

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 18th May, 2016**

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

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 18th May, 2016**
at **7.30 pm** .

Glen Chipp
Chief Executive

Democratic Services
Officer

A. Hendry Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors Y Knight (Chairman), A Mitchell (Vice-Chairman), R Bassett, R Butler, D Dorrell, R Gadsby, L Hughes, H Kane, S Kane, J Lea, M Sartin, G Shiell, S Stavrou and E Webster

WEBCASTING/FILMING NOTICE

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

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

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

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

1. WEBCASTING INTRODUCTION

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

2. The Chairman will read the following announcement:

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

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

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

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

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 7 - 16)

To confirm the minutes of the last meeting of the Sub-Committee held on 13 April 2016.

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

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

7. DEVELOPMENT CONTROL (Pages 17 - 78)

(Director of Governance) To consider the planning applications set out in the attached schedule

Background Papers

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

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

8. PROBITY IN PLANNING (Pages 79 - 120)

(Director of Governance) To consider the attached report and appendices.

9. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

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Advice to Public and Speakers at Council Planning Sub-Committees

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 Sub-Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. 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.

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

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

The Sub-Committee 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'

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 13 April 2016
West

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.31 pm
High Street, Epping

Members Present: Y Knight (Chairman), A Mitchell (Vice-Chairman), R Butler, D Dorrell, R Gadsby, L Hughes, H Kane, S Kane, J Lea, M Sartin, G Shiell, S Stavrou and E Webster

Other Councillors:

Apologies: R Bassett

Officers Present: J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)), A Hendry (Senior Democratic Services Officer) and R Perrin (Democratic Services Officer)

51. WEBCASTING INTRODUCTION

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

52. WELCOME AND INTRODUCTION

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

53. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 16 March 2016 be taken as read and signed by the Chairman as a correct record.

54. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Stavrou declared non-pecuniary interest in agenda items 7 (1) (EPF/3229/15 Pipers Farm, Lippitts Hill, Waltham Abbey) by virtue of knowing the agent and applicant and living near the site. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Stavrou declared a non-pecuniary interest in agenda items 7 (2) (EPF/0152/16 Shottentons Farm, Pecks Hill, Nazeing) by virtue of knowing the agent for the application. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Webster declared a non-pecuniary interest in agenda items 7 (1) (EPF/3229/15, Pipers Farm, Lippitts Hill, Waltham Abbey) by virtue of having family connections who own mobile parks. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(d) Pursuant to the Council's Code of Member Conduct, Councillors Sartin, Stavrou and Gadsby declared non-pecuniary interests in agenda items 7 (3) (EPF/0229/16, Mascot, Darby Road, Roydon) by virtue of being members of the Lea Valley Regional Park Authority. The Councillors declared that their interests were not prejudicial and indicated that they would remain in the meeting during the consideration and voting on the item.

55. ANY OTHER BUSINESS

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

56. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 3 be determined as set out in the annex to these minutes.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/3229/15
SITE ADDRESS:	Pipers Farm Lippitts Hill Waltham Abbey Essex IG10 4AL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Demolition of Existing Equestrian Buildings, Construction of 2 No. New Dwellings and Conversion of the Existing Stable, Tack Room & Grooms Quarters to Form 3 Bedroomed Dwelling and Associated Works.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581442

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: 1508/01, 1580/02, 1580/03, 1580/05, 1580/06, 1580/07, 1580/08
- 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 by the Local Planning Authority, in writing. 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 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

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

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

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

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

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

maintenance programme shall be implemented.

9 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

10 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

11 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

12 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 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 14 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 15 A flood risk assessment and management and maintenance plan shall be submitted to and approved 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 tools. 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.
- 16 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 17 No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to EFDC.
- 18 Details of provision of alternative nesting habitats in the form of nest boxes, particularly designed to accommodate house sparrows, shall be submitted to EFDC for approval in writing and the agreed scheme shall be fully implemented prior to the first occupation of the development.

- 19 As a precautionary measure, the removal of roof tiles and other potentially vulnerable features of the buildings noted to be soft stripped under the supervision of an experienced bat worker who will provide written confirmation to EFDC that no bats will be harmed and that appropriate measures are in place in the unlikely event of a bat being found.
- 20 A site plan/method statement shall be submitted to EFDC for approval and include:
i) Details of the lighting associated with the proposed development including UV content, directional illumination, hoods etc.
ii) Details of type 1 bitumen felt for lining of the new houses
iii) Details of bat boxes and bat-friendly landscaping
iv) Details of hedgehog-friendly fencing if appropriate
v) Details of procedure during the construction phase for any open trenches (that they should be covered or have badger ramps inserted during the night)
The works shall be completed in accordance with such agreed details.
- 21 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 22 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 23 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

Report Item No: 2

APPLICATION No:	EPF/0152/16
SITE ADDRESS:	Shottentons Farm Pecks Hill Nazeing Essex EN9 2NY
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Erection of 12 x 1 bedroom accommodation units in two blocks for occupation by horticultural workers.
DECISION:	Refer to District Development Management Committee

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582033

Members decided to refer this application to District Development Management Committee with a recommendation to Grant Permission (With Conditions)

Report Item No: 3

APPLICATION No:	EPF/0229/16
SITE ADDRESS:	Mascot Derby Road Roydon Harlow EN11 0BG
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	Demolish existing detached garage and erect new part single storey side and rear extension.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582193

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 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 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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AREA PLANS SUB-COMMITTEE 'WEST'

18 May 2016

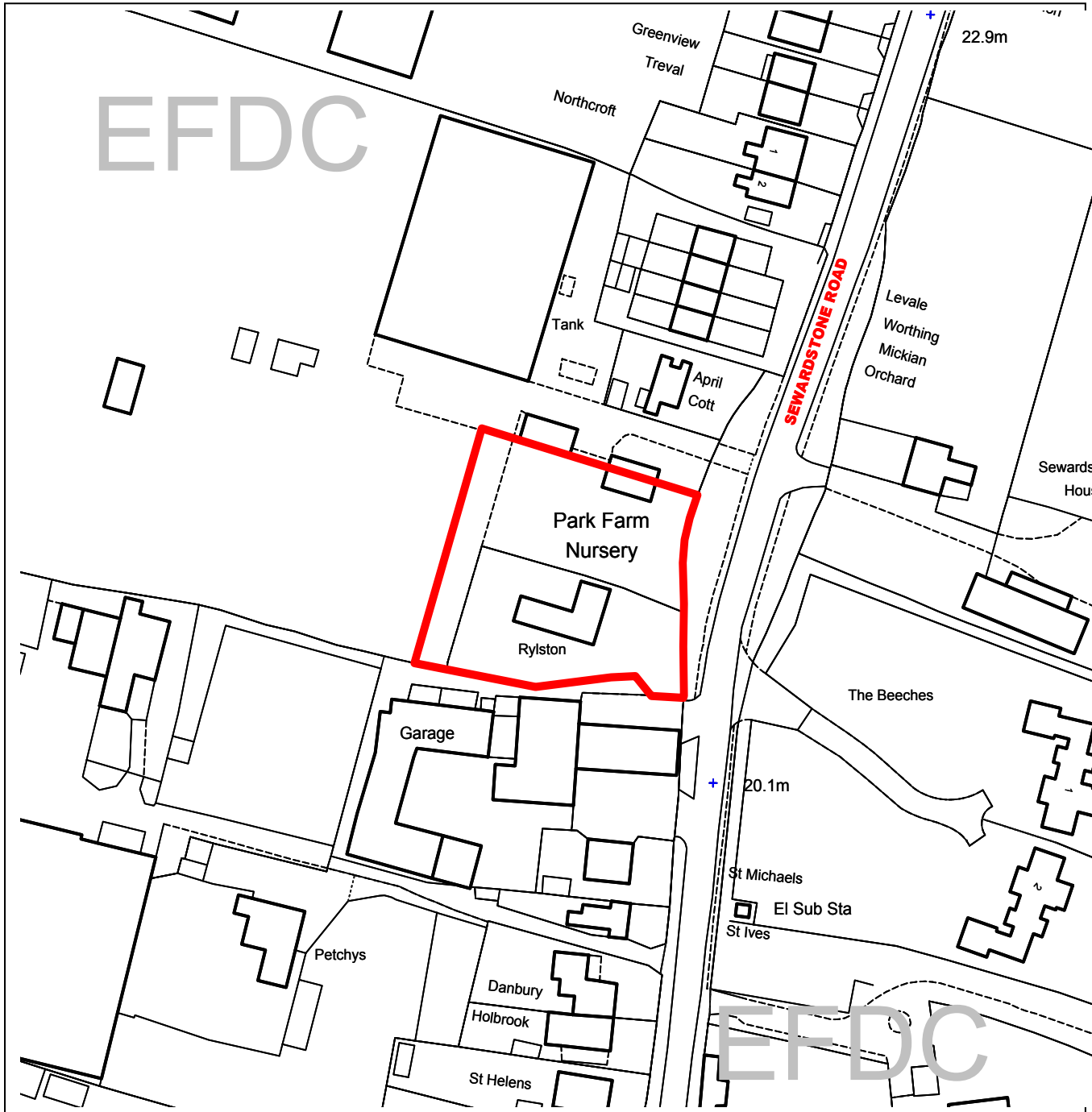
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/0099/16
Site Name:	Rylston, Sewardstone Road, Waltham Abbey, E4 7RF
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/0099/16
SITE ADDRESS:	Rylston Sewardstone Road Waltham Abbey Essex E4 7RF
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Mandeep Binning
DESCRIPTION OF PROPOSAL:	Demolition of two existing dwellings and the erection of four pairs of semi-detached dwellings, (eight new properties in total) with ancillary access and car parking.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581934

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: 664-04, 664-05, 664-06, 664-07, 664-10 Rev: E, 664-11
- 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor

artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved 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.
- 9 No development shall commence until a Phase 1 ecological survey has been submitted to and agreed in writing by the Local Planning Authority, along with any subsequent further surveys that may be required. The development shall be carried out in compliance with all recommendations within these surveys.
- 10 The parking and turning areas shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 11 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 12 There shall be no discharge of surface water onto the Highway.

- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 15 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 16 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that

follows]

- 17 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 18 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 19 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 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

And the completion by the 31th May 2016 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement to secure a financial contribution of £60,000 towards affordable housing. In the event that the developer/applicant fails to complete a Legal Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d))

Description of Site:

The application site is located in a ribbon of development along the main Sewardstone Road. The site includes two detached buildings to the front, one of which benefits from a Prior Approval permission to add extensions, and a single storey outbuilding towards the rear. The wider site includes a large number of both individual and area TPO's. The site is in the Lea Valley Regional Park and in close proximity to the River Lea. The road contains a mix of both commercial and residential uses. The neighbouring site to the south is occupied by a petrol station and the northern plot by a residential property. The former glasshouse to the northwest recently obtained

retrospective consent for use as commercial storage. The entire site is within the boundaries of the Metropolitan Green Belt.

Description of Proposal:

The applicant seeks consent to demolish the two existing dwellings and outbuilding and erect four pairs of semi-detached dwellings with ancillary access and car parking. Each of the proposed pairs of dwellings would measure 10.5m in width and a maximum of 13.4m in depth. They would all have pitched roofs with front gable projections and rear hipped projections and would reach ridge heights of 8.1m.

The dwellings would all be three bed houses with private rear gardens and an off-street parking space within each front garden. Ten further parking spaces would be provided on the opposite side of the proposed roadway. Vehicular access to the site would be via the existing access road with a new pedestrian access directly off of Sewardstone Road. The remainder of the front green area, part of which appears to be outside of the application site, would be retained as open space.

Relevant History:

EPF/1454/11 - Erection of 12 no. 3 bed Chalet Bungalows – refused 22/09/2011

EPF/0298/14 - Erection of one detached dwelling and garage, with ancillary works, and demolition of existing houses – withdrawn 14/04/2014

EPF/1445/14 - Prior notification application for a 8 metre deep single storey rear extension, height to eaves 2.8 metres and overall height of 3 metres – prior approval not required 17/07/2014

EPF/0012/15 - Erection of two detached dwellings, with ancillary works, and demolition of existing houses – approved/conditions 02/03/15

Policies Applied:

CP1 - Achieving sustainable development objectives

CP2 - Protecting the quality of the rural and built environment

CP3 - New development

GB2A - Development in the Green Belt

GB7A - Conspicuous development

H3A - Housing density

H5A - Provision for affordable housing

H7A - Levels of affordable housing

H8A - Availability of affordable housing in perpetuity

DBE1 - Design of New Buildings

DBE2 - Effect on Neighbouring Properties

DBE4 - Design in the Green Belt

DBE6 - Car parking in new development

DBE8 - Private amenity space

DBE9 - Loss of amenity

LL10 - Provision for Landscape retention

LL11 - Landscaping Schemes

RST24 - Design and location of development in the LVRP

ST1 - Location of development

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.

Consultation Carried Out and Summary of Representations Received:

19 neighbours were consulted and a Site Notice Displayed.

TOWN COUNCIL – No Objection. Whilst the committee had no objection in principle concerns were raised with regard to road safety bearing in mind there are potentially more than 16 vehicles parking. Concerns were also raised that the development appears to be outside of the site boundary line. The committee also supported the requirement for a full Archaeological Survey.

Issues and Considerations:

The main issues to consider relate to the appropriateness of the development in the Green Belt and in this location generally, affordable housing considerations, with regards to the design and character of the area, the impact on neighbouring amenities, and regarding highway considerations.

Green Belt:

The proposed development is to remove the two existing dwellings from the site and erect eight new houses. Whilst the erection of buildings constitutes inappropriate development within the Green Belt the National Planning Policy Framework provides a list of exceptions to inappropriate development. This includes:

- *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Although the proposed development would replace the existing dwellings with new dwellings the provision of eight houses in place of two would not accord with the exception of “*the replacement of a building*” and would be materially larger than the existing built form on the site. Similarly, although the site constitutes previously developed land and therefore could be redeveloped the proposed new houses would have a footprint of some 562m² compared to the existing dwellings and outbuilding that have a combined footprint of 270m². As such the proposal would result in over 100% increase in floor area and likely far greater in volume (since the proposal relates to two storey dwellings to replace the existing single storey bungalows). Therefore the proposal would not meet these exceptions to inappropriate development.

The applicant has made the case that the proposed development would not be materially larger than the previously approved scheme ref: EPF/0012/15 for two large dwellings (being approximately 27% larger in volume) and would actually result in a 5% reduction in footprint. Whilst the previously approved scheme is a material consideration and the relative difference between this proposal and that granted consent under EPF/0012/15 weighs in favour of the proposal the presence of this permission, as opposed to the physical buildings on site, would not allow for this proposal to comply with the above exceptions since the buildings to which the proposal would replace are the existing bungalows not the approved new dwellings.

With regards to the exception of ‘limited infill’ the Council accepts that Sewardstone Road is an area that could cater for additional infill properties due to its size and layout. Although this

settlement does not have much in the way of facilities (these being limited to a petrol station with associated shop and two public houses) and therefore would not necessarily constitute a 'village' an appeal decision in 2013 allowed for an infill development at nearby Sewardstonebury, which is served by even less facilities and would similarly not meet the true definition of a village.

This particular application site is located within the main linear section of this settlement and is bordered to the north by residential dwellings and to the south by the petrol filling station with dwellings beyond. To the east, on the opposite side of Sewardstone Road, is a collection of detached dwellings and to the northeast is the former nursery that has recently been granted retrospective consent on appeal for commercial use.

The two existing bungalows benefit from far larger plots than the dwellings to the north and south and are more akin in size to the sporadic detached dwellings on the eastern side of Sewardstone Road. Due to this the proposed intensification of use of this site would provide a greater number of dwellings in plots similar in size to those to the north and south and would create a suitable 'infill' between April Cottage and the dwellings to the north and the petrol station and dwellings to the south. This, combined with the size of the proposed dwellings in comparison to the previous approved extant consent, would ensure that the proposal would meet the exception of 'limited infill' and therefore would not constitute inappropriate development harmful to the openness of the Green Belt.

Location of site:

There have been longstanding concerns about the sustainability of this settlement with the most recent example being the refusal for outline consent for the erection of 72 dwellings at the Former Haulage Yard, Sewardstone Road (EPF/1556/14). The subsequent appeal against the refusal was dismissed by the Planning Inspectorate in part due to the unsustainable location. Within the decision letter the Inspector stated:

It seems to me that there are limited opportunities for those committed to using sustainable modes of travel or that rely on such means to access some services and facilities in this way. However, access to many day to day facilities such as schools, hospitals and employment centres would require a lengthy or convoluted journey. I heard from local people that the existing bus services and facilities were not adequate and that elderly or immobile people find it very difficult to meet their day to day needs. In my view, the site cannot be seen as a location for residential development on this scale that is sustainable in accessibility terms. The distances from, and options for reaching day to day services and facilities, are likely to discourage sustainable patterns of movements and would instead lead to a reliance of private cars.

This would be contrary to the objectives of the Framework; as well as Policies CP1, CP3, CP6 and CP9 of the LP which, amongst other things, seek to minimise the impacts of development on the environment, reduce reliance of private cars, reduce commuting, ensure access by sustainable means of transport and generally promote sustainable patterns of development. This matter weighs against the grant of planning permission and I attach it significant weight.

One of the key differences between this proposal and the above example is the size of the development. Whilst the Planning Inspector stated that "*the site cannot be seen as a location for residential development **on this scale** that is sustainable in accessibility terms*" the proposed development on the application site is for eight properties to replace two existing dwellings and therefore would result in just six additional dwellings. Planning consent was granted in June 2015 for the conversion and redevelopment of Netherhouse Farm, Sewardstone Road into sixteen new dwellings despite this being considered an unsustainable location.

It is clear that the proposed development would constitute an unsustainable form of development that would result in an increase in vehicle commuting, contrary to the guidance contained within the National Planning Policy Framework and Local Plan policies CP1, CP3, CP6 and CP9. However the relatively low number of additional dwellings is a material planning consideration that lessens, although does not completely overcome, the harm from this.

Whilst the National Planning Policy Framework and Local Plan promotes sustainable forms of development and encourages new development (particularly housing development) to areas with good public transport links a recent appeal decision at North Weald Golf Club was allowed for the erection of 20 flats. The sole reason for refusal on this scheme was sustainability, with the main issue being the lack of alternative sustainable transport options. Within the decision letter the Planning Inspector recognises that the site is not within a sustainable location however concluded that this issue alone is not sufficient to outweigh the benefits of the scheme, including the social benefits of "*providing a supply of housing to meet the needs of present and future generations*".

Affordable housing:

Since the application site constitutes previously developed land outside of a settlement with a population of greater than 3,000; is larger than 0.2 hectares in area; and proposes more than two dwellings, Local Plan policy H6A requires affordable housing to be provided. As laid out within Local Plan Policy H7A 50% of the proposed development would therefore need to constitute affordable housing.

The application has been submitted with a Valuation Report, which has been independently assessed This has resulted in a discussion and agreement that a £60,000 financial contribution will be made towards affordable housing, which would be agreed by way of a Unilateral Undertaking.

Design:

The dwellings are relatively standard and inoffensive in design and layout. Whilst the properties would be fairly uniform (albeit each pair being mirrored by the next) there is an attempt to introduce some visual difference through design details (i.e. the use of a skirt roof on the two end houses) and the use of materials.

The properties along Sewardstone Road vary greatly in terms of size, layout and overall design and whilst many of the dwellings to the north are single storey bungalows there are nonetheless several examples of two storey dwellings within the vicinity. As such the proposed dwellings would not be detrimental to the character and appearance of the street scene and wider area.

The proposed dwellings would each be 3 bed 5 person two storey houses and as such the Nationally Described Space Standard requires a minimum gross internal floor area of 93m². The new houses would each have gross internal floor areas of 112m² and therefore exceed these minimum standards.

Amenity:

Given the location of the new dwellings and the separation from the neighbouring properties the proposed development would have no material impact on the amenity of adjoining residents.

Highways and Parking:

The Highways Authority required some amendments to the originally submitted scheme, which were undertaken and reconsulted on. Despite the comments from the Town Council there is no objection to the scheme from the Highways Authority, subject to conditions.

The Essex County Council Parking Standards require two off-street parking spaces for each of the dwellings along with two visitor spaces. Each of the proposed properties would be served by a single parking space within their front garden plus a parking space on the opposite side of the new roadway. There are also two visitor parking spaces included within this parking area.

Other considerations:

Trees and Landscaping:

There are some trees on site protected by Tree Preservation Orders. The submitted tree reports demonstrate that it is possible to develop as proposed without a detrimental impact on the trees. Conditions relating to tree protection and hard and soft landscaping are nonetheless considered necessary.

Land Drainage:

The application site lies within an EFDC flood risk assessment zone but is not within an Environment Agency Flood Zone 2 or 3. Whilst the applicant has provided a flood risk assessment with the application, the findings of which are agreed in principal, in order to approve a suitable flood risk assessment further details are required. These details should include revised calculations for the storage to provide for the whole site rather than just the increase in impermeable area, a percolation test to ensure that the volume of storage provided is suitable for the infiltration rate on site, further details of the permeable paving system and a drainage plan in addition to the necessary cross sections of the proposed drainage system. These can be sought by way of a condition.

The scheme proposes to dispose of foul sewage by main sewer however there have been a number of issues with the current drainage system on the site. Therefore further details are required by way of a condition. It is proposed to dispose of surface water by sustainable drainage system. Further details of this are required.

Ecology:

There are no ecological objections subject to the carrying out of a Phase I Ecological Survey prior to the commencement of works.

Contaminated Land:

Due to its former use as a horticultural nursery there is the potential for contaminants to be present on site and therefore the standard contaminated land conditions are necessary.

Archaeology:

The application has the potential to impact on historic environment assets. There are known archaeological remains of Roman date in the adjoining Northfields Nurseries, which are indicative of a possible villa site. The full extent of these is not known and it is possible that the proposed development could impact on this site. As such a programme of archaeological work would need to be secured by condition.

Conclusions:

The proposed redevelopment of this site would be a 'limited infill' and would not be significantly larger than the two detached houses previously granted consent under EPF/0012/15. Therefore this proposal would not constitute inappropriate development harmful to the Green Belt. The design and layout of the new dwellings would not be detrimental to the character and appearance of the streetscene or the amenities of surrounding residents and the scheme would be served by adequate off-street parking provision. Whilst no on-site affordable housing is proposed a financial contribution of £60,000 has been agreed towards off-site affordable housing.

The key factor weighing against the scheme is the unsustainable location of the site, which has been determined in previous applications and appeals within this settlement. Nonetheless it is considered that, given the scale of this proposal which would result in just six additional houses on the site, this issue alone would not be sufficient enough to outweigh the benefits of providing additional housing within this relatively built up settlement. As such it is not considered that this matter would warrant a refusal of the proposed scheme.

Due to the above the proposal is considered to generally comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended that approval, subject to conditions and the completion of a Legal Agreement.

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***

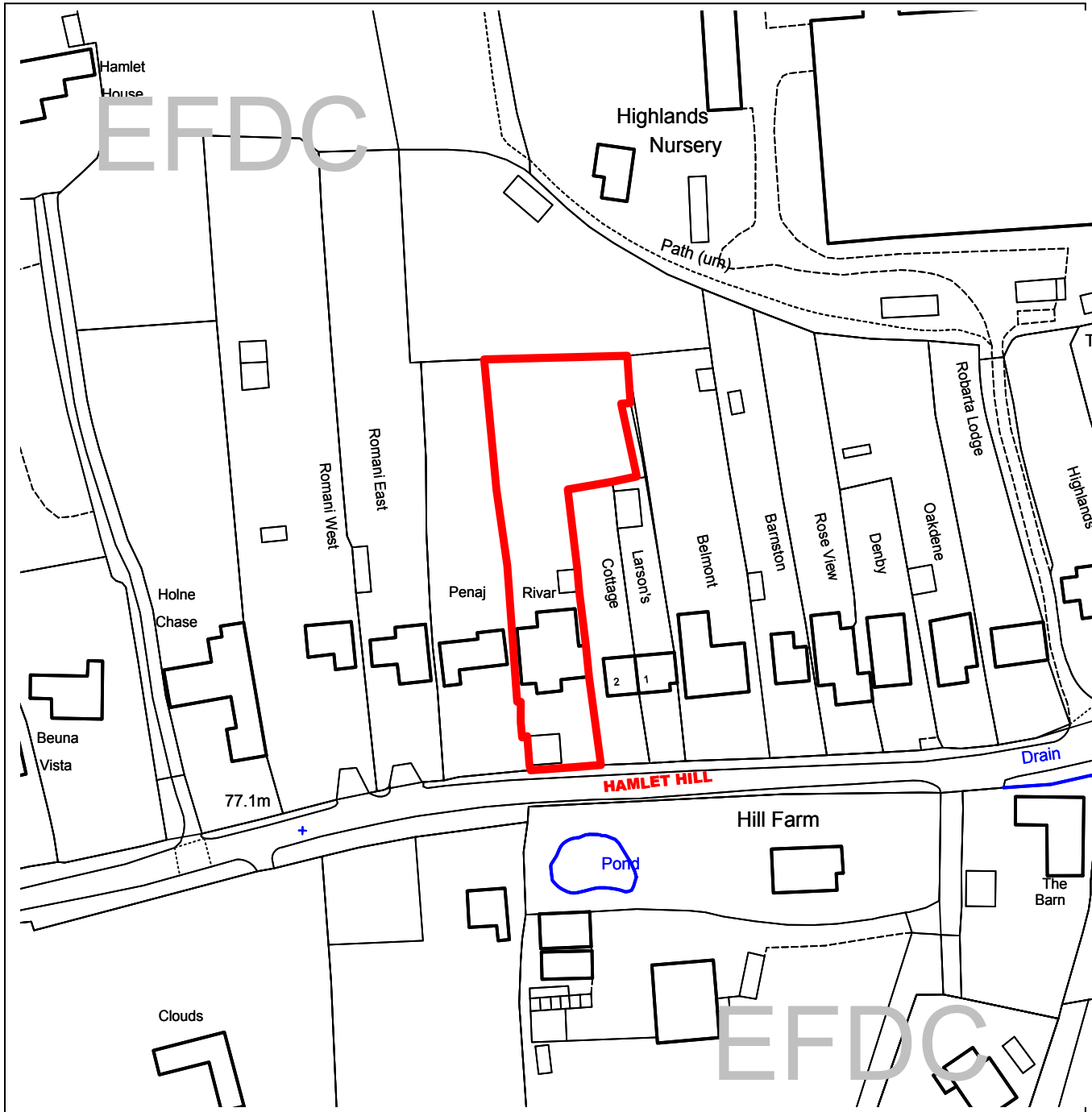
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/0319/16
Site Name:	Rivar, Hamlet Hill, Roydon, CM19 5JU
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0319/16
SITE ADDRESS:	Rivar Hamlet Hill Roydon Harlow Essex CM19 5JU
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr John Turvill
DESCRIPTION OF PROPOSAL:	First floor rear extension and alterations to ground floor rear and side windows.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582438

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1699.01.01, 02, 03, 04, 05, 06, 07. Site Location plan and Planning Application Support Document.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

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: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is located within a ribbon of development to the north of Hamlet Hill and contains a two storey detached dwelling in a relatively narrow plot with a deep rear garden typical of the surrounding properties fronting the highway. The surrounding dwellings are also detached and two storey in nature. The front boundary is demarcated by a wall with central gates which enclose a private driveway. A single storey garage is located in the south eastern corner of the site adjacent to the highway. The site forms part of the Metropolitan Green Belt but is not part of a Conservation Area.

Description of Proposal.

Planning permission is sought for the erection of a first floor rear extension and alterations to the ground floor rear and side windows.

The proposed first floor rear extension will project 3.3m in depth, is 9.25m wide and is 3.3m at the ridge height of the hipped roof structure and sits below the existing dormer windows which will remain unaltered. The location and width of the existing fenestration will remain unchanged however the height of the proposed windows within the first floor addition will be increased to provide Juliette balconies to each window. No new windows are introduced within the flank elevations of the first floor addition.

The dimensions of the existing ground floor extension will remain the same however, the introduction of full length glazed bi-folding doors are included within this proposal. Minor alterations are proposed within the south eastern elevation which include the relocation of an existing side door and the infilling of two side windows.

Relevant History:

EPO/0028/59 - 2 DETACHED HOUSES – Conditional Consent, PD rights removed.

EPF/0364/87 - Single storey rear extension – Approved.

EPF/0610/94 - Loft conversion (bedroom and en-suite bathroom) – Approved.

EPF/0457/98 - Erection of a detached double garage – Approved.

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP6 – Achieving sustainable urban development patterns

CP7 – Urban form and quality

DBE2 – Effect on neighbouring properties

DBE3 – Design in urban areas.

DBE9 – Excessive loss of amenity to neighbouring properties

DBE10 – Residential Extensions

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

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 NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations received:

Neighbourhood consultation letters were sent to Penaj, White Webb, Mobile Home Castle Farm, Hamlet Hill Farm, Mobile Home 1 Hamlet Hill Farm, 1 & 2 Larsons Cottage, Neverest Farm, Larsden Villas, Belmont, Highlands Nursery. No neighbourhood comments were received.

PARISH COUNCIL

Roydon Parish Council comments refer to:

“overdevelopment”

Issues and Considerations:

The main issues that arise from this application relate to the principle of development, the design and impact upon the Green Belt, the host dwelling, residential amenity and the responses of consultees and neighbours.

Principles of development within the Green Belt:

When addressing the impact of a proposal upon the Green Belt it is essential to consider the combination of the height, bulk, scale and overall volume of the development in relation to the setting and orientation of surrounding structures and dwellings and the combined impact of these factors upon the openness of the Green Belt.

Policy GB2A states that limited extensions can be appropriate development with the Green Belt however attention must be paid to the overall increase in volume created by any additions. The existing dwelling benefits from a large single storey rear extension and three small rear Dormer windows. The existing additions have increased the volume of the existing dwelling by approximately 50%. The proposed first floor extension will increase this volume by a further 10%. Increases in volume of 60% may be acceptable if the proposed development will not have a significant visual impact. In this instance this siting and orientation of the proposed development is key.

Rivar is accessed directly from Hamlet Hill which is a busy highway. The proposed first floor extension is located to the rear of the dwelling house and cannot be viewed from Hamlet Hill. The surrounding area is both residential and commercial in nature with residential dwellings on either side of the subject site, and area of open green space to the rear and Highlands Nursery and fruit and vegetable wholesaler is located within the Green Belt to the immediate north east. Due to the context of the site and its orientation it is considered that a further 10% increase in volume would be an appropriate form of development within this area of Green Belt. This issue would be further mitigated by the boundary treatments surrounding the site which are a mixture of 1.8m high walls, fencing as well as mature trees and shrubs which define many of the surrounding boundaries. This type of boundary definition is both evergreen and permanent and can be considered to provide an appropriate screening of a permanent structure within the Green Belt. The additional volume would not increase the visual impact of the host dwelling from vantage points in the surrounding Green Belt or impact upon the openness and character of the Green Belt. As such, it is considered that the proposal conforms to policy GB2A and GB7A.

Design

The dwellings forming this particular ribbon of development within Hamlet Hill are substantial two storey dwellings which vary in terms of design, scale and bulk which provides for scope in terms of design.

The limited depth, width and height of the proposal creates an addition which is subordinate in terms of layout, bulk, scale and massing. The scheme creates a rear addition which responds to the original design of the dwelling and later additions.

Furthermore, due to the staggered building line, bulk and massing created by the host property and the adjacent dwellings, the combined depth, width and height of the proposal would not create an extension which would result in an over bearing and dominant addition to the rear of the property. The proposal is sympathetic in terms of design and is subordinate in scale and mass and appropriately finished in sympathetic materials. As such the alteration conforms to council policy DBE10.

Overall the elevational design of the proposal is well thought out and is an acceptable contemporary alteration which enhances the character and appearance of the host building and the surrounding area. It is considered that, in terms of design the proposal conforms to Policy DBE10 of the Local Plan.

Overdevelopment

Concerns have been raised regarding an overdevelopment of the site. When combined with the existing ground floor extension and three small dormer windows, the proposal will equate to development which is approximately 60% of the original dwelling house. Given the orientation, design, bulk, scale and massing the proposal is considered to be a coherent addition which cannot be considered as an overdevelopment of the site. Overall the elevational design of the proposal to the rear is in harmony with the character and appearance of the host building and the surrounding area. As such the proposal conforms to council policies DBE10.

Amenity

In general, it must be remembered that an extension can seriously disadvantage a neighbour by being overbearing in size and scale, create a loss of privacy and reducing the level of daylight. It is therefore, necessary to control the scale and form of extensions to ensure neighbours' amenities are protected. The amenity and privacy of neighbours must be considered before undertaking any extension.

Where dwellings are located within a ribbon of development such as the subject site it is accepted that there is an element of overlooking from first floor rear windows. This ribbon of development is slightly staggered and the common boundaries which define Penaj to the west and Larsons cottages to the east are slightly irregular. Penaj is set back from the front building line of Rivar creating a rearward projection of 1.8m beyond the original rear elevation of the host dwelling. The proposed first floor extension will project 3.3m from the rear elevation. As such the proposed development would project 1.2m over the established rear elevation at first floor. In terms of addressing the impact of this small projection upon the neighbouring property, it is important to consider the proximity of the proposed development to the common boundary. Both Rivar and Penaj are located 1m from the common boundary creating a distance of 2m from the subject site and the neighbouring dwelling. Combined with the minimal projection of the proposed first floor extension over the established rear building line at first floor these distances create a sufficient distance to safeguard the residential amenity of the occupant of Penaj.

Larsons Cottage is located to the east and further forward of the established building line of Rivar and 2.5m from the common boundary. Rivar is located 1m from the common boundary. The proposed first floor extension has been off set from the common boundary by 4.2m creating a distance of 6.7m from the proposed development and Larson's Cottage. It is considered that this degree of separation is sufficient to protect the amenity of occupants of Larson's Cottage.

It is considered that this staggered building line significantly reduces the impact of the proposal upon the residential amenity of neighbouring occupiers and no issues of overlooking will arise over and above that which is currently accepted within this particular ribbon of development.

In terms of loss of privacy it is noted that Juliette Balconies are proposed at first floor level in particular above the existing flat roof. Although terraces are not proposed it is considered prudent to impose a condition to ensure a terrace area is not erected at a later date. The application site is not overlooked to the rear therefore the proposed Juliet Balconies will not give rise to overlooking. It is also considered that due to orientation, location and existing development enjoyed by the neighbouring dwelling the proposal will not create unacceptable privacy issues.

The proposed first floor rear extension is limited in terms of height, bulk and massing. It is considered that the limited height, depth and rearward projection combined with the existing staggered rear building line and existing boundary treatment will reduce the impact of this proposal upon the neighbouring dwellings and would not create and sense of enclosure or result in a loss of amenity.

Overall, the depth of the first floor rear extension when taking into account the existing dwelling, its height and its orientation would not result in an unneighbourly and overbearing form for development which would adversely affect the amenity of the occupants of Penaj and Larson's Cottage. As such, the proposal confirms to Policy DBE2, DBE9 of the Local Plan.

Conclusion

Therefore the balance of considerations with this proposal would ensure that the application complies with the guidance contained within the National Planning Policy Framework and Local Plan policies and CP1, CP2, CP6, CP7, DBE2, DBE3, DB9, DBE10, GB2A and GB7A the application is now recommended for approval, 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:

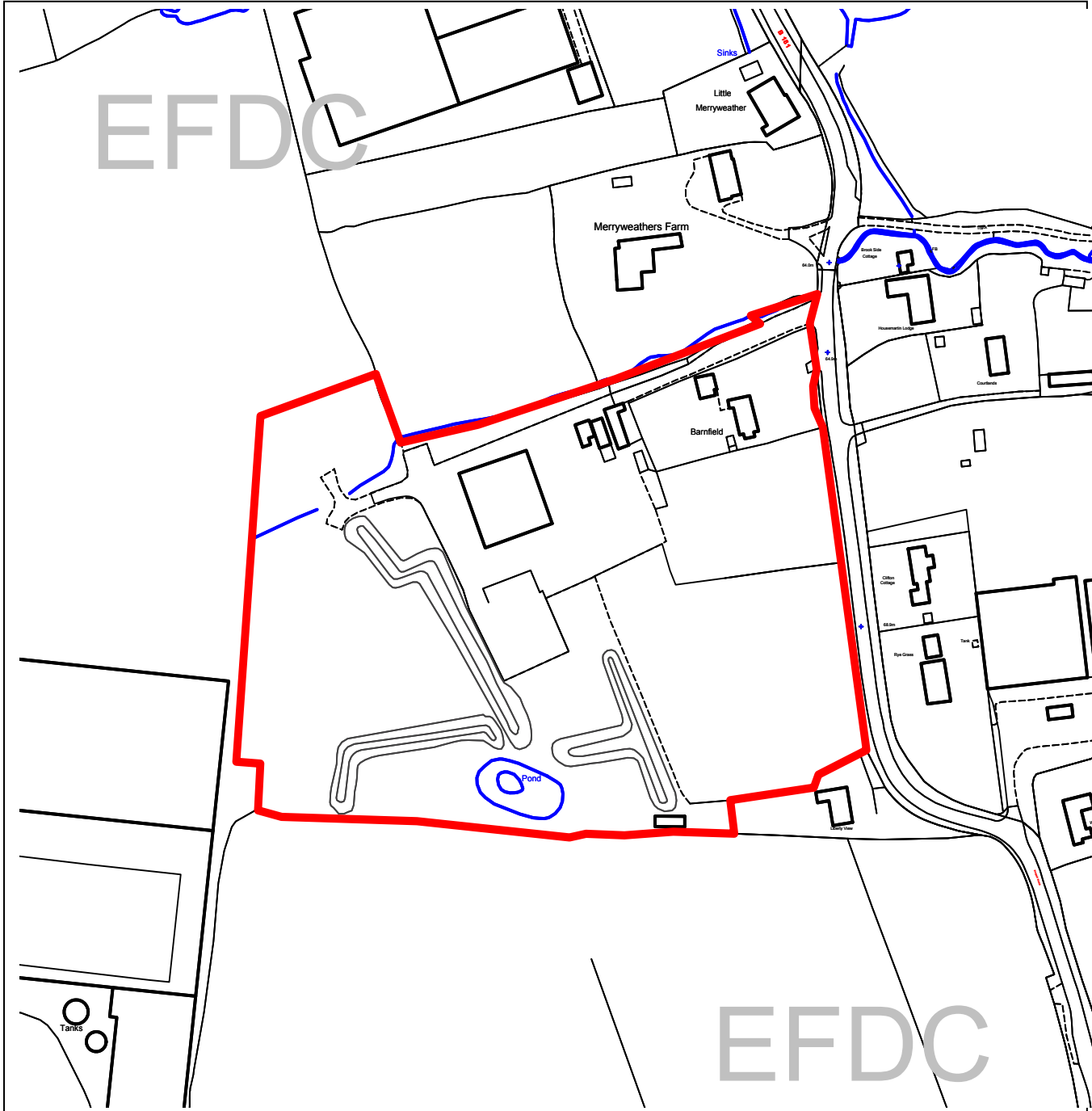
**Planning Application Case Officer: Nicola Dawney
Direct Line Telephone Number: 01992 564000**

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



Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/0487/16
Site Name:	Barnfield, Epping Road, Roydon, CM19 5DW
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/0487/16
SITE ADDRESS:	Barnfield Epping Road Roydon Essex CM19 5DW
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Miss Kari Burton
DESCRIPTION OF PROPOSAL:	Minor material amendment application to EPF/2535/14 (Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. 4/5 bed detached dwellings and 11 no. affordable houses (6 x 2 bed & 5 x 3 bed) - Revised application to EPF/0632/14) to allow for alterations to the layout of the site and design of the dwellings.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582859

CONDITIONS

- 1 The development hereby permitted must be begun not later than 4th June 2018.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 15-215-001, 15-215-002, 15-215-005, 15-215-010 P1, 15-215-011 1, 15-215-014, 15-215-015 P2, 15-215-018, 15-215-019, 15-215-025, 15-215-027, 15-215-029, 15-215-031
- 3 Prior to any works above slab level samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Prior to any works above slab level additional drawings that show details of proposed new windows, doors, eaves, verges, fascias, and cills, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing.

- 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 extensions or outbuildings generally permitted by virtue of Class A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

- 8 Prior to first occupation of the development hereby approved a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.

- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 10 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 11 A flood risk assessment and management and maintenance plan shall be submitted to and approved 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 tools. 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.
- 12 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 13 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 14 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme

must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

- 15 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 16 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 17 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 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 18 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 19 No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
- 20 Prior to first occupation of the proposed development the following highway works and access to the site shall be implemented, with all details being agreed with the Highway Authority to include:
- 2.4 metre x 120 metre visibility splay clear to ground level to the south of the new access.
 - 2.4 metre x 65 metre visibility splay clear to ground level to the north of the new access.
 - The provision of a bellmouth access with minimum radii of 6m.
 - All footways to be a minimum of 1.5 metres wide.
 - The junction to the affordable housing shall be provided with, in either direction, 2.4m x 25m visibility splays clear to ground level.
- 21 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, to be approved by Essex County Council.
- 22 Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to the Local Planning Authority.
- 23 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 24 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 25 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

And the completion by the of a Deed of Variation to the legal agreement dated 2 June 2015 to secure a financial contribution of £167,942 towards primary and secondary school provision and 48% affordable housing.

This application is before this Committee since it relates to an application for residential development consisting of 5 dwellings or more that was previously approved at Committee and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d)) 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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site consists of a 4.4 hectare area of land on the western side of Epping Road. The site is located within the Metropolitan Green Belt and a conservation area and is in lawful use as a metal recycling and waste transfer station.

The area of the site proposed for development consists of an approximate 1.8 hectare section to the rear of the existing property known as Barnfield, which would be retained. The proposed development area constitutes the part of the site previously occupied by the waste transfer station with the southern and eastern areas of the site being relatively open and undeveloped parcels of land.

Bordering the site to the north is a residential property known as Merryweathers Farm and open fields. To the west is a large horticultural site containing glasshouses and other structures. To the east are detached residential dwellings and to the south are open fields. The application site is part of a small sporadic enclave of houses and commercial businesses (including horticulture) leading up to Old House Lane.

Consent has already been granted under EPF/2535/14 for the clearance of all the commercial buildings, structures, storage containers, and bunds and the erection of 23 dwellings, 48% of which would be affordable houses.

Description of Proposal:

Consent is being sought for a minor material amendment to EPF/2535/14, which was granted consent in June 2016. The proposed amendments would not alter the number of dwellings, the height of the new houses, the overall volume of development or the mix of affordable housing. The changes relate solely to the design and layout of the dwellings.

It is also proposed to alter the timing of condition 3 (details of external finishes), condition 4 (details of new windows, doors, etc.) and condition 8 (details of landscape maintenance) so that instead of requiring these details to be submitted and approved 'prior to commencement' they would be required 'prior to any works above slab level' (conditions 3 and 4) and 'prior to first occupation' (condition 8).

Relevant History:

EPF/0761/90 - Retention of Plant Hire Depot, waste disposal centre, material recycling, vehicle & plant maintenance & repair – refused 05/10/90

CM/EPF/0006/94 - Reorganisation of existing waste transfer centre including widening entrance, additional office, undercover waste transfer station and landscaping works – withdrawn 24/04/96

EPF/0845/96 - Reorganisation of existing premises including entrance improvements, demolition of offices and stores, new storage building, conversion of stores to offices and landscaping works – refused 14/09/98

ENF/EPF/2167/00 - Enforcement Notice Quashed on Appeal 29 December 2000 - Planning Permission Granted (with Conditions) for Importation, storage and shredding of green waste, composting and open storage of finished product – appeal allowed with conditions 29/12/00

EPF/0632/14 - Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. detached dwellings (11x 4-bed & 1x 5-bed) – withdrawn 21/10/14
EPF/2535/14 - Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. 4/5 bed detached dwellings and 11 no. affordable houses (6 x 2 bed & 5 x 3 bed) - (Revised application to EPF/0632/14) – approved/conditions (subject to S106 Agreement) 04/06/15

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Quality of rural and built environment
CP3 - New development
GB2A - Development in the Green Belt
H2A - Previously developed land
H3A - Housing density
H4A - Dwelling mix
H5A - Provision for affordable housing
H6A - Site thresholds for affordable housing
H7A - Levels of affordable housing
NC4 - Protection of established habitat
DBE1 - Design of new buildings
DBE2 - Effect on neighbouring properties
DBE4 - Design in the Green Belt
DBE6 - Car parking in new development
DBE7 - Public open space
DBE8 - Private amenity space
DBE9 - Loss of amenity
HC6 - Character, appearance and setting of conservation areas
HC7 - Development within conservation areas
HC9 - Demolition in conservation areas
LL1 - Rural landscape
LL2 - Inappropriate rural development
LL10 - Adequacy of provision of landscape retention
LL11 - Landscaping schemes
ST1 - Location of development
ST4 - Road safety
ST6 - Vehicle parking
RP3 - Water quality
RP4 - Contaminated land
RP5A - Adverse environmental impacts
U2A - Development in Flood Risk Areas
U3A - Catchment effects

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:

14 surrounding properties were consulted and a Site Notice was displayed on 18/03/16.

PARISH COUNCIL – None received.

Main Issues and Considerations:

Since this application is for a minor material amendment the only considerations are whether these alterations would have any additional impact on the Green Belt, housing considerations, neighbouring amenities, and the character and appearance of the conservation area.

Green Belt:

The design and layout of the proposed development is significantly altered to that previously approved, however the bulk and scale is unaltered. The approved scheme totalled a footprint of 2171m² and GIA of 3622.72m² whereby this amended scheme actually results in a reduction down to 2142m² and 3564.9m². The storey height of the proposed amendment is unaltered as it would retain a mix of two and two-and-a-half storey dwellings. The spread of built form would also be no greater within the site than that previously approved.

Due to this there would be no greater impact on the Green Belt than the previously approved scheme.

Housing considerations:

The proposed amendment continues to propose eleven (48%) affordable housing on the site. These would consist of 5 x three bed rented, 3 x two bed rented and 3 x two bed shared ownership units, which is the same as previously approved.

The affordable housing was previously segregated off from the open market housing with its own internal road (off of the main new road serving the entire site), which whilst considered acceptable in this instance is not ideal. This amended application alters the location and positioning of the affordable housing so that it is situated off the same internal roadway and is better integrated with the open market housing. This is more in line with the Councils aim to integrate affordable housing into larger housing development sites.

Whilst the application proposes a deed of variation to the previous S106 Legal Agreement this does not alter the content but simply relates the original agreement to this new minor material amendment application.

Amenity concerns:

Whilst there are a number of neighbouring properties the only immediately adjacent dwelling to the proposed development is Barnfield. The previously approved scheme would have resulted in three affordable houses and a car park adjoining the shared boundary of the neighbouring site however the amended layout would result in just a single open market house sharing its side boundary with the rear boundary of Barnfield.

Since the proposed alterations would not alter the number or overall scale of development there would be no further impact on surrounding neighbours with regards to nuisance or other disturbance.

Character and appearance:

The proposed new design and layout of the proposed development draws on architectural references from the surrounding properties and therefore would allow for a better integration within the area than the previously approved scheme.

Alteration to conditions 3, 4 and 8:

The proposed alteration to the time scales of conditions 3, 4 and 8 would not prejudice the development and would allow for works to start sooner on site. As such it is considered that these alterations are acceptable.

Other Considerations:

Highways:

No objection has been raised to the proposed alterations, subject to the original conditions imposed on EPF/2535/14.

Landscaping:

The alterations to the layout of the development has altered the impact on landscaping. Due to these changes an objection has been received from the Council's Landscape Officer. These are based on the two following factors:

- 1. Plot numbers 10, 11, 12 and 13 are unacceptably close to the site boundary and the adjacent open countryside. Our policy LL3 requires that development on the edges of settlements should show a sensitive appreciation of their effect on the landscape by, for example, 'extensive' landscaping. Given the sizes of the proposed gardens (especially plot 13), and the pathway to the side and rear of plot 10, we consider that this will result in an abrupt / hard jarred boundary with the adjoining countryside, with no ability to provide an effective 'green' boundary.*
- 2. The area of plots 14 – 18. These plots have been sited unacceptably close T16 (a mature oak, and a prominent landscape feature). Whilst there are methodologies that could be used to mitigate for the expected presence of the trees roots, also to be considered is the future liveability for the residents whose gardens will be over shadowed and dominated by this tree. We consider that this is a foreseeable issue and the guidance within BS5837:2012 section 5.3 (proximity of structures to trees), is that the relationship between buildings and large trees should be considered at development stage as it can cause apprehension to occupiers of the houses which could lead to future pressure for tree removal. The guidance is that 'buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread'.*

Whilst these issues are valid objections it is not considered that they are significant enough to warrant refusal of the scheme. With regards to point 1, whilst the lack of 'extensive' landscaping along the rear boundaries of plots 10, 11, 12 and 13 would mean that there would be less screening of the site when viewed from the west this section of boundary is located very close to an extremely large glasshouse building. Furthermore, given the previous use of the site as a waste transfer site it is considered that, irrespective of extensive screening along this stretch of boundary, the proposed scheme would be a far more visually appealing development than the former site. There continues to be the ability to provide adequate planting along all other boundaries of the site, as well as within the site, and therefore it is not considered that this aspect is unduly detrimental to the wider visual landscape.

With regards to point 2 this particular tree is proposed for retention and as a result of these comments a bespoke management regime has been provided to ensure appropriate ongoing management and maintenance of the tree by the site management company.

Although the above factors do not overcome the concerns of the Landscape Officer it is not

considered in this instance that these matters would be sufficient enough to warrant refusal of the development.

All other factors:

The proposed alterations do not affect any other material considerations previously considered (i.e. land contamination, ecology, etc.) since all conditions previously imposed would still be relevant. Reproduced below is a copy of the original Committee Report

Conclusion

The proposed alterations would not alter the overall impact of the proposed development and would result in a visual improvement to the wider area, a better layout to the proposal and less impact on the amenities of the adjoining neighbour. Whilst concerns have been raised by the Landscape Officer with regards to screening and the retention of T16 it is considered that the benefits of the proposed alterations and scheme generally would outweigh the harm from these two matters. Therefore it is considered that the proposed development would continue to comply with the guidance within the National Planning Policy Framework and relevant Local Plan policies and as such is recommended for approval, 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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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

ORIGINAL COMMITTEE REPORT – EPF/2535/14

Description of Site:

The application site consists of a 4.4 hectare area of land on the western side of Epping Road. The site is located within the Metropolitan Green Belt and a conservation area and is in lawful use as a metal recycling and waste transfer station.

The area of the site proposed for development consists of an approximate 1.8 hectare section to the rear of the existing property known as Barnfield, which would be retained. The proposed development area constitutes the part of the site currently occupied by the waste transfer station. The southern and eastern areas of the site are currently relatively open and undeveloped parcels of land.

Bordering the site to the north is a residential property known as Merryweathers Farm and open fields. To the west is a large horticultural site containing glasshouses and other structures. To the east are detached residential dwellings and to the south are open fields. The application site is part of a small sporadic enclave of houses and commercial businesses (including horticulture) leading up to Old House Lane.

Description of Proposal:

Consent is being sought for the removal of all existing commercial buildings, structures, storage containers and bunds and the erection of 23 dwellings with ancillary parking, access, gardens and landscaping. The existing dwelling at the front of the site would remain and would continue to use the existing access and the proposed new dwellings would be served by a new access and road to the south of the existing dwelling.

The proposed development would consist of five no. 4 bed open market houses, seven no. 5 bed open market houses, six no. 2 bed affordable houses and five no. 3 bed affordable houses. The proposed dwellings would all be two storeys in height with four of the affordable units incorporating rooms within the roof space.

Each of the open market houses would benefit from a double garage with ample additional off-street parking provision for two cars. The proposed affordable units would be served by 27 off-street parking spaces, which equates to 2.45 spaces per unit.

Relevant History:

EPF/0761/90 - Retention of Plant Hire Depot, waste disposal centre, material recycling, vehicle & plant maintenance & repair – refused 05/10/90

CM/EPF/0006/94 - Reorganisation of existing waste transfer centre including widening entrance, additional office, undercover waste transfer station and landscaping works – withdrawn 24/04/96

EPF/0845/96 - Reorganisation of existing premises including entrance improvements, demolition of offices and stores, new storage building, conversion of stores to offices and landscaping works – refused 14/09/98

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EPF/0632/14 - Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. detached dwellings (11x 4-bed & 1x 5-bed) – withdrawn 21/10/14

Policies Applied:

CP1 - Achieving sustainable development objectives

CP2 - Quality of rural and built environment
 CP3 - New development
 GB2A - Development in the Green Belt
 H2A - Previously developed land
 H3A - Housing density
 H4A - Dwelling mix
 H5A - Provision for affordable housing
 H6A - Site thresholds for affordable housing
 H7A - Levels of affordable housing
 NC4 - Protection of established habitat
 DBE1 - Design of new buildings
 DBE2 - Effect on neighbouring properties
 DBE4 - Design in the Green Belt
 DBE6 - Car parking in new development
 DBE7 - Public open space
 DBE8 - Private amenity space
 DBE9 - Loss of amenity
 HC6 - Character, appearance and setting of conservation areas
 HC7 - Development within conservation areas
 HC9 - Demolition in conservation areas
 LL1 - Rural landscape
 LL2 - Inappropriate rural development
 LL10 - Adequacy of provision of landscape retention
 LL11 - Landscaping schemes
 ST1 - Location of development
 ST4 - Road safety
 ST6 - Vehicle parking
 RP3 - Water quality
 RP4 - Contaminated land
 RP5A - Adverse environmental impacts
 U2A - Development in Flood Risk Areas
 U3A - Catchment effects

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:

14 surrounding properties were consulted and a Site Notice was displayed on 14/11/14.

PARISH COUNCIL – Object. The Parish Council agreed to support the previous smaller scale development (12 houses) but believes that this new application is overdevelopment of a site which is located in the Metropolitan Green Belt (although it is acknowledged that this is, in part, a previously developed site). This site is not a sustainable location – there are no facilities nearby and there would be an over reliance on the car to get to shopping facilities, schools, health services, employment sites etc. as the bus service is extremely limited.

Main Issues and Considerations:

The key considerations in this application are the appropriateness of the proposal within the Green Belt, the sustainability of the development, the impact on neighbouring residents, highway concerns, and regarding the impact on the character and appearance of the conservation area.

Green Belt:

The application site is a lawful waste transfer station that has been in existence for a number of years. The National Planning Policy Framework identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The definition of previously developed land is provided within Annex 2 of the Framework and reads:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Given the lawful use of the site for commercial purposes the application site would constitute previously developed (brownfield) land. However, as stated above, this does not mean that the entire curtilage of such sites can be developed and it should be noted that the southern and south-eastern sections of the site are currently open and predominantly undeveloped areas of land.

Notwithstanding the above, in order for this designation as brownfield land to form an exception to inappropriate development any proposed redevelopment must not have a greater impact on the Green Belt and the purpose of including land within it than the existing development.

The potential impact on the Green Belt covers many factors, including increased activity and type of use. However one of the key considerations is the impact on openness, which is largely reliant on the level of built development on a site. The existing site does not currently contain many permanent buildings, these being limited to a single large workshop and a small office building. The existing buildings on site have a combined floor area of some 1,193m². The total floor area of the proposed new dwellings would total 2,175m², which is approximately 82% more than the existing site.

Notwithstanding the above the northern part of the existing site, where the dwellings are proposed, is largely laid to hardstanding with an estimated 1.3 hectares being covered. Furthermore the existing site contains a large number of storage containers (the latest Google and Bing aerial photographs show around 50 storage containers) along with earth bunds, rubble and rubbish piles, open storage and several lorries and other vehicles being parked on the land. All these factors have a negative impact on the openness of the Green Belt and the purposes of including land within the Green Belt.

The proposed residential development would result in a significant reduction in the level of permanent hardstanding and would completely remove the storage containers, bunds, rubbish/rubble piles and the outdoor storage. It would also provide the opportunity to increase the soft landscaped areas on the site. As a result of this, whilst the proposal would increase the level of

buildings on the site it would decrease other built development and open storage. Further to the physical harm, matters such as vehicle movements (type and number), level of activity, type of use, and any resultant nuisance (such as noise, pollution, etc.) would also be factors that determine whether the redevelopment of this site would have a greater impact on the Green Belt than the existing use. All of these factors would be reduced as a result of the proposed redevelopment.

In terms of the coverage of the site and the impact that this has on the openness and other purposes of the Green Belt it is considered that the proposal would improve the openness of the Green Belt in this particular location. Furthermore the visual benefits from the removal of the unsightly open storage and the reduction in noise, pollution and heavy vehicle movements would weigh in favour of the redevelopment of this rural site. Therefore it is considered that the proposed development would not constitute inappropriate development and complies with the relevant Green Belt guidance and policies.

Sustainability:

The National Planning Policy Framework places great emphasis on sustainability and states that “*at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking*”. It also highlights that “*there are three dimensions to sustainable development: economic, social and environmental*”, given the following explanations on each:

- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The application site is located within a very small sporadic enclave of houses and commercial sites and is not served by any local facilities. Furthermore public transport links are extremely limited. It is for this reason (along with Green Belt concerns) that the Parish Council have objected to this scheme for 23 houses, despite raising no objection to the previous scheme for just 12 houses.

Given the location of the site the proposed development would result in a reliance on private car use and would not comply with the above presumption in favour of sustainable development, particularly with regards to the ‘social role’ (due to the lack of local facilities) and the ‘environmental role’ (due to the lack of sustainable transport options). As such this weighs heavily against the development and could constitute a reason for refusal of the scheme.

Housing considerations:

Since the application site is located within a settlement with a population of less than 3,000 and proposes the erection of more than three dwellings on previously developed land Local Plan policy H7A requires 50% of the total number of dwellings to be affordable. Furthermore the property mix

for affordable housing should reflect the property mix of the proposed market housing and it would normally be preferable for affordable housing to be integrated into any larger scheme.

The application proposes to provide 48% affordable housing on the site which would consist of all two and three bed terrace houses, as opposed to the much larger detached four and five bed open market houses proposed for the remainder of the site. The affordable housing would also be somewhat segregated off from the open market housing with its own internal road (off of the main new road serving the entire site) and car parking areas.

The Council currently has in excess of 1,500 applicants on its Housing Register and, as evidenced by the National Housing Federation in their annual 'Home Truths' studies, the ratio of average property prices (and lower quartile property prices) to average earnings in Epping Forest District is consistently the highest in Essex – and is within the highest three local authority districts in the East of England. As such the provision of eleven affordable houses would assist in providing much-needed affordable rented and shared ownership housing. Whilst it is not considered that the site is in a sustainable location Housing Services nonetheless consider that the location is sustainable in terms of the provision of affordable housing for sufficient numbers of applicants already on the Council's Housing Register.

The previously submitted application (EPF/0632/14) for twelve houses proposed no affordable housing and was accompanied by a viability assessment. This assessment was independently appraised and the initial comments received were that some level of affordable housing could be provided on site, although there was disagreement between the Council and the applicant as to how much. As a result of this assessment a meeting was held between the applicant, the Council (both Housing and Planning Services) and the independent viability consultants with regards to a potential way forward. As a result of these discussions it was concluded that an increase in the number of houses on the site, even when not at the level and in the form that the Council would normally support, would be acceptable on this site as a way to obtain affordable housing provision.

Whilst the Planning Application Form states that all eleven of the affordable dwellings will be provided as rented housing the layout shows that three of the affordable dwellings will be provided as shared ownership, which is what was agreed in principle at the previous meeting. On the basis that three (30%) of the affordable dwellings will be provided as shared ownership, and that eight (70%) will be provided as affordable rented housing, this would comply with the requirements of the Council's Shared Ownership Policy.

Amenity concerns:

Whilst there are a number of neighbouring properties the only immediately adjacent dwelling to the proposed development is Barnfield, which is within the ownership of the applicant. The closest proposed new dwelling would be approximately 23m from the shared boundary with the closest neighbour, with the closest point of the development (the proposed car park serving the affordable housing) being some 10m from this boundary. As such it is not considered that there would be any physical impact on neighbouring residents with regards to loss of light, outlook or privacy as a result of the new dwellings.

Although there has been no comments received from surrounding residents with regards to this revised application the previous application (EPF/0632/14) received five letters of support from neighbouring properties (Merryweathers Farm, Housemartins Lodge, Morningsons, Moonrakers and Longfield Nursery). Within these letters it is stated that:

"Most of the neighbours of this site (from Tylers Cross to Halls Green – from Tylers Cross via Tylers Road to Reeves Lane to Halls Green – and also including a large part of Old House Lane) have suffered from dust pollution and noise nuisance for the better part of four decades or even more" (Moonrakers).

“For years we have been subjected to constant large lorry movements at all times of the day and night” (Merryweathers Farm).

And, in relation to the site previously being considered lawful:

“This left the local residents in the completely disenfranchised position of having to suffer severe noise pollution from heavy industry and the unrestricted movement of heavy lorries – sometimes at two and three o’clock in the morning – with no recourse to do anything about it” (Morningtons).

Whilst these letters of support cannot be automatically transferred to this application, particularly since this proposal is for twenty three dwellings rather than the previous twelve, these clearly stated that:

“Approval of this application would solve all the problems; and would be a more suitable and appropriate use of the site in a conservation area. The heavy use of large lorries with trailers; back and forth; on our unsuitable roads; would end, with the traffic from the new houses being much less” (Moonrakers).

“I fully support this application in its current form and strongly urge the Council to approve it not least so that they can finally give some support to the local residents affected by this site as a result of their previous maladministration” (Morningstons).

“We fully support this application, and the opportunity to improve the neighbourhood by the cessation of the current heavy industry uses and unrestricted lorry movements at the site” (Longfield Nursery).

“This can only enhance the area and the elimination of the existing commercial site will be very much welcomed as we have experienced the noise, dust and high level of traffic from the existing site for many years” (Housemartins Lodge).

Despite not receiving any letters from neighbouring residents specifically regarding this application it is considered that the removal of the waste transfer site would have significant benefits to neighbours amenities, as is evident by the background to the site (as follows):

In 1980 Essex County Council granted a licence for a waste transfer station on this site. The then occupants of the property opposite the site contacted the Council and stated that when they purchased the property in 1986 the application site was then mainly operating as a piggery and the waste transfer station was operating at a very low level and was hardly noticeable, however the use of the waste transfer site intensified from 1999 and residents started to experience problems in terms of noise, smell, and general disturbance. A joint complaint was signed and sent to the Council in 1999, along with signed petitions. Part of the complaint was that the residents located opposite the site are directly disturbed by noise and headlights from traffic using the waste transfer station to the degree that their sleep is sometimes disturbed.

Following a further complaint from two residents who lived near the site the Ombudsman investigated and published a report in 2006 whereby they found fault by both the County Council and the Epping Forest District Council. It was concluded that the decision to grant the licence had been made with maladministration and the Ombudsman found that this caused the two residents injustice since they both suffered from noise nuisance and reduced value of their homes. To remedy the injustice the Ombudsman recommended that the Councils explore if the waste transfer station could be relocated. Despite this being investigated the Council was unable to negotiate the relocation of the site at this time. As a result of this both the County and District Council paid

compensation to the surrounding neighbours to reflect the reduced value of their homes as a result of the waste transfer site.

Although the Council were unable to arrange for the waste transfer station to relocate in 2006, in 2001 a report was put to District Development Committee recommending that the redevelopment of the site for residential purposes be agreed in principle. Within this report it was stated:

“Within the last ten years, the operational regime at the site has given rise to complaints from neighbours, particularly in relation to noise nuisance arising from lorry movements along the internal access road and in the yard at anti-social hours (i.e. the early morning, evenings and at weekends and public holidays). Efforts were made in the 1990’s in connection with proposals to reorganise, consolidate and screen the activities, to negotiate limitations on hours of operation in order to mitigate the nuisance. However, because of contractual commitments, the owner was ultimately unable to offer limitations acceptable to the Council”.

The report concluded that *“a properly designed and suitably controlled residential redevelopment would bring more advantages than disadvantages and merits support in principle”*. Members considered that, given the noise complaints generated by the existing use of the site and its proximity to neighbouring residential properties, the redevelopment of the site and the relocation of the existing use should be investigated and decided that the residential development at Barnfields, Epping Road, Roydon on a replacement built footprint basis be supported in principle. Despite this decision no subsequent planning application came forward for the redevelopment of the site at this time.

Due to the above, whilst the provision of 23 dwellings would increase the level of buildings on site and would result in a number of vehicle movements in connection with the residential use, particularly given the unsustainable nature of the site, it is nonetheless considered that the removal of the waste transfer station and replacement with housing would have a significant positive benefit on surrounding residents due to the reduction of unrestricted large lorry movements as well as the removal of the dust and noise pollution that results from the existing site. Such benefits are given significant weight in favour of the proposed development.

Highways considerations:

The application has been viewed by Essex County Council Highways, who assessed the development and have found the proposal acceptable. Whilst the development would result in a significant number of private car movements to and from the site the redevelopment would reduce the number of large lorry movements in and around the site, which would be beneficial to this rural location.

The Essex County Council parking standards require the following level of off-street parking provision:

- 2 spaces for each 2+ bed property = 46 spaces
- 0.25 visitor spaces for each property (rounded up) = 6 spaces

Based on the above there would be a requirement for 52 spaces to serve the proposed new development. The application proposes 75 parking spaces on site, which is significantly higher than the requirements of the parking standards. Of this figure it is proposed to provide 27 spaces to the affordable houses, which in itself is higher than the 25 space requirement for just this area. Given the unsustainable nature of the site such an abundance of parking would be beneficial in this scheme and can be accommodated without resulting in an overdominance of cars or to the detriment of landscaping.

The proposed new access to serve the development would have adequate sight lines and visibility and would not be detrimental to the free flow of traffic on Epping Road. Consequently it is considered that the development will not be detrimental to highway safety, capacity or efficiency and will provide sufficient off-street parking provision. Furthermore the proposed residential use would remove the problems that occur from the unrestricted heavy lorry vehicle movements. Therefore, subject to conditions, the proposal would comply with the relevant transport guidance and policies.

Character and appearance:

The application site is located within a conservation area and contains a large unsightly warehouse building, office building, several storage containers, lorries and open storage, along with earth bunds and rubbish/rubble piles. The site at present therefore does not conserve or enhance the conservation area. Whilst the provision of 23 houses on this site would significantly impact the overall character of the area, particularly since it would almost double the number of properties within this small enclave, the wider area contains several residential enclaves of varying size. Furthermore the proposed dwellings are of a traditional design that would appear far more visually appealing to the area than the current waste transfer site. Therefore, subject to the approval of external materials, detailing and landscaping, it is considered that the proposal would be more visually beneficial to the character of the conservation area than the existing use.

The proposed new access would result in the removal of part of the hedge adjacent to Epping Road, however this loss is not considered unduly harmful to the area. The development would not result in any loss of trees, however would provide a significant increase in landscaping and tree planting. Whilst in part this would be required purely to mitigate the development this additional landscaping would nonetheless also be considered beneficial to the overall character of the area.

Other Concerns:

Loss of employment:

Whilst the proposed development would result in the loss of this commercial site the business currently has existing sites in Hitchin and Colchester. The Colchester site is currently being expanded and would likely be further extended if the application site closes since the bulk of the business running from Barnfield would be relocated to Colchester (with some lorries being stored on the Hitchin site). Therefore, whilst there may be a loss of some local employment as a result of this redevelopment the business would remain (and it is estimated that the majority of employees would simply be redeployed) and in the long term the amalgamation of the two sites would likely result in a bigger and more viable business operation.

Irrespective of the above, any harm resulting from the loss of this commercial site would be outweighed by the benefits to the amenities of the neighbours and the overall character and appearance of the area.

Ecology:

The application has been assessed by the Councils ecological advisor, who has raised no objection to the proposal.

Flooding:

The application site is not located within an Environment Agency Flood Zone 2 or 3 however is greater than 1 hectare in size and as such requires a flood risk assessment. Although such flood risk assessments would normally be submitted and agreed prior to approval of a development it is considered that, in this instance (due to the location of the site and the level of open surrounding

land within the red lined area), flood mitigation measures would be easily achievable on the site and therefore this matter can be suitably dealt with by way of a condition.

No details have been submitted with regards to the disposal of surface water and the geology of the area is predominantly clay and infiltration drainage may not be suitable. Therefore details of surface water drainage should be submitted and approved prior to the commencement of development.

Contamination:

Due to the previous uses of the site for agricultural purposes and as a waste transfer station, along with the presence of made ground, there is the potential for contaminants to be present on the site. Since domestic dwellings with gardens are classified as particularly vulnerable use contaminated land investigations will be required, however can be dealt with by way of conditions.

Education:

Essex County Council Educational Services have assessed the application in relation to the surrounding area. This development falls in the priority admissions area of Roydon Primary School, which has permanent capacity to take 150 pupils. According to the latest forecasts that are published in the document *Commissioning School Places in Essex 2013-18*, 199 places will be required by September 2017. It is therefore clear that additional provision will be needed at primary level and that this development will add to the need.

Pupils attending Roydon Primary School are given priority in the admission arrangements for Burnt Mill Academy since it is identified as a link feeder primary school. Burnt Mill Academy has capacity for 1,200 pupils and according to the forecasts there is likely to be 1,214 pupils at the school by September 2017. This school is in excess of the statutory walking distance from the proposed development and therefore Essex County Council is obliged to provide free transport to the school, resulting in a long term cost to the County Council. The cost is estimated to be £3.90 per pupil per day for 195 days per year (a standard academic year). It is the practice of Essex County Council to seek costs for a 5 year period.

In view of the above a financial contribution of £167,942 is required to mitigate the impact of the development on education costs. This is calculated on the basis of 23 houses with two or more bedrooms that, in this location, would require a primary school contribution sum of £74,748, a secondary school contribution sum of £75,702 and a £17,492 contribution towards secondary school transport costs.

Conclusion

The application site is located within the Metropolitan Green Belt however the introduction of the National Planning Policy Framework and subsequent exceptions to inappropriate development enable the principle of redeveloping previously developed land such as this. Whilst the proposal would increase the overall level of buildings on the site it would decrease the level of hardstanding and outdoor storage, which currently has a negative impact on the openness of the Green Belt. There would also be other benefits from the development, such as the reduction in the level of heavy lorries accessing the site and the increase in landscaping. Therefore, on balance, it is considered that the proposed redevelopment would not result in any greater harm to the openness of the Green Belt in this location and therefore would not constitute inappropriate development.

Notwithstanding the above, the application site is not well served by local facilities or sustainable modes of transport and therefore fails to comply with this aspect of the National Planning Policy Framework and the relevant Local Plan policies. The redevelopment of the site would also result in

the loss of commercial land, although the business currently on site would simply relocate and amalgamate with its existing sites in Hitchin and Colchester.

It was previously concluded by the Ombudsman that the existing operations at the site had illegal origins however they (and the Council) were powerless to restrict the use of the site and, since the decision to grant the licence had been made with maladministration, both Essex County Council and Epping Forest District Council had to previously pay compensation to nearby residents. It was recommended by the Ombudsman that the Councils explore if the waste transfer station could be relocated, however this was never achieved at this time. As a result of this decision the neighbouring residents have suffered from a loss of amenities as a result of noise, dust, pollution, and unrestricted heavy vehicle traffic for several years from this lawful waste transfer station. The redevelopment of the site to 23 residential dwellings would result in the removal of the nuisance site and would have significant benefits to the amenities of the surrounding residents and the wider area. It is considered that these benefits clearly outweigh any harm that would result from an unsustainable development on this site.

The level of affordable housing would broadly comply with the Councils requirements and would assist in EFDC meeting its housing targets, and the proposal would provide greater than recommended levels of private amenity space and off-street parking provision. The development would not be harmful to highway safety or the free flow of traffic using Epping Road and would provide additional landscaping and flood mitigation measures. Therefore it is considered that, on the balance of issues, the proposed development would generally comply with the guidance within the National Planning Policy Framework and relevant Local Plan policies and as such is recommended for approval, subject to conditions.

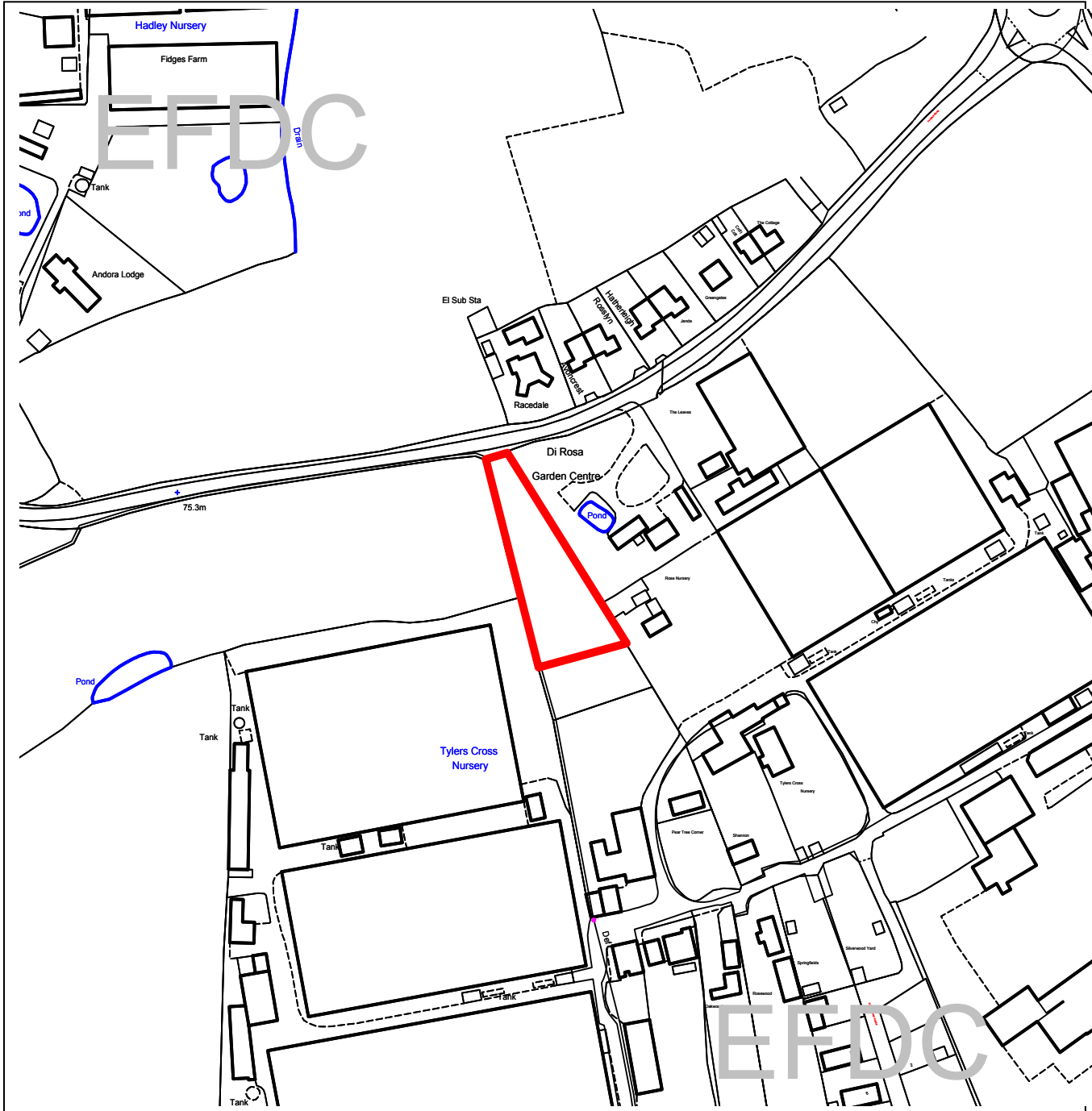
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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/0526/16
Site Name:	Ricotta Transport, Epping Road, Nazeing, EN9 2DH
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0526/16
SITE ADDRESS:	Ricotta Transport Epping Road Nazeing Essex EN9 2DH
PARISH:	Roydon Nazeing
WARD:	Lower Nazeing Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Joe Ricotta
DESCRIPTION OF PROPOSAL:	Retention of hardstanding extended for parking of vehicles and formation of new vehicular access to Tylers Road.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582908

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 Site Plan and drawing no: 4801/03/03
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order), no gates shall be erected at the new access hereby approved until details of the location, size and design of the gates have been submitted to and approved in writing by the Local Planning Authority. The proposed gates shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. The gates shall thereafter be erected in accordance with the approved details.
- 4 Prior to first use of the new access hereby approved, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of

enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 Prior to the first use of the access the applicant shall implement the access arrangements and visibility splays as shown on drawing no.4801/03/03. These arrangements shall be retained in perpetuity for their intended purpose.
- 6 There shall be no discharge of surface water onto the Highway.
- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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: Scheme of Delegation, Appendix 3) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is an established transport yard located within the former nursery site of Tyler's Cross, Tyler's Road, which now primarily consists of small scale horticultural nursery's, disused glasshouses, light industrial uses, and several Gypsy and Traveller plots. The site is predominantly laid to hardstanding and used for the parking of vehicles, however the northern section was/is vegetated land.

The application site is located within the Metropolitan Green Belt and within a designated E13 Glasshouse area, however the draft emerging plan has recognised that the central section of Tyler's Cross Nursery (where the application site and Gypsy pitches are located) should be removed from this designation. Whilst this plan has not been adopted by the Council at this stage, it is a material consideration.

Description of Proposal

Consent is being sought for the retention of hardstanding towards the north of the site to extend the existing transport yard and enable further parking of vehicles and to create a new vehicular access onto Tylers Road.

The area of hardstanding was formally a vegetated area of land however has been laid to hardstanding and used for the parking of buses and coaches for the last few years.

Relevant History:

EPF/0925/12 - Retrospective consent for the extension of the existing hardstanding for the parking of vehicles – refused 16/08/12

EPF/0926/12 - Outline consent for the erection of storage building to replace former permanent buildings and existing temporary structure – approved/conditions 16/08/12

EPF/0368/14 - Retention of mixed storage and residential accommodation for workers on site through the stationing of up to nine mobile homes – refused 02/06/14

Following the refusal of EPF/0925/12 enforcement action was taking against the laying of hardstanding. This action was appealed and subsequently dismissed due to the impact on the Green Belt.

Policies Applied:

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

GB2A – Development in the Green Belt

GB7A – Conspicuous development

E13B – Protection of glasshouse areas

E13C – Prevention of dereliction of new glasshouse sites

ST4 – Road safety

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:

5 neighbouring properties were consulted and a Site Notice was displayed on 18/03/16.

PARISH COUNCIL – Object. Whilst the Parish Council has no objections to the hardstanding it objects to the proposed new access onto Tylers Road. Tylers Road is a very busy road which is used as one of the main HGV access routes to local glasshouse businesses. The frequency and weight of these larger vehicles has increased in recent years and creating a new access onto this road for even more large vehicles would, in the Parish Council's opinion, be unsafe. The current site entrance/exit onto Epping Road is longstanding, has better sight lines and has not been shown to be unable to cope with current or future traffic flow. A new entrance/exit onto Tylers Road would also create disruption for residents whose access onto Tylers road at this point is already difficult.

ROSE NURSERY, TYLERS ROAD – Object due to highway safety concerns and noise and other nuisance from lorries waiting to exit the site.

AVONCREST, TYLERS ROAD – Object due to highway safety concerns, noise and other forms of nuisance, and since there is no justified requirement for the proposed new access.

Main Issues and Considerations:

The main issues to determine are the impact on this Green Belt location, on the surrounding area, and with regards to highway safety and neighbours amenities.

Green Belt:

The application site is a long established transport company located fairly central within the Tyler's Cross Nursery site. The site constitutes previously developed (brownfield) land, although the area laid to hardstanding was formerly scrubland that was not in use for the parking of vehicles prior to the works taking place. Similarly the part of the site that is proposed for the new access is currently an area of undeveloped scrubland.

Within the previous appeal decision the Planning Inspector, who was just considering the retention of the hardstanding, concluded that:

The works undertaken do not appear to be of any great complexity and seem to consist of a rudimentary covering of scalplings or similar materials.

There is no persuasive evidence to demonstrate the provision of this hardstanding is the type of work that would generally be supervised by an engineer. On the balance of probability, I conclude that it could more properly be described as 'other operations normally undertaken by a person carrying on a business as a builder' for the purposes of section 55(1A) of the Town and Country Planning Act 1990, as amended. In the circumstances of this particular case, the construction of the hardstanding should therefore be regarded as a building operation rather than an engineering operation.

Consequently, I am not persuaded the hardstanding falls within any category of development that could be considered as 'not inappropriate' in the Green Belt for the purposes of paragraph 90 of the NPPF. Similarly, it does not fall within any category of development that might be appropriate within the context of paragraph 89 of the NPPF.

Whilst this application continues to relate to the retention of the hardstanding previously assessed it goes further in that it also proposes the creation of a new vehicle access onto Tylers Road and an associated access road. This would link up to the area of hardstanding and therefore alters the context of the proposal.

The Planning Inspector previously concluded that the laying of the hardstanding already on site should "*be regarded as a building operation rather than an engineering operation*". This was due to the fact that the Inspector considered that the development would not be "*the type of work that would generally be supervised by an engineer*". Unlike the previous application this proposal now includes the creation of a new access onto Tylers Road, which is a Class III road. As such it is likely that the new vehicle access and roadway, which would need to support the weight of heavy vehicles, is the type of work that would normally be supervised by an engineer (most likely a highways engineer). Therefore the inclusion of the proposed works would alter the proposal from a 'building operation' to an 'engineering operation'.

The National Planning Policy Framework (NPPF) outlines what does not constitute inappropriate development, and states that:

"Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

...

- *Engineering operations*".

The proposed development can therefore be considered as 'not inappropriate development' provided the proposed development "*would preserve the openness of the Green Belt*". With regards to openness the Planning Inspector previously concluded that:

The provision of this extensive hardstanding diminishes the openness of the Green Belt. Its presence also facilitates the parking of more commercial vehicles, thereby further detracting from openness. It conflicts with the fundamental aim of Green Belt policy which is to maintain openness in perpetuity. I appreciate the site lies in the middle of the former nursery complex and it is surrounded by various buildings, structure and uses. However, the aim of Green Belt policy is to maintain openness, whether publicly visible or not.

They even went on to add that “*even if the unauthorised hardstanding were to be regarded as an engineering operation, given that it does not preserve openness and conflicts with one of the purposes of including land in Green Belt, it could not be regarded as being ‘not inappropriate’ for the purposes of paragraph 90 of the NPPF*”.

Due to the above, despite the inclusion of the new access and roadway it is clear that the proposal would continue to constitute inappropriate development harmful to the Green Belt. Paragraph 87 of the NPPF clearly states that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*” and paragraph 88 states that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.

The main purpose of the proposed development is to create a new access onto Tylers Road, which would remove the need for vehicles to utilise the existing access to the yard. Whilst the existing access has served the business for several years it does consist of a narrow track through the centre of Tylers Cross and is served by a sub-standard access on Epping Road. The Tylers Cross estate contains a mix of horticulture, commercial and residential use (the latter in the form of gypsy sites) and there is often conflict between vehicles entering/leaving the site and an ever increasing risk to residents due to the presence of several gypsy pitches.

The introduction of a new vehicle access onto Tylers Road would provide a separate access to this business and would be far better for employees of the site and other users of Tylers Cross estate. The new vehicle crossover has been subject to pre-application consultation with Essex County Council Highways who are satisfied that this is a safe access. As such it is considered that the benefits of reducing the number of vehicles, particularly heavy vehicles, using the sub-standard Epping Road access and driving through Tylers Cross estate does weigh in favour of the proposal.

Another material consideration in this application are the economic benefits that the proposed development would have on the established business. The site, along with that edged blue on the location plan, is a haulage and transport yard that has been operated by the applicant since 1987. Prior to this it was operated by his father as a storage and transport business comprising a produce warehouse used for packaging vegetables for supply to large supermarkets. The proposed hardstanding has now been in existence for several years and is utilised as overflow parking for vehicles and storage and is considered essential to enable the continuation of this long established business. Whilst there has been little information submitted to demonstrate this, the economic benefits of the proposal are a material consideration that weighs in favour of the proposal.

The site is surrounded by large structures, including operating and redundant glasshouses, residential Gypsy pitches and light industrial buildings. The majority of the site is already laid to hardstanding, as are the majority of the surrounding sites within Tyler’s Cross Nursery. The previous use of this site was a large scale horticultural nursery whereby it would be expected for large expanses of hardstanding to be laid. The area of land is surrounded by other forms of

development and screened to the north by existing planting, which can be strengthened by additional landscaping.

The NPPF puts great emphasis on promoting sustainable economic growth and supporting existing businesses and states that *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth”* and that planning should *“support existing business sectors, taking account of whether they are expanding or contracting”*. Furthermore, it also seeks to *“promote the retention and development of local services”* and to *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”*.

Whilst the previous application and appeal decision relating solely to the retention of the hardstanding was considered unacceptable and inappropriate this scheme now proposes the creation of a new access and roadway. The combined benefits of reducing the vehicle movements along the sub-standard existing access, the continuance and viability of this established business and the setting of the application site are sufficient enough to outweigh the harm to the Green Belt that would result from this development. Due to the above it is considered that the proposed development would now be acceptable within this Green Belt location.

Impact on surrounding area:

The application site is located within a designated E13 glasshouse site, despite it not being in horticultural use for at least 20 years. Due to this, and as there are a number of permanent residential Gypsy pitches within Tyler’s Cross Nursery, the central section of the wider site is proposed for removal from this designation within the new Local Plan. Whilst this is not yet adopted, it is a material consideration. Due to this long established use of the application site it is not considered that the laying of additional hardstanding in association with the existing transport business would be contrary to policies E13B or E13C.

The proposed development would not be particularly visible outside of the Tyler’s Cross Nursery site with the only visual alterations being the creation of the new access on Tylers Road. The application site is located adjacent to Nazeing Conservation Area. Tylers Cross, due to the presence of large glasshouses and other storage buildings, is excluded from the conservation area however, due to its location on the edge of the conservation area, consideration must be had as to its visual impact.

There would be some loss of hedging along Tylers Road in order for the new access to be accommodated. This would create an unsympathetic view through the site and harm the significance of the adjacent conservation area. Nonetheless it is considered that this could be suitably mitigated through the installation of a plain entrance gate set back from the road and the strengthening of the existing landscaping along the boundaries of the site. Subject to details of these being agreed by condition the proposal would not have any excessive detrimental impact on the visual amenities or character of the wider area.

Impact on highways:

The existing access to the site is directly off of Epping Road and through Tylers Cross estate. This is a sub-standard access that currently serves a large mixed use site consisting of horticultural nurseries, light industrial uses, and residential Gypsy pitches. The internal roadway through Tylers Cross estate is very narrow and causes conflict between vehicles entering/leaving the estate and is a risk to residents of the various gypsy sites.

The proposed new access and roadway would reduce the amount of vehicles using this sub-standard access and internal roadway to the benefit of highway safety and other users of the estate. The proposed new access onto Tylers Road has been the subject of pre-application

discussions with Essex County Council Highways and is considered safe and acceptable. Adequate sight splays can be achieved and it is considered that the level of vehicle movements would not be detrimental to highway safety or the free flow of traffic.

The proposed vehicle movements from the site would remain as existing and average as follows:

HGV Movements

- *Monday – 12 HGVs leave the site between 06:00 and 09:00. These are on the road all week and return to base between 17:00 and 20:00 on Friday.*
- *Monday to Friday – 4 HGVs leave and return to the site between 09:00 and 17:00.*
- *Saturday – 5 HGVs leave and return to the site or vice versa between 06:00 and 21:00.*
- *Sunday – 1 to 2 HGVs leave and return to the site or vice versa during the day (06:00 – 21:00).*

This equates to 12 HGV movements per day (Mon-Fri), 10 HGV movements on a Saturday and 4 HGV movements on a Sunday.

Van Movements

- *Monday to Friday – up to 12 vans leaving and returning to site or vice versa between 04:00 and 21:00.*
- *Saturday – up to 5 vans leaving and returning to site or vice versa between 06:00 and 21:00.*
- *Sunday – 1 to 2 vans leave and return to site or vice versa during the day (06:00 – 21:00).*

This equates to 24 van movements per day (Mon-Fri), 10 van movements on a Saturday and 4 van movements on a Sunday.

Car Movements

- *Monday to Friday – up to 25 cars leaving and returning to site or vice versa during the hours of 06:00 to 23:00.*
- *Saturday and Sunday up to 15 cars leave and return to site or vice versa during the hours of 06:00 to 23:00.*

This equates to 50 car movements per day (Mon-Fri), 30 movements per day on a Saturday or Sunday.

Neighbouring amenities:

The key concerns from neighbouring residents appear to be due to increased traffic onto Tylers Road, highway safety concerns and disturbance from lorries entering and leaving the site at the new access. The traffic and highway safety issues are dealt with above and are considered acceptable by Essex County Council Highways.

Whilst the proposed development would relocate a significant level of vehicle movements from the existing Epping Road access to the new Tylers Road access these are both heavily traversed roads that are used by heavy lorries and provide access to several horticultural and commercial sites (particularly further down Tylers Road/Hamlet Hill). To the east of the proposed new access is a vehicular access to a horticultural nursery and one serving a site that previously obtained consent as a garden centre and was recently granted planning approval for use as a vehicle storage yard (EPF/2586/15 – Di Rosa Garden Centre). As such it is not considered that the

increase in vehicle movements that would result from this proposal would cause excessive harm to the surrounding neighbours.

Concerns have been raised regarding lorries waiting to exit the site and the noise, smell and other disturbances that would result from this. The new access would be situated some 12m from the boundary of the closest residential neighbour opposite the site (Racedale) and almost 25m from the actual dwelling. To the immediate east of the site is Rose Nursery, which is a former horticultural site that appears to now be mainly residential in use. This is a large site and as such the dwelling would be an excess of 40m from any stationary lorries waiting to exit the site. Due to these distances and the surrounding land uses it is not considered that this proposal would cause a significant loss of amenity to surrounding residents.

Conclusion:

Whilst the retention of the proposed hardstanding and creation of a new access and roadway would constitute inappropriate development in the Green Belt the highway and safety benefits from the reduction in vehicles using the existing sub-standard access from Epping Road, the economic benefits to the established business, and the location of the site surrounded by horticultural, commercial and residential development are sufficient enough in this instance to clearly outweigh the harm from the proposed works. Subject to conditions the proposal would not detrimentally impact on the character and appearance of the area or neighbouring amenities and Essex County Council Highways are satisfied that the new access would be acceptable and appropriate. Therefore, the application is considered acceptable and is recommended for approval.

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

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

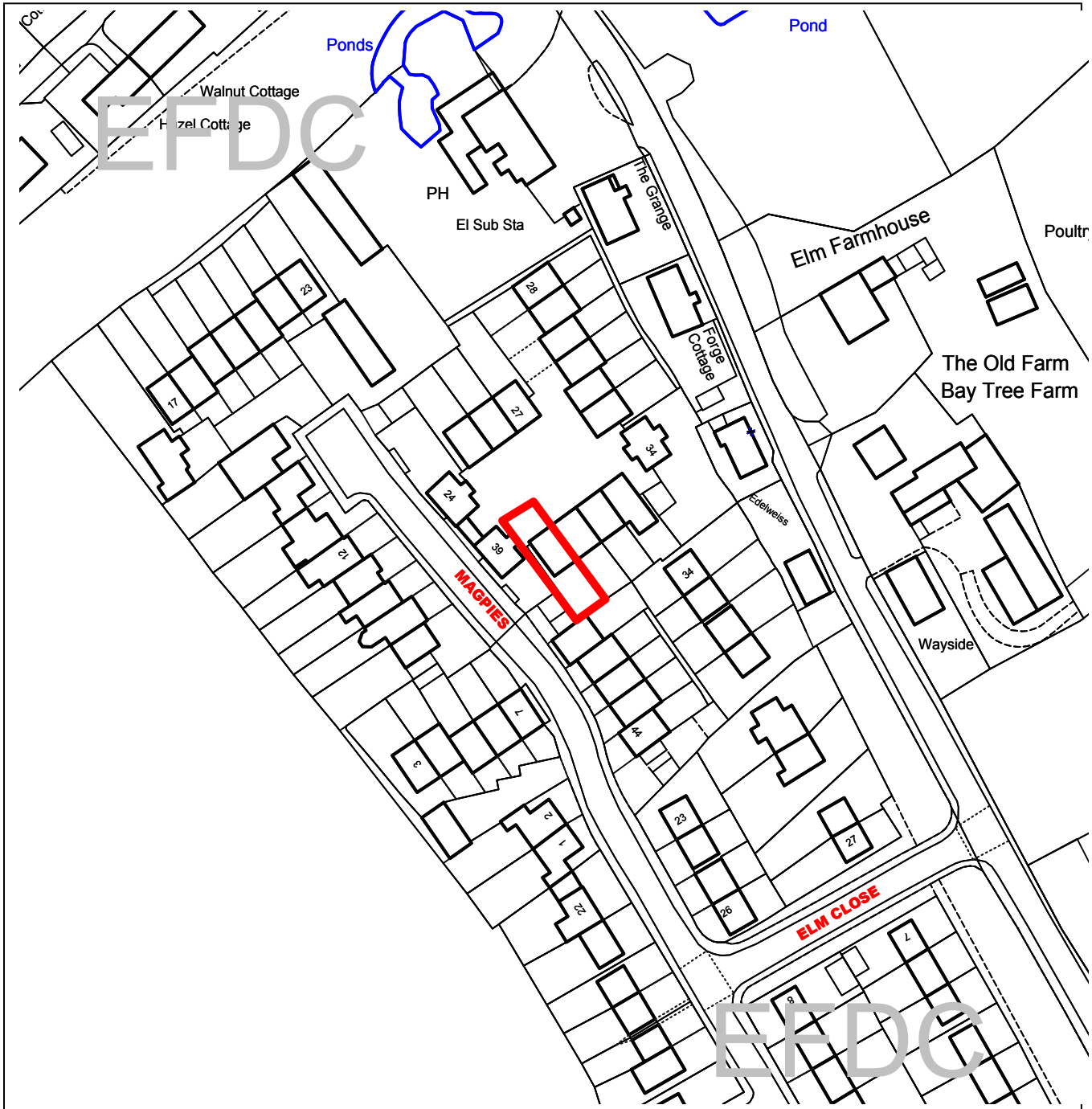
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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/0581/16
Site Name:	38 The Magpies, Epping Upland, Epping, CM16 6QG
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/0581/16
SITE ADDRESS:	38 The Magpies Epping Upland Epping Essex CM16 6QG
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mrs P Welch & Mrs A Barker
DESCRIPTION OF PROPOSAL:	Loft conversion with rear dormer 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/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583042

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: Scheme of Delegation, Appendix 3)

Description of Site:

The site is located within a built up residential area of the small village of Epping Green and accommodates a two storey end of terrace dwelling located within an enclosed courtyard with private garden space to the rear. There is one off street parking along with integral garage. The site and the surrounding area are not located within the green belt or a conservation area and are not within the setting of any listed buildings.

Description of Proposal:

Planning permission is sought for a loft conversion with a rear dormer extension

History:

There is no relevant recorded planning history for the subject site.

Policies Applied:

Local Plan policies relevant to this application are:

- CP2 – Protecting the rural and built environment
- DBE9 – Loss of Amenity
- DBE10 – Residential Extensions

Nation Planning Policy Framework

Summary of Representations:

EPPING UPLAND PARISH COUNCIL – OBJECTION - Visual impact as entering the development which affects the overall view of the development; Out of keeping with its environment; Inappropriate in its setting; Overlooking of neighbouring properties including those in Elm Close; Concern that having a fourth bedroom would exacerbate existing parking issues; Aware that there are strict covenants on The Magpies development precluding alterations to the exterior of the properties; Concern regarding the setting of a precedent in this entity

NEIGHBOURS – 7 neighbours were consulted and 2 objections have been received.

27 The Magpies – OBJECTION - I would suggest that to maintain the street scene, as was deemed appropriate previously and is restricted by a clause in the deeds, any loft conversion to No 38 should not include a change of external appearance on the front elevation, by that I mean the inclusion of Velux windows; I am strongly against the type of loft conversion that maximises interior space whilst totally disregarding the carbuncle that is visible from the outside. As a long term resident I would urge you not to approve this out of character development that will blight the local environment.

40 The Magpies –OBJECTION - We live behind this address, with a rear dormer we feel we will be very over looked, they will virtually be able to see into our bedroom and conservatory. I have never had the need to use curtains but will be forced to buy curtains in the event of this extension. The court yard in which this property is located the houses all look the same and I believe that this will spoil the look of the courtyard.

Issues and Considerations:

The main issues to be addressed are as follows:

- Character and Appearance
- Effect on Living Conditions

Background

Planning permission is required as permitted development rights were removed from the buildings within The Magpies otherwise the proposal could have been constructed lawfully without permission.

Character and Appearance

Policies CP2 and DBE10 seek to ensure that a new development is satisfactory located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and not prejudice the environment of occupiers of adjoining properties.

In design terms, the proposed dormer window is considered acceptable. Although it would be visible from the road, given that views are at an angle and the roof is set back, it would not cause excessive harm to the character and appearance of the surrounding area when viewed from within the street scene. In addition it is set off the eaves and below the existing ridgeline appearing as a subordinate addition within the roof slope. Due to this it would be in keeping with the character of the host dwelling. The bonnet dormers also help to break up the box dormer design, adding some visual interest.

Although this is the first along this terrace, the fear that it may lead to additional dormers being proposed should not be used as a reason to refuse. All applications are treated on their own merits.

Therefore, Officers consider that the proposal would comply with policies CP2 and DBE10 of the adopted Local Plan and Alterations.

Living Conditions

Due consideration has been given in respect to the potential harm that the proposed development might have upon the amenities enjoyed by adjoining property occupiers.

The proposal would not result in excessive harm to the amenities of adjoining property occupiers. It is noted that the dormer would have the potential to overlook into adjoining gardens however this is not an uncommon occurrence within built up residential areas and there would not be a greater material difference from that of existing situation anyway given the first floor bedroom windows to the rear of this property.

The angle of the windows of the proposed dormers to the bedroom windows of the objector at 40 The Magpies is considered too oblique for direct views into the bedroom and as said above there are views from the first floor rear windows into the conservatory and towards these windows already.

The properties along Elm Close are considered too far from the development to be materially affected.

In addition, it would not result in excessive loss of light or appear overbearing when viewed from adjoining occupiers.

Therefore in conclusion, the proposal is considered acceptable in neighbouring amenity terms and is considered to comply with policy DBE9 of the Local Plan (1998) and Alterations (2006)

Response to Parish Council and neighbour objections

The issues regarding character and appearance and impact on neighbours living conditions have been considered above as is the issue of setting a precedent.

In terms of exacerbating parking problems, an extension such as this is not considered to intensify the use of the dwelling to such a degree where parking may be materially affected. In addition, there are no on-street parking restrictions in the vicinity and there is parking off street.

Restrictive covenants are not a material planning consideration.

Conclusion:

The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and the NPPF. It is therefore recommended that permission be granted subject to conditions.

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

***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564337***

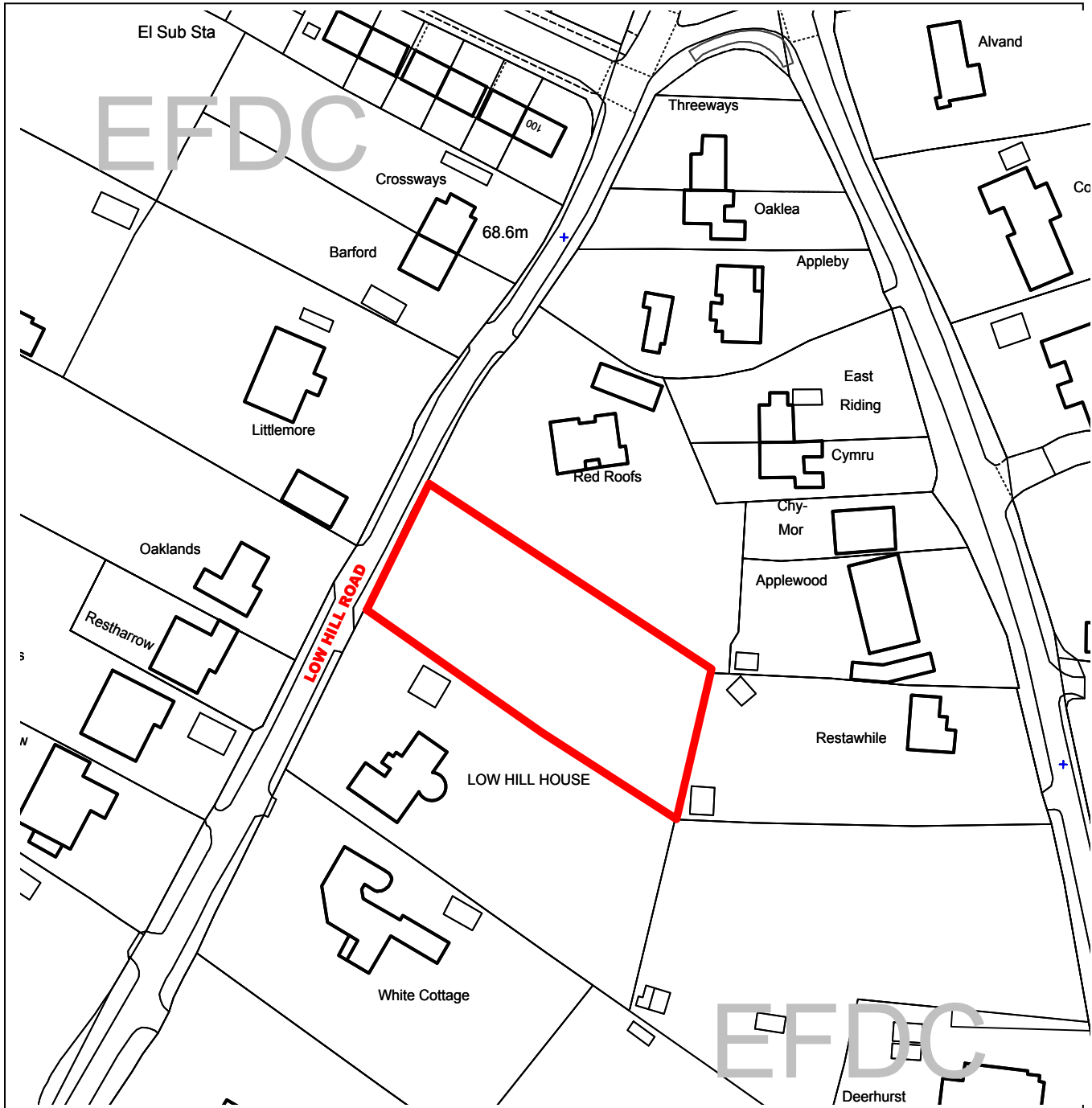
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Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/0681/16
Site Name:	Cressage, Low Hill Road, Roydon, CM19 5JN
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0681/16
SITE ADDRESS:	Cressage Low Hill Road Roydon Harlow Essex CM19 5JN
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Kurt Obeney
DESCRIPTION OF PROPOSAL:	Part residential use of the Coach House annexed to Cressage (The Main)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583268

CONDITIONS

- 1 The building hereby approved shall only be used for ancillary purposes in connection with the dwellinghouse known as Cressage, Low Hill Road and shall not be occupied as a unit separately from these dwellings.

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: Scheme of Delegation, Appendix 3)

Description of Site:

The subject site is a two storey detached dwelling currently being erected on the eastern side of Low Hill Road. The site is located within the Metropolitan Green Belt and is heavily vegetated with several trees, none of which are covered by Tree Preservation Orders. Planning consent has been granted for the erection of a two storey garage/games room building at the northern side of the site which is currently under construction.

Description of Proposal:

Revised application to allow for ancillary residential use within the approved outbuilding. The garage structure is not being altered in size or design and would continue to have a two bay garage on the ground floor. The proposal would allow for a single bedroom and bathroom on the

first floor to be used as ancillary residential accommodation in association with the new house under construction.

Relevant History:

EPF/1228/09 - Erection of a detached house and formation of new vehicular access – approved/conditions 02/09/09

EPF/2247/09 - Erection of detached garage with storage/play room above – approved/conditions 18/01/10

EPF/0255/13 - Erection of garage (revised application) – approved/conditions 02/04/13

NMA/EPF/0680/16 - Non material amendment to EPF/0255/13 (Erection of garage -revised application) – approved 15/04/16

Policies Applied:

GB2A – Development in the Green Belt

DBE2 – Effect in neighbouring properties

DBE9 – Loss of amenity

ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

9 neighbouring residents were consulted. No Site Notice was required.

PARISH COUNCIL – Object. Overdevelopment in Metropolitan Green Belt. Query whether the coach house was shown on the original application and what, at that point, it was going to be used for.

Main Issues and Considerations:

This proposal is an amendment to EPF/0255/13 and would not alter the size, shape or design of the previously approved building, which is currently under construction. The original building proposed a double garage at ground floor with storage and a small shower room. The first floor was previously granted consent as a storage/games room area. The previous application was subject to the following condition:

The building hereby approved shall only be used for ancillary purposes in connection with the dwellinghouse known as Red Roofs, Low Hill Road (or its replacement), or that erected under EPF/1228/09, and shall not be occupied as a unit separately from these dwellings.

The proposed alteration would introduce a single bedroom and a bathroom in the first floor with the remainder of the space being utilised as a living/games room and a small storage area. There would be no kitchen installed in the building and nothing to suggest that this could be used as anything other than ancillary residential accommodation in association with the main house.

Given the wording of the above condition, once completed the previously approved outbuilding could be utilised as ancillary residential accommodation since this would be an ‘ancillary purpose in connection with the main dwellinghouse’. The only reason planning consent is being sought is

because the building is not yet fully constructed and therefore planning consent is required for this 'material alteration' to the approved plans.

Nonetheless the proposed alterations would not create a separate dwelling and would continue to be ancillary to the main dwelling on the site. The building has not increased in size or been altered in design and the two ground floor parking bays would be retained. As such the proposal would not result in an 'overdevelopment' of the site and it would not have any additional impact over the previously approved scheme.

Conclusion:

The introduction of ancillary accommodation into the approved outbuilding, which is currently under construction, would be no more harmful than that previously approved in 2013. Furthermore, once completed the outbuilding could be used as ancillary residential accommodation without the need for planning consent. As such this proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is recommended for approval.

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

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

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

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**Epping Forest
District Council**

Report to Area Plans Sub-Committee

Date of meeting: West – 18 May 2016

Subject: Probity in Planning – Appeal Decisions, 1st October 2015 to 31st March 2016

**Officer contact for further information: Nigel Richardson (01992 564110).
Democratic Services Officer: Adrian Hendry (01992 564243)**

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Governance) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (GOV08) and the other which measures the performance of officer recommendations and delegated decisions (GOV07).

Performance

4. Over the six-month period between 1 October 2015 and 31 March 2016, the Council received 57 decisions on appeals (49 of which were planning related appeals, the other 8 were enforcement related).
5. GOV07 and 08 measure planning application decisions and out of a total of 49, 18 were allowed (36.7%). Broken down further, GOV07 performance was 8 out of 27 allowed (29.6%) and GOV08 performance was 10 out of 22 (45.5%).

Planning Appeals

6. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following cases:

COMMITTEE REVERSALS - APPEALS ALLOWED:

Area Committee South

Buckhurst Hill

- | | | | |
|---|-------------|---|---------------------|
| 1 | EPF/2345/14 | Extension of existing building involving retention of existing A1 units at ground floor level together with the creation of 6 flats on upper floors and at rear | 71 - 73 Queens Road |
| 2 | EPF/1309/15 | Proposed third floor extension to form a new dwelling | 13 Queens Road |
| 3 | EPF/2773/14 | Demolition of existing three bedroom house with detached garage and erection of two no.four bedroom detached houses. | 6 Scotland Road |

Chigwell

- | | | | |
|---|-------------|---|--------------------------|
| 4 | EPF/1301/15 | Demolish the garage and hall and part of the front wing and build new 2 storey side extension (Resubmission of EPF/0001/15) | Haylands
48 High Road |
|---|-------------|---|--------------------------|

Loughton

- | | | | |
|---|-------------|--|--|
| 5 | EPF/2600/14 | The demolition of an existing outbuilding and a small section of stairwell to the rear. The erection of a 5 storey building to the rear of the site to provide one commercial unit (Use Class A2) at ground floor and 12 flats (6 x 1 bedroom and 4 x 2 bedroom flats) on upper Floors. The refurbishment and revitalisation of the existing building to the front of the property including the erection of an additional floor to provide 2 x 1 bedroom flats. | Lawlors Property Services, 165 High Road |
| 6 | EPF/0498/15 | Proposed dwelling adjacent to Woodberrie. Woodbury Hill | Woodberrie |
| 7 | EPF/0645/15 | Residential development comprising 5 no. 2 bed apartments and 2 no. 1 bed apartments. | 94 Lawton Road |

Area Committee East

North Weald Bassett

- | | | | |
|---|-------------|-------------------------------------|--------------------------|
| 8 | EPF/1440/15 | Erection of single storey dwelling. | Rear of 21 Princes Close |
|---|-------------|-------------------------------------|--------------------------|

Area Committee West

Roydon

- | | | | |
|---|-------------|--|-----------------------------|
| 9 | EPF/0995/15 | Change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block. | Sons Nursery
Hamlet Hill |
|---|-------------|--|-----------------------------|

Waltham Abbey

- | | | | |
|----|-------------|---|---------------------------------------|
| 10 | EPF/1076/15 | Retrospective application for the change of use from glasshousing to storage of building materials (Sui Generis use). | Park Farm Nursery
Sewardstone Road |
|----|-------------|---|---------------------------------------|

7. The appeal performance for GOV08, committee reversals, was on target at 45.5%, but the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in

the wider public interest and where the committee officer can give a good indication of some success at defending the decision. The 12 cases where the committees were successful are as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED:

Area Committee East

Epping

- | | | | |
|---|-------------|---|-------------|
| 1 | EPF/1324/15 | Two storey extension over existing building, ground floor extension (porch) and internal alterations. (Revised application) | 3 Bury Road |
|---|-------------|---|-------------|

Moreton, Bobbingworth and the Lavers

- | | | | |
|---|-------------|---|------------------------------|
| 2 | EPF/2514/14 | Change of use of land from agricultural to residential garden land, and remodelling and extension including basement and associated landscaping. (Revised application to EPF/1970/14) | Tilegate Lodge
High Laver |
|---|-------------|---|------------------------------|

Theydon Bois

- | | | | |
|---|-------------|---|---------------------------------------|
| 3 | EPF/0180/15 | Demolition of existing two storey dwellinghouse and construction of a new two storey building, with accommodation in the roof, to provide 5 x 2 bedroom apartments, with associated car and cycle parking. Resubmission following refusal of EPF/2751/14. | 47A Theydon Park Road
Theydon Bois |
| 4 | EPF/2040/14 | Demolition of existing Public House and associated buildings and erection of thirteen residential apartments with parking and communal garden. | Sixteen String Jack
Coppice Row |

Area Committee South

Chigwell

- | | | | |
|---|-------------|--|---------------|
| 5 | EPF/0073/15 | The demolition of a large existing dwelling and the erection of a replacement building of 5 luxury apartments with associated parking. | 152 High Road |
|---|-------------|--|---------------|

Loughton

- | | | | |
|----|-------------|---|---|
| 6 | EPF/0749/15 | Erection of a front boundary wall with railing metal above with a combined height of 1.8m. Metal automated sliding gate. (Amended design to EPF/2973/14). | 2A Summerfield Road |
| 7 | EPF/2608/14 | Demolition of three existing properties and associated buildings to be replaced with 10 no. new dwellinghouses, new access road, parking and landscaping. | Trevelyan House
Arewater Green |
| 8 | EPF/0163/15 | Demolition of garage and single storey side extension, erection of two bedroom house at end of resulting terrace. New vehicular crossover for existing house. | 61 Deepdene Road |
| 9 | EPF/0530/15 | Demolition of single storey flat and redevelopment to provide 3 flats in a three storey building with accommodation within the roof and provision of 1 parking space at the rear and 3 off street parking spaces at the front with one space allocated to the adjoining dwelling at number 36 (amended scheme to EPF/2526/14) | 34 Barrington Green |
| 10 | EPF/0097/15 | Demolish church and hall, erection of 7 flats and 7 houses. | St Elisabeth Church,
Chestnut Avenue |

Area Committee West

Waltham Abbey

- | | | |
|----------------|---|---------------------------------------|
| 11 EPF/1058/15 | Retrospective application for the use of land for open storage of building materials (Sui Generis use). | Park Farm Nursery
Sewardstone Road |
|----------------|---|---------------------------------------|

District Development Committee

North Weald

- | | | |
|----------------|--|--|
| 12 EPF/2670/14 | Demolition of Restaurant. Erection of 3 town houses and 2 detached houses. Resubmission following withdrawn application EPF/1810/14. | Former Carpenters Arms
High Road
Thornwood |
|----------------|--|--|

8. Out of 8 **ENFORCEMENT NOTICE APPEALS** decided, 6 were dismissed, 1 allowed with variation of conditions and the other quashed for invalidity. These are as follows:

Dismissed

- | | | |
|---------------|--|--|
| 1 ENF/0103/14 | Without planning permission the erection of brick wall and metal railings around the front garden of the land | 108 - 110 High Street
Epping |
| 2 ENF/0241/14 | Without planning permission the erection of a pergola situated to the front of the principal elevation of the dwelling house | Lambourne Park Farm
Hoe Lane
Lambourne |
| 3 ENF/0298/12 | Building to be demolished as per EPF/2562/11 and Notice 1. | Chase Farm
Vicarage Lane
North Weald Bassett |
| 4 ENF/0496/14 | Without Planning Permission the change of use of protected woodland to a mixed use of woodland and the stationing of a mobile home | Breach Barns Caravan
Park
Galleyhill Road
Waltham Abbey |
| 5 ENF/0499/12 | Without planning permission the erection of a building for residential purposes | Moor Hall Lodge
Moor Hall Road
Harlow |
| 6 ENF/0630/12 | Without planning permission the erection of a building described as "Barn" | Lambourne Park Farm
Hoe Lane
Lambourne |

Enforcement Appeal - Invalid, Notice Quashed

- | | | |
|---------------|--|--|
| 7 ENF/0504/13 | Without planning permission the stationing eight of mobile homes/caravans for residential purposes on the land | Logic Travel -
Ricotta Transport
Tylers Cross Nursery
Epping Road
Roydon |
|---------------|--|--|

Enforcement Appeal: Allowed with Conditions, but Varied

- | | | |
|---------------|--|---|
| 8 ENF/0721/10 | Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site | Plot 38
Roydon Lodge Chalet
Estate, High Street
Roydon |
|---------------|--|---|

Costs

9. During this period, there were no award of costs against the Council in respect of a refusal of planning permission and the Council officers successfully defended against 5 claims for costs.

Conclusions

12. Whilst performance in defending appeals at 36.7% appears high, there is no national comparison of authority performance. Members and Officers are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for.

13. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 10 of which were allowed and 12 which were dismissed and therefore refused planning permission. Only those appeals relevant to the relevant Area Plans Sub-Committee are attached.

14. A full list of appeal decisions over this six month period appears below.

Total Planning Application Appeal Decisions 1st October 2015 to 31st March 2016

Allowed With Conditions

Buckhurst Hill

- | | | | |
|---|-------------|---|---------------------|
| 1 | EPF/2345/14 | Extension of existing building involving retention of existing A1 units at ground floor level together with the creation of 6 flats on upper floors and at rear | 71 - 73 Queens Road |
| 2 | EPF/1309/15 | Proposed third floor extension to form a new dwelling | 13 Queens Road |
| 3 | EPF/2773/14 | Demolition of existing three bedroom house with detached garage and erection of two no.four bedroom detached houses. | 6 Scotland Road |

Chigwell

- | | | | |
|---|-------------|---|--------------------------|
| 4 | EPF/1301/15 | Demolish the garage and hall and part of the front wing and build new 2 storey side extension (Resubmission of EPF/0001/15) | Haylands
48 High Road |
| 5 | EPF/1873/15 | Prior notification for change of use of agricultural barn to residential. | Barn off Millers Lane |

Epping

- | | | | |
|---|-------------|--|--|
| 6 | EPF/1827/15 | Alterations to existing building incorporating part single, part first floor infill extension, increase in height at rear wing to accommodate room in roof space, removal of rear dormer windows and replace with single | The Stables
Houblons Hill
Coopersale |
|---|-------------|--|--|

dormer window.

Lambourne

7 EPF/3000/14 Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3). Land to rear of 42 -62 Hoe Lane

Loughton

8 EPF/2600/14 The demolition of an existing outbuilding and a small section of stairwell to the rear. The erection of a 5 storey building to the rear of the site to provide one commercial unit (Use Class A2) at ground floor and 12 flats (6 x 1 bedroom and 4 x 2 bedroom flats) on upper Floors. The refurbishment and revitalisation of the existing building to the front of the property including the erection of an additional floor to provide 2 x 1 bedroom flats. Lawlors Property Services, 165 High Road

9 EPF/0498/15 Proposed dwelling adjacent to Woodberrie. Woodbury Hill Woodberrie

10 EPF/0645/15 Residential development comprising 5 no. 2 bed apartments and 2 no. 1 bed apartments. 94 Lawton Road

11 EPF/2422/14 Two storey side extension. 246 Willingale Road

12 EPF/2039/15 Erection of first floor rear extension (as an amendment of previously approved EPF/1718/14 by way of full length doors and windows and juliet balcony) 1A Baldwins Hill

North Weald Bassett

13 EPF/1440/15 Erection of single storey dwelling. Rear of 21 Princes Close

14 EPF/1291/15 First floor side extension above existing ground floor side extension 70 Weald Bridge Road

Roydon

15 EPF/0995/15 Change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block. Sons Nursery Hamlet Hill Roydon

Waltham Abbey

16 EPF/1076/15 Retrospective application for the change of use from glasshousing to storage of building materials (Sui Generis use). Park Farm Nursery Sewardstone Road

Allowed Without Conditions

Loughton

17 EPF/0064/15 Certificate of lawful development for proposed library extension in rear of building at ground floor level. 15A Carroll Hill Loughton

18 EPF/0072/15 Certificate of lawful development for a proposed single storey rear extension. 15 Carroll Hill

Dismissed

Buckhurst Hill

19 EPF/0097/15 Demolition of existing church and hall and erection of 7 new 3 storey flats and 7 new houses with associated car parking and small community facility. Saint Elisabeths Church Chestnut Avenue

Chigwell

20 EPF/0069/15 Conversion of existing dwelling into three self contained flats, erection of front and rear dormer windows and rear and side extensions. 1 Chigwell Park Drive

21 EPF/0632/15 New front boundary wall and gates (already built) Millers Lodge Millers Lane

22 EPF/0073/15 The demolition of a large existing dwelling and the erection of a replacement building of 5 luxury apartments with associated parking. 152 High Road

Epping

23 EPF/0892/15 A new two storey, 2 bedroom dwelling with parking. 93 Sunnyside Road

24 EPF/1620/15 Proposed two storey front and rear extension. 10 Bridge Hill

25 EPF/1324/15 Two storey extension over existing building, ground floor extension (porch) and internal alterations. (Revised application) 3 Bury Road

26 EPF/0340/15 Retention of illuminated front and side fascia signs. 42 High Street

27 EPF/2865/14 Extension at first floor level to increase floor space for existing approved flatted scheme plus associated external alterations, new set back second floor to provide 2 x 2 bedroom flats, associated refuse storage for all flats. 144 High Street

Loughton

28 EPF/2186/15 Single storey side, rear and front extensions. First floor side and rear extensions. Rear dormer window. (Amendment to previously approved EPF/1489/14 by way of provision of rear dormer window at second floor level). 57 Church Lane

29 EPF/2313/15 Revised application for a hip to gable roof extension with 1 no. rear dormer window and 2 no. front dormer windows to facilitate a loft conversion. New window on first floor side elevation. 36 Queens Road

30 EPF/0749/15 Erection of a front boundary wall with railing metal above with a combined height of 1.8m. Metal automated sliding gate. (Amended design to EPF/2973/14). 2A Summerfield Road

31 EPF/2608/14 Demolition of three existing properties and associated buildings to be replaced with 10 no. new dwellinghouses, new access road, parking and landscaping. Trevelyan House Arewater Green

32 EPF/0163/15 Demolition of garage and single storey side extension, erection of two bedroom house at end of resulting terrace. New vehicular crossover for existing house. 61 Deepdene Road

33 EPF/2764/14 Change of use from use as a dwelling house 20 Ollards Grove

(Use Class C3) to use for purposes as a residential institution as an Approved Premises for the management and supervision of offenders or defendants (Use Class C2).

34	EPF/0530/15	Demolition of single storey flat and redevelopment to provide 3 flats in a three storey building with accommodation within the roof and provision of 1 parking space at the rear and 3 off street parking spaces at the front with one space allocated to the adjoining dwelling at number 36 (amended scheme to EPF/2526/14)	34 Barrington Green
Moreton, Bobbingworth and the Lavers			
35	EPF/0355/15	(i) Raising height of existing dwelling to facilitate a loft conversion with two front dormers (ii) side and rear extension with rooms in roof, 3 x rooflights and french doors with Juliet balcony to rear (iii) front porch extension.	8 The Glebe Tilegate Road Magdalen Laver
36	EPF/2514/14	Change of use of land from agricultural to residential garden land, and remodelling and extension including basement and associated landscaping. (Revised application to EPF/1970/14)	Tilegate Lodge High Laver
Nazeing			
37	EPF/0206/14	Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping	Chimes Garden Centre Old Nazeing Road
38	EPF/2000/15	Erection of single dwelling and demolition of existing agricultural buildings	Hillside Nursery Hoe Lane
39	EPF/0962/15	Prior approval application for change of use from Agricultural building to residential.	Osborne Nazeing Road
North Weald Bassett			
40	EPF/2670/14	Demolition of Restaurant. Erection of 3 town houses and 2 detached houses. Resubmission following withdrawn application EPF/1810/14.	Former Carpenters Arms High Road Thornwood
Roydon			
41	EPF/1676/15	Proposed roof extension and conversion	17 Barn Hill
Theydon Bois			
42	EPF/0180/15	Demolition of existing two storey dwellinghouse and construction of a new two storey building, with accommodation in the roof, to provide 5 x 2 bedroom apartments, with associated car and cycle parking. Resubmission following refusal of EPF/2751/14.	47A Theydon Park Road Theydon Bois
43	EPF/0845/15	Single storey rear extension with a roof lantern	42 Morgan Crescent
44	EPF/0800/15	Certificate of Lawful Development for proposed attached front conservatory	Granville 119 Theydon Park Road
45	EPF/0799/15	Certificate of Lawful Development for proposed detached front garage.	Granville 119 Theydon Park Road
46	EPF/2040/14	Demolition of existing Public House and associated buildings and erection of thirteen residential apartments	Sixteen String Jack Coppice Row

with parking and communal garden.

Waltham Abbey

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|----|-------------|---|---------------------------------------|
| 47 | EPF/0637/15 | Application for proposed demolition of existing balcony and retain ancillary garage, cart lodge and games room. | The Dower House
Manor Road |
| 48 | EPF/1058/15 | Retrospective application for the use of land for open storage of building materials (Sui Generis use). | Park Farm Nursery
Sewardstone Road |

Willingale

- | | | | |
|----|-------------|---|-----------------------------|
| 49 | EPF/1522/15 | New utility, study, shower room and garage, with a playroom above. Building is to be thatched and part tiled. New detached carport. | Quires Green
Walls Green |
|----|-------------|---|-----------------------------|

Enforcement Appeals

Dismissed

- | | | | |
|---|-------------|--|--|
| 1 | ENF/0103/14 | Without planning permission the erection of brick wall and metal railings around the front garden of the land | 108 - 110 High Street
Epping |
| 2 | ENF/0241/14 | Without planning permission the erection of a pergola situated to the front of the principal elevation of the dwelling house | Lambourne Park Farm
Hoe Lane
Lambourne |
| 3 | ENF/0298/12 | Building to be demolished as per EPF/2562/11 and Notice 1. | Chase Farm
Vicarage Lane
North Weald Bassett |
| 4 | ENF/0496/14 | Without Planning Permission the change of use of protected woodland to a mixed use of woodland and the stationing of a mobile home | Breach Barns Caravan
Park
Galleyhill Road
Waltham Abbey |
| 5 | ENF/0499/12 | Without planning permission the erection of a building for residential purposes | Moor Hall Lodge
Moor Hall Road
Harlow |
| 6 | ENF/0630/12 | Without planning permission the erection of a building described as "Barn" | Lambourne Park Farm
Hoe Lane
Lambourne |

Enforcement Appeal - Invalid, Notice Quashed

- | | | | |
|---|-------------|--|--|
| 7 | ENF/0504/13 | Without planning permission the stationing eight of mobile homes/caravans for residential purposes on the land | Logic Travel -
Ricotta Transport
Tylers Cross Nursery
Epping Road
Roydon |
|---|-------------|--|--|

Enforcement Appeal: Allowed with Conditions, but Varied

- | | | | |
|---|-------------|--|---|
| 8 | ENF/0721/10 | Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site | Plot 38
Roydon Lodge Chalet
Estate, High Street
Roydon |
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Appeal Decision

Hearing held on 25 November 2015

Site visit made on 25 November 2015

by Sara Morgan LLB (Hons) MA Solicitor (Non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2016

Appeal Ref: APP/J1535/W/15/3130603

Sons Nursery, Hamlet Hill, Roydon, Harlow CM19 5JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Kathleen O'Driscoll against the decision of Epping Forest District Council.
 - The application Ref EPF/0995/15, dated 28 April 2015, was refused by notice dated 24 June 2015.
 - The development proposed is a change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block, at Sons Nursery, Hamlet Hill, Roydon in accordance with the terms of the application, Ref EPF/0995/15, dated 28 April 2015, and the plans "Sons Nursery Location Plan - April 2015"; "Sons Nursery proposed site plan 04/15"; and "Utility Block Plan Sons Nursery" submitted with it, subject to the following conditions:
 - 1) The use hereby permitted shall be carried on only by the following: Kathleen O'Driscoll, her daughters Mary Anne and Crystal (and their dependent children), their partners Patrick Saunders and Michael Dooley, and Kathleen O'Driscoll's sons Sonny O'Driscoll and Jimmy O'Driscoll, and shall be for a limited period being the period of 4 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
 - 2) When the land ceases to be occupied by those named in condition (1) above, or at the end of 4 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
 - 3) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no
-

- more than 2 shall be a static caravan) shall be stationed on the land at any time.
- 4) No commercial vehicle over 3.5 tonnes in weight shall be stationed, parked or stored on the land.
 - 5) No commercial activities shall take place on the land, including the storage of materials.
 - 6) No skirting or other obstruction shall be placed around the base of any of the caravans or mobile homes, and no materials shall be stored beneath them, that could prevent good airflow and permit ground gases to accumulate.
 - 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme for:
 - (a) the means of foul and surface water drainage of the site;
 - (b) existing and proposed external lighting on the boundary of and within the site;
 - (c) the internal layout of the site, including the siting of caravans, areas of hardstanding, fencing and other means of enclosure, and fencing to be removed;
 - (d) the provision of a robust and durable impermeable surface (e.g. reinforced concrete) on which the mobile homes and caravans are to be sited to ensure that there is no contact with underlying soils (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Preliminary matters

2. The application site, shown edged red on the application plan, forms part of a larger area of land, formerly in use as a nursery. At the hearing the appellant's agent Mr Hargreaves indicated that the reference in the application description to a change of use of part of the site was in fact a reference to a change of use of part of the larger area of land. The appeal application does refer and is intended to apply to a change of use of the whole of the area edged red on the application location plan. I shall deal with the appeal on that basis.

3. The extension to the office/store building and its change of use to a utility block has already taken place, albeit that the internal layout at the time of my site visit is not in its finally intended form as shown on the application layout drawing. The change of use of the land has also taken place. There was one static caravan on the site at the time of my visit, which was apparently occupied, and a portable building which has been used as living accommodation and which is the subject of an extant enforcement notice. The appeal application does not seek permission to retain this building.

Gypsy status

4. When the Council considered the appeal application, it did not dispute that the appellant and the other proposed occupiers fell within the definition of Gypsies and Travellers in *Planning policy for traveller sites* (PPTS). Since then, an updated version of PPTS¹ has been published, which contains an amended definition. The definition is now -

“persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel **temporarily**...”²”
5. In determining whether persons fall within the definition, the guidance requires consideration to be given to whether they had previously led a nomadic habit of life, the reasons for ceasing their nomadic habit of life, and whether there is an intention of living a nomadic habit of life in the future, and if so how soon and in what circumstances.
6. The appellant comes from an Irish Traveller background. She travelled extensively with her family when her children were young, following a nomadic way of life without a home base. According to her aunt, who attended the hearing, she cannot live in a house. She was provided with a house some time ago but lived in it for less than two years because living in the house isolated from the Traveller community and enclosed by bricks and mortar made her seriously depressed. She ceased travelling initially because of the educational needs of her children. However, she has now become seriously ill. A nomadic way of life would now be impossible for her because of her health.
7. It is clear that the appellant did live a nomadic way of life, and only gave up that nomadic way of life temporarily because of the needs of the children. I accept the evidence of her aunt that if she was not seriously ill she would be travelling, as that is clearly her wish and her way of life. However, given her serious health issues, she would not be able to resume travelling. Under these circumstances, it is not possible to say that she has given up her nomadic way of life temporarily. Consequently, she does not fall within the current policy definition of Gypsies and Travellers.
8. The appellant proposes that the other occupiers of the site would be her children and (in the case of her two daughters) their families. The appellant’s two sons are aged 18 and 16. The 16-year-old is still technically a child and is a dependent of his mother. However, both young men travel with relatives and other members of the Irish Traveller community for work for several months every year, and as they become adults that is likely increasingly to become

¹ August 2015.

² My emphasis.

their way of life. I consider that they both fall within the definition of Gypsies and Travellers.

9. The appellant's two adult daughters both have their own families. Both of their husbands travel for work for up to half of each year, including travelling abroad. The two daughters, who also have childcare responsibilities, travel from time to time with their husbands, taking it in turns as they also provide care to the appellant. I consider that these two families, as well, fall within the definition of Gypsies and Travellers.
10. I am satisfied on the evidence that the appellant is dependent on her daughters for care, and that because of the interdependency of the various group members the family group should be regarded as a single unit. Even though the appellant herself does not fall within the definition, all the other members of the group do. For this reason, I consider that the description of the development as a "residential Gypsy and Traveller site" is correct. I shall consider the appeal on that basis.

Main Issues

11. The appeal site lies within the Metropolitan Green Belt. Consequently, the main issues are:
 - (1) Whether the development for which permission is sought constitutes inappropriate development in the Green Belt.
 - (2) The effect of the development on the openness of the Green Belt, and whether there is any other Green Belt harm.
 - (3) Whether the development is an unsustainable form of development by virtue of its impact on the environment and infrastructure of the area.
 - (4) Whether there are other material considerations that weigh in favour of permitting the development.
 - (5) Whether the other material considerations weighing in favour of the development clearly outweigh the harm to the Green Belt, and any other harm, so as to amount to the very special circumstances required to justify granting planning permission for the development for a temporary period of four years.

Reasons

Inappropriate development

12. There is no dispute between the Council and the appellant that the change of use of the appeal site to use as a Gypsy and Traveller site is inappropriate development in the Green Belt.
13. The material change of use of the building, which is of permanent and substantial construction, is not inappropriate provided that it preserves the openness of the Green Belt and does not conflict with the Green Belt purposes. Here, because the change of use is to a utility block in connection with the residential use of the remainder of the site, it would not preserve openness because of the effect of that change of use on openness, discussed below.
14. Paragraph 89 of the National Planning Policy Framework (the Framework) advises that the extension or alteration of a building which does not result in a

disproportionate addition over and above the size of the original building is not inappropriate in the Green Belt. Policy GB2A of the Epping Forest District Local Plan and Alterations, adopted in July 2006 (LP and Alterations), regards limited extensions to existing dwellings as being appropriate in the Green Belt, but not other extensions³. However this policy predates the Framework, and is consequently out of date.

15. The extension that has been constructed here is not disproportionate, and consequently that element of the development is not inappropriate in terms of current national policy, albeit that it conflicts with policy GB2A.

Effect of the development on the Green Belt

16. Inappropriate development is, by definition, harmful to the Green Belt. In addition, the siting of four residential caravans on this land would detract from openness, as would the parking of vehicles in connection with the use, and other domestic paraphernalia and outside activity resulting from the use.
17. The site was previously a nursery, and had sizeable glasshouses on it, which have now been demolished. However, horticulture and horticultural buildings are not inappropriate in the Green Belt. It is not a correct approach to compare the effect on openness of inappropriate development such as the use proposed here, with the effect of development which is not inappropriate. In any event, the glasshouses were demolished some six or seven years ago, and the site would now be open, apart from some fencing, were it not for the residential use.
18. The residential use of the appeal site would represent an encroachment into the countryside, thus conflicting with one of the purposes of the Green Belt.

Effect on environment and infrastructure

19. The use of the site for the siting of residential caravans and the residential use of the building has changed its character. Despite the absence of any more than glimpses into the site because of the boundary fence and the gradient of the land, it does appear from the road that there are residential uses on it. Although there is residential development along the same side of Hamlet Hill as the appeal site, that closest to the site is not particularly conspicuous, and the site has the feel of being beyond the village, albeit not in open countryside.
20. Whereas the former nursery use would not have appeared out of place in this location, the residential use appears somewhat out of place, and the introduction of four residential caravans would add to that. Having said that, however, little of the site is clearly visible from outside its boundaries, and there is residential development, albeit somewhat sporadic in feel, on either side of the site, and immediately adjoining it within the former nursery site. Any views from the public footpath to the south would be over a long distance. The site is well screened from public view and consequently the effect on the character and appearance of the area would be minimal.
21. The extension to the permanent building, which is not inappropriate development in the Green Belt, is barely perceptible from outside the site, being located behind the existing building and between it and a lawful building

³ Policy GB2A: "Planning permission will not be granted for the ... extension of existing buildings in the green belt unless it is appropriate in that it is ... (vii) a limited extension to an existing dwelling ..."

- also on the site. The extension by itself does not have a harmful effect on either the character or the appearance of the area.
22. With regard to infrastructure, the Council's concern is that there are a large number of Gypsy and Traveller sites in the immediate area, which they say have cumulatively added to the pressures on schools and doctors surgeries. These sites, and the appeal site, have been too small to make financial contributions towards the provision of additional infrastructure.
23. The Council says that they have come forward in an ad hoc fashion, whereas if they had come forward in a planned way, through the local plan process, there would have been planned infrastructure and contributions could be claimed through the community infrastructure levy. The Council also identified a perception amongst local residents that Gypsies and Travellers were being treated differently from other members of the local population.
24. It is clear that the District has a significantly high population of Gypsies and Travellers. The Council has been granting planning permission for sites for Gypsies and Travellers over the years, 50 additional pitches having been approved since 2008. It has not adopted a Community Infrastructure Levy Charging Schedule, and so it has no mechanism in place for contributions to be sought towards local infrastructure when planning permission for such development is granted. This is even though granting permission for sites on an ad hoc basis pursuant to policy H10A of the LP and Alterations is part of the Council's strategy for addressing the need for Gypsy and Traveller sites. Effectively, there appears to be an acceptance that sites for Gypsies and Travellers may be granted planning permission even though they have not made any contribution towards the provision of local infrastructure.
25. The Council says there is a distinct concentration of permanent pitches in Roydon and the adjoining parish of Nazeing, with these two parishes containing a large proportion of the District's permanent pitches. It is understandable that local residents should be concerned about the impact of new development on local infrastructure, and the planning system seeks through the local plan process to match new development with the necessary infrastructure. Any harmful impact on such infrastructure would be a material consideration.
26. However, no specific information has been put forward as to how this particular development has, or would in the future, harm local infrastructure provision. The occupiers of the site, who would be the appellant, her four children and the families of the two eldest children, have been living in the area for many years. The site is within a reasonable distance of shops, schools and other facilities. The children have attended local schools, and they are all registered with a local doctor's surgery. The highway authority has not raised any objections on highway grounds, the site is large enough to ensure that the caravans would not be in close proximity to residential properties and it is capable of providing an acceptable living environment.
27. There is no convincing evidence here of a significant impact, or indeed any impact, on schools, health facilities or any other local services or facilities as a result of this particular development. Nor, bearing in mind the constraints on development in the Green Belt, is there evidence that there would be a cumulative impact in the future. My conclusion is that, although there is a small harmful effect on the character of the area from the development, there is no clear evidence of a harmful impact on infrastructure.

28. The representations make some reference to antisocial behaviour on the site, but no detail is available as to when this happened or who was involved. There is no convincing evidence that if permission was granted for this proposal, that would result in antisocial activities. The appeal site and the adjoining land have a history of having been used for the unauthorised siting of caravans, and there are enforcement notices in force in respect of various unauthorised developments including the siting of caravans. However, that by itself does not weigh either for or against the development⁴. This would be a small-scale development, which would not dominate the nearest settled community, either by itself or together with other Gypsy and Traveller sites nearby.
29. Policy CP1 of the LP and Alterations, entitled "Achieving sustainable development objectives" requires planning powers to be used to avoid or minimise the impacts of development on the environment. It also requires the securing of provision of sufficient types and amounts of housing accommodation and different facilities to meet the needs of the local population. In this case, the development has and would have a minimal impact on the environment in terms of the effect on the character and appearance of the area. There would be no identifiable or quantifiable impact on infrastructure. The development secures the provision of accommodation to meet the needs of a member of the local population. I conclude that there is no conflict with that policy.
30. In addition, there would not be any conflict with saved policies CP2 or CP3 of the LP and Alterations. These policies require the quality of the rural environment to be maintained and development to be accommodated within the existing, committed or planned infrastructure of the area.

Other material considerations

Need for sites for Gypsies and Travellers

31. The Council accepts that it does not have a five-year deliverable supply of suitable sites for the travelling population. A Gypsy and Traveller accommodation assessment (GTAA) has been undertaken for the County of Essex together with the unitary areas of Southend-on-Sea and Thurrock.⁵ That has identified a current need in Epping Forest for 28 pitches, and a future need from 2013 to 2033 of 84 pitches, making 112 in total. The Council has yet to identify what a five-year target should be to meet this 20 year total. At present, 92 percent of the District is within the Green Belt, and the Council says that as a consequence future Traveller sites are likely to be located at least initially in the Green Belt.
32. Mr Hargreaves has submitted a critique of this document, suggesting that the GTAA almost certainly underestimates needs. He has not provided his own assessment of need, but another Inspector who has considered the GTAA viewed its approach to outward migration from London as questionable, suggesting the assessment is an under-estimate⁶. The recent change in the definition of Gypsies and Travellers in PPTS seems unlikely to have any

⁴ The planning policy to make intentional or unauthorised development a material consideration to be weighed in the determination of planning applications and appeals, introduced on 31 August 2015 in a written ministerial statement, only applies to new planning applications and appeals received from 31 August 2015, and not to this appeal.

⁵ Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment of July 2014

⁶ APP/M1595/A/14/2217368.

material effect on the situation, given the level of unmet need already identified. On the evidence it is clear that there is a significant level of unmet need in the District, and that the GTAA figures may be an under-estimate.

Effectiveness of development plan policy in site provision

33. In September 2007 the then Secretary of State directed the Council to include a Gypsy and Traveller development plan document in its local development scheme. That did not result in a development plan document being adopted. The direction was revoked in July 2010, and the Council resolved to address the issue in its local plan. However no local plan has come forward to date.
34. The current timetable for submission of its local plan to the Secretary of State is September 2017, with adoption in the autumn of 2018. The Council's Gypsy Provision Information provided for this appeal sets out a number of options for addressing the need and identifying a five-year deliverable supply of sites. However, there appears to have been only limited progress in making provision for Gypsies and Travellers in its Local Plan.
35. It is clear that the Council faces significant difficulties in this task, including the large extent of Green Belt within the District, the numbers of Gypsies and Travellers for whom accommodation has to be made, and the shifting policy background against which it has to work. Nonetheless, despite the amount of work which the Council has clearly been putting into this exercise, I consider that there has been a failure over a considerable period of time to bring forward adequate site provision through the development plan process.

Personal circumstances

36. The medical evidence provided, which the Council does not dispute, shows that the appellant has serious health problems. She was unable to attend the hearing because she was in hospital receiving treatment at the time. Her state of health means that she requires facilities for her exclusive use, which would be provided in the utility block. She also suffers from stress because of her health and because of the uncertainty over where she can live, which exacerbates her other conditions. She has a daytime carer, and support from the district nurse. Her daughters also provide her with care.
37. The appellant's eldest son is 18 and attends college nearby several days a week. He also travels for work as indicated above, but he has health problems and receives disability living allowance. Because of his health problems, he would not be able to live by himself and is dependent on others in the family group or on those with whom he travels.
38. The appellant's second son is 16 and still a dependent child, although he too has started to travelling for work. He also attends college several days a week.
39. The appellant's elder daughter is married and has a young child who attends the local school. She had lived in the flat, but it had led to her suffering from depression and she had to give it up. She has spent a lot of time looking after her mother, which has led to tensions in her own family relationships.
40. The appellant's second daughter has a child who is not yet of school age, but who will begin attending a local nursery in the near future. Her partner is away travelling for much of the time. She does not have any other home. She helps support her mother and the family.

Other available accommodation

41. The appellant and her family do not have anywhere else to go. Local authority sites are full with waiting lists. The Council was not aware of any sites where the appellant could go. If required to leave the appeal site, the current occupiers would have to go onto the Council's housing waiting list. But that would only result in an offer of bricks and mortar housing, and it is not clear when any accommodation would become available. I am satisfied that would not be appropriate in these circumstances.
42. There are sites for touring caravans in the vicinity, but according to the Council these have planning conditions attached requiring them to be used for recreational purposes only. These would not be a viable option.
43. Mr Hargreaves said that living by the roadside would no longer be safe or possible for the appellant. Because of her medical situation, she needs heated accommodation and ready access to the facilities that would be provided in the utility block.

Human rights

44. There is an extant enforcement notice in respect of the site, prohibiting the use of the site for the stationing of mobile homes and caravans. A portable building on the site which at present appears to be used as living accommodation is also the subject of an extant enforcement notice. If the appeal is dismissed, then those living on the site will lose their homes. In addition, it seems unlikely that the extended family would be able to find anywhere to live as a family group. This would represent a serious interference with the occupiers' right to respect for their private and family life and their home under Article 8 of the European Convention on Human Rights.

Whether the other material considerations clearly outweigh the harm to the Green Belt, and any other harm, so as to justify granting a temporary planning permission

45. The harm to the Green Belt from the development is harm by way of inappropriateness, harm to openness and harm to one of the purposes of including the land within the Green Belt. Substantial weight should be attached to this harm⁷. There would also be some slight harm to the character and appearance of the area. I attach a small amount of weight to this consideration. There is no evidence of a harmful impact from the development on infrastructure. In respect of all the harm identified, because the proposal is only for a temporary period that harm would be limited in time. To a certain extent, that mitigates the harm identified, although the harm to the Green Belt would continue to attract substantial weight.
46. On the other side of the balance, there is a significant need both immediately and in the future for sites for Gypsies and Travellers in the District, and an acceptance by the Council that some of those sites are likely to be provided in the Green Belt. It is clearly in the interests of good planning that sites should come forward through the development plan process. However, in the case of Epping Forest, that is still some way off. The development plan process is not going to bring forward sites to address the immediate need and has failed to bring forward enough sites in the past.

⁷ Paragraph 88 of the Framework.

47. As far as the appellant herself is concerned, she does not currently fall within the definition of Gypsies and Travellers. However, she is an Irish Traveller by background and inclination, and culturally is not able to live in conventional housing without suffering adverse health effects. The public sector equality duty contained in the Equality Act 2010 applies, as the appellant's race is a protected characteristic. It is necessary to have due regard to her particular housing needs as an ethnic Irish Traveller.
48. There is no provision in the District for accommodation for ethnic Gypsies and Travellers falling outside the definition in PPTS, although there is a requirement in the Framework for local planning authorities to make provision for housing to meet the needs of different groups in the community. The Council does not argue that there is alternative accommodation available to meet the appellant's needs. I attach significant weight to the absence of any accommodation suitable for the appellant, and to the fact that the local plan process is not likely to bring forward any suitable sites within the near future.
49. I attach substantial weight to the personal circumstances of the appellant herself, and particularly to her severe ill-health, which would only be exacerbated by her living in conventional housing. She has nowhere else to go, and the evidence is that in her present state of health she would not be able to live a travelling lifestyle camping on the roadside. She also has a need for the support currently being given to her by her daughters.
50. With respect to the remaining proposed occupiers of the site, I attach moderate weight to their personal circumstances. I also attach moderate weight to the best interests of the children on the site, which would clearly be served by their having a settled home where they had access to health and educational facilities, as they do from the appeal site.
51. PPTS advises that, subject to the best interests of the child, personal circumstances and unmet need for Traveller sites are unlikely clearly to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. In this case, were it not for the personal circumstances of the appellant herself, the harm to the Green Belt would not be clearly outweighed by the other considerations. However, the guidance clearly envisages some, albeit rare, circumstances where personal circumstances and unmet need would be such as to establish very special circumstances.
52. In this case, I consider that the appellant's own personal circumstances do tip the balance sufficiently so that the other considerations here, taken together, clearly outweigh the harm from the occupation of the site by this family group. This is because of the care being provided by the family to the appellant, without which she would have extreme difficulty in coping. I have taken into account that a relative and her family occupy a dwelling immediately adjoining the appeal site. However, the appellant is being cared for by her daughters and there is no evidence that any more distant relatives would either be able or willing to take on those caring responsibilities.
53. The Council has expressed concern that, if planning permission is granted here, a precedent might be caused in respect of other sites which would make it difficult for the Council to resist granting permission. However, inappropriate development in the Green Belt should only be permitted if there are very special circumstances, and national guidance makes it clear that personal circumstances are unlikely by themselves to outweigh the harm to the Green

- Belt. Granting permission here would not hamper the Council in future cases from reaching a conclusion as to whether very special circumstances existed, based on the facts of those particular cases.
54. There have been objections to the development from local residents, the Parish Council and the Roydon Society. But there is no convincing evidence that community cohesion would be materially harmed if permission were to be granted for a temporary period.
55. Concern has also been expressed at the perception that Gypsies and Travellers are treated differently from members of the settled population. National planning policy recognises and provides specific advice on the provision of accommodation for Gypsies and Travellers, as does policy H10A of the LP and Alterations. National policy also requires the provision of housing to meet the needs of all sections of the population. That policy background is the framework within which a decision must be made. No inappropriate development, whoever it is by, should be permitted in the Green Belt without very special circumstances being shown. This rule applies to all sections of the community.
56. I conclude that very special circumstances have been demonstrated, and that granting planning permission for the appeal development for a temporary period of four years would accord with Policy H10A. This requires the Council, when determining planning applications for gypsy caravan sites within the Green Belt, to have regard to whether there are any special circumstances justifying an exception to the Green Belt restraint policies, and the impact on the openness of the Green Belt and the character and appearance of the countryside.
57. As the development would accord with Policy H10A, there would be no conflict with policy GB2A of the LP and Alterations, which provides that planning permission will not be granted for the use of land unless, among other matters, it is in accordance with another Green Belt policy. It is not clear that Policy GB5 of the LP and Alterations, which requires permission to be refused within the Green Belt for mobile homes and caravans, is relevant in this situation given the provisions of policy H10A. There would be no breach of Policy GB7A of the LP and Alterations because the development would not be conspicuous from within or beyond the Green Belt and would not have an excessive adverse impact upon its openness, rural character or visual amenities.

Conditions

58. Conditions are necessary to restrict the occupation of the site to the appellant and named members of her family and to limit the permission to a four-year period, and requiring the use to cease when the site ceases to be occupied by those named persons or at the end of the four-year period. This is because permission is only justified on the grounds of the personal circumstances of the appellant and her need to be cared for by family members, and to allow sites to come forward through the local plan process.
59. Conditions are also needed in order to limit the number of caravans to be stationed on the site, to restrict the size of vehicles which may be kept on the site, and to prevent any commercial activities. This is in order to limit the harm to openness and amenity caused by the development.

60. A condition is also required providing a strict timetable for dealing with foul and surface water drainage, proposed and existing external lighting and the internal layout of the site, all of which matters need to be addressed in order to make the development acceptable. The condition is drafted in this form because the development has already taken place and it is not possible to impose a condition preventing the development from commencing before all of these matters are resolved and provided. The condition therefore provides for the loss of the benefit of the planning permission if the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in accordance with the strict timetable, then the planning permission would no longer be implementable.
61. A condition requiring the development to be carried out in accordance with the approved plans would not be appropriate. This is because the development has already been carried out.
62. The Council proposed a condition addressing potential contamination of the site. This is because, according to the officer report to Council members, the previous uses of the site are potentially contaminating. The appellant submitted a contamination report in support of the application, which had been prepared in respect of another part of the former nursery site, adjacent to the appeal site. This appears to be a desktop study only, and does not acknowledge (or indeed discuss in any detail) the previous uses of the site or their potential for contamination.
63. Under these circumstances, and bearing in mind the best interests of the children living on the site, who are particularly vulnerable to the effect of contamination, it is necessary to require a scheme for a durable impermeable material to be provided beneath the caravans or mobile homes. A condition is also necessary to prevent any skirting or other obstruction to be placed around the base of the caravans or any materials stored beneath them that could prevent good airflow. These requirements are needed in order to prevent the occupiers of the site from being affected by any gases rising from the ground as a result of any contamination, as the caravans are likely to be sited where the former glasshouses stood.
64. I am not satisfied that it is necessary or reasonable to require the utility building, which is not sited where the glasshouses were, to be modified to address the possibility of contamination, or restrictions be placed on the water supply. This is because of the absence of any clear evidence as to the extent of any potential contamination, and the lack of evidence that the water supply might be subject to contamination.

Overall conclusions

65. For the reasons given above I conclude that the appeal should be allowed.

Sara Morgan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Michael Hargreaves	Michael Hargreaves Planning
Mrs Josie O'Driscoll	Aunt of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Jill Shingler	Epping Forest District Council
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INTERESTED PERSONS:

Mrs Pepper	Local resident
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DOCUMENTS

- 1 Appeal decision APP/J1535/C/10/2123144 Rose Farm, Hamlet Hill, Roydon handed in by the appellant
- 2 Appeal decision APP/J1535/A/13/2190055 Ashview, Hamlet Hill, Roydon handed in by the appellant

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Appeal Decisions

Site visit made on 18 January 2016

by **David Smith BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2016

Appeal Refs: APP/J1535/W/15/3133577 & APP/J1535/W/15/3133582 Park Farm Nursery, Sewardstone Road, Waltham Abbey, Essex, E4 7RG

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeals are made by Mr Mandeep Binning against the decisions of Epping Forest District Council.
 - The applications Ref EPF/1058/15 & EPF/1076/15, dated 4 May and 6 May 2015, were refused by notices dated 22 July 2015.
 - The developments proposed are use of land for open storage of building materials (sui generis use) (APP/J1535/W/15/3133577) and change of use from glasshousing to storage of building materials (sui generis use) (APP/J1535/W/15/3133582).
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Decisions

APP/J1535/W/15/3133577

1. The appeal is dismissed.

APP/J1535/W/15/3133582

2. The appeal is allowed and planning permission is granted for change of use from glasshousing to storage of building materials (sui generis use) at Park Farm Nursery, Sewardstone Road, Waltham Abbey, Essex, E4 7RG in accordance with the terms of the application, Ref EPF/1076/15, dated 6 May 2015, subject to the following conditions:
 - 1) No deliveries shall be taken at or despatched from the site outside the times of 0800-1800 hours on Mondays to Fridays and 0900-1300 hours on Saturdays.
 - 2) The use hereby permitted shall only take place within the building shown for storage on drawing no 2971/1.

Main Issues

3. The main issues in both appeals are:
 - Whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and the development plan;
 - The effect on the living conditions of the occupiers of nearby residents with particular reference to noise, dust and vehicle movements; and
 - If the proposal would be inappropriate development whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would
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be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

4. One of the appeal sites comprises a yard area accessed via a short drive from Sewardstone Road. It is proposed to use this for open storage of building materials. Bricks were stacked on part of it at the time of my visit. The second appeal site includes a portion of the open yard and a brick building used as offices. The main part of it comprises 3 bays of a former glasshouse which has been enclosed by timber. This is also proposed to be used for storage and was in use for keeping a multitude of building materials and equipment. Consequently both proposals are retrospective but this does not mean that they are a 'fait accompli'.

Whether inappropriate development?

5. Policy GB2A of the Epping Forest Local Plan and Alterations sets criteria for the consideration of proposals for the use of land in the Green Belt. In particular, criterion (iv) refers to uses which preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. However, these provisions reflect Planning Policy Guidance 2: *Green Belts* which has been replaced by the National Planning Policy Framework.
6. Paragraph 90 of the Framework refers to certain other forms of development that are also not inappropriate in the Green Belt. However, it is a closed list which does not include changes of use of land. Consequently Policy GB2A is not consistent with the Framework and should be given little weight for the purposes of determining whether the proposal would be inappropriate. Rather it should be assessed against the Framework. Put simply, because uses of land are absent from paragraph 90 the proposed open storage of building materials would be inappropriate development. This is, by definition, harmful.
7. Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Hence openness is epitomised by the lack of buildings, structures or other above ground items rather than those that are unobtrusive or screened in some way. As such, there is a clear distinction between openness and visual impact and the containment of the site by other buildings therefore has no bearing on this assessment.
8. The appellant maintains that the open storage would be limited in height and extent but no restrictions to this effect are put forward. Whilst limited by practicalities and safety considerations this could, in theory, cover much of the land. The area of the site is nevertheless fairly small and I agree with the parties that the proposal would not seriously compromise openness. However, the proposal would reduce it to a limited degree and this objection adds to the harm by reason of inappropriateness.
9. The re-use of buildings is included within paragraph 90 subject to certain caveats. These are also included in Local Plan Policy GB8A. The altered glasshouse is of permanent and substantial construction. Provided that storage takes place inside it then the openness of the Green Belt would be preserved and there would be no conflict with the purposes of including land in the Green Belt. Therefore this proposal would not be inappropriate development.

Living conditions

10. The objections received from those nearby refer to the serious disruption caused recently by activities at or near the sites. However, according to the appellant, the concrete business has ceased and re-located and there is no metal processing taking place. In any event I have to assess the likely implications of the proposed storage uses. The existing glasshouse and yard are quite close to domestic gardens. Past events also show that commercial uses at Park Farm Nursery have the potential to cause a nuisance. This is even though Sewardstone Road is busy and not wholly residential in character.
11. The appellant indicates that together the proposed uses would be likely to generate a single delivery per week of bricks, blocks and tiles by an HGV. Smaller vehicles would visit the site up to 8 times a day in total in order to make collections or to load or unload miscellaneous surplus materials. A forklift vehicle is kept on site. Clearly this mode of operation could change over time and conditions suggested by the appellant to limit the number of vehicle movements would be unenforceable. However, permission is specifically sought for the storage of building materials. Whilst there may be fluctuations the level of activity anticipated by the appellant seems largely consistent with a builder's yard and store of the size proposed. Therefore this information provides a reasonable guide to the likely impact of the proposals.
12. On this basis the amount of traffic entering and leaving the sites would be modest and the implications of this would accordingly be insignificant. It is also contended that no more would be generated than an active nursery use. Noise could arise from the proposed open storage use as materials are handled but this would be fairly infrequent throughout the day and a condition could be imposed to restrict working times. The prospects of disturbance arising from the proposed storage use within the building would be low. There is also no evidence that the proposals would be liable to lead to any problems with dust.
13. Therefore neither proposal, either individually or in combination with the other, would harm the living conditions of the occupiers of nearby residents. As such, there would be no conflict with Policies CP2 and RP5A which seek to protect the quality of the environment and to avoid adverse environmental impacts.

Other considerations

14. In support of the proposed open storage use there is reference to economic benefits and that the business is part of a recycling strategy on a brownfield site. These generally reflect the intentions of the core planning principles of the Framework but there is no further detail and this restricts their importance. It is also claimed that a derelict former nursery has been replaced by less conspicuous development but there is little evidence that the proposal has directly led to improvements to the visual amenities of the Green Belt.
15. If the planning permission for the re-development of the appellant's land to provide 2 dwellings is implemented then the open storage use would come to an end but there is no certainty when this might be. Overall these matters are of limited weight in support of the proposal.

Final assessment

16. The proposed storage of building materials within the former glasshouse would not be inappropriate development in the Green Belt and would not harm

residential living conditions. There would be no conflict with the criteria of Policy GB8A or other relevant policies and so it would accord with the development plan. Planning permission should therefore be granted.

17. The open storage use would be inappropriate development and there would also be limited harm to openness. Substantial weight should be given to any harm to the Green Belt according to the Framework. The other considerations do not clearly outweigh the harm that would be caused and so very special circumstances do not exist. As such, the proposal would not comply with the development plan and would be contrary to the Framework.

Conditions

18. In granting permission for the internal storage use a condition should be imposed regarding working hours as previously mentioned. However, to be consistent with the use permitted, this should relate to deliveries rather than machinery or processes. To safeguard the Green Belt the storage should be restricted to within the building. The Council also suggests a condition to limit noise levels but this is imprecise in referring to "the units hereby approved" and does not clarify the measurement index for the increase in dB level specified. BS4142 has also been updated. In any event, because of the likely nature of the use permitted I am satisfied that such a condition is unnecessary.

Conclusion

19. Therefore for the reasons given the open storage use is unacceptable and that appeal should fail. However, the use of the glasshouse for the storage of building materials is acceptable and that appeal should succeed.

David Smith

INSPECTOR

Appeal Decision

Hearing held on 20 January 2016

Site visit made on 21 January 2016

by Robert Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2016

Appeal Ref: APP/J1535/W/15/3132062

Chimes Garden Centre, Old Nazeing Road, Broxbourne EN10 6RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by BDG Partners Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/0206/14, dated 29 January 2014, was refused by notice dated 11 February 2015.
 - The development proposed is the demolition of the existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Policy Context

2. The appeal is required to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The relevant development plan here is the Epping Forest District Local Plan (1998) (the LP) and Local Plan Alterations (2006) (the LPA).
3. Other important material considerations here include the National Planning Policy Framework (2012) (the Framework) and the supporting Planning Practice Guidance (PPG).
4. The Framework provides amongst other things at paragraphs 47 and 49 that development plan policies should not be considered up to date if the Council cannot demonstrate a 5 year supply of suitable and deliverable housing land. It also provides at paragraph 215 that the weight to be accorded to development plan policies that predate the Framework should be adjusted according to their degree of consistency with the Framework.

Main Issues

5. I consider the main issues to be:
 - (a) Whether the development plan policies are up to date in respect of the supply of housing.
 - (b) Whether the development would be 'inappropriate' in the Metropolitan Green Belt or otherwise harmful to the 'openness' of the Green Belt.
 - (c) In respect of flood risk:

- i) whether the location of part of the development in Flood Zone 3 satisfies the Sequential Test in the Framework and, if so,
 - ii) whether the Exceptions Test is also satisfied in that: would any wider sustainability benefits outweigh the flood risk? and would the development be safe for its users, without increasing flood risk elsewhere, and where possible reducing flood risk overall?
- (d) Whether the proposal makes suitable provision for affordable housing.
 - (e) Whether the proposal should and does make provision for education infrastructure including additional primary school accommodation and the costs of transporting students to secondary school.
 - (f) Whether there has been sufficient investigation of land contamination.
 - (g) Whether there has been sufficient investigation of wildlife impacts.
 - (h) Whether any harm to the Green Belt or other identified harm would be outweighed by any other considerations.

Reasons

Housing Supply

- 6. The LP was adopted some 18 years ago and the limited LPA changes were adopted 10 years ago. The housing target in the development plan is consequently now out of date and the Council does not dispute that the supply of available and deliverable housing land falls far short of the most recent assessment of need which is the starting point for assessing a 5 year housing supply. Consequently the Council cannot demonstrate a 5 year supply. In these circumstances paragraphs 47 and 49 of the Framework provide that housing supply policies should be considered out of date. Paragraph 14 provides in summary that where policies are out of date there should be a presumption in favour of sustainable development unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 7. Policies that seek to limit the location of housing to within existing defined settlements are to be considered out of date for the above reason and any conflict with such policies is outweighed by the housing supply shortfall. However other development plan policies should continue to attract full weight if they are consistent with the Framework. Local and national policies in respect of the Green Belt and flood risk are of particular relevance.

Green Belt

- 8. The appeal site is low lying land entirely within the Green Belt. It is also within the designated Lee Valley Regional Park.
- 9. LPA Policy GB2A will not grant planning permission for new buildings in the Green Belt unless they are 'appropriate' in that they preserve openness, do not conflict with the purposes of the Green Belt, and are for specified types of development (which do not include general housing). However that policy wording is not fully consistent with the more up to date national policy in the Framework which here merits greater weight.
- 10. Paragraph 89 of the Framework provides amongst other things that development in the Green Belt may not be 'inappropriate' where it concerns the: '*partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary*

buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.

11. Much of the appeal site was used for gravel extraction between about 1975 and 1980. The gravel pit was subsequently backfilled with waste and developed in part as a garden centre. After the garden centre closed the buildings and some of the land were used for other commercial purposes and there is a history of planning enforcement against unauthorised activities. The site is now vacant. The north eastern half of the appeal site includes the derelict and unsightly buildings of the former garden centre together with extensive hardstandings and incidental open land. The south western half is vacant open land.
12. In 1989 planning permission was granted for development including an area of additional car parking for the garden centre. That partially extended into the open south western half of the site but within a defined area. A Section 52 legal agreement completed at the same time provided that the remaining open land at the south western end of the site outside that defined parking area *'be kept permanently open and used solely for agricultural purposes'*.
13. In these circumstances I conclude that all of the land other than that 'agricultural' land comprises a single curtilage of 'previously developed land' as defined in the Glossary to the Framework. There is said to have been at one time an agricultural building on the open land beside the river but there are no visible remains. In any event the Framework definition of previously developed land specifically excludes: *'land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal where provision for restoration has been made through development control procedures.'* It is apparent that the land from which gravel was extracted was backfilled and covered in topsoil. I conclude that the agricultural land defined by that Section 52 agreement qualifies as greenfield land and that its development for housing would by definition be inappropriate. The Framework confirms that inappropriate development is by definition harmful in the Green Belt.
14. The Framework does allow that development of previously developed land in the Green Belt may not be inappropriate if it does not have a greater impact on openness.
15. Following the refusal of the subject planning application to develop the whole site for housing, planning permission has recently been granted for a reduced development of 26 dwellings on the previously developed land in the north eastern part of the site only. The appeal proposal concerns a very similar development on that land together with its extension onto the open land to the south by the construction of a further 17 dwellings.
16. The 26 dwellings on previously developed land would replace existing or recently demolished buildings, albeit that they would be taller. To the extent that they may have a greater impact on openness it is material that a planning permission for similar development has been granted which had regard to other considerations including the improved appearance for the derelict site.
17. The south western part of the site is fully open and has a disused but not derelict appearance. That part originally permitted for car parking is open grassland that has blended into the landscape with no visible hardstanding. It does not appear that the remaining land has been actively used for agriculture

in recent times. It developed as scrubland but that scrub and trees have been cleared by the Appellant leaving areas of bare earth, mounds of wood chippings and some rough grass. It was also obvious on site that there has been a very recent land raising operation. Whilst that may have in part used material already on the wider appeal site such as broken concrete and wood chippings, it also appears to have used imported soil. The land raising has also included part of the adjacent lane outside the appeal site, adjoining the premises of a cruising club.

18. At the hearing the Appellant's agent acknowledged that the volume of built development is more material to an assessment of openness than is the footprint of the buildings and hardstanding. The Council has estimated that the volume of built development across the site as a whole would increase fourfold as a result of the development. The 26 dwellings to be erected on the north eastern part of the site would have no greater impact on openness than would the 26 dwellings already permitted there and which could be implemented in the fallback position. However the additional 17 large dwellings to be erected on the open south western part of the site would have a substantial adverse impact on openness with significant additional harm to the Green Belt. That the S52 agreement limited the use of most of this land to agriculture confirms its status as countryside. Thus the development would also constitute an encroachment into the countryside which would contravene one of the stated purposes of Green Belts and represent additional harm.
19. For these reasons there would be harm to the Green Belt by reason of inappropriateness, loss of openness, and encroachment into the countryside. That would contravene LPA Policy GBA2 and national policy in the Framework. The Framework provides that substantial weight should be attached to harm to the Green Belt and that very special circumstances would need to be demonstrated to outweigh such harm.
20. I also agree with the Regional Park Authority that, whilst development of part of the site (the previously developed land) could be acceptable in landscape terms, the erection of houses over the other open parts of the site would be intrusive and would harm the landscape of the Regional Park in which the development would be located. This would also detract from the visual amenity of recreational users of the river and the towpath who would have a close view of the development on the previously open land. That is a separate additional harm to the harm to the Green Belt.

Flood Risk

21. LPA Policy U2A provides that a sequential approach will be applied to development proposals within the Environment Agency Flood Risk Zones. It also includes criteria for exceptionally permitting development in high flood risk areas which include that no suitable alternative site is available.
22. Paragraph 103 of the Framework is supported by more detailed PPG and is more up to date than the LPA. It provides amongst other things that, when determining planning applications, *'authorities should ensure flood risk is not increased elsewhere and only consider development proposals in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different*

location; and development is appropriately flood resilient including safe access and escape routes'. Houses are classified as 'More Vulnerable' development.

23. The Sequential Test seeks to direct development first to areas of low probability of flooding (Zone 1) in preference to areas of medium probability (Zone 2) which are themselves to be preferred to areas of high probability (Zone 3). In this case the submitted site-specific flood risk assessment (FRA) initially identified that the site was mainly in Flood Zone 3a (High Probability of Flooding). Thus consideration should be given to whether the need for the development can be met by land at lower risk of flooding.
24. The Appellant points to the District's shortfall in housing supply (which is attributed largely to the designation of 92% of the District as Green Belt) and asserts that this demonstrates that: *'the demand for sites for residential development cannot be solely met even when development is allowed in all 3 flood zones'* and that the Council: *'cannot meet their housing supply target using only land within Flood Zone 1 and Flood Zone 2'*.
25. Since the FRA was submitted the Environment Agency has reclassified the site such that most would be within Zone 2 (Medium Probability) but the western part closest to the river frontage would remain as Zone 3a. That part of the site would be occupied by 6 of the proposed 43 dwellings.
26. Whilst the Council does not dispute that the Sequential Test has been passed I do not agree with the Appellant's reasoning or conclusion in that regard. Firstly, if it is necessary to develop land in the Green Belt in order to satisfy the need for housing (which is considered separately) then the sequential test should still be applied to seek out land at lower risk of flooding. There is no evidence before me of a lack of Zone 1 or Zone 2 land elsewhere in the Green Belt. Secondly, even if Zone 2 land needs to be developed because of a lack of suitable Zone 1 land, then it does not appear that consideration has been given to providing all of the proposed housing on Zone 2 land, whilst avoiding Zone 3a land. Even if no Zone 2 land can be provided elsewhere, then consideration should be given to a revision of the site design and layout in order to avoid siting the 6 dwellings on Zone 3a land.
27. It is acknowledged that it is a material consideration that the Council has permitted the development of 26 dwellings on the previously developed part of the site within Zone 2. Other considerations would have been relevant there such as that the site is already occupied by buildings and hardstanding. There would be associated social, economic and environmental benefits of redeveloping this derelict site. However I do not consider that the Sequential Test has been suitably applied so as to justify the development of the remaining greenfield land within Zone 2 and especially Zone 3a.
28. Even were the Sequential Test to be satisfied, then I do not consider that the development of the Zone 3a land has been shown to be justified by wider sustainability benefits for the community as would be required by the Framework to pass the Exceptions Test. Whilst the Council's Level 1 Strategic Flood Risk Assessment refers at paragraph 7.4.6 to the Sustainability Appraisal work as relevant to such assessments, the Appellant's scoring method relates to another document that has been withdrawn and is no longer material. It seeks to assess compliance against a series of sustainability criteria. There has been some incorrect scoring and totals as discussed at the hearing. But in any case I consider that it is too crude a method, not least because it gives equal

weighting to very disparate criteria. In this case any benefit of the development would be mainly for the occupiers of the houses rather than the wider community. Those occupiers would still be at some risk of flooding themselves albeit that raised floor levels would reduce the risk of flooding within their homes and it has not been shown to be unsafe for the lifetime of the development.

29. The Framework seeks that consideration be given to opportunities for new development to reduce the overall risk of flooding and that development should not increase the risk of flooding elsewhere. In that regard local residents have expressed concern about local surface water flooding which was not part of the Environment Agency risk assessment. Residents of the adjacent Riverside Avenue already experience significant local surface water flooding during periods of high rainfall and are concerned that this could be made worse by the proposed development. Riverside Avenue is mainly within Flood Zone 3a and has a high water table close to the river. From what I saw it appears that the main reason for that current flooding is not fluvial but is because Riverside Avenue is a private road that apparently lacks any surface water drainage system. Whilst the road would originally have been developed with smaller houses set in generous gardens, the original dwellings have been replaced by much larger houses, many of which have extensive areas of hardstanding to provide car parking. That will have reduced the capacity of the ground to absorb rainfall whilst also increasing the rate of run-off from hard surfaces.
30. According to submitted photographs the main area of surface water ponding occurs at the lowest part of Riverside Avenue near its southern end. That is close to a large surface water pipe which runs along the boundary between Riverside Avenue and the appeal site. The pipe may belong to Thames Water and it carries surface water from the nearby 1970s Great Meadow development. There is also an opening in the pipe to allow water to enter from a ditch on the appeal site which carries surface water from the buildings and hardstandings on the previously developed land in and around the former garden centre. There does not appear to be any connection into the pipe from Riverside Avenue. As the pipe runs partly above ground such a connection would be difficult or impossible to achieve and, if feasible, would likely require the consent of Thames Water. I do not consider that the solution to that existing problem lies with the appeal proposal but is rather a matter for the Riverside Avenue Residents Association to address since it would probably require works on land owned or controlled by their members.
31. Whilst floor levels of some proposed dwellings would be raised above existing ground levels, compensatory storage is intended within garden areas. The surface water drainage system for the appeal development is intended to include on site storage which would keep the rate of surface water run-off at or below current levels such that there should be no increased risk of run off onto adjoining land at Riverside Avenue.
32. Notwithstanding those declared intentions, which could be subject to enforceable planning conditions, recent land-raising on the lower parts of the site near the river appears to contradict that strategy and could alter local drainage patterns. Whether those works are lawful would be a matter for the local planning authority. However, were the appeal to be allowed conditions could require that the development be implemented as proposed which may necessitate the removal of that imported material.

33. Overall it is concluded on this issue that the proposed development of land in Zone 3a satisfies neither the sequential test nor the exceptions test and is in conflict with the Framework which is more up to date than the development plan in this regard.

Affordable Housing

34. LPA Policy H5A seeks the provision of affordable housing on-site. LPA Policy H6A sets out thresholds above which affordable housing is required (and which applies here). LPA Policy H7A seeks 40-50% provision depending upon location unless it can be shown that *'they are inappropriate or that they make a scheme economically infeasible'*.
35. The Appellant refuses to make any provision on-site on the grounds of viability/economic feasibility and because some local support for the exclusion of affordable housing is claimed. That relates to the parish council's support for the development and also to the submission by local residents of signed copies of a standard letter distributed by the Appellant which included a statement to that effect. The Appellant also claims both that the dwellings in the designed scheme are unsuitable for use as affordable housing due to their large average size and that a redesigned scheme to include more smaller dwellings would have a greater adverse impact on the openness of the Green Belt.
36. Little weight is accorded to these factors. Firstly I have not seen reliable viability evidence for a scheme with on-site provision which demonstrates that such provision is not economically feasible. Secondly the Appellant has only consulted local residents who by definition are already housed. The Appellant has not consulted those who are currently in need of housing locally but who cannot afford market prices. That does not establish that on-site affordable housing is *'inappropriate.'* Whilst the scheme dwellings are large and may not be appropriate as affordable dwellings, an alternative scheme which included more smaller dwellings need not have an adverse impact on openness. For example 2 semi-detached houses could replace one large detached house or 3 terraced houses could replace a pair of semi-detached houses within the same building envelope or a similar volume.
37. It is however material that the Council has already permitted the 26 dwelling scheme on the same site. That also lacks on-site provision of affordable housing and the Council has accepted a payment of £500,000 for off-site provision in lieu. At the hearing the Appellant's agent estimated that a typical open market dwelling suitable for use as an affordable dwelling would cost about £200,000 and that a subsidy of £100,000 would be needed to make it affordable. No particular type of affordable housing was considered and the amount of subsidy could vary according to whether the homes are social rented, affordable rented or shared ownership. Thus £500,000 would allow for the provision of only 5 affordable dwellings off-site whereas fully policy compliant provision for a 26 dwelling development would be for at least 10 dwellings.
38. When the Council's consultants appraised the viability evidence originally submitted by the Appellant they concluded that for a development of 43 dwellings with no on-site affordable housing there would be a surplus profit of £913,000. The Appellant has accepted that conclusion as a basis for consideration of viability and has submitted a completed unilateral S106 obligation which would make an increased contribution of £1m for off-site

affordable housing. It is claimed that the additional £87,000 would be funded by a reduction in the assumed developer's profit (from 20% to 17%).

39. Using the Appellant's estimates a £1m contribution would allow 10 affordable dwellings to be provided off-site at a subsidy of £100,000 per dwelling. Had the 10 dwellings been provided on site that would have represented only 23% of the 43 dwellings. As provision would be off-site there would be (43+10=) 53 dwellings in total of which only 19% would be affordable.
40. It is concluded that it has not been directly demonstrated that the provision of affordable housing on site is not appropriate or economically feasible as no scheme including such provision has been assessed. However it is material that the development is likely to require considerable expenditure on remediation of contaminated land and also that the Council has accepted an off-site contribution when permitting the 26 dwelling scheme. It is therefore concluded that the shortfall in affordable housing and the lack of on-site provision would not in themselves warrant the dismissal of the appeal were the proposal otherwise acceptable. These considerations outweigh any literal conflict with the development plan.

Education Contributions

41. LPA Policy I1A provides amongst other things that in appropriate circumstances the Council will negotiate S106 legal obligations to require financial contributions for school places, using county wide guidance. Paragraph 204 of the Framework sets out tests for such obligations. The Community Infrastructure Levy Regulations 2010 (as amended) include relevant statutory requirements at Regulations 122 and 123.
42. In April 2014 the Local Education Authority (LEA) requested financial contributions towards the additional secondary school places at the Stewards Academy in Harlow that were stated to be needed to serve the development. The LEA also sought a contribution equivalent to the costs of transporting all the secondary pupils to that school for a period of 5 years. In February 2015 the Council refused planning permission in part because that nearest Essex secondary school is beyond the statutory walking distance and because the proposal makes no provision for the additional transport costs that would be incurred by the LEA. Although the Officer Report had included the LEA request for a contribution to secondary school places, the final reason for refusal referred only to the transport costs. The Report also commented that there was then considered to be adequate capacity for pre school and primary education.
43. In November 2015 the Education Authority withdrew its request for a contribution to secondary school places because CIL Regulation 123 restricts the pooling of contributions to 5 separate obligations for a project. However a transport contribution was still sought.
44. In the event the Appellant has submitted a unilateral obligation which includes a primary school contribution of £141,530 and a secondary school transport contribution of £32,702.
45. Following clarification from the LEA it appears that there are now concerns about the capacity of local primary schools. A primary school places contribution has been sought in respect of another planning application on the appeal site. However the practice of the LEA is not to alter previous advice,

notwithstanding that in this case that advice was given almost 2 years ago and that circumstances may have changed. Primary school capacity remains a concern of some other interested persons. Were the appeal proposal otherwise acceptable then the fact that the obligation includes a primary school places contribution may address that concern. However as I have no evidence that the amount calculated is appropriate, and because the LEA position is ambiguous as to whether there is now a need, I have not taken the primary school contribution into account.

46. In relation to the transport contribution, that does appear to have some justification in principle. However it assumes that all pupils will travel to Harlow when some may instead attend the much closer secondary school in Broxbourne, which is within walking distance. As that school comes under Hertfordshire Education Authority it may give preference for places to students within its defined catchment. There is no information before as to whether it is likely to also have capacity to take some or all students from the subject development.
47. It is nevertheless concluded on this issue that the Appellant has addressed the reason for refusal and that there would not be harm in that regard or a material contravention of LPA Policy I1A. In the absence of any evidence that the students would all be accommodated at Broxbourne then the transport costs contribution is justified and has been taken into account. It is however noted that the LEA consider that the wrong index base date was used in the undertaking and that might marginally affect whether the transport contribution sum is correct.

Land Contamination

48. Almost all of the south western part of the site and some of the north eastern part has been subject to landfill and is likely to be contaminated as a result. The Officer Report further commented that it is not 'good practice' to allow residential development on such landfill sites. However LP Policy RP4 provides in summary that permission to develop such land will not be granted unless in summary: (a) prior tests are carried out; (b) if contamination is found, appropriate methods of treatment are agreed with the Council, pollution authorities and water companies; and (c) that treatment shall include measures to protect or recreate habitats of nature conservation interest. Thus the development plan does not preclude such development if the stated criteria are met.
49. The Officer Report commented that the Council lacked expertise in this area and relied on the Appellant's submitted preliminary information and statement that the worst case would involve removing all of the contaminated material and that this could be both feasible and cost effective. The removal of material would be complicated by the need to pump groundwater away before the solid material could be removed and there were associated risks of subsidence of adjacent sites. The Report also warned that if costs were higher than estimated then the affordable housing contribution may be 'difficult to retain'. It advised that if members were inclined to grant planning permission then a suitably qualified consultant should be engaged before permission was given and that standard contaminated land conditions should be applied. Notwithstanding these concerns and the absence of further expert advice, no reason for refusal was applied in relation to the contaminated land issue.

50. During the appeal process the Appellant submitted an addendum appeal statement to the effect that the costs of remediating the land contamination had been incorrectly addressed in the viability study and could be trebled, in which case there would be no 'surplus' profit that could be used to fund the affordable housing contribution. However, at the hearing the Appellant's agent withdrew this argument and agreed that the appeal should be assessed on the basis of the viability conclusions of the Council's consultants, which do show the surplus that would fund affordable housing provision.
51. At the hearing it was noted that revised land contamination conditions had been applied to the permitted 26 dwelling scheme.
52. Sufficient information has been provided to assess the risks of contamination but there remains some uncertainty as to the extent of the remediation works that would be necessary. Conditions could be used to determine the appropriate methods of treatment.
53. Matters relating to the protection or recreation of wildlife habitats are addressed below.
54. It is concluded that the proposal is potentially compliant with Policy RP4. However there remains some uncertainty as to the cost and extent of remediation necessary.

Wildlife

55. Wildlife impacts were not stated by the Council as a reason for refusal but have been raised by interested persons including the Regional Park Authority. The Framework seeks that the planning system should minimise impacts in biodiversity and provide net gains where possible. That requires that sufficient information is available about potential impacts on bio-diversity and the scope for avoidance, mitigation or enhancement.
56. The main potential wildlife habitat is on the open southern part of the site. A preliminary ecological appraisal dated August 2013 was submitted with the application together with follow-up surveys for reptiles and amphibians and for bat emergence. The latter survey found no evidence of bat roosts but commented that this section of the Lee Valley is 'clearly a bat foraging hotspot'. The reptiles and amphibians survey did not find any amphibians but did find one grass snake. The survey concluded that it was 'surprising' that no further reptiles were found. Suggested mitigation included the trapping and relocation of reptiles. However no location was identified for relocation and the report commented that this might present difficulties. When commenting on the 26 dwelling scheme (which kept the south western area open) the Environment Agency pointed to the enhancement opportunities for that part of the site. Whilst associated with surface water storage they could include bio-diversity enhancement and informal recreation.
57. Lee Valley Regional Park Authority owns nearby land and has expert knowledge of local wildlife. The authority objected that the ecological/wildlife surveys were incomplete. The Authority's appeal statement commented that the papers were insufficient to provide a clear identification of species on the site and the nature of measures required to mitigate impact on them, without which an informed decision should not be made. The Council's officer report had concluded that

these matters could be addressed by conditions and did not include a related reason for refusal.

58. At the hearing nearby residents commented that snakes and newts were common in the area and that, when the Appellant had disturbed the appeal site by removing scrub and other vegetation, a large number of snakes had migrated onto nearby land. Residents also report that there are ponds on land near the site. That suggests potential for amphibians.
59. At the hearing a revised Phase 1 Ecology Survey was submitted by the Appellant. It is dated January 2016 and has been prepared to support a new application for housing development on the appeal site. That application is not before me and I have no further details about it. However the survey report comments amongst other things that semi-improved grassland makes up a substantial proportion of the survey area and reveals good potential for reptiles with numerous basking and foraging opportunities. It refers to the single grass snake found in the 2013 reptile survey. The report is based on a visit to the site on 4 January 2016 and any grass snakes would have been hibernating at that time, as would any other snake species. A small pond present in 2013 had since been filled in. Several follow-up specialist surveys were recommended in Spring and Summer to include reptiles, great crested newts, bats and water voles/otters.
60. Almost 3 years have passed since the original ecology report and surveys. I saw on the hearing site visit that the recent land raising and earth moving operations across the southern part of the appeal site are likely to have altered the habitat but it is not clear whether this occurred before or after 4 January.
61. The effect of development on the northern part of the site would be the same as for the permitted 26 dwelling scheme. However, given the comments of the Park Authority that previous surveys have been inadequate, together with the time that has passed since those surveys, the recent change in habitat, and the recommendations of the ecological report that further surveys are needed I do not consider that there is currently sufficient information to assess the wildlife potential of the south western part of the site or to conclude what mitigation may be needed. As there is potential for risk to protected species and their habitat this would not be a suitable matter to be left to conditions.

Other Matters

62. Account has been taken of other matters raised in evidence and submitted representations but these do not alter my conclusions on the main issues. In particular, whilst the development would generate traffic movements on the area's narrow roads, regard should be had to the site's history as a garden centre which would also have generated considerable traffic movements and which could potentially resume in the fallback situation. Transport evidence has been submitted and the highway authority does not object to the development.
63. It is acknowledged that the Government is consulting upon potential amendments to the Framework including policy for previously developed land in the Green Belt and that the Housing and Planning Bill may alter policy in relation to affordable housing and starter homes. However only limited weight may be accorded to these matters at this stage. Neither these nor the other matters weighed outweigh the conclusions on the main issues.

Planning Balance

64. It is considered that substantial weight should be accorded to the harm to the Green Belt by reason of inappropriateness, loss of openness and encroachment into the countryside. There would also be some harm to the landscape of the Regional Park due to that encroachment on the south western part of the site and the loss of openness. There is also significant harm by reason of flood risk, especially in relation to that part of the development which would be within Zone 3a. The need for further wildlife surveys indicates that it would be premature to grant permission at this stage. The uncertainty about remediation costs mainly represents a risk to the Appellant. It relates more to the development of the southern half of the site where most of the contaminated landfill is located.
65. To weigh with the harm the Appellant cites a number of considerations. The main benefits of the development would be the social and economic benefits of providing the additional market housing on site, together with the social benefits of the potential provision of some affordable housing off-site.
66. There is a considerable local under-supply of housing land against identified needs, which the Council acknowledges. There is no up-to-date housing target. However the Appellant cites an Objectively Assessed Need figure of 514 dwellings per annum against a projected supply of only 111 dwellings in 2015-2016 and 113 dwellings in 2016-2017, a shortfall of about 400dpa against that need and an accumulating backlog. Neither is that undersupply likely to be addressed in the near future given that most of the District is in the Green Belt and that it is not expected that a new local plan (including a new housing target) will be adopted until 2018. However the PPG advises at 3-034-201410-6 that: *an 'unmet need for housing is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt'*. That limits the weight to be accorded to that benefit.
67. The other considerations suggested by the Appellant to weigh with the harm are: that the appeal site includes previously developed land; that landfill would be remediated and the land brought back into beneficial use; that there is local support including from the Parish Council and the District Council's Area Committee; and that the District Committee's decision was made only on the casting vote of the chairman. However the benefits of bringing previously developed land into beneficial use and provided more than half of the additional housing can be realised by the permitted 26 dwelling scheme with much less impact on the Green Belt, landscape, flood risk, and wildlife. The open land is not previously developed and should not require the same remediation if it is not used for housing. It still has potential for agriculture, forestry, nature conservation or informal recreational purposes. There are local objections to the development as well as support and the resolved position of the District Council is to oppose the development.
68. I conclude that the other considerations do not constitute the very special circumstances needed to outweigh the harm to the Green Belt, and the other harm to the landscape of the Regional Park, flood risk, and the potential harm to wildlife. Whilst some aspects of the development comply with some development plan policies, the significant and demonstrable environmental harm and the associated overall conflict with the development plan and with

relevant Framework policies outweigh the social and economic benefits such that this is not a sustainable development and the presumption in favour of sustainable development therefore cannot apply.

Conclusions

69. For the above reasons the overall conclusion is that the proposal is in conflict with the development plan and the Framework and there are no material considerations which outweigh that conflict. The appeal should therefore be dismissed.

Robert Mellor

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr S Whipps	Solicitor and Legal Assoc MRTPI, Holmes and Hill LLP
Mr K Ellerbeck	For the Appellant Company

FOR THE LOCAL PLANNING AUTHORITY:

Ms J Shingler BA(Hons) MRTPI	Principal Planning Officer, Epping Forest District Council (at hearing only)
Ms Sharon Hart	Enforcement Officer, Epping Forest District Council (at site visit only)

INTERESTED PERSONS:

Ms Kay Mingay	Local Resident
Mr D Hughes	Local Resident (also representing those members of Riverside Avenue Residents Association who oppose the development)

DOCUMENTS

1. Nazeing Parish Council letter of 19 January 2016
2. Draft S106 undertaking
3. KIFT Viability Report of 8 October 2014 & appendices
4. Interim Sustainability Report July 2012
5. Table of figures relating to housing supply as at 1 April 2014
6. Landscape Character Assessment (extract)
7. Completed S106 unilateral undertaking dated 21 January 2016
8. Revised Phase 1 Ecology Survey January 2016
9. Final Decision Notice for 26 dwelling scheme
10. Environment Agency consultation response on 26 unit scheme
11. Email from Essex County Council LEA dated 26 January 2016