEST'

22 February 2017

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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/2853/16
Site Name:	Land and Garages adjacent 1 Cross Terrace, Stonyshotts, Waltham Abbey, EN9 3DF
Scale of Plot:	1/1250

Report Item No: 1

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

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

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

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 612 091 PL01B, PL02, PL03B, PL04B, PL05A, PL06A, PL07, Chartwell Tree Consultants Arboricultural Report dated 27/10/16, Paul Mews Associates Parking Assessment October 2016.
- 3 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 4 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
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- 5 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 6 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 7 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 8 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 9 Prior to first occupation of the development hereby approved, the proposed window opening(in the northern flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 10 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 11 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 12 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 16 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 17 Prior to the first occupation of the development , the vehicle parking area as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 18 There shall be no discharge of surface water onto the highway.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 20 The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 21 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

This application is before this Committee for three reasons. The first is that it is an application for development on the Council's own land or property which is for disposal and the recommendation is for approval. Secondly it is contrary to an objection from a local council which is material to the planning merits of the proposal and thirdly more than four objections have been received which are material to the planning merits of the proposal to be approved (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The 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. The Housing Department have confirmed that all land within the red line of the site is owned by the Council.

Description of Proposal:

Permission is sought for the demolition of the existing garage and erection of 1, two bedroomed affordable home with 2 parking spaces provided within the front forecourt of the property.

It measures 4.8m wide by 10.6m deep and 7m high to the ridge of its gabled roof.

Materials include Hansen Arden Special Reserve brickwork for the ground floor section of the walls and timber cladding at first floor level.

Dark grey composite framed fenestration and metal entrance canopy along with a timber main entrance door.

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

The over 85 sqm private garden area is marked by a 1.8m fence with 0.3m trellis the patios and the semi private area is defined by porous paving.

Solar panels are proposed for the southern roof slope of the house

4 secure cycle storage boxes and waste and recycling bins are proposed to be positioned in the rear garden of the new home.

Relevant History:

No relevant history

Policies Applied:

National Planning Policy Framework
National Planning Policy Guidance

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

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP5 – Sustainable Building
CP6 – Achieving sustainable urban development patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 – Design in Urban Areas
DBE8 – Private Amenity Space
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking

H2A – Previously Developed Land
H4A – Dwelling Mix
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes

Epping Forest District Draft Local Plan Consultation 2016

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

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

Consultation Carried out and Representations Received

WALTHAM ABBEY TOWN COUNCIL raises objection to the proposal on the grounds of:
Loss of parking; loss of light; out of keeping with the street scene; potential issues with 1 Cross Terrace.

26 neighbours were consulted and a site notice was displayed. This resulted in 6 objections being received.

1 CROSS TERRACE: The architects drawings show the access pathway to the proposed new house back gate and my back gate as 1.2m wide, which includes my 0.55m strip of land this gives us only 0.65m wide access path. (plans have corrected this mistake).

Loss of light as a result of rear elevation extending beyond our rear elevation. Loss of garage space that we currently rent.

55A THE GRANARIES: Proposal out of character with Victorian and Edwardian properties. Use should not be for affordable rent in area of overwhelmingly owner occupied properties.

53 HONEY LANE: unsympathetic design. Will block our view of Honey Lane from our side window. Use should not be for affordable rent in area of overwhelmingly owner occupied properties as it will effect property values and tone of the area. There is a lack of garage parking in the area.

2 CROSS TERRACE: We currently rent a garage on the site which enables us to have a front garden. Green space will be lost. We believe it is owned by the Highways Authority. Loss of sunlight to our 5 sqm garden and proposal will result in increased congestion in this area due to lack of parking. Loss of value to our property. Loss of green space as a result of the creation of two parking spaces.

8 STONYSHOTTS: I am happy for this building to proceed, however, I have concerns regarding only one parking space being created. I am assuming this will be at least a 2 bedroom property, in

which case it is sensible to create at least 2 off street parking spaces. it is naive to expect a property of this size to be occupied by owners of only one car. *(Plans have been revised to include two parking spaces)* The top of this street is already overcrowded with vehicles, with little room for further vehicles as this is very close to the junction with Honey Lane. This is often made worse on a school morning with parents dropping of children for the bus stop. . Further to this, the removal of the garages will only increase the number of vehicles on the road.. This application should not proceed until further parking has been allocated and alternatives to the removal of the existing garages identified.

RESIDENT OF STONYSHOTTS (No number given): Modern detached property is out of character with surrounding predominately semi- detached properties. The roof height is much higher than that of the adjacent property so will create loss of light to gardens which only get sun during the late afternoon. Garages are in constant use; therefore their loss will result in increased parking congestion on the street. When new residents park over their drive they will cause restricted viewing for other drivers when trying to pull out of a very busy junction. If allowed some form of yellow lines to restrict parking should be put in place.

Main Issues and Considerations:

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

The key considerations for the determination of this application area:

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

Principle

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

Five year housing supply

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

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a

demonstrable five year supply of housing weighs in favour of granting planning permission. However, this still has to be weighed against other material planning considerations.

The proposal has a density of 56 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 surrounding area is characterised by a broad range of housing styles and forms ranging from the Victorian, Edwardian, 1970s and more recent developments within the Granaries. Paragraph 60 of the NPPF requires that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

The proposal follows the front building line of Stonyshotts. It has a pitched roof which reflects the style of surrounding properties. It has a height which is 0.1m higher than the ridge height of 1 Cross Terrace, however the eaves height of the proposed house is 0.2m lower than the eaves height of this neighbour. Furthermore number 53 Honey Lane has a ridge height of 8.7m. The proposal has a size and massing which is compatible with the surrounding area and the materials of the building reflect those found in this locality. It is therefore considered that it will not be a conspicuous form of development. The proposal will therefore have a neutral impact on the distinctive local character of this area in accordance with chapter 7 of the NPPF and policies DBE3 and DBE5 of the Local Plan.

Trees

The preliminary arboricultural method statement proposes that one category 'C' Ash Tree and two category U (dead) Elm trees are to be felled as a result of the proposal. All trees are within land which is owned by the Council. The Tree Officer reviewed the plans and arboricultural report submitted as part of the application and was satisfied that this loss is acceptable subject to further details regarding the protection of the retained trees and additional soft landscaping to mitigate against this loss. On this basis the proposal is considered to comply with the requirements policies LL10 and LL11 of the Local Plan.

Impact on neighbouring residential amenity

Plans have been revised to reflect correct boundary line between the application site and 1 Cross Terrace.

The rear elevation of the proposed house extends 1.2m beyond the rear elevation of 1 Cross Terrace, however there is also a gap of 1.2 m width between the two properties, the proposal will therefore not result in an excessive loss of daylight, sunlight or outlook to this or other neighbours within Cross Terrace.

A condition is recommended to ensure that the side elevation bathroom window at the first floor level, is obscure glazed in order to minimise any loss of privacy to neighbours.

All other neighbours are sufficiently distant as to not be materially affected by the proposal. The proposal therefore complies with the requirements of DBE9 of the Local Plan.

Loss of view is not a material planning consideration.

Quality of resulting residential accommodation.

The site will be owned and operated by East Thames Housing Association. This charity will provide affordable housing for people on low incomes. The 1, two bedroom dwelling is considered suitable for families or small households, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

The internal size, layout and amenity space provision proposed within this application complies with current standards contained within the Essex Design Guide and policy DBE8 of the Local Plan.

Impact on Highway Safety and parking provision.

Policy ST6 of the Local Plan requires that two parking spaces are provided for the proposed two bedroom house. Plans have been amended to reflect this requirement. The proposal therefore meet current parking standards. The proposal site is very close to a bus stop which serves the 66 and 250 bus route.

The Highways Authority considers that any displaced parking will not be detrimental to highway safety or efficiency as a result of the development. The submitted Transport Statement has shown that the very worst case scenario demonstrates that on street parking levels will not reach an unacceptable amount. The proposal will not increase vehicle 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. The Authority is therefore satisfied subject to suggested conditions that the details submitted as part of this application are sufficient to ensure that there is adequate parking to meet current parking standards in compliance with policies ST6 and ST4 and that there will be no undue harm to highway safety. The proposal therefore complies with the requirements of ST2 of the Local Plan.

However the Highways Engineer does raise concerns that “the red line has moved out of the site boundary and as such is probably using highway land. Whilst this is not necessarily a planning issue Highway Rights would have to be removed prior to any development taking place”. However the Housing Department have confirmed that they dispute the claim made by the Highways Authority as they believe the site is owned by the Council. This issue is therefore a private civil matter which will need to be resolved by the two parties after this planning application has been decided.

Loss of garages for local residents

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

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

Flood risk

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

Contaminated Land

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the use of the site as garages 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.

Other matters

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

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

Reduction in the value of neighbouring residential dwellings; increase in car insurance premiums and income generated by the proposal are not a material planning considerations.

Conclusion

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

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

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

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

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/2884/16
Site Name:	Land and Garages, Gant Court, Waltham Abbey, EN9 3DY
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/2884/16
SITE ADDRESS:	Land and Garages Gant Court Waltham Abbey Essex EN9 3DY
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr East Thames
DESCRIPTION OF PROPOSAL:	3 affordable homes with 7 parking spaces
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588997

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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.

- 9 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the [direction to be inserted] flank elevation(s) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 10 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 11 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.
- 12 If any tree, shrub or hedge shown to be retained within the submitted Chartwell Tree Consultant Ltd's Arboricultural Report dated 1st November 2016 is removed, uprooted or destroyed or dies or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 13 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.

- 14 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.
- 15 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 16 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.
- 17 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.
- 18 Prior to the first occupation of the development, the vehicle parking area as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 19 There shall be no discharge of surface water onto the highway.
- 20 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 21 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out in perpetuity for their intended purpose.

- 22 The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

This application is before this Committee for three reasons. The first is that it is an application for development on the Council's own land or property which is for disposal and the recommendation is for approval. Secondly it is contrary to an objection from a local council which is material to the planning merits of the proposal and thirdly more than four objections have been received which are material to the planning merits of the proposal to be approved (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is made of three garage sites, the first is between the residential dwellings at 6 and 7 Gants Court, the second is between 12 and 13 Gants Court and the third is between 19 and 20 Gants Court. The existing sites provide a total of 20 parking spaces.

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

Description of Proposal:

Permission is sought for the demolition of the existing garages and erection of 3 x two bedroom affordable homes with 7 parking spaces. They are designed as 3 identical detached houses. The front entrance will be facing the pedestrian area of Gants Court.

Each measures 6.8m wide by 7.4m deep and 5.6m high to the parapet of the flat roof

The walls will be constructed with grey brickwork with cedar board cladding to the first floor, the roof is to be covered in a sedum roof system, and the fenestration is made up of dark grey composite framed windows and doors. The canopy will also be made of this material.

The private garden areas are marked by a 1.8m fence with 0.3m trellis the patios and semi private areas are defined by porous paving. The three bedroom houses each have gardens of between 41sqm and 55 sqm.

Solar panels are proposed for the roof.

The site between 6 and 7 Gant Court will provide 3 car parking spaces, the sites between 12 and 13 Gant Court and 19 and 20 will both provide two parking spaces each.

3 secure cycle storage boxes (1 for each dwelling) and waste and recycling bins are proposed to be positioned in the rear gardens of the new homes.

The existing pedestrian right of ways between Harlton Court and Gant Court will be maintained.

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

Relevant History:

No relevant history

Policies Applied:

National Planning Policy Framework

National Planning Policy Guidance

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

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP5 – Sustainable Building

CP6 – Achieving sustainable urban development patterns

CP7 – Urban Form and Quality

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE3 – Design in Urban Areas

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

H2A – Previously Developed Land

H4A – Dwelling Mix

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes

Epping Forest District Draft Local Plan Consultation 2016

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

SP1 – Presumption in favour of sustainable development

H1 – Housing mix and accommodation types

H2 – Affordable housing

T1 – Sustainable transport choices

DM9 – High quality design

DM10 – Housing design and quality

DM 11 – Waste recycling facilities on new developments

DM16 – Sustainable drainage systems

DM18 – On site management of waste water and water supply

DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried out and Representations Received

WALTHAM ABBEY TOWN COUNCIL raises objection to the proposal on the grounds that: Concerns are raised with regard to the loss of parking and the fact that these houses are completely out of keeping with the street scene.

90 neighbours were consulted and two site notices were displayed. This resulted in 11 objections being received.

6 GANT COURT: Proposal will block sunlight into my living room from my rear elevation window. Loss of garage parking for local residents. There are insufficient replacement parking spaces. Parking survey not correct and should be carried out by an independent person.

12 GANT COURT: Property will become a mid terrace property and as a result it's monetary value will be significantly reduced.

23 GANT COURT: There is not enough parking spaces as it is, so if you take away 18 garages and replace them with only 7 parking spaces, it will be even more difficult to park. During the day midweek it is fine, but come after 5pm and weekends it is virtually impossible to park especially at the far end of Gant court where the flats are.

2 objections from 39 GANT COURT: Our premises and garden will be overlooked. The noise and dirt etc. will be here bad. Also parking facilities are poor at present so by reducing the number of garages it will become worse. It is suggested more parking bays are made between Gant Court and Morris Court. Loss of Light It will feel like a concrete jungle, parking will be horrendous it is bad as it is, Proposal will overlook property. The noise and mess will be bad when work during construction.

47 GANTS COURT: Loss of daylight and sunlight. We will lose our privacy to our home and garden as any residents will be able to peer straight into our windows especially our bedrooms and directly into our garden all of which could potentially devalue our property. Resident suffers with Crohns disease and has mobility problems. Her garage is currently situated is an ideal distance for her to be able to walk to our house without too much pain and discomfort.. The garages provide access for our properties to Emergency vehicles especially the Fire Service as it is the nearest access point for them to our properties.

5 HALTON COURT:.. Proposal will result in a severe lack of parking in the area. Consultation in the forms is impersonal and discourteous. Residents' voices need to be heard so that questions can be asked and answered by representatives from the Council. We need to know why after decades of having the use of parking spaces and enjoyment of nature surrounding the parking spaces there is now the possibility that this will shortly no longer be the case. Harlton Court is a quiet place and it is more than concerning that not only is there the possibility of major disruption to our lifestyle should building work commence but also who exactly these dwellings will attract.

7 GANT COURT: the proposed dwelling will overlook my property and deny my right to light and privacy. The present proposal for a new build will be out of keeping with all existing housing which is of red brick with either red pantile or grey slate tiles to the elevations. I also have objections to the parking survey as well as other objections particularly to the disturbance of the clay soil. My other objections concern the noise and upheaval of a residential area which will last for a considerable length of time which will mostly affect Gant Court especially Number 7 Gant Court. Unacceptable noise and disturbance during the construction phase of the development. Removal of trees will undermine surface water drainage increasing the likelihood of flooding.

32 GANTS COURT: Houses are not in keeping with the ones already built. Building them in the garage spaces will cut off the easy access to each of the roads as many people use the steps to walk through the estate and indeed could hamper the emergency services ability to quickly access any building. Although 7 parking spaces are being allocated, 13 are being taken away. There are already problems with parking and the number of vehicles on the estate.

Although I expect the application will go ahead whatever the residents say, I trust this is not the shape of things to come with many houses "popping" up among the garage spaces and walk ways.

1 HARLINGTON COURT : Firstly I disagree with the survey that was done on cars parked overnight on Gant court/Harlton Court as there has been a problem parking down our street for the last 10 years with cars being double parked and damaged because of not enough spaces so taking away 20 garages and adding 3 new homes will just add to the already existing problem for parking down our street. Secondly I personally don't want to put up with the noise pollution and air pollution of you knocking down all those garages and the construction work of building 3 new separate houses along our street, I don't want the day to day construction vehicles obstructing and disturbing my life, I have suffered with Asthma all my life and for the last 2 years have had a chronic illness and the stress of the noise and air pollution and the disturbance and obstruction would considerably affect my illness making it so much more difficult for me to continue working therefore I would be unable to pay my bills and mortgage.

No address given: House value will drop and parking on Gant Court is a nightmare and will get worst when you build.

Miss Witter No address given: Loss of sunlight to the rear of property. Proposal will increase congestion in an already congested area and will lead to indiscriminate parking on grass verges. This would be harmful to the appearance of the environment. Restricted access for emergency vehicles.

Main Issues and Considerations:

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

The key considerations for the determination of this application area:

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

Principle

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

Five year housing supply

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

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

The proposal has a density of 25 units per hectare and is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan.

Housing Provision

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

Design and appearance

The proposals are an updated interpretation of the 1960's modernist style estate that surrounds the application sites. The height, size and position of the units reflect the staggered design of the surrounding built form. Furthermore additional soft landscaping and porous paving is proposed for the semi public areas and right of ways adjoining the eastern side elevation of the residential units. It is therefore considered that the proposal will have an overall positive impact on the distinctive local character of this area. The proposal therefore complies with the requirements of policy DBE3 and DBE5 of the Local Plan.

Trees

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

Impact on neighbouring residential amenity

The location of the houses has been designed to reflect the existing staggered position of houses on this street and so as to not harm the health and stability of nearby trees.

The site between 6 and 7 Gants Court is slightly irregular in shape and the proposed house (numbered 1) is positioned 2.5m beyond the rear building line of number 6. Initially plans indicated a gap of 1m between the two properties; however plans have since been revised at the request of officers to show a gap of 2.7m between the two properties. The proposal as a result meets the

requirements of the 45 degree angle guidelines in relation to light and the rear elevations of Gants Court are south facing. It is therefore considered that loss of day and sunlight will not be excessive for this property. The proposal will also result in the removal of the existing attached block of garages which runs 8.8m beyond the rear elevation of this neighbour. It is therefore considered that the proposal will result in an improvement to the living conditions of this property.

The site elevation of the proposal is 7.2m away from the side flank wall of number 7 Gants Court.

The houses (numbered 2 and 3) proposed for the site between 12 and 13 Gant Court along with 19 and 20 Gant Court extend 2.3m beyond the rear elevation of 12 and 19 Gant Court. However there will a gap of 1m between the neighbours and the application houses and the closest window to the proposal for both these neighbours is a first floor double length window which serves a bedroom. The proposed houses will therefore not obstruct 45 degree guidelines for light. Furthermore the proposal will result in the removal of a single storey block of garages positioned on the mutual boundary with numbers 12/19 and which run 10m beyond its rear elevation. Number 13 is separated from the side flank of the proposed house (no 2) by a gap of 5.4m and number 20 is separated from the side flank of the proposed house (no3) by a gap 5m. It is therefore considered that these neighbouring properties will not be significantly affected in terms of loss of light, outlook or privacy.

Existing properties within Gant Court already overlook gardens within Gant Court positioned north of the application site. The proposal follows this existing pattern of development and is therefore considered not to significantly decrease privacy levels sufficiently to justify refusal of the scheme.

Furthermore given the existing use of the site and its location within a residential area is not considered that the proposal will result in significant additional noise and disturbance over and above what currently exists. The proposal therefore complies with the requirements of DBE9 of the Local Plan.

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 3, three bedroom and 1, two bedroom dwellings are considered suitable for families or small households, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

All houses have an acceptable internal size, layout and amenity space provision and therefore comply with current standards contained within the Essex Design Guide and policy DBE8 of the Local Plan.

Impact on Highway Safety

The Highways Authority in their response to the Council considers that "Any displaced parking will not be detrimental to highway safety or efficiency as a result of the development. The submitted Transport Statement has shown that the very worst case scenario demonstrates that on street parking levels will not reach an unacceptable amount especially along Gant Court itself. Although the Highway Authority does not necessarily endorse on street parking, the reality is there will be fewer vehicles actually displaced from the garages than the worst case scenario, as a reasonable proportion of them will not be used for parking in. Further to this the proposal will not increase vehicles movements above the level of the previous use, operating at full capacity, so the use of the existing access way will not be intensified by the development. There is also sufficient turning provided within the site.' The Authority is therefore satisfied subject to suggested conditions that

the details submitted as part of this application are sufficient to ensure that there is adequate parking to meet current parking standards in compliance with policies ST6 and ST4 and that there will be no undue harm to highway safety. The proposal therefore complies with the requirements of ST2 of the Local Plan.

Loss of garages for local residents

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

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

Flood risk

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

Contaminated Land

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

Other matters

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

Damage to boundary fencing as a result of negligent driving would be a matter for the police.

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

Reduction in the value of neighbouring residential dwellings; increase in car insurance premiums and income generated by the proposal are not a material planning considerations.

Conclusion

The proposal will provide much needed good quality affordable housing for local people within an existing urban area of Epping Forest District Council. This benefit outweighs in policy terms the benefit of protecting the existing garages. The Highways Authority is satisfied that the proposal will not excessively impact highway safety or parking provision within the area. Impact on the living conditions of neighbouring occupiers will not be significantly more harmful than the existing

situation. The design of the new housing will preserve the character and appearance of this area. All existing trees will be retained. Additional conditions are also recommended to ensure that the proposal does not increase flood risk within the area. It is therefore considered that the proposal meets the requirements of sustainable development in accordance with policy contained within the NPPF. Approval is therefore recommended.

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

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

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

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Report Item No: 3

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

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

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

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 612099PL01, 612099PL02, 612099PL03, 612099PL04, 612099PL05, 612099PL06
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously

damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 10 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 12 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it is an application for development on the Council's own land or property that is for disposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is currently occupied by 7 garages to the southeast of Wrangley Court. Access to the site is from the north.

Description of Proposal:

Consent is being sought for the demolition of the existing garages and the erection of one detached bungalow and 5 parking spaces.

The proposed dwelling would measure 8.5m in width and 7.3m in depth with a pitched roof to a ridge height of 4.6m and eaves height of 2.2m. The proposed new dwelling would be an affordable property and would benefit from rear/side amenity space.

Relevant History:

None

Policies Applied:

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

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
H2A – Previously developed land
H3A – Housing density
H5A – Provision for affordable housing
H6A – Site thresholds for affordable housing
H7A – Levels of affordable housing
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

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

Draft Local Plan Consultation document (2016):

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

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

Consultation Carried Out and Summary of Representations Received:

30 neighbouring properties were consulted and a Site Notice was displayed. Since the description of the application as submitted stated 8 spaces were to be provided a reconsultation was undertaken correcting this to 5 spaces.

TOWN COUNCIL – Object. Concerns were raised with regard to the lack of amenity space and the loss of car parking spaces.

12 WRANGLEY COURT – Object due to the disruption during construction, parking problems, and since it would be squeezing a new dwelling on a site that would appear out of keeping with the area.

14 WRANGLEY COURT – Object due to the loss of the garages, the disruption that would result from construction works, and since the area cannot accommodate any additional parking. Consider that there are better sites to erect houses.

17 GEISTHORP COURT – Object due to the loss of the garages and since there are existing parking problems in the area that would be exacerbated by the development.

18 GEISTHORP COURT – Object due to disruption during construction and the impact on parking provision.

19 GEISTHORP COURT – Object as this will add to the existing parking problems in the area and could lead to the eventual loss of all the garages in the area.

Issues and Considerations:

The key issues within this application are the suitability of the site for such a development, highway/parking concerns, design/layout, and regarding amenity considerations.

Principle of the Development:

The application site is located within an already heavily built-up residential estate in the town of Waltham Abbey and constitutes a brownfield site since it currently contains garages. Both Local Plan policy H2A and paragraph 17 of the National Planning Policy Framework “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*”.

Notwithstanding consideration regarding the loss of the garages and assessment of the design/layout of the proposal the principle of developing this site would be acceptable since it would make more efficient use of an urban, previously developed site. This is evident since two other sites within this estate have recently been granted consent for similar developments (EPF/2977/16 & EPF/3025/16).

Affordable Housing:

There is no requirement for any affordable housing to be provided on a scheme of this size, however since the proposed development has been put forward on behalf of East Thames Housing Group and is located on Council owned land the proposed dwelling would be an affordable house. This would be of benefit to the overall housing provision within the district.

Since there is no requirement to provide affordable housing on this site, and as this is a Council led development, it is not necessary to secure this by way of a legal agreement.

Highways/Vehicle Parking:

A key consideration in this case is with regards to the loss of the existing parking provision.

The submitted Transport Statement shows that all seven of the existing garages are currently rented out, three to properties in Wrangley Court, one in Geisthorp Court, one in Winters Way with the other two being rented to properties outside of the parking survey area. The Transport Statement highlights that the internal width of the garages is around 2.2m and the overall size falls far short of the 7mx3m as prescribed within the Essex County Council Vehicle Parking Standards. As a result of this it can prove difficult to utilise the garages for the parking of many modern cars.

A study by Mouchel's, on behalf of Essex County Council, revealed that 78% of lock-up garages are not used for the parking of vehicles but instead are used for general storage/utility uses. Based on this it is estimated within the Transport Assessment that the loss of these garages would result in up to two cars displaced onto the highway. During the applicants study it was observed that there were two cars parked within the garage court (outside of garages) on both survey nights. During the Officers site visit (before 7:30am) there were also two vehicles parked within the garage court.

Based on the above this development would result in four vehicles displaced. The current parking stress of Shingle Court is at 104%, which is higher than usually considered acceptable. Nonetheless the proposed development includes 5 off-street parking spaces that can accommodate the four displaced vehicles plus the one required additional space to serve the new dwelling. As such the displaced parking would be adequately absorbed without any additional impact on road safety, capacity or neighbouring amenity.

Essex County Council Highways have assessed the submitted information and have concluded the following:

The Highway Authority is satisfied that any displaced parking will not be detrimental to highway safety or efficiency as a result of the development. The submitted Transport Statement (TS) has shown that the proposed parking provision will not displace any of the on-site parking onto the highway. Consequently the proposal will not adversely affect highway safety or efficiency.

Design:

The proposed new dwelling would be a single storey bungalow of traditional design. Given its low height and location the bungalow would not be particularly visible from public view or detrimental to the character and appearance of the area.

The level of private amenity space for the proposed dwelling would be in excess of 50m², which is above the recommended level of 40m² for this size of property.

Tree information has been submitted with the application to show that the proposed development would not have a detrimental impact on the surrounding trees. At this stage the applicant is only required to show that the development is feasible without a detrimental impact on trees, which has been done, however full tree protection details would nonetheless still need to be agreed by way of a condition.

Neighbouring Amenity:

The proposed dwelling would be located a minimum of 4m from shared boundaries of any neighbouring site. Given the low height of the building and its single storey nature the proposal would not have any detrimental impact on the neighbour's amenities.

The proposed amenity area of the new dwelling would be overlooked to some degree by surrounding houses however due to the distances involved any loss of privacy to the new dwelling would not be significant or excessive, particularly given its location within a densely developed urban area.

Other considerations:

Land Drainage:

The applicant is proposing to dispose of surface water by soakaway however the geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Therefore further details are required by way of a condition.

Contamination:

Due to the use of the site as domestic garages and formerly as a horticultural nursery, along with the presence of made ground, there is the potential for contaminants to be present on site. Since domestic dwellings with gardens are classified as a particularly sensitive proposed use an appropriate contamination assessment is required. As remediating worst case should be feasible it should be possible to deal with land contamination risks by way of condition.

Construction impacts:

Concerns have been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works are suggested in order to minimise any impact on neighbours.

Conclusion:

The proposed development would provide much needed affordable housing within an existing built-up area that will assist in the Council meeting its five-year land supply. The design and layout of the proposed dwelling would be acceptable and the development would not result in any excessive loss of amenities to surrounding neighbours.

Although the proposed development would result in the loss of occupied garages the additional parking spaces proposed as part of the development would adequately accommodate any displacement from the existing site.

Given the above, the proposed development is considered to be acceptable and therefore the application is 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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

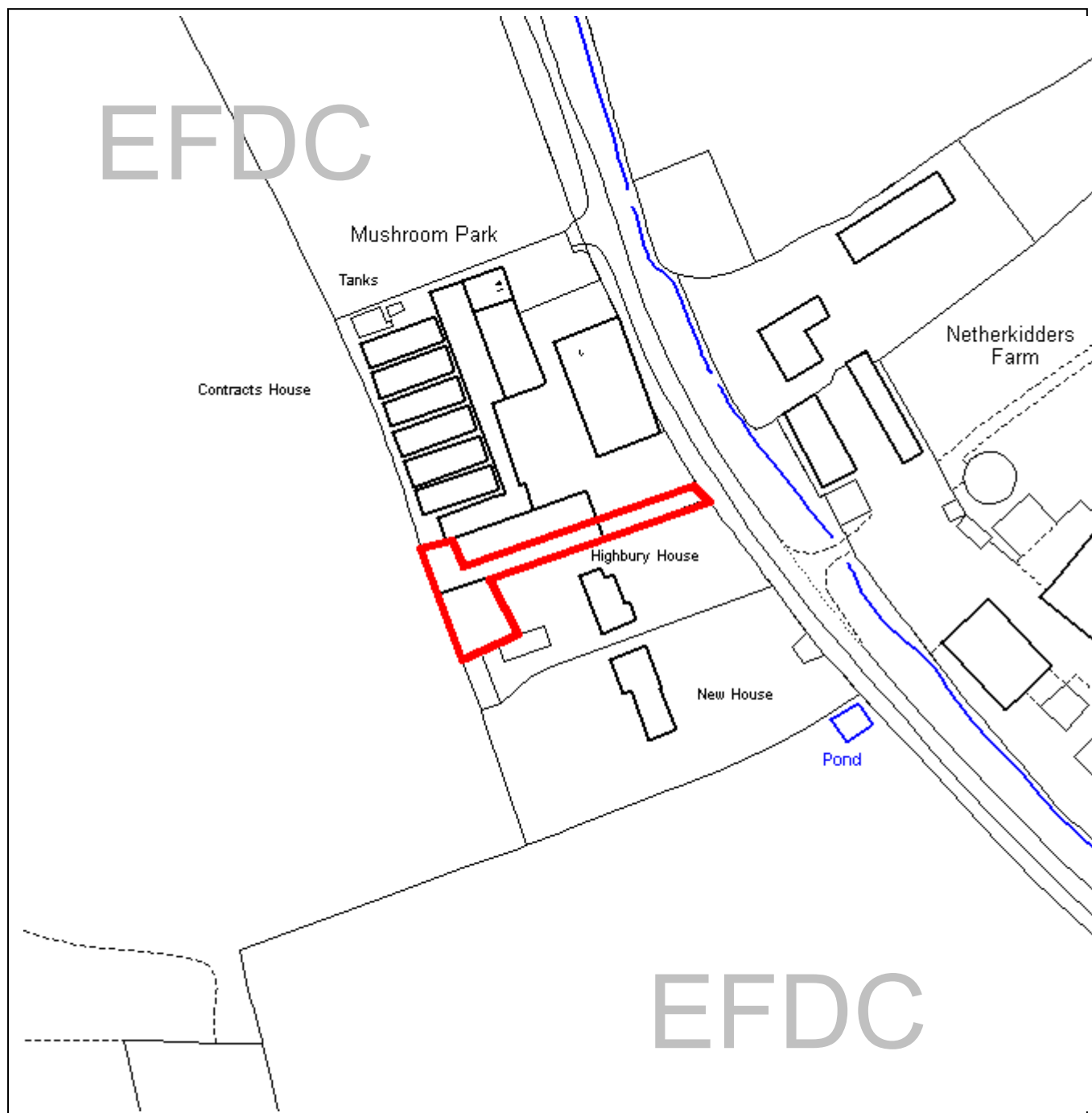
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/3163/16
Site Name:	Units 20-21 Former Mushroom Farm, Laundry Lane, Nazeing, EN9 2DY
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/3163/16
SITE ADDRESS:	Units 20-21 Former Mushroom Farm Laundry Lane Nazeing Essex EN9 2DY
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Kevin Butchart
DESCRIPTION OF PROPOSAL:	Change of use to mixed B1, B2 and B8 uses including storage and mechanical repair of cars
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589766

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: NWA-16-005-LOC_P3 Rev: B, NWA-16-005-1 Rev: C
- 2 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the hours of 0800 to 1800 Mondays to Fridays, 0800 to 1300 hours on Saturday nor at any time on Sundays, Bank or Public Holidays.
- 3 The site shall not be accessed by vehicles over 7.5 tonnes gross vehicle weight.
- 4 There shall be no open storage on the site without the prior written permission of the Local Planning Authority and there shall be no burning of materials, spray painting or external working whatsoever (other than the taking and dispatching of deliveries) in connection with the uses hereby permitted.
- 5 No floodlights shall be installed or operated at the premises without the prior written approval of the Local Planning Authority.

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:

The wider site is a former farmstead that has been divided into separate planning units. The specific part of the site relevant to this application constitutes units 20 and 21 which are located to the rear of Highbury House. The northern boundary of the application site is defined by a long, single storey, pitched roof storage building known as unit 2 Mushroom Park. Unit 20-21 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 an existing track adjacent to Highbury House.

The surrounding area is defined by a further residential dwelling 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 are located within the Metropolitan Green Belt.

Description of Proposal:

Retrospective planning permission is sought to establish the use of units 20 and 21 for the mixed use B1, B2 and B8 to include the storage and mechanical repair of cars. The two units are occupied by two tenants. One being a mobile mechanic who usually works off site however utilises this unit as a base to bring back cars that require more work or if the weather is particularly inclement. The other occupant is an individual who stores and works on his own vehicles for pleasure.

Units 20 and 21 offer a floor area of 140m² 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 Highbury House and Unit 2 Mushroom Park.

Associated parking for the units is provided within the adjacent yard.

Planning History:

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 24/05/04

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 15/06/07 (allowed on appeal 21/10/08)

CLD/EPF/1180/16 - Certificate of Lawful Development for existing use of Unit 1 for storage use (B8) and Unit 2 for Office use (B1a) – lawful 06/07/16

EPF/1176/16 - Use of units 20 & 21 for storage of second hand cars including valeting and internet sales – withdrawn 14/10/16

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB8A – Change of use or adaptations of buildings

RP5A – Adverse environmental impacts

ST4 – Road Safety
ST6 – Vehicle parking

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

Epping Forest Draft Local Plan consultation document (2016)

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

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

Summary of consultation carried out and responses received:

7 neighbours have been consulted and a Site Notice was displayed.

PARISH COUNCIL – Object to the application on the following grounds:

- i) Inappropriate in a predominantly residential area
- ii) Not in accordance with the Draft Local Plan
- iii) Concern that there is a breach of conditions of current working outside the permitted hours
- iv) It is a single track road with no passing places and not suitable for servicing commercial premises.

NETHERKIDDERS HOUSE – Object as the originally imposed conditions have been breached, car repairs are already taking place at the location, the use causes obstruction in the road, as this is inappropriate in a rural Green Belt location, it would result in an increase in traffic and since it would cause highway safety problems.

NEWHOUSE – Object as the buildings are already being used for vehicle repairs, due to the disturbance and impact on residents' amenities, as Laundry Lane is not suitable for commercial vehicles, and since the estate already operates with no time restriction.

Main Issues and Considerations:

The main issues to determine are the impact on the Green Belt, on the surrounding neighbours, and with regards to impact on the public highway.

Green Belt:

In line with the 'presumption in favour of sustainable development' contained within the NPPF emerging policy SP1 promotes sustainable development. Paragraph 90 of the NPPF states that the reuse of buildings that are of permanent and substantial construction is 'not inappropriate' in the Green Belt provided openness is preserved and there is no conflict with the purpose of including land in the Green Belt. GB2A and GB8A further support this directive 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, is in keeping with the surroundings in terms of bulk and form, and the use would not have a materially greater impact than the present use on the Green Belt. Significantly the policy also requires that 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, 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 10 years. 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 have no impact upon the permanent openness of the Green Belt.

The former Mushroom Farm (wider site) to the north of the site is a commercial site which was granted consent on appeal in October 2008 (following an Enforcement Notice and refused planning application). The activities of the adjacent site 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.

In comparison to the significantly larger adjacent site the proposed use within the application site is extremely limited. The proposed use of Units 20 & 21 are for a mixed storage of cars with associated servicing and mechanical repairs. This would be carried out by two separate tenants, one of which would be occupied by a mobile mechanic who generally works offsite but needs a base to bring back cars which require more work than can be undertaken at the residents property or when the weather is particularly inclement. By the very nature of these occurrences works to the vehicles will take place within the building. The second tenant is a private individual who stores and works on his own vehicles at the site.

No members of the public visit the site and traffic generation is minimal with usually no more than two to four vehicle movements per day. As such the impact of the proposal on the surrounding rural environment is minimal and the development would not conflict with the purposes of the Green Belt and therefore the change of use would not constitute inappropriate development harmful to the Green Belt.

Impact on surrounding neighbours:

As stated above the adjacent (wider) site is a commercial premises operating to a far greater scale than the application site and was originally granted planning consent on appeal. Unfortunately however the application site (Units 20 & 21) was not included in these applications since the units were separately accessed by way of the driveway accessing Highbury House. Nonetheless these units were used for many years for car repairs up until May 2005 and between then and February 2014 were used for primary storage for a tree felling and landscape business. From Autumn 2014 until the Summer of 2016 the units were occupied by 'Riverside Cars Epping', which was a second hand car sales (via the internet) and associated valeting business. Consent was initially being sought to regularise this former use (EPF/1176/16) however this application was withdrawn following the vacating of the units by Riverside Cars Epping. The two new tenants undertake car storage and small scale servicing and repairs similar to the use that previously occurred between May 2005 and February 2014.

Within the previous appeal consideration was given to the impact on the neighbouring residents amenities with specific issues being raised at the Public Inquiry directly by neighbours. Regarding this matter the Planning Inspector concluded that *"it is clear that the unauthorised activities on the site have, in the past, resulted in intolerable and genuine distress to neighbours. However, I believe that those activities which have previously detracted from neighbours' living conditions could be satisfactorily controlled by means of planning conditions. Such conditions could be used, for example, to restrict the use of the units to Class B1 and B8 purposes, control the installation*

and use of floodlights and prohibit activities such as outside storage and working, paint spraying, burning of materials and boat repairs. The previously unregulated hours of use could also be controlled in this way... The proposed parking and turning arrangements and the restriction on the weight of vehicles entering the site could also be secured by planning condition. In those circumstances, I do not consider that the scheme would have any unacceptable impact on the living conditions of local residents".

Since the proposed retention of the car storage and repairs on the application site is on a far more limited scale than that permitted on the adjacent site, and Units 20 & 21 are a significant distance from neighbouring residents (although it is appreciated that the entrance to the site is directly opposite Netherkidders Farm), it is similarly concluded that suitable conditions could be imposed, similar to those on the adjacent site, that would reduce any harm to neighbours amenities.

It has been raised by the Parish Council and one of the neighbouring residents that the current conditions of the wide site are currently being breached however this is an issue that would need to be raised with Planning Enforcement and is not a material planning consideration in this application. The conditions originally imposed by the Planning Inspector are enforceable and reasonable and any similar conditions imposed on this site would equally be reasonable and enforceable. It is thereafter the job of Planning Enforcement to ensure compliance with conditions and any such previous breach (particularly a breach occurring outside of the application site) would not be reason to refuse planning permission.

Highways:

One of the other major concerns raised by the Parish Council and neighbours is with regards to traffic problems since they consider that Laundry Lane is 'not suitable for servicing commercial premises'.

Laundry Lane is an unclassified road that links St Leonards Road and Waltham Road. It is winding in nature throughout its length and varies in width from around 2.3m at its narrowest point to some 6m in width near its junction with St Leonards Road. However, between these extremes for the majority of its length it varies in width between 3m to 3.5m and in the vicinity of the application site is around 3.5m wide. There are no formal passing places for vehicles to pass each other, although there are a few opportunities available in the form of private driveways and field gateways.

There is no disputing that Laundry Lane is far from ideal for any two way traffic use, particularly commercial traffic, and historically traffic levels on this road would have been extremely low. However the traffic levels have now increased in part due to the change of use of the adjacent (wider) site. With regards to this matter the Planning Inspector previously concluded that "*despite the material increase in traffic generated by the development the absolute levels of traffic would remain extremely low*" and "*although the additional traffic generated, including delivery vans, would be material in comparison with historic levels I do not consider that it would be sufficient to have any significant adverse impact on the character or amenities of the countryside*" and "*would not materially affect the safety of people using the public highway*".

The proposed uses within Units 20 & 21 are on a far more limited scale than the adjacent site (if for no other reason other than the scale of the buildings) and are stated to be usually no more than two to four vehicle movements per day, equating to one or two cars visiting the site on a daily basis.

Essex County Council Highways have been consulted on the application and comment that "*owing to the scale of the proposal it is very unlikely to generate any significant increase in traffic movements to and from the site*" and therefore no objection is raised to the proposal. As such, notwithstanding the longstanding problems with the highway, which are a separate issue that would need to be addressed by Essex County Council Highways, the proposed use of these

buildings for small scale car storage and repairs would not significantly impact on the highway safety and capacity of Laundry Lane.

Conclusion:

The development is a change of use of permanent and substantial buildings that would not constitute inappropriate development in the Green Belt. Due to the limited nature of activity on site the impact of the proposal on the surrounding rural environment is anticipated to be minimal and traffic movements are limited and would not significantly impact on the highway safety and capacity of Laundry Lane. Subject to conditions similar to those imposed on the adjacent site, and adequate enforcement of these, the proposal would not result in any significant harm to the amenities of neighbouring residents. The application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and therefore is recommended for approval, 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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

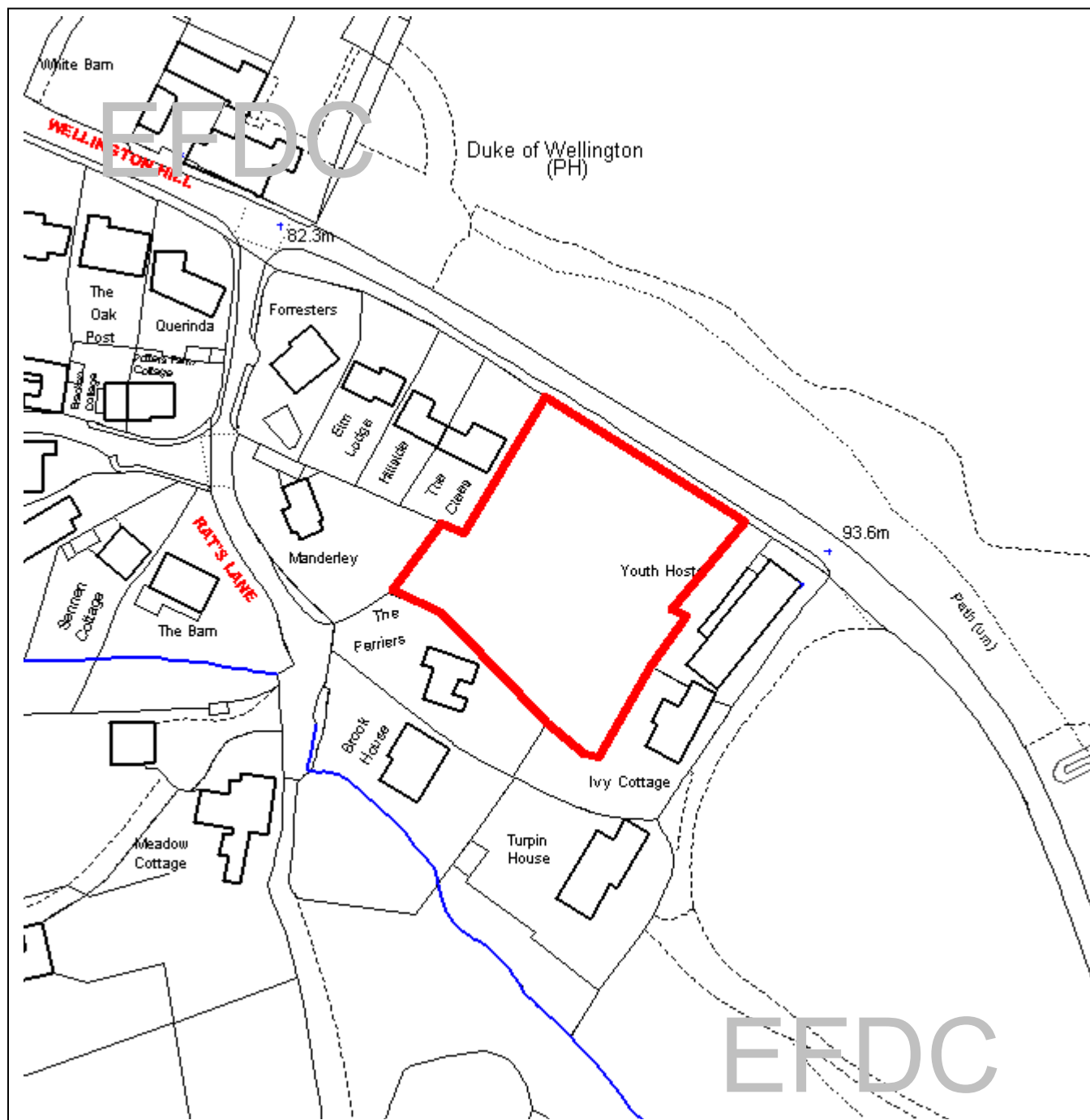
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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/3254/16
Site Name:	Land to West of Wellington Hall, Wellington Hill, High Beech, Loughton, IG10 4AQ
Scale of Plot:	1/1250

Report Item No: 5

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

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

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

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1632.44, 1632.45, 1632.46, 1632.47, 1632.48, 1632.49, 1632.50, 1632.51, 1632.52, 1632.53, 1632.54, 1632.55, 1632.56, 1632.57, 1632.58
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Prior to the commencement of any works a Phase I Habitat Survey shall be submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species surveys need to be carried out. These surveys shall be submitted to and approved in writing by the Local Planning Authority. Should the protected species surveys reveal the presence of protected species, or their breeding sites or resting places on the site, then a detailed mitigation strategy shall be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to and agreed in writing by the Local Planning Authority. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 11 There shall be no discharge of surface water onto the Highway.

- 12 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 13 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 14 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 15 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme

must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 16 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 17 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 18 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 19 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to more than 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)

Description of Site:

The application site is a 0.25 hectare parcel of land to the rear of a former Youth Hostel that has recently been granted planning approval for the change of use into a single dwelling. The site is located on the southern side of Wellington Hill on the edge of the built-up enclave of High Beech and set within and opposite Epping Forest (which is a SSSI). The site is surrounded on three sides by existing properties however is nonetheless within the Metropolitan Green Belt.

Description of Proposal:

Consent is being sought for the erection of three detached four-bed dwellings with private amenity space and off-street parking provision. These would front onto Wellington Hill, albeit behind the retained hedgerow that forms the boundary of the site. The dwellings would be served by an existing gated access on Wellington Hill that previously served a car park used by Wellington Hall. This new road would run behind the existing frontage hedgerow and would also provide access to two parking spaces to serve the previously approved dwelling within the former Youth Hostel.

Relevant History:

EPF/0215/08 - Outline application for a new health centre and retreat incorporating the existing hostel building – refused 25/03/08

EPF/1637/08 - Demolition of existing youth hostel and erection of new building for use as a wellness retreat, with associated landscaping (Revised Application) – refused 19/03/09

CLD/EPF/0975/09 - Certificate of lawfulness for proposed use as hospital (on former Youth Hostel Site) – not lawful 04/08/09

EPF/0563/11 - Reconstruction of existing youth hostel building for use as a leisure facility including the provision of physical training and therapy and beauty services with associated landscaping – refused 11/08/11

EPF/3253/15 - Change of use and conversion of redundant building to form single dwelling - approved/conditions 01/03/16

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 - Achieving sustainable development objectives

CP2 - Quality of rural and built environment

CP3 - New development

GB2A - Development in the Green Belt

GB8A - Change of use or adaptation of buildings

DBE8 - Private amenity space

DBE9 - Loss of amenity

LL2 - Inappropriate rural development

LL10 - Landscape retention

LL11 - Landscaping schemes

NC1 - SPAs, SACs and SSSIs

RP3 - Water quality

RP4 - Contaminated land

ST1 - Location of development

ST4 - Road safety

ST6 - Vehicle parking

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

Epping Forest Draft Local Plan consultation document (2016)

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

SP5 – Green Belt and district open land
H1 – Housing mix and accommodation types
T1 – Sustainable transport choices
DM1 – Habitat protection and improving biodiversity
DM2 – Landscape character and ancient landscapes
DM7 – Heritage assets
DM10 – Housing design and quality
DM15 – Managing and reducing flood risk

Summary of Representations:

9 neighbouring properties were consulted and a Site Notice was displayed.

TOWN COUNCIL – No objection. The committee discussed this application at length, taking into account the Green Belt, the enclave of residential properties, and the fact that permission had been granted for the construction of a dwelling on the neighbouring site. In light of these considerations, the committee raised no objection in principle.

CONSERVATORS OF EPPING FOREST – Object. The proposed dwellings in this previously undeveloped site will have a greater impact on the open character of the Green Belt, would alter the character and setting of the site and will create a visual intrusion. The applicant justifies the proposal site as appropriate for infill development as permission has now been granted for the conversion of the youth hostel to a dwelling, on adjoining land to the east; stating that the site is 'therefore bounded on three sides by existing development'. The permission has not yet been implemented therefore it could be argued that the proposal site is not suitable for limited infilling in a village. The on-site car parking proposal appears inadequate to serve 3 x 4 bedroom dwellings and there is no provision for visitor parking. This is likely to result in unacceptable overspill onto the adjoining Wellington Hill which will be detrimental to highway safety. New development should be located in places that encourage walking, cycling and the use of public transport. The proposed development is not located close to public transport services and will rely heavily on vehicle movements to and from the site. The proposal constitutes inappropriate development and is harmful to the purposes of including land in the Green Belt contrary to the Government advice contained within the NPPF and Policy GB2A of the adopted Local Plan and Alterations. Furthermore, there are no very special circumstances that outweigh the harm of the proposal to the Metropolitan Green Belt.

MANDERLEY, RATS LANE – Object due to potential loss of privacy, light pollution and noise along with a loss of outlook, the level of trees to be cut down and its impact on wildlife, and regarding the impact on surface water drainage.

THE CLEES, WELLINGTON HILL – Object to the development (no reason given).

ELM LODGE, WELLINGTON HILL – Comment that any trees left should be preserved by a TPO, the hedge at the front of the site should be retained in its current state, and any lighting should be kept to a minimal with no ‘grand entrance’ lighting.

IVY COTTAGE, WELLINGTON HILL – The application is welcomed however would not wish to see the private lane used during construction and feel that external lighting would need to be restricted.

TURPIN HOUSE, WELLINGTON HILL – Object due to the possibility of the private lane being used during construction for parking, etc., the long term parking impact, as housing should not be built on forest land but instead on brownfield sites, the light and noise pollution from both construction and occupation of the site, and due to the impact on water pressure.

Issues and Considerations:

The main issues are whether the development is appropriate in the Green Belt, sustainability, the design of the development, the impact on residential amenity, and parking and highway safety.

Green Belt:

The application site is located within the Metropolitan Green Belt whereby the National Planning Policy Framework highlights that “*the construction of new buildings is inappropriate*”, however lists a number of exceptions to this that includes:

- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*

The site is located on the edge of the built up enclave of High Beech and immediately adjacent to the The Clees to the west, Manderley, The Farriers and Ivy Cottage to the south, and the existing building that has obtained planning consent for conversion to the east. Directly opposite to the north is Epping Forest, which is undeveloped.

Whilst this built up enclave is somewhat limited in terms of services and may not be defined as a ‘village’ in the strictest terms there have been a number of appeal decisions with regards to such infills, which included one at Rosedale, Hornbeam Lane, Sewardstonebury (Ref: EPF/0288/13). Whilst the enclave of Sewardstonebury is larger than that along Wellington Hill it contains none of the facilities that you would expect to find within a ‘village’. Nonetheless the Planning Inspector concluded that “*the site, whilst towards the periphery of the built-up area, is within the village*”. Similarly, an appeal decision for an infill development in Spellbrook, Herts was considered acceptable since the Planning Inspector 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*”. More importantly however planning permission has recently been granted for the replacement of a mobile home and associated development with a bungalow at Fairways, Wellington Hill (EPF/1298/15). Despite being recommended for refusal by Planning Officers consent was granted at Committee with the main justification being that the proposal was considered to constitute ‘limited infilling within a village’.

It is therefore concluded that the enclave where the application site is located is suitably large enough to permit a ‘limited infill’. The application site is surrounded on three sides by built development and only shares one boundary with open, undeveloped land. Whilst the Conservators of Epping Forest are of the opinion that, since the permission to convert the Youth Hostel into a dwelling has not commenced, this site would not be suitable for limited infilling, the use of the adjacent building is irrelevant. The exception to inappropriate development in the Green Belt, as laid out within the NPPF, does not specify that such infilling must be between residential

properties, and in fact no definition is given as to what development constitutes 'limited infilling' (i.e. this would not purely relate to new housing). As such the sheer presence of the existing building to the east, along with the other surrounding properties, would ensure that the site constitutes an 'infill plot'.

The provision of three dwellings on the site would be considered suitably 'limited' in this location and would clearly be seen within the context of the enclave and would not detrimentally encroach into open countryside. Furthermore, given that the site is located on the edge of the built up enclave of High Beech and is surrounded by existing properties the development would not introduce any undue urbanisation or residential paraphernalia that would harm the Green Belt. As such the proposal would not constitute inappropriate development harmful to the openness of purposes of the Green Belt.

Sustainability:

Whilst located within a small built up enclave the site is not particularly well served by either public transport or local facilities and therefore would not meet the aims of the National Planning Policy Framework and Local Plan in promoting sustainable forms of development and encouraging new development (particularly housing development) to areas with good public transport links. Nonetheless recent appeal decisions have clearly shown that this issue alone is not sufficient to outweigh the benefits of additional housing when a Council cannot demonstrate a five-year supply of land for housing.

Although the Draft Local Plan identifies potential sites for residential development the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it is considered that the provision of additional housing outweighs the unsustainable nature of this site.

Design:

The proposed dwellings would be one-and-a-half storey in height with dormer windows within the front elevation and a gable projection to the rear. Each of the dwellings would be served by a detached garage to the side and be located behind the retained front hedge. The design of the properties would reflect the adjacent neighbours on Wellington Hill and are considered to be appropriate to this area. Due to the topography of the site the dwellings would be stepped down from east to west to 'bridge the gap' between Wellington Hall and The Clees and the position of the dwellings would follow the pattern of development within the street.

The Local Plan and Essex Design Guide recommend 20m² of private amenity space per habitable room for dwellings, which is easily achieved on site.

Whilst the site is well tree'd the quality of a number of the trees on site (mainly sycamores) is poor and therefore these are not seen as a constraint to the development of the site. The frontage of the site however is visually important as it provides a good native screen which is appropriate for its forest setting. It is proposed that this hedge is retained and enhanced. A number of the existing trees to the rear of the site would also be retained. A tree protection condition would be required in order to protect these features during construction.

Loss of amenity:

The proposed dwellings would continue the existing building line along Wellington Hill. The property immediately adjacent to The Clees (Plot 1) would be approximately 600mm higher and would line up (at its closest point) with the rear most wall than this neighbouring dwelling. Whilst the rear projection would extend a further 4.3m beyond the neighbours rear wall this would be at a distance of 4.2m from the shared boundary and over 5m from the neighbour's house. There are no

first floor flank windows facing The Clees and therefore no significant detrimental impact as a result of the proposed development.

Whilst the use of the site for three dwellings would introduce additional activity the last known use of the land, and the existing access, was as a car park for Wellington Hall. As such the previous activity on the site would have likely caused far greater disturbance than the proposed three dwellings.

Concerns have been raised by properties to the rear of the site within Rats Lane about loss of privacy and disturbance from the development, however the dwellings would be located a minimum of 22m and maximum of 31m from the shared boundary with these properties and both existing and new planting will be provided between the properties. As such it is not considered that the development would result in any significant undue overlooking or loss of privacy. Whilst the introduction of residential use (particularly gardens) to the site would result in inevitable noise, etc. it is not considered that the provision of three additional houses within this built up enclave would have any excessive detrimental impact on the amenities of the surrounding residents.

Parking/highways:

The Essex County Council Vehicle Parking Standards would require a total of seven off-street parking spaces for this size development, consisting of two residential spaces per dwelling and one visitor space to serve the entire site. The proposed development would provide two off-street parking spaces for each of the proposed dwellings (one garage and one space in front) plus access to two parking spaces at Wellington Hall. Whilst no dedicated visitor spaces have been shown on the plan the size and layout of the access road and position of the houses would be such that ample opportunity is available for visitors to park within the site to the front of each of the three properties. Such parking would not unduly restrict the turning space available or usability of the access.

The proposed dwellings would be served by an existing access on Wellington Hill that previously served a car park used by Wellington Hall. Essex County Council Highways have been consulted on the application and have raised no objection because *“from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority”*.

Other material considerations:

Land Drainage:

The development 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. Concern has been raised by neighbouring residents with regards to the potential surface water drainage impacts from the development. The Councils Land Drainage department have been consulted on the application however raise no objection to the scheme subject to the provision of a flood risk assessment by condition.

It is proposed to dispose of surface water by main sewer however the Councils records do not indicate a surface water sewer at this location. As such further details are required regarding surface water drainage, which can be dealt with by condition.

Contamination:

Due to its former use as a Military Training Centre (commandeered 1914-1916) and an extensive building fire (which destroyed both Riggs Retreat and the adjoining Roserville Retreat), there is the potential for contaminants to be present on site. Since domestic dwellings with gardens are

classified as a particularly sensitive proposed use an appropriate contamination assessment is required, which can be dealt with by way of conditions.

Ecology:

The Councils ecological officer has received the application and considers it to be acceptable subject to a condition requiring a Phase I Habitat Survey being agreed.

Construction impact:

Concerns have been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. However time constraints for construction works and the agreement of a construction management plan could be used in order to minimise any impact on neighbours and the surrounding sensitive area.

Conclusion:

The proposed development would constitute a limited infill within this built up enclave and therefore would not be inappropriate development in the Green Belt. The design and layout of the dwellings and retention of the front hedge would ensure that the proposal would not detrimentally impact on the character and appearance of the area and the development would not significantly impact on the amenities of neighbours. All necessary off-street parking provision and private amenity space can be provided and there would be no detrimental impact on highway safety. As such the application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and is recommended for approval.

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

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

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