

**Report to the District Development
Management Committee**



**Epping Forest
District Council**

Report Reference: DEV-024-2016/17
Date of meeting: 5 April 2017

Subject: Planning Application EPF/3163/16 – Units 20-21 Former Mushroom Farm, Laundry Lane, Nazeing, EN9 2DY – Change of use to mixed B1, B2 and B8 uses including storage and mechanical repair of cars.

Responsible Officer: Graham Courtney (01992 564228)

Democratic Services: Gary Woodhall (01992 564249)

Recommendation:

- (1) That planning permission be granted subject to the following 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.

Report

1. This application was put to the Area Plans Sub Committee West on 22nd February 2017 however was referred directly up to the District Development Management Committee for decision.
2. The application was put forward by Officers to Area Plans Sub Committee West with a recommendation for approval, subject to the above conditions. This report carries no recommendation from Members of Area Plans Sub Committee East. However it was requested that any Planning Enforcement History relating to the site is reported to DDMC.

3. It was requested by Members at Area Plans Sub Committee West that the enforcement history on the site be reported to Members of District Development Management Committee. However the only Planning Enforcement investigations relating to the application site (the Red Line planning application area) is that which led to this application.
4. There have been previous investigations into a breach of conditions regarding agricultural occupancy of Highbury House (that shares its entrance with the application site), which was subsequently deemed to be lawful, and the use of the two units to the immediate south of the application site, which was also later considered to be lawful. Furthermore there have been Enforcement Investigations into the Former Mushroom Farm to the north of the site. However none of these areas form part of the application site and therefore the enforcement history on these adjacent plots is not relevant or material to the decision to be taken on this current application.
5. The report to the Area Plans Sub-Committee West on 22 February 2017 is reproduced below.

Planning Issues

Description of Site:

6. 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.
7. 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:

8. 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.
9. 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.
10. Associated parking for the units is proved within the adjacent yard.

Planning History:

11. EPF/1176/16 - Use of units 20 & 21 for storage of second hand cars including valeting

and internet sales – withdrawn 14/10/16

12. Whilst not part of the application site the following history relates to the wider former mushroom farm site to the north and the two units to the south and is considered relevant to the proposal:
13. 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
14. 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)
15. 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

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

16. 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)

17. 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

Consultation Carried Out and Summary of Representations Received:

18. 7 neighbours have been consulted and a Site Notice was displayed.
19. 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.
20. 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.
21. 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.

Issues and Considerations:

22. 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:

23. 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.
24. 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.
25. 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.
26. 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.

27. 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:

28. 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.
29. 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"*.
30. 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.
31. 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:

32. 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'.
33. 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.
34. 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*".
35. 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.
36. 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:

37. 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.