

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 15th July, 2020**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held as a:

Virtual Meeting on Zoom
on **Wednesday, 15th July, 2020**
at **7.00 pm.**

Georgina Blakemore
Chief Executive

Democratic Services
Officer:

G Woodhall
Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors D Dorrell (Chairman), J Lea (Vice-Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, Y Knight, J Leppert, A Mitchell, D Plummer, M Sartin, S Stavrou and D Stocker

WEBCASTING/FILMING NOTICE (VIRTUAL MEETINGS)

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.

In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.

2. The Chairman will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

Please could I also remind Members of the Public who have registered to speak that they will be admitted to the meeting at the appropriate time.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting."

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 12)

To confirm the minutes of the last meeting of the Sub-Committee held on 17 June 2020.

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

8. SITE VISITS

Members are reminded that for the duration of the coronavirus pandemic, as decided at the Group Leaders Meeting of 24 June 2020, **no member site visits will be conducted.**

Therefore, any planning application deferred for a site visit at an Area Planning Sub-Committee will be automatically referred to the District Development Management Committee for determination.

9. PLANNING APPLICATION - EPF/2562/19 OAKLEIGH NURSERY, PAYNES LANE, NAZEING (Pages 13 - 20)

To consider the attached report.

10. PLANNING APPLICATION - EPF/2563/19 OAKLEIGH NURSERY, PAYNES LANE, NAZEING (Pages 21 - 30)

To consider the attached report.

11. PLANNING APPLICATION - EPF/0135/20 80 UPSHIRE ROAD, WALTHAM ABBEY (Pages 31 - 36)

To consider the attached report.

12. PLANNING APPLICATION - EPF/0665/20 80 UPSHIRE ROAD, WALTHAM ABBEY (Pages 37 - 50)

To consider the attached report.

13. PLANNING APPLICATION - EPF/0858/20 AVER HOUSE, NURSERY ROAD, NAZEING (Pages 51 - 60)

To consider the attached report.

14. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

15. REFER SIGN (Pages 61 - 62)

If any member wants to refer a planning application to the District Development Management Committee (DDMC), please hold up this refer sign in front of your screen immediately after the vote has been taken. If at least 4 members agree/hold up their refer signs, the application will be referred to DDMC.

Alternatively, if any member wishes to refer a planning application to DDMC, they should propose a motion to refer this application immediately after the vote has been taken. The Chairman will then ask for a seconder. After a seconder has been sought, the Chairman will then ask if any other member wishes to support this resolution. If at least 4 members agree then the application will be referred to DDMC, otherwise the motion to refer will fail.

Advice to Public and Speakers at virtual meetings of the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend virtually if you are a speaker, or to view on the Council's website. Only in special circumstances are the public excluded.

When is the meeting?

Details of the date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

Speakers will be contacted just before they will be asked to speak by telephone by an officer of the Council. If you are not present by the time your item is considered, the Committee will determine the application in your absence. Speakers should be following the meeting on the Council's webcaster to enable them to know when their item will be considered.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee West or Area Plans Sub-Committee South you will address the Committee virtually. This will likely be by phone at the appropriate time in the meeting when a Democratic Services Officer will contact you. Therefore, a transcript of your representation must be supplied in advance of the meeting to enable the Democratic Services Officer to read this out on your behalf should there be a technical problem. Please email your written statement to democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes you can, but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk>. Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee West 2020-21

Members of the Committee and Wards Represented:



**Chairman
Cllr Dorrell**
Waltham
Abbey
Paternoster



**Vice-Chairman
Cllr Lea**
Waltham Abbey
North East



Cllr Avey
Broadley
Common,
Epping Upland
and Nazeing



Cllr Bassett
Lower Nazeing



Cllr Heather
Waltham
Abbey
Honey Lane



Cllr H Kane
Waltham Abbey
South West



Cllr S Kane
Waltham Abbey
Honey Lane



**Cllr Y
Knight**
Lower
Nazeing



Cllr Leppert
Waltham
Abbey
Paternoster



Cllr Mitchell
Waltham
Abbey North
East



Cllr Plummer
Waltham
Abbey South
West



Cllr Sartin
Roydon



Cllr Stavrou
Waltham
Abbey High
Beach



Cllr Stocker
Waltham
Abbey Honey
Lane

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 17 June 2020
West

Place: Virtual Meeting on Zoom **Time:** 7.00 - 7.05 pm

Members Present: D Dorrell (Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, D Plummer, M Sartin and D Stocker

Other Councillors:

Apologies: J Lea, Y Knight and S Stavrou

Officers Present: J Godden (Heritage, Enforcement & Landscaping Team Manager), A Hendry (Democratic Services Officer), J Leither (Democratic Services Officer) and S Mitchell (PR Website Editor)

1. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

2. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

3. APPOINTMENT OF VICE CHAIRMAN

In the absence of the Vice-Chairman, Councillor D Dorrell, the Chairman, sought nominations for the role of Vice-Chairman.

RESOLVED:

That Councillor R Bassett be elected Vice-Chairman for the duration of the meeting.

4. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 12 February 2020 be taken as read and signed by the Chairman as a correct record.

5. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

6. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

8. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

9. PLANNING APPLICATION - EPF/2586/19 WEBBS COTTAGE, RYE HILL ROAD, EPPING UPLAND, EPPING

In accordance with the Council's constitution, under Council Procedure rule (P2(2)), where a local council had indicated, during the course of planning consultations, of their intention to attend and speak at the Area Plans Sub-Committee meeting where the proposal would be considered and then had subsequently failed to register and attend, the application would be referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination.

Resolved:

That EPF/2586/19, Webbs Cottage, Rye Hill Road, Epping Upland be referred to the Service Director (Planning Services) for determination.

10. PLANNING APPLICATION - EPF/2592/19 WEBBS COTTAGE, RYE HILL ROAD, EPPING UPLAND, EPPING

In accordance with the Council's constitution, under Council Procedure rule (P2(2)), where a local council had indicated, during the course of planning consultations, of their intention to attend and speak at the Area Plans Sub-Committee meeting where the proposal would be considered and then had subsequently failed to register and attend, the application would be referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination.

Resolved:

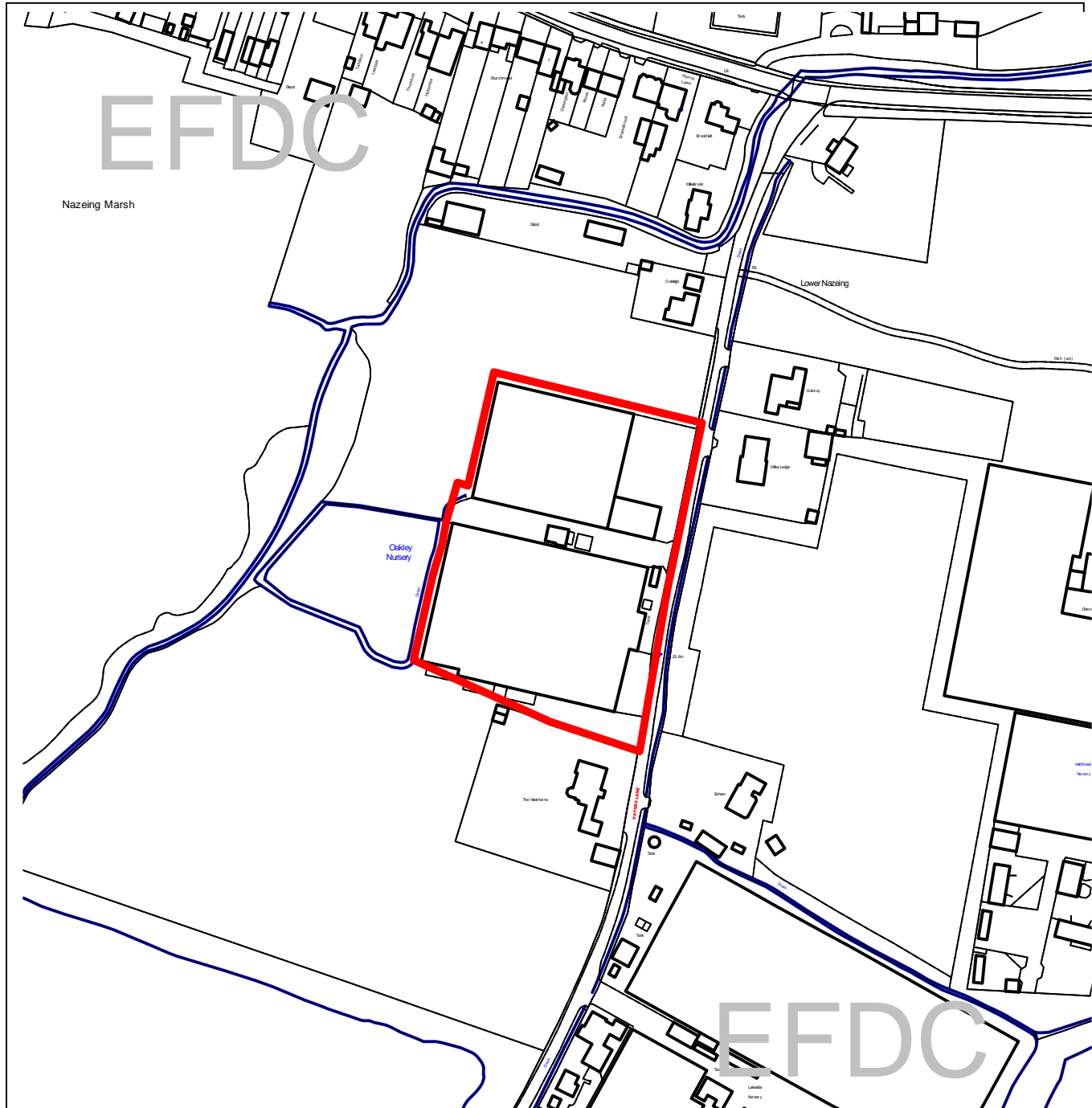
That EPF/2592/19, Webbs Cottage, Rye Hill Road, Epping Upland be referred to the Service Director (Planning Services) for determination.

CHAIRMAN

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Epping Forest District Council



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Application Number:	EPF/2562/19
Site Name:	Oakleigh Nursery Paynes Lane Nazeing EN9 2EU
Scale of Plot:	1:2500

Report Item No: 9

APPLICATION No:	EPF/2562/19
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Giovanni Orlando
DESCRIPTION OF PROPOSAL:	Retention of existing caravan for agricultural office and business use only.
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=629686

CONDITIONS

- 1 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 2573 - 15A4 - 201A, 2573 - 15A4 - 202A and Flood Risk Assessment by UK Flood Risk Consultants (dated 10/04/2018).
- 2 The caravan hereby approved shall only be used as an office ancillary to the business operation of the nursery and not for any residential purposes.
- 3 In the event that the nursery use ceases on site, the caravan hereby approved shall be removed, and the land shall thereafter cease to be used for the stationing of a caravan.
- 4 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Parish Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

Oakleigh Nursery is a working nursery with two glasshouses and associated outbuildings, located on the western side of Paynes Lane. The site is within the Metropolitan Green Belt. There are a mix of nurseries and residential properties within the area. The site is within Flood Zone 2.

Proposal

The proposal is for the retention of the existing caravan as an office ancillary to the business operation of the nursery.

Relevant Planning History

EPF/0041/16 - The replacement of two existing dilapidated caravans with 2 new caravans for residential use by nursery workers (and associated concrete bases) - Approved

EPF/0861/16 - Retention of 1 mobile caravan to provide accommodation for workers – Refused.

EPF/1163/18 - Retention of single mobile caravan – Refused.

EPF/1200/18 - Application for approval of details reserved by condition 4 'drainage details' and 5 'flood risk assessment' on planning application EPF/0041/16 (The replacement of two existing dilapidated caravans with 2 new caravans for residential use by nursery workers (and associated concrete bases) – Details approved

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are of relevance to this application:

CP2	Protecting the Quality of the Rural and Built Environment
CP8	Sustainable Economic Development
GB2A	Development in the Green Belt
GB11	Agricultural buildings
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of amenity
U2A	Development in Flood Risk Areas
RP4	Contaminated land

National Planning Policy Framework 2019 (Framework)

The Framework is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are of relevance to this application:

Paragraph 83
Paragraphs 133, 143 - 146
Paragraph 175

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to

LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
E1 Employment Sites	Significant
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Summary of Representations

Number of neighbours Consulted: 2. 1 response(s) received
 Site notice posted: Yes

HAWTHORNS, PAYNES LANE – Objection – Summarised as;

- Impact on Green Belt;
- Noise disturbance;
- Overlooking;
- Inaccurate plans;
- Insufficient justification for caravans;
- Breach of Human rights;
- Land Contamination;
- Contrary to policy E3;
- Flood Risk; and
- Impact on our amenities.

NAZEING PARISH COUNCIL – STRONGLY OBJECTS to the application stating that;

- i. It is an inappropriate development in the Green Belt contrary to EFDC Local Plan (GB2A – Development in the Green Belt)
- ii. It is inappropriate development in the Lee Valley Regional Park (Policy GB10 Lee Valley Regional Park)
- iii. It is not in accordance with E13 requirements
- iv. The accommodation is not fit for purpose
- v. The applicant has not complied with the majority of the conditions attached to application EPF/0041/16.

If the application is referred to Committee, the Council would wish to attend the meeting and make representations.

If permission is granted, the Council would request that it should be subject to the following Conditions:

- i. Suitable arrangements to be introduced for Sewage disposal
- ii. The Original caravans have not been removed and should be disposed of
- iii. The caravans should not be so close to the boundary, as they overlook the neighbouring property (Policy DBE9 – Loss of Amenity)

EFDC LAND DRAINAGE – No objection

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the Green Belt;
- b) The impact on the living conditions of neighbouring properties;
- c) The impact on the Epping Forest Special Area of Conservation;
- d) Flood risk; and
- e) Land contamination.

Principle/Green Belt

The judgement In the Wealden District Council v SSE and Colin Day 1987, took the view that a caravan could be used as an ordinary piece of equipment on an agricultural unit and that there was no reason why uses such as storing and mixing of feed, some office work and the taking of shelter could not be carried out in such a caravan, which was ultimately ancillary to the agricultural use of the land.

Furthermore, it is well established that a caravan is a chattel, as confirmed by the Wealden case. Therefore, unless such a caravan is adapted so as to make it a permanent structure, planning permission will definitely not be required for the stationing and use of such a caravan for any purpose which is ancillary to agriculture. However, as the caravan was initially intended to accommodate the nursery workers which would have been done unlawfully, this application is necessary to ensure that the caravan at a later stage is not used for accommodation for the nursery workers. This can be done via a suitably worded condition.

Therefore, as the caravan is not a permanent structure and it would be used for the day to day operation of the nursery and not for permanent residential use, it is considered that the proposed caravan is ancillary to the agricultural use, so a condition preventing any residential use would be attached as part of the consent.

Furthermore, it is considered that the above stationing and use of the caravan for ancillary to the agricultural use has not resulted in a material change of use of land, so there is no adverse impact to the Green Belt.

Moreover, whilst the provision of caravans within the rural area can have an adverse impact on the character and amenity of an area, the caravan is set well back from the road and is viewed in the context of the nursery and nursery buildings including large glasshouses. As such it is not considered that they have a particularly harmful impact on the character and visual amenity of the area. Similarly, the concrete pads, whilst they have resulted in the loss of a previously overgrown area, it has been kept to a minimum size and does not have an adverse impact on the visual amenity of the area.

Impact on Adjacent Residential Amenity

The caravan has been sited close to the southern common boundary of the site adjacent to the detached house known as Hawthorns and agricultural land to the rear of that dwelling. Objections have been raised regarding the loss of amenity, overlooking and noise impact amongst others, however following a site visit, officers are of the view that the siting of the caravan will not have any impact on the amenities of the neighbouring property and that there is no reasonable evidence for the above concerns. This is due to the existing high matured hedges and trees along the common boundary that provides a high level of screening to both sites, so the caravan is not readily visible to the occupiers of Hawthorns. Furthermore, the caravan is of a single storey, located in excess of some 25 metres from the rear elevation of the dwelling and, at a slight angle, so there would be no significant impact that justifies a reason for refusal.

Moreover, as the unit is sited a significant distance from the neighbouring dwelling and bearing in mind that the authorised use of the site is for agricultural use, which would be likely to generate a certain level of noise, the caravan to be used as an office ancillary to the agriculture use is not considered harmful in that respect.

Epping Forest Special Area of Conservation (EFSAC)

The caravan has been in situ for a significant period on site and would not result in any increased vehicle movements from the site. Also, as the office would only be relocating from the existing packing shed to the caravan, there would be no impact to the EFSAC in terms of air quality. Thus, no contributions will be required from this scheme.

Flood Risk

Whilst concern has been raised by the neighbour at Hawthorns regarding the infilling of a drainage ditch and increased risk of flooding to their dwelling, the Council's Drainage team have raised no objections to the proposal as the accompanied flood risk assessment was found to be acceptable.

Contaminated Land

As the caravan is situated on top of hardstanding, it is not considered that there would be any harm regarding this matter, but a condition dealing with any unexpected contamination would be attached as part of the consent for clarity.

Conclusion

The retention of this caravan would help the applicant manage the day to day operations of the nursery in line with paragraph 83 of the Framework supporting a prosperous rural economy, and a suitable worded condition would prevent any residential use of this caravan.

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

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:

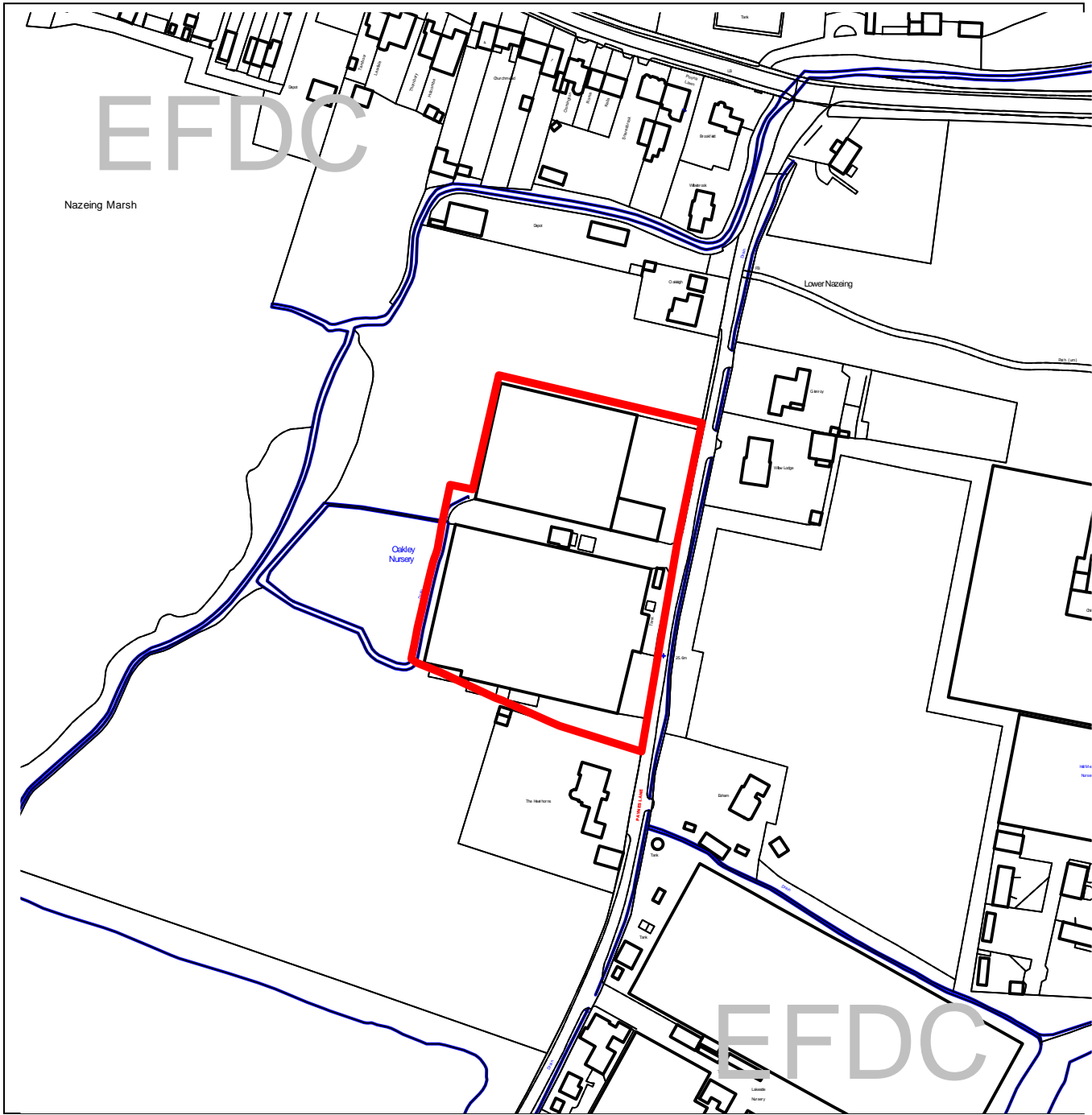
Planning Application Case Officer: Muhammad Rahman
Direct Line Telephone Number: 01992 564415

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

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Application Number:	EPF/2563/19
Site Name:	Oakleigh Nursery Paynes Lane Nazeing EN9 2EU
Scale of Plot:	1:2500

Report Item No: 10

APPLICATION No:	EPF/2563/19
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Giovanni Orlando
DESCRIPTION OF PROPOSAL:	Proposed permanent retention of 2 existing caravans to accommodate nursery workers.
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=629687

CONDITIONS

- 1 On or before the expiration of 28 days from the date of this approval, the 2 dilapidated caravans at present located at the site as shown on drawing number 2573-15A4-202A, and any associated base, dwarf wall or associated works shall be removed, and the land shall thereafter cease to be used for the stationing of a caravan.
- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 2573-15A4-201A, 2573-15A4-202A and the Flood Risk Assessment by UK Flood Risk Consultants (dated 10/04/2018).
- 3 The occupation of the 2 caravans hereby approved shall be limited to persons solely or mainly working, or last working, in agriculture or in forestry, or a widow or widower of such persons, and to any resident dependants.
- 4 There shall be no external lighting erected or fitted on or by the mobile homes.
- 5 Each mobile home shall not have more than four adult persons residing in it at any time.
- 6 There is to be no residential vehicular access to the mobile homes via the southern gate on the approved fence and gates.
- 7 In the event that the nursery use ceases on site, the caravans hereby approved shall be removed from the site, and any associated base, dwarf wall or associated works shall be removed, and the land shall thereafter cease to be used for the stationing of caravans for residential accommodation.

- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

This application is before this Committee since the recommendation is for approval contrary to an objection from the Parish Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

Oakleigh Nursery is a working nursery with two glasshouses and associated outbuildings, located on the western side of Paynes Lane. The site is within the Metropolitan Green Belt. There are a mix of nurseries and residential properties within the area. The site is within Flood Zone 2.

Proposal

The application seeks permission for the permanent retention of the 2 existing caravans to accommodate the nursery workers. These 2 caravans were considered as essential accommodation for the nursery workers and temporary permission was granted by the West Committee from 21/09/2016 to 21/09/2019. (Ref: EPF/0041/16).

Relevant Planning History

EPF/0041/16 - The replacement of two existing dilapidated caravans with 2 new caravans for residential use by nursery workers (and associated concrete bases) - Approved

EPF/0861/16 - Retention of 1 mobile caravan to provide accommodation for workers – Refused.

EPF/1163/18 - Retention of single mobile caravan – Refused.

EPF/1200/18 - Application for approval of details reserved by condition 4 'drainage details' and 5 'flood risk assessment' on planning application EPF/0041/16 (The replacement of two existing dilapidated caravans with 2 new caravans for residential use by nursery workers (and associated concrete bases) – Details approved

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are of relevance to this application:

CP2	Protecting the Quality of the Rural and Built Environment
CP8	Sustainable Economic Development
GB2A	Development in the Green Belt
GB11	Agricultural buildings
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of amenity
U2A	Development in Flood Risk Areas
RP4	Contaminated land

National Planning Policy Framework 2019 (Framework)

The Framework is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are of relevance to this application:

Paragraph	79
Paragraph	83
Paragraphs	133, 143 - 146
Paragraph	175

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
SP3 Place Shaping	Significant
SP7 The Natural Environment, Landscape Character and Green and Blue Infrastructure	Some
H1 Housing Mix and Accommodation Types	Some
E3 Food Production and Glasshouses	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Wastewater and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Summary of Representations

Number of neighbours Consulted: 2. 1 response(s) received
 Site notice posted: Yes

HAWTHORNS, PAYNES LANE – Strongly Object – Summarised as;

- Impact on Green Belt;
- Noise disturbance;
- Overlooking;
- Inaccurate plans;
- Insufficient justification for caravans;
- Breach of Human rights;
- Land Contamination;
- Contrary to policy E3;
- Flood Risk; and
- Impact on our amenities.

NAZEING PARISH COUNCIL – STRONGLY OBJECTS to the application stating that;

- i. It is an inappropriate development in the Green Belt contrary to EFDC Local Plan (GB2A – Development in the Green Belt)
- ii. It is inappropriate development in the Lee Valley Regional Park (Policy GB10 Lee Valley Regional Park)
- iii. It is not in accordance with E13 requirements
- iv. The accommodation is not fit for purpose
- v. The applicant has not complied with most of the conditions attached to application EPF/0041/16.

If the application is referred to Committee, the Council would wish to attend the meeting and make representations.

If permission is granted, the Council would request that it should be subject to the following Conditions:

- i. Suitable arrangements to be introduced for Sewage disposal
- ii. The Original caravans have not been removed and should be disposed of
- iii. The caravans should not be so close to the boundary, as they overlook the neighbouring property (Policy DBE9 – Loss of Amenity)

EFDC LAND DRAINAGE – No objection

Planning Considerations

The main issues for consideration in this case are:

- a) Whether the granting of permanent permission for the 2 caravans for the workers to continue to live in and work on the nursery is acceptable;
- b) The impact on the Green Belt;
- c) The impact on the living conditions of neighbouring properties and occupiers of the caravans;
- d) The impact on the Epping Forest Special Area of Conservation;
- e) Flood risk;
- f) Human rights; and
- g) Land contamination.

Principle

The fact that the caravans were granted temporary permission with a time limit condition from 21/09/2016 to 21/09/2019 is a material consideration for this application.

No complaints were received by the Planning Enforcement team regarding the use of the two caravans. Also, the Housing team have not received any complaints regarding the living conditions of the caravans. Therefore, it can be concluded that the permanent siting of the caravans for living accommodation for the nursery workers is suitable and is not causing any harm to the occupiers, that there would be no additional harm to the Green Belt nor any significant impact on the neighbouring amenities.

Furthermore, the Parish Council's reasons are unfounded, and they have failed to submit evidence to substantiate their reasons for their objections, as the caravans were granted temporary permission by the West Committee since 21/09/2016. This site and other nursery sites within the District were investigated by Private Sector Housing/Environmental Health Officers, as part of an investigation into the living conditions of nursery Workers within the District. Officers discovered that conditions on this site were well below acceptable standards and the owner of the site was advised to provide improved accommodation for the workers that were then living in overcrowded and squalid conditions, within two caravans located within the centre of the site and within a packing shed (This is set out in appendix C & D of the planning statement).

Members attention is drawn to the fact that the Environmental Health Officer liaised with Planning Enforcement Officers and the applicant was advised that the provision of two replacement mobile homes would be tolerated, and that these should be located away from the front of the site to minimise visual impact. This advice was given on the assumption that the two existing caravans within the site had lawful residential use, will be in an acceptable location that will not be harmful to the openness of the Green Belt and, will not be visible from street, with no impact on the neighbouring amenities and, provide suitable accommodation for the nursery workers.

The applicant, following the advice from officers, fully co-operated with the requests of the Environmental Health team to provide improved facilities for his workers and installed the two caravans, the subject of this application, as well as upgrading the facilities within the caravans as sited within the Glass House. Subsequently however, following a complaint from a neighbour, regarding the stationing of the new caravans, it was found that there was no clear evidence that the caravans within the centre of the site (which are to be removed as shown on the drawings) had been occupied residentially, for in excess of 10 years, and that as such the use of the site for stationing of residential caravans was not lawful. The applicant was therefore advised that planning permission was after all required for the caravans, and the concrete pads on which they are stationed. Following this members accepted the principle of the development and subsequently granted a temporary permission for 3 years. The need for a permanent permission is set out in the Green Belt section.

Green Belt

The Framework attaches great importance to the protection of the Green Belt and inappropriate development in the Green Belt should not be approved unless 'very special circumstances' can be demonstrated which clearly outweighs the harm caused.

The permanent siting of the caravans is not considered inappropriate development in the Green Belt subject to paragraph 79 (which policy GB17A & E3 is in line with) of the Framework. Also, the fact that the caravans are for the nursery workers which was found to be an essential need and was considered acceptable previously albeit the temporary permission is a matter that weighs in favour of this application.

Furthermore, policy GB17A of the LP, and policy E3 of the LPSV sets out the circumstances in which the Council may consider an agricultural workers dwelling as acceptable. This requires the applicant to demonstrate that the dwelling is essential, taking into account the nature of the enterprise, that there is firm evidence that the enterprise has long term viability and that genuine and sustained efforts to find suitable alternative accommodation have been made.

The applicant has provided evidence that there is still a need for the agricultural workers for the viability of the nursery, and that there are no affordable accommodation nearby, along with a business viability statement compiled by Totu Wealth Management Limited (Appendix G of the planning statement) with financial planning and management knowledge which supports this. Also, during officers site visits, it was noted that there were multiple workers working in the nursery.

Given, that the emerging Local Plan (policy E3) has identified that high house prices and rents make off-site accommodation unattainable (given that this is a low wage industry), officers are satisfied that in line with the need to support local business and the long-term viability of the nursery, that the proposal in this instance is justified, more so given the current impact that Covid-19 has had on the UK economy and businesses.

Furthermore, a suitable worded condition would restrict the occupation of these 2 caravans to workers in connection with the nursery, so if the nursery use ceases a further condition requiring the removal of the proposed building would be reasonable.

It is therefore considered that the permanent siting of the 2 caravans is therefore not inappropriate development, and not harmful to the Green Belt. Moreover, whilst the provision of caravans within the rural area can have an adverse impact on the character and amenity of an area, the caravans are set well back from the road and are viewed in the context of the nursery and nursery buildings including large glasshouses. As such it is not considered that they have a particularly harmful impact on the character and visual amenity of the area and has no significant impact on the openness of the Green Belt both in spatial and visual terms. Similarly, the concrete pads, whilst they have resulted in the loss of a previously overgrown area, it has been kept to a minimum size and does not have an adverse impact on the visual amenity of the area and Green Belt.

The development is therefore in line with policies GB2A and GB17A of the LP, policy DM4 of the LPSV and the Green Belt policies of the Framework.

Impact on Adjacent Residential Amenity

The two mobile homes have been sited close to the southern common boundary of the site adjacent to the detached house known as Hawthorns and agricultural land to the rear of that dwelling. Objections have been raised regarding the loss of amenity, overlooking and noise impact amongst others, however following a site visit, officers are of the view that the siting of the two caravans will not have any impact on the amenities of the neighbouring property and that there is no reasonable evidence for the above concerns. This is due to the existing high matured hedges and trees along the common boundary that provides a high level of screening to both sites, so the caravans are not visible to the occupiers of Hawthorns. Furthermore, the mobile homes are of a single storey, located in excess of some 25 metres from the rear elevation of the dwelling and, at a slight angle, so there would be no significant impact that justifies a reason for refusal.

Moreover, as the unit is sited a significant distance from the neighbouring dwelling and bearing in mind that the authorised use of the site is for agricultural use, which would be likely to generate a certain level of noise, the caravans for residential accommodation are not considered harmful in that respect.

The Living Conditions of Occupants of the Caravans

The caravans provide no amenity space for their occupants and, being located within an active nursery, do not provide suitable conditions for general residential use not connected with the nursery. The application is for the use of the caravans as occupation of the nursery workers and, traditionally caravans were used on nursery and agricultural sites to house seasonal workers. Indeed, such temporary seasonal occupation does not require planning permission and is not controlled by any site licencing (which explains why there are now so many caravans being occupied within horticultural sites).

Epping Forest Special Area of Conversation (EFSAC)

The caravans have been in situ for a significant period on site and would not result in any increased vehicle movements from the site. Also, as the consent is for the permanent use of the caravans as residential accommodation for the nursery workers, it is considered that there would be no impact to the EFSAC in terms of air quality. Thus, no contributions will be required from this scheme.

Flood Risk

Whilst concern has been raised by the neighbour at Hawthorns regarding the infilling of a drainage ditch and increased risk of flooding to their dwelling, the Council's Drainage team have raised no objections to the proposal as the accompanied flood risk assessment was found to be acceptable.

Human Rights

If planning permission is refused, and enforcement action is taken to secure the removal of the caravans, the people occupying the caravans will likely be made homeless. This is a material consideration and the Human Rights of the occupants need to be considered.

The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) into UK law and is a relevant consideration. Before deciding to pursue enforcement action it is necessary for the Council to be mindful of the impact it would have on the occupants, of the site. It is recognised that the refusal of planning consent and subsequent enforcement action will be an interference with the Human Rights of the people currently occupying the site, there is a clear obligation upon the Council to ensure that any decision it makes accords with the obligations under Article 8 of the ECHR.

Contaminated Land

The previous comments from the Land Contamination officer identified that as, "the proposed caravans are located on the site of 2 demolished old boiler houses (solid fuel "stokeholes") on a Horticultural Nursery within 250m of 4 x landfill sites, and Peat Beds are present in the underlying geology. There is therefore the potential for contaminants to be present over all or part of the site. However, as the caravans have been in situ for over three years, situated on top of hardstanding, it is not considered that there would be any harm regarding this matter, but a condition dealing with any unexpected contamination would be attached as part of the consent for clarity.

Conclusion

It is considered that the granting of the temporary permission on 21/09/2016 is a material planning consideration and, there are also 'very special circumstances' sufficient to outweigh the harm to the Green Belt from the permanent siting of the 2 caravans.

Approval of the permanent siting of the 2 caravans with year-round occupation would help secure the longer-term viability of the nursery, enabling it to continue providing employment and grow crops in line with paragraph 83 supporting a prosperous rural economy of the Framework.

It is considered that the granting of planning permission for the permanent siting of the 2 caravans for the current agricultural workers dwellings complies with policy GB17A of the LP, policy E3 of the LPSV and the Framework.

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

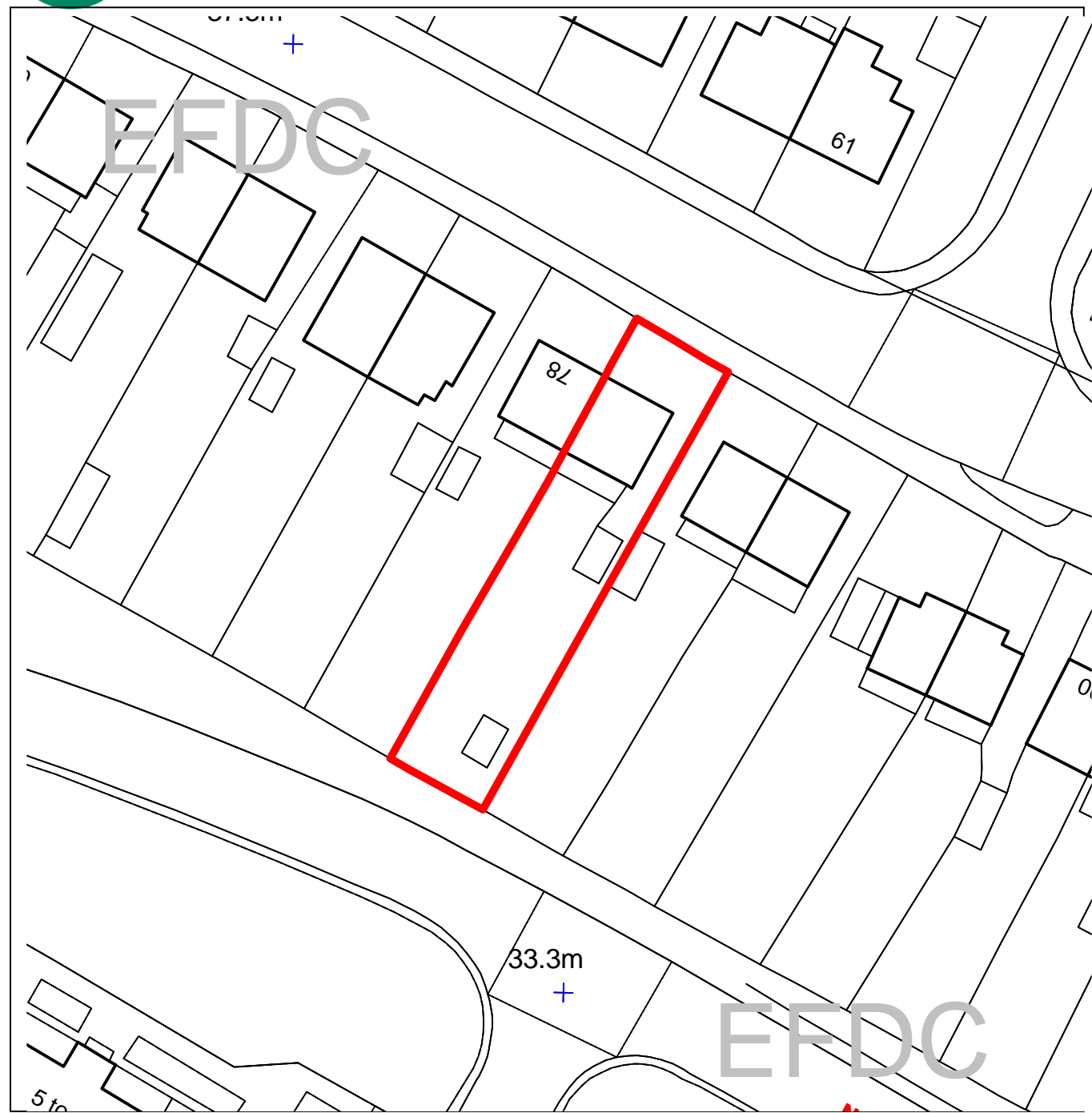
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Muhammad Rahman
Direct Line Telephone Number: 01992 564415

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



Epping Forest District Council



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Application Number:	EPF/0135/20
Site Name:	80 Upshire Road Waltham Abbey EN9 3PA
Scale of Plot:	1:500

Report Item No: 11

APPLICATION No:	EPF/0135/20
SITE ADDRESS:	80 Upshire Road Waltham Abbey EN9 3PA
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
APPLICANT:	Miss Sharnie Gaffney-Smith
DESCRIPTION OF PROPOSAL:	Retention of the outbuilding
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=632596

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 and retained strictly in accordance with the approved drawings numbers:

Location Plan, Existing Front and Rear Elevation, Existing ground floor plan (1), Existing Side Elevation (3) and Existing Side Elevation (4).
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building and according to the application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The proposed development shall only be used as ancillary use for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as no. 80 Upshire Road.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site is a two storey semi detached dwelling on the south western side of Upshire Road. The application site has a detached outbuilding sited at the rear garden which is approximately 13 metres set back from the front elevation of the subject dwelling. The application

site is not located in a Conservation Area nor it is in the Metropolitan Green Belt and is not a Listed Building. The application site has a slight downward slope from north to south.

Description of Proposal:

This proposal seeks permission for the retention of the outbuilding.

Relevant Planning History:

EPF/2206/03 - Demolition of existing garage and replacement with new garage and garden room. Grant Permission (With Conditions)

CLD/EPF/0033/99 - Certificate of lawful development application for use of property as two self contained flats. Lawful

EPF/1158/88 - Extension and addition of dormers. Grant Permission (With Conditions)

Policies Applied:

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of amenity
DBE10	Design of Residential Extensions

National Planning Policy Framework (NPPF) (February 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following sections of the NPPF are considered to be of relevance to this application:

Section 12.

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant

Consultations Carried Out and Summary of Representations Received:

Number of neighbours consulted: 3

1 objection has been received from the neighbouring property no. 82 on the south east elevation of the subject dwelling. Their comments are summarised below:

- The application states 're-build of existing garage', which is not accurate. The building has never been used as a garage.
- This building is used as an outbuilding and has flowing water to it from the main dwelling.
- The planning application ref: EPF/2206/03 for the 'demolition of existing garage and replacement with new garage and garden room' was granted permission. If this outbuilding, along with the proposal to build a side extension should go ahead, the boundary between

80/80a Upshire Road and 82 Upshire Road will see over 26 metres of development along the boundary. The previous application allowed for 1 metre of space between the boundary for the garden room.

- The current outbuilding is built over the boundary, past the fence between 80/80a Upshire Road and 82 Upshire Road and onto the property of 82 Upshire Road.
- The outbuilding forces the water into the garden of 82 Upshire Road.
- The material used for the existing outbuilding do not match the original application.
- The outbuilding was illegally fixed with a guttering to the garage of no. 82, so the garage of the no. 82 was flooded as a result.
- The proximity to the garage at 82 Upshire Road has and will continue to cause problems if the wall of the outbuilding is not moved to within its own boundary of 80/80a Upshire Road.

WALTHAM ABBEY TOWN COUNCIL: OBJECT to the proposed development. Their comments are summarised below:

- The building extends over the neighbouring property no. 82.
- The building cannot be used as a garage due to the constraints of the site.
- If the LPA is minded to approve this application a condition should be set out that the garage is not converted into a habitable space.

Planning Considerations:

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) The impact on the living conditions of neighbouring amenities

Character and appearance

As outlined above permission ref: EPF/2206/03 was granted for the demolition of existing garage and replacement with new garage and garden room. The overall depth of the garage and the garden room was 10.4 metres with a maximum width of 4.5 metres and a maximum height of 2.3 metres. The rear part of the structure (the garden room) was 1.0 metre set in from the shared boundary.

The retention of this outbuilding will result in a maximum depth of 7.6, a width of 3.7 metres and a height 2.5 metres and will be located on the same side as the existing structure.

Taking into account the previous approved extension and the proposed development's siting and size, it is considered that the demolition and rebuilding of this structure will not have a detrimental impact on the character and appearance of the subject dwelling or the neighbouring properties and complies with Policy DBE10 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Living conditions of neighbours:

As outlined above the neighbouring property no. 82 on the south elevation have raised concerns for the above reasons. In response to their comments the description of the proposal has now been changed to the retention of the outbuilding.

With regards to no. 82's objection with regards to the fixing of the gully and the water flow it must be noted that these are not planning matters and fall under civil jurisdiction.

The concerns raised by no. 82 with regards to the boundary disputes are acknowledged, it is however noted that the applicant is aware of this and has provided information which suggest that the outbuilding does not overhang the boundary and is willing to resolve the issue by taking appropriate steps. Again it must be noted that the boundary issue is not a planning matter and falls under the civil jurisdiction.

Any other issues that are raised by the no. 82 are not relevant to the merits of this application.

Taking into account the above points and the siting of no. 82's garage on the same shared boundary, it is considered that the retention of the outbuilding will not result in material adverse impact in terms of overshadowing, overbearing, loss of privacy or loss of light to no. 81 and complies with Policy DBE9 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Other matters:

The comments from Waltham Abbey Town Council are acknowledged, however the points with regards to the boundary raised have been dealt with above and the description of the garage has been amended by the applicant for the retention of the outbuilding. However a condition is attached to the decision notice which permits the use of the outbuilding as ancillary to the main dwelling.

Conclusions:

For the reasons outlined above, it is recommended that planning permission is granted for this proposal subject to conditions attached within the decision notice.

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:

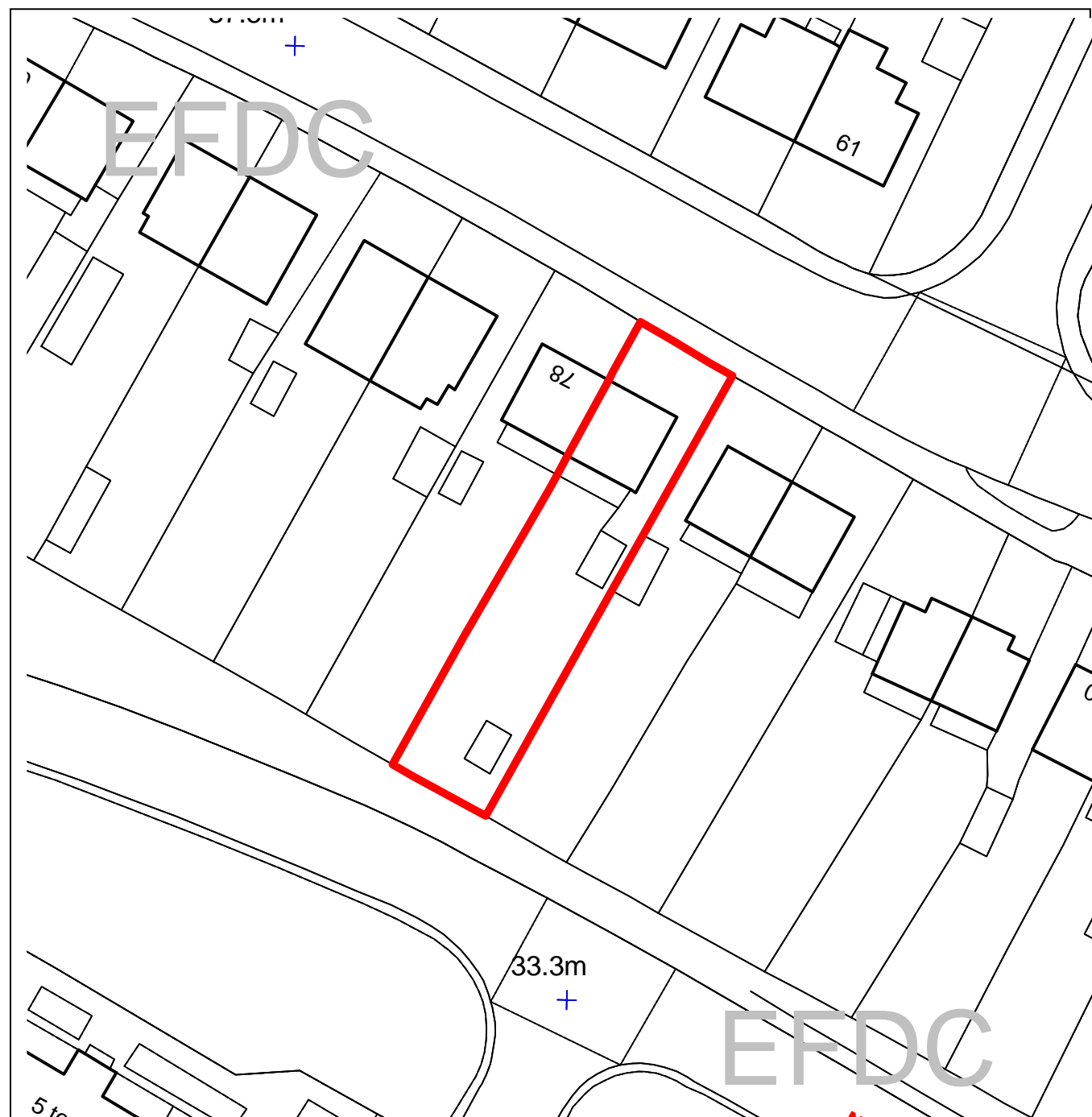
Planning Application Case Officer: Honey Kojouri

Direct Line Telephone Number: 01992 56 4124

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



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Application Number:	EPF/0665/20
Site Name:	80 Upshire Road Waltham Abbey EN9 3PA
Scale of Plot:	1:500

Report Item No: 12

APPLICATION No:	EPF/0665/20
SITE ADDRESS:	80 Upshire Road Waltham Abbey EN9 3PA
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
APPLICANT:	Mr John Smith
DESCRIPTION OF PROPOSAL:	Proposed double storey side extension with part single storey rear extension & skylights. (Revised application to EPF/1897/19)
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=635159

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 and retained strictly in accordance with the approved drawings numbers:

AJC-1372 01, 02, 03, 04, 05, 06, 07, 08 Design and Access Statement, Letter dated 7 June 2020 which includes diagram SK 001 and 002.
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The window openings in the eastern flank elevation shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

SITE AND SURROUNDINGS

The application site contains a two storey interwar semi detached house which has been converted into two flats. The property has had a single storey rear extension built under permitted development which replaced an original 2m deep projection. The rear garden contains a 7.5m deep outhouse and shed close to the south eastern boundary with 82 Upshire Road. The rear boundary adjoins the spine road Ninefields. The surrounding area is made up of similar types of housing.

The site is in a residential area which has no heritage designation.

PROPOSED DEVELOPMENT

Permission is sought for the construction of a double storey side extension with part single storey rear extension and skylights.

The two-storey side extension measures 2.31m wide at ground floor level and reducing to 1.41m wide at first floor level. It has a depth of 11.27m at ground floor level (of which 4.13m is beyond the original rear elevation of the property) and 9.97m deep at first floor level (of which 2.83m is beyond the original rear elevation of the property). The first-floor side extension has a height which is 0.2m below the main roof ridge of the application property. The single storey side extension when measured close to the front elevation is 2.3m high to the eaves and 3.3m high to the ridge of the manslope roof.

The two-storey rear extension is 4.1m wide and is 8.2m high to the ridge of its hipped roof.

The remaining single storey rear extension measures deep by 4.65m wide by 5.34m deep and 3.6m high to its crown roof.

Materials are proposed to match those of the application property.

RELEVANT PLANNING HISTORY

Reference	Description	Decision
EPF/1158/88	Extension and addition of dormers.	Granted but not implemented
CLD/EPF/0033/99	Certificate of lawful development application for use of property as two self-contained flats.	Lawful
EPF/2206/03	Demolition of existing garage and replacement with new garage and garden room.	Granted
EPF/1897/19	Proposed double storey side extension with part single storey rear extension and skylights	Withdrawn
EPF/0135/20	Retention of the outbuilding	Pending

CONSULTATION AND REPRESENTATIONS

DEVELOPMENT PLAN

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan currently comprises the saved policies of the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006) ("the Adopted Local Plan"). The following Adopted Local Plan policies are relevant to the determination of this application:

CP7	Urban Form and Quality
DBE10	Design of Extensions
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking

1.1 The relevance of the identified saved Local Plan policies to the determination of this appeal and the weight to be accorded to each policy are addressed in further detail within Section 12 of this report.

2. NATIONAL PLANNING POLICY FRAMEWORK

2.1 The current version of the National Planning Policy Framework ("the Framework" or "NPPF") was published in February 2019. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

Reflecting the proper approach identified in the previous section of this Report, the NPPF explains (at paragraph 2) that:

"2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a

material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.²"

Paragraph 11 of the NPPF concerns the presumption in favour of sustainable development and states (so far as relevant):

"Plans and decisions should apply a presumption in favour of sustainable development.

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole."

Paragraph 11 d) ii. is often referred to as the 'tilted balance'.

For the purposes of sub-paragraph (i) of paragraph 11, footnote 6 lists the policies in Framework (rather than those in development plans) that protect areas or assets of particular importance including: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, or Local Green Space; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 of the NPPF); and areas at risk of flooding.

The presumption in favour of sustainable development does not, however, change the statutory status of the development plan as the starting point for decision making. In accordance with paragraph 213 of the NPPF and subject to paragraph 11 d) and footnote 7 referred to above, policies in the development plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the NPPF; in other words the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given to them).

In addition to paragraph 11, the following policies in the NPPF are relevant to this application:

- Paragraph 108 – 110 (Transport)
- Paragraph 124 (Design)
- Paragraph 127 (Design)

EMERGING LOCAL PLAN

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "*may give weight to relevant policies in emerging plans according to:*

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).²²"*

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
T1 Sustainable Transport Choices	Significant
DM9 High Quality Design	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours Consulted: 12.
Site notice posted: Not required.

Neighbours

82 UPSHIRE ROAD: OBJECTION: This proposed development will lead to increased on-street parking and unsafe manoeuvres across the footpath, raising issues of pedestrian safety, particularly school children, and road user's safety.

Overshadowing, leading to the loss of suitable daylight and sunlight in the kitchen and dining room of 82 Upshire Road. The window is directly opposite the proposed extension and is the main light-source into the kitchen and dining room.

We have instructed a surveyor to carry out an assessment of the loss of light who opined: -

I have identified the extent of sky viewed at table top level as exists in the kitchen of no. 82 and compared this with the anticipated extent of visible sky which will be left if you carry out the works as proposed and shown on drawing number AJC-1372/03, /04 and /05.

The kitchen at no. 82 is served by relatively small window only 450 mm wide. On the south side the kitchen is separated from the rear living room by folding timber screen and this is a permanent fixture. Although the screen can be opened to allow additional light into the kitchen, this has not been taken into consideration in assessing the loss since the kitchen must be assessed on the basis that all permanent access to doors remain closed.

Following construction of the proposed work at No. 80 the reduced area of sky factor is assessed at 3.37 square metres being 21.4% of the floor area. This constitutes a loss of 53.88% of the existing light and provides the basis of a claim from your neighbour.

Overdevelopment of the site,

The scale, mass, proximity and general dominating effect will be overbearing to neighbours.

If the application requests to build a door allowing access into an outbuilding, this should be considered as a joined-up development with EPF/0135/20 and therefore should be considered overdevelopment of the site.

Overlooking and loss of privacy. Due to the windows added to the first floor of 80a Upshire Road, there is a sensitivity to a loss of privacy. The proposed windows will be overlooking the habitable room of 82 Upshire Road, which is opposite the proposed build. The height

and proximity to the plot boundary increase the extent to which 82 Upshire Road will be overlooked.

61 UPSHIRE ROAD: OBJECTION: The site is currently made up of two 1-bedroom residential flats and has issues with insufficient parking. Increasing the size of each dwelling increases the parking necessities of each flat. There is already a highways issue with the way the current residents park their cars at an angle on the driveway and in the road so when exiting the drive, you cannot see oncoming traffic. This application is only going to worsen the situation. The current driveway will be part of the extension meaning more cars will be parked on the road. I also have concerns that the applicant would put in a forthcoming application for a HMO and also using external outbuilding space as residential which is likely they would do retrospectively as they did on the initial application for developing the property into flats, this would all increase the parking needs and the impact on the highways concerns.

APPLICANT: prior to their extension being built at 82 Upshire Road, this property had a primary window and part glazed rear door in the kitchen and the dining area had a pair of glazed French doors with a sky light window above the doors. These rooms were originally two separate rooms. The plans that were passed, show the original kitchen and dining area and new rear extension were to be completely open plan, benefitting from three roof Velux windows and two pairs of glazed French doors, giving the whole area ample natural light.

A right for light report of a room must be completed with all doors closed. This right for light report does not distinguish between wall or doors for clarity, but does mention a folding timber screen, not shown on the passed plans. This separates the space and therefore it is not open plan as the drawings show where the whole extension benefits from natural light and instead relies on the small secondary side window.

This originally secondary, small side window was only meant to light the original kitchen area along with the original part glazed door and window NOT the dining area which had its own light source from the pair of glazed French doors and sky light window that the owners of 82 Upshire Road have removed themselves.

I feel that the right for light problem is their own creation, but we have amended our plans in the spirit of being reasonable neighbours.

Previously objections were raised with regard to the parking facilities by the same neighbours who requested a return visit from the Highways Department. I have spoken with Mr Matthew Lane from the Highways Department on two occasions. An assessment was carried out and Mr. Lane declined a return visit and stood by the reports assertion that there were no grounds for objections, stating that there was safe and ample parking.

the entire width of the property is benefitted from a dropped kerb, which has been present since before Mr Smith purchased the property. Recent Highway's Agency improvements also replaced and reinstalled the dropped kerb in its entirety.

The existing side garage access is not wide enough to comfortably fit a standard modern family car and be able to open doors to remove and attach child car seats. Parking here also restricts access to the entrance door of 80 Upshire Road which is in the rear elevation.

Photos have been submitted which demonstrate that 3 cars can safely fit within the front forecourt of the property. Photos have been submitted which demonstrate other properties within the street which also have 3 cars parked on the front driveway.

The initial plans (EPF/1897/19) were entered in September 2019. Following the committee meeting held on 6th November 2019, the Planning Report stated that the distance between properties was sufficient and that 'the 45-degree guidelines for light will also not be infringed.

This neighbour [82 Upshire Road] is also orientated east of the application site and therefore it will not be significantly affected by loss of sunlight' When 82 Upshire Road expressed concerns regarding the right for light, we were advised to have a right for light survey completed. The results of that survey showed that the initial plans would result in a loss of 53.88% of existing light to the kitchen/dining area.

In order to bring this loss below 50% (the widely accepted 50:50 rule) and with advice from the surveyor and our architect, amended plans (EPF/0135/20) were entered with the intention of improving the light received by 82 Upshire Road. This was achieved by amending the height of the ground floor flank wall and first floor roof line of 80 Upshire Road. However, at the request of the Planning Officer the plans were withdrawn before they could be considered, as part of the redesign of the first floor was felt to be less in keeping with the style of the original dwelling. The plans were redrawn to correct this, resubmitted, and this final proposed design

(EPF/0665/20) still aims to improve the light received by 82 Upshire Road by lowering the ground floor flank wall whilst now maintaining the integrity of the original building.

On submitting the current proposed plans, we also included the floor plan of 82 Upshire Road's single storey rear extension. The floor plan of 82 Upshire Road that we included were the plans approved by Epping Forest and publicly available on the Epping Forest Council planning website. The objection states that this is an inaccurate drawing. The plan shown in the objection by 82 Upshire Road is not among the floor plans which were approved by Epping Forest nor is it available for public inspection. The original layout of 82 Upshire Road shows that the small kitchen received light from a partly glazed door and two small windows. The dining room received light through glazed French doors with two additional windows above them approved plans of 82 Upshire Road's extension (application EPF/2144/15) which we consulted when preparing our designs. As shown the extension is open plan, removing the wall between the kitchen and dining room, and had these plans been executed the kitchen/dining space would have received light from 3 skylights and 2 glazed doors as well as the small secondary window.

The plans which were provided by 82 Upshire Road within the objection. These plans were not evident as part of the approval process for application EPF/2144/15 and are not available to view on the Epping Forest planning website.

The right for light survey stated that 'the kitchen [82 Upshire Road] is separated from the extension by a folding timber screen and this is a permanent fixture.'

By creating this divide, 82 Upshire Road has removed the ability for natural light to enter the kitchen/dining space other than via the existing small secondary window, measuring 450mm wide, on the side flank wall. This cannot be considered an adequate sole light source for a room of this size and depth. By installing a partition and removing the open plan nature of the approved plans, 82 Upshire Road are responsible for the overall lack of natural light in the space.

The objection has included an image of 80 Upshire Road showing the 25° angle from the side window of 82 Upshire Road claiming them to be from the current application EPF/0665/20.

This is incorrect, the image shown was submitted with the withdrawn application EPF/1894/19 and the angle line has been drawn at the incorrect height.

Please see the email (figure 2.4) from our architect explaining the 25° angle and the effect on the sky loss factor with the current proposed plans (EPF/0665/20). I also include the two drawings which our architect provided to support his email, one showing the angle line drawn correctly on previous plans (EPF/1894/19) (SK001) and the angle line drawn on the current plans (EPF/0665/20) (SK002).

We have amended plans on two occasions to address the concerns of 82 Upshire Road's right for light. We have then shown that the light issue is with 82 Upshire Road's expectation that the sole light source to both the kitchen and dining space is provided via the small, secondary side window.

The planning report and objection both mention that there is an existing extension to the rear of 80 Upshire Road. Whilst we confirm that planning permission for an extension with dormers was sought and granted (EPF/1158/88) in 1988 (prior to myself or Mr Smith owning the property), these plans were never executed.

At the rear of the property is a modernisation of an existing conservatory. Along this row of semi-detached properties, many of them also had this as a part of the footprint

The original conservatory with plastic roof and original french doors to the dining room.

We have retained the plastic roof and over 50% glass which we would not class this as an extension. Our application has been designed to be sympathetic to the wider street scene by protecting the integrity of the original building by paying close attention to the scale, form, detail, elevations, materials and roof treatments and placement of windows. This has been achieved by including the same pitch roof as the original dwelling and the surrounding semi-detached properties, setting in the first storey extension to remove the terraced effect and stepping the side extension back to add to the sense of relief between the buildings.

94 Upshire Road, 96 Upshire Road, 104 Upshire Road, 23 Paternoster Close, 14 Harries Court all have had approval for similar types of extensions.

Residents of 61 and 82 Upshire Road have expressed concern that the property will be turned into an HMO which we agree is a valid concern.

The property is legally split into two properties, 80 Upshire Road is owned by myself and Mr Smith and 80A Upshire Road is owned by Mr Lyburn who has allowed us to act on his behalf throughout the planning and building process. To be clear, it has never been nor shall it be our or Mr Lyburn's intention to turn either property into HMOs. The proposed extension for 80 Upshire Road is for the sole purpose of improving my family home as my family grows, with the inclusion of an additional bedroom and sorely needed family bathroom, which we currently do not have.

Planning approval was given under reference EPF/0212/19 for a two-storey side extension and single storey rear extension at 23 Paternoster Close. The existing property has only a narrow side access to the neighbouring property along the boundary and there are three windows on that neighbour's flank wall.

The double storey side extension with an up and over roof was approved for 23 Paternoster Close, and when it was reviewed by Waltham Abbey Town Council, they had no objections to the plans and made no mention of it having an overbearing nature or impacting the view between the properties for neighbours.

The first storey of the proposed extension of 80 Upshire Road is set in by one meter which, in addition to the driveway of 82 Upshire Road leaves a gap of 3.6 meters between the two properties on the first floor. This is well in excess of the approved plans for 23 Paternoster Close. This example alongside those properties on Upshire Road and Harries Court also support our claim that the proposed extension should not be considered overbearing.

We appreciate the design suggestions from 82 Upshire Road; however, we considered many alternative designs with our architect at the initial design stage.

As the property is actually two flats the suggested single storey rear extension for 80 Upshire Road would not create an adequate amount of floor space to include an essential additional bedroom and needed family bathroom, which the property doesn't not currently have. It would also still require an entrance to the rear of the property.

The proposed plans (EPF/0665/20) provide the best solution for suitable living standards at 80 Upshire Road allowing for an additional bedroom and bathroom. With a second child due in November these are both vital.

In order for this floor plan to be achieved 80 Upshire Road would need to use the existing entrance at the front of the property. This requires the staircase to be relocated into the new side extension with a new entrance to be created for 80A Upshire Road. This is the most efficient use of the land and would be impossible to achieve if we only had a single storey rear extension for 80 Upshire Road.

WALTHAM ABBEY TOWN COUNCIL OBJECTION: Although the applicant has made some revisions to this application, the proposal is still too cramped on the site and there are issues relating to parking and road safety.

Statutory consultees

Essex County Council: Highways Authority: From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

PLANNING CONSIDERATIONS

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact to the living conditions of neighbours;
- c) Highway safety and parking provision;

Character and Appearance

Paragraph 127 of the NPPF requires that decisions should ensure that development will add to the overall quality of the area as well as respond to the local character, history and reflect the identity of local surroundings.

Policy DBE10 (Residential Extensions) of the adopted Local Plan requires that "a residential extension will be required to complement and, where appropriate, enhance the appearance of:

- 1. the street scene
- 2. the existing building

This will be achieved by close attention to:

- (a) the scale, form, detail, elevations, materials, roof treatment and fenestration of the existing building; and
- (b) separation from any neighbouring buildings; and
- (c) the existing landscaping in the locality

This application is amendment to the withdrawn scheme under reference EPF/1897/19. The change proposed from the original scheme is the removal of the front porch.

The extensions have a pitched roof design which is keeping with the character of the locality. The size of the ground extensions are consistent with permitted development legislation.

The side extension at first floor level is set in 1m from the side boundary to prevent a terracing effect. It also includes a 0.2m set back to the front elevation which allows the first floor roof to remain subordinate to the appearance of the main building.

This part of Upshire Road has a built up urban character. There are many examples within the locality of similar types of extensions. Examples of which listed by the applicant in her response to objectors above. There is also sufficient space between the application property's-built form and the location of neighbouring properties to maintain the spatial standards of the street. The proposed materials are also in keeping with the application property and wider character of the area. I therefore consider that the proposal will preserve the character and appearance of the application property and wider streetscene in accordance with the requirements of chapter 12 of the NPPF, policy DBE10 of the adopted Local and DM 9 of the Submission Version Plan.

Objectors raise concerns that the proposal together with the existing outhouse (gym) and shed will result in the overdevelopment of the site, however this view is not supported by officers given that these existing outbuildings are single storey, do not cause loss of amenity and are domestic in character.

Living Conditions of Neighbours

The application proposes two windows in the first-floor side flank wall which serve a bathroom and hallway. It is therefore recommended that a condition be attached to any permission requiring that these windows be obscure glazed.

The proposed glazing within the ground floor side extension are two rooflights. They are not considered to cause loss of privacy to the neighbouring occupiers due to their high position and their position on a roof slope.

The rear elevation first floor window will provide similar views to that already provided by the existing rear elevation first floor windows and will therefore not excessively increase overlooking.

There is a gap of 3.6m between the side flank of the first-floor extensions and the side flank wall of number 82 Upshire Road. This neighbouring property also has its own garage along the shared boundary and a single storey rear extension. Plans also indicate that the 45-degree guidelines on light to the neighbouring rear elevation windows will not be infringed. This neighbour is orientated east of the application site and therefore it will not be significantly affected by loss of sunlight.

The side flank of the property at 82 Upshire Road facing the application site contains one window at ground floor level serving the kitchen/ dining area. The house at 82 Upshire Road was originally designed so that this original large kitchen window was secondary as there was also a window and door facing the garden which served this room. The occupiers of this neighbouring property built a single storey rear extension and raised patio approved under planning permission reference EPF/2144/15. This permission encompassed the kitchen into an open plan room. Given that the main source of light for this room was originally from the rear elevation and the implemented permission includes double doors into the extension which is now served by four glazed patio doors and three rooflights which would have still allowed sufficient light into the dining area. However, the residents of 82 Upshire Road decided to change the internal layout of the approved extension so that it formed two rooms instead of one. This change in layout has resulted in there being only one window to serve the kitchen/ dining area. There are, however, double doors that connect this room to the wider living room extension. If these doors are opened there will be sufficient light within the room. The side elevation kitchen/dining was originally secondary and the lack of light to this room has been created as a result of the homeowner's choice to light the room from a side elevation window.

Notwithstanding this, plans were amended in light of the objections made within the previously withdrawn application under reference EPF/1897/19 to include a 30cm reduction in height of the ground floor side and rear wall in comparison with that original proposal. The 25-degree angle daylight test was then carried out which found that the ground floor rear and side extension would not breach BRE guidelines. The advice given in the applicant's statement is that due to the position of the neighbour's window being incorrectly shown within the original submission. It resulted in incorrect results. The analyst corrected this mistake and found that this resulted in a 50% reduction in loss of light in comparison the original calculation. Given that the level of light lost from this window will now be less than 50% in comparison with the existing situation, the proposal now meets BRE guidelines. It is therefore considered that any loss of light to this kitchen/dining room window will not be excessively above the existing situation.

The other windows on the side flank of this neighbouring property serve non habitable rooms. Furthermore, given the urban location of the site where the proposed extensions are commonplace and that the proposal follows the building line of the front and rear elevations within the street and is consistent with the plot rhythms within the street, it is for this reason considered that the proposal will not have an excessively overbearing impact on this neighbour over and above that which already exists within the existing pattern of development along this street. It is therefore considered that this property will not be excessively affected in terms of loss of amenity.

Number 78 has its own single storey rear extension and pergola which is a similar depth to that proposed by this application and the first floor rear extension is separated from the boundary with this property by a distance of 3.6m and no windows are proposed in the western side flank facing this property. This is considered sufficient to ensure that the living conditions of this property are adversely affected in terms of loss of light, outlook or privacy. It is for these reasons that the proposal complies with the requirements of policy DBE9 of the Local Plan and DM9 (H) of the SVLP.

Loss of a private view is not a material planning matter.

Highway Safety and Parking Provision

The proposal will not result in new households being created. Photographs have been submitted which demonstrate that there is sufficient space to adequately park 3 vehicles. The proposal therefore meets the parking standards set out in ST6 of the Local Plan and T1 of the SVLP. A bus routes also runs along this road. The Highway Authority is also satisfied that the proposal does not pose a highway safety risk and therefore has also not raised any objections to this proposal. The proposal therefore in accords with the requirements of policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Other Matters

If the applicant wanted to convert the property into a House in Multiple Occupation, further planning permission would be required.

It is noted that the outbuilding (domestic gym) is very close to the proposed extension and therefore could be encompassed into the extension. However, to do this, further planning consent would be required. Since this structure is existing there would be no additional harm to neighbouring amenity.

CONCLUSION

The design will preserve the character and appearance of the application property and locality. It also would not be excessively harmful to the living conditions of neighbours; it is therefore recommended that planning permission is granted subject to conditions.

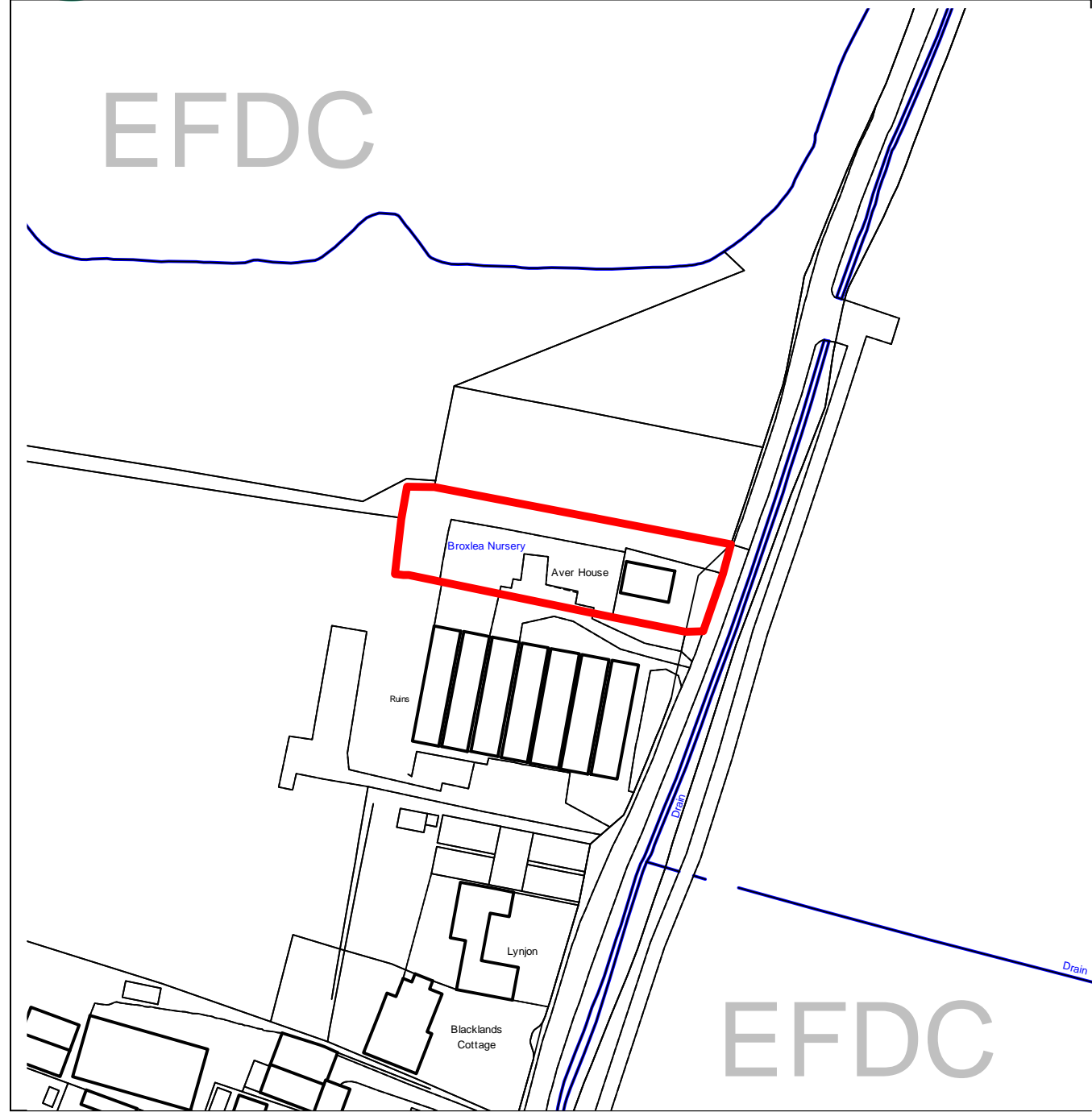
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Sukhi Dhadwar

Direct Line Telephone Number: 01992 564597 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council



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Application Number:	EPF/0858/20
Site Name:	Aver House Nursery Road Nazeing EN9 2JE
Scale of Plot:	1:1250

Report Item No: 13

APPLICATION No:	EPF/0858/20
SITE ADDRESS:	Aver House Nursery Road Nazeing Waltham Abbey EN9 2JE
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Kevin Ellerbeck
DESCRIPTION OF PROPOSAL:	Demolition of a commercial building and replacement with a single dwelling. (Revised application to EPF/0196/19).
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=636162

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Moreover, by reason of its scale, height and siting, the proposal would result in a significant reduction in the openness of the Green Belt. Consequently, the development is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, policy DM4 of the Submission Version of the Local Plan (2017) and the objectives of the National Planning Policy Framework.
- 2 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.

This application is before this Committee since it has been 'called in' by Councillor Richard Bassett (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site is a roughly rectangular plot with a single storey building (last in use as a B8 Storage building) fronting onto Nursery Road within the rural area of Nazeing. Directly to the south of the site is a development site in the latter stages of construction for 4 detached dwellings that replaced mushroom farm buildings. To the south of this is a ribbon of detached properties all on the same side of the road as Aver House. Nursery Road is a private road, and has the appearance of a country lane with properties only on one side opposite a robust hedge/tree line which reinforces the rural appearance. The site is within the Metropolitan Green Belt and flood zone 2.

Description of Proposal:

The application seeks consent for the demolition of the existing storage building and replacement with a 2 storey property with front and rear projections and attached double garage (exactly the same design as the four properties to the south). This application is in effect the same as the previously submitted application EPF/0196/19 which was refused with the only addition for this submission an Addendum Planning Statement.

Relevant History:

EPF/0196/19 - Demolition of a commercial building and replacement with a single dwelling – Refused

The application was refused for the following reasons:

- 1. The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Moreover, by reason of its scale, height and siting, the proposal would result in a significant reduction in the openness of the Green Belt. Consequently, the development is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, policy DM4 of the Submission Version of the Local Plan (2017) and the objectives of the National Planning Policy Framework.*
- 2. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.*

EPF/1582/18 - Prior approval for proposed change of use from storage unit (Class B8) to residential dwelling (Class C3) – Prior approval granted

Policies Applied:

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations

indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2 – Protecting the quality of the Rural and Built Environment

DBE1 – Design of new buildings

DBE2 - Effect on neighbouring properties

DBE5 – Design and Layout of new development

DBE8 – Private amenity space

DBE9 – Loss of amenity

GB2A – Development in the Green Belt

GB7A – Conspicuous development in the Green Belt

ST01 – Location of Development

ST06 – Vehicle Parking

LL10 – Adequacy of provision for landscape retention

NPPF:

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 124

Paragraph 127

Paragraph 130

Paragraph 131

Paragraph 144- 146

Paragraph 170

Epping Forest District Local Plan (Submission Version) 2017

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy		Weight
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 18 - No responses received
NAZEING PARISH COUNCIL: No objection

Main Issues and Considerations:

Green Belt

The site is wholly within the Metropolitan Green Belt, located some 600m+ outside of the defined village of Nazeing with no development connecting the two areas. As described above the site is within an area that is more rural and distinct in character than the built up area to the south east which is within the defined built up area of Nazeing.

The supporting information states that the development is an infill proposal within the Metropolitan Green Belt, however it is the Council's view that firstly the proposal is outside of the village enclave due to the separation of this small ribbon of development from the main built up and this small ribbon is not classed as a village in its own right. Secondly the application site is not considered an 'infill' site as it is at the end of a small row of properties, with development only on one side so therefore this does not meet the Councils definition of infill since it does not infill an 'otherwise continuous row of built development'.

The NPPF is clear that an exception to Green Belt policy is 'limited infilling in villages', however as outlined above it is not considered that this site is within a village or classed as limited infill.

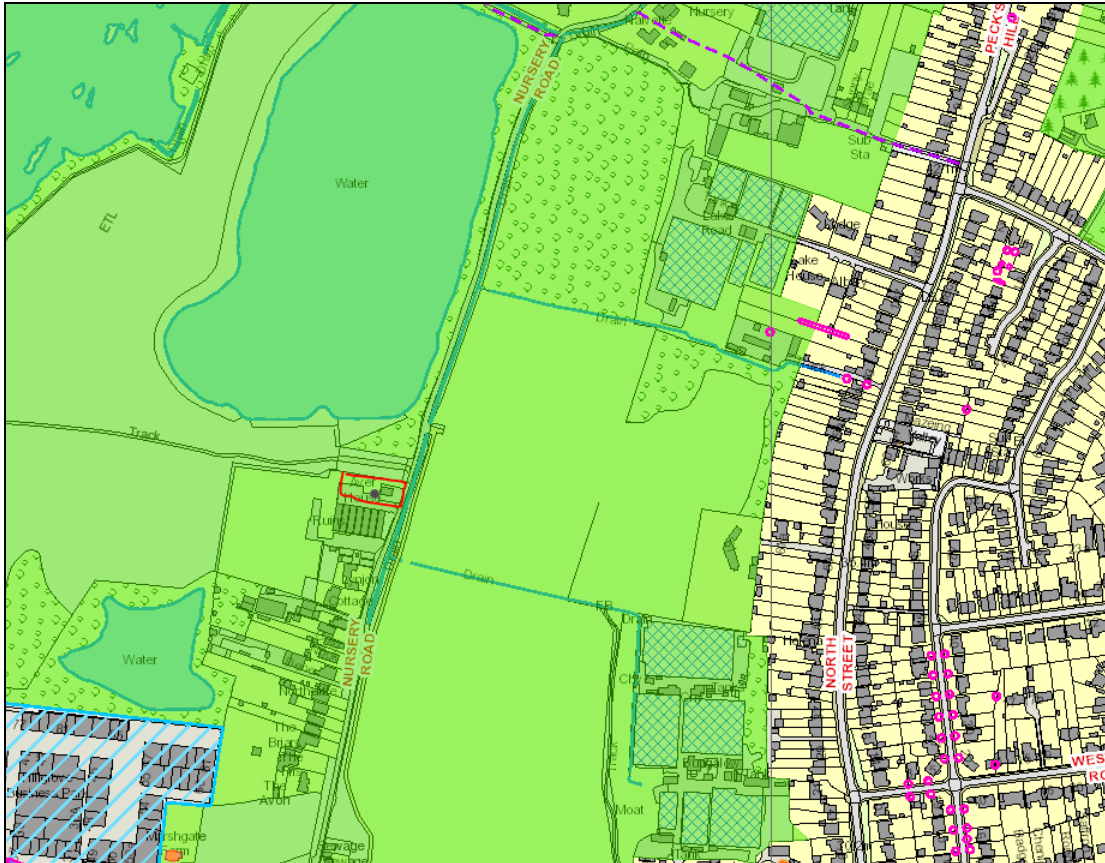


Fig.1 Showing site outlined in red within Green Belt (shaded green) in relation to village envelope (not shaded green)

Notwithstanding the above infill discussion, and although not used as an argument by the applicant, it is clear that the site would constitute previously developed land. Nonetheless it does not fall within the second exception of the NPPF:

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development;’.

The proposed two storey dwelling scheme is far larger than the existing single storey building, extending up to the side boundaries, two storey in height and with a far greater depth and overall projection into the site and therefore the proposal will have a far greater impact on the openness of the Green Belt than the existing built form.

The adjacent site gained approval at Committee as it was considered an infill site between this current application site and the residential properties to the south, although Officers did not

promote this given it is outside of the village envelope. The current application site cannot benefit from this same circumstance as there is no site to the north to make it an infill.

Information submitted cites the 'mushroom farm' development directly to the south of the site being approved due to the very special circumstances (VSC) and these should also apply to this site, the following very special circumstances have been put forward for this site:

1. The Application will remove an existing commercial use in a residential area.
2. There will be a reduction of traffic by the removal of the commercial use.
3. The replacement dwelling has secured additional space from the adjoining landowner to provide amenity space for the property when there is none at the present.
4. The redevelopment of this commercial building with a new residential building will provide a vastly improved vista from the adjacent Lea Valley land.
5. Whilst visually the redevelopment of the site would be beneficial since this proposal would remove numerous buildings, unsightly 2.5m high metal palisade fence, hardstanding and commercial activity.
6. The previous 'fallback' planning consent as detailed in the previous section is a very material consideration to determine this Application.

Taking each point in turn:

1. It is not known that the commercial site is causing any issue to the residential properties and in any event is of a very small scale. Clearly commercial units in proximity to residential dwellings are not an uncommon occurrence.
2. As above, the unit is very small, details of traffic movements are not known but given the small size are unlikely to be significant.
3. The additional space for amenity, although welcome for future occupiers could also presumably be secured for the prior approval conversion. Again this is not an uncommon situation
4. Although the site looks unkempt it is not considered that this would be a VSC, in addition if the prior approval proposal goes ahead then it is presumed the site would be 'tidied' in any event.
5. The removal of the fencing, commercial activity etc could all be achieved through the prior approval application
6. The fallback consent is a material consideration but not a VSC as the prior approval can go ahead but this is separate legislation and does not allow for a dwelling as large as that proposed.

A site in Crown Hill, Upshire has been identified by the Applicant (by email) as a relevant example (EPF/1709/19) however, it appears that the main reason this was considered an infill site was a) because two previous planning applications had confirmed the site falls within a village and b) that the southern boundary of the site was demarcated by the concrete bridge containing the M25 so this physical (and very, very obtrusive within the Green Belt) barrier would act as a 'natural' barrier to any further development. No such situation is present in this instance.

This example has been noted again within the revised addendum to the planning statement stating that: *The Village boundary is determined by the "hard boundary" to the North of Aver House delineated by both the Lea Valley Regional Park and the Public Right of Way.* However, it is not considered that these soft, more natural boundary markers are comparable to a concrete bridge the width of 8 vehicle lanes.

Various appeals have been quoted within the supporting statement supplied as part of the application including *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314 which relates specifically to the fallback position (in this case it was a Class Q conversion agricultural to residential). The applicant's findings relating to this Court of Appeal case state:

The fallback position of having a residential planning consent in place for the conversion of the existing building is a very material consideration to be taken into account by the LPA to determine this Application.

The Council agree that the previous history is a material consideration as the conversion can take place, however it does not provide any weight for allowing a new, much bigger dwelling within this Green Belt, rural area.

Design

The design of the proposal is the same as those properties being built to the south. Although not rural in character, the proposal will not disrupt the streetscene as it will match the neighbouring properties.

Impact on Amenity

The proposed dwelling will be located within 1m of the shared boundary with the adjacent plot 4. Given the layouts will be similar and the sufficient separation, the proposal is not considered to raise any amenity concerns.

SAC and Air Quality

The site is not within the 3.2km buffer around the Epping Forest Special Area of Conservation (SAC) and therefore a contribution towards recreational mitigation is not required for any new dwelling. However, as with any new dwelling in the District, a contribution is required with regards to air quality mitigation. At present negotiations are still taking place to finalise the required contributions for this element, the submitted documents do not make provision for improvements to air quality and therefore on this basis the application is contrary to policy CP1 (i) and NC1 of the Local Plan and Policy DM2 and DM22 of the Submission version.

The Addendum to the planning statement expresses surprise that impact on the SAC formed a refusal. Due to ongoing negotiations with Natural England this situation has existed since June 2018. The addendum continues that there will be no impact as the current use is a commercial use. No further information has been supplied with regards to traffic frequency or routes and therefore this statement holds little weight. In addition given the commercial units size it does not appear as if traffic movements would be comparable to a large dwelling, although this is unknown due to the insufficient information provided.

It is understood that works have not commenced on the Class Q approval and therefore the change is from commercial to residential whereby impact on Air Quality will apply.

The addendum submitted suggests the applicant is willing to enter into a S106, however this does not overcome the previous reason for refusal relating to the SAC and air quality.

Flood Risk

The Council's Land Drainage Engineer has no objection subject to conditions.

Conclusion:

Given the above discussion, it is recommended that planning permission is **refused**.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414

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

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