

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee West Wednesday, 4th February, 2009

Place: Council Chamber, Civic Offices, High Street, Epping

Room: Council Chamber

Time: 7.30 pm

Democratic Services Officer Mark Jenkins - The Office of the Chief Executive
Email: mjenkins@eppingforestdc.gov.uk Tel: 01992 56 4607

Members:

Councillors J Wyatt (Chairman), Mrs P Brooks (Vice-Chairman), R Bassett, J Collier, Mrs A Cooper, J Demetriou, Mrs R Gadsby, Mrs J Lea, W Pryor, Mrs M Sartin, Mrs P Smith, Ms S Stavrou, A Watts and Mrs E Webster

A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.

WEBCASTING NOTICE

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 and copies made available to those that request it.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones 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 and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 7 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 12 January 2009 as a correct record (attached).

5. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution 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.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. DEVELOPMENT CONTROL (Pages 15 - 32)

(Director of Planning and Economic Development) To consider planning applications as set out in the attached schedule

Background Papers: (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are

summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. DELEGATED DECISIONS

(Director of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

9. 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 Paragraph Number	Information
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.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the 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 (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, 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 Subcommittee.

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.** Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

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 Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

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 through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee 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 Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 14 January 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.43 pm

Members Present: J Wyatt (Chairman), Mrs P Brooks (Vice-Chairman), R Bassett, Mrs A Cooper, Mrs R Gadsby, Mrs P Smith, Ms S Stavrou, A Watts and Mrs E Webster

Other Councillors:

Apologies: Mrs J Lea and Mrs M Sartin

Officers Present: J Shingler (Senior Planning Officer), A Hendry (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

9. 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.

10. 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.

11. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 10 December 2008 be taken as read and signed by the Chairman as a correct record.

12. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs P Brooks and Mrs R Gadsby declared a personal interest in agenda items 7(4) (EPF/2159/08 - Land r/o of Lea Valley Nursery, Crooked Mile, Waltham Abbey) and 7(5) (EPF/2254/08 – Metropolitan Police Training Centre, Lippitts Hill, Loughton) by virtue of being members of the Waltham Abbey Town Council Planning Committee. The Councillors declared that their interests were not prejudicial and indicated that they would remain in the meeting during the consideration and voting on the items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Cooper declared a personal interest in agenda items 7 (1) (EPF/2078/08, Mamelons Farm, Waltham Road, Nazeing) by virtue of being a Parish Councillor. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the items.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs S Stavrou declared a personal interest in agenda items 7 (1) (EPF/2254/08, Metropolitan Police Training Centre, Lippitts Hill, Loughton) by virtue of being a member of the Waltham Abbey Town Council Planning Committee and being a neighbour of the application site. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the items.

13. ANY OTHER BUSINESS

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

14. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That, Planning applications numbered 1 – 5 be determined as set out in the annex to these minutes.

15. DELEGATED DECISIONS

The Sub-Committee noted that details of planning applications determined by the Head of Planning Economic Development under delegated authority since the last meeting had been circulated to all members and were available for inspection at the Civic Offices.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/2078/08
SITE ADDRESS:	Mamelons Farm Waltham Road Nazeing Essex EN9
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Variation of condition 7 on planning approval EPF/1548/98 to allow increase of maximum number of gypsy pitches allowed from 20 to 24.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Occupation of the caravans at the site shall be limited to members of the applicant's family.
- 2 The pitches hereby approved shall be occupied by no more than one caravan for each pitch.
- 3 The total number of caravans on the overall site shall not exceed 24.
- 4 The site shall not be used for any commercial, industrial or retail purposes.
- 5 This consent shall inure for a temporary period of 3 years at which time the maximum number of caravans at the site shall revert to 20.

Report Item No: 2

APPLICATION No:	EPF/2110/08
SITE ADDRESS:	Netherhouse Farm Sewardstone Road Waltham Abbey Essex E4 7RJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Demolition of buildings and structures, construction of 40 residential units with 205 sqm industrial use. Restoration of listed barn and conversion to commercial use and landscape improvements.
DECISION:	Withdrawn by Applicant

Report Item No: 3

APPLICATION No:	EPF/2111/08
SITE ADDRESS:	Netherhouse Farm Sewardstone Road Waltham Abbey Essex E4 7RJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the demolition of buildings and structures and the restoration of listed barn and conversion to commercial use and landscape improvements.
DECISION:	Withdrawn by Applicant

Report Item No: 4

APPLICATION No:	EPF/2159/08
SITE ADDRESS:	Land Rear of Lea Valley Nursery Crooked Mile Waltham Abbey Essex
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Change of use of existing sheds to warehousing and industrial use (classes B1c, B2, and B8 with associated parking.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 This consent shall inure for a limited period expiring 3 year(s) from the date of this Notice, at which time the development permitted by this Notice shall be discontinued.
- 2 The development hereby permitted shall not be open to customers/users, and no deliveries shall be taken at or despatched from the site, outside the hours of 08:00 to 19:00 on Mondays to Fridays, 09:00 to 14:00 on Saturdays and not at all on Sundays or public holidays.
- 3 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff and visitors vehicles and there shall be no overnight parking of Heavy Goods Vehicles on the site.
- 4 Vehicles entering and leaving the site in connection with the use hereby approved shall use only the central access indicated within the site area on drawing no. 830/2.
- 5 There shall be no external storage of goods or materials in connection with the use hereby approved.
- 6 Details of any additional external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 7 Notwithstanding the submitted drawing, the radius of the improved bellmouth shown on drawing no. 8053/2 shall be increased from 8 metres to 9 metres.

Report Item No: 5

APPLICATION No:	EPF/2254/08
SITE ADDRESS:	Metropolitan Police Training Centre Lippitts Hill Loughton Essex IG10 4AL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Replacement fuel storage tank
DECISION:	Grant Permission (With Conditions)

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, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

Any tree dying within 5 years shall be replaced in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

- 3 The tanks hereby approved shall be finished in Green (RAL6002) as detailed in the application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 5 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 6 No development shall commence until details of a method of protection during construction for the anti-tank barriers (Scheduled Monuments) at the site entrance has been submitted to and approved in writing by the Local Planning Authority. Any construction and demolition shall be carried out in accordance with the approved methodology.

AREA PLANS SUB-COMMITTEE 'WEST'

Date 4 February 2009

INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/2372/08	Sumners Farm, Epping Road, Epping Upland, Epping, Essex CM16 6PX	Grant Permission (With Conditions)	17
2	EPF/2200/08	Spinney Nursery, Hoe Lane, Nazeing, Essex EN9 2RJ	Grant Permission (With Conditions)	23
3	EPF/2257/08	Broadley Garage, Epping Road, Roydon, Harlow, Essex EN9 2DH	Grant Permission	28

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Report Item No: 1

APPLICATION No:	EPF/2372/08
SITE ADDRESS:	Sumners Farm Epping Road Epping Upland Epping Essex CM16 6PX
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Verrcore Limited
DESCRIPTION OF PROPOSAL:	Change of use of agricultural building to B2 (general industry) use with associated parking space.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 premises shall be used solely for B2 and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 3 The change of use hereby permitted shall not be open to customers, staff, or for deliveries outside the hours of 08:00 to 18:00 on Mondays to Fridays, and not at all on Saturdays, Sundays or Bank/Public holidays.
- 4 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff and visitors vehicles.
- 5 There shall be no open storage or external working other than loading/unloading in connection with the use hereby approved.

This application is before this Committee since it is an application for commercial development and the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions) and from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the change of use of an existing agricultural building to B2 (general industrial) use with associated parking space. The building is 266 sq. m. in footprint, with the entire application site having an overall site area of 379 sq. m. The proposed parking area would be to the front of the existing building and has enough space for up to five parking bays, although only two cars are indicated on the submitted drawing.

Description of Site:

The proposed building is located in the south eastern corner of the Sumners Farm complex, which itself is located on the eastern side of Epping Road, within the Metropolitan Green Belt. The site is located some 200m from the main village of Epping Green and is adjacent to a residential ribbon development extending northwards of the village. The farm complex is located on the outer edge of a bend in Epping Road and has predominantly open fields to the north, south and east. Access to the site is from both the existing vehicle access located on the bend in Epping Road, adjacent to the residential dwelling known as West View, and the main farm access to the south of this.

Relevant History:

None

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
CP5 – Sustainable building
GB2A – Development in the Green Belt
GB8A – Change of use or adaptation of buildings
E12A – Farm diversification
ST1 – Location of development
ST4 – Road Safety
ST6 – Vehicle parking

Issues and Considerations:

The main issues here relate to whether the proposal constitutes appropriate development within the Green Belt, its impact on the surrounding area, and with regards to parking and highway safety.

Green Belt

Local Plan policy GB2A states that the change of use of existing buildings is acceptable in the Green Belt provided the development complies with policy GB8A. This policy has five criteria to comply with:

- (i) The building is structurally capable of being converted without the need for major or complete reconstruction.
- (ii) The proposed use would not have a materially greater impact than the existing use.
- (iii) There would not be a significantly detrimental impact resulting from traffic generation.
- (iv) No works have been undertaken within the last 10 years with a view to securing the change of use.
- (v) The proposed use would not significantly impact on the vitality and viability of the town centre.

The policy goes on to state that preference will be given to employment uses, provided this does not involve a significant amount of vehicle parking, commuting or open storage.

The proposed development is for a change of use of one agricultural building to general industrial use, specifically for the processing and recycling of unwanted/damaged polyethylene pipes from civil engineering projects and utility companies. The agricultural building is currently vacant as it is surplus to requirement and unsuitable for crop storage, and as such the proposed change of use would provide additional employment and is the preferred use of existing sites in the Green Belt. Furthermore, the proposed business would provide a recycling plant, which is beneficial to the environment and in line with Government Guidance that encourages sustainable, environmentally friendly developments.

The level of parking would be minimal, and would be located on existing hardstanding, and there would be very little room within the site area for open storage. Notwithstanding this, a condition should be imposed ensuring that there is no open storage on site.

With regards to the criteria of GB8A the following apply:

- (i) The existing building is structurally sound and would not require major reconstruction.
- (ii) The building is currently vacant, although the remainder of Sumners Farm is a working agricultural business. The particular business proposing to use the site would use specialised machines located inside acoustic containers, which themselves will be inside the existing building. This would eliminate most, if not all, of the noise resulting from the machinery. Notwithstanding this, given the 60+m to the closest residential property, it is not considered that the change of use to B2 would have a materially greater impact than the existing agricultural use.
- (iii) Although the traffic issues are covered in more detail below, the main use of the site is for agricultural purposes, which can, and often does, provide large amounts of traffic. The proposed traffic movements to and from the site are fairly low and, due to this, it is not felt that the proposed use would materially increase the traffic generation of the site.
- (iv) No significant works have been undertaken on the existing building within the last 10 years.
- (v) The proposed use would not detrimentally impact on any town centres or any other existing employment uses in the locality.

The proposal complies with the criteria of policy GB8A and is therefore considered an appropriate development in the Green Belt.

Impact on the existing farm

PPS7 promotes the diversity of existing agricultural businesses to promote “sustainable, diverse and adaptable agricultural sectors” and that “diversification, especially into non-agricultural activities, is recognised as being vital”. This is reflected in Local Plan policies where “it is generally preferable that existing buildings have an appropriate use, rather than remaining unused and falling into disrepair” and that “preference will be given to employment generating uses”. It is clear that the re-use of this redundant building would not undermine the principal use of Sumners Farm as an agricultural business, nor would it have any negative impact on the farming of the area. The other criteria of policy E12A, such as traffic generation and impact on existing areas, are reflected elsewhere in this report.

In terms of sustainability, the re-use of existing buildings relieves pressure for new buildings in the Green Belt, and the diversification of existing farms helps to supplement their income and protects against their demise. Due to this the proposal complies with policies CP2 and CP8.

Impact on the surrounding area

The proposed use of the existing building would be general industrial (B2), with a specific intention of processing and recycling plastic piping. Whilst this would involve the use of some machinery, it

is proposed that these are located within acoustic containers, which would significantly reduce, if not overcome, any noise from within the building. Any loading/unloading, or other associated works outside of the building would be similar to that currently experienced within the working farm complex, and as such would be no more detrimental than existing. Notwithstanding the specifics of this business, the proposed change of use is to B2 and not specifically for the intended recycling plant. As such the site could be used for a multitude of businesses, some of which could be fairly noisy. However, as the closest residential neighbour is more than 60m distant and the building is located within an existing working farm complex, it is not considered that a B2 use in this location would detrimentally impact on neighbouring residential properties.

Objections have been received regarding increased traffic movements, which can cause a nuisance to neighbouring dwellings. However, given the existing use of the site as a working farm with no restrictions on vehicle movements, it is not considered that the proposed traffic generation resulting from this development would unduly increase the loss of amenity to neighbours.

Parking and highways

The proposed development would provide room for five parking spaces. The Essex County Council Vehicle Parking Standards require a maximum of 1 space per 50 sq. m. of B2 use, which would equate to a maximum of 6 spaces. Notwithstanding this, as the parking standards are a maximum it is considered that the proposed parking area is sufficient for this proposal given the size of the building under consideration.

The application site is proposed to be accessed from the existing vehicle crossover located on the bend of Epping Road, which is a made road serving Sumners Farm field access and Gibbons Bush Farm. The 'track' indicated on the submitted plans is merely an undesignated grassed farm track between the existing field access and the main farm complex, and at present would not be suitable for use by heavy vans and articulated lorries. However, the laying of hardstanding on this area, which is located outside of the application site, would also require planning permission and would need to form part of this proposal. Notwithstanding this, it has been confirmed by the agent that the main farm access to the south of the proposed access would be used for the proposed change of use, rather than that originally stated. This is a suitable access which is currently used by the existing working farm, and as such its additional use for the B2 unit would not be detrimental to highway safety.

It is proposed that there would be 2 no. vans with 3.5 tonne trailers brought in to the site per day, five days a week, and 2 no. articulated lorries removing materials from the site per week. Despite the objections raised regarding the increased vehicle movements, this is considered a fairly low level of traffic generation and would be less than most agricultural businesses. As such it is not considered that the proposed vehicle movements would be unduly detrimental to the surrounding area.

The existing access has sufficient sight-lines and no objections have been raised by Essex County Council Highways Officers. It is proposed that lorries using the site will only turn right, to avoid driving through Epping Upland village. Whilst a restriction such as this would be welcomed, this could only be achieved through the submission of a legal agreement and even then is difficult to monitor and enforce. Notwithstanding this, given the existing use of the larger Sumners Farm site as a working agricultural holding, and the unrestricted vehicle movements that occur from this, it is not considered that such restrictions would be justified in this instance, and as such any restriction imposed would not meet the criteria for planning conditions.

Conclusion:

In light of the above the proposed change of use of the existing agricultural building would be an appropriate development in the Green Belt and would not detrimentally impact on the existing farm

or neighbouring residential properties. Given the existing use of the site as a large agricultural farm the proposed development would not result in a detrimental increase in vehicle movements, nor would it be detrimental to highway safety. As such this proposal complies with all relevant Local Plan policies and is therefore recommended for approval.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL – Object:- This is a very rural location without any industrial use and although recognising national policy and guidance for diversification and sustainable development in rural areas, it is not considered that this is the correct location for this type of industrial process for the following reasons:

- a) Vehicular access is unsuitable for the number of vehicle movements of both vans with 3.5 tonne trailers and articulated lorries
- b) Access and turning right onto the B181, a minor B road, is unsuitable for such vehicles
- c) Access route crosses a bridle path onto the Long Green
- d) Potential use of village as an access route notwithstanding the statement made in the application
- e) Number of planned vehicle movements of 624 would be significant in this location
- f) Magnitude of the change from agricultural use to highly industrial use
- g) Significant change of use within the Metropolitan Green Belt
- h) Site is highly visible from surrounding fields
- i) Anticipation that noise will be generated as the material will need to be processed for offloading and reloading; logistics of which have not been supplied
- j) No details of machinery provided e.g. power usage

MANDALAY, EPPING GREEN – Object due to increased traffic and potential noise.

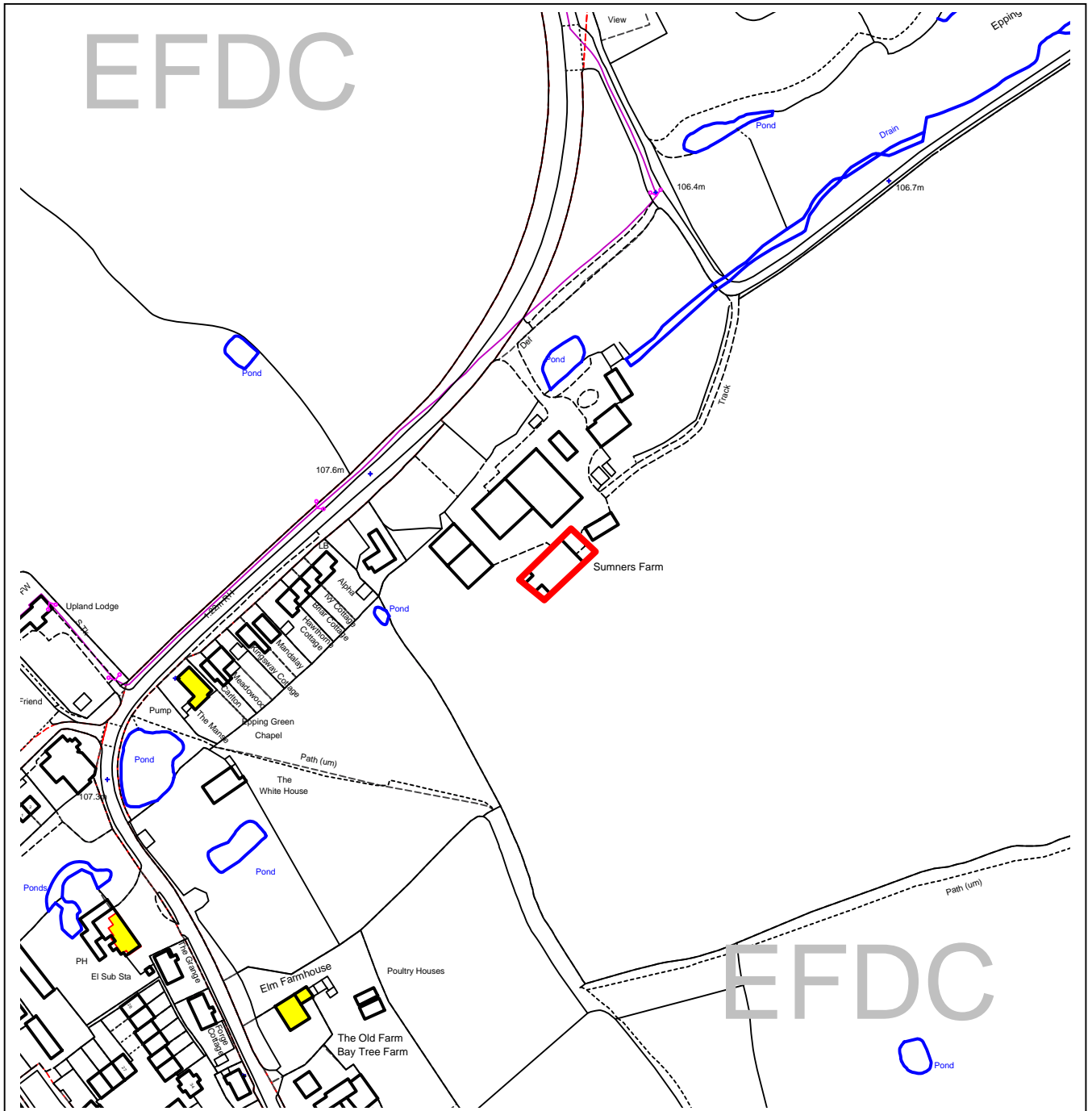
KINGSWAY COTTAGE, EPPING GREEN – Object to traffic and noise.

ALPHA COTTAGE, EPPING GREEN – Object as it is an unreasonable use of the land, due to the potential impact from noise, rubbish and other pollution, increased traffic movements, as commercial use is out of character with the village, and due to potential loss of privacy.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/2372/08
Site Name:	Summers Farm, Epping Road Epping Upland, CM16 6PX
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/2200/08
SITE ADDRESS:	Spinney Nursery Hoe Lane Nazeing Essex EN9 2RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mrs Margarete Frydrych
DESCRIPTION OF PROPOSAL:	Removal of agricultural occupancy condition on EPF/938/73
RECOMMENDED DECISION:	Grant Permission

CONDITIONS

NONE

This application is before this Committee since it is an application contrary to the provisions of the approved Development Plan, and is recommended for approval (Pursuant to Section P4, Schedule A (a) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the removal of an agricultural condition placed on planning consent EPF/0938/73.

Description of Site:

Detached chalet bungalow located on the southern side of Hoe Lane, Nazeing. The dwelling sits within an ex-farm/horticulture complex that was previously designated as a Glasshouse Development Area in the 1998 adopted Local Plan. This area was de-designated in the 2006 Alterations, and is now simply designated Metropolitan Green Belt land. To the north of the site is Winston Farm and to the northeast is Millbrook Business Park. To the south and southeast are other former agricultural workers' dwellings that have had their agricultural occupancy conditions removed. To the west of the site are open fields. There are various business uses taking place within this former agricultural complex, including a small car workshop to the front of the application site. The application site is identified in the consultation document relating to the provision of Gypsy and Traveller sites as a potential site suitable for four pitches.

Relevant History:

EPO/0317/61 - Outline Application for residential development – refused 29/08/61
EPO/0507/62 - Stationing of caravan for residential purposes – refused 28/06/63 (appeal dismissed)
EPO/0493/67 - Two greenhouses and boiler house – approved 16/01/68
EPO/0938/73 - Detached bungalow – approved/conditions 15/01/74

EPO/0938A/73 - Details of chalet bungalow – approved/conditions 01/08/75

EPF/0530/79 - Conservatory to rear of dwelling – approved 11/05/79

EPF/0448/00 - Retention of single garage extension to an existing garage – approved/conditions 23/06/00

CLD/EPF/2056/01 - Certificate of lawful use for the occupation of the dwelling without compliance with condition of permission EPO/938A/73 for more than 10 years – refused 17/05/02

CLD/EPF/2430/03 - Certificate of lawfulness for use of part of nursery for motor vehicle repairs/parts and storage of vehicles and plant for abandoned vehicle recovery service – approved 27/01/04

Policies Applied:

GB2A – Development within the Green Belt

GB17B – Removal of agricultural occupancy conditions

Issues and Considerations:

The main issue with this application is whether or not a sufficient case (with the appropriate justification) has been made to establish whether or not the agricultural occupancy condition should be removed from the property.

Policy GB2A of the Local Plan establishes the general principles of development within the Green Belt and allows for the erection of a dwelling for an agricultural, horticultural or forestry worker where it has been proven that such a dwelling is required, which was done on this site in 1973.

Policy GB17B sets the principles for removal of an agricultural occupancy condition. This sets out four requirements that must be undertaken/justified before the removal of an agricultural occupancy condition is permitted. These are the following:

- (i) There is no longer a functional need for the dwelling on the holding.
- (ii) There is no longer a need for this type of dwelling in the locality.
- (iii) The dwelling has been marketed with its agricultural occupancy condition status made clear throughout for a minimum of one year. The marketing must include:
 - (a) 'For Sale' signage visible from the highway;
 - (b) Local newspaper advertising on a regular basis throughout the marketing period,
 - (c) National or regional advertising in specialist agricultural publications on a regular basis throughout the marketing period,
 - (d) The asking price for the dwelling being at least 40% below its general housing market value.
- (iv) A survey of the agricultural community is carried out to assess the existing agricultural need in the locality for the dwelling.

Assessment

- (i) It is claimed in the submitted statement that there has been no agricultural or horticultural activity on the holding since 1981, and the glasshouses that were on site were completely removed in 1989. A certificate of lawful use was recently granted on the site for 10 years continued use for motor vehicle repairs and storage of vehicles and plant for abandoned vehicle recovery service, although this was only on part of the smallholding. Notwithstanding this, it is evident on site that there is no longer any agricultural or horticultural use connected to this holding, nor has there been for some time. As such it is considered that there is no longer a functional need for the dwelling on the land that was previously the agricultural holding.
- (ii) In the 1998 adopted Local Plan the application site, and the wider agricultural complex, was designated as an area suitable for glasshouse development. In the 2006 Alterations

this area was de-designated and is no longer encouraged for glasshouse development. This was due to the loss of most of the existing glasshouses and the closure of the horticultural businesses in this complex. As such it was clearly considered at the time of de-designation that the horticultural businesses were no longer prominent in this location, and as a result it is evident here that there is no longer a need for this type of dwelling in the immediate locality. This is further strengthened as other agriculturally tied properties in this former agricultural complex have had their agricultural occupancy conditions removed (by either planning consent or through certificates of lawful use). These include Stoneyfield and Ridge House to the immediate south of the application site.

- (iii) The property was advertised for a period of 6 months starting in August 2004 with no positive response. This was advertised on the internet, in the Farmers Weekly and local press, and displayed a 'For Sale' board at the property. The property had an asking price of £375,000, which it is considered would be 40% under the general open housing market price at this time. Notwithstanding this, the requirement of policy GB17B is that the property be advertised for a minimum of one year, which clearly has not been undertaken in this instance. As such, this element of the proposal fails to comply with policy GB17B.
- (iv) A survey was undertaken with the local agricultural/horticultural community and thirty replies were submitted. This survey covered an excess of the 8KM radius required in paragraph 5.89a of the Local Plan, and all replies expressed no interest in the property at the present time, or in the foreseeable future. It is also stated in the survey that all the respondents were aware of the property being marketed in 2004, and were not interested at this time. As such it is considered that this survey shows a lack of a need in the wider agricultural community for this agriculturally tied dwelling.

Special Circumstances

The previous certificate of lawful use was submitted on the basis that the ownership of the property was transferred from Mrs Frydrych (senior) to her son Mark Frydrych in 1995, and that they had lived at the property for at least 10 years prior to the date of submission. The certificate of lawful use was considered unlawful as the condition was still being complied with throughout the stated 10 years, and still is currently. This is because Mrs Frydrych (senior) still occupies the property, albeit now in the care of her son and his family, and she is the widow of the former horticultural worker of the site. As such, the condition was, and still is, being complied with.

Mrs Frydrych (senior) is ageing and infirm and is in full care of her son, Mark, and his family, who reside in the property. This planning application is being submitted as the applicant is concerned that, when Mrs Frydrych (senior) is no longer occupying the property, Mark Frydrych and his family will have to vacate the property or else risk facing planning enforcement action. On top of this there are major upgrades required on the property, that would cost between £50,000 and £100,000, which Mr Frydrych is currently unwilling to undertake given the risk of him and his family having to vacate the property in the near future.

The other factor raised in this application is the stress and anxiety that is being caused to Mrs Frydrych (senior), who is aged and infirm. A letter has been submitted from Mrs Frydrych's doctor outlining that she has been suffering from anxiety and depressive symptoms recently, which have been exacerbated by the concerns of her son and his family being evicted when she dies. Whilst in itself this would unlikely be considered a very special circumstance it is a material consideration that should be taken into account. It is considered that, given that the current application has sufficiently met requirements (i), (ii) and (iv) of policy GB17B, and has undertaken 6 months of the required years marketing under (iii), the need to provide evidence of a further 6 months marketing of the dwelling would unnecessarily elongate the suffering of Mrs Frydrych (senior).

Neither Mark Frydrych nor his wife are employed in agriculture, however they have lived in the dwelling for more than 18 years and have raised their two children in the property. It has been sufficiently proven in the submitted documentation that there is no longer a need for this dwelling within the (former) agricultural holding or in the locality. Also the submitted survey has proven that there is no required need for this dwelling in the wider agricultural community. Whilst the marketing undertaken on the property was only for half the minimum required time stated in Local Plan policy GB17B it is considered that the personal circumstances of this case, which includes the length of time that Mr Frydrych and his family have occupied the dwelling and Mrs Frydrych (seniors) ill-health, are enough to justify the removal of this agricultural occupancy condition.

The application site has been identified in EFDC's consultation document relating to the provision for gypsies and travellers, and was put forward by Mr Frydrych for this. At present this document is not a material consideration and would neither form an argument as a special circumstance to allow for non-agricultural residential use on the site, or be used to resist applications not related to gypsy and traveller sites. Therefore this designation of this site in the gypsy and traveller consultation document has, at this time, no weight in this planning application.

Conclusion:

The proposed application has met the requirements of GB17B (i), (ii) and (iv), and has gone some way to meet those of GB17B (iii), however as of yet has not fully complied with this policy. Notwithstanding this, it is considered that the personal circumstances of this case constitute very special circumstances and as such are sufficient to overcome the part non-compliance with policy GB17B. Therefore the application is recommended for approval.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL – The council supports this application.

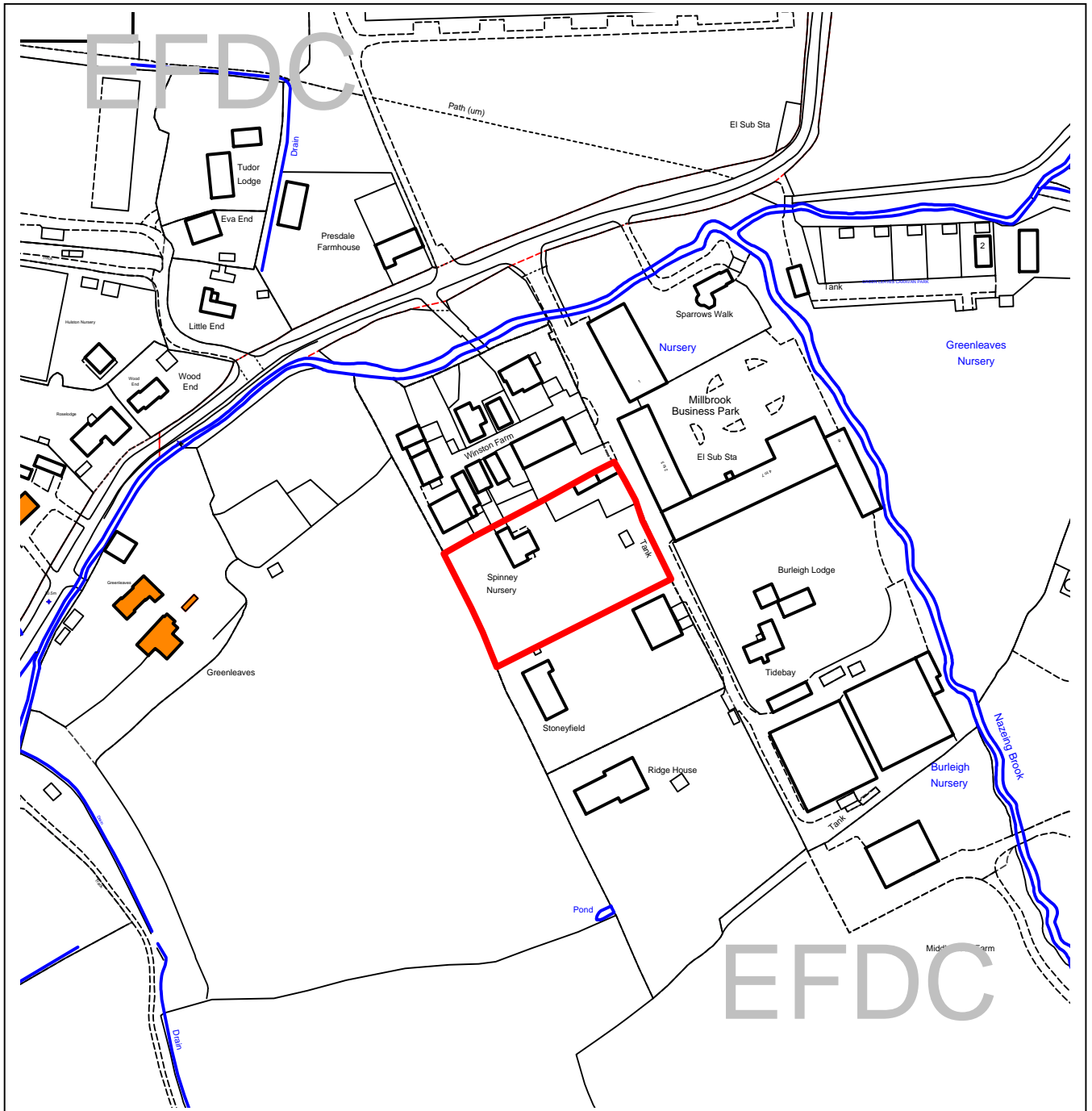
STONEFIELD NURSERY, HOE LANE – Support the application as the residents are firmly established and two of the surrounding dwellings have Certificates of Lawful Development's removing the agricultural occupancy conditions and one has obtained planning permission for its removal.

BURLEIGH NURSERY, HOE LANE – Support the application as above



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/2200/08
Site Name:	Spinney Nursery, Hoe Lane, Nazeing, EN9 2RJ
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2257/08
SITE ADDRESS:	Broadley Garage Epping Road Roydon Harlow Essex EN9 2DH
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Jack Bamber
DESCRIPTION OF PROPOSAL:	Extension to MOT workshop.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building and samples shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development.
- 3 All surface water within the curtilage of the site that may be polluted, should pass through an interceptor tank to remove any oil, petrol or other pollutants, before discharging to the surface water system. The installation of such a system, including an adequate impermeable surface, should be agreed in writing with the Local Planning Authority prior to the commencement of work and should be installed and maintained as agreed.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks consent to extend the existing MOT workshop by 3m to the front of the building, for the width of the building at 6m. The extended frontage will appear the same as currently exists, at the same pitched height of 5.7m at the ridge. The proposals are intended to allow two vehicles to be serviced within the building as opposed to needing works to be carried out partially outside.

Description of Site:

Broadley Garage occupies the triangular parcel of land between Epping Road and Common Road. The Garage has been operating from this site either in the form of car sales or repairs for a

number of years. The land increases in height towards the rear of the site, however, the boundaries are relatively well screened by planting and boundary treatments towards the rear of the site, with the forecourt more visible.

The surrounding area is largely residential, with detached low rise buildings immediately adjacent to the site.

The site is situated within the Metropolitan Green Belt and within the Nazeing and South Roydon Conservation Area. The structure immediately in front of the MOT garage is Locally Listed on the Council's register; however it is not a Listed Building. This structure is independently operated for car sales purposes.

Relevant History:

The site has an extensive history relating to the uses as a Petrol Station, Car Salesroom and MOT garage/workshop. The most relevant applications are as follows;

EPF/0063/82 (refused)	Extension to existing workshop to provide paint spray area and MOT testing bay
EPF/0844/89 (approved)	Retention of timber building for use as office and tea rooms
EPF/0462/95 (refused)	Office

Policies Applied:

Epping Forest District Local Plan and Alterations policies:

GB2A – Development in the Green Belt

DBE9 – Loss of Amenity

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation Areas

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Principle of development
- Scale, mass, design, layout and form of development
- Impact on neighbouring amenity
- Highways and transportation matters
- Impact on the adjacent locally listed building and the Conservation Area
- Other matters

Principle of development

The site is situated within the Metropolitan Green Belt, local policy GB2A seeks to resist new or extended developments unless suitable justification can be provided, and no significant adverse impact arises towards the openness of the Green Belt in accordance with the objectives of Planning Policy Guidance 2 (Green Belts).

The proposed development is not for any use which would be considered appropriate in the Green Belt, however the vehicular related activities are well established on the site and the applicant has provided information suggesting that the extension proposed enables the satisfactory continuation of the already established use. The information submitted indicates that the proposals do not enable an intensification of use, but rather enable an additional vehicle to be contained wholly inside the building, whereas at present a second vehicle is serviced partially outside.

The proposed extension is relatively small and visible only in the context of the existing buildings on site where not obscured from view. As such the impact of the proposal on the openness of the Green Belt is considered minimal, and when considered in the context of the revised VOSA MOT requirements, Members may consider the applicant has submitted sufficient justification for a departure from Green Belt policy in this instance.

Scale, massing, design, layout and form of development

The proposed extension projects 3m to the front of the existing workshop. This will allow the internal layout of the garage to remain unchanged, and a vehicle to use the existing 'rolling road' whilst under cover. The height and width of the extension will match the existing garage building. Aesthetically the proposed extended projection will only differ from the existing façade with a non-opening window in the gable end. There will be no upper floorspace, the proposed window will allow natural light into the building only.

Impact on neighbouring amenity

The proposals would have no adverse impact on neighbouring properties; the area of the proposed extension is well separated from neighbouring plots by existing buildings or the highway. The proposals may potentially reduce noise and disturbance from the site by enclosing more of the work area. The proposals would have no impact on the car sales facility to the front of the site.

Highways and transportation matters

Highways have returned no objection in relation to the scheme. The proposals retain approximately 5.6m between the MOT workshop and the Car Sales buildings at the narrowest point. This is sufficient for the turning of vehicles within the site. It is appreciated that the site does generate a reasonable amount of vehicular traffic, however, the proposals do not enable an increase in the vehicular capacity of the site, therefore the number of traffic movements will remain unchanged.

Impact on the adjacent locally listed building and Conservation Area

The car sales facility to the north of the site is a locally listed building. The Council's Heritage Officer has returned no objection subject to sympathetic materials being used. Policies HC6 and HC7 seek to ensure that development is not detrimental to character, appearance or setting of the Conservation Area. Furthermore, the design, scale and materials should be in keeping and appropriate with the Conservation Area context. The proposals are of the same scale and design as the existing garage, and materials can be secured by condition.

Other matters

- Contamination

The historic use of the site results in the land potentially being contaminated. For this reason conditions regarding contamination, and contaminated water run-off have been requested from Environmental Health and the Council's Contamination Officer.

Conclusion:

The proposed development is relatively minimal, and situated centrally within an existing built up site. The proposed extensions will remain screened by the car sales structures from the most visual viewpoint on the Epping Road approach to the north. Furthermore, the applicant has provided justification relating to VOSA MOT regulations to substantiate a genuine business need for the proposals, and has designed the extension to mimic existing development.

Recommendation:

The proposals are considered to have minimal impacts to the Green Belt, locally listed building and the Conservation Area, and as such Approval is respectfully recommended to Members.

SUMMARY OF REPRESENTATIONS:

ROYDON PARISH COUNCIL: Object -reason given:

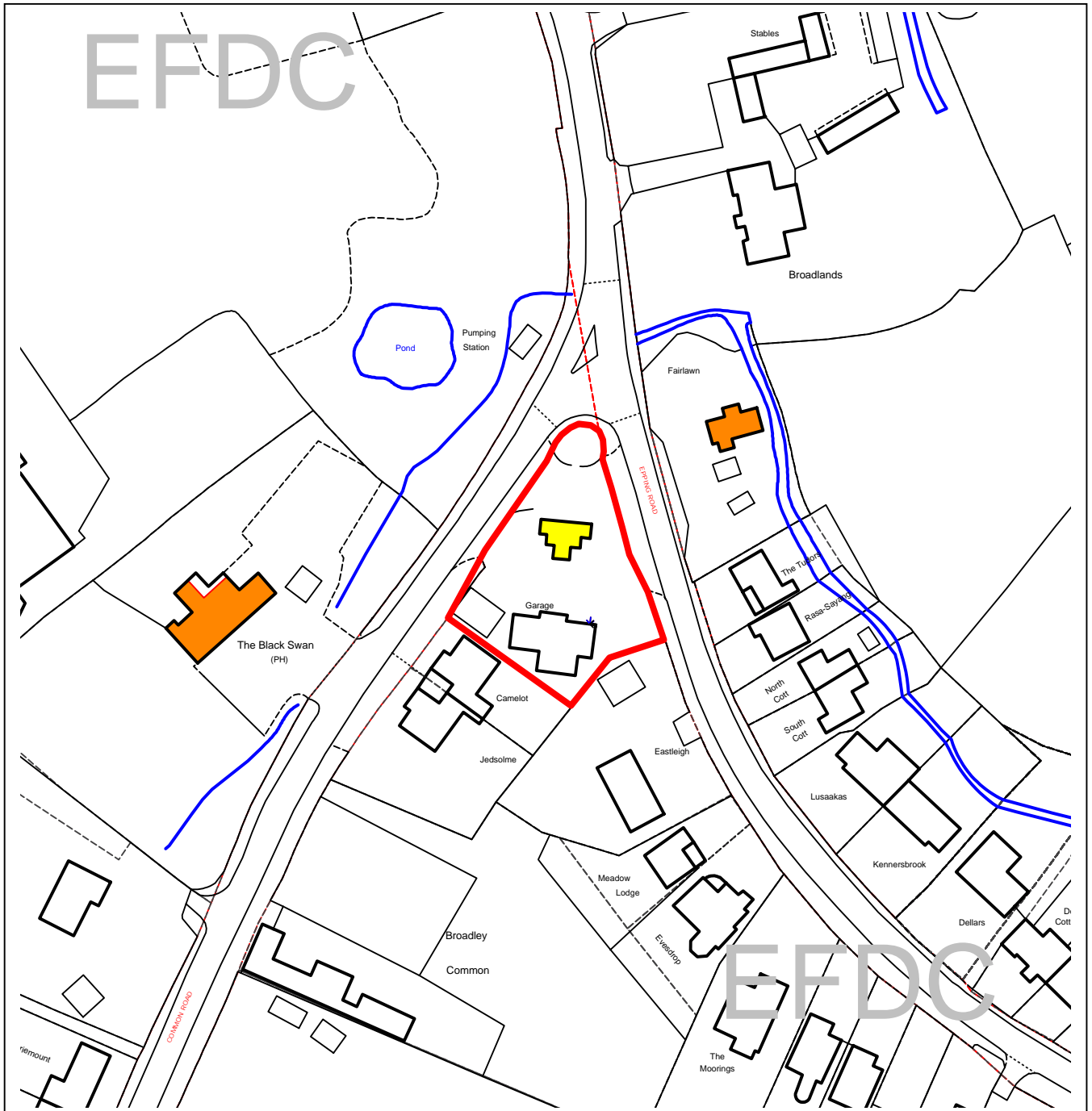
‘The Parish Council re-considered this application in view of the additional information received but maintains there is insufficient room on site for this extension particularly for vehicles trying to manoeuvre around the extended building. The site overall is cramped and often vehicles are parked on the edge of the highway which is at the junction of two very busy roads.’

Jedsolme, Broadley Common - Objection



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	3
Application Number:	EPF/2257/08
Site Name:	Broadley Garage, Epping Road Roydon, EN9 2DH
Scale of Plot:	1/1250