



***District Development Control Committee
Wednesday, 26th June, 2013***

You are invited to attend the next meeting of **District Development Control Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 26th June, 2013
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Simon Hill, The Office of the Chief Executive
Tel: 01992 564249 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), A Boyce (Vice-Chairman), C Finn, J Hart, Mrs S Jones, Ms H Kane, P Keska, J Knapman, Ms Y Knight, J Markham, R Morgan, J Philip, Mrs C Pond, J M Whitehouse and J Wyatt

**A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP
SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M.
IN COMMITTEE ROOM 1 PRIOR TO THE MEETING**

SUBSTITUTE NOMINATION DEADLINE:

18:30

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber's lower seating area you are consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer"

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

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

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

6. MINUTES (Pages 7 - 10)

To confirm the minutes of the last meeting of the Committee held on 27 March 2013 (Attached).

7. 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.

8. DETERMINATION OF APPLICATIONS TO MODIFY, REMOVE OR DISCHARGE AFFORDABLE HOUSING OBLIGATIONS - GROWTH AND INFRASTRUCTURE ACT 2013 (Pages 11 - 14)

(Director of Housing) To consider that attached report.

9. PLANNING PERMISSION EPF/1400/2004 - DEVELOPMENT AT ST JOHNS SCHOOL, EPPING - FURTHER DEED OF VARIATION TO UNILATERAL UNDERTAKING REGARDING AFFORDABLE HOUSING REQUIREMENTS (Pages 15 - 18)

(Director of Planning and Economic Development) To consider the attached report.

10. **SAINSBURY'S DEBDEN STORE, TORRINGTON DRIVE, LOUGHTON - VARIATION OF SECTION 106 LEGAL AGREEMENT TO PLANNING PERMISSION EPF/0620/00 IN RESPECT OF HGV DELIVERY VEHICLES MOVEMENT ROUTING RESTRICTIONS (Pages 19 - 26)**

(Director of Planning and Economic Development) To consider that attached report.

11. **PLANNING APPLICATION EPF/2214/12 - PROPOSED TWO STOREY AND SINGLE STOREY SIDE EXTENSION AT 5 RODING VIEW, BUCKHURST HILL (Pages 27 - 34)**

(Director of Planning and Economic Development) To consider a report which was deferred at the last meeting to enable a site visit to be undertaken.

12. **PLANNING APPLICATION EPF/0382/13 - 24 BOWER HILL, EPPING - CONSTRUCTION OF 1 NO. TWO BEDROOM HOUSE. (Pages 35 - 42)**

(Director of Planning and Economic Development) To consider the attached report.

13. **PLANNING APPLICATION EPF/0696/13 - REAR OF 8 MARGARET ROAD, EPPING - ERECTION OF SINGLE AFFORDABLE DWELLING AND ANCILLARY WORKS INCLUDING VEHICLE ACCESS AND CROSSING (RESUBMITTED APPLICATION) (Pages 43 - 54)**

(Director of Planning and Economic Development) To consider the attached report,

14. **PLANNING APPLICATION EPF/2190/12 - 26 FYFIELD ROAD, ONGAR - CHANGE OF USE OF THE PREMISES FROM A1 TO A3 AND A5 WITH EXTENSION FLUE AND CHANGES TO SHOP FRONT. (Pages 55 - 66)**

(Director of Planning and Economic Development) To consider the attached report.

15. **APEALED PLANNING APPLICATIONS - NEW HOUSE FARM, LITTLE LAVER ROAD, MORETON; (Pages 67 - 94)**

(Director of Planning and Economic Development) To consider the attached report.

16. **EXCLUSION OF PUBLIC AND PRESS**

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

Agenda Item No	Subject	Exempt Paragraph Number	Information 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.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

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

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

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

Further Information?

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

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control **Date:** 27 March 2013
Committee

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.55 pm
High Street, Epping

Members Present: A Boyce (Vice-Chairman), C Finn, Mrs S Jones, J Markham, R Morgan, J Philip, Mrs M Sartin, Mrs P Smith, D Stallan, Mrs L Wagland and Ms S Watson

Other

Councillors: K Avey and C Whitbread

Apologies: B Sandler, J Knapman, Ms Y Knight, Mrs C Pond and J Wyatt

Officers Present: J Shingler (Principal Planning Officer), S G Hill (Senior Democratic Services Officer) and S Mitchell (PR Website Editor)

VICE CHAIRMAN IN THE CHAIR

33. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

34. VICE CHAIRMAN FOR THE MEETING

Resolved:

That in the absence of the Chairman, Councillor R Morgan be appointed as Vice Chairman for the duration of the meeting

35. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that following substitutions for the meeting:

- (i) Councillor L Wagland for Councillor J Knapman
- (ii) Councillor D Stallan for Councillor Y Knight
- (iii) Councillor M Sartin for Councillor J Wyatt

36. DECLARATIONS OF INTEREST

The following Councillors declared a personal interest in item 9 – 49 Hainault Road, Chigwell by virtue of the applicant being a member of the same political group: Councillors D Sallan, P Smith, S Watson, J Philip, L Wagland, A Boyce and S Jones. The Councillors had determined they would remain in the meeting for the duration of and voting on the application.

37. MINUTES**Resolved:**

That the minutes of the meeting held on 30 January 2013 be taken as read and signed by the Chairman as a correct record.

38. ANY OTHER BUSINESS

The committee noted that with the permission of the Chairman, a late item of business had been admitted to the meeting, that being a proposal for extensions to a property at 5 Roding View, Buckhurst Hill.

39. PLANNING APPLICATION EPF/2214/12 - PROPOSED TWO STOREY AND SINGLE STOREY SIDE EXTENSION AT 5 RODING VIEW, BUCKHURST HILL

The Committee considered an application which had been referred from Area Planning Subcommittee South at its meeting on 13 March 2013, which had been admitted by the Chairman to this meeting as a supplementary item with a recommendation to refuse planning permission.

The application sought two storey and single storey side extension to 5 Roding View, Buckhurst Hill.

The committee were of the view that a site visit was required to the site and agreed to defer consideration of the matter until the next meeting to enable such a visit to take place.

Resolved:

That a site visit be arranged for application EPF/2214/12 before the next meeting of the Committee.

40. PLANNING APPLICATION EPF/1996/12 - VALLEY VIEW, CURTIS MILL LANE, STAPLEFORD ABBOTTS - PART RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND TO INCLUDE STATIONING OF CARAVANS FOR OCCUPATION BY GYPSY-TRAVELLER FAMILY WITH NEW ACCESS, FENCING, GATES, HARDSTANDING, UTILITY BLOCK AND CESS POOL/SEPTIC TANK.

The Committee gave consideration to an application referred by Area Plans Subcommittee East at its meeting on 23 January 2013. The application sought a part retrospective approval for the change of use of land to include stationing of caravans for occupation with a new access, fencing, gates, hardstanding, utility block and cess pool/septic tank.

The Subcommittee had recommended to the Committee that due to the special circumstances put forward by the applicant and the unmet need for such pitches the application should be granted.

The applicant declined the opportunity to address the Committee.

The Committee were of the view that they did not have a detailed statement from the applicant addressing their special circumstances and that information supplied by the applicant of a local connection and child in a local school was not sufficient to outweigh the harm to the Green Belt caused by the development. The committee

also were of the view that the emerging local plan would be able to demonstrate that there was a five year supply of such sites. The committee also considered the site was in an unsustainable location.

The committee therefore voted on and approved a motion to refuse permission.

Resolved:

That planning application EPF/1996/12 at Valley View, Curtis Mill Lane, Stapleford Abbots be refused for the following reason:

(1) The proposal is inappropriate development in the Metropolitan Green Belt, by definition harmful. In addition due to the isolated, open and prominent nature of this particular site the development has a significant and harmful impact on openness and on the character and visual amenity of the rural area, that can not be overcome by conditions. The circumstances put forward by the applicant are not sufficient to clearly outweigh this harm and the development is therefore contrary to policies GB2a, CP2 and LL2 of the adopted Local Plan and Alterations which are in accord with the National Planning Policy Framework.

41. PLANNING APPLICATION EPF/2430/12 - 49 HAINAULT ROAD, CHIGWELL - FRONT PORCH AND FIRST FLOOR REAR EXTENSION (AMENDMENT TO EPF/1433/10)

The Committee considered and approved an application for alterations to an existing permission at 49 Hainault Road, Chigwell. The application was before the Committee as the site was the residence of a District Councillor. No local objections had been made to the application.

Resolved:

That planning application EPF/2430/12 at 49 Hainault Road, Chigwell be granted subject to the following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Notwithstanding the detail provided on the application forms and approved drawings, no construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(3) Prior to first occupation of the development hereby approved, the proposed window opening(s) in the flank elevation(s) at first and second floor levels shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties.

(4) Prior to the first occupation of the extensions hereby approved, privacy screens shall be erected to both sides of the rear balcony hereby approved, to a height of 1.7m above the balcony floor level.

Reason: to prevent excessive overlooking of neighbouring properties.

42. PLANNING PROTOCOL - SITE VISITS

The Committee discussed a report which had arisen from a meeting of the District Development Control Chairman and Vice Chairman.

The Committee noted that the report and the draft guidance notes for Councillors and applicants, agents and interested parties had arisen as a result of concerns expressed by some Councillors about the procedures for undertaking planning site visits.

Members were asked to approve the draft guidance notes which were accepted subject to some minor amendments. It was the intention, after consideration by this Committee, that an item would be placed on each future Planning Subcommittee agenda to reiterate the process for future site visits. The Committee was informed that the guidance notes would also be sent to Councillors, applicants and objectors (if known) when a site visit was organised.

In addition the guidance would be published on the Council's website.

The Committee discussed the planning process generally and, in particular the need for site visits.

RESOLVED:

(1) That, subject to the views of the Standards Committee, the guidance on undertaking planning site visits as amended by the District Development Control Committee be agreed for inclusion as supplementary information in the Council's Planning Protocol;

(2) That the Planning Subcommittees be asked to note this guidance in undertaking future site visits and an item placed on their forthcoming agenda on the matter;

(3) That this guidance be published on the Council's website, sent to members, applicants and objector (if known) when a site visit is organised.

CHAIRMAN

Report to the District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 26 June 2013

Subject: Determination of Applications to Modify, Remove or Discharge Affordable Housing Obligations – Growth and Infrastructure Act 2013

Responsible Officer: Alan Hall, Director of Housing (01992 564004)

Democratic Services Officer: Simon Hill (01992 564249)

Recommendations:

- (1) That the provisions of the Growth and Infrastructure Act 2013, relating to the new ability for developers to apply to have previously-agreed affordable housing obligations within signed Section 106 agreements modified, removed or discharged, together with the resultant implications for the Council, be noted;**
- (2) That the Act's requirement for the Council to determine such applications and issue its formal Determination Notice within 28 days of request be noted;**
- (3) That authority be delegated to the Director of Housing to determine applications received under Section 7 of the Growth and Infrastructure Act 2013 to modify, remove or discharge affordable housing obligations, subject to:**
 - (a) Prior consultation with the Director of Planning and Economic Development and the Chairman (or in his/her absence, the Vice-Chairman) of the relevant Area Plans Sub-Committee; and**
 - (d) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin; and**
- (4) That applicants be required to meet the Council's full costs in appointing a consultant to validate their revised affordable housing proposals.**

Background:

1. Whenever planning permission is granted by the Council that includes planning obligations relating to the provision of affordable housing, whether it be the provision of affordable housing on the development site or the provision of a financial contribution in lieu of on-site affordable housing, the Council's requirements are included within an agreement under Section 106 of the Town and Country Planning Act 1990 (a "Section 106 agreement"). Even when the proposed Community Infrastructure Levy (CIL) is introduced, Section 106 agreements will continue to set-out the affordable housing requirements, since affordable housing will not be covered by the CIL.

2. The Government has recently stated that it believes the affordable housing requirements within previously-negotiated Section 106 agreements can be an obstacle to agreed developments going ahead, and that the Government is keen to see such development coming forward, in order to assist the economy. Within Section 7 of the recently enacted Growth and Infrastructure Act 2013 (25th April 2013), the Government has therefore introduced a provision to require local planning authorities (LPAs) to formally determine applications from developers to modify, remove or discharge affordable housing requirements within previously-agreed Section 106 agreements.

Growth and Infrastructure Act 2013

3. The new Act amends the Town and Country Planning Act 1990, through the addition of three new sections relating to planning obligations that contain an affordable housing requirement. However, the Act states that these three new sections will be repealed after 30 April 2016 (i.e. three years). The reason for this is that the Government wants this new ability for developers to seek to modify, remove or discharge planning obligations relating to affordable housing to be time-limited - only until the time it expects new house-building to no longer require this flexibility. It should be noted that “rural exception site” planning obligations are excluded from the provisions of the new Act.

4. The new Act also requires that LPAs must have regard to any Guidance which the Secretary of State may issue. Such Guidance has since been issued (“Section 106 affordable housing requirements – review and appeal” – April 2013).

5. The Guidance states that the Act’s requirements do not replace the existing powers to re-negotiate Section 106 agreements voluntarily. However, under the new provisions, a person responsible for complying with an affordable housing requirement can apply to have the requirement:

- Modified or replaced;
- Removed from the obligation; or
- Discharged (where the obligation only relates to affordable housing)

6. If the LPA accepts that the proposed development has become unviable due to the current affordable housing requirements, the LPA must consider and apply one of the above options, so that development becomes viable. If the LPA does not accept that the development has become unviable, the LPA must formally determine that the affordable housing requirements are to continue.

7. Modifications to affordable housing requirements cannot be more onerous than the original requirements, although determinations of *subsequent* applications can be more onerous, although they must not be unviable.

8. LPAs must give formal notice of its determination within a period set by the Secretary of State (or within 28 days of request if the period is not prescribed), although a longer period can be agreed in writing by both parties. Under the Act, the Secretary of State can regulate on the form and content of applications and determination notices.

Viability

9. The Guidance states that applications to revise affordable housing obligations should contain a revised affordable housing proposal and be supported by viability evidence. It states that a development is viable if the *current* cost of building the whole site (at today’s prices) is less than a level that enables the developer to both sell market units and make a “competitive return”.

10. It is the responsibility of the developer to demonstrate that the existing affordable housing obligation(s) make the scheme unviable, and the developer can propose adjustments to the tenure or mix of the affordable housing, or the phasing / timing of the affordable housing provision or financial contributions. However, any modified obligation should still deliver the maximum level of affordable housing possible.

11. The Guidance states that the evidence provided should preferably be an “open book review” of the original viability appraisal. However, where there was no original appraisal, the developer must provide evidence of why the existing scheme is unviable and submit a proposal to make the scheme viable.

12. At appeal, if developers are unwilling to work on open book basis, they can submit “general evidence of changes”. However, presumably in an attempt to encourage developers to be open about developers their costs and income, the Guidance states that developers must consider if this approach would provide sufficient evidence for the planning inspector to decide on viability.

13. The Guidance also states that developers should not be required to provide new viability appraisals, but should submit revised viability appraisals, using the same methodology as their original. They should also:

- Make the same policy assumptions as original;
- Assume all other obligations remain the same; and
- Not seek to re-open policy issues

14. The LPA can undertake its own viability appraisal and, if necessary, submit its appraisal to the Planning Inspector on appeal.

Appeals

15. Planning applicants can appeal to the Secretary of State (i.e. the Planning Inspectorate on his behalf), within the timescale set by the Secretary of State (or 6 months if not prescribed), if the LPA:

- Fails to give notice of determination within the required time limits
- Determines that there should be no modification to the obligation(s)
- Modifies planning obligation(s) differently from the submitted application

16. If, as a result, the Secretary of State modifies the obligation(s), the modifications will not apply to uncompleted (parts of) developments after three years of the date the applicant was notified of the Secretary of State’s determination. The Government has stated that this provides an incentive for developers to deliver within this period.

Implications for the Council

11. In view of these new provisions, it is anticipated that some developers will seek to renegotiate previously-agreed affordable housing obligations within signed Section 106 agreements, especially those negotiated some time ago.

12. It is therefore very important that the Council is ready and prepared to robustly evaluate any such applications, and (if necessary) modify, remove or discharge affordable housing obligations, within the required timescale.

13. The Council already receives viability appraisals submitted with planning applications, where developers are of the view that the Council’s affordable housing requirements should not be fully met, or even met at all. This is usually for one of two reasons:

- The developer is of the view that it would be unviable to provide the required level of affordable housing referred to within the Local Plan (generally 40% for urban areas; 50% for rural areas) – either because the overall costs to the developer would be higher than the income, or the residual land value would be lower than the existing use value; or
- The developer is of the view that it would be inappropriate to provide the required affordable housing on-site, and proposes a financial contribution in lieu of on-site provision to help fund the provision of affordable housing elsewhere. The submitted viability appraisals seek to justify the level of financial contribution.

14. Since the Council does not possess the required expertise in-house to properly evaluate, challenge and validate viability appraisals when they are submitted with planning applications, a

specialist consultant is appointed, at the applicant's cost, to undertake a formal validation. It would therefore be necessary to appoint a consultant to validate applications received under the Growth and Infrastructure Act 2013 to modify, remove or discharge affordable housing obligations; it is suggested that, as with the validation of other viability appraisals, the cost of appointment be met in full by the applicant.

15. This validation process is considered essential, since it has been proven on most occasions that developers seek to overstate the level of viability and/or offer a lower financial contribution than is properly justified. The information provided by the validation process is also essential to enable the Director of Housing to then undertake the required negotiations with the developer.

16. The importance of using specialist consultants, and officers undertaking the subsequent negotiation, can be demonstrated with the outcome of the last three viability appraisals submitted with planning applications that have been validated and negotiated within the past two months, as shown below:

Site	Proposed A/H Development	Original A/H Provision Proposed by Developer	Final A/H Provision Negotiated by Officers
Willow House, Sheering	2 X 4 bedroom detached houses	None	Financial contribution of £207,777
Green Man PH, Waltham Abbey	28 X private sheltered apartments	Financial contribution of £172,764	Financial contribution of £ 430,000
Stonehall Business Park, Matching Green	6 X 3 bedroom terraced houses	Financial contribution of £60,000	On-site provision of 3 X 3 bed houses (50%)

17. The problem is that it can take some time for:

- Applicants to provide any additional information required by the Council's consultants to validate the appraisals;
- The consultants to validate the proposals and produce their report;
- Negotiations to be undertaken by officers, which can be a lengthy process because officers take a robust approach to negotiations; and
- The planning application (and the outcome of negotiations) to be reported to, and considered by, Area Plans Sub-Committees.

18. As explained earlier, if an application is received from a developer in future to modify, remove or discharge an affordable housing obligation, the Act requires the Council to determine and issue its Determination Notice within 28 days of request. This will not be possible under the current arrangements; Agendas for Area Plans Sub-Committee alone have to be published almost two weeks before the date of the meeting.

19. The Council therefore needs to have a mechanism whereby it can quickly validate, negotiate and determine applications to modify, remove or discharge affordable housing obligations, otherwise applicants will be able to appeal to the Planning Inspectorate for non-determination within the required timescale – taking the decision out of the Council's hands.

20. It is therefore suggested that authority be delegated to the Director of Housing to determine applications to modify, remove or discharge affordable housing obligations, subject to prior consultation with the Director of Planning and Economic Development and the Chairman (or in his/her absence, the Vice-Chairman) of the relevant Area Plans Sub-Committee - and details of the application and the resultant determination being reported in the following issue of the Council Bulletin.

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting:

**Subject: Further Deed of Variation to Unilateral Undertaking – Affordable Housing Requirements
EPF/1400/2004 – Development at St Johns School, Epping**

**Officer contact for further information: Alan Hall
Committee Secretary: S Hill Ext 4249**

Recommendation(s):

That the Council enters into a further Deed of Variation to the Unilateral Undertaking with the applicant in respect of the planning permission granted for the demolition of St. Johns School, Epping and the construction of a new secondary school and residential development, in order to assist with the delivery of the affordable housing, specifically:

- (1) The confirmation of the actual proposed mix of affordable housing within the deed agreed with the Director of Housing; and**
- (2) the agreement that some of the individual shared ownership units do not meet the Homes and Communities Agency's Housing Quality Indicators (HQI's); and**
- (3) to allow the Housing Association and developer to negotiate and complete purchase of the affordable units on the site at a sum other than the maximum of build cost.**

Background

1. (Director of Planning and Economic Development/Director of Housing) Following an planning appeal in 2006, the Planning Inspectorate granted outline planning permission for the demolition of St. Johns School, Epping and the construction of a new secondary school and residential development. This included the acceptance of a Unilateral Undertaking submitted by the applicants, dated 19th September 2006.

2. Subsequently, in 2009, the Council approved the Reserved Matters application (EPF/0585/09) for the demolition of the School, the construction of the new school and the development of 149 dwellings (including 38 affordable homes – in accordance with the Outline Planning Permission).

3. In 2011, the District Development Control Committee agreed that the Council should enter into a Deed of Variation to the Unilateral Undertaking, to allow Affordable Rents (with rents of up to 80% of market rents, including service charges) to be charged instead of Social Rents, in accordance with Government policy.

4. In December 2012, the Council approved some non-material amendments to the development and the mix of the affordable housing.

5. The developer will be commencing the residential development part of the overall scheme later in the Autumn and the developer's solicitor has requested that, in order to safeguard their client, the Council enters into a Deed of Variation to confirm the minor changes to the original Unilateral Undertaking that have been agreed in principle or have come about through the passage of time.

6. The proposed Deed of Variation would cover the following main issues, plus some minor wording changes:

(a) **Confirmation of the mix of the affordable housing** – the Unilateral Undertaking states that the mix of the affordable housing should reflect the mix of the market housing. However, subsequent negotiations between the developer and the Director of Housing have resulted in a more appropriate and preferential mix for the affordable housing, that does not reflect the mix of the market housing.

The proposed Deed contains the actual mix of the affordable housing.

(b) **Scheme Development Standards** – the Unilateral Undertaking states that the affordable housing must meet the Housing Corporation's Scheme Development Standards and other funding conditions. However, since the time the Unilateral Undertaking was submitted, the Housing Corporation has been replaced by the Homes and Communities Agency (HCA) and the Scheme Development Standards have been replaced by Housing Quality Indicators (HQIs). Although the scheme as a whole meets the HQI standards, some of the individual shared ownership properties do not fully meet these new standards. Since, to a large extent, the quality of shared ownership properties is reflected in their market value, this does not cause any concerns.

The proposed Deed allows specific individual properties not to fully meet the HQIs.

(c) **Price for the affordable housing** – the Unilateral Undertaking states that the purchase price paid by the housing association to the developer must be no more than the cost of building the affordable housing. This was a common provision that the Council sought to include within Section 106 Agreements and Unilateral Undertakings back in 2006, since affordable housing was significantly funded by the former Housing Corporation at that time - through a bidding process.

However, the whole landscape of affordable housing development has changed over recent years, not least a significant reduction in HCA grant provided to housing associations (made possible by requiring housing associations to charge higher, Affordable Rents) and housing associations no longer having to bid for funding to the HCA (the successor to the Housing Corporation). Housing associations therefore negotiate purchase prices for affordable housing with developers, taking account of a number of factors. In this case, London and Quadrant Housing Trust will be purchasing the completed affordable properties from the developer and has negotiated an appropriate and affordable price.

The proposed Deed therefore removes definitions relating to the purchase price for the affordable housing.

7. The developer has agreed to meet the Council's legal costs to enter into the Deed. It is therefore recommended as set out at the commencement of the report.

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Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 26 June 2013

Subject: Sainsbury's Debden store, Torrington Drive, Loughton - Variation of Section 106 Legal Agreement to planning permission EPF/0620/00 in respect of HGV delivery vehicles movement routing restrictions

**Officer contact for further information: N Richardson Ext 4110
Committee Secretary: S Hill Ext 4249**

Recommendation(s):

(1) That the Director of Planning and Economic Development/Director of Corporate Support Services be authorised to enter into a variation to the Section 106 Legal Agreement relating to Planning Permission EPF/0620/00 (for the regional distribution centre on Land at Sewardstone Road) to allow daily return HGV movements from the Waltham Point Distribution Centre to Sainsbury's Debden Store at Torrington Road, Loughton, and;

(2) That, to facilitate this change, a new clause 8.3 be inserted into the Section 106 agreement referred to in (1) above as follows:

"8.3 The Routing Restrictions Scheme, the Excluded Routes and the obligations in clause 8 (except for clause 8.1A) will not apply to any HGV movements to or from the Site in connection with the Sainsbury's store located at Torrington Drive, Debden."

Report Detail

Planning History

1. (Director of Planning and Economic Development) Planning permission was granted on 7 February 2001 for a regional distribution facility with ancillary offices and associated car parking on land at Sewardstone Road, Waltham Abbey (planning reference: EPF/620/00). It was built shortly afterwards and is a regional distribution centre for Sainsbury's that now delivers to 89 Sainsbury's stores across London and the South East.

2. The planning permission was subject to a Section 106 Agreement, one clause of which sets out the routing restrictions for HGV movements associated with the Waltham Point depot, which in essence states that any HGV movements travelling to and from Waltham point cannot travel along a number of identified "Excluded Routes". Specifically, the excluded route is defined in the S106 agreement as:

Excluded Routes: means Highbridge Street, Station Road, Eleanor Cross,

Sewardstone Road, Abbey View, Crooked Mile, Farmhill Road and Honey Lane as shown and identified on the key to Plan 2 as “Excluded Routes” with the objective that the only route to be used along the new link road (A121) shall be to junction 26 of the M25 shown coloured red.

3. Members at the time the planning permission was approved were concerned about vehicles travelling along the roads through Epping Forest and its potential impact upon the Forest, which is designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Hence, this clause in the legal agreement.

Need for the Variation

4. Delivery vehicles to and from the Debden Sainsbury's store at Torrington Drive are servicing the store from a longer route off Chigwell Lane (A1168) from the M11 (northbound) via the A12/A406 roundabout, M11 southbound via the M25 junction 26 off the link road from the depot. Whilst the distance from the depot to the Debden store and back is 18km, the roundtrip each time is covering a distance of about 61km.

5. The Debden store currently receives a maximum of 4 deliveries per day (4 inbound and 4 outbound trips) and because of the narrow servicing lane at the store off Barrington Green, it is served by a 10m rigid HGV rather than the standard 16.5 articulated HGV used at other Sainsbury's stores, including the Loughton Station Road store.

6. Sainsbury's ability to use the servicing area would also be affected should the off-site highway works in Chigwell Lane and Barrington Green associated with the recent planning permission for the redevelopment of the Council Depot site and adjacent land at Langston Road (T11 site) to a new retail park, go ahead (EPF/2580/10 - granted 19 July 2012). This is because part of the planning permission requires that off-street highway works in Chigwell Lane, the Broadway and Barrington Green are undertaken before the retail park development is occupied. The works if undertaken would restrict the ability for Sainsbury's to service its Debden store in accordance with the routing restriction imposed on them by planning permission EPF/0620/00.

7. In particular, one of the highway works, the closure of the access from The Broadway onto Barrington Green, and the creation of a gap on the southbound lane on Chigwell Lane, restricts the designated route that Sainsbury's delivery vehicles can follow. As delivery vehicles cannot come from the north, they would need to u-turn at the Chigwell Lane/Broadway junction.

8. Furthermore, the proposed works do not accommodate 10m rigid vehicles which serve the Debden Store. Sainsbury's are therefore deeply concerned that this will have an adverse effect on its servicing and be unable to service its Debden store whilst remaining in compliance with its Section 106 routing restriction.

Options Considered

- Amend the off site highway works proposed as part of the Langston Road proposals. The highway consultants acting on behalf of the applicant for the

retail park did show how revising the new gap in the kerb to the servicing area into Barrington Green could be incorporated into the proposed highway works, for delivery vehicles entering from the south, but it was felt that this part of Barrington Green in front of the delivery area of the store would result in head on conflict with vehicles leaving the petrol filling station on the adjacent site. Reversing the flow of traffic to the proposed one-way system in Barrington Green would also result in this conflict.

- Re-routing Sainsbury's vehicles through a residential area. This though would introduce vehicle movement, despite its low frequency, into rather tight residential roads where on street parking is heavy, given its close proximity to Debden tube station. It would also add further to the delivery time and distance.

- Amend the Waltham Point Section 106 Agreement to allow delivery vehicles to use the A121. This is Sainsbury's chosen option which has less impact and more feasibility whilst benefiting from a shorter and more direct route.

9. Despite the Debden store being consulted during the planning application for the proposed retail park at Langston Road, and after the planning permission was granted, Sainsbury's submitted an application to Judicially Review the Council's decision. The High Court has granted that the Judicial review be considered at a High Court hearing in August 2013.

Proposal

10. It is proposed to vary the section 106 agreement in order to reduce the round trip by allowing HGV's to travel along the A121 (Honey Lane, Goldings Hill) and the A1168 (Rectory Lane and Chigwell Lane - north of the Debden store). This means that delivery vehicles would travel more direct between Waltham Point and the Debden store through Epping Forest along previously excluded routes. A draft Deed of Variation to the Section 106 agreement has been submitted and proposes the following wording:

The Route Restriction Scheme, the excluded Routes and the obligations in clause 8 (except clause 8.1A) will not apply to any HGV movements to and from the Site in connection with the Sainsbury's store located at Torrington Drive Debden.

11. This would mean that the route restriction would still apply to the other Sainsbury's store's, such as those at Old Station Road, Loughton, Hall Lane, Chingford and The Broadway, Woodford Green. Should the variation be agreed, there will be a saving of 43km from the current route taken each time a delivery is made.

Relevant Local Plan Policies

HC5 - Historic Nature and Wildlife Value of Epping Forest
NC1 - Affect on Sites of Special Scientific Interest - Epping Forest
RP5A - Development likely to cause nuisance
T17 - traffic

Summary of Representations carried out and received

12. Sainsbury's, prior to make this application, carried out a consultation programme on the proposed revised route, which included 189 properties along the route fronting Woodridden Hill, Goldings Hill and Rectory Lane, resulting in two letters of response expressing concern that traffic has increased over the last 20 years and the additional delivery vehicles would increase this further, there were initial assurances that delivery vehicles would not use the forest roads when distribution centre was built, how would Sainsbury's stop delivery vehicles to other stores using the forest road and other supermarket delivery vehicles use the route.

13. Numerous site notices were erected along the proposed route between the Waltham Point Distribution Centre and the Debden Store.

LOUGHTON TOWN COUNCIL - As it was reported that Sainsbury's used only fixed wheel-based delivery vehicles to service the Debden Store and not larger articulated lorries, the Committee had NO OBJECTION to the variation of the existing Section 106 agreement that would allow up to eight vehicle movements a day along local roads, provided that the applicant undertook that such movements be of rigid wheelbase vehicles only.

LOUGHTON BROADWAY TOWN CENTRE PARTNERSHIP - Strongest support. We believe it is vital that the Council work with Sainsbury's to enable them to have full access to their store, as the continuity of presence of Sainsbury's in The Broadway is vital to the future. Limited access would also be of no advantage to future traders.

DEBDEN TRADERS ASSOCIATION - Strongest support. The possible end of Sainsbury's tenancy would have a dire effect on the other traders in and around The Broadway.

LOUGHTON RESIDENTS ASSOCIATION Plans Group - LRA Plans Group consulted 180 dwellings on the proposed new route and received only 4 replies: 2 for and 2 against. This was of course on the basis that the changes only applied for 4 lorries a day, and that they will be "10m rigid goods vehicles" and not the larger "artics". We hope that the variation will make this very clear.

RESIDENT OF BARRINGTON GREEN - Traffic and disturbance from large good vehicles outside my property is already an issue due to noise and shaking of house, unregulated access will lead to further traffic, noise and physical tremors, current route used ensures there is limited impact upon residents.

81 BALDWINS HILL - Strongly object. When the 106 was agreed it recognised that the banned route would otherwise have articulated lorries going daily through residential areas with nearby schools, along roads built for the needs of 100 years ago and through Epping Forest. The situation has not changed since 2000 except that there are now more local residents and in turn more cars and bikes on these forest and suburban roads, significant more deer crossing Woodridden Hill, Goldings Hill roads of which are narrow and twisty and recognised with recent 40 mph speed restriction, already good

existing route for Sainsburys using almost entirely modern motorway and dual carriageway roads. Sainsburys signed up to the 106; it is insulting to EFDC and its residents that they think they can now avoid their obligations. Mention is made of local consultation but I live within 35 metres of the proposed route and have neither received nor read anything until the 3rd May when the planning notice was posted to a local telegraph pole.

NATURAL ENGLAND - if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Lee Valley Ramsar and SPA have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. This application is in close proximity to the Cornmill Stream & Old River Lea, Turnford & Cheshunt Pits, Chingford Reservoirs and Waltham Abbey Sites of Special Scientific Interest (SSSI's). However, given the nature and scale of this proposal, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application.

CONSERVATORS OF EPPING FOREST - The reasons for the S.106 Agreement, which is to protect the Forest's Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), remain unchanged. As the National Planning Policy Framework (NPPF) states in paragraph 113 nature conservation sites require protection "commensurate with their status". Epping Forest's Beech and heathland habitats are of international importance and the threat to their condition and health from nitrogen pollution generated by traffic remains serious. Level of nitrogen oxide concentrations in the air are exceeded for the site with the main concentrations generated from traffic and the Forest road network adjacent to the key habitats. The variation to the S.106 proposed would use a delivery route that would result in an increase in HGV traffic along roads passing directly through these key habitats and would increase the associated nitrogen pollution. The Noise and Air Quality Assessment (AcousticAir Ltd) accompanying this planning application seem to imply that small increases above the threshold may be less important. However, there is scientific evidence of the worsening effects of nitrogen pollution the greater the size of the exceedance of the threshold, so such small increases above the threshold should be considered significant. Furthermore, such a proposed variation to this S.106 would also act in contradiction to the Epping Forest Transport Strategy adopted by Essex County Council and The Conservators in 2009. This Strategy takes a holistic approach and seeks to reduce the harmful impacts caused by traffic and roads in the Forest. Under this Strategy a reduction in the vehicle speed limit to a maximum of 40mph on roads across the Forest, including the proposed new delivery route, has already been implemented. Further measures to reduce impacts are planned. The Conservators would request your authority's continuing support for this Strategy's implementation and for the highway authority's approach to reducing the impact of traffic on the Forest.

EFDC ENVIRONMENTAL HEALTH OFFICER - reduced travelling distance

should present a fuel saving to the applicant and an emission saving to the environment.

Planning Considerations

14. The main issues in this case are concerned with traffic, air quality, residential amenity and the ecological impact on the forest and whether the routing of Sainsbury delivery vehicles on a more direct and shorter route from the Waltham Point Distribution Centre (WPDC) and the Debden Store would cause further undue harm to these factors, or indeed would there be benefits compared with the current longer route.

15. A transport statement was submitted with the application, which has been assessed by Highway engineers at the County Council. It states that there are 4 deliveries per day to the Debden store, which results in 8 trips to and from the WPDC per day in total. Along the proposed route this would result in a maximum increase of between 0.04 and 0.05% (1 in 2000 to 2500 vehicles) on average weekday traffic flows or an increase of between 0.7 and 0.4% (approximately 1 in 140 to 250 HGVs) on average weekday HGV flows. There would be a mileage saving of 70% (26,136 vehicle kilometres as opposed to 88,572) by using the new route and reduction in CO2 emissions of 111 tonnes/per annum.

16. County Council Highway officers agree with the conclusion that there would be no discernible highway impact. and given the fuel and associated emissions, there is justification to support the proposal.

17. Noise and Air Quality Assessments were also submitted based on measurements taken along the route. They conclude that the additional vehicles would not create any further noise when compared to that already experienced by occupants of residential properties along the route and that there would be no material change to the existing nitrogen oxide and carbon dioxide level of pollution from traffic already using the route. The Director of Environmental Services (Public Health) asked for clarification on the road traffic emissions, which were satisfied by confirmation that deliveries to Debden are not part of a multiple stop delivery, but where that possibly may occur, the current existing longer route would be used. Also, it was confirmed that routing is not at the drivers discretion and every store route is prescribed.

18. In respect of the impact of the re-routed delivery vehicles on the ecology of Epping Forest (and therefore its SAC or SSSI designation), a submitted technical interpretation report concluded that the impact on nitrogen deposition or nitrogen oxide concentration will be negligible. The Conservators of Epping Forest however have objected on policy grounds and in principle extra traffic would potentially have a negative effect. However, this is so discernable and furthermore, the proposals will greatly reduce the total mileage covered by the Sainsbury's HGV's, thereby decreasing the overall contribution to atmospheric nitrogen concentration. The appropriate modelling undertaken has established that the few additional vehicles created by the proposals would have no material change on deposition rates etc. Arguably, normal daily traffic variations will cause greater changes, and in each case, the additional Sainsburys vehicles will not alter the normal daily impact. The critical measure is whether a "likely significant effect" will occur, which according to Natural England, would not.

Summary

19. The Section 106 obligation restricts the route of delivery vehicles to and from the Sainsbury's Debden Store and the Sainsbury's Waltham Point Distribution Centre. It was imposed with the intention of protecting the environmental and nature conservation of the Forest. There is no route restriction for any other retailers that prevents the use of the A121 and the A1168 roads through the forest.

20. It has been demonstrated that the additional trips of up to 8 vehicle movements per day will have no perceptible impact upon the existing traffic levels within the forest. Whilst the comments from the Conservators of Epping Forest have been noted and considered, the assessment and technical reports conclude that there will be no additional impacts on the forest in respect of noise, air quality and ecology above those already experienced. Natural England have raised no objection. There have only been two objections from local residents, despite around 180 households being made aware of the proposal.

21. Finally, as acknowledged by the letters of support, it will allow the Debden store to remain open because it can continue to be serviced should the Langston Road Retail Park planning permission with the highway changes in Barrington Green and Chigwell Lane go ahead.

22. The proposed variation to the Section 106 agreement is therefore recommended for approval.

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Report to District Development Control Committee

Date of meeting: 27 March 2013

Subject: Planning Application EPF/2214/12 Proposed two storey and single storey side extension at 5 Roding View, Buckhurst Hill

**Officer contact for further information: S Solon Ext 4018
Committee Secretary: S Hill Ext 4249**



**Epping Forest
District Council**

Recommendation(s):

- (1) That planning permission be refused for the following reason:

By reason of its bulk, proximity to the site boundary and rearward projection, the first floor element of the proposed two-storey extension would detract from the amenities of 3 Roding View to the extent that excessive harm would be caused to the living conditions of its occupants. Accordingly, the proposal is contrary to Local Plan and Alterations Policy DBE9, which is consistent with the policies of the National Planning Policy Framework.

Report Detail

1. (Director of Planning and Economic Development) This application was reported to the Area Plans South Sub-Committee on 13 March 2013 with a recommendation that planning permission be granted. Following discussion Members voted to refuse the application for the above reason. The vote was immediately followed by a decision to refer the application to the District Development Control Committee for a final decision.
2. The main issue for Members was the consequence of the proposal for the living conditions of the occupants of 3 Roding View. Their objection concerned the impact of the proposal on light received by and outlook from a first-floor flank bedroom window that overlooks the application site.
3. At its meeting on 27 March 2013, District Development Control Committee deferred making a decision in order that a Members site visit could be carried out. The site visit was due to take place on 22 June 2013. The original report to the Sub-Committee is reproduced below:

Report to Area Plans Sub-Committee South – 13 March 2013

APPLICATION No:	EPF/2214/12
SITE ADDRESS:	5 Roding View Buckhurst Hill Essex IG9 6AF
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Mr Dean Taylor
DESCRIPTION OF PROPOSAL:	Two storey and single storey side extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543381

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.

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 is a two-storey semi-detached house with detached garage separating the house from the southern site boundary. The detached garage projects approximately 2.5m rear of the rear elevation of the house and is sited on the site boundary. The application site is situated on the east side of Roding View, a short distance from its junction with Loughton Way. The locality is characterised by a mix of two-storey house types, predominantly with hipped roofs.

The neighbour to the south, 3 Roding View, is a detached house set at lower level. Unusually, it has no windows serving habitable rooms in the rear elevation. It has windows to habitable rooms in the north elevation facing the side boundary of the application site. The rooms at the rear of the house (a bedroom at first floor and a kitchen at ground floor) are only served by windows in the north elevation.

Description of Proposal:

It is proposed to demolish the existing detached garage and erect a part single-storey, part two-storey side extension.

The extension would be set 500mm rear of the front elevation of the house. At ground floor it would be set 1m from the site boundary with 3 Roding Road and align with the rear elevation of the existing house. At first floor the extension would be set 2m from the site boundary with 3 Roding Road and 1m forward of the rear elevation of the existing house. The extension would have a hipped roof to both the ground and first floor elements that would match the pitch of the existing main roof. The ridge of the first floor roof would be set below that of the existing main roof.

Relevant History:

EPF/0318/07 Two-storey side extension and basement garage. Refused on the basis of harm to the character and appearance of the locality and living conditions of 3 Roding View.

EPF/2481/07 Two-storey side extension (Revised application). Refused on the basis of harm to the living conditions of 3 Roding View.

Policies Applied:

CP2 Quality of Rural and Built Environment
DBE9 Loss of Amenity
DBE10 Residential Extensions

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 11
Site notice posted: No, not required
Responses received:

3 RODING VIEW, BUCKHURST HILL – Strong objection.

“The impact of the proposed extensions with their close proximity to our property would be both intrusive and detrimental to our privacy.

The only window of the main bedroom on the first floor would be obscured by the brick walls of the two storey and single storey side extensions which will be as little as approx 2.5 metres away from the side of our house. This will seriously impact upon the amount of natural light that will enter the room, and also impair the view.

With regards to the kitchen, our back door will open out on to a parallel brick wall, again as little as approx 2.5 metres away from the side of our house. As a direct result all the windows and the back door within the kitchen will be denied any natural light that would otherwise be available in what is our main habitual room within the house. Additionally the view from all the windows and the back door will be severely diminished, if not entirely obscured.

Our garden will also be affected by the position of the proposed extension as the amount of natural light will be significantly reduced in what is the main communal area.”

BUCKHURST HILL PARISH COUNCIL: - Objection

Overdevelopment

Lack of light amenity and impact on No 3

Street scene is not in keeping with neighbouring property, the design would cause loss of symmetry.

Main Issues and Considerations:

The issues raised by the proposal are design and impact on the living conditions of neighbours. Existing off-street parking would be maintained in the front garden and the garage to be demolished is too small to accommodate a car therefore the proposal raises no parking issues.

Design:

By maintaining a short set-back from the front elevation and a lower ridge level the scale and bulk of the development would be subordinate to the existing house. It would also maintain the visual integrity of the existing pair of semi-detached houses. In terms of its detailing, the proposed extension would match that of the existing house. External finishes are proposed to match and it would be necessary to secure that by condition if planning permission is granted.

The subordinate design would assist in maintaining a smooth transition in roof heights between the existing house and the detached neighbour, 3 Roding View, since it allows for the fall in ground level between the two properties. The ridge of the two-storey part of the extension would be close to that of 3 Roding View.

The maintenance of a distance of 1m from the site boundary at ground floor together with a distance of 2m at first floor would ensure the proposal would not cause a terracing effect with 3 Roding View and is in excess of the distance sought in the supporting text to Policy DBE10. That is appropriate in this case where there is a difference in ground level between the two properties. The visual separation is further assisted by the following facts:

- The house at 3 Roding View is set a minimum of 1m from the site boundary, increasing to some 2m to the rear since it is set at an angle to the application site
- Due to their relative positions the front elevations of the houses at 3 and 5 Roding View are not in alignment
- Both 3 Roding View and the proposed extension have hipped roofs.

The proposal would therefore achieve a harmonious relationship between 3 and 5 Roding View and complement the design of the existing house. As a consequence the proposed extension would safeguard the character and appearance of the locality.

Living Conditions:

The ability to achieve an extension of the dimensions proposed and maintain specified distances to the site boundary has been verified on site.

The ground floor element of the proposal would not cause any excessive harm to the amenities of neighbours. The impact of the ground floor element of the proposal on

the amenities of 3 Roding View is not significantly greater than that of an existing 1.8m high fence on the site boundary and much less than that of the existing detached garage. Indeed, a single-storey side addition projecting the same distance from the existing flank as the ground floor element could be constructed as permitted development.

The only part of the proposal that could potentially cause harm to the living conditions of neighbours is the first floor component and its roof. That would be set a distance of 2m from the site boundary with 3 Roding View and 1m forward of the rear elevation of the existing house. As identified in the objections raised, the proposal would impact on outlook from the first floor bedroom window in the flank of 3 Roding View. However, the greater part of the affected window, some two-thirds of its width, is sited rear of the rear wall of the first floor element of the proposal. The third of the window directly opposite the flank of the first floor element would be separated from it by a distance of at least 3.5m. As a consequence of this relationship the proposal would maintain the clear views that window presently enjoys across the rear garden of the application site. It is therefore found that outlook from the affected window would not be excessively harmed and there would certainly be no loss of light to that window.

The first floor element of the proposal would not cause any excessive loss of light to the ground floor flank windows of 3 Roding View. The greater impact would be from the nearer ground floor element and, as discussed above, that impact would not be excessive. Moreover, it would not be appropriate to withhold consent for that reason in any event since, notwithstanding the neighbour's objection, the affected ground floor windows do not serve habitable rooms.

There would be no overlooking of 3 Roding View from the proposal since it would not contain any flank windows. A rear facing first floor window would increase existing overlooking of the rearmost part of the back garden of 1 Roding View, but the degree of additional overlooking would not be excessive.

Conclusion:

The proposal overcomes the reasons for refusing previous proposals for two-storey side extensions in 2007. The side extension is acceptable in design terms since it would complement the design of the existing house and safeguard the character and appearance of the locality. Furthermore, through careful design that limits the scale of the first floor element of the proposed extension the proposal would safeguard the living conditions of neighbouring properties. As a consequence it complies with relevant planning policy and it is recommended that planning permission be granted

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

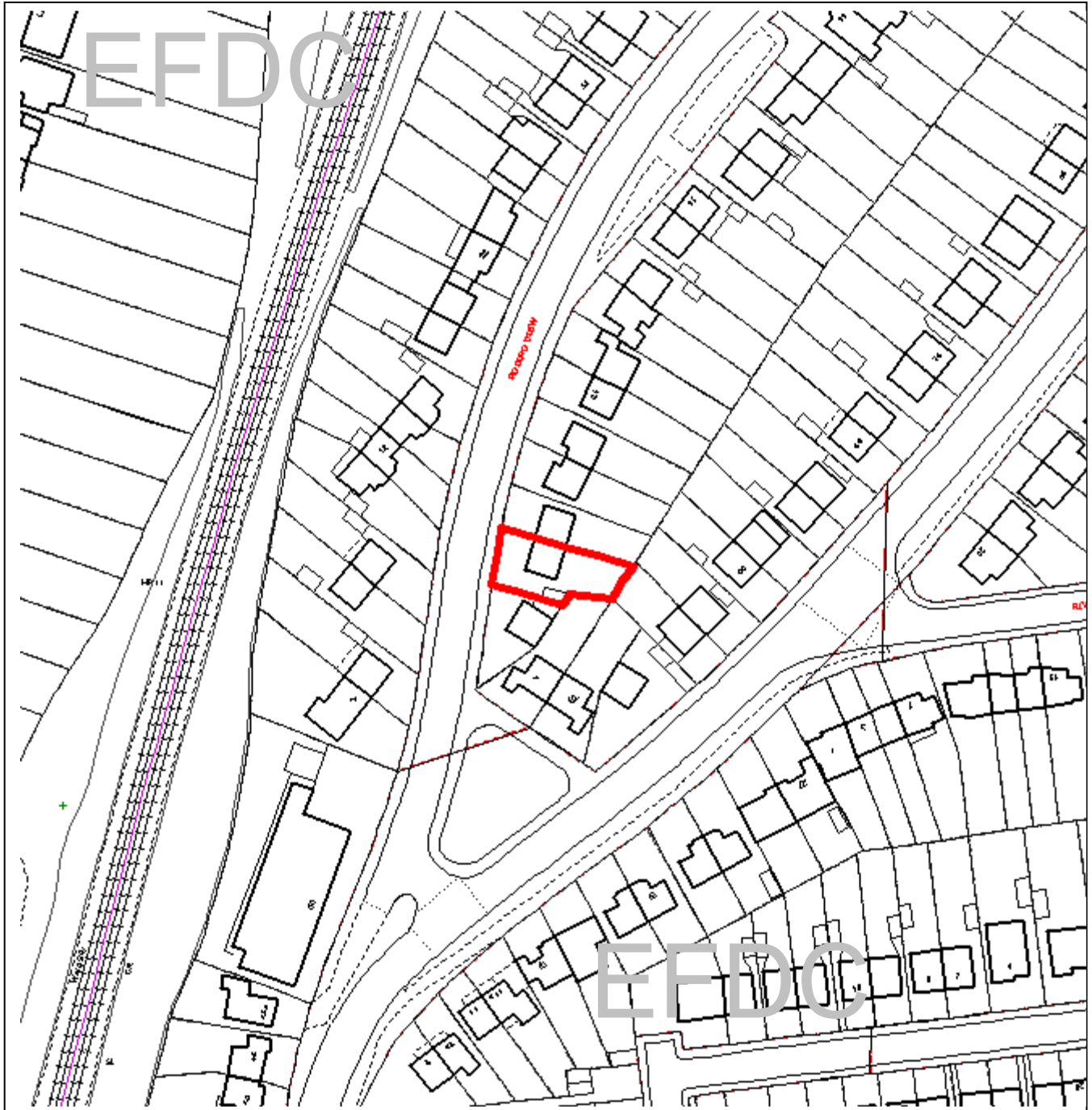
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	6
Application Number:	EPF/2214/12
Site Name:	5 Roding View, Buckhurst Hill IG9 6AF
Scale of Plot:	1/1250

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Report to District Development Control Committee

Date of meeting: 26 June 2013



**Epping Forest
District Council**

**Subject: Planning Application EPF/0382/13 – 24 Bower Hill, Epping -
construction of 1 no. two bedroom house.**

**Officer contact for further information: D Duffin x4336
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee considers the recommendation of the Area Plans Sub-Committee East to grant planning permission subject to the following planning 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 730-01A.**
- 3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.**
- 4. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.**
- 5. 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 and B shall be undertaken without the prior written permission of the Local Planning Authority.**
- 6. 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 18.30 Monday to Friday and 08:00 -13.00 hours on Saturday, and at no time during on Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.**

Report

1. (Director of Planning and Economic Development) This application has been referred by the Area Plans Sub Committee East with a recommendation that permission be granted.

Planning Issues

2. The planning issues to be debated by members are laid out in the attached Officers report. The sub-committee on 22 May 2013 carried a recommendation from officers to approve planning permission subject to the above conditions. This was agreed by the sub-committee. It is still the position of Officers that the proposed development is an appropriate land use at this location.

Conclusion

3. The Area Plans East Committee in this case considered the final decision should be made by this committee. The application is recommended for approval.

Extract from Area Planning Subcommittee East held on 22 May 2013

APPLICATION No:	EPF/0382/13
SITE ADDRESS:	24 Bower Vale Epping Essex CM16 7AS
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Paul Robbens
DESCRIPTION OF PROPOSAL:	Construction of 1 no. two bedroom house.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546330

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: 730-01A.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 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 and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 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 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to 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 comprises an area of land to the west of 24 Bower Vale on the north side of the road. The land to the west of the site contains tracks for the London Underground Central Line network and Epping Station is within a short walk of the application site. The application site is accessed via a shared footpath between No's. 18-24 (inclusive) which faces a shared area to the front of the properties. No's 18-24 are a terrace of properties. The site has been cleared of vegetation and hardstanding laid.

Description of Proposal:

The applicant seeks consent to construct a detached dwelling on the site. The house would be double bay with a frontage of 7.8m and a depth of 7.4m. The proposed house would also however have a two storey rear return which would project 4.0m beyond the main rear wall. The ridge level would be 7.5m high and the eaves level 5.2m from the ground. The dwelling would have a hipped roof. The existing curtilage would be divided to create two separate private garden areas.

Relevant History:

EPF/2304/07 - Outline application for a three bedroom detached house – refused 18/02/08.
EPF/1300/08 - Outline application for a two bedroom detached house. (Revised application).
Refuse Permission (committee decision) – 21/08/08. Allowed on appeal – 04/02/09.
EPF/2200/11 - Construction of two bedroom house. Withdrawn by the applicant – 05/12/11.
EPF/2508/11 – Extension of time limit application for a two bedroom detached house following outline consent EPF/1300/08. Withdrawn by the applicant: 22/02/12.
EPF/2589/11 - Reserved matters application for a two bedroom detached house following outline consent EPF/1300/08 allowed on appeal. Grant Permission (With Conditions) – 08/02/12.

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE6 – Parking in New Developments
DBE8 – Private Amenity Space
DBE9 – Excessive Loss of Amenity to Neighbouring Properties
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H4A – Dwelling Mix

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:

5 neighbours consulted and a site notice displayed – 1 reply received.

EPPING SOCIETY: Objection. The site is too small for a dwelling necessitating it to be built up to both boundaries. There is no road up to the property and therefore no access for emergency vehicles or residents.

TOWN COUNCIL: Objection. Committee considered this an overdevelopment of the site. It should be noted that the previous house granted on appeal was much smaller and more in keeping with two bedroom properties. The inclusion of a “study” renders this a three bedroom dwelling. Committee were also concerned that the lack of parking would exacerbate existing issues of access to the highway.

Issues and Considerations:

The main issues that arise with this application relate to design, layout, amenity and parking. The comments of consultees will also be considered.

The principle of developing this site has already been agreed through the appeal decision on application EPF/1300/08. Therefore although a full analysis of all issues pertinent to this proposal will be undertaken, essentially the main issue is whether the increase in the size of the dwelling amounts to an overdevelopment of the site or whether its increase in size raises new concerns. It is noted that the applicant describes the proposal as being for a two bedroom house when in fact the study could easily be used as another bedroom. Although the description has not been altered decision makers should be mindful of this fact.

Design/Layout

There has been some recent history of proposals to develop this site and as the history records an extant permission exists to provide a smaller dwelling. This would have a frontage of 5.6m. This house would therefore be approximately 2.2m wider. Notwithstanding this fact both houses would be similar in appearance. An application for a similar dwelling to this proposal was made in outline form in 2007 (EPF/2304/07) and this was refused consent for the following reason;

“The design and size of the proposed dwelling are such that it would represent a poor, cramped form of development which fails to respect its setting and harms the character and quality of the street scene and townscape more widely, contrary to policies CP2, CP3 and DBE1 of the Adopted Local Plan and Alterations”.

This proposed a frontage of 6.0m – 6.6m and the footprint of the building was shown 3.0m forward of the adjacent dwelling. It is readily apparent that the proposed dwelling is bulkier than the adjacent terrace properties, being some 3.5m wider. However this application differs from the refused scheme in that the front elevation would be flush with that of the host dwelling. Given there is no roadway to the front, or neighbouring properties opposite, this would significantly reduce its impact in the streetscene. From the roadway, some 20.0m from the site, the new dwelling would appear as an extension to the existing terrace. The eaves and ridge level would be the same as the existing terrace and this would aid this perception. It is therefore assessed that the proposal would not appear over dominant in the streetscene nor appear out of place.

Concern has also been expressed previously, and in representations received for this proposal, that this would be an overdevelopment of the site. The frontage of the property does retain a gap of over 1.0m to both boundaries which would not suggest a cramped development. The one concern is that for a dwelling of this size local policy would require private amenity space of 120 sq m (20sq m per habitable room) and the provision of 65 sq m useable, rear amenity space falls some way under this. This can point towards an overdevelopment in terms of built form relative to useable amenity space. However, local policy recognises a reduction as being potentially suitable in urban areas and the garden size is comparable to that of other properties in the area. National guidance has long been that the amount of garden should largely be a matter for the developer. In this dense urban location it is considered that the small garden is not out of keeping and is sufficient, subject to the removal of permitted development rights.

The proposed design is similar to the row of terrace houses, albeit double fronted. Subject to the use of suitable materials it is deemed acceptable. Generally this dwelling from a design and layout viewpoint is acceptable. The proposal also conforms to a number of core planning principles with regards to the more efficient use of land and sustainable development.

Amenity

The proposed house would have a side facing window on the western flank at first floor but this would not overlook residential properties. The adjacent dwelling has a lean to conservatory but this would not suffer any serious loss of light or outlook. There would be some loss of outlook to a side facing window at ground floor level but as this is not the only window serving a lounge/living room this would not be excessive. Rear facing windows would be generally unaffected by the development.

Parking

The site has no vehicular access and no parking provision, this was a concern with previous applications. The Planning Inspector in the appeal dismissed this as a detrimental characteristic by citing the highly sustainable location of the plot and the national desire to reduce dependency on the car. Since 2008 however, we have moved from maximum parking standards to minimum parking standards and usually we would be seeking at least 1 space for a new detached house, even in an urban location. However, in this instance there is already consent for a 2 bed dwelling on the site that could be implemented. The parking standard for 3 bed is the same as for a 2 bed dwelling and whilst it is recognised that a larger dwelling could increase the demand for parking on what is a heavily parked road, given the history it is not considered sufficient to warrant refusal of the application.

London Underground Comments

The site is bordered on its western flank by the track leading to Epping Tube Station located a short distance away. London Underground has been consulted and has raised some concerns with the development. The majority of the points made relate to concerns about security at the station or engineering issues during the construction phase. It is not considered that the position of a first floor bathroom window represents a serious security risk and in any case this is not a reasonable reason to withhold consent. Concerns regarding the development phase and potential impact on London Underground infrastructure are essentially a matter for the applicant to be aware of in order to avoid potential civil litigation.

Conclusion:

The proposed development of this site is deemed reasonable in planning terms. Subject to appropriate conditions this is a suitable use of this site, seeking to make best use of urban land within a sustainable location. It is well designed and fits well within the character of the area. It is therefore recommended that the application is approved with conditions.

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

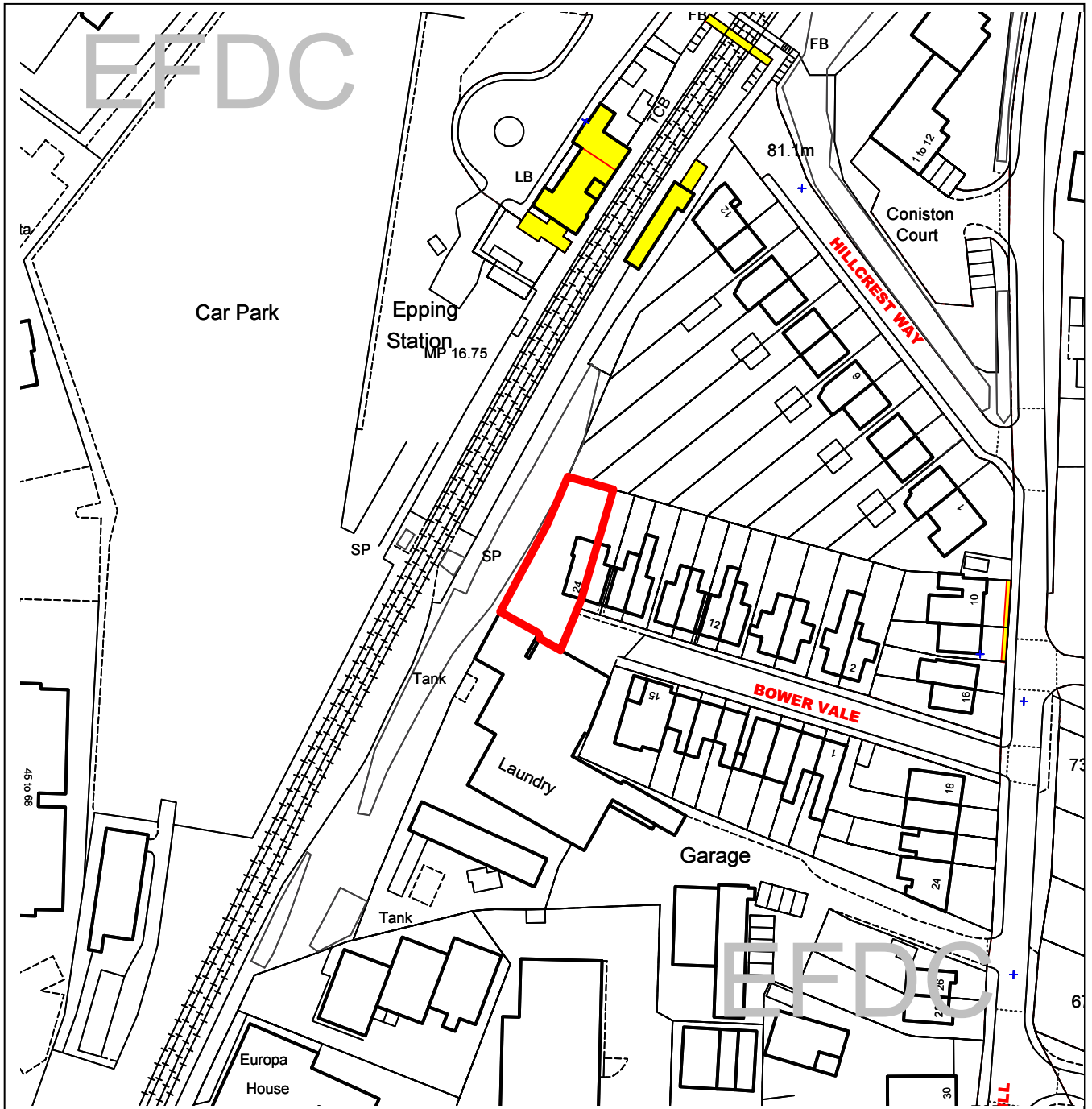
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	
Application Number:	EPF/0382/13
Site Name:	24 Bower Vale, Epping CM16 7AS
Scale of Plot:	1/1250

Report to District Development Control Committee

Date of meeting: 26 June 2013



**Epping Forest
District Council**

**Subject: Planning Application EPF/0696/13 – Rear of 8 Margaret Road,
Epping – Erection of single affordable dwelling and ancillary works
including vehicle access and crossing (resubmitted application)**

**Officer contact for further information: G Courtney
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the application be refused planning permission for the following reasons:

- 1. The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.**
- 2. The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.**

Report

- 1. This application has been referred by the Area Plans Sub Committee East with no recommendation, however was recommended for refusal by Planning Officers for the above reasons at the previous sub-committee (report attached).**

Planning Issues

- 2. The sub-committee did not make any recommendation on the application. The application is recommended refusal by Planning Officers, and the previous Area Plans Sub Committee Report is attached in full below.**

Conclusion

- 3. No recommendation has been put forward by Area Plans Sub-committee East, however the Planning Officer's recommendation to refuse planning permission still stands.**

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Extract from Area Planning Subcommittee East 22 May 2013

APPLICATION No:	EPF/0696/13
SITE ADDRESS:	Rear of 8 Margaret Road Epping Essex CM16 5BP
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Theydon Trusts Ltd
DESCRIPTION OF PROPOSAL:	Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing. (Resubmitted application)
RECOMMENDED DECISION:	Refuse Permission

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=547831

REASON FOR REFUSAL

- 1 The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.
- 2 The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Whitbread (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of Site:

The site previously formed the garden to No. 8 Margaret Road, however it has been fenced off from the parent property. The site is located on the western side of Margaret Road, which together with Margaret Close forms a small cul-de-sac containing single storey dwellings owned and operated by Theydon Trust Ltd. This cul-de-sac provides affordable/social housing for those who do not qualify for Local Authority housing. The proposed dwelling would add to this stock of affordable housing provided by Theydon Trust Ltd. The application site slopes downwards to the rear and is situated on land approximately 700mm lower than the neighbour at No. 17 Margaret Close.

Description of Proposal:

A resubmitted application for the erection of a one-bed bungalow to the rear of the site with a private garden and off-street parking. The proposed bungalow would be a simple pitched roof dwelling measuring 4.9m in width and 7m in depth and would have a ridge height of 4m (4.4m at the rear due to the gradient of the land). The proposal would include the provision of three off-street parking spaces within the front/side garden of the site to serve both the new property and the existing dwelling.

Relevant History:

EPF/2124/12 - Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing – refused 20/12/12

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity
ST1 – Location of development
ST4 – Road Safety
ST6 – Vehicle Parking

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

Consultation Carried Out and Summary of Representations Received:

6 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – No objection.

Issues and Considerations:

The main issues in this application would be the suitability of the site for development, design, amenity considerations, and regarding parking and highway safety. The application was previously submitted and refused under delegated powers in December 2012 for the following reasons:

The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.

The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

This application is a resubmission of the previously refused scheme.

Suitability of site:

The proposed dwelling would be located within the built up urban town of Epping and would be well served by local amenities and sustainable transport means. Whilst the residential gardens of dwellings no longer constitute previously developed land, and as such there is no longer a presumption to develop these areas, this proposal would make better use of an existing, sustainable location.

Notwithstanding the above however, the dwellings within this cul-de-sac follow a fairly uniform pattern based around the central roundabout/turning area within Margaret Close and taking into account the change in levels between Margaret Road and Margaret Close. However the proposed new dwelling would be located to the rear of No. 8 Margaret Road, with its front wall being located some 1m behind the rear wall of No. 8 and overlapping this by approximately 1m, and would extend some 4m beyond the rear wall of No. 17 Margaret Close. This development would introduce a form of 'back-land' development that would be at odds with the built form and overall siting of the surrounding properties.

Design

As well as the above concerns regarding the siting of the new dwelling, the proposed development would have a smaller footprint, lower height, and significantly different appearance to the surrounding properties within this cul-de-sac. This, combined with the location of the dwelling, would result in this building appearing more akin to an ancillary outbuilding rather than a separate dwelling. Although the applicant has used this as part of their argument as they state that "*the proposed location and dimensions of the proposed building conform to the provisions of 'The Town & Country Planning (General Permitted Development) Order'*", Local Plan policy DBE1 states that new buildings must be "*of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function*". As such, it is considered that a new dwelling should be perceived as a new dwelling rather than an outbuilding. Furthermore, it should be noted that despite the applicants statement that "*a building could be built and used for ancillary living accommodation*", ancillary residential accommodation cannot be built under permitted development, and as such no weight is given to this matter.

Due to the above, along with the previously raised issue regarding the location of the dwelling, the proposed development is considered to be a cramped and poor form of development that would be detrimental to the overall character and appearance of the street scene and surrounding area.

Amenity Considerations

Whilst the proposed development would be single storey and both the new dwelling and existing property would benefit from an adequate level of private amenity space, the new dwelling would be located behind the rear wall of the parent property and would overlap the rear elevation by approximately 1m. Due to its location, this dwelling would clearly result in an undue loss of visual amenity to residents of No. 8 Margaret Road. Whilst it is appreciated that the current occupants are stated to not have any concerns about the proposed new dwelling, the presence of the new dwelling would be in existence long after these particular residents vacate the parent property, and would set a dangerous precedent for other similar backland developments elsewhere in this built up area.

Given the change in land levels and the angle of the properties, the proposed dwelling would not have an undue impact on the amenities of residents of No. 17 Margaret Close.

Due to the above, the proposed development is considered contrary to Local Plan policies DBE2 and DBE9 as it would have an excessive and detrimental effect on the amenities of the neighbouring residents at No. 8 Margaret Road.

Parking/Highways

The application proposes three parking spaces, plus an area of 'informal visitor' parking within the front garden of the site. This would exceed the off-street parking requirements as laid out within the Essex County Council Vehicle Parking Standards 2009.

Other matters

Whilst the applicants are Theydon Trust Ltd. who provide affordable/social housing within this cul-de-sac, and it has been emphasised that this new dwelling would also provide an affordable dwelling, there has been no legal agreement or draft heads of terms submitted to ensure this. Furthermore, it is not considered that the provision of one additional affordable property would outweigh the above identified harm.

Conclusion:

Due to the above, whilst it is appreciated that the proposed development would provide an additional small 'affordable' unit to Theydon Trust Ltd. (although if granted planning consent this would need to be controlled by way of a legal agreement), the proposal would constitute a cramped form of development out of character with the surrounding area and street scene. Furthermore, the location of the proposed dwelling would result in an excessive and detrimental effect to the amenities of the residents of No. 8 Margaret Road. As such this application fails to comply with the guidance contained within the NPPF and policies CP2, CP7, DBE1, DBE2 and DBE9 and is therefore recommended for refusal.

Is There a Way Forward?:

Discussions have been entered into with the applicant where the above concerns were raised. Whilst it is not considered that there is a way forward on this site, other alternative sites for additional housing within this cul-de-sac were discussed, which would likely be more acceptable than this scheme.

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:

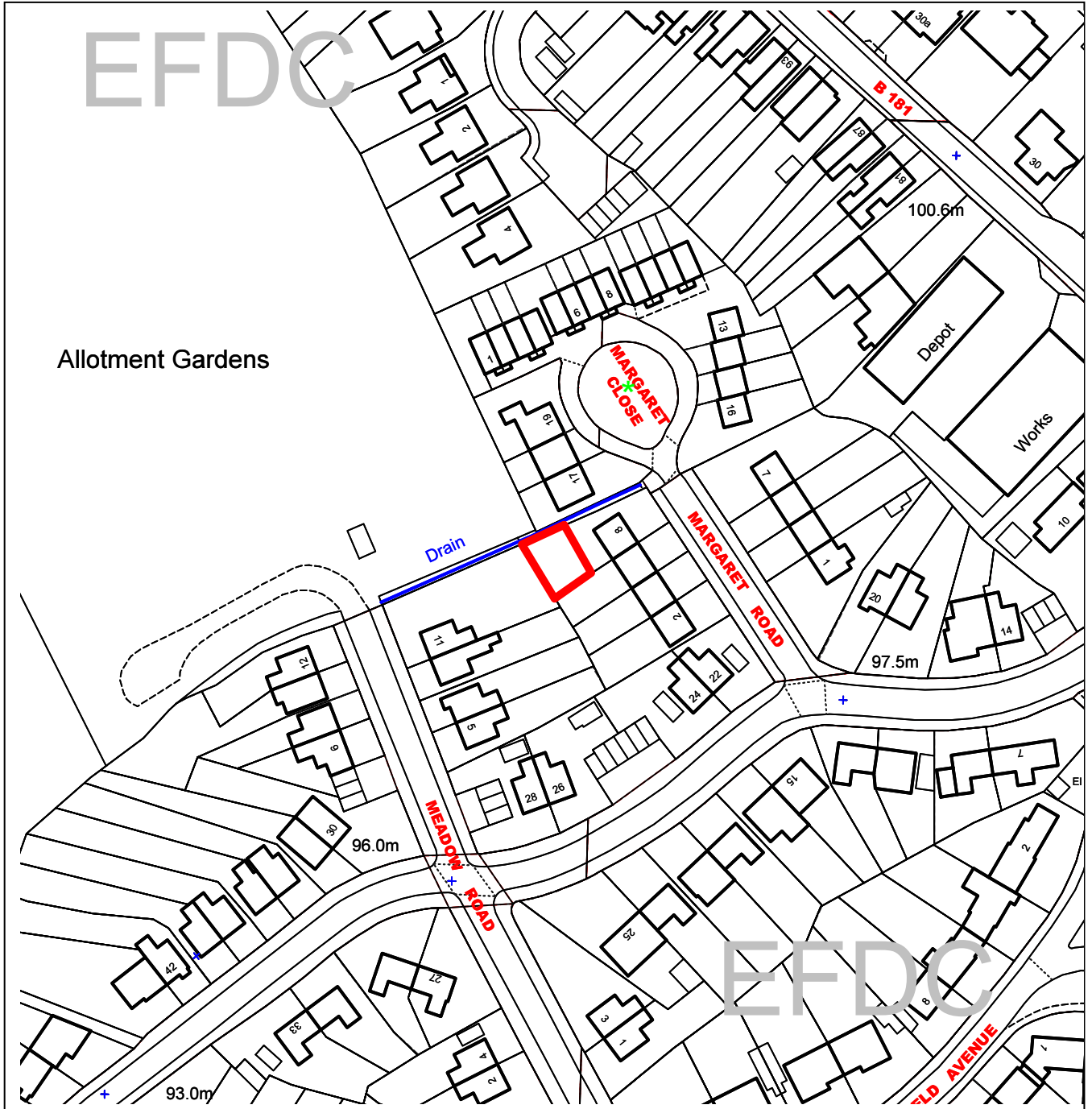
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:

Application Number: EPF/0696/13

Site Name: Rear of 8 Margaret Road, Epping CM16 5BP

Scale of Plot: 1/1250

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Report to District Development Control Committee

Date of meeting: 26 June 2013



**Epping Forest
District Council**

Subject: Planning Application EPF/2190/12 – 26 Fyfield Road, Ongar - change of use of the premises from A1 to A3 and A5 with extension flue and changes to shop front.

**Officer contact for further information: D Duffin
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the application is refused permission for the following reasons:

- 1. By reason of the emission of cooking odours and the site's proximity to neighbouring dwellings, the proposed use would cause excessive harm to the living conditions of local residents. Planning conditions could not adequately mitigate the harm; therefore the proposal is contrary to policies DBE9 and RP5A of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.**
- 2. The proposed use would be likely to generate additional traffic and on-street parking in the locality that is far in excess of that likely to be generated by the lawful use of the shop premises. That would be harmful to the interests of highway safety and the amenities of the locality contrary to Policy ST4 of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.**
- 3. The application fails to demonstrate there is no market demand for a retail use on the site and consequently would be likely to undermine the vitality and viability of the local centre within which the site is situated. Accordingly the proposal is contrary to policy TC6 of the Adopted Local Plan and Alterations, which is consistent with the National Planning Policy Framework.**

Report

- 1. This application has been referred by the Area Plans Sub Committee East with a recommendation to refuse consent contrary to the Officer recommendation, as detailed in the attached report, that consent be granted subject to conditions.**

Planning Issues

- 2. The debate at the sub committee meeting on 22 May 2013 highlighted concerns that Members had in relation to this proposal. Firstly, that the proposed development would have a significant impact on the amenity of local residents. It was not considered that this could adequately be dealt with by a planning condition agreeing the details of extraction equipment. Officers, following**

consultation with the Environmental Health section, had formed the view that any impact on neighbour amenity would be to an acceptable level. The extraction equipment would be located a reasonable distance from residential properties and it was considered that a well designed, modern system which could be agreed by condition would mitigate any harm. The condition attached to the decision would be negatively worded such that the use could not begin until a suitable system was in place and maintained in good working order for the duration of the use.

3. Further concern was expressed that the use was likely to generate excessive traffic movements to and from the site which would impact on highway safety and amenity. Essex County Council Highways have no objection to the proposed development and Officers were satisfied that that parking would be no greater than the existing lawful A1 use of the site. There is limited parking outside the site and no parking restrictions in neighbouring streets.
4. Members were also of the view that a marketing strategy required by Policy TP6 "Local Centres" to ascertain if the unit would be taken on by an A1 use should have been carried out. The attached report outlines the view adopted by Officers. This was generally that the aim of policy TC6 would not be offended by the loss of this unit to other uses. The aim of the policy is to ensure a network of small convenience stores throughout the district providing everyday provisions for local residents. The adjacent unit occupied by the retail chain Nisa appears to be meeting this need on the Fyfield Road. Officers did note the lack of a robust marketing exercise in this case. However it was considered that the retail nature of the adjoining property allowed scope for alternative uses at No26. The sporadic nature of occupation of the unit down the years suggested another A1 unit would struggle at this location. Officers were also mindful of the current economic downturn and the Government drive to ensure that Local Authorities approved appropriate development without delay. It was considered that this development was economically, socially and environmentally sustainable and as such complied with the aims enshrined in nationally adopted policy. Officers expressed a view that a vacant unit was essentially a loss of a local resource and as the proposal was acceptable in planning terms, there appeared to be no sound reasons to withhold consent. Appropriate conditions could adequately mitigate any harm it was reasoned.
5. In the period since the drafting of the committee report, changes to the General Permitted Development Order which came into force on 30/05/13 have addressed the issue of changing use between the classes. On units up to 150 sq metres it is now possible to change a use from A1 to A3 (Class D). This use would not qualify as it includes an A5 element, but could be modified to qualify. There are a number of minor stipulations to meet but it is clear that the thrust of this initiative is the bringing of empty, underused premises back to beneficial use. This, in Officers opinion, adds further weight to the argument that the use should be granted consent. It is clear that an A3 use, perhaps within ancillary A5 element, could proceed at this site under the new changes to the GDPO. The Government are keen to ensure that appropriate development is brought forward without delay and there appears to be a viable fallback in this case.

Conclusions

6. Although the sub committee have recommended refusal of the scheme, it has been reported to this committee for a decision. Officers maintain that there are sound reasons or approval as set out in the original report attached.

7. Should Members be minded to Grant Consent it is recommended that the following conditions be attached.
 1. The development hereby permitted must not be begun later than the expiration of three years beginning with the date of this notice.
 2. The use hereby permitted shall not be open to customers outside the hours of 09.00 to 22.00 Monday to Saturday and 11.00 to 21.00 Sundays and Public/Bank Holidays.
 3. The use hereby approved shall not commence until a scheme providing for the adequate storage of refuse from the use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out as approved and maintained as long as the use continues unless otherwise agreed in writing by the Local Planning Authority.
 4. Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority prior to the unit being brought into use and the development shall be implemented in accordance with such agreed details.
 5. 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.
 6. The rating level of noise (as defined by BS4142: 1997) emitted from the extraction system agreed pursuant to Condition 5 shall not exceed 5dB (A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142: 1997.

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Extract from Area Planning Subcommittee East 22 May 2013

APPLICATION No:	EPF/2190/12
SITE ADDRESS:	26 Fyfield Road Ongar Essex CM5 0AJ
PARISH:	Ongar
WARD:	Shelley
APPLICANT:	Mr Kevin Gibbon
DESCRIPTION OF PROPOSAL:	Change of use from A1 to A3 and A5 with extension flue and changes to shop front.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543285

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 use hereby permitted shall not be open to customers outside the hours of 09.00 to 22.00 Monday to Saturday and 11.00 to 21.00 Sundays and Public/Bank Holidays.
- 3 The use hereby approved shall not commence until a scheme providing for the adequate storage of refuse from the use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out as approved and maintained as long as the use continues unless otherwise agreed in writing by the Local Planning Authority.
- 4 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority prior to the unit being brought into use and the development shall be implemented in accordance with such agreed details.
- 5 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.
- 6 The rating level of noise (as defined by BS4142: 1997) emitted from the extraction system agreed pursuant to Condition 5 shall not exceed 5dB (A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142: 1997.

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)) and since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.

Description of Site:

No 26 Fyfield Road forms one of a pair of properties in retail use with residential flats above. The application property is currently vacant but was last used as an undertakers/shop selling grave monuments (Use Class A1). The adjacent property is currently occupied by a convenience store. The immediate area is largely residential in nature but the adjacent site is occupied by an electrical sub-station and is seemingly also used for private parking. There is a small forecourt to the front of the unit and a yard area to the rear.

Description of Proposal:

Consent is sought to change the use of the premises from a purpose within Use Class A1 (Shops) to a mixed use within Classes A3 (Restaurants) and A5 (Hot food takeaways).

Relevant History

EPF/1341/05 - Change of use from shop (A1) to takeaway (A5). Refuse Permission - 19/09/2005.

Policies Applied:

TC1 – Town Centre Hierarchy
TC6 – Local Centres and Village Shops
DBE9 – Loss of Amenity
RP5A – Adverse Environmental Impacts
ST4 – Road Safety
ST6 – Vehicle Parking
CP2 – Protecting the Quality of the Rural and Built Environment

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 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:

20 neighbours consulted – 9 replies received.

8 HERON COURT: Objection. No need for this facility in the locality. Lack of parking nearby. Litter, noise and general nuisance. The flue system would be unsightly.

9 HERON COURT: Objection. Within 100 yards there is an existing chip shop on the Moreton Road, and it is very unusual to see 2 chip shops so close together and particularly in a rural setting. There is insufficient parking outside the combined premises, with just parking for “Nisa” customers, so with the possible additional volume of parked traffic it could mean a potential road traffic issue as people will park on the highway and obstruct the Zebra crossing near the premises. The external flue that is proposed will be unsightly and cooking smells could attract vermin.

Equally smells (particularly fish) from the preparation area at the rear will emanate which won't be covered by the flue. Litter, noise and general nuisance. This use will attract vermin.

1 CLARE MEWS: Objection. Concern about parking and smells emanating from the unit.

2 CLARE MEWS: Objection. Concern about parking/road safety and rubbish gathering in connection with the use. Concern about young people congregating.

3 CLARE MEWS: Objection. These current outlets generate a number of parking problems in a small area - at certain times of the day, and the use of 26 Fyfield Road as any sort of food Takeaway would only add to these problems. My submission really is that another Ready Food outlet would increase traffic activity in this small "parking problem" area in two particular time zones - "lunch time" approximately 12 noon to 3 pm and "evening food" approximately 5.00 pm to 8.30 pm, whereas most other retail uses would spread customer activity throughout the working day.

41 FYFIELD ROAD: Objection. Concern about parking in the vicinity and rubbish outside the shop which is often a result of such a use.

43 FYFIELD ROAD: Objection. There is currently a very good fish and chip shop at the top of Moreton Road, some 50 yards away, and another in Ongar town, where there are also a variety of other takeaway food shops/restaurants. Smith's Fish restaurant also stands at the top of Moreton Road. We do not consider another fish and chip takeaway to be necessary. The traffic along Fyfield Road is very busy with people visiting the Nisa store and this use will exacerbate an already bad situation. Concern about rubbish/litter that this use would generate. Concern that this would increase an issue of youths congregating outside these premises.

33 SLADE ROAD: Objection. Concern about road safety and parking in the area. Issues with litter will be inevitable. Issues with youths congregating and smells emitting from the premises. The flue will appear unsightly.

3 MORETON ROAD: Objection. We are an existing fish and chip shop trading nearby and we feel this will restrict our livelihood.

ONGAR TOWN COUNCIL: Objection. Ongar Town Council objects to this application on the basis that there is limited parking facilities available which would have an adverse affect parking issues in this sensitive area and also that cooking smells would be offensive to nearby residential properties.

Issues and Considerations:

The main issues to consider relate to policy constraints for such uses, amenity, parking and extraction.

Local Centres

These units on Fyfield Road would be classed as a "local centre" and as such the relevant policy with regards to changing the use of the unit is Policy TC6. This policy is intended to ensure that a network of local shopping facilities remain available to residents in the vicinity, particularly the old and infirm. The obvious use which it is hoped to retain is units providing everyday provisions, such as convenience stores. Although the type of goods on sale cannot be controlled some level of control exists over changes of use out of a particular use class. In this regard the policy requires that before granting a change of use the Local Planning Authority must be satisfied that;

- (i) There is no market demand for a retail use.

- (ii) The service provided is to be continued in another location in the locality.
- (iii) The new use would meet an identified community need.

A similar proposal was considered in 2005 (EPF/1341/05) and was refused for the following reasons;

1 The proposed change of use would result in a loss of local service provision. The proposal is therefore contrary to Policy STC10 of the Epping Forest Local Plan and Policy TC6 of the Epping Forest District Local Plan Re-deposit July 2005.

2 The proposed use, particularly as a result of the late night disturbance would likely generate detrimental impact onto the nearby occupiers of residential properties contrary to policy DBE9 of the adopted Local Plan.

This decision is a material planning consideration and provides a useful starting point for this analysis. The Officer's report from the time recorded a concern that, notwithstanding the fact that the unit was at the time vacant, the loss of its A1 status would impact on the vitality and viability of the area. It was assessed that the occupation by another A1 use could complement the adjacent unit, which appeared to be performing well in terms of customers visiting the shop. This is still currently the case with the adjacent unit which appears to be a useful local facility providing everyday goods. The last use as a shop selling grave monuments did little in the way of contributing to the vitality and viability of the immediate vicinity. Its current vacant state does even less. However it is also the case that ideally another A1 use would fill this unit and would ensure that the premises remained a key local facility. That is not to say that the proposed use could not become a useful local facility. However the area is already served by a hot food takeaway nearby. The issue is whether the Local Planning Authority would think it appropriate to lose this unit's A1 status, perhaps in perpetuity, or whether a case has been made to agree a change of use to A3/A5.

Points two and three of Policy TC6 can be discounted as undertakers are not considered an everyday local shop use which one would expect within a local parade. Therefore from a policy perspective this proposal turns on whether there is no market demand for a retail use. In such cases it is always useful for applicants to provide evidence of marketing of the premises to support their case. No evidence, other than a statement that the shop unit has been vacant for some time, has been provided. Therefore there is no evidence of marketing and it is not known that if a robust marketing exercise was undertaken it would not result in the unit being occupied by an A1 use. Therefore from a policy viewpoint the lack of marketing could warrant a refusal. However, having regard to the characteristics of the immediate area, the adjoining shop obviously provides a key local facility and it appears to operate very effectively. The view could be taken that another A1 use would complement this use and add to local vibrancy. However the converse view could also be taken that the success of the adjoining unit allows scope for alternative uses to A1. The last use demonstrates perfectly how even a true A1 use can offer little in the way of day to day business and footfall and yet an A3/A5 use can contribute positively to a local community, adding to the vitality and viability of a local centre. It is therefore considered that although evidence of marketing has not been provided there is no obvious demand or need for an A1 unit at the site. The history of sporadic use confirms this. Subject to other planning considerations there are no clear grounds to refuse this change of use and it is not considered that the proposed use would have a detrimental impact on service provision in the area whilst bringing an empty unit back into use. Ideally every area should have one shop providing essential local needs and this would still be the case at this part of Fyfield Road. Such a view conforms to Central Government aims to promote growth and to ensure that local resources are fully utilised as enshrined in the recently adopted NPPF. Paragraph 28 of the NPPF promotes the retention of local services and community facilities in rural villages and it is not considered that this aim is offended by this proposal having regard to the immediate characteristics of the area and the adjacent A1 shop. The NPPF's core aim is to encourage sustainable development and this development would be socially, economically and

environmentally sustainable and it is considered that refusal is likely to result in the unit remaining empty which would be harmful to the locality and clearly unsustainable.

Amenity

A number of neighbours have raised concern about potential issues with regards to litter, noise and disturbance, and the potential for vermin to be attracted by such a use. Concerns about litter and vermin are common for residents when such a proposal is put forward, but the Local Planning Authority must take the view that the unit will be well operated, that bins will be provided, and that adequate care will be taken to guard against this likelihood. These issues are largely covered by other legislation.

A number of flats are located above the application site and there are dwellings in the immediate vicinity. The applicant has responded to this concern by agreeing to reduced opening hours. As such revised times as to when the unit will be in operation have been submitted. These indicate opening times of:

Monday – Saturday, 11:30 – 14: 00 and 17:00 – 21:00
Closed on bank holidays and Sundays.

The hours originally applied for were 08:00 – 23:00 Everyday

These revised hours of use seem more than reasonable, such as to guard against congregation or anti-social behaviour outside into the early hours of the morning. Local Planning Authorities have a duty to ensure that conditions meet the tests contained in Circular 11/95 in terms of reasonableness and necessity. It is Officer's opinion that reasonable opening hours would be:

Monday – Saturday, 09:00 – 22:00
Sundays and bank holidays, 12:00 – 21:00

It is considered that the condition should not be so overly restrictive as to impact on the prospective businesses ability to trade well. It is important to try and strike a balance between safeguarding the amenity of residents and not effectively nullifying the benefit of planning permission. The suggested opening hours of Officers achieve a balance between commercial and residential interests. However Members may feel it is reasonable to restrict the use to the hours applied for. It is worth noting that a condition does not become reasonable because an applicant suggests it, as such permissions run with the land and may not be suitable to a future tenant. If amenity is considered such an issue as to require what is an unduly restrictive condition then permission should be withheld. As highlighted in the preceding text, Officers are of the view that conditions appropriately deal with this issue.

An extraction system is shown on the submitted plans with no further details provided. The indicative position of the extraction system seems reasonable and retains a distance to windows of habitable rooms. Notwithstanding the flat above, it is envisaged that this issue could be dealt with sufficiently. A suitable extraction system could be agreed by condition ensuring that impact on neighbours from fumes is kept to a minimum. This could be agreed prior to the first use of the site. It is not considered that cooking smells would be a major issue for occupants of dwellings near the shop.

Parking/Road Safety

Some of the local neighbours and the Town Council have expressed concern about parking and road safety near the site. Essex County Council have previously had no issue with a change of use and it is not considered that road safety would be a serious concern. There is limited parking outside the unit and there is also the potential to park in some neighbouring streets where no

parking restrictions apply. Generally issues of parking and road safety do not warrant a refusal of this proposal.

Other Matters

Issues with regards to a nearby A5 unit are not necessarily relevant as the planning system does not exist to protect the private interests of one member of the public over another. Concern that the proposed extraction system will appear unsightly is noted, but it is not considered that such an extraction system would seriously detract from the appearance of the area.

Conclusion

The proposed change of use would have no significant impact on the vitality and viability of the area and the immediate locale would remain well served by a useful A1 unit. Impact on amenity would not be to an excessive level, and there are no serious concerns with regards to extraction equipment or parking. It is therefore considered this change of use is suitable subject to conditions.

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

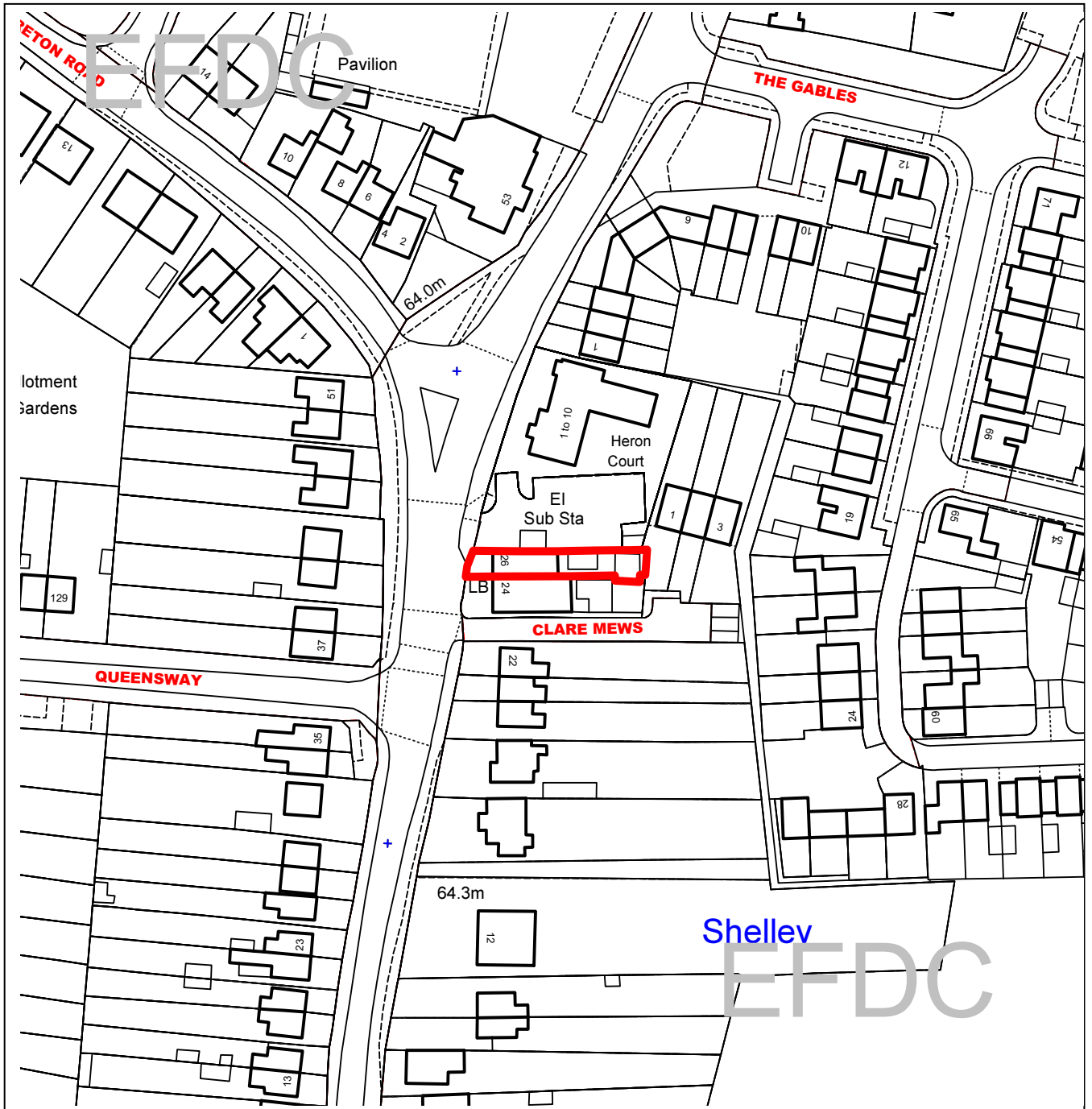
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	
Application Number:	EPF/2190/12
Site Name:	26 Fyfield Road, Ongar CM5 0AJ
Scale of Plot:	1/1250

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Report to District Development Control Committee

Date of meeting: 26 June 2013



**Epping Forest
District Council**

**Subject: Three planning applications - New House Farm, Little Laver Road,
Moreton;**

EPF/2404/12 for the Change of use of units 2a, 3a and 7C1 to Class B2 use and alterations to previously approved lean to extensions (EPF/0359/08) to facilitate change of use.

EPF/2405/12 for the Change of use of units 3B, 3C, 6, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use.

EPF/2406/12 for a new build grain storage building.

**Officer contact for further information: D Duffin Ext 4336
Committee Secretary: S Hill Ext 4249**

Recommendations:

To consider whether planning permission would have been granted for applications at New House Farm, Moreton had appeals against the non-determination of the application not been submitted to the Planning Inspectorate as follows:

- (i) EPF/2404/12 – To decide whether to support the officer recommendation that planning permission be granted, subject to the alteration to condition 1 to further restrict the hours of operation.**
- (ii) EPF/2405/12 – To decide whether to support the officers recommendation to grant planning permission, referred to this Committee without a recommendation**
- (iii) EPF/2406/12 – To decide whether to support the Officers recommendation to grant planning permission, referred to this Committee without a recommendation**

Report

- 1. (Director of Planning and Economic Development) These applications have been referred by the Area Plans Sub Committee East with recommendations as set out above.

Planning Issues

- 2. The planning issues to be debated by Members are laid out in the attached Officer reports. The developments for consideration follow on from enforcement investigations by the Local Planning Authority.

3. In relation to application EPF/2404/12, a number of buildings at the site have been converted to uses within Class B2 (General Industry). Officers, whilst mindful of the concerns of local residents, formed the view that when these uses were tested against material planning considerations, a grant of consent subject to restrictive conditions was a reasoned decision. Members expressed reservations with regards to this proposal and acknowledged it was a balanced case. It is Officers view that the attached report provides an objective appraisal of the issues to be considered. However the position adopted is that the changes of use covered by application EPF/2404/12 are acceptable and the concerns expressed can be mitigated by conditions. The report and suggested conditions are attached to this submission.
4. Application EPF/2405/12 was for the conversion of a number of buildings at the site to B8 uses. Again the uses are in operation and the application followed enforcement investigations. The application is before Members with no recommendation. As with the previous application there are a number of conflicting issues to weigh up and be debated. The views of the Planning Consultant retained by neighbours have been factored into the Officer recommendation. The Local Planning Authority has also employed the services of an Agricultural Surveyor as part of the process and his assessment is also of benefit. The key concern with this application is that it involved the reuse of relatively new structures and there was certainly some scepticism expressed in allowing further storage space at the site (EPF/2406/12) when there were existing buildings that could be potentially used/adopted.
5. Members are respectfully requested to study the Officer report carefully as it is considered this offers a reasonable outlining of the issues on what is a relatively complex site. Officers were mindful of both local and national policies which support such uses whilst also bearing in mind issues which weighed against the proposal. A view in favour of the reuse of agricultural buildings has been further strengthened since the time of the application with the introduction of a prior approval process by the Government for changes of use in the Green Belt. It appears that Central Government are keen to accommodate such uses as part of their economic growth drive. Officers shared neighbour concerns that the applications were retrospective and only came to light following enforcement proceedings. However the view was formed that a case could be made for the retention of these uses as per the recommendation and subject to conditions.
6. The final application, EPF/2406/12, of these three linked developments was for a new build grain store at the site. Members did not discuss this development and there is no recommendation. This application largely turns on whether the storage space could be accommodated within existing buildings on site, particularly Building 6. Again Members are requested to study the Officers Report, and any available documentation particularly the Agricultural Surveyors report, as it provides an independent appraisal of this issue. The Officer assessment is considered balanced and weighs up the various options open to Members. However when drawing together all material considerations Officers are of the view that the development is, on balance, justifiable and the recommendation remains as per the original report and subject to conditions.

7. In the period since the applications were before the sub-committee the applicant has appealed these decisions on the grounds of non determination. The Planning Inspectorate has granted the Local Planning Authority an extension to the time limit for Appeal Statements in order to ensure a clear determination on the Council's position on these applications. Members are therefore requested that if the decision is contrary to the views expressed by Officers that clear, justifiable reasons are provided to withhold consent.

Conclusions

8. The applications as detailed in this report are presented to Members having been referred from Sub-Committee East with a grant of consent on EPF/2404/12 and with no recommendation on applications EPF/2405/12 and EPf/2406/12. The Officer recommendations as contained in the attached reports are that consent is granted for the proposals subject to the attached conditions.

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Extract from the Area Planning Subcommittee March 2013

APPLICATION No:	EPF/2404/12
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Jim Collins
DESCRIPTION OF PROPOSAL:	Change of use of units 2a, 3a and 7C1 to Class B2 use and alterations to previously approved lean to extensions (EPF/0359/08) to facilitate change of use
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544170

CONDITIONS

- 1 The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 08.00 - 18.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- 2 No external storage or working outside shall take place at any time in connection with the uses hereby approved unless otherwise agreed by the Local Planning Authority.
- 3 The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
- 4 The uses hereby approved shall be contained within the buildings outlined on the submitted plan No 1198/1B and there shall be no further conversions of buildings at the site to non agricultural commercial activities, other than those approved by this application or application EPF/2405/12, including "building 5" currently in use for ancillary agricultural storage.
- 5 The premises referred to on the approved plan No 1198/1B as Units 2A, 3A and 7C1 shall be for the following stated B2 purposes, 2A Pitfield Brewery, 3A Joinery Workshop, 7C1 Vehicle Restoration, and for no other purpose in Use Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order).

- 6 Within four months of the date of this decision, details of equipment to suppress and disperse fumes and odours emitting from unit 3A shall be submitted to the Local Planning Authority for approval. The equipment shall be installed within three months as agreed. The equipment shall be effectively operated and maintained for as long as the use continues.
- 7 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.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k)) and since; it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

Newhouse Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting some of which have been built in recent years and some which are much older structures. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature, characterized by narrow laneways and open swathes of arable farmland.

Description of Proposal:

The applicant seeks consent retrospectively for the change of use of a number of buildings at Newhouse Farm to a use with Class B2 of the Use Classes Order 1987, as amended. Plan Number 1198/1 has been submitted which outlines the buildings to be considered for this use type under this application. These include;

Building 2A – Occupied by Pitfield Brewery. This building is an older style utilitarian agricultural building.

Building 3A – Occupied by Cube Joinery, this building is also an older style agricultural building.

Building 7C1 – Occupied by a car restoration use. This building was originally approved as a lean to off the grain store at the site and for the purposes of housing cattle and farm machinery (EPF/0359/08).

Relevant History:

There is an extensive history to the site including another application for a change of use of buildings to B8 and a grain store (EPF/2405, 2406/12) and a Certificate of Lawfulness (CLD) for the use of a separate building as a B2 use (Aspects Joinery) EPF/2407/12. The most relevant and recent history other than these applications includes;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002 (Not built).
EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02 (Building 6).
EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08 (buildings 7A, 7C1, 7C2).
EPF/1549/08 - Erection of a steel portal framed agricultural machinery store. Grant permission (with conditions) – 24/09/08.
EPF/2517/11 - Erection of an agricultural steel portal framed purpose designed grain storage building. Withdrawn by the applicant – 28/08/12.
EPF/0863/12 - Retrospective application for change of use of agricultural buildings for the stabling of horses and construction of a manege. Grant Permission (with conditions) – 28/06/12 (Building 4A).
EPF/0864/12 - Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities. Withdrawn by the applicant – 28/08/12.

Enforcement

ENF/0064/12 - Use of farm buildings for commercial uses including Micro Brewery, storage (commercial). Current Investigation.

Policies Applied:

GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB8A – Change of Use or Adaptation of Buildings
DBE2 – Effect on Neighbouring Properties
DBE9 – Loss of Amenity
RP05A – Potential Adverse Environmental Impacts
HC12 – Development Affecting the Setting of a Listed Building
CP1 – Achieving Sustainable development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
E12A – Farm Diversification
ST4 – Road Safety
ST6 – Vehicle Parking

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:

10 neighbours consulted and a site notice displayed – 4 replies received.

An objection letter has been received from Stephen Hayhurst, Planning Consultant, representing a number of neighbours in the near vicinity of the site. The contents of the letter will be addressed in the main body of this report.

FRUIT FARM COTTAGE: Objection. The recent developments at Newhouse Farm have led to a great increase in traffic from farm vehicles which are expected and of course are acceptable. However, over the last several years, more and more commercial activity has developed in the farm yard. There are cars, transit vans and heavy goods vehicles coming and going which are very disturbing and upsetting to we who live opposite. There is a carpenter's workshop which, although

it has never had planning permission, causes no trouble, nor does the brewery which from time to time has large vehicles attending. The commercial activity not only affects me and my neighbours at Moreton House, but all those who live in Little Laver Road.

The considerable increase in traffic and in particular the heavy goods vehicles have destroyed the road, which cannot accommodate them. The verges have been wrecked and deep ditches formed. It is not possible to pass another car or van without moving in to the side. When faced with one of these enormous vehicles there is nowhere to go without reversing in the hope of finding somewhere safe to move in to. This road is in an appalling state and becoming worse. There are no proper passing places, it is never repaired or gritted and has become increasingly dangerous for cars, cyclists and pedestrians whatever the weather. These vehicles should not be allowed on such a road. A new grain store would mean even further development on Green Belt land and no doubt more commercial activity using existing grain stores. So many recently erected buildings, altered and said to be needed for farming are now claimed to be redundant. It seems to me to be disgraceful that none of these could be used to change to a modern grain store. How many more buildings can be erected for farming, claimed to be redundant and then receive retrospective planning permission for commercial activities? I do not object to small scale commercial businesses which provide work for local people but I oppose the development which has affected me considerably and would become worse if these applications were approved.

HILL FARM: Objection. We are writing in particular to make an objection to the commercial use of the barns at New House Farm. We have noted numerous forty feet container lorries going to and from New House Farm along Little Laver Road which is a very narrow country lane where they are causing severe damage to drains, verges & creating deep ruts on the side of road. The corner on the junction of Little Laver Road & Church Road has been severely damaged in particular on the corner of the Hill Farm property. In the past our property has been flooded due to damaged drains and we certainly do not want that to happen again.

MORETON HOUSE: Objection. Change of use of recently constructed agricultural buildings to commercial use has resulted in increased traffic movements down an unsuitable road and an inappropriate change of character of the farm causing disturbance to the residents of Little Laver Rd and blight to the road and its verges.

Building 3A still carries out spraying and continues to emit paint fumes directly into my garden and we are disturbed by the noise of the fan. The use of the brewery (2A) and joinery (1C) do not cause any significant problems as they occupy what can be considered truly redundant farm buildings ie over 30 years old and do not appear to have any use for agriculture. As long as conditions such as no working or storage to be done outside, and there is a limitation on the number of hours worked ie Monday to Friday 9am - 5pm and Saturday 9am - 1pm and no working on a Sunday we have no issue with these uses.

SCOTTS FARM: Objection. We object to the application on the grounds that storage already exists for grain but is currently used for other purposes other than farming. We also object as additional heavy vehicle traffic in Little Laver Road is already increasing with damage to the verges and the tracks of the vehicles are no longer confined to the metalled surface. The fire hydrant cover on the corner of Little Laver Road and Church Road has been damaged by lorries as has the country signpost.

The road is now unsafe for residents to travel on as there are no passing places to facilitate large lorries and is frightening for me when I have to collect my grandchildren from school only to have to back up a long way down a narrow road to get out of the way of a lorry facing me.

PARISH COUNCIL: No Objection. However we would request that if the application is approved an alteration to the extraction equipment on unit 3A is agreed by condition and is as detailed in the Design and Access Statement at paragraph 3.8.

Issues and Considerations:

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, neighbour amenity and the adjacent listed building. The comments of consultees, agents, the planning history of the site including the concurrent applications and comments received from neighbours will also be assessed.

Green Belt Considerations

This series of applications follows a recent application to change the use of a number of buildings at the site to various uses (EPF/0864/12). This followed the original application for a grain store (EPF/2517/11). During the process of determining the application for the grain store it became apparent that unauthorised development had taken place at Newhouse Farm. The previous applications were deferred at committee for a members site visit. Such a site visit was subsequently undertaken and the two applications were withdrawn by the applicant. The current applications are a general repackaging of the proposals. An application for a Certificate of Lawfulness for the use of part of the site by Aspects Joinery (B2) will be assessed on this strictly legal matter and as such the planning merits of the development have no part to play in the determinations. This application relates to other B2 uses currently in operation at the site. The twin application (EPF/2405/12), which will be assessed under separate cover, and relates to B8 practices at the farm. The application for a grain store (EPF/2406/12) makes up the final application.

The recent history at the site is relatively complex but it is readily apparent that the overall character of Newhouse Farm has changed in recent times. The changes have been largely twofold. Firstly a diversification in farm practices brought about by the decision to switch production from organic farming to conventional farming. The farm now produces various non organic cereals but organic farming had also required the need for livestock. This change has resulted in buildings constructed for the housing of the livestock being no longer needed and as conventional farming produces a much greater yield than organic, there is a need for further grain storage facilities at the site. It is contended that the units constructed for cattle are not suitable for grain storage.

The second major change is that the “redundant” farm buildings i.e. the former cattle buildings have been put to various other uses, along with other buildings at the site. As stated, the history is quite complex and may involve some repetition between reports in order to ensure a complete picture, but certainly involves the consideration of all the reports. However the first issue to determine is whether the current use of the buildings specific to this application are in compliance with local and national policies. It is useful to consider the overall principle before addressing each individual use at the site.

Green Belt Principle

The report on the proposal presented before committee in August 2012 generally concluded that the reuse of the buildings for other purposes was in compliance with local and national policies for the reuse of redundant farm buildings. Some of the issues raised at this time will be repeated below, although bolstered by the volume of reports that have subsequently been produced, to aid a reasoned determination of development at this site.

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) which is now adopted and a material planning consideration also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of Section 3, “Supporting a Prosperous Rural Economy”, promotes the “sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing

buildings. Paragraph 90 of section 9, "Protecting Green Belt Land", states that the re-use of existing buildings is not inappropriate development if they are of permanent and substantial construction. The NPPF also relates an overriding aim of a "presumption in favour of sustainable development" with three strands outlined – economic, social and environmental.

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 and the works were not carried out with the view of securing another use, that the use would not have a materially greater impact on the Green Belt, associated traffic generation is not excessive and the proposal would not have a detrimental impact on the vitality and viability of local town centres.

Policy GB8A firstly requires that the building is of substantial construction capable of conversion. The buildings have all been constructed in a manner which makes them easily converted to B2 uses. Although some of these buildings have been constructed in recent years the Local Planning Authority must take the view that they were constructed with a view to progressing the agricultural business at that time at the site and owing to changes in work practices are now no longer suitable. The agent representing the neighbours is sceptical of the view that what has occurred has been dictated by decisions relating to the best way for the farm enterprise to progress. He cites concerns that in previous applications organic farming has not been mentioned, that the lean to's were never constructed as such and were occupied by other uses soon after, were therefore built with a view to securing another use and that enclosing the sides and shutter doors was operational development under Section 55(2) of the Town and Country Planning Act 1990.

Aerial photographs suggest that the buildings were at least originally built to house cattle, albeit this would only have been for a short time. The applicants agent contests the view that the infilling and shutter doors is operational development citing *Burroughs Day v Bristol City Council 1996*, one authority on the issue. Officers formed the view that the infill is operational development having regard to the 1990 Act and the development description has been altered accordingly to include these works. The fact that organic farming was not mentioned in the previous applications is not considered material in this instance and the officers dealing with the previous applications would have considered all matters material. Officers would still form the view that this building is now redundant for the type of farming being carried out at the holding, a view supported by the Agricultural Consultant, and having regard to other policies and local plan objectives its reuse in principle is acceptable. In any case there is no requirement for the applicant to prove that the buildings are redundant before an alternative use can be considered. Neighbours are best positioned to offer a view on the issue of organic farming, but there has been no challenging the fact that livestock was present at the site. A degree of scepticism is however understandable and Members may form a contrary view than the view expressed here.

Policy GB8A also requires that the use would not have a materially greater impact on the Metropolitan Green Belt. The existing site is a working farm which experiences a reasonable level of traffic volume on a daily basis. This use has not ceased with the conversion of these buildings. The issue is whether the change of use would significantly increase the amount of traffic visiting the site. Traffic studies and general movements to the site have been addressed in reports by both the applicant and the neighbours (EAS and G.H Bullard and Associates respectively). These reach vastly differing conclusions in terms of movements to the site. Essex County Council Highways Section has considered both reports in detail. The conclusion is that the proposals are not contrary to policy or detrimental to highway safety, capacity, or efficiency at this location. The comments received are as follows;

"Firstly the alarming TRICS figures produced in the EAS report are misleading in the extreme and do not reflect accurately the level of traffic that the existing uses are generating. Indeed as stated in the G H Bullard report the sites used in the TRICS database are not remotely comparable on any level to New House Farm. Furthermore the EAS report clumps all the B2 and B8 units together as a total Gross floor Area (GFA) but the reality is that these are small individual units

used by low key operations as can be quite clearly seen by the results of the traffic surveys. The lawful use of the farm can generate significant traffic movements of all vehicle sizes and types associated with the agricultural use at any time of the year. By comparison the existing B2 & B8 uses generate minimal traffic on the highway network. The traffic counts indicate that the farm generated approx. 40 vehicle movements over a 12hr period which equates to less than 4 vehicles per hour; an insignificant number in capacity terms and as shown in the vehicle survey the B2 & B8 uses generate only approx. 20 movements a day with very sporadic deliveries either weekly or fortnightly. It should also be recognised that these small low key uses, by their very nature, do not generate increased HGV movements, this is quite clearly backed up by the figures within the report. Accident data for the last 3 years has been investigated and there have been no recorded accidents on the local network in the vicinity of the site or the surrounding highway network. It is therefore concluded that the B2 & B8 uses generate a negligible increase in traffic on the highway network at this location and will not have any capacity or safety issues as a result. The Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 and ST6 of the adopted Local Plan"

There is some sympathy for local residents with regards to traffic movements along quiet country lanes and damage to verges. However this must be balanced against what benefits such changes of use bring and the Local Planning Authority as detailed above have been provided with detailed advice on this point. Members will be aware of other similar committee cases where a resolution to grant consent has been the outcome. In such circumstances the view has been taken that the benefits of such developments outweigh any material harm. The joinery workshops are both employing people from the locality and in this regard are making a positive contribution to sustainable economic growth in a small rural area in accordance with NPPF policy. Movements to and from the site for this reason as detailed above would not be excessive. The micro brewery makes a similar contribution.

Therefore having regard to all relevant considerations in both local and national policy, on balance, these uses are deemed an appropriate reuse of agricultural buildings. It is now useful to consider the individual characteristics of each use applied for against such issues as neighbour amenity.

Pitfield Brewery

The brewery is located to the front of the site adjacent to Little Laver Road and is contained in an "old style" farm building. There is no serious dispute that this building is not readily suitable for grain storage and indeed neighbour/agent representations are generally supportive of the continuation of this business at the site, subject to suitable conditions. The Local Planning Authority has employed the services of an Agricultural Consultant and the advice with regards to the use of this building for grain storage is that it is generally not suitable. The principle of its reuse is therefore accepted in line with the preceding analysis.

The applicant makes the case that the brewery could be an ancillary development to the overall use of the site for farming, as barley is grown on the holding. No detail is provided to augment this claim. The court case quoted, Millington v Secretary of State for the Environment, Transport and the Regions 1999, refers to wine production at a holding growing grapes as being an ancillary activity. This development has at least the potential to be ancillary to agriculture if a fleshed out argument was made. However this is not the issue before Members and restrictions on the proposed use must therefore be considered. Subject to conditions controlling hours of operation, outside storage and noise ratings this use is deemed acceptable.

Cube Joinery

The supporting statement outlines how Cube Joinery has been resident at the site in Building 3A since 2006. Again this building is not suitable for grain storage but could be used for some form of

storage ancillary to agriculture. The use is located some 20.0m from the boundary of Moreton House, a large dwellinghouse with an extensive residential curtilage. The building is some 45.0m from the main house. Concern has been expressed that the uses at the site, particularly the current extraction equipment on unit 3A, has been causing a nuisance to the occupants of Moreton House. It has been stated in the previous report to committee that noise from a working farm is to be expected. It is accepted that the other uses may have increased this level of noise, however a condition controlling the level of noise emitting from the individual uses would control matters to an acceptable level.

It is conceivable the fumes from unit 3A would be drifting towards the garden area of Moreton House. There are no records with the Environmental Health Section of the Council of this having previously caused a serious nuisance prior to this enforcement investigation. It is recognised that the use of the site would result in some loss of amenity from fumes. However the property is served by an extensive curtilage and the dwelling is a reasonable distance from the use. The Agent for the applicant has indicated that there is a willingness to install a new extraction system. It is considered that the opportunity to improve on the extraction equipment should not be passed and a condition agreeing such an upgrade is deemed reasonable and necessary. This condition, along with other "nuisance controlling" conditions render this element of the proposal acceptable.

Unit 7C1

Unit 7C1 forms part of the larger Unit 7. The building is occupied by a use carrying out car restorations. This building is in an isolated location in terms of any neighbours and subject to suitable conditions it is deemed an acceptable reuse for the building.

Listed Building

The main farmhouse on the site is a listed building. However the conversion of existing buildings would have no material impact on the setting of this building.

Conclusion:

The proposed use of these buildings when considered against local and national policy is deemed appropriate. The proposal for more built form at the site will be considered under a separate application. The views of neighbours and their concerns with regards to traffic movements, damage to the road network and general impact on amenity are noted. It is considered that to some degree these concerns can be controlled by conditions. This decision must be taken having regard to all matters material including national policy which promotes rural economic development. Having regard to all matters it is recommended that this application is approved with conditions.

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

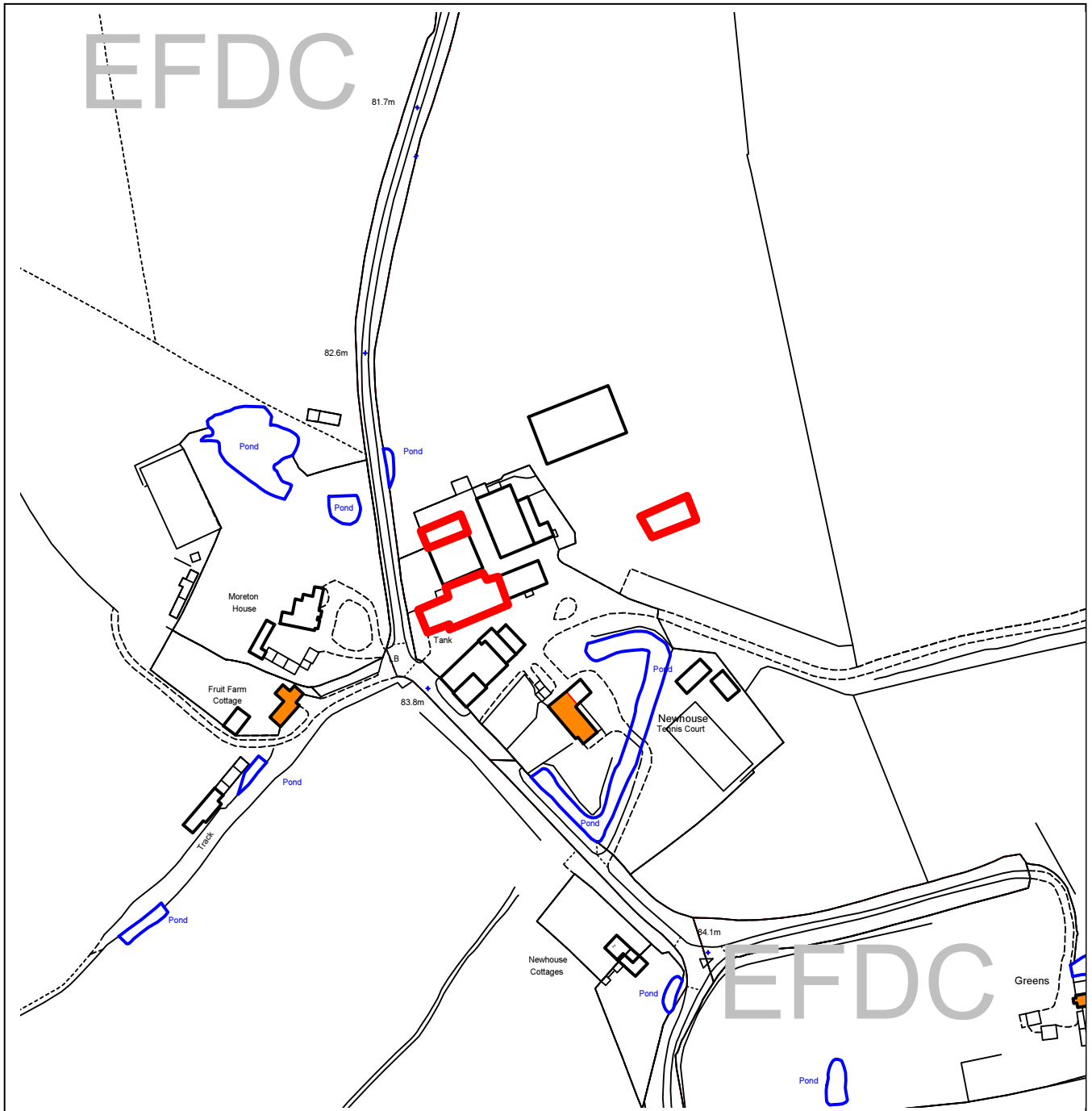
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/2404/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/2405/12
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Jim Collins
DESCRIPTION OF PROPOSAL:	Change of use of units 3B, 3C, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544171

CONDITIONS

- 1 The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 08.00 - 18.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- 2 No external storage or working outside shall take place at any time in connection with the uses hereby approved.
- 3 The uses hereby approved shall be contained within the buildings outlined on the submitted plan No 1198/1A and there shall be no further conversions of buildings at the site to non agricultural commercial activities, other than those approved by this application or application EPF/2404/12, including reuses of "building 5" currently in use for ancillary agricultural storage.
- 4 The premises referred to on the approved plan No 1198/1A as Units 3B, 3C 6, 7A and 7C2 shall only be used for B8 purposes and for no other purpose other than a use ancillary to the farming business operating from the site without the prior written approval of the Local Planning Authority.
- 5 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.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k)) and since; it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

Newhouse Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting some of which have been built in recent years and some which are much older structures. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature characterized by narrow laneways and open swathes of arable farmland.

Description of Proposal:

The applicant seeks consent retrospectively for the change of use of a number of buildings at Newhouse Farm to a use with Class B8 (Storage and Distribution) of the Use Classes Order 1987, as amended. Plan Number 1198/1 has been submitted which outlines the buildings to be considered for this use type under this application. These include;

Building 3B & C – Privately let buildings being used for storage. These are older style agricultural buildings.

Building 7A – Being used by Hogg Limited for office furniture storage. This building was approved as a lean to in 2008 for the housing of cattle.

Building 7C2 – Built as a lean to extension in 2008 and currently being used for B8 storage purposes.

Building 6 – Being used by Tabbers (Printers) for paper and material storage. This building was approved as a cattle yard in 2002 (EPF/1765/02) and was originally an open sided structure.

Relevant History:

There is an extensive history to the site including another application for a change of use of buildings to B2 and for the erection of a grain store (EPF/2404, 2406/12) and a Certificate of Lawfulness (CLD) for the use of a separate building as a B2 use (Aspects Joinery) EPF/2407/12. The most relevant and recent history other than these applications includes;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002 (Not built).

EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02 (Building 6).

EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08 (buildings 7A, 7C1, 7C2).

EPF/1549/08 - Erection of a steel portal framed agricultural machinery store. Grant permission (with conditions) – 24/09/08.

EPF/2517/11 - Erection of an agricultural steel portal framed purpose designed grain storage building. Withdrawn by the applicant – 28/08/12.

EPF/0863/12 - Retrospective application for change of use of agricultural buildings for the stabling of horses and construction of a manege. Grant Permission (with conditions) – 28/06/12 (Building 4A).

EPF/0864/12 - Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities. Withdrawn by the applicant – 28/08/12.

Enforcement

ENF/0064/12 - Use of farm buildings for commercial uses including Micro Brewery, storage (commercial). Current Investigation.

Policies Applied:

GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB8A – Change of Use or Adaptation of Buildings
DBE2 – Effect on Neighbouring Properties
DBE9 – Loss of Amenity
RP05A – Potential Adverse Environmental Impacts
HC12 – Development Affecting the Setting of a Listed Building
CP1 – Achieving Sustainable development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
E12A – Farm Diversification
ST4 – Road Safety
ST6 – Vehicle Parking

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:

10 neighbours consulted and a site notice displayed – 4 replies received.

An objection letter has been received from Stephen Hayhurst, Planning Consultant, representing a number of neighbours in the near vicinity of the site. The contents of the letter will be addressed in the main body of this report.

FRUIT FARM COTTAGE: Objection. The recent developments at Newhouse Farm have led to a great increase in traffic from farm vehicles which are expected and of course is acceptable. However, over the last several years, more and more commercial activity has developed in the farm yard. There are cars, transit vans and heavy goods vehicles coming and going which are very disturbing and upsetting to we who live opposite. There is a carpenter's workshop which, although it has never had planning permission, causes no trouble, nor does the brewery which from time to time has large vehicles attending. The commercial activity not only affects me and my neighbours at Moreton House, but all those who live in Little Laver Road.

The considerable increase in traffic and in particular the heavy goods vehicles have destroyed the road, which cannot accommodate them. The verges have been wrecked and deep ditches formed. It is not possible to pass another car or van without moving in to the side. When faced with one of these enormous vehicles there is nowhere to go without reversing in the hope of finding somewhere safe to move in to. This road is in an appalling state and becoming worse. There are

no proper passing places, it is never repaired or gritted and has become increasingly dangerous for cars, cyclists and pedestrians whatever the weather. These vehicles should not be allowed on such a road. A new grain store would mean even further development on Green Belt land and no doubt more commercial activity using existing grain stores. So many recently erected buildings, altered and said to be needed for farming are now claimed to be redundant. It seems to me to be disgraceful that none of these could be used to change to a modern grain store. How many more buildings can be erected for farming, claimed to be redundant and then receive retrospective planning permission for commercial activities? I do not object to small scale commercial businesses which provide work for local people but I oppose the development which has affected me considerably and would become worse if these applications were approved.

HILL FARM: Objection. We are writing in particular to make an objection to the commercial use of the barns at New House Farm. We have noted numerous forty feet container lorries going to and from New House Farm along Little Laver Road which is a very narrow country lane where they are causing severe damage to drains, verges & creating deep ruts on the side of road. The corner on the junction of Little Laver Road & Church Road has been severely damaged in particular on the corner of the Hill Farm property. In the past our property has been flooded due to damaged drains and we certainly do not want that to happen again.

MORETON HOUSE: Objection. Change of use of recently constructed agricultural buildings to commercial use has resulted in increased traffic movements down an unsuitable road and an inappropriate change of character of the farm causing disturbance to the residents of Little Laver Rd and blight to the road and its verges.

Building 3A still carries out spraying and continues to emit paint fumes directly into my garden and we are disturbed by the noise of the fan. The use of the brewery (2A) and joinery (1C) do not cause any significant problems as they occupy what can be considered truly redundant farm buildings ie over 30 years old and do not appear to have any use for agriculture. As long as conditions such as no working or storage to be done outside, and a there is a limitation on the number of hours worked ie Monday to Friday 9am - 5pm and Saturday 9am - 1pm and no working on a Sunday we have no issue with these uses.

SCOTTS FARM: Objection. We object to the application on the grounds that storage already exists for grain but is currently used for other purposes other than farming. We also object as additional heavy vehicle traffic in Little Laver Road is already increasing with damage to the verges and the tracks of the vehicles are no longer confined to the metalled surface. The fire hydrant cover on the corner of Little Laver Road and Church Road has been damaged by lorries as has the country signpost.

The road is now unsafe for residents to travel on as there are no passing places to facilitate large lorries and is frightening for me when I have to collect my grandchildren from school only to have to back up a long way down a narrow road to get out of the way of a lorry facing me.

PARISH COUNCIL: No Objection. However we would request that if the application is approved Essex County Council are contacted to assess if appropriate positions are available to allow vehicles to safely pass and to allow the free flow of larger vehicles associated with a B8 use.

Issues and Considerations:

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, neighbour amenity and the adjacent listed building. The comments of consultees, agents, the planning history of the site including the concurrent applications and comments received from neighbours will also be assessed.

Green Belt Considerations

As stated in the application to convert a number of buildings at the site to B2 uses the reuse of redundant agricultural buildings need not be inappropriate development if in compliance with local and national policy.

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) which is now adopted and a material planning consideration also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of Section 3, "Supporting a Prosperous Rural Economy", promotes the "sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings. Paragraph 90 of section 9, "Protecting Green Belt Land", states that the re-use of existing buildings is not inappropriate development if they are of permanent and substantial construction. The NPPF also relates an overriding aim of a "presumption in favour of sustainable development" with three strands outlined – economic, social and environmental.

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 and the works were not carried out with the view of securing another use, that the use would not have a materially greater impact on the Green Belt, associated traffic generation is not excessive and the proposal would not have a detrimental impact on the vitality and viability of local town centres.

Units 3B and 3C are currently being used for low level storage and there is general acquiescence from all parties that this is a suitable reuse for these buildings. A level of control over the use of these buildings and any future development can be controlled by suitable conditions.

Building 7C2 and 7A were constructed as lean to extensions to house cattle in connection with the organic farming previously operated at the site. It has been accepted that the use of these buildings for grain storage are not particularly suitable. This is on the advice of the Agricultural Consultant engaged by the Local Planning Authority. Therefore the reuse of these buildings in principle is acceptable. The uses of these buildings are general low key storage. It is not envisaged that they would attract large scale movements to and from the site. The position of Officers, as detailed in the report for application EPF/2404/12, is that these lean to's were not constructed with a view to securing another use. The lean to's were capable of conversion without major or complete reconstruction. The applicant's case is that the buildings from his farming perspective are generally obsolete and therefore their reuse in line with other plan policies is acceptable. In this regard storage is highlighted in Policy GB8A as one of the more appropriate uses of redundant agricultural buildings and there is an increased demand to store such things as legal documents. The use can be clearly contained within the agricultural buildings and would not therefore result in open storage. Thus the use would not have a materially greater impact on the open character of the Green Belt. Again it is considered that subject to appropriate conditions the reuse of these buildings is acceptable.

Building 6 was constructed in recent years as a cattle storage facility. If the current building on site is judged for reuse as a B8 premises it generally meets the tests as outlined for buildings 7A and 7C2, notwithstanding whether it could be used for grain storage. The agent representing the local neighbours has raised concerns about this building and the points made are worth considering in detail.

The submission firstly states that the building was not built in accordance with the plans approved under EPF/0024/05, in that the building which was approved had an eaves of 6.0m and the building on site has an eaves of 5.0m. The building was also built in the wrong position. This is the case but if the inference is that this building was built smaller so as not to be suitable for grain storage in the future, this seems unlikely. Even with an eaves height of 6.0m a good case could be

made that the building was unsuitable for grain storage. Particularly if floor drying facilities were also deemed necessary and installed. The point however may be being made that the applicant has a laissez-faire attitude to the planning system and this is another example. The building was constructed approximately 10.0m further forward towards High Laver Road than agreed but in a large scale farmyard setting this change would likely have been deemed acceptable had an application been made.

The agent also makes the point that when the organic farming business demised the applicant should have converted the existing building or demolished it and applied for a grain store as opposed to cladding it and leasing it out. This point is not without substance and will be covered in greater detail in the application for a new grain store. It can't be ignored that the building on site was adapted in order to make it suitable for other uses. It is also a fair comment that the applicant, the former owner of Ashlyn's Farm, would have been aware that the alterations to this building and its change in use would have required a planning application. The opinion that this building was constructed with the view to securing another use is open to debate. However Officers are of the view that the current building on site is suitable for reuse for the said purposes, (albeit that this appears to have been progressed in a clandestine fashion), and that changes to farm practices render it obsolete for this holding.

The issues with regards to highway matters have been covered under applications EPF/2404/12 and the advice provided by Essex County Council Highways Division holds true with regards to this application.

Amenity

None of the proposed uses would have any serious impact on the amenities of neighbours and future development can be controlled by conditions.

Listed Building

The main farmhouse on the site is a listed building. However the conversion of existing buildings would have no material impact on the setting of this building.

Conclusion:

The proposed use of these buildings when considered against local and national policy which makes provision for the reuse of agricultural buildings in the Green Belt is deemed appropriate. The proposal for more built form at the site will be considered under a separate application. The views of neighbours and their concerns with regards to traffic movements, damage to the road network and general impact on amenity are noted. It is considered that to some degree these concerns can be controlled by conditions. Concerns with regards to how these buildings became suitable for B8 uses are also noted. This decision must be taken having regard to all matters material including national policy which promotes rural economic development. Having regard to all matters it is recommended that this application is approved with conditions.

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

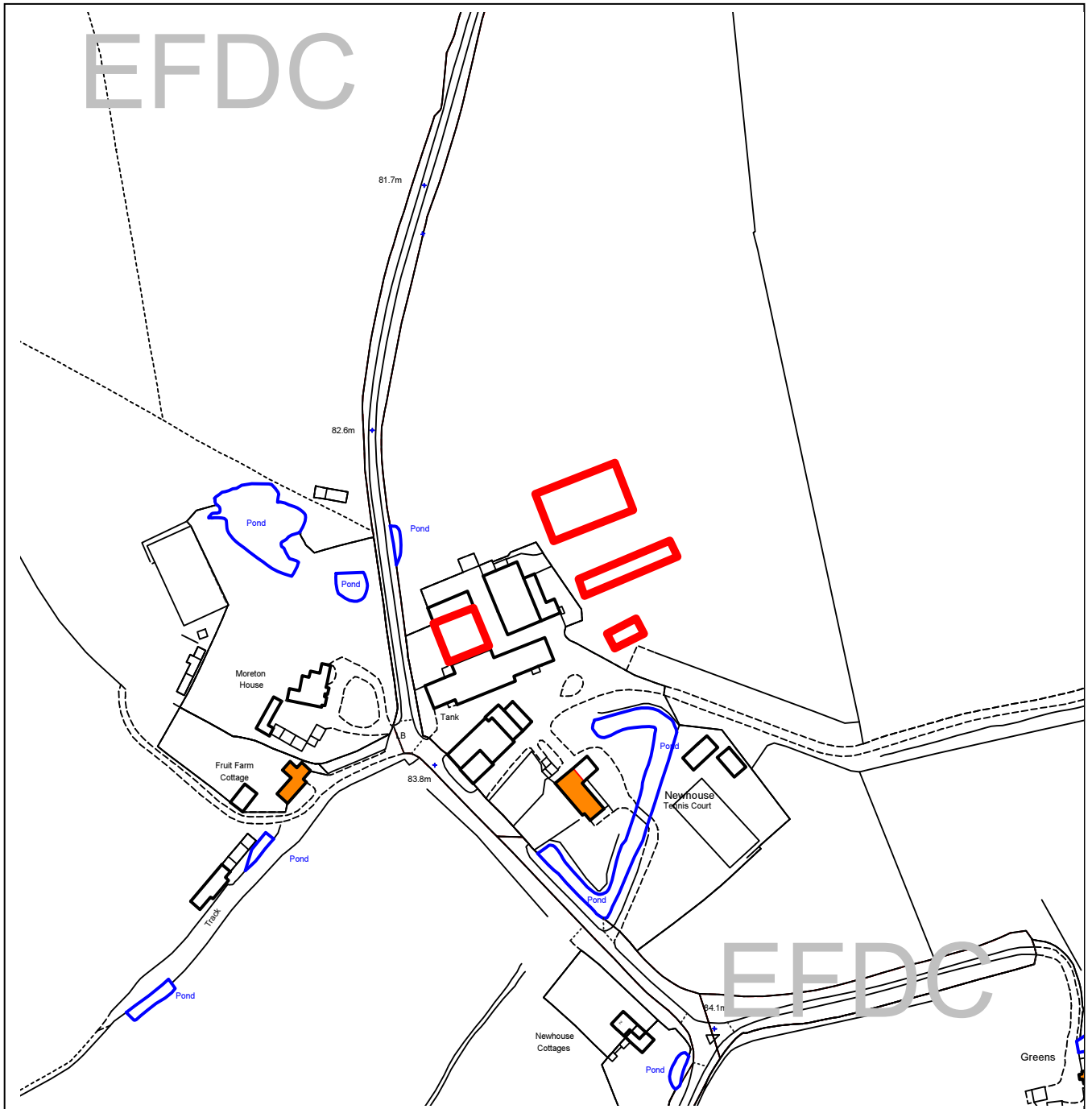
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	7
Application Number:	EPF/2405/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 8

APPLICATION No:	EPF/2406/12
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Jim Collins
DESCRIPTION OF PROPOSAL:	Proposed grain storage building.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544172

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 be as detailed on the submitted plan 11116/1, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development, including site clearance, shall take place until a scheme of landscaping necessary to screen the development, and a statement of the methods, including a timetable, for its Implementation have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 4 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 5 The proposed building shall only be used for agricultural grain storage or a use ancillary to agriculture unless otherwise agreed by the Local Planning Authority. If the building is no longer needed for such purposes, within three years of the cessation of this use the structure shall be dismantled and removed from site and the land returned to its current state.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

Newhouse Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting some of which have been built in recent years and some which are much older structures. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature characterized by narrow laneways and open swathes of arable farmland.

Description of Proposal:

The applicant seeks consent for the construction of a grain store in connection with his agricultural business. The building would have a footprint of 36.5m x 20.0m. The eaves height would be 7.5m with a ridge height of 10.2m. The structure would have pre cast concrete walling to a height of 3.2m on each long side. The roller shutter doors would be to a height of 6.0m.

Relevant History:

There is an extensive history to the site including another 2 applications for a change of use of buildings to B2 and B8 activities (EPF/2404, 2405/12) and a Certificate of Lawfulness (CLD) for the use of a separate building as a B2 use (Aspects Joinery) EPF/2407/12. The most relevant and recent history other than these applications includes;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002 (Not built).

EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02 (Building 6).

EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08 (buildings 7A, 7C1, 7C2).

EPF/1549/08 - Erection of a steel portal framed agricultural machinery store. Grant permission (with conditions) – 24/09/08.

EPF/2517/11 - Erection of an agricultural steel portal framed purpose designed grain storage building. Withdrawn by the applicant – 28/08/12.

EPF/0863/12 - Retrospective application for change of use of agricultural buildings for the stabling of horses and construction of a manege. Grant Permission (with conditions) – 28/06/12 (Building 4A).

EPF/0864/12 - Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities. Withdrawn by the applicant – 28/08/12.

Enforcement

ENF/0064/12 - Use of farm buildings for commercial uses including Micro Brewery, storage (commercial). Current Investigation.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB11 – Agricultural Buildings
DBE9 – Loss of Amenity
HC12 – Development Affecting the Setting of a Listed Building

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:

10 neighbours consulted and a site notice displayed – 4 replies received.

An objection letter has been received from Stephen Hayhurst, Planning Consultant, representing a number of neighbours in the near vicinity of the site. The contents of the letter will be addressed in the main body of this report.

FRUIT FARM COTTAGE: Objection. The recent developments at Newhouse Farm have led to a great increase in traffic from farm vehicles which are expected and of course is acceptable. However, over the last several years, more and more commercial activity has developed in the farm yard. There are cars, transit vans and heavy goods vehicles coming and going which are very disturbing and upsetting to we who live opposite. There is a carpenter's workshop which, although it has never had planning permission, causes no trouble, nor does the brewery which from time to time has large vehicles attending. The commercial activity not only affects me and my neighbours at Moreton House, but all those who live in Little Laver Road.

The considerable increase in traffic and in particular the heavy goods vehicles have destroyed the road, which cannot accommodate them. The verges have been wrecked and deep ditches formed. It is not possible to pass another car or van without moving in to the side. When faced with one of these enormous vehicles there is nowhere to go without reversing in the hope of finding somewhere safe to move in to. This road is in an appalling state and becoming worse. There are no proper passing places, it is never repaired or gritted and has become increasingly dangerous for cars, cyclists and pedestrians whatever the weather. These vehicles should not be allowed on such a road. A new grain store would mean even further development on Green Belt land and no doubt more commercial activity using existing grain stores. So many recently erected buildings, altered and said to be needed for farming are now claimed to be redundant. It seems to me to be disgraceful that none of these could be used to change to a modern grain store. How many more buildings can be erected for farming, claimed to be redundant and then receive retrospective planning permission for commercial activities? I do not object to small scale commercial businesses which provide work for local people but I oppose the development which has affected me considerably and would become worse if these applications were approved.

HILL FARM: Objection. We are writing in particular to make an objection to the commercial use of the barns at New House Farm. We have noted numerous forty feet container lorries going to and

from New House Farm along Little Laver Road which is a very narrow country lane where they are causing severe damage to drains, verges & creating deep ruts on the side of road. The corner on the junction of Little Laver Road & Church Road has been severely damaged in particular on the corner of the Hill Farm property. In the past our property has been flooded due to damaged drains and we certainly do not want that to happen again.

MORETON HOUSE: Objection. Change of use of recently constructed agricultural buildings to commercial use has resulted in increased traffic movements down an unsuitable road and an inappropriate change of character of the farm causing disturbance to the residents of Little Laver Rd and blight to the road and its verges.

Building 3A still carries out spraying and continues to emit paint fumes directly into my garden and we are disturbed by the noise of the fan. The use of the brewery (2A) and joinery (1C) do not cause any significant problems as they occupy what can be considered truly redundant farm buildings ie over 30 years old and do not appear to have any use for agriculture. As long as conditions such as no working or storage to be done outside, and a there is a limitation on the number of hours worked ie Monday to Friday 9am - 5pm and Saturday 9am - 1pm and no working on a Sunday we have no issue with these uses.

SCOTTS FARM: Objection. We object to the application on the grounds that storage already exists for grain but is currently used for other purposes other than farming. We also object as additional heavy vehicle traffic in Little Laver Road is already increasing with damage to the verges and the tracks of the vehicles are no longer confined to the metalled surface. The fire hydrant cover on the corner of Little Laver Road and Church Road has been damaged by lorries as has the country signpost.

The road is now unsafe for residents to travel on as there are no passing places to facilitate large lorries and is frightening for me when I have to collect my grandchildren from school only to have to back up a long way down a narrow road to get out of the way of a lorry facing me.

PARISH COUNCIL: The Parish Council supports this application.

Issues and Considerations:

The main issues to consider relate to potential impact on the open character of the Green Belt and the planning history of the site.

Green Belt

This current raft of planning applications at this site followed an original proposal to construct a grain store at Newhouse Farm (EPF/2517/11). Epping Forest is a largely rural district where such applications are common place and generally receive approval without much contention, and the Local Planning Authority is happy to support and promote local farming enterprises. The original proposed development however uncovered unauthorised activity at the farm and as such this application is more complex than originally envisaged. Officers have recommended that the retrospective application to reuse a number of buildings at the site should, on balance, be granted consent. The concerns and reservations of local neighbours are understandable and not without solid foundation. However this is the recommendation having regard to all material considerations.

The case for further grain storage space put forward by the applicant is that a change in farming practices (organic to conventional) would provide a much greater yield. The services of an Agricultural Consultant, employed by the Council, have been very useful in addressing the case made by the applicant. His submission confirms that this change would result in the farm producing a much greater yield. The fact that greater storage at the farm is needed is therefore accepted. The core issue therefore has been; were the buildings which have been put to other uses suitable to meet this need? Could they be adapted to meet the need? This is an issue which has been considered by a number of consultants, both planning and agricultural.

The objector's agent has made some observations with regards to the issue of the grain store. The agent firstly casts aspersions on the failure of the organic business and why in the midst of this failure further buildings were constructed. He states that independent evidence should be sought. It is not considered that the issues with organic farming would necessarily prevent a farmer from constructing more agricultural buildings. These are not small enterprises. It is fair to assume that the demise of one farming enterprise can be replaced by another, as in this instance. Independent evidence does suggest a much greater yield and the construction of further buildings at the site, notwithstanding their current use, do not clearly point to foul play. Aerial photographs do suggest the buildings were used for cattle housing and the Council's Agricultural Consultant confirms that organic farming requires the need for cattle. Officers do not accept that the construction of further buildings clearly points to an ulterior motive.

The issue of adapting buildings 5, 6 or 7 has rightly been raised. Again the view of the retained Agricultural Consultant is of real value.

Building 7's lean to additions were built to house cattle. Even to the untrained eye and particularly with the aid of comments received it is clear that these additions were not suitable for grain storage. It appears these buildings would have been more suitable for ancillary storage for such things as farm machinery, but the application for the machinery store (Building 5) followed soon after the approval of the lean to's. On any site visits by Officers or Members this building has appeared to be in use for farming purposes. The conditions suggested to be attached to applications EPF/2404/12 and EPF/2405/12 will guard against alternative uses of this building without prior approval. It is noted that building 5 has been constructed in the wrong position than that shown on the approved plans. The building is now potentially time immune from enforcement action and if not, it would not be in the public interest to take enforcement action as it was appropriate agricultural development. The use of these two buildings for grain storage has been fully assessed and they have been found unsuitable for grain storage and as such can generally be discounted.

Building 6 has proved to be the structure of most contention and the one that, on the face of it, appears suitable for grain storage. This building was constructed as a facility for cattle. Although it can't be corroborated as this building, the submission from the agent includes a photograph of an open sided cattle shed. The neighbour's agent, whilst highlighting the issue of cost, rightly asks the question; could this building be adapted for grain storage and thus negate the need for further encroachment into the Green Belt?

The Agricultural Consultant has addressed this point and notes that this building appears the more suitable for adaption. The comments received with regards to building 6 are recorded below but Members are advised to read the report available on the website in full.

"Adaption of the building (excluding a grain drying floor) would involve removal of the side cladding on all four sides in order to install grain walling up to say 2.5 or 3m in height. Although the stanchions to the building are substantial (approx.. 325mm x 120mm) the insertion of additional steel uprights might well be found necessary. With new intermediate steel stanchions the installation of pre- stressed concrete panels, the most effective grain walling currently available, or the less effective profiled steel walling could be achieved but would not be entirely straight forward. It is possible there could be some loss of storage space as the new panels would have to pass on the inside of the existing steel stanchions. Conversion would also require the installation of roller shutter doors to the gable end and work to ensure the side cladding was properly sealed against the new thrust walling.

On completion the building would need to be bird and rodent proof and meet the requirements of the Home Grown Cereals Authority for the production of assured combinable crops. Assuming

conversion was carried out along these lines and without the addition of a drying floor then a storage capacity of some 1,000 tonnes may be achievable.

I understand this building was already second - hand when it was purchased and erected at Newhouse Farm. Nevertheless, in some circumstances this could be a cost effective option particularly for short term storage without the installation of drying floor and fans.

However, it has to be borne in mind that the building has limitations in respect of its eaves height, which will restrict the flexibility and use of tipping trailers and would therefore involve additional handling of grain in order to effectively utilise the full capacity of the store. If a drying facility was required to allow for longer term storage then its installation on top of the existing concrete floor, assuming this is adequate to take the loading, would involve the loss of a further 300mm or thereabouts of eaves height. The eaves height is only 4.62m and the ridge height 7.32m (not 6m to eaves and 8.68m to ridge as shown on the planning consent drawings ref: EPF/024/2005), which is significantly less than the 7.5m eaves height and 10.2m ridge height proposed for the new grain store.

The use of the tipping trailer to its full height of approximately 7m - 7.5m is likely to be quite restricted and should a central air duct be installed to facilitate on floor drying, as with the existing grain store, then the use of tipping trailers would be further reduced. These are potentially serious limitations, given the investment required and the alternative of a new purpose designed building”.

It should be noted that the Council's Consultant looked at all the applicant's landholding and buildings and found the use of buildings at High Laver Hall as impractical. Our consultant concludes that the conversion of this building, although not without its complications and significant cost, is possible, but that a new purpose built building is clearly the best and most practical solution for the applicant in terms of providing storage for grain at the site and notwithstanding other considerations. The reuse of this existing building would have clear benefits with regards to the open character of the Green Belt. Members may feel that there are clear grounds to refuse further built form at the site, or that what has occurred has been a genuine response to changing circumstances at the holding and as such a new grain store is warranted. The Parish Council has no objection to this proposal and indeed supports the case for a new grain store.

The applicant's agent draws attention to an appeal decision in this district which raised similar characteristics to this site. In this case an Inspector was of the view that an existing building at the site was not readily reusable for grain storage and the cost of bringing it up to modern grain handling requirements was a compelling factor against such a course of action. The eaves height was considered impractical for facilitating modern grain handling equipment. There is therefore a decision precedent in the district of the reuse of buildings requiring adaptation being undesirable. It is of course a well established principle of planning that each decision is decided on its own merits and it is the view of officers that a refusal of this application could be substantiated. The expert advice is that Building 6 could be altered to suit grain storage requirements, although not without difficulties. Members must therefore decide: is the best course of action to refuse this application, therefore requiring the applicant to pursue the reuse of Building 6 as an option for storage. This would have clear benefits with regards to preserving the Green Belt. Or is the grain store justifiable and its impact controllable to some extent by conditions. It is the view of officers that, notwithstanding other material issues, a new building within the central core of this farm is justifiable. This is a finely balanced decision and a case for refusal can also be clearly made.

A further issue is whether this is the best place to position any new building. An area to the north of the Cube Joinery building (3A) is open with the plans indicating it is used for the storage of plant and machinery, and that there are overhead power lines. The applicant has received permission for a large facility to store agricultural plant and machinery and it is not considered the overhead power lines would restrict a building here. It appeared on the site visit that this piece of land was

being used for other forms of storage unconnected to farming and the siting of the building here is an option. One concern is that the building being so close to Little Laver Road, and the residential properties on the other side of the road, is that the noise from the industrial drying equipment and the movement of machinery would further infringe on amenity. The current building would involve further encroachment into the Green Belt, however this must be balanced against the amenity issue. Suitable screening conditions would reduce the impact and the building would be judged as one of a cluster of large farm structures. The proposed development would have no impact on highway safety and would not affect any sites of importance thus complying with Policy GB11. The view is that its position at this location can be supported.

The site is within an Epping Forest Floodzone and the advice from the Land Drainage section is that a Flood Risk Assessment is necessary.

Suggested Conditions/Class 6 Permitted Development Rights

The submitted figures suggest that even with this building there may be a shortfall of storage at Newhouse Farm for grain. There may therefore be pressure for further buildings. A consideration of this proposal suggests it may qualify as agricultural permitted development allowed pursuant to applications under Part 6 of the GDPO. It may also be the case that further development at the site qualifies as development permitted under Class 6. The issue of whether it is reasonable and necessary to remove such permitted development rights is an issue which must therefore be addressed. The plan enclosed in the agents Design and Access Statement gives some idea of the land that the applicant owns. It is disproportionate to remove permitted development rights for this size of a holding. There is the further point that a farm holding of this size keeps swathes of the Green Belt open, one of the core reasons of maintaining a Green Belt. Any removal of permitted development must be relative to issues with regards to unauthorised development at Newhouse Farm. Members may feel that there is some benefit in restricting future development at the site; in which case a plan showing a designated area would have to be agreed with Officers prior to a decision being issued. Such a restriction would not prevent future development at Newhouse Farm but it would give the Local Planning Authority some level of control and input, and appropriate conditions could be put in place. Such an approach would be reasonable. The applicant has buildings at the site which could be potentially converted for grain storage and therefore to permit further development should be with this restriction in place.

Conclusion:

This proposal for a grain store is considered a balanced case. The concerns of neighbours are noted and deemed reasonable issues to raise. It is recognised that some of the built form on the site is capable of conversion for grain storage. However this would not be a straightforward process and limitations have been highlighted in the submission from the Agricultural Consultant. The case for a new grain store is therefore accepted subject to a number of restrictions. This includes that the building is only used for agriculture and that if this use ceases the building is demolished and the land made good. The issue of the removal of Part 6 permitted development rights is also deemed reasonable for a given area around the farmyard, to be agreed with the applicant. It is therefore recommended that the application is approved with conditions.

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

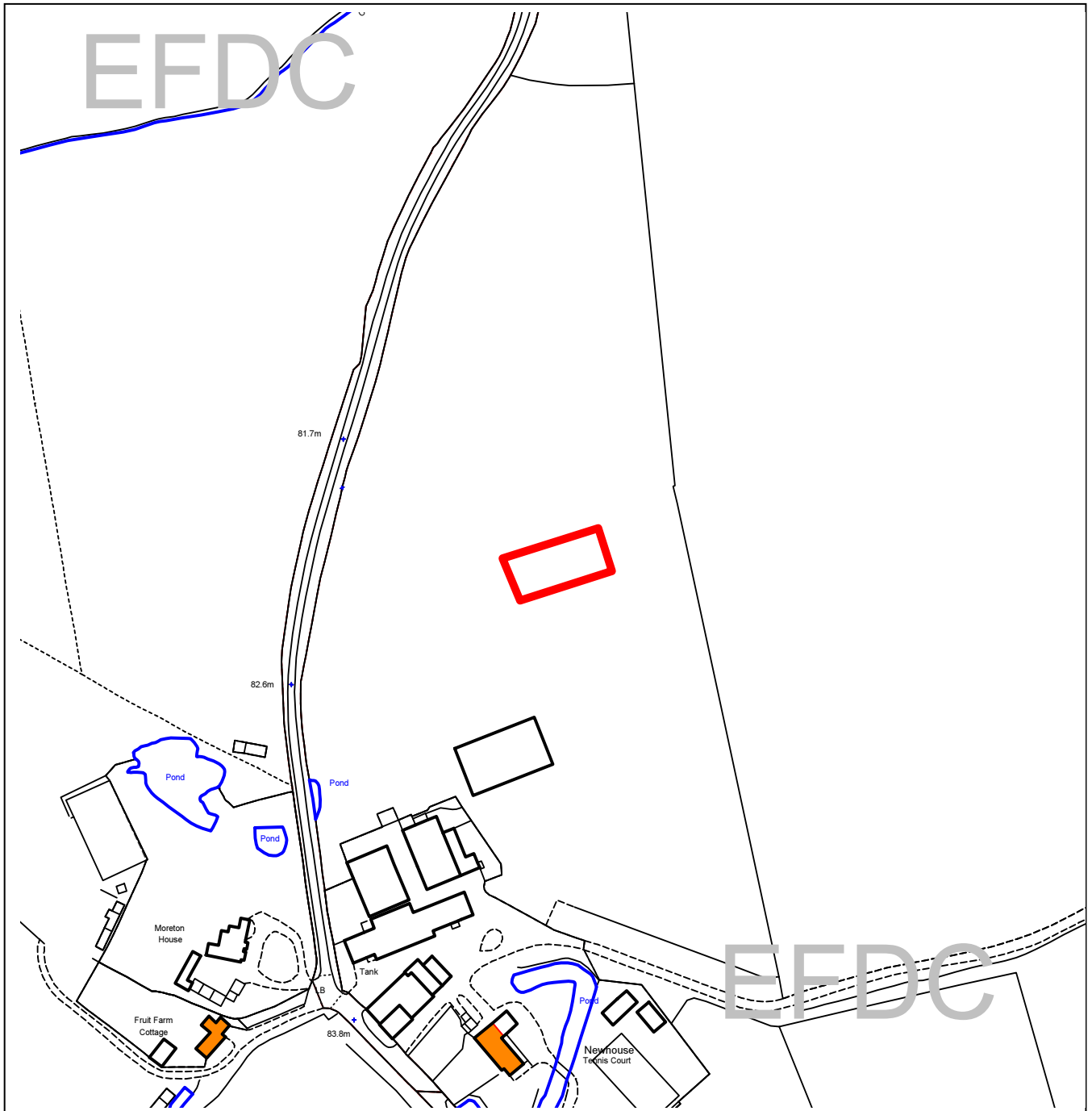
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/2406/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500