

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Subcommittee West Wednesday, 6th February, 2013***

You are invited to attend the next meeting of **Area Planning Subcommittee West**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 6th February, 2013  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Mark Jenkins - The Office of the Chief Executive  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Tel:  
01992 564607

#### **Members:**

Councillors Mrs P Smith (Chairman), Ms Y Knight (Vice-Chairman), R Bassett, Mrs R Gadsby, D C Johnson, Ms H Kane, Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Ms G Shiell, Ms S Stavrou, A Watts, Mrs E Webster and J Wyatt

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**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND  
APPOINTED SPOKESPERSONS WILL BE HELD AT 7.00 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 7 - 10)**

General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

**4. MINUTES (Pages 11 - 28)**

To confirm the minutes of the last meeting of the Sub-Committee held on 9 January 2013 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. CONFIRMATION OF TREE PRESERVATION ORDER EPF/16/12 12 DOWNLANDS, WALTHAM ABBEY (Pages 29 - 34)**

To consider the attached report.

**8. DEVELOPMENT CONTROL (Pages 35 - 52)**

(Director of Planning and Economic Development) To consider the planning

applications 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.

### 9. 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.

### 10. 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.

#### 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.

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## **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](http://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'



## Area Planning Subcommittee West 2012-13

Members of the Committee:



Cllr Smith

Cllr Knight

Cllr Bassett

Cllr  
Gadsby

Cllr  
Johnson

Cllr Kane



Cllr Lea

Cllr Mitchell

Cllr Sartin

Cllr Shiell

Cllr Stavrou

Cllr Watts



Cllr Wyatt

Cllr  
Webster

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee West   **Date:** 9 January 2013

**Place:** Council Chamber, Civic Offices, High Street, Epping   **Time:** 7.30 - 9.25 pm

**Members Present:** Mrs P Smith (Chairman), R Bassett, Ms H Kane, Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Ms G Shiell, A Watts, Mrs E Webster and J Wyatt

**Other Councillors:** -

**Apologies:** Ms Y Knight and Mrs R Gadsby

**Officers Present:** J Godden (Planning Officer), S G Hill (Senior Democratic Services Officer), J Leither (Democratic Services Assistant) and G J Woodhall (Democratic Services Officer)

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### 53. 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.

### 54. 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.

### 55. ELECTION OF VICE-CHAIRMAN

In the absence of the Vice-Chairman, who had tendered her apologies, the Chairman requested nominations for the role of Vice-Chairman.

**Resolved:**

(1) That Councillor E Webster be elected Vice-Chairman for the duration of the meeting.

### 56. MINUTES

**Resolved:**

(1) That the minutes of the meeting of the Sub-Committee held on 7 November 2012 be taken as read and signed by the Chairman as a correct record.

**57. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a personal interest in the following item of the agenda, by virtue of living in the same street as the application. The Councillor had determined that his interest was non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1564/12 Knollys Nursery Pick Hill, Waltham Abbey.

(b) Pursuant to the Council's Code of Member Conduct, Councillors M Sartin and E Webster declared a personal interest in the following items of the agenda, by virtue of being members of the Lee Valley Regional Park Authority. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1819/12 Leaside Nursery, Nursery Road, Nazeing; and
- Development Consent Order – National Grid North London Reinforcement Project.

**58. STATEMENT OF POSITIVE AND PROACTIVE PLANNING**

The Principal Planning Officer informed the Sub-Committee that the Government had introduced a legal requirement for all decision notices from 1 December 2012, as part of the National Planning Policy Framework, to state how the Council had worked with the Applicant in a "positive and proactive manner." For cases where the Officer's recommendation was agreed, then a standard statement would be placed on the Decision Notice. In cases where the Officer's recommendation was overturned, then the Sub-Committee would be obliged to indicate if there was a way forward for a scheme on the site and what the Applicant should do to overcome a refusal.

**Resolved:**

(1) That the introduction of a "Statement of Positive and Proactive Planning" for Decision Notices from 1 December 2012 be noted.

**59. DEVELOPMENT CONTROL**

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

**Resolved:**

(1) That planning applications numbered 1 – 6 be determined as set out in the annex to these minutes.

**60. ANY OTHER BUSINESS****Resolved:**

(1) That in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the Chairman had permitted the following item of urgent business to be considered following the publication of the agenda:

- (a) Development Consent Order – National Grid North London Reinforcement Project.

**61. DEVELOPMENT CONSENT ORDER - NATIONAL GRID NORTH LONDON REINFORCEMENT PROJECT**

The Principal Planning Officer presented a report concerning the application for a Development Consent Order for the National Grid North London Reinforcement Project.

The Principal Planning Officer reminded the Sub-Committee that it had previously considered this issue at its meeting held on 7 November 2012, and that the Development Consent Order was for the upgrading of a 275kV power line between the Waltham Cross and Tottenham substations to operate at 400kV. As the project was defined as a "Nationally Significant Infrastructure Project", it would be determined by the Secretary of State rather than the local planning authority. The Sub-Committee had previously come to the following resolution:

*"That on consideration of the Officer's response to the Development Consent Order, the Director of Planning and Economic Development be authorised to submit a response of No Objection but express (forcefully) disappointment that part of what appears to be redundant hard surfaced area in the decommissioned existing substation area is remaining when there is an opportunity here to provide planting and thereby reduce the overall footprint of the proposed substation area and ask that the Environmental Impact Assessment consider the possible contamination of the area."*

The Principal Planning Officer reported that this had elicited a response from National Grid, which stated that the second existing power line running from Waltham Cross to Tottenham would be retained for transmitting power, although it would not be upgraded, and that consequently the current hard standing area was to be retained as operational land by National Grid. In addition, National Grid would provide £85,000 to fund local nature conservation projects within 1 kilometre of the proposed working area of the development, as well as a number of other landscaping initiatives to compensate for the impact of the new development to be agreed with the Lee Valley Regional Park Authority.

The Principal Planning Officer concluded that as there was now a justification for retaining the current hard standing and some of its equipment to continue to transmit power down the existing line, this should no longer be a concern and required to be broken up and planted, subject to the details of any landscaping here being agreed by the Council as well as the Lee Valley Regional Park Authority. The recommendation now was for the "no objection" to be reiterated, together with the previous suggested confirmation that the environmental impact assessment should still consider the possible contamination in the area.

The Chairman added that the Assistant Director of Planning & Economic Development (Development Control) had agreed to share the Sub-Committee's environmental concerns with the Lee Valley Regional Park Authority as well.

**Resolved:**

(1) That the justification, as set out in the National Grid's letter of 19 December 2012, for retaining the hard standing area currently occupied by the existing Waltham Cross substation, as part of the application for a Development Consent Order for the proposed North London Reinforcement Project be accepted; and

(2) That, on consideration of the Officer's response to the Development Consent Order, the Director of Planning and Economic Development be authorised to submit

a response of "No Objection", subject to details of planting around the site being agreed by Epping Forest District Council and that the Environmental Impact Assessment consider the possible contamination of the area.

**62. DELEGATED DECISIONS**

The Sub-Committee noted that details of planning applications determined by the Director 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**

<b>APPLICATION No:</b>	EPF/1564/12
<b>SITE ADDRESS:</b>	Knollys Nursery Pick Hill Waltham Abbey Essex EN9 3LF
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Paternoster
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application with some matters reserved for redevelopment of site to provide a mix of 2,3 and 4 bedroom dwellings (114 dwellings), a 50 unit 1 bedroom extra care apartments building, a new health centre to accommodate six practitioners with adjoining pharmacy/convenience store, public amenity area, access roads and associated parking for all uses.
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=540104](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=540104)

**REASON FOR REFUSAL**

1. The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice contained in the NPPF and policy GB2A of the adopted Local Plan and Alterations. This includes the development of housing, an extra care unit and health centre/pharmacy within the boundaries of the Green Belt for which no very special circumstances sufficient to outweigh the very significant harm to the openness of the area and any other harm have been demonstrated.
2. The site is considered to be unsustainable in respect of proximity to shops, services and facilities in Waltham Abbey such that the town would continue to sprawl eastwards with residential properties further detached from these services and future occupants and users of the health facility are likely to resort to the use of private motor cars. Therefore the proposal is contrary to policies CP1, CP3, ST1, ST2 and ST3 of the adopted Local Plan and Alterations and national guidance in the NPPF.
3. The indicative plan submitted with the application indicates a lack of parking with regards to current adopted standards for the extra care unit, health centre and pharmacy/convenience store, overlooking issues from upper floor units in block 90-93 and 94-97, and a general loss of trees and hedgerows. As such the applicant has failed to demonstrate that the site can be developed for the number of units envisaged and meet adopted standards for parking and amenity and provide meaningful landscaping. The proposal is therefore considered to amount to overdevelopment of the site contrary to policies CP3, DBE2, LL10, LL11, and ST6 of

the adopted Local Plan and Alterations.

4. The proposal fails to show a sensitive appreciation to the fact it would be on the settlement edge in that it does not provide extensive landscaping to soften its impact on its surrounding and the nature of the proposal would not allow for significant landscaping. The proposal is therefore contrary to Policy LL2 and LL3 of the adopted Local Plan and Alterations in that it fails to respect the character of the landscape of make meaningful provision for landscape enhancement.
5. The proposed development fails to indicate adequately how the site could be developed in this way whilst ensuring that preserved trees on site could be retained contrary to Policy LL10 of the adopted Local Plan and Alterations.



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0847/12
<b>SITE ADDRESS:</b>	Skillet Hill Honey Lane Waltham Abbey Essex EN9
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Honey Lane
<b>DESCRIPTION OF PROPOSAL:</b>	Increase in existing lorry park facility from provision for 25 to 36 lorries; demolition of existing buildings; redevelopment of driver's facilities; erection of 43 bed hotel; restaurant; and petrol station; together with related parking areas and landscaping.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=537219](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537219)

**CONDITIONS**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Submitted location plan, BRD/11/048/EX1A, , 01, 02F (received amended 07/12/12), 03, 04, 05, 06, 07, 10B, 11B, 20, 30, 40, and OS 442-12.3, OS 442-12.4, OS 442-12.5, the submitted Flood Risk Assessment by MLM dated 26/11/12 and the Phase 1 Contaminated Land Survey by SES dated 27/11/12.
3. No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
4. No development shall take place until details of the proposed surface materials for the parking areas and roadways have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

5. Prior to the commencement of development details for the upgrading of the existing Skillet Hill Farm bus stops, either side of Honey Lane, shall be submitted to the Local Planning Authority for approval. The details shall include a new flag and pole with integral telematics and shall be provided in compliance with the approved details prior to the first use of the site.
6. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
7. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
8. If any tree, shrub or hedge shown to be retained in accordance with the approved plan number OS 442-12.4 dated July 2012 - Tree retention and removal plan is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
9. No clearance of the site shall be undertaken prior to the hibernation period (once temperatures regularly fall below 5 Celsius overnight) unless otherwise agreed by the local Planning Authority.
10. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters,

ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

11. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

12. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

13. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

14. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
15. All material demolished from the existing buildings shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
16. No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
17. Wheel washing or other cleaning facilities for vehicles leaving the site during construction and demolition works shall be installed prior to the commencement of the development. The cleaning facilities shall be used to clean vehicles immediately before leaving the site.
18. Details of refuse storage for the various uses at the site shall be submitted to the Local Planning Authority prior to the commencement of development. The development shall proceed in accordance with the approved details.
19. No external lighting shall be provided on or adjacent to the site other than in accordance with details previously submitted to and approved in writing for by the Local Planning Authority.
20. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference SJC/614963/JRC, and the following mitigation measures detailed within the FRA:
  - 1...Limiting the surface water run-off generated by the 1% annual probability critical storm including allowance for climate change to 34.5 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - 2...Provision of adequate surface water runoff attenuation features to accommodate runoff volumes generated by the 1% annual probability critical storm (plus climate change).
  - 3...Minimising the length of watercourse crossing required as shown on Proposed Site Layout, revision F drawing BRD/11/048/EX1.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
21. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1...A site investigation scheme, based on the submitted Preliminary Risk Assessment (reference CON019-SKIL001) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2...The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3...A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

22. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
24. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
25. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
26. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved and should be in line with the submitted FRA (reference SJC/614963/JRC).
27. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tanks has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

28. No development shall take place until a scheme for the proposed realignment of the watercourse and new ponds, in accordance with diagram BRD/11/048/EX, has been submitted and approved in writing by the local planning authority.  
The scheme shall include the following elements:
  - detail all new planting, to be of native species;
  - details of the new pond habitat created on site; and
  - design details (including profiles) for the realignment of the watercourse.
29. Deliveries for the use hereby permitted shall not be made outside the hours of 09:00 to 16:00 Monday to Friday and not at all on Saturdays, Sundays and Bank/Public Holidays.
30. Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for as long as the use continues. Details of the equipment shall be submitted to, and approved, by the Local Planning Authority prior to the commencement of the use.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1225/12
<b>SITE ADDRESS:</b>	Sons Nursery Hamlet Hill Roydon Harlow Essex CM19 5JZ
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing  Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from horticulture to garden area, associated with residential use.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=538713](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=538713)

**CONDITIONS**

1. The development hereby permitted within the red lined application site will be completed strictly in accordance with the approved drawings nos: 357:100 and unnumbered location plan.
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions to the existing property onto the garden area hereby approved and generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes E and F (Outbuildings, enclosures and hard surfacing)] shall be undertaken without the prior written permission of the Local Planning Authority.
4. Within 3 months of this consent the existing shipping container located to the north of the residential dwelling shall be removed from the site.
5. No ancillary caravans, portable buildings or shipping containers shall be stationed at any time within the garden area hereby approved.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1690/12
<b>SITE ADDRESS:</b>	21 The Magpies Epping Upland Epping Essex CM16 6QG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Rear dormer.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=540909](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=540909)

**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 development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
3. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 17.00 Monday to Friday and 09.00 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.



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1819/12
<b>SITE ADDRESS:</b>	Leaside Nursery Nursery Road Nazeing Essex EN9 2JF
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of nursery buildings to class B8 storage use.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=541710](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541710)

**CONDITIONS**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawing no. 2815/10A
3. The premises shall be used solely for B8 and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
5. The uses hereby permitted shall not be open to customers/staff outside the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and shall be open at no time on Sundays and Bank/Public Holidays.
6. No outdoor storage or external lighting shall take place on site without prior written approval from the Local Planning Authority.
7. No vehicles of a weight of over 7.5T shall use the site in any circumstances.
8. The use hereby permitted shall be for a temporary period of 3 years from the date of this permission.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1849/12
<b>SITE ADDRESS:</b>	The White Lion 11 Sun Street Waltham Abbey Essex EN9 1ER
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>DESCRIPTION OF PROPOSAL:</b>	Renovation of redundant pub at ground floor level with conversion of existing first floor residential to 2 no flats which includes extension to rear with new external amenity terrace with stairs from courtyard below.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=541833](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541833)

**CONDITIONS**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PP-001, PP-100, PP-101
3. No development shall take place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
4. Prior to commencement of development additional drawings that show details of proposed new external windows, doors and balustrades, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority. Work shall be carried out in accordance with such plans.
5. The communal courtyard area shown on plan ref: PP-100 shall be retained free of obstruction for the parking of residents, staff and visitors vehicles and/or for the taking of deliveries and use by service vehicles.
6. Prior to the erection of any external advertisements, with the exception of signs displaying the sale of the building, details of the size, appearance and colour of any proposed signage shall be submitted to and agreed in writing by the Local Planning Authority. Any advertisements thereafter displayed shall be done so in accordance with the agreed details.

7. The ground floor of the premises shall be used solely for Class A4. and for no other purpose (including any other purpose in Class A of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
8. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 17.00 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.

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**REPORT TO AREA PLANS WEST COMMITTEE**

**Date of Meeting: 6<sup>th</sup> February 2013**

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER EPF/16/12  
12 Downlands, Waltham Abbey, Essex.**

**Officer: Robin Hellier**

**Recommendation :**

**That Tree Preservation Order 16/12 is confirmed without modifications.**

**REPORT DETAIL**

**1.0 Background ;**

1.1 TPO/EPF/16/12 was made on 9<sup>th</sup> of September 2012 and protects a single large ash tree. The order was served to prevent the tree's intended removal, having been inspected to confirm it as an important landscape feature.

1.2 It stands in what is a large front garden of 12 Downlands and close to the boundary with 11 Downlands. It is approximately 15 metres from the above houses and a similar distance from the front of 286 Roundhills, where the objector lives.

1.3 12 Downlands is managed by Estuary Housing, who made the initial enquiry.

1.4 286 Roundhills is located to the south, separated by a public footpath and has a reasonably sized private rear garden to the south east, which is unaffected by the tree.

**2.0 Grounds of Objection:**

2.1 An objection to the Order has been received from a neighbour at 286 Roundhills. The objection is made on the grounds that:

- 1) The justification report advises that the tree in question stands approximately 15 metres from the rear of the property at 12 Downlands. It does, in fact, stand at the front of the property, at approximately 14 metres from 286 Roundhills.
- 2) This unmanaged tree is a health and safety issue. Dead branches threaten pedestrians and damage the street light. TPO guidance advises the pruning of deadwood, which contradicts the statement that this deadwood filled tree is healthy.
- 3) The justification states that the tree is much enjoyed by those walking past it but provides no evidence of how the council has arrived at this belief. A number of people living close to this tree do not enjoy this very large and overgrown tree.
- 4) The tree ruins the grass lawns, the drains become blocked and the footpath must be cleared regularly.
- 5) The council states that the tree has high intrinsic value within the housing estate. It is agreed that the tree would have high landscape value in a field or forest but not in a built up area, where it causes problems. It should not have been planted in the front garden of a residential house.
- 6) It is the objector's belief that the tree is much higher than 14 metres because a root broke through the pavement 1 metre from his house. The surrounding footpaths

have broken up severely due to this tree's roots and now are quite dangerous underfoot.

7) Service lines will be affected by the roots in time, if they haven't been already.

8) It has been asserted that the roots will affect the foundations of the objector's house in the near future, for which the council will be held responsible.

9) The height and spread of the tree, with a mass of foliage and branches, removes any intrinsic value to the objector, who then claims that if a council member were to live near to this tree there would undoubtedly be a different outcome.

### **3.0 Director of Planning and Economic Development Comments**

#### **3.1 Description of the tree and its condition.**

The tree, subject of the order, is a cut leaved ash, about 14 metres in height and in excess of 16 metres in spread. It is a healthy, broad crowned tree, with a future lifespan of at least 40 years. Located adjacent to public footpaths from the estate to the local school and to fields to the east, it is a major landscape feature, visible by those walking to and from both Downlands and Roundhills. It is a healthy and attractive broad crowned tree.

#### **3.2 The issues raised by the objection are addressed in turn, as follows:**

1) The purpose of the description was to establish the land on which the tree stands and its relationship to other properties. The plan, which is definitive, shows this clearly.

2) There is no obvious safety issue. If any arose it could be addressed by specific pruning. The small amount of deadwood present is natural and does not suggest that the tree is dangerous. It could, in any case, be removed by agreement.

3) The TPO safeguards the tree, but allows the council the opportunity to fully consider any threats posed by it and make a decision that balances the benefits against any potential harm to neighbours.

4) Leaf fall occurs over a relatively short period and it is reasonable to expect that lawns, drains and footpaths should be maintained periodically.

5) Careful consideration of the tree's suitability was given at the time of inspection and it is considered satisfactory, particularly since the immediately affected spaces are front gardens. All the nearby properties have separate private rear gardens.

6) The tree's height has been accurately measured. It is understood that the concern expressed here is the potential danger of root damage to foundations. At around 15 metres from the building, the likelihood of root induced foundation damage is low. However, in the unlikely event of damage occurring, an application could be made to remove the tree or other solutions, such as a root barrier, explored. The presence of a surface root in the pavement cannot directly indicate their presence below foundations. The cracks in the pavement were noted but are minor and could be easily repaired.

7) No evidence of damage to underground services has been provided and therefore no weight can be attributed to this assertion at this time.

8) No evidence of damage to 286 Roundhills have been provided and therefore no weight can be attributed to this assertion at this time.

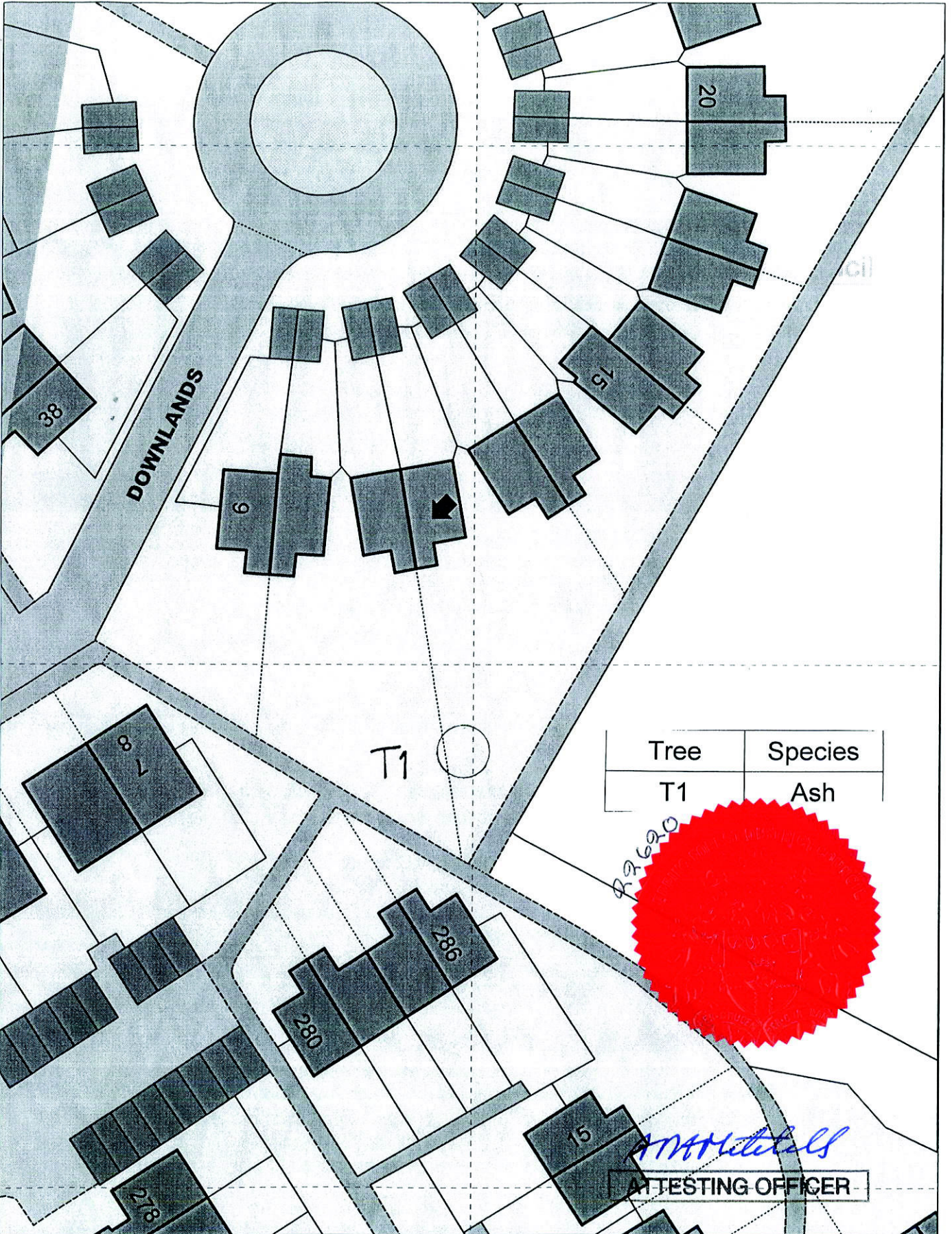
9) Before making the TPO a structured procedure was followed to ensure that its justification was objectively based. Members may be confident that the making of the TPO was entirely objective and that the result would have been the same no matter who lived in adjacent properties.

#### **4.0 Conclusion**

4.1 It is recommended that, in the interests of public amenity, the Order be confirmed. The new Order will protect this valuable specimen by allowing the council to ensure that any future pruning will not be harmful to its health or amenity in accordance with Council local landscape planning policy LL7.

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 Epping Forest District Council  
 Planning Services  
 Civic Offices  
 High Street  
 Epping CM16 4BZ

12 Downlands  
 Waltham Abbey  
 EN9 1UH  
 TPO/EPF/16/12

Centre X: 539449.645  
 Centre Y: 200145.873  
 Width : 90.000  
 Angle : .000

Scale : 1:500

Date : 12 Sep 2012

Time : 12:39:47 PM





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## AREA PLANS SUB-COMMITTEE 'WEST'

6 February 2013

### INDEX OF PLANNING APPLICATIONS

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2193/12
<b>SITE ADDRESS:</b>	Pinch Timber Farm Upland Road Epping Upland Epping Essex CM16 6PG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mrs Averil Gilbert
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of barn to residential dwelling and related works.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543288](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543288)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 05:027:2Ei, 05:027:3Ki, 05:027:4Ci, 050:27:5xiiJB, 050:27:6xJB, 05:027:IMi
- 3 No development shall take place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, C, D and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 6 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

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

any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 13 No development shall take place, including site clearance or other preparatory work, until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These shall include: details of existing features to be retained; means of enclosure (hard or soft); areas of additional hardstanding; and car parking details and layout. These works shall be carried out as approved, unless the Local Planning Authority gives its written consent to any variation.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

#### **Description of Site:**

The application site relates to a historic barn that lies to the east of the Grade II listed, 16<sup>th</sup> century Pinchtimber Farmhouse. According to the list description the barn dates to the early 18<sup>th</sup> century and is Grade II listed in its own right, although the submitted Historic Building Assessment dates the building to the late 18<sup>th</sup> or early 19<sup>th</sup> century. The barn is timber framed and weather boarded with a plain tile roof. There are a number of lean-to's attached to the barn and a later block work extension to the south. The application site is located within the Metropolitan Green Belt.

#### **Description of Proposal:**

Revised application for the conversion of a Grade II listed barn into a five bed dwelling. The proposed conversion would involve the reroofing of the southern section of the building, the insertion of 2 rooflights and a dormer window, and the insertion of new door and window openings. The development would involve the creation of a private amenity space to the east of the building,

and access to the property would be shared with the farmhouse via the existing access from Upland Road.

**Relevant History:**

EPF/1483/11 - Conversion of existing barn to residential dwelling and related works – refused 01/11/11

EPF/1463/12 - Conversion of existing barn to residential dwelling and related works – refused 26/09/12

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
GB8A – Change of use or adaptation of buildings  
GB9A – Residential conversions  
HC10 – Works to listed building  
HC12 – Development affecting the setting of listed buildings  
HC13 – Change of use of listed buildings  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST6 – Vehicle parking

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

**Consultation Carried Out and Summary of Representations Received:**

2 neighbouring residents were consulted and a Site Notice displayed on 30/11/12.

PARISH COUNCIL (FOLLOWING REVISION) – No objection to the access but concerns remained as to the use of the fenced area and impact on the Green Belt.

**Issues and Considerations:**

The previous application for the conversion of this building was refused planning permission for the following reasons:

- 1. The proposed development would introduce unacceptable subdivision of the site, detrimental to the character, appearance and openness of the Green Belt. As such the development fails to comply with policies GB7A and GB9A of the adopted Local Plan and Alterations.**
- 2. The proposed development would result in the loss of important historic features and would introduce inappropriate subdivision of the site. As such the development would be harmful to the character, appearance and historic importance of the Grade II listed barn, and the setting of the adjacent Grade II listed farmhouse, and is therefore contrary to policies CP2, HC10, HC12 and HC13 of the adopted Local Plan and Alterations.**



The key considerations in this instance are whether the revised scheme has overcome the above reasons for refusal.

Green Belt (reason 1):

The NPPF allows for the reuse of existing buildings provided “*they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*”. This is reflected within Local Plan policy GB8A, and residential conversions are also subject to policy GB9A, which states that “*conversion for residential use must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically or adversely affected. This includes features such as new curtilages, boundary treatment (including walls and fences), windows, door openings and chimneys*”.

The details of the previously proposed scheme were considered inappropriate in part due to the proposed subdivision of the site through the introduction of a new area of curtilage that would serve as access/parking to the new dwelling. This was considered to unacceptably spread the built area into the Green Belt through the introduction of additional car parking/access beyond the previous farmyard. Whilst this application originally was submitted with the new access and parking area retained, this has subsequently been amended and this unacceptable element removed. As a result, the section of land to the east of the barn would be retained as private amenity space and the type of boundary treatment (preferably planted or a simple post and rail fence) can be controlled by way of condition. This would therefore overcome the previous reason for refusal.

Design/Impact on listed building (reason 2):

The original scheme ref: EPF/1483/11 was considered unacceptable due to the impact on the character, appearance and historic importance of the Grade II listed building. Although pre-application discussions took place between the applicant and the Essex County Council Historic Buildings Advisor after this refusal, the revised scheme submitted (EPF/1463/12) was still considered harmful to the listed building. Whilst the large majority of the unacceptable elements were addressed there was still concerns with regards to the removal of a stud and a section of the midrail to accommodate the new front door. Further discussions took place after this latter refusal, and the scheme under consideration here has now addressed this previous concern. Any other matters with the proposed development can be suitably addressed/dealt with by the imposition of conditions.

Other Matters:

Amenity considerations:

The application site would provide an acceptable level of private amenity space and would not result in any detrimental impact on neighbouring residents.

Sustainability:

The site is in a very unsustainable location, as it is not well served by local facilities, however the addition of one dwelling would not be considered unduly detrimental.

Highways/parking:

The proposed development would share the existing access to the farmhouse/former farmyard and there is adequate space to provide all required off-street parking, visitor parking space and manoeuvrability space for both the new and existing dwelling. Furthermore, it is not considered

that the use of the building for one residential property would result in a significant increase in vehicle movements over and above the existing use of the site.

Other matters:

This farm building forms part of Pinchtimber Farm, an historic farmstead comprising a group of multi-period buildings including a 16<sup>th</sup> Century farmhouse, 18<sup>th</sup> Century barn and a range of farm buildings which date from the 19<sup>th</sup> century or possibly earlier. Recent work published in the *East Anglian Archaeology: Research and Archaeology: A Framework for the Eastern Counties 2. Research Agenda and Strategy* states that the East Anglian Farmstead is a crucial and understudied component of the East Anglian Landscape. This area was of major international importance in the development of farming practises, the exploitation of the French Wars and the 'High Farming tradition'. As historic fabric, features and fittings elucidating the development and use of the building may survive, it is important that such elements are 'preserved by record' by means of a historic building survey prior to the commencement of conversion works. As such a programme of archaeological works is required for the site, which can be sought by condition.

Given the former use of the application site as a farm and the presence of made ground, the site has been identified as potentially contaminated. Due to this a phased contaminated land investigation will be required, which can be dealt with by condition.

Conclusion:

This further revised application, due to the amended plans removing the proposed new access and parking area, has suitably overcome the previous reasons for refusal and is not considered harmful to the openness of the Green Belt, the character and appearance of the area, or the historic significance of the listed barn and adjacent listed farmhouse. Therefore this complies with the relevant Local Plan policies and is recommended for approval.

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

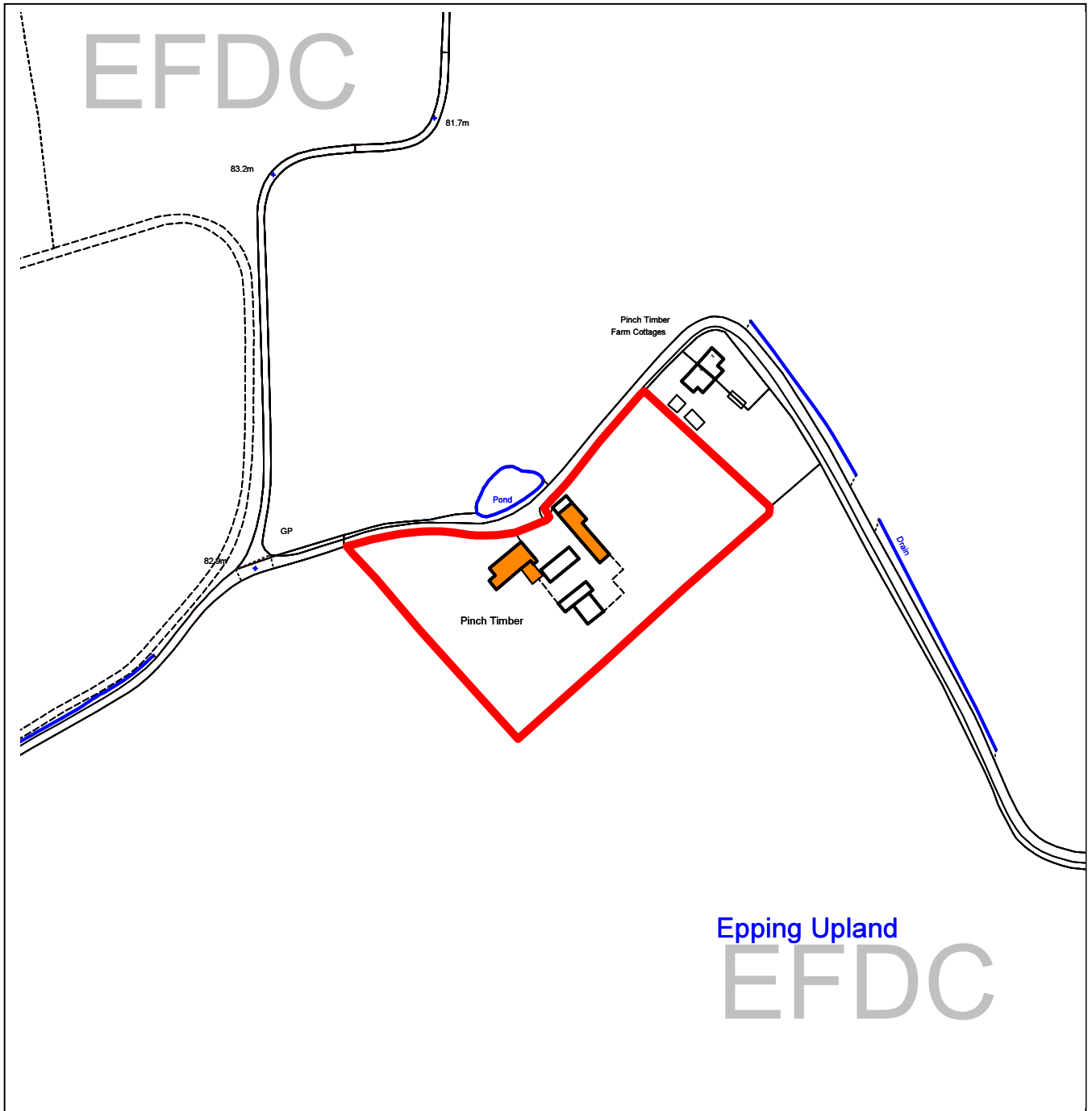
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>1</b>
Application Number:	EPF/2193/12 & EPF/2194/12
Site Name:	Pinch Timber Farm, Upping Upland Road Epping Upland, CM16 6PG
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2194/12
<b>SITE ADDRESS:</b>	Pinch Timber Farm Upland Road Epping Upland Epping Essex CM16 6PG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mrs Averil Gilbert
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building application for the conversion of barn to residential dwelling and related works.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543289](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543289)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 05:027:2Ei, 05:027:3Ki, 05:027:4Ci, 050:27:5xiiJB, 050:27:6xJB, 05:027:IMi
- 3 Samples of the types and details of colours of all proposed materials and finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 4 Additional drawings that show details of proposed new windows, doors, eaves, verges, cills, and any changes to the walls, floor and roof, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 5 Prior to the repair of the timber frame, and notwithstanding the details submitted, the repairs to the timber frame shall be agreed in writing by the Local Planning Authority following careful removal of the concrete surrounding the timber frame. The repairs shall thereafter be carried out in accordance with the agreed details.
- 6 Any existing boarded doors shall be retained and repaired, unless otherwise agreed in writing with the Local Planning Authority.

- 7 Prior to the subdivision of the site or erection of any boundary treatment, details of all new boundaries and any new hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site relates to a historic barn that lies to the east of the Grade II listed, 16<sup>th</sup> century Pinchtimber Farmhouse. According to the list description the barn dates to the early 18<sup>th</sup> century and is Grade II listed in its own right, although the submitted Historic Building Assessment dates the building to the late 18<sup>th</sup> or early 19<sup>th</sup> century. The barn is timber framed and weather boarded with a plain tile roof. There are a number of lean-to's attached to the barn and a later block work extension to the south.

### **Description of Proposal:**

Grade II listed building consent is being sought for the conversion of a barn into a five bed dwelling. The proposed conversion would involve the reroofing of the southern section of the building, the insertion of 2 rooflights and a dormer window, and the insertion of new door and window openings. The development would involve the creation of a private amenity space to the east of the building, and access to the property would be shared with the farmhouse via the existing access from Upland Road.

### **Relevant History:**

LB/EPF/1510/11 – Listed building application for the conversion of existing barn to residential dwelling and related works – refused 01/11/11  
LB/EPF/1464/12 – Listed building application for the conversion of existing barn to residential dwelling and related works – refused 26/09/12

### **Policies Applied:**

HC10 – Works to listed building  
HC12 – Development affecting the setting of listed buildings  
HC13 – Change of use of listed buildings

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

### **Consultation Carried Out and Summary of Representations Received:**

A Site Notice displayed on 30/11/12.

PARISH COUNCIL (FOLLOWING REVISION) – No objection to the access but concerns remained as to the use of the fenced area and impact on the Green Belt.

### **Issues and Considerations:**

The previous listed building application for the conversion of this building was refused planning permission for the following reason:

**The proposed development would result in the loss of important historic features and would introduce inappropriate subdivision of the site. As such the development would be harmful to the character, appearance and historic importance of the Grade II listed barn, and the setting of the adjacent Grade II listed farmhouse, and is therefore contrary to policies HC10, HC12 and HC13 of the adopted Local Plan and Alterations.**

The key consideration in this instance is whether the revised scheme has overcome the above reason for refusal.

The original scheme ref: LB/EPF/1510/11 was considered unacceptable due to the impact on the character, appearance and historic importance of the Grade II listed building. Although pre-application discussions took place between the applicant and the Essex County Council Historic Buildings Advisor after this refusal, the revised scheme submitted (LB/EPF/1464/12) was still considered harmful to the listed building. Whilst the large majority of the unacceptable elements were addressed there were still concerns with regards to the removal of a stud and a section of the midrail to accommodate the new front door. Further discussions took place after this latter refusal, and the scheme under consideration here has now addressed this previous concern. Any other matters with the proposed development can be suitably addressed/dealt with by the imposition of conditions.

### **Conclusion:**

This further revised application has suitably overcome the previous reason for refusal and is now not considered harmful to the historic significance of the listed barn and adjacent listed farmhouse. Therefore this complies with the relevant Local Plan policies and is recommended for approval.

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

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

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

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2282/12
<b>SITE ADDRESS:</b>	Sedgegate Nursery Sedge Green Nazeing Waltham Abbey Essex EN9
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr William Edwards
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543701](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543701)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawing no. Site Location plan dated 25 Mar 2010
- 2 The use hereby permitted shall be for a temporary period of 3 years from the date of this permission.
- 3 The premises shall be used solely for the restoration and renovation of motor vehicles as a personal hobby and for no commercial activities.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The use hereby permitted shall not be operated outside the hours of 08:00 to 21:00 on Monday to Sundays.
- 6 No outdoor storage or external lighting shall take place on site without prior written approval from the Local Planning Authority.
- 7 The rating level of noise (as defined by BS4142:1997) emitted from the unit shall not exceed 5dB(A) above the prevailing background noise level when measured from the edge of the closest residential property.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Site:**

Sedgegate Nursery is located on the western side of Sedge Green and accessed by a narrow track to the north of Sedge Gate House. The site is within the Metropolitan Green Belt, is a site designated for glasshouse use, and is within the Lea Valley Regional Park. There is a gypsy site to the rear of the nursery and residential properties towards the front. To the north of the site are largely commercial sites and the neighbouring Leaside Nursery recently obtained a three year temporary consent for B8 Storage use within two former packing sheds. There are extant enforcement notices on the application site relating to various commercial uses.

### **Description of Proposal:**

Consent is being sought for the retrospective change of use of part of the existing glasshouses to the restoration and renovation of motor vehicles for hobby purposes.

### **Relevant History:**

#### **Planning History:**

EPF/0943/95 - Continued use for storage and distribution of plant containers and production, maintenance and storage of interior plant displays – **refused 30/01/96 (dismissed on appeal 23/10/96)**

EPF/0036/05 - Car park spaces and storage of agricultural vehicles in conjunction with growing use of greenhouses – **refused 01/07/05**

CLD/EPF/1391/10 - Certificate of lawful development for an existing use for vehicle repairs – **not lawful 28/11/11**

EPF/0374/11 - Demolition of existing glasshouses, erection of replacement glasshouses, erection of packing shed and storage building – **refused 28/04/11**

EPF/1283/11 - Demolition of existing glasshouses, erection of replacement glasshouses and erection of packing shed (revision to application EPF/0374/11) – **approved/conditions 16/08/11**

#### **Enforcement History:**

ENF/0015/96 – Change of use from agriculture to plant operations – **Notice served**

ENF/0065/98 – Use of land for making & storage of pallets – **Enforcement appeal dismissed, notice upheld – 22/06/99**

ENF/0105/06 – HGV's on site, car repairs – **Use ceased following refusal of EPF/0036/05**

ENF/0701/06 – Use of land at nursery as depot for scaffolding firm and builders yard. Use of glasshouse for general industrial purposes – **ongoing**

ENF/0442/09 – Change of use agricultural to training centre, storage business and interior landscaping business – **No breach found**

### **Policies Applied:**

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB8A – Change of use or adaptation of buildings

DBE9 – Loss of amenity



RP05A – Potential adverse environmental impacts  
RST24 – Design and location of development in the LVRP  
E12A – Farm diversification  
E13B – Protection of glasshouse areas  
ST4 – Road safety

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **SUMMARY OF REPRESENTATIONS:**

7 neighbours were consulted and a Site Notice was displayed on 07/12/12.

PARISH COUNCIL – Object. This is E13 land and as such should either remain as such or be returned to its former use and not converted to light industrial. There is poor access from Sedge Green. If granted there is no possibility of checking the use for ‘hobby purposes’ or as a business use.

LEASIDE, SEDGE GREEN ROAD – Object as there have been several uses on the site that have previously been refused by the Council and Planning Inspector and as this is used/will be used for commercial purposes rather than for ‘hobby use’. The site should only be used for horticultural use.

### **Issues and Considerations:**

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, the E13 area, the Lea Valley Regional Park, and regarding neighbour amenities and highways concerns.

#### **Green Belt Considerations:**

The existing buildings on the site are 110 sq. m. in area and consist of part of the former glasshouses that served the horticultural use of this nursery. Policy GB8A of the adopted Local Plan outlines the criteria against which the change of use or adaptation of buildings in the Green Belt should be judged. The National Planning Policy Framework (NPPF) also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of the NPPF promotes the “*sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings*”. Paragraph 90 states that “*certain other forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*” and includes “*the re-use of buildings provided that the buildings are of permanent and substantial construction*”.

The main issues in this case with regards to the criteria in Policy GB8A are that:

- The building is of substantial construction capable of conversion;
- The works were not carried out with the view of securing another use;
- The use would not have a materially greater impact on the Green Belt; and
- Associated traffic generation is not excessive.

Policy GB8A firstly requires that the building is of substantial construction capable of conversion. Whilst the building is a former glasshouse, which by their very nature are fairly insubstantial, a previous application was submitted in 1995 for the retrospective change of use of this building (plus additional areas of glasshouse) for the storage and distribution of plant containers and

production, maintenance and storage of interior plant displays. This was refused planning permission and subsequently dismissed on appeal, nonetheless within the appeal decision the Planning Inspector stated that “*the buildings are of permanent construction and have been converted without major or complete reconstruction*”. Whilst this decision is now some 16 years old, the change of use under consideration here has been undertaken without major or complete reconstruction so it is still considered that the buildings are of ‘substantial construction capable of conversion’.

The building is part of the original glasshouses on this site, which were previously used as part of the horticultural nursery. There is no doubt that these glasshouses were originally constructed and used for horticultural purposes, however over recent years these have been used for a variety of unauthorised uses. Nonetheless, it is not considered that any works have been carried out to the buildings with the view of securing the use under consideration here.

Policy GB8A also requires that the use would not have a materially greater impact on the Metropolitan Green Belt or on traffic generation. The proposed change of use reuses the existing building and is for a ‘hobby’ car repairs that would not result in customer visits or any intensive traffic movements. Furthermore, should the area of glasshouses be reverted back to horticultural use then this could result in a significant increase in traffic movements over the proposed hobby use.

#### Impact on designated Greenhouse area:

The application site is located within an E13 area, where the policy states that planning permission should be refused for any development that would:

- (i) *undermine its policy approach of concentrating glasshouses in clusters to minimise damage to visual amenity and loss of the openness of the Green Belt; and/or*
- (ii) *harm the future vitality and/or viability of the Lea Valley glasshouse industry.*

Although the proposed change of use would result in non-horticultural uses onto this site, these sections of glasshouse have not been used for horticultural purposes for a number of years, which can be seen from the planning and enforcement history. The reuse of redundant buildings on agricultural/horticultural sites is recognised as a way to fund the continued agricultural use of premises by supplementing the economic viability of a site. Furthermore, as a three year temporary consent could be granted, there would be no long term harm from this development.

#### Impact on the LVRP:

Within the 1996 appeal decision for the change of use of these glasshouses, the Planning Inspector assessed the potential impact on the LVRP. They concluded on this that “*consent could be granted for (the change of) use for a temporary period without prejudice to the medium or longer-term objectives of the Park Authority*”. As this proposal could similarly be granted temporary three year consent, this would equally not result in any long-term harm to the Lea Valley Regional Park.

#### Amenity considerations:

Complaints have previously been received by Planning Enforcement with regards to a change of use of the building and the wider site to various commercial uses. The latest of these was in 2009, to which no breach was found, however the 2006 enforcement investigation was a valid complaint and the investigations/enforcement action is still ongoing. The objection against this development received from a neighbouring resident refers to “*constant noise and pollution from this usage all hours of the day, and half the night, The glasshouses can be seen lit up until around 12:00 midnight, 7 days a week, the sound of hammering and the compressors, spraying paint, as well as the smell of paint and dust coming from the extractor fans or open vents, it is nothing less than a*

*neighbouring nightmare to say the least*". The closest point of this particular resident's property is located approximately 25m from the application buildings and separated by an access road serving Leaside Nursery, with the actual dwelling being some 35m distance. The closest neighbouring property is some 10m away, with the dwelling being 18m away.

Despite this complaint, it is considered that suitable conditions could be added to any permission that would adequately control the level of impact on neighbouring residents. This could include a restriction on the level of usage (ensuring it remains only as a 'hobby use'), an hours of use condition, and the standard condition regarding noise levels. Furthermore, noise, light and odour nuisance can also be controlled by Environmental Health if a problem arises/persists. As such, whilst the current unauthorised and uncontrolled use may well be causing harm to neighbours amenities, suitable conditions could be imposed to reduce this down to an acceptable level. Furthermore, a temporary consent could be granted, similar to that recently approved at Leaside Nursery, in order to monitor the impact of the development with the conditions in place to assess how this impacts on the neighbouring residents.

#### Highways:

The previous appeal in 1996 for the conversion of this building was dismissed purely on the insufficient access and resulting highway concerns, however this was for the storage and distribution of plant containers and production, maintenance and storage of interior plant displays and as such would have resulted in an intensification of traffic movements on the site. Whilst the access remains substandard, the proposed change of use under consideration here would be a fairly low key use that would not result in significant transport movements. As such, subject to a condition restricting the use of the buildings, this proposal would not detrimentally impact on highway safety over that which already occurs from the authorised horticultural use of the site.

#### Conclusion:

The proposed use of these glasshouses when considered against local and national policy, which makes provision for the reuse of agricultural buildings in the Green Belt, is deemed appropriate. However it is considered that consent should only be granted for a temporary three year period and should be restricted by way of conditions. This temporary permission would allow for an assessment of the potential impact on neighbours amenities (once controlled by conditions) to take place in order for the potential harm to be fully considered. As such, subject to conditions, it is considered that the application complies with the relevant Local Plan policies and the guidance set out within the NPPF and it is therefore recommended for approval.

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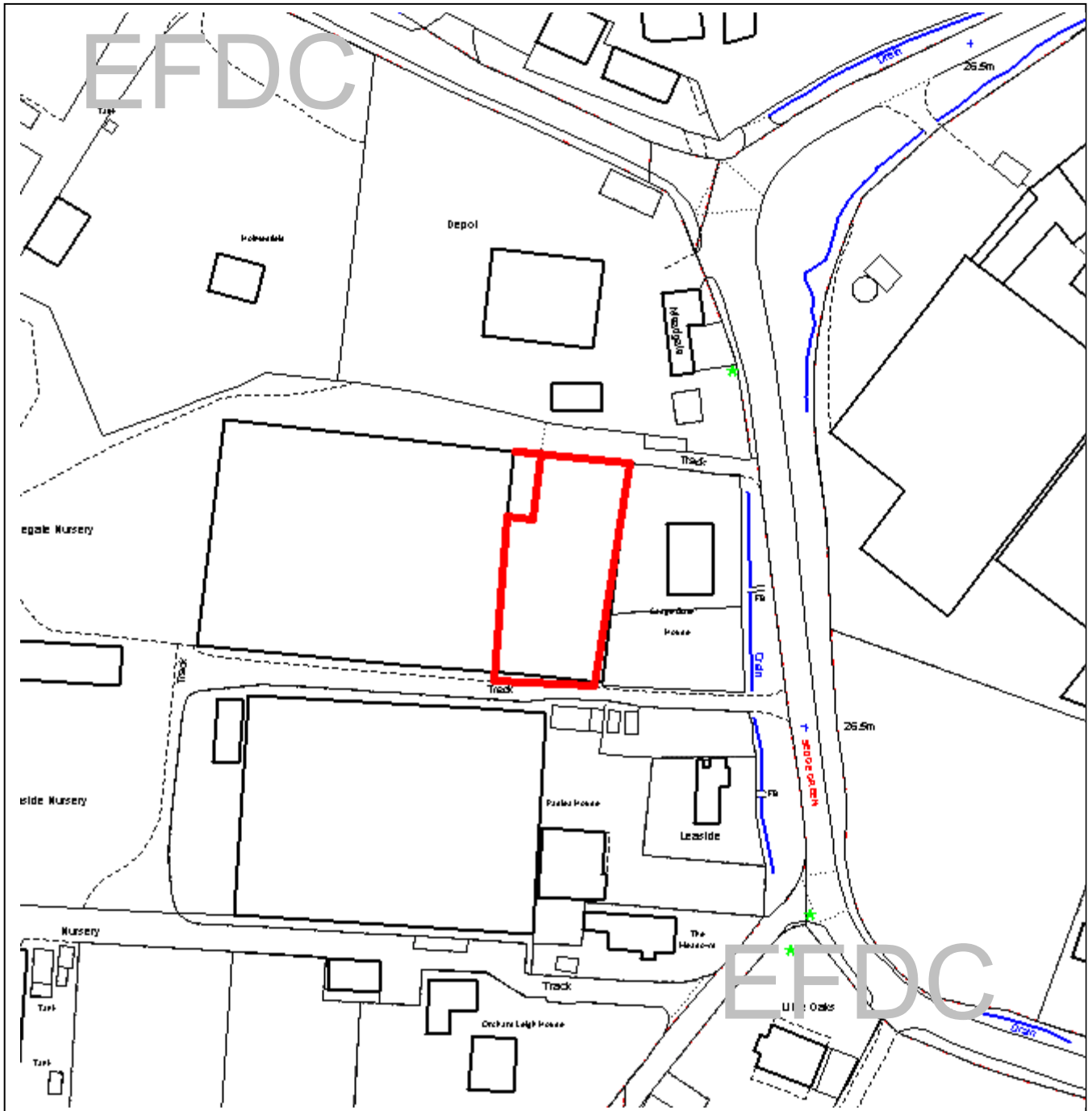
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# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/2282/12
Site Name:	Sedgemoor Nursery, Sedge Green Nazeing, EN9
Scale of Plot:	1/1250