

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 16th November, 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, 16th November, 2016**
at **7.30 pm** .

Glen Chipp
Chief Executive

**Democratic Services
Officer**

M. Jenkins Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors A Mitchell (Chairman), G Shiell (Vice-Chairman), R Bassett, R Butler, D Dorrell, R Gadsby, L Hughes, H Kane, S Kane, Y Knight, J Lea, M Sartin, 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 ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 16)

To confirm the minutes of the last meeting of the Sub-Committee held on 19 October 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 - APRIL 2016 TO SEPTEMBER 2016 (Pages 79 - 88)

(Director of Governance) To consider the attached report.

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 the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. 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 Committee.

Meetings of the District Development Management Committee, Area Plans Sub-Committee East and Area Plans Sub-Committee West are held at the Civic Offices in Epping. Meetings of Area Plans Sub-Committee South are held at Roding Valley High School in Loughton.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by ringing 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 generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

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

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East or Area Plans Sub-Committee West, you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

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 the application.

How are the applications considered?

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

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of

officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

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

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

Further Information?

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

Area Planning Subcommittee West 2016-17

Members of the Committee and Wards Represented:



**Chairman
Cllr Mitchell**
Waltham
Abbey North
East

**Vice-Chairman
Cllr Shiell**
Waltham Abbey
Honey Lane

Cllr Bassett
Lower
Nazeing

Cllr Butler
Waltham Abbey
Honey Lane

Cllr Dorrell
Waltham Abbey
Paternoster



Cllr Gadsby
Waltham Abbey
South West

Cllr Hughes
Broadley
Common,
Epping Upland
and Nazeing

Cllr H Kane
Waltham
Abbey
South West

Cllr S Kane
Waltham
Abbey
Honey Lane

Cllr Knight
Lower
Nazeing



Cllr Lea
Waltham
Abbey North
East

Cllr Sartin
Roydon

Cllr Stavrou
Waltham
Abbey High
Beach

Cllr Webster
Waltham
Abbey
Paternoster

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 19 October 2016
West

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.05 pm
High Street, Epping

Members Present: A Mitchell (Chairman), G Shiell (Vice-Chairman), D Dorrell, L Hughes, H Kane, S Kane, Y Knight, J Lea and S Stavrou

Other Councillors:

Apologies: R Bassett, R Butler, R Gadsby, M Sartin and E Webster

Officers Present: S Dhadwar (Senior Planning Officer), J Rogers (Planning Officer), J Leither (Democratic Services Officer) and R Perrin (Democratic Services Officer)

25. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all persons present that the meeting would be broadcast live 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 the webcasting of Council and other meetings.

26. 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.

27. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 14 September 2016 be taken as read and signed by the Chairman as a correct record.

28. DECLARATIONS OF INTEREST

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

29. ANY OTHER BUSINESS

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

30. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1-4 be determined as set out in the annex to these minutes.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/1176/16
SITE ADDRESS:	Highbury House Laundry Lane Nazeing Essex EN9 2DY
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Use of units 20 & 21 for storage of second hand cars including valeting and internet sales.
DECISION:	Withdrawn from Agenda

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=584356

This item was withdrawn from the agenda.

Report Item No: 2

APPLICATION No:	EPF/1829/16
SITE ADDRESS:	Land and garages adjacent 14A Pound Close Nazeing Essex EN9 2HR
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	4 affordable homes with 10 parking spaces
DECISION:	Withdrawn from Agenda

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=585753

This item was withdrawn from the agenda.

Report Item No: 3

APPLICATION No:	EPF/1956/16
SITE ADDRESS:	Land at Common View North of Nazeing Common Nazeing Essex EN9 2SQ
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Erection of 4 no. market dwellings with garages, parking and turning; 1 no. new highways entrance; upgrading of existing highways entrance.
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=586054

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: 02B, 03B, 04A, 05, 06
- 3 No development shall have taken place until details of the types and colours of the external finishes, including doors, windows and render, have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of 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 Prior to the first occupation of the development the visibility splays, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The visibility splays, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 7 No development, including works of demolition or site clearance, shall take place until details of the retained landscaping (trees / hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.
- 8 Prior to first occupation of the development the proposed vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 9 Prior to the first occupation of the development the existing private access shall be constructed to a minimum width of 5 metres for at least the first 6 metres from the back edge of the carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 11 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.
- 12 There shall be no discharge of surface water onto the Highway.
- 13 The development shall be carried out in accordance with the recommendations as laid out within the Preliminary Phase 1 Habitat Survey undertaken by t4 ecology Ltd (May 2016).

14 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.

15 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.

16 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.

17 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.

Report Item No: 4

APPLICATION No:	EPF/2112/16
SITE ADDRESS:	Units 1-6 Craner Produce Common Road Broadley Common Nazeing Essex EN9 2DF
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Change of use of 4 fruit farm storage units to 4 general purpose storage units with concrete hard standing and new rollers shutters to each unit.
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=586455

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: MP/MM/1755 dated 3/8/16, 1755/01A, 1755/02B, 1755/03
- 3 The 4 general storage units hereby permitted shall not be open to customers / members outside the hours of 08:00 to 18:00 on Monday to Saturday and 09:00 to 17:00 on Sundays and Bank Holidays.
- 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.

AREA PLANS SUB-COMMITTEE 'WEST'

Day Month Year

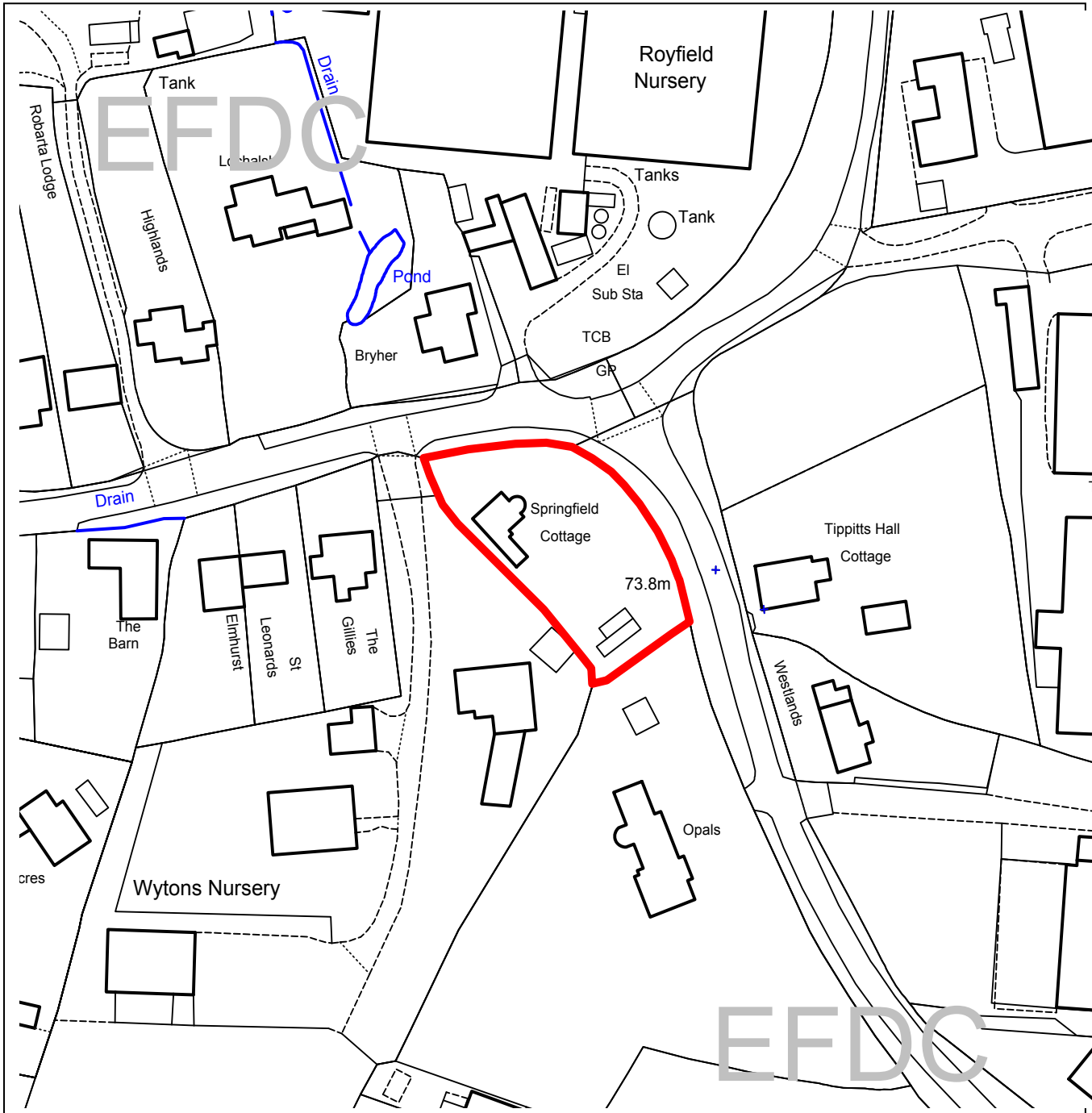
INDEX OF PLANNING APPLICATIONS

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2.	EPF/1829/16	Land and garages adjacent 14A Pound Close Nazeing Essex EN9 2HR	Grant Permission (With Conditions)	28
3.	EPF/2271/16	Burleigh Nursery Hoe Lane Nazeing Essex EN9 2RJ	Grant Permission (With Conditions)	46
4.	EPF/2302/16	North Villa Mott Street Waltham Abbey Essex IG10 4AP	Grant Permission (With Conditions)	62
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/0881/16
Site Name:	Springfield Cottage, Hamlet Hill, Roydon, CM19 5LD
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/0881/16
SITE ADDRESS:	Springfield Cottage Hamlet Hill Roydon Harlow Essex CM19 5LD
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr & Mrs Schillaci
DESCRIPTION OF PROPOSAL:	Revised application for demolition of existing dwelling and erection of new dwelling.
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=583675

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 No development shall take place, including works of demolition or site clearance, until an Arboricultural Implication Assessment and Tree Constraint plan, concurrently with the detailed site layout, has been submitted to and approved in writing by the Local Planning Authority. This should be drawn up in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations).
- 3 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.

- 4 No development shall take place until details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation (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. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree 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 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.
- 6 Photographic details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 7 Prior to commencement of development, photographic details of boundary treatment such as gates and fencing and hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority, and shall be erected and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.
- 8 Prior to the demolition of Springfield Cottage a photographic record of all the historic and architectural features of Springfield Cottage is to be produced and submitted to the Local Planning Authority.
- 9 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 development generally permitted by virtue of Class A, B and E of Part II and of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 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.

- 11 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.

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

Description of Site:

The application site is located within an enclave of properties on Hamlet Hill and is within the boundaries of the Metropolitan Green Belt. The site is occupied by a detached dwelling of some architectural merit. The cottage most likely dates from the 18th century with later alterations including large extensions to the south elevation dating from the 20th century. It sits within the Nazeing and South Roydon Conservation Area an area designated to protect the historic and attractive landscape between Harlow and Lower Nazeing, and the surviving medieval settlement patterns, including the settlement of Roydon Hamlet. The site is located on a bend in the road and is well screened by existing vegetation.

Description of Proposal:

The applicant seeks consent to demolish the existing dwelling and a detached garage and replace it with a new house. The new dwelling would be 2 storeys in height with an 'L' shaped footprint a gable feature and sunken dormer windows set within a low slung roof structure. The dwelling would have a footprint measuring approximately 14.4m wide x 9.8m at its deepest point with a ridge level of 6.4m.

The building would be finished in brick and render with a weather boarding and a slate roof.

Parking would be provided for two cars and access would be from an existing crossover.

Relevant History:

EPF/0549/87 - Single storey extension. Grant Permission – 26/06/87.

EPF/0464/90 - Single storey rear extension. Grant Permission - 25/05/1990.

EPF/0704/91 - Single storey rear extension. Grant Permission - 24/01/1991.

EPF/0610/06 - Single storey side extension, to both sides. (Revised application). Grant Permission (With Conditions) - 08/05/2006.

EPF/0351/15 - demolish the existing dwelling and a detached garage and replace it with a new house. Refused for the following reasons:

- 1. The site is within the Metropolitan Green Belt and the proposed dwelling is clearly materially larger than the existing building. The proposal is therefore inappropriate development and by definition harmful to the Green Belt. In addition the new dwelling will, due to its height, and bulk, be visually more prominent and have greater physical impact on the open character of the Green Belt. No very special circumstances exist to outweigh this*

harm and the development is therefore contrary to the both Local Plan Policy GB15A and national guidance contained in the NPPF.

- 2. The proposed replacement dwelling, owing to its crown roof finish, would be detrimental to the appearance of the conservation area failing to preserve or enhance its special character and resulting in a visually poor finish contrary to local plan policies HC6 and HC7 and national guidance contained in the NPPF.*
- 3. The proposed development would result in the loss of a building of significant architectural character and merit which makes a positive contribution to the overall character of this conservation area without any special justification having been provided. For these reasons the loss of the building would harm the character and appearance of the conservation area contrary to policies HC6, HC7 and HC9 of the Local Plan and Alterations (1998 and 2006), and national guidance contained in the NPPF.*
- 4. The applicant has failed to provide adequate information which demonstrates how trees on site would be preserved or protected during the construction phase of the development. The proposed development, owing to a lack of information, is therefore contrary to policy LL10 of the adopted Local Plan and national guidance contained in the NPPF.*

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB15A – Replacement Dwellings
LL10 – Provision for Landscape retention
LL11 – Landscaping Schemes
HC6 & HC7 – Conservation Areas
HC9 – Demolition in Conservation Areas
ST6 – Parking Standards.

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

SUMMARY OF REPRESENTATIONS:

6 neighbours have been consulted and Site Notice Displayed: No Objections Received.

Parish Council: raise an objection regarding highways issues. The parish feel that the siting of the access is on a very difficult bend in the road with heavy HGV traffic. The current house is not, they believe, being maintained and is falling into disrepair.

Issues and Considerations:

The main issues to consider relate to the sites location and the demolition of a dwelling of architectural merit, the sites location within the Green Belt and a Conservation Area and the architectural merit of the proposed building.

Demolition

The house on site is of some architectural merit and was considered to be of listable quality in 1973 when it was added to the provisional statutory list of buildings of architectural or historic interest at grade II; the listing was unconfirmed so it remains a non-designated heritage asset within the conservation area. It is a building of merit and clearly possessed the historic architectural features required for listing in the 1970s, however, since this time the building has been altered.

Despite the 20th century extensions, the original form of the cottage is still clearly readable under a hipped, plain clay tile roof. Although, the cottage makes an important contribution to the character and appearance of this part of the conservation area and the historic value is bolstered by its architectural value which is derived from its appearance as a vernacular Essex cottage as one of only a handful of surviving pre-modern buildings within this settlement cluster, a structural report has been submitted which puts forwards well founded justifications to warrant its demolition. Therefore the demolition of the dwelling although regrettable is acceptable in this instance and this previous reason for refusal can no longer be justified.

Green Belt

The application site is located within the Green Belt as such Local Plan policies GB7A, GB2A and GB15A are applicable.

Policy GB7A determines that planning permission will be refused for development conspicuous from within or beyond the Green Belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt.

In terms of development within the Green Belt policy GB2A states that planning permission will not be granted for the use of land or the construction of new buildings or the change of use or extension of existing buildings in the Green Belt unless it is appropriate in that it is:

(vi) a replacement for an existing dwelling and in accordance with GB15A.

Policy GB15A may allow for the replacement of existing permanent dwellings in the Green Belt, on a one for one basis provided that the replacement:

- (i) is not materially greater in volume than that which it would replace; and
- (ii) not have a greater impact upon the openness of the Green Belt than the original dwelling:
and
- (iii) not result in the size of the private or cultivated garden of the replacement dwelling exceeding that which is replaced.

In such instances it is essential to assess each application site on its own merit taking into consideration both the design of the original dwelling house, existing extensions and additions, as well as the location and orientation of the site. The policy continues to clarify that where the existing dwelling has already been extended, permitted development rights on the new dwelling will be removed to prevent further extensions and outbuildings.

In terms of volume the following calculations have been made:

Existing Dwelling + Outbuilding -	Approx. 465m ³
The previously refused scheme -	Approx. 1028m ³ (increase of 120%)
The current application -	Approx. 807.9m ³ (increase of 90%)

This would result in an increase in volume of 342.9m³ Whilst an increase in volume of the original dwelling house is proposed, a significant reduction has been made to the previously refused scheme. It is considered that whilst an increase in volume is still proposed, combined with the siting and sensitive design approach this reduction overcomes the previous reason for refusal which relates to the impact of the development upon the Green Belt and the proposed dwelling would not result in a materially larger dwelling that would detract from the openness of the Green Belt and as such would be appropriate development in the Green Belt. The general principle of a dwelling of this size, in replacement, is therefore acceptable.

Design

The design of the previously refused scheme has been changed and revisions have been made to the current submission in order to best respond to the character and layout of the original dwelling.

The previously refused scheme proposed a dwelling with a square footprint and crown roof which was a stark contrast to the 'L' shaped form and pitched roof of the original dwelling. The current application and revisions now successfully respond to the vernacular Essex cottage and draws upon the architectural references from the existing cottage and its context. The current submission is considered appropriate as a replacement dwelling as it would preserve the modest, vernacular appearance of the existing cottage and make a good contribution to this part of the conservation area. In addition, the material palette, featuring traditional materials with natural tones would ensure its successful integration to the area. The approval of these details should be managed via conditions.

For these reasons the proposed dwelling would positively contribute to the conservation area and the surrounding Green Belt and conform to policies HC6, HC7 and HC9 of the Local Plan and Alterations (1998 and 2006), and paragraphs 132 and 134 of the NPPF.

Amenity

The new dwelling would be well set in from boundaries as with the existing dwelling. Due to the orientation of the site and the limited height, scale and bulk of the proposed dwelling there would be no serious impact on amenity.

Trees and Landscaping

This site is within a Conservation Area, as such all trees are afforded legal protection. No tree information has been provided to support this proposal and there are a large number within the site. Additionally, it is understood that there has been unauthorised felling of trees since the submission of the previously refused scheme in 2015.

These removed trees will need to be replaced, and the Council would request that details of mitigatory planting is also provided (ie locations, species and size at time of planting). This will allow a full assessment of the proposal. Given the circumstances it is not considered that the replanting can be only dealt with by condition.

The following are the standard comments regarding applications that have not been supported with tree reports. –

We have a statutory duty to consider the preservation and planting of trees when granting planning permission, and our Local Plan Policies support this duty. The potential effect of development on all trees is a material consideration irrespective of whether they are protected by TPO/conservation area status, or not.

At Planning Application stage (irrespective of whether it is a 'full' or 'householder' application) the feasibility of the proposal in relation to trees needs to be demonstrated. Lack of the necessary information is grounds for refusal. The following tree related information should be submitted –

- Arboricultural Impact Assessment to include - full tree survey and tree retention / removal plan.
- Evaluation of tree constraints.
- Retained trees and Root Protection Areas (RPAs) to be shown on proposed layout plans.
- Strategic hard and soft landscape design, including species and location of new tree planting.
- Arboricultural method statement to demonstrate feasibility, without causing harm to the tree,, particularly when construction is said to be necessary within the RPAs
- Tree protection plan.
- Additional information e.g. a daylight / sunlight assessment may also be required depending on the site conditions, retained trees and development proposal.

The lack of this necessary information would normally be a reason to refuse this scheme. However, it is considered that in this instance, the submission of all necessary information should be managed via condition. Upon discharge of these conditions the details of which should be submitted to and approved by the Local Planning Authority prior to commencement of any further site clearance or building works.

Highways

The site is currently accessed via an established entrance on Hamlet Hill and the current submission seeks to retain this access, turning and parking unaltered. It is noted that this access is within a curve to Hamlet Hill however, Essex County Council raise no highways issues and this provision is considered acceptable.

Parking

Two formal car parking spaces have been identified, however it is apparent that there is further space for two additional vehicles. This provision satisfies the parking standards outlined in policy ST6 and the Essex County Council Adopted Parking Standards 2001 and is considered acceptable.

Land Drainage

The applicant is proposing to dispose of surface water by main sewer. However, records do not indicate a surface water sewer at this location. The use of sustainable drainage systems should be incorporated in to the drainage design. Further details are required. A condition is recommended requiring approval of surface water drainage details by the Local Planning Authority prior to development commencing.

Land contamination

Domestic dwellings with gardens are classified as a particularly sensitive use particularly vulnerable to the presence of contamination. However, screening of the readily available council information has found no evidence of any potentially significant contaminating activities having taken place historically on the site as the cottage has been in existence since 1870 and has remained in domestic use. As the potential for land contaminants are likely to be low it is not necessary for these risks to be regulated via planning condition. However, it is the responsibility of the developer to ensure the safe development of the site. Therefore a condition relating to 'Unexpected Land Contamination' is recommended.

Conclusion

It is considered that the submitted application overcomes the previous reasons for refusal with the exception of no.4 Trees and Landscaping which can be addressed via condition. It is considered that the current submission offers a development which responds well to the constraints and context of the site and will make a positive contribution to the Conservation Area and protect the surrounding Green Belt.

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 CP2, DBE1, DBE2, DBE4,GB2A, GB7A, GB15A, HC6, HC7, HC8, LL10, LL11 and ST6 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**

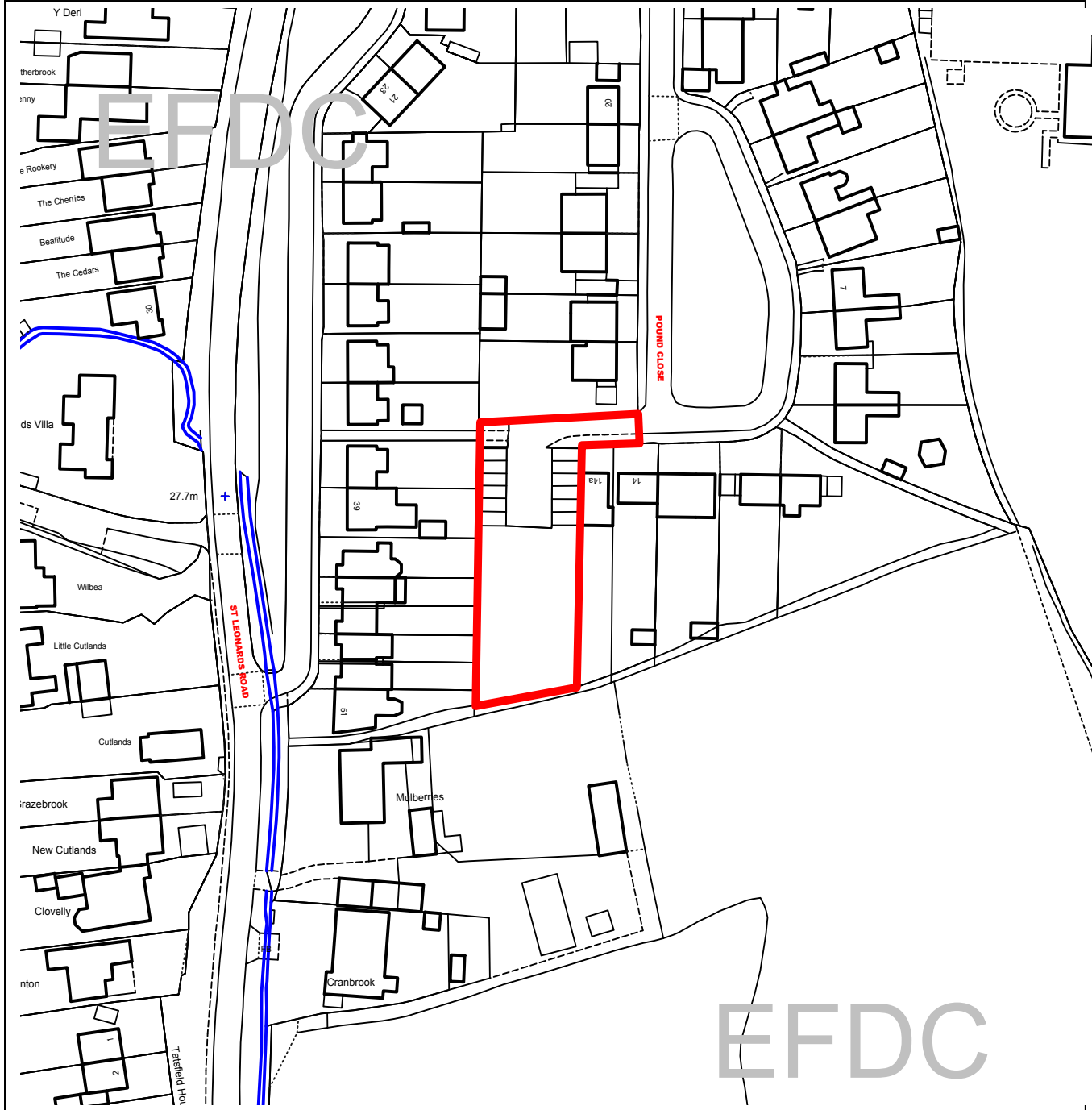
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/1829/16
Site Name:	Land and garages adjacent 14A Pound Close, Nazeing, EN9 2HR
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1829/16
SITE ADDRESS:	Land and garages adjacent 14A Pound Close Nazeing Essex EN9 2HR
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	East Thames
DESCRIPTION OF PROPOSAL:	4 affordable homes with 9 parking spaces
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=585753

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: Transport Planning Practice 30872/D/3a dated June 2016, Chartwell Tree Consultants Limited Arboricultural Report dated 15/6/2016, 612086 PL01A, PL02, PL03B, PL04, PL05, PL06B, PL07B, PL08A, PL09A, PL10A, PL11A. 30872/AC/005.
- 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 Prior to first occupation of the development hereby approved, the proposed window opening in the first floor of the western flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 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.
- 6 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.

- 7 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 development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 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.
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 10 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.
- 11 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.
- 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 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.
- 18 There shall be no discharge of surface water onto the highway.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 20 Prior to the commencement of any works, a Phase I Habitat Survey must be submitted to the Local Planning Authority. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species need to be carried out. These surveys should be submitted to and approved by the Local Planning Authority. Should the protected species survey reveal the presence of protected species or their breeding sites or resting places on the site, then a detailed mitigation strategy must be written in accordance with guidelines available from Natural England (or other relevant body) and submitted to the Local Planning Authority. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

This application is before this Committee for three reasons. The first is that it is an application for development on the Council's own land or property which is for disposal and the recommendation is for approval. Secondly it is contrary to an objection from a local council which is material to the planning merits of the proposal and thirdly more than four objections material to the planning merits of the proposal to be approved (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

This application was withdrawn from the agenda prepared for the West Area Planning Sub-Committee held on 19/10/16 in order to address concerns raised by residents regarding omissions in the report and to allow for a formal response to neighbour objections raised in relation to the details contained within the Transport Statement submitted as part of this application.

Description of Site:

The proposal site is located in the most south western corner of the cul-de-sac named Pound Close. It comprises a roughly rectangular site plus access and covers an area of 0.129 hectares. The front half of the site facing Pound Close is currently occupied by 12 garages. At the time that the application was submitted 7 of those garages were vacant and 4 are being used by local residents. The rear of the site is currently covered in vegetation and has a nil use. The levels on the site are fairly even.

The northern boundary of the site adjoins the side flank of the residential plot at 15 Pound Close the eastern boundary adjoins the highway access and the side flank of the residential plot at 14a Pound Close. The southern boundary adjoins a right of way which is north of the side flank of the residential plot at Mulberries. The western boundary adjoins the rear boundary of the residential plots at 35-51 St Leonards Road.

The character of the surrounding area is defined by the post war 'Airey' constructed semi detached houses and the central grassed area currently used as a children's play area.

The site is in an urban area which is not listed nor within a conservation area. The site lies within an Epping Forest District Council Flood Risk Assessment Zone but is outside of any Environment Agency Flood zones.

Description of Proposal:

Permission is sought for the demolition of the existing garages on the site and the construction of 4 affordable homes with 9 parking spaces. They are designed as two sets semi detached properties named Block A and Block B.

Two of the units (Block A) will be positioned parallel to number 14a and at the head of the cul-de-sac. They will be three bedroomed and have an internal area of 94 sqm. They measure 5.5m wide by 10.2m and 7.8m high to the ridge of their hipped roof.

The third and fourth units (Block B) will be positioned towards the southern end of the site and will have an area of 78 sq.m. They will provide two bedrooms each. They measure 6.6m wide by 7.3m deep and 7.3m high to the ridge of their hipped roof.

Solar panels are proposed for the southern roofslopes of both blocks.

Materials include Hansen Arden Special Reserve or similar approved with feature curtain wall to front elevation for the walls.

Dark grey composite windows and doors and metal entrance canopies (colour 7012) along with timber main entrance doors.

Redland plain in slate grey or similar approved colour roof tile will cover the roof. Black fascia and soffit and rainwater goods are also proposed.

The private garden areas are marked by a 1.8m fence with 0.3m trellis the semi private areas are defined by porous paving.

Access to the site remains as existing. Out of the 9 parking spaces provided, 2 will be positioned at the front of the site, 4 near the western boundary and three mid-way along the eastern boundary.

4 secure cycle storage boxes (1 for each dwelling) and waste and recycling bins are proposed to be positioned in the rear gardens of the new homes close to their side accesses along with further

bins provided at the mouth of the access in order for ease of access by the waste collection service.

An Arboricultural Method Statement and Transport Statement as been submitted as part of this application.

Relevant History:

No relevant history

Policies Applied:

National Planning Policy Framework
National Planning Policy Guidance

Epping Forest District Local Plan (1998) and Alterations (2006).

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP5 – Sustainable Building
CP6 – Achieving sustainable urban development patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 – Design in Urban Areas
DBE8 – Private Amenity Space
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H4A – Dwelling Mix
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes

Consultation Carried out and Representations Received

NAZEING PARISH COUNCIL raises objection to the proposal on the grounds that:

- (i) the garages were built for the benefit of the properties in Pound Close & consequently should not hbe removed,
- ii) it is overdevelopment,
- (iii) by removing the garages, more cars will be parked within the Close which will adversely impact & compromise access by emergency vehicles,
- (iv) loss of amenity Policy DBE 9,
- (v) users of the play area will be put in danger.

49 neighbours were consulted and two site notices were displayed. This resulted in 22 objections being received.

49 St Leonards Road: (Additional comments) Page 14, I would of thought a relevant point would be that a previous application was refused I think in 1998 with the same objections raised by

local residents that have been raised for the current application. I believe the current application has a higher density of property on the site than the previous application.

2. My property is 49 St Leonards road and I will have a new dwelling positioned right at the bottom of my garden and about 20 meters from the rear of my house. I think this will directly affect my quality of life and the value of my property but yet there is no mention of my objection in the report. I would also like to mention that the property next to me 47 is empty so I imagine no objection to the plans would of been submitted.

I get the impression that this planning application is getting pushed through with disregard to local residents and the parish council's opinion and it can only result in a loss in the quality of life for the immediate residents to the site.

49 St Leonards Road: I feel I must strongly object to the proposed development on the small area of land at the rear of my property. The main objection is that a dwelling itself would be situated less than 20 meters yes 20 meters from the rear of my home and I would lose my privacy. It would be visible from the kitchen, sitting room, bedroom and bathroom and therefore overlooking those rooms too. It would be so close that it would reduce the value of my property. With the property being so near it would increase noise pollution from the additional people and from the possibility of 10 motor vehicles being parked in the area coming and going at anytime. The property would be so close that I would be able to hear their television if they had the door open! It would cause a reduction in the amount of light I receive in my home and garden. Light pollution would be caused from additional street lighting.

This is a small area of land and with 4 properties crammed on to it a claustrophobic feel would develop in the immediate area. I imagine the space allocated to each property is the minimum legally required.

There is a children's play area in Pound Close that is not fenced in and with the additional traffic this would increase the chances of an accident occurring because of the additional motor vehicles. Also access for emergency vehicles and service vehicles could be difficult.

This is yet another proposed development in Nazeing which the infrastructure can not support mainly the schools and the roads.

Because of the compactness of the site I feel the whole atmosphere of the area would change making it feel less rural which is one of its attractions. I think my and my family's quality of life would be affected and I am not in a position where I could move to another area that offers the present outlook.

Nazeing Residents Group: Too many existing new builds in the area already a strain on infrastructure and services. Proposal is overdevelopment of site.

14a Pound Close: (2 objections) This is a speculative development. A misuse of the site and the planning process. Over development and negative effect on local amenity, Acute loss of privacy and existing trees are insufficient to protect privacy, any new development should ensure complete privacy for neighbours, loss of daylight and is not in keeping with the stylistic content or scale of the local area. The parking and traffic congestion in the close at school times is very bad. It would not be advisable to add to this, yet there is even a lack of compensatory parking for the displaced garages. Construction traffic would create total chaos. There is no adequate turning point for large vehicles, which would have to back out onto a busy residential road with a school. Refuse vehicles at present cannot make the turn in the close even during quieter times of the day. The single track lane outside 14a and the garages is not a suitable width for LGVs or fire service. In 2002 a similar development EPF/00064/02 was refused permission. The reasons listed as contrary to policies DBE1, DBE3 and DBE9. Nothing has changed in policy to change this. a) Epping Forest DC and Nazeing Parish council have still not put in place an up to date, relevant core planning strategy.

The Pound Close site garages, despite being in better condition and in a more secure and desirable location, are not offered. b) There is a significant need for garage space and storage nationally. The proposed housing to the rear directly look into the back windows and patio doors of 14a. The proposed housing would involve cutting through significant parts of the root ball. These have branched out many meters searching for resources; especially in the clay soil. So, a building within 2/3 meters of these trees would cause such harm to the existing willow that it would almost certainly kill it and remove the little screening it offered anyway. Disturbance to neighbours during build and beyond. overlooking and loss of privacy, trees playing no role in protecting privacy, unacceptable high density and overdevelopment and overbearing nature of the adjacent buildings. Proposal should follow the existing pattern of the street. 6 garages are currently used, loss of these garages will cause parking and highway safety problems in already congested close. The works as a result of any approval of this application will result in extreme stress for neighbours caused by noise and nuisance. Application has been submitted at the worst time when people are away on holiday. Was this done on purpose? (The consultation period was extended so that it ran from 8th August until 23rd September 2016 – 6 weeks and 4 days in order to allow neighbours sufficient time to comment on the application).

Occupiers also raises concern regarding the data submitted as part of the Transport Statement.

37 St Leonards Road: The east elevation of block A has windows which directly overlook our garden and the back of our house where our bathroom and a bedroom are located, resulting in a direct loss of privacy and creating a feeling of being hemmed in and overlooked, no matter how these houses are configured they compromise the privacy of existing properties from all sides. There is also the issue of outside lighting on or close to the proposed properties for access and egress in the hours of darkness, this would create direct light pollution into existing neighbouring properties.

It is proposed that these houses are to be connected to the existing sewer system currently serving Pound Close and St Leonards Road this aging system was designed to cope with the existing number of properties and not additional in fill properties with the potential to house an additional 18 people, not to mention the strain on already overburdened local services. Also the plans indicate that there will be trees planted at the boundary edge of existing properties which over time will create root encroachment over the boundary line and could create issues with any structures on plant life in the gardens of existing properties, not to mention the potential loss of light from trees that could grow to a substantial height, which adds to the points raised in the paragraph above.

There is currently inadequate access to Pound Close for large vehicles which includes emergency services and waste management vehicles. This inadequate access would also cause significant disruption during the construction phase of any development, including limiting the safe use of the footpath between 35 & 37 St Leonards Road.

The bus service in Nazeing is sparse a best and at evenings and weekends it is virtually none existent, I can only assume by parking being made available for 9 vehicles (as shown on the site plan, however letter from planning department states 10), that the developers are aware that local transport links are not what they should be and that people will inevitably need to drive, creating even more flow through of traffic at busy times on an already overcrowded service road that can't cope and which is becoming increasingly more dangerous. The proposal of bike storage is frankly laughable, as a keen cyclist I can honestly say I do not feel safe cycling in any direction from my home with the amount of traffic (especially of the articulated variety) on our narrow overcrowded roads.

In closing it appears Nazeing parish council has failed to put in place a neighbourhood plan to give a clear indication of the councils stance on planning in what is a essentially a small village with limited space and infrastructure and which has greenbelt land that requires protection from urban

sprawl. I feel that allowing in developments like this will set a precedent for building on any available bits of land around the village until we are all living on top of one another.

43 St Leonards Road: (2 objections): Loss of privacy. Noise and light – The tranquillity in the house and garden would also be destroyed with car and resident noise. At night the garden is dark and bats are frequently flying around in the area proposed for building and the gardens. Not having light makes the garden peaceful and enjoyable in the evening. This would all be destroyed and give rise to increased light levels in the bedrooms at the rear of the house. Adverse impact on house value. Land is totally enclosed and has a narrow entrance therefore not fit for development. Proposed use of land not suited to the village location. The current proposal also affects a number of ash trees, one of which is proposed to be removed. Adverse impact on wildlife. Adverse impact on local neighbourhood. The introduction of this type of housing and residents could have affect neighbourhood cohesion or give rise to conflicts and complaints. Adverse impact on security as a result of the removal of the scrubland. Pressure on local amenities. Pound Close is currently a very quiet close with no through traffic and also has a play area on the green for children. The new development and associated traffic may pose a risk to safety of children playing in the close. Adverse impact on drainage and surface water. Previous application refused – In 1998 a similar application was made and was refused following significant local objection from residents and the Parish council. Disruption of building works.

4 Hyde Mead objects on the grounds that plans previously turned down due to inadequate emergency access. The access at present is an unacceptable single service road.

Flat 4 Hyde Mead House: Loss of a decent garage space lack of any provision in this area and reiterates concerns regarding construction traffic, safety risk to children, loss of wildlife beyond garages, further erosion of the rural nature of our village. Present access is also available for private garage for number 15 Pound Close. Without an integrated Local Plan, redevelopment of Nazeing is too intense a strain on the Pound Close site. Infrastructure and local services need to be improved. It is overdevelopment of the site.

The congestion in Hyde Mead at school times is unacceptable. Windows overlook back gardens of residents and as a result compromise privacy. No alternative design would overcome this issue. Garden grabbing is unacceptable when access goes straight across number 14a Pound Close. No consideration of local people only targets and saving money. Increased noise as a result of car slamming and noise from new residents, Additional light from the dwellings will have an adverse impact on tranquillity of area. At night the garden is dark and bats are frequently flying around the area proposed for building, If approved this would be destroyed and give rise to increased light levels in the bedrooms at the rear of the houses in St Leonards Road. At the end of the gardens in St Leonards Road there would be a fence which would be adjacent to the parking area and the fence may well be used to kick balls against and become a nuisance, causing damage to the fence, adverse impact on property values. Land not fit for development due to clay soil. Not suitable for village location better in a city location. Adverse impact on trees surrounding the site. Adverse impact on wildlife, adverse impact on local neighbourhood. Adverse impact on neighbourhood cohesion. Adverse impact on security and safety. Added pressure on local services and amenities. Additional traffic may pose a risk to children's safety when playing on the lawn. Adverse impact on drainage and surface water, Loss of another green space. Application in 1998 was refused. Disruption of building works.

1 Pound Close: The road is narrow and parking is already a problem in particular during school pick and drop off times when the road is completely blocked by vehicles, therefore lorries delivering construction materials to the site will be extremely disruptive for existing residents and will result in damage to the kerbs and roads outside the house. Existing residents will have to endure upheaval without any gain for themselves.

10 Pound Close: Without current integrated local plan this infill is over development. A similar 6 house plan 200m away known as the "Total" site was rejected on access grounds. Impact on local infrastructure especially by a play green and primary school. Existing traffic level is at zero tolerance levels. How can Councillor make difficult decision when the Local Plan to 2033 will not be published until 2018. The proposal will result in overall reduction in 3 parking spaces compared with the current provision.

41 St Leonards Road. The plans state that at the back of my property there is an assumed boundary that cuts across my garden which is obviously unacceptable. Directly behind my rear boundary fence are proposed parking spaces. It would be my concern that at some time the fence would be knocked down or damaged as a result of bad parking.

- The plans show that the side elevation of block A has windows which potentially would overlook our property. The plans show no windows on the attached semi of block A. Any configuration of housing on this site would result in the loss of privacy to neighbouring homes.
- The rear boundaries of our property and those of our neighbours in St. Leonards Road are not clearly defined on the plans, being referred to as assumed boundaries. It would appear from these assumed boundaries that some of our garden and those of our neighbours are being shortened, which would be totally unacceptable.
- The extra houses would add an extra strain on the sewer/drainage system, which already frequently blocks.
- There is only a narrow, service road onto the site. We know from a previous planning application that the fire services would not be able to get a fire engine onto the site, posing a risk to the occupants of the proposed houses and those of surrounding properties, should a emergency occur. With the roads being so narrow and parking at a premium with cars parked anywhere they can it would be difficult for any emergency vehicle to gain access to the site.
- At least half of the proposed site has been left mainly untended for at least the last 40 years and has become a wild haven. The loss of this site would almost certainly have a detrimental effect on many species of wildlife including, mice, voles, grass snakes, owls and various other birds and creatures that live and hunt there.
- We believe the local school is oversubscribed and already has two demountable units. It would seem highly unlikely to be able to accommodate children from this proposal and all the other extra homes that have applied for planning permission in the immediate vicinity.
- Hyde Mead (the only access road to the site) is already heavily congested, especially at school times.
- Squeezing these houses onto a site that has inadequate access and congested roads leading to that access, would be an overdevelopment of our local community.

39 St Leonards Road: In addition to the points already mentioned this neighbour raises concerns that whilst they are pleased that the existing brick wall would be retained thus maintaining some of our privacy, if this development goes ahead, we are concerned about how this will be achieved as it forms the rear wall of the garages that would be demolished. This rear brick wall also forms the rear boundary to our garden and has a well established pond very close to it that contains many fish, some of which are over 20 years old. Their and our safety would be compromised while demolition/retention/rebuilding is being carried out. It is not stated on the plans if the existing wall would be retained at the existing height.

3 Pound Close: I am a tenant of No 11 Pound Close garage and my mother in law who is a tenant of no 12 pound close garage we have these garages because we are unable to park outside our property due to the oak trees. We are very concerned if the planning goes ahead for the garages to be taken away. We would need time to be able to relocate. Hyde Meade garages are not an alternative as they are not secure enough and are too far from my property. This objector also reiterates the comments already mentioned.

Cranbrook St Leonards Rd: We object to this development mainly on the grounds that there is already way too many new builds approved for Nazeing village. Almost 100 more families will be moving into Nazeing in the near future plus at least as many cars added to our roads. There has got to be a limit somewhere. By the time the local plan is agreed Nazeing will have already filled its 15 year plan quota.

The Firs St Leonards Road: This is a total overdevelopment of land and will put great strain on this area!!!! No emergency access!! Traffic is already unacceptable in this area!!

14 Pound Close: We rent one of the garages for our motorbike as it can no longer be safely kept in our front garden. This objector also reiterates concerns already raised.

2, 11, 9 Pound Close, Mulberries Farm St Leonards Road and 8 Hyde Mead, reiterate points made above.

Resident of Hoe Lane: The site is listed within the District Draft Plan as being unsuitable, and discounted for residential development due to it being smaller than 0.2 hectares (the size considered suitable for 6 units).

Main Issues and Considerations:

Planning decisions must be made in accordance with the current development plan unless material considerations indicate otherwise. The 'saved policies' (i.e. they are consistent with current government policy) contained within the Epping Forest District Local Plan (1998 and Alterations 2006) The National Planning Policy Framework and the National Planning Practice Guidance (NPPG) are material considerations in all Council planning decisions. It is for this reason that there would be no requirement at this stage to take into consideration a future Local Plan which has not as yet been through a full and proper consultation and evaluation process. Nor would it be premature to make a decision on this application without this future document having been published.

The key considerations for the determination of this application area:

The principle of the development;
Impact on the character and appearance of the site and surrounding area.
Impact on the living conditions of surrounding residents;
Quality of resulting residential accommodation; and
Impact on parking provision and highway safety.

Principle

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

The National Planning Policy Framework (NPPF) presumption in favour of sustainable development requires local planning authorities to positively seek opportunities to meet the development needs of their area. There is a need for additional housing in the borough and sites such as these go some way in resisting the pressure for sites within the Metropolitan Green Belt to be brought forward for residential development in accordance with policy H2A of the Local Plan.

The proposal has a density of 31 units per hectare and is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan.

Housing Provision

The land is Council owned and the proposed houses would be affordable units provided by a registered social landlord to help meet the Council's demonstrated need for affordable units in accordance with chapter 6 of the NPPF and H5A of the Local Plan.

Design and appearance

The proposed scale, height, density, massing, materials and hipped roof design reflects properties within this locality. The fenestration, canopy and cladding are contemporary in appearance, however are still considered to have a neutral impact on the distinctive local character of this area.

The two dwellings labelled Block A are positioned as if to form a continuation of the existing pattern of development within this location and the two dwellings labelled Block B are set further back but given their staggered position would still be visible from the street scene within Pound Close. Whilst it is acknowledged that the position of the residential block labelled B does not follow the pattern of development within the street, it does optimise the potential of the use of the site and is sufficiently distant from neighbouring properties to comply with general Council standards. The proposal is therefore on balance considered to have a neutral impact on the distinctive local character and appearance of the surrounding area in accordance with chapter 7 of the NPPF and policy DBE1 of the Local Plan.

Trees and Landscaping

One Ash tree is proposed to be removed from the site as a result of the proposal. This is located at the front of the garages, given that its root spread extends underneath the existing garages, the tree officer was satisfied that this tree would not be compatible with the garage use on the site and is of a size and shape which is replaceable within any new development on the site. A new replacement tree is proposed close to the western boundary with 37 St Leonards Road. Removal of this tree therefore could not on its own be justified as a reason for refusal. All other trees on the site are to be retained.

The Trees and Landscape Team are satisfied that the preliminary arboricultural method statement has confirmed that subject to tree protection and landscaping conditions be attached to any permission to ensure that more detailed information is submitted which includes the alignment of utility apparatus as well as information regarding how construction work will be carried out within the vicinity of these trees and further information regarding additional landscaping. The health and safety of the remaining trees will not be adversely affected, on this basis the proposal is considered to comply with the requirements policies LL10 and LL11 of the Local Plan.

Impact on the living conditions of neighbouring residential properties

No 14a Pound Close is positioned east of the application site. This neighbour has a single storey rear extension which extends 0.3m beyond the rear elevation block A. The first floor rear elevation will extend 2.8m beyond the first floor rear elevation of number 14A Pound Close, this projection is not considered excessive given that there is a gap of 1.6m between the two properties and the eaves height of Block A is 4.9m high. This is 1m below the eaves level of 14a Pound Close (the proposed ridge height is 0.4m lower than the ridge height of this neighbour) and the ground floor rear extension at 14a Pound Close is 3.6m high. Furthermore the proposal will also result in the removal of garages which adjoin and extend beyond the front elevation of 14a Pound Close.

Block B is set in from the eastern boundary by 3m and is 22m away from the rear elevation of 14a Pound Close. There are mature trees running across the majority of the mutual (eastern) boundary with this neighbour. It is therefore considered that this neighbour will not be unduly affected by loss of light, outlook or privacy.

The side flank of Block A is parallel to the rear elevations of 37 and 39 St Leonards Avenue. These properties have a garden depth of 18m and the proposal is set 7m away from the western boundary. Furthermore the first floor side flank window is a high level window. It is also recommended that it be obscure glazed to ensure that these neighbours are unduly affected by loss of privacy.

The garden depth of 41 -51 St Leonards road are 20m from the western boundary of the site.

Number 43 St Leonards Road has a garden depth of 20m. Block B is a minimum of 25m away from this property and block A is over 30m away.

The side flank wall of Block B is parallel to the rear elevations of 45 and 47 St Leonards Close, however the separation distance between Block B and these neighbours is 21m. There are no windows proposed for the side flank walls of this block. It is therefore considered that there will not be excessive loss light, outlook or privacy to residents of St Leonards Road

Block B is positioned 8m away from the southern boundary of the site and overlooks the rear garden of the Mulberries. However there are 3 large mature trees positioned in the garden of the Mulberries, which cover the full length of this boundary and which would therefore fully screen this neighbour from the development.

The front elevation of block A is positioned 12m away from the side flank boundary of the rear garden at 15 Pound Close. Its position is consistent with the building line of the street including 14a Pound Close (approved under reference EPF/2057/02). Given Block A's perpendicular permission and distance from 15 Pound Close along with existing mature trees on the boundary of the site and the side flank boundary of 15 Pound Close, it is considered that there will not be a material loss of privacy, light or outlook to the occupiers of this property.

All other properties are sufficiently distant to ensure that they will not be adversely affected. The proposal is therefore considered to comply with the requirements of policy DBE9 of the Local Plan.

Quality of resulting residential accommodation.

The site will be owned and operated by East Thames Housing Association. This charity will provide affordable housing for people on low incomes. The 2, three bedroom and 2, two bedroom dwellings are considered suitable for families or small households, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

All houses have an acceptable internal size and layout, The window to window distance between the two properties is 22m which is sufficient to ensure that and the provision for car parking also accords with ST6 However given the site context close to other neighbouring properties and the very limited garden space it is considered that there is no scope to extend the property, it is therefore recommended that, conditions should be imposed requiring the removal of permitted development rights to extend the house.

Whilst the proposal provides private garden spaces, which is generally smaller than those of neighbouring properties. This provision is at the rear of the dwellings, is directly adjacent to and easily accessible from the relevant building; is of size, shape and nature which enables reasonable use is south facing, the land is relatively flat and will remain private on a continuing basis. The provision is therefore considered consistent with the requirements of policy DBE8 of the Local Plan. It is recommended that permitted development rights for outbuildings be removed by condition for all new dwellings approved on this site, in order to ensure that the size of the garden is remains useable.

Contaminated Land

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site due to the use of the site as asbestos covered lock up garages and the presence of made ground. They therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

Impact on Highway Safety

The Highways Authority in their response to the Council considers that “Any displaced parking will not be detrimental to highway safety or efficiency as a result of the development. The submitted Transport Statement has shown that the very worst case scenario demonstrates that on street parking levels will not reach an unacceptable amount. Although the Highway Authority does not necessarily endorse on street parking, the reality is there will be fewer vehicles actually displaced from the grates than the worst case scenario, as a reasonable proportion of them will not be used for parking in. Further to this the proposal will not increase vehicles movements above the level of the previous use, operating at full capacity, so the use of the existing access way will not be intensified by the development. There is also sufficient turning provided within the site.’ The Authority is therefore satisfied subject to suggested conditions that the details submitted as part of this application are sufficient to ensure that there is adequate parking to meet current parking standards in compliance with policies ST6 and ST4 and that there will be no undue harm to highway safety. The proposal therefore complies with the requirements of ST2 of the Local Plan.

An objector has queried the results of the Transport Statement carried out by Transport Planning Practice, (TPP) who are independent professional firm of transport consultants whose code of conduct is regulated by the Institute of Highway Transport. His comments were reviewed and responded to by the TPP. They stated that “Transport Planning Practice (TPP) commissioned a parking survey from Advanced Transport Research (ATR) in order to assess the parking stress in the area of the proposed Pound Close development. ATR are specialist traffic and parking survey company. The survey was specified to be conducted in accordance with what is termed the ‘Lambeth’ methodology. This is an appropriate methodology as it looks at the demand for parking during the peak period relating to residential properties. The methodology allows the level of parking stress to be determined against a common criteria thereby permitting results from different surveys to be compared and measured against desirable maximum levels”. The company then explained in detail why each assessment made was reliable. These comments were reviewed by the Essex Highways Authority who made the following comments:-

“The Highway Authority is more than satisfied that the parking survey has been undertaken professionally and in line with the appropriate methodology as has the subsequent data analysis by the Transport Consultants. Consequently the Highway Authority agree with the results of the submitted Transport Statement hence our recommendation for the application.”

The Council is therefore satisfied that the details contained within the Transport Statement” are reliable and in accordance with the requirements of national and Local Policy.

Loss of garages for local residents

Objections have been raised at the loss of garage spaces which are currently let to the local residents. The Highways Authority has raised no objection to their loss. This lack of objection indicates that the residual cumulative impact of approving this application and the resultant loss of garage spaces would not be severe. In this circumstance paragraph 32 of the NPPF requires that planning permission should not be refused.

Furthermore both national and local policies contain no requirement for the Council to protect storage or garage uses. However the Local Authority is required to boost significantly the supply of housing which meets a local need.

Flood risk

The site is within an Epping Forest District Council flood risk assessment zone, the development is of a size where it is necessary to avoid generating additional runoff and therefore the Council's Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage in accordance with policy U2B of the Local Plan.

Area of wilderness /Conservation of protected species

The area to rear of the site is currently covered in small trees and bushes and other naturally occurring plants. Given that this natural scrubland is not protected by any nature conservation designation and instead falls within an urban area outside of Green Belt where very special circumstances would not be required to develop the land, the loss of the openness of the site is acceptable.

Furthermore the Countrycare Team recommend that a pre commencement condition be attached to any permission which requires that a Phase 1 Habitat Survey be carried out by independent Ecology professionals; the results of this survey should then be submitted to and approved by the Council. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species surveys would need to be carried out. These surveys would need to be submitted to the Council, then a detailed mitigation strategy which accords with the requirements of Natural England would be required to be submitted, approved and carried out in accordance with those details so approved prior to any works being carried out on the site. It is on this basis considered that the proposal will make adequate provision for the protection and suitable management of established habitats of local significance for wildlife in accordance with Chapter 11 of the NPPF and policy NC4 of the Local Plan.

Other matters

The agent confirms that the existing garage wall is to be retained adjacent the rear gardens of properties on St Leonards Road.

Access for emergency vehicles is not a material planning consideration as it is controlled by Building Control regulations.

However the Fire Service were consulted and who then responded by confirming that the access provided meets their standards. Additional plans have also been submitted by Transport Planning Practice labelled 30872/AC/005 which demonstrate that there would sufficient space for an ambulance or other emergency vehicle to access the site.

Objectors raise concerns that the application refused under reference EPF/00064/02 is a direct comparison to this application and therefore this application should be refused also. Looking at the detail of that application it was found that it was for outline permission for the erection of a pair of semi detached 2/3 bed cottages in the rear garden of 14 Pound Close. It is not a direct comparison with this application because the size of that application site was smaller than the application for determination now; furthermore the proposed houses were positioned closer to existing residential property. National and local policy has also changed since that decision was made. The NPPF (2012) now requires a greater emphasis on the redevelopment of sites within

sustainable urban areas. The density of that refused application is therefore not relevant to the determination of this application.

Objectors refer to an application in 1998 made which was refused following significant local objections. This application relates to a Housing Committee consultation exercise which as a result of strong local opposition at the time resulted in the Housing Department of the Council not pursuing the matter further at that time. No planning application related to this site was submitted at that time. This stance has now changed due to increased numbers of local people on the housing register and the existing lack of supply to house them.

Plans have been amended so that all the land within the red line of the site is in the ownership of Epping Forest District Council.

The Draft Local Plan in its 'Site Selection Report' discounted the application site on the grounds that it had an area of less than 0.2 hectares and therefore could not accommodate 6 or more houses. However this report did not consider whether a lesser number of houses could be accommodated on this site as this document is only concerned with sites which could accommodate six houses or more. It is therefore not relevant to the determination of this application.

Reduction in the value of neighbouring residential dwellings is not a material planning consideration.

Conclusion

This proposal is considered to comply with the requirements of 'sustainable development' as defined by the NPPF because it would contribute to housing supply within the borough, provides a type of accommodation which fulfils a local housing need in a sustainable location; will preserve the distinctive local character of area and will not excessively impinge on neighbouring residential amenity, the proposal is therefore considered to comply with the aims and objectives of the NPPF and as such should be approved without delay.

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

***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

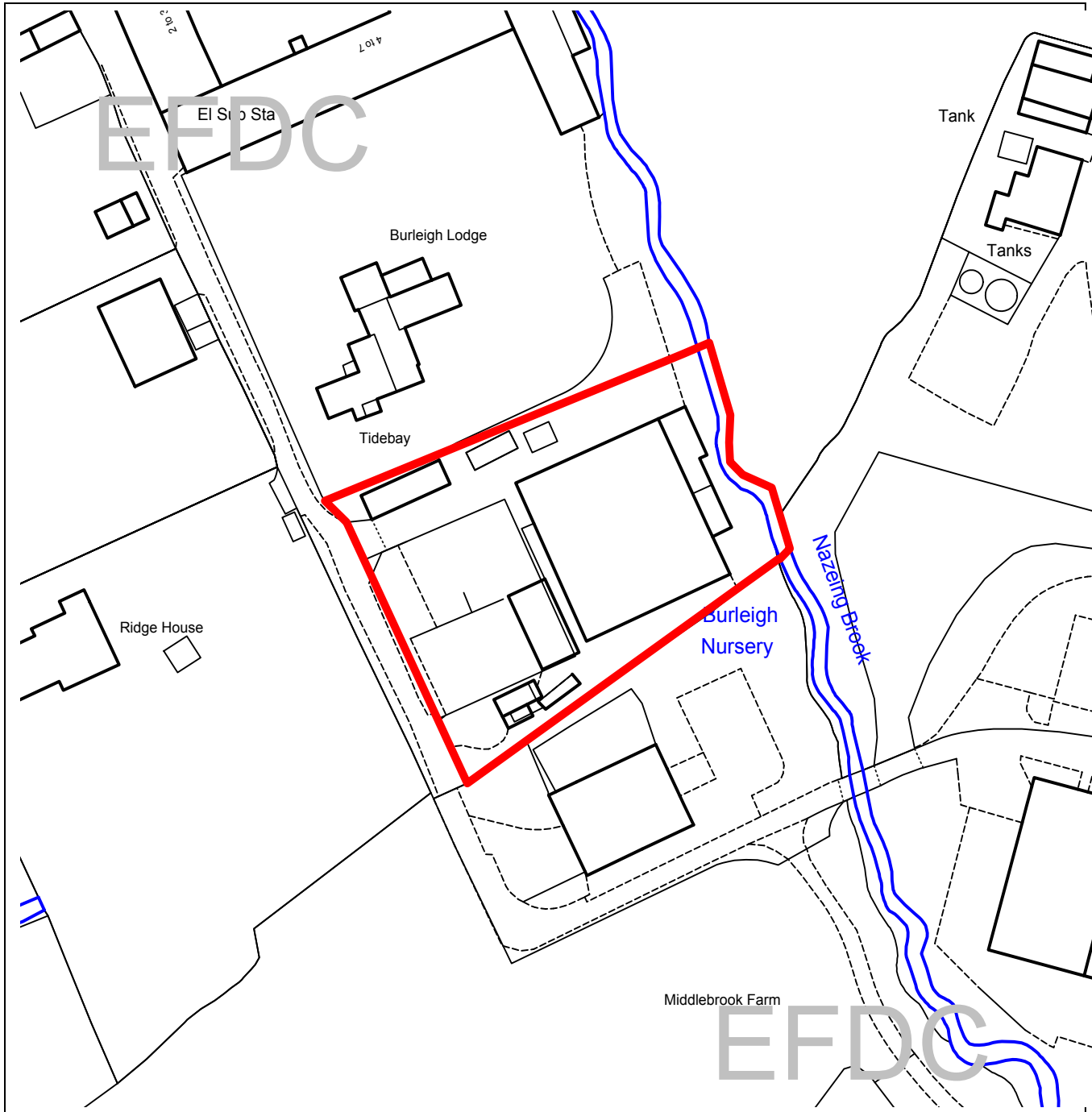
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/2271/16
Site Name:	Burleigh Nursery, Hoe Lane, Nazeing, EN9 2RJ
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2271/16
SITE ADDRESS:	Burleigh Nursery Hoe Lane Nazeing Essex EN9 2RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr & Mrs Marsetic
DESCRIPTION OF PROPOSAL:	Demolition of existing commercial buildings and erection of 6 no. four bedroom detached dwellings
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=586896

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: 11331- S001, The Location Plan, P002-A, 12164-P003, 12164 - P004, 12164 - P005A, 12164- Design and Access Statement.
- 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 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]

- 5 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor side flank elevations of units 2, 5 and 6 shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 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 Prior to the commencement of any works dusk and dawn surveys for bats should be undertaken in accordance with guidelines from Natural England (or other relevant body). These should be submitted to EFDC for approval.
Should the surveys reveal the presence of bats, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to EFDC for approval.
Should a Natural England European Protected Species licence (EPS) be required then this should also be submitted to EFDC. The licence will be granted if the activity conforms with the Habitats Regulations Regulation 53 Three Stage Test and Local Authority planning consent has been granted.
All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 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 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.
- 12 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.
- 13 The carriageway of the proposed estate road shall be constructed prior to the commencement of the erection of any dwelling proposed to have access from such a road. The footways commensurate with the frontage of each dwelling shall be completed prior to occupation of the dwellings they are to serve.

The road should be of sufficient dimensions and standard to be able to withstand regular use by refuse collection lorries. (standards detailed within the informatives section of this notice).
- 14 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 15 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

- 16 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.
- 17 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.
- 18 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.
- 19 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.
- 20 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.

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. It has also been 'called in' by Councillor Richard Bassett on the grounds that the

Parish Council supports the application. (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site covers an area of 4,575 sqm and has a roughly rectangular shape. It is located at the eastern end of a private access road into Middlebrook Farm, off Hoe Lane, Nazeing. It comprises two blocks of semi - derelict greenhouses, some workshops that are used for vehicle servicing and repairs, a small building used for restoring cars, a portacabin used as an office and some storage containers. A certificate of lawful existing development for the use of part of the former horticultural nursery for parking 2 Heavy Goods Vehicles, the positioning of a diesel tank, use of two units as vehicle repair workshops (for only heavy goods vehicles authorised to be stored onsite and cars) and the use of the site for siting of 3 storage containers ancillary to the haulage activities onsite was deemed lawful under reference EPF/1528/09.

Uses surrounding the site include small industrial and commercial uses, residential and a farm at the southern end of the access road. The site falls within land designated as Green Belt and abuts the boundary of the Nazeing and South Roydon Conservation Area.

Description of Proposal:

Demolition of existing commercial buildings and erection of 6 no. four bedroomed detached dwellings.

The 6 houses are arranged in a cul de sac form each with two car parking spaces and curtilages.

All units measure 9.6m deep by 8.35m wide and 8.9m high to the ridge of their gable roofs. Each unit has an internal area of 132.45 sqm.

Units 2, 5 and 6 have first floor side elevation secondary windows.

Materials include natural slate with red clay ridge tile to main roof, a choice of either or both facing brick work and timber boarding for the walls, white painted timber windows white eaves, fascia and soffits and black rainwater pipes.

The access to the site is to be moved to more central position adjoining the highway. All houses will have their own individual driveways off this access.

Relevant History:

EPF/1528/09 - Certificate of lawful development for the use of part of the former horticultural nursery for parking 2 Heavy Goods Vehicles, the positioning of a diesel tank, use of two units as vehicle repair workshops (for only heavy goods vehicles authorised to be stored onsite and cars) and the use of the site for siting of 3 storage containers ancillary to the Haulage activities onsite – Lawful for specific buildings and uses as outlined.

EPF/0083/12 - Demolition of existing glass houses and vehicle workshops and erection of a replacement building to provide modern vehicle workshops and storage units. Refused on the grounds that it was inappropriate development within the Green Belt. It was then dismissed at appeal.

EPF/0087/14 - Outline application for proposed replacement of existing warehouse units and removal of glass house remains, with new warehouse building was granted.

Permission was refused under reference EPF/0204/14 for the demolition of nursery glasshouses and commercial sheds and construction of 10 no. detached five bed houses with associated amenity space, off-street parking, vehicle crossovers and landscaping at Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery on the grounds that it was in appropriate development.

Policies Applied:

National Planning Policy Framework
National Planning Policy Guidance

Epping Forest District Local Plan (1998) and Alterations (2006).

CP1: Achieving Sustainable Development Objectives
CP2: Protecting the Quality of the Rural and Built Environment
CP3: New Development
DBE1: New Buildings
DBE2: Effect on neighbouring Properties
DBE4: Design in the Green Belt
DBE8: Private Amenity Space
DBE9: Neighbouring Residential amenity
GB2A: Development in the Green Belt
GB7A: Conspicuous Development
GB15A Replacement Dwellings
LL11 Landscaping Schemes
ST1: Location of Development
ST2: Accessibility of Development
ST4: Road Safety
H2A: Previously Developed Land
H4A: Dwelling Mix

Consultation Carried out and Representations Received

NAZEING PARISH COUNCIL: No objection and fully support the application on condition that all commercial and industrial uses cease on the entire site constituting Burleigh Nursery.

Letters were sent to occupants of 7 adjoining and nearby properties, a site notice was displayed and application was advertised in the local press. This resulted in no comments being received.

Main Issues and Considerations:

The issues which are relevant to the determination of this application are:

- Impact on the aims and purposes of the Green Belt ;
- Impact on the character of the application site and surrounding area;
- Impact on neighbouring residential amenity; and
- Impact on parking and highway safety.

Background

Two pre-application requests were made in relation to the redevelopment of this site for housing. The first under EF\2015\ENQ\00935 sought advice on the feasibility of the demolition of the glasshouses and erection of three detached dwellings. The advice given was that:-

“It is evident that a greater amount of built form in volume terms would be removed from site than what is proposed here. The overall footprint of development would also be reduced. Whilst the ridge levels of these dwellings will be higher than the existing buildings there is a sufficient trade off between overall volume and footprint reduction to accept that the proposed scheme would not have a materially greater on open character. There would be the added benefits of the general visual improvements that the redevelopment would bring and that there may be benefits to existing residents re: the reduction in the movements of large vehicles along the lane.”

An application relating to land at Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery for the demolition of nursery glasshouses and commercial sheds and construction of 10 no. detached five bed houses with associated amenity space, off-street parking, vehicle crossovers and landscaping was then submitted under reference EPF/0204/14 and subsequently presented to West Area Planning Committee due to parish council support for the scheme. The consultation of this application had resulted in two objections and 21 letters of support. The grounds of support were that Hoe Lane is not suitable for HGV lorries; the proposal will result in the removal of the current lawful unneighbourly use and would provide much needed housing.

The issues raised by objectors were that the proposal was overdevelopment, inappropriate development in the Green Belt and would result in the loss of garden land. The final outcome of the application was that it was refused at planning committee on the grounds that it was inappropriate development. However in relation to the red lined section around Burleigh Nursery which contained 3 out of the 10 residential units proposed in the application, the previous officer had the following comments to make:

“The car repairs building and all buildings on Burleigh Nursery would be removed from the site. It is the case that particularly the glasshouse structure is in a poor state of repair. As such the removal of the structures would bring visual benefits. No information is provided as to what would happen to the displaced businesses. Early in 2014 consent was granted for modern warehouse facilities where a strong case was made for the need to regularise the site and provide more practical facilities for its occupants. It is unclear where these businesses would continue to trade or would this development result in actual job losses.

Visual benefits can be accepted only on Burleigh Nursery site and this site benefits from consent for a modern designed building..... Even the houses on the brownfield section of the land (Burleigh Nurery) would be much more prominent from the surrounding countryside....

It is accepted that the removal of some commercial units will reduce the amount of HGV movements along the land and that this is clearly an issue of local concern. However any benefits on their own do not justify this form of development. A large number of businesses (in close proximity to the site) would still attract HGV movements....and (this) matter cannot be addressed with piecemeal developments and requires a more strategic approach through the Local Plan making Process”

It can be seen therefore that while the previous case officer acknowledged that the construction of three houses on this site would provide some benefits resulting from tidying up the site and the removal of the HGV repair business, given the remainder of houses were proposed land which was not previously developed, the proposal as a whole would be inappropriate development within the Green Belt which would have a seriously harmful impact on the openness of the site. Members agreed with this stance and therefore decided to refuse the application.

It is for these reasons that officers would in principle accept a 3 house scheme in this location.

Consequently a revised scheme was submitted as a new pre-application request under reference EF\2016\ENQ\00315 for 6 four bedroomed detached houses. It was considered that this proposal was inappropriate development which would result in an overdevelopment of the site which would erode the openness of the Green Belt. The applicant was therefore advised that this scheme could not be supported at the application stage. This scheme has now been submitted for determination.

Impact on the aims and purposes of the Green Belt.

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 89 and 90 of the National Planning Policy Framework (NPPF). And provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the limited infilling or partial or complete redevelopment of previously developed sites, 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 purposes of including land within it than the existing development.

The site benefits from a lawful development certificate which confirms that the majority of the site is being used for commercial activities which fall within the category of previously developed land. (Reference EPF/1528/09). It is therefore considered that the site can be defined as being Previously Developed Land

The proposed development involves the demolition of the majority of the existing commercial buildings and removal of the lawful haulage and vehicle repairs businesses, and general storage uses on the site. The planning statement submitted as part of this application states that the total volume of the proposed residential development is around 3330m³. This is equivalent to 78% of the volume of the existing commercial buildings that have been identified for demolition.

However this total includes 884 sqm of glass house buildings which are single storey. Also the majority of the buildings on the site are single storey and have an average height of around 3m. Only one of the vehicle repair workshops at the far eastern section of the site has a height of 6.5m but this unit only covers an area of 123 sqm.

The proposed 6 houses all have a height of 8.9m and have a solid form. This height together with the number of units is far in excess of the existing buildings on the site and does not reflect the character and density of residential development within this part of Hoe Lane. Furthermore as they are all suitable for families they will also have additional paraphernalia associated with this type of dwelling. The proposal is therefore considered to have a greater impact on the openness of the Green Belt compared with the current use on the site. It is therefore considered definition inappropriate development and contrary to paragraph 89 of the NPPF and policy GB2A of the Local Plan. This assessment is consistent with previous pre-application advice given.

Sustainability

The site is not easily accessible by public transport, nor are there any public amenities or schools within walking distance of the site. Approval of this proposal will therefore result in the requirement for all journeys to and from the residential dwellings to be carried out by car.

However the proposal will remove a use which in its self is not sustainably located. The removal of this use could therefore result in the overall reduction in vehicle movements from the site

No consideration has been made to providing carbon reduction features within each of the proposed residential dwellings which could help offset some of the harm which will result from the over reliance on unsustainable modes of transport by new residents of the site. However this matter could be controlled by condition if approval was recommended.

Trees

The Trees and Landscaping Team object to this application on the grounds that the proposal does not provide an adequate Arboricultural Impact Statement locating existing trees within and around the site. This was information was also requested at pre-application stage. The proposal therefore conflicts with chapter 11 of the NPPF and policy LL10 of the Local Plan. However this issue could be overcome with a pre commencement condition requiring this information.

Design

The site adjoins the Nazeing and South Roydon Conservation Area. Whilst the Conservation Officer supports the tidying up of the site, she also raises concerns about the amount of building mass proposed, she states

“The character and special interest of the conservation area, which was first designated in 1982, derives from the exceptional quality of its ancient landscape featuring well preserved medieval settlements and enclosed field patterns. Together with the open or common field systems, these landscape features give each settlement a distinctive setting. Within such a sensitive setting, any new development should be tailored and ensure the preservation of this unique sense of place and remain subservient to its environment; it has to blend in with the landscape.

The proposed scheme does not demonstrate a good understanding of the adjacent conservation area from which it is supposed to stand and does not respect the local area in terms of layout, orientation and density.

In general terms, the proposal appears to go against the grain of development historically seen in this area. The proposal will harm the significance of the setting of the conservation area which largely derives from the open landscape and historic pattern of development. This proposal is at odds with the established pattern of development and would introduce a cul-de-sac, which is suburban in character, into a rural setting.

Although the guidance contained within the Essex Design Guide encourages the use of traditional building forms and materials as well as architectural elements to add variety and interest to the elevations, the resulting design is somewhat confused as it utilises too wide a variety of details and materials. The elevations do need to have interest, however, perhaps reducing the variation to provide some cohesion to the design.

I, therefore, believe the proposal would cause harm to the character and appearance of the conservation area and be contrary to policies DBE1, HC6 and HC7 of our Local Plan and Alterations (1998/2006).

However, I do not object the principle of the land redevelopment and believe that a tailored scheme, following the recommendations listed below could offer a suitable response.

- Layout, orientation and density / the dwellings should be erected to the front of the plot, in line, with garden at the back. Semi-detached dwellings could be an option.
- Scale & massing / Dwellings should be at two-storeys with optional single storey elements. In an assemblage of forms, there should be a principle element to which subsidiary elements are added.

- Building form / the dwellings should be made up of rectangular (not square form), plans form, with pitched roofs spanning the narrower plan dimension. Spans should be 5 to 6.5 metres wide. The future dwellings could also be of more complex form such as, for example, L plans or deeper plan forms made up of parallel ranges. In all cases, each elements of the plan should have its own roof pitched over the shorter dimension. Roofs should normally be pitched at 50 degrees.
- Entrance and boundary treatment / A proper hedge of native species should be reinstalled to the front of the plot. If gates are needed, they should be as passive as possible, the hard wood 5-bar gates are recommended.

I recommend the applicant to address the issues raised above and follow the advice given, prior to the submission of any revised scheme.

This is supported by policy HC6 of our Local Plan and Alterations (1998/2006).”

Whilst these comments are noted it is considered that due to the public benefit arising from the removal of existing use and dilapidated structures from the site, the site’s position outside of the conservation area along with the in principle acceptance of the appearance of the houses by the decision made under EPF/0204/16 and the approval of similarly designed houses under references EPF/0110/16 and EPF/0734/14 it is not considered that refusal on these grounds could not be substantiated at appeal.

Quality of resulting residential accommodation

The proposal includes houses which have a good standard of design; provide a good standard of internal space, outlook, ventilation, and access and amenity space. If approval was recommended a condition could be imposed requiring that the first floor side elevation secondary windows on units 2, 5 and 6 to be obscure glazed to prevent perceived overlooking.

The application site adjoins Nazeing Brook; this is a river which falls within land within Flood zone 3. This area has a 1 in 2 change of flooding every 100 years. The Environment Agency therefore requires an 8m buffer zone from the Brook to the development in order to allow for access to this area by the Environment Agency in order to carry out flood mitigation works when required. This area would fall within land proposed to be the garden areas of units 2 and 3, new residents would be required to allow this land remain as ‘natural wilderness’ and as a result will compromise the usability of these gardens. However the Environment Agency have not raised an objection to this and the Land Drainage officer is satisfied that flooding issues can be controlled by mitigation measures which would be controlled by condition, it is therefore considered that the quality of new accommodation is acceptable.

Impact on neighbouring amenity

Burleigh Lodge is owned by the applicants and other neighbouring residential properties are sufficiently distant as to not be materially affected by the proposal in accordance with policy DBE9 of the Local Plan.

Flood Risk

The main river Nazeing Brook runs adjacent the site. The proposed site plan shows no built development to be within immediate proximity to the water course, however there are no detailed plans of how the residential gardens will be designed and planted up to the river bank.

Land alongside watercourses is particularly valuable for wildlife and the water corridor environment. To ensure no detrimental ecological impacts on the Nazeing Brook water environment, the areas of the site alongside the river should remain free from any built

development including lighting and formal landscaping. Any proposed planting scheme adjacent to the watercourse should contain only native species. This land should also be kept free of development as it is vital for access to undertake river maintenance, specifically during times of flooding. The immediately adjacent to the Nazeing Brook also falls within Flood Zone 3B, the functional floodplain defined by your Strategic Flood Risk Assessment (SFRA) as having a high probability of flooding. This land designated to safely store floodwater in times of flooding. The Environment Agency's modelling of the watercourse shows there is a 1 in 2 chance of flooding in every year in this area of 3b. It therefore requires that there should no development in this zone at all as the functional floodplain must be kept free of development to continue to remain operational, with no net loss of floodplain must be kept free of development to continue to remain operational with no net loss of floodplain storage and to not impede flows or increase flood risk. This issue could be controlled by condition in accordance with paragraphs 109 and 118 of the NPPF and policies U2A, U3A and U3B of the Local Plan.

Contaminated Land.

The Contaminated Land Officer has reviewed this application and considers that "due to its use as a Horticultural Nursery, Haulage Yard and for Vehicle Maintenance & Repair, there is the potential for contaminants to be present on site.

Domestic dwellings with gardens are classified as a particularly sensitive proposed use.

The answers to the Existing Use question on the Application Form relating to land where contamination is suspected for all or part of the site should have been marked yes and as detailed on the application form, an appropriate contamination assessment should have been included with the application.

As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition. He therefore recommends that the standard land contamination conditions are attached to any approval granted" in accordance with Paragraphs 120-124 of the NPPF and policy RP4 of the Local Plan.

Ecology

The site adjoins a river and is in close proximity to woodland, it therefore considered that there is a strong likelihood that bats or other protected species or their breeding sites and resting places might be present within the site.

The Countrycare Team recommend that a pre commencement condition be attached to any permission which requires that a Phase 1 Habitat Survey be carried out by independent Ecology professionals; the results of this survey should then be submitted to and approved by the Council. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species surveys would need to be carried out. These surveys would need be submitted to the Council, then a detailed mitigation strategy which accords with the requirements of Natural England would be required to be submitted, approved and carried out in accordance with those details so approved prior to any works being carried out on the site.

They also require further details be submitted in relation to a biodiversity plan for the site be submitted, approved and carried out in accordance with those details so approved.

It is on this basis considered that the proposal will make adequate provision for the protection and suitable management of established habitats of local significance for wildlife in accordance with Chapter 11 of the NPPF and policy NC4 of the Local Plan.

Highways

The existing access onto Hoe Lane provides adequate visibility splays and the intensity of the use of the site would not result in a materially greater number of vehicular movements over and above the existing use of the site. Furthermore the access road is private and the site is far removed from the highway. The proposal therefore accords with the requirements of policies ST4 and ST6 of the Local Plan.

Are there very special circumstances?

Paragraph 87 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harm.

The agent cites three reasons which he considers fall within this category. These include:-

- reduction in vehicle movements and HGV use of Hoe Lane;
- removal of commercial buildings ;
- policy vacuum;
- no 5 year supply of land for housing;

No Transport Statement carried out by an independent professional has been submitted as part of the application to verify exactly what the difference in vehicle movement will be. Furthermore no consideration has been given to the existing commercial uses which surround the site and which through the daily running of their businesses generate a high level of trips requiring HGVs. However it is accepted that as there are no restrictions on the use, heavy goods vehicles could potentially use the site on a 24 hour and 7 day basis. Furthermore comments received in relation to the application submitted under reference EPF/0204/16 indicate that there would be a significant amount of local support for the removal of this business from this location. This issue is therefore given some weight.

Removal of the dilapidated buildings is a benefit however this can be also be achieved as a result of a smaller housing scheme which will have a less detrimental impact on the aims and purposes of the Green Belt. Furthermore the building used in connection with the car restoration business owned by the applicant and is inside the red line of the site.

The policies listed above 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. There is therefore no policy vacuum in relation to the determination of this application.

It is accepted that the Council cannot demonstrate a 5 year supply of housing land. However the government in National Planning Policy Guidance on Housing and economic land availability assessment unequivocally states that "Unmet housing need 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".

Previous decisions made in relation to sites which are in close proximity to the site.

In addition to the agreed points raised by the agent, the Council is also aware of past decisions which have a material bearing on the determination of this case.

Previous planning decisions made at Winston Farm under reference EPF/0734/14 at Winston Kennels which is situated north western corner of this access road allowed the demolition of existing commercial buildings and the removal of the mobile home on the site and replacement with 4 detached dwellings, this approval was made on the basis that

“It is evident the entire built form on site is general low set and consists of a four bay corrugated storage building and a collection of other low set buildings. In terms of scale and volume what would replace this built form would be materially greater. The new houses are all predominantly two storey with roofs above. The height of the proposed buildings would make them more prominent in the surrounding Green Belt. The new volume on site would be markedly greater than existing. The NPPF allows for redevelopment of previously developed sites only where the new development would not have a materially greater impact on the green belt than the existing development. In this instance given the nature of the existing uses, it is considered that although the new development may be more visually prominent the overall impact on the Green Belt will not be harmful to the purposes of including land within the Green Belt. On balance therefore it is considered that although the development is strictly not appropriate development, the specific circumstances of the site and the proposed development are sufficient to outweigh the limited harm to openness that would result from the development”.

2 houses were permitted at Presdale Farm House Hoe Lane due their being considered as limited infill. This site is approximately 23m away from the application site.

The justification made in the Winston Kennels was then a significant material factor in the approval of 2 at Spinney Nursery under reference EPF/0110/16 and the approval of 8 no. detached family houses and 10 no. 'affordable houses' with associated off-street parking, private gardens and landscaping at Stoneshot Farm off Hoe Lane under reference EPF/0259/16. (Another significant factor in the determination of this application was that 55% of the new dwellings were to be affordable and as such would contribute to housing supply within the borough and provides a type of accommodation which fulfils a local housing.

It is therefore considered that these decisions when implemented will significantly change the character of the area in close proximity to the application site, to the extent that it is already about to be significantly suburbanised.

Conclusion

The proposal will have a greater detrimental impact on the openness of the Green Belt especially when viewed from areas within the Nazeing and South Roydon Conservation Area. However when assessing the benefits of the scheme as put forward by the applicant in a cumulative manner and the previous decisions made in relation to other sites in close proximity to the site, it is considered that there is sufficient public benefit and planning precedent to clearly outweigh the Green Belt harm and all other harms resulting from the proposal subject to a pre-commencement condition requiring further details and method statements in relation to soft landscaping on the site along with other standard conditions. It is for these reasons 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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597

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 4



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Application Number:	EPF/2302/16
Site Name:	North Villa, Mott Street, Waltham Abbey, IG10 4AP
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2302/16
SITE ADDRESS:	North Villa Mott Street Waltham Abbey Essex IG10 4AP
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr John Lyons
DESCRIPTION OF PROPOSAL:	Minor changes to approved application EPF/0670/16 (The conversion of one existing house into two houses)
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=587133

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: 281-PL: 20, 21 281-EX10 and the submitted block plan.
- 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 development generally permitted by virtue of Classes A and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 There shall be no discharge of surface water onto the Highway.
- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 6 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.
- 7 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.

- 8 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.

- 9 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.

This application is before this Committee 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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Description of site

The application site is located on Mott Street, which is located within the settlement of High Beach. The existing building is a two storey detached dwelling situated within a relatively short and wide plot. The neighbours are similar large two storey dwellings, the majority of which have rather large curtilages. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposal is for minor changes to the previously approved drawings for the conversion of one dwelling into two. The alterations are to install two bay windows on the front elevation.

Relevant history

Pre application submitted for the extension to the existing dwelling and erection of new building to form three separate dwellings.

WHX/0109/70 - EXTN TO DWG – Approved

EPF/0249/84 - Single storey workshop/shed rear of garage serving. - Approved

EPF/3230/15 - conversion of an existing dwelling into two separate dwellings and the erection of a new building for an additional dwelling. – Refused

EPF/0483/16 – Conversion of existing dwelling into two separate dwellings and the erection of a new dwelling - Refused

EPF/0670/16 - The conversion of one existing house into two houses. – Approved by Plans West

Policies Applied

GB2A Development in the Green Belt
GB7A – Conspicuous Development
CP7- Quality of development
CP2 – Protecting the Quality of the Rural and Built Environment
DBE10 – Design of Residential Extensions
DBE9 – Impact on amenity
H1A Housing Provision
H2A previously Developed Land
DBE6 car parking in new developments
ST1 Location of development
ST2 Accessibility of development
ST4 Road Safety
ST6 vehicle Parking standards
LL11 landscaping
U3B sustainable drainage
DBE8 private amenity Space
DBE1 Design of new buildings
RP4 Contaminated land

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 the relevant policies in existing plans according to the 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

7 Neighbours consulted –

TWELVE TREES – OBJECTION – The proposal does not allow a sufficient level of parking provision and will cause a loss of light. The bay windows do not allow enough room for sufficient parking.

CINDERS COTTAGE – OBJECTION – The bays will reduce the space available for parking which will harm highway safety.

VINE COTTAGE – OBJECTION – The proposal will reduce the depth of parking and the amount of parking provided, which causes harm to highway safety.

STONECROFT – The bay windows reduce the amount of parking and cause issues for highway safety.

WALTHAM ABBEY TOWN COUNCIL – NO OBJECTION

Issues and considerations

This proposal constitutes very minor alterations to the front elevation of the two new dwellings which were approved by this committee in June (EPF/0670/16). The installation of two small bay windows will not cause any harm to the living conditions of neighbours as it is a substantial distance away from the closest shared boundary and it will not have a significant impact on the openness of the Green Belt due to its very small size. The main issues therefore are the potential harm to the highway and the character and appearance of the area.

Highway considerations

The bay windows will leave at least a 5m gap to the edge of the public carriageway, which according to the Highway team based at Essex County Council is sufficient to ensure that ant vehicles clear highway land so that there is no harm to the safety or efficiency of Mott Street.

Character and appearance

The bay windows are existing features on the current properties and are conventional within a residential setting, their retention will not cause any harm to the character or appearance of Mott Street.

Conclusion

The proposal does not conflict with any policy of the development plan and therefore 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: James Rogers
Direct Line Telephone Number: 01992 564 371**

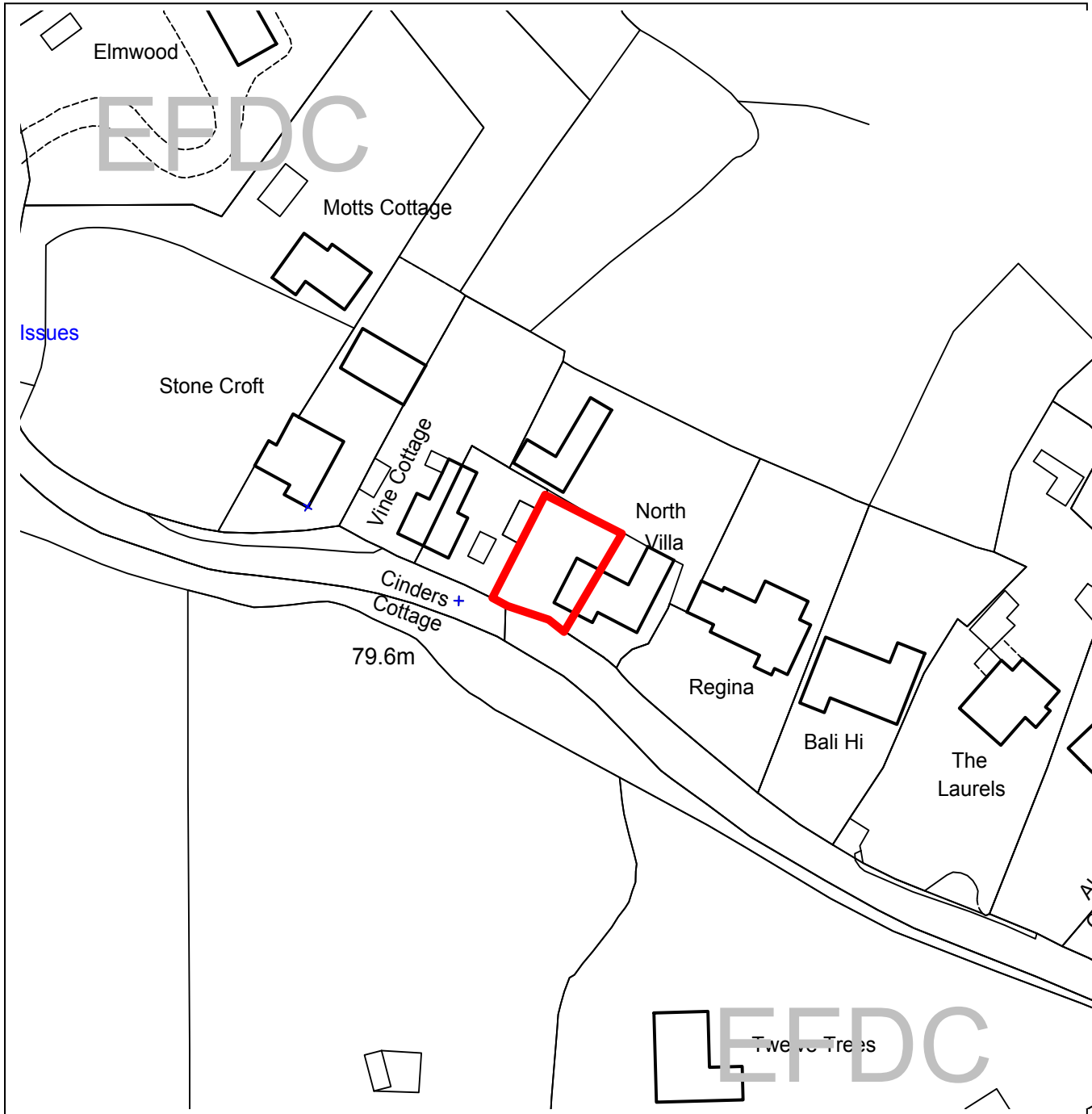
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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/2303/16
Site Name:	North Villa, Mott Street, Waltham Abbey, IG10 4AP
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2303/16
SITE ADDRESS:	North Villa Mott Street Waltham Abbey Essex IG10 4AP
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr John Lyons
DESCRIPTION OF PROPOSAL:	Single storey extension to existing dwelling.
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=587134

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 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.
- 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.

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

Description of site

The application site is located on Mott Street, which is located within the settlement of High Beach. The existing building is a two storey detached dwelling situated within a relatively short and wide plot. The neighbours are similar large two storey dwellings, the majority of which have rather large curtilages. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposal is to erect a single storey side extension to the dwelling.

Relevant history

Pre application submitted for the extension to the existing dwelling and erection of new building to form three separate dwellings.

WHX/0109/70 - EXTN TO DWG – Approved

EPF/0249/84 - Single storey workshop/shed rear of garage serving. - Approved

EPF/3230/15 - conversion of an existing dwelling into two separate dwellings and the erection of a new building for an additional dwelling. – Refused

EPF/0483/16 – Conversion of existing dwelling into two separate dwellings and the erection of a new dwelling - Refused

EPF/0670/16 - The conversion of one existing house into two houses. – Approved by Plans West

Policies Applied

GB2A Development in the Green Belt
GB7A – Conspicuous Development
CP7- Quality of development
CP2 – Protecting the Quality of the Rural and Built Environment
DBE10 – Design of Residential Extensions
DBE9 – Impact on amenity

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 the relevant policies in existing plans according to the 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

7 Neighbours consulted –

CINDERS COTTAGE – OBJECTION – The new extension will have a side facing window which will severely overlook my property and the extended raised terrace will cause overlooking.

TWELVE TREES – OBJECTION – The proposal will cause loss of parking. There will be a significant loss of light and privacy to Cinders Cottage.

REGINA – OBJECTION – The increased extension will encourage families to move into the area and demand more parking. There will be harm to the openness of the Green Belt.

VINE COTTAGE – OBJECTION - There will be a lack of parking and hazards to people using the highway.

STONECROFT – OBJECTION – The extension will cause harm to the character and appearance of the street scene.

WALTHAM ABBEY TOWN COUNCIL – NO OBJECTION

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the openness of the Green Belt, the living conditions of the neighbours and the design of the proposal in relation to the existing building and its setting.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development in the Green Belt should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused. However paragraphs 89 and 90 of the NPPF give certain exceptions to inappropriate development, one of which is the:

Extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

This dwelling was granted planning permission in June 2016 by Area Plans West Planning Committee. That consent created a new 'original' dwelling which has not been previously extended. The original dwelling therefore has a floor area of approximately 82.5sqm and this extension will add 21sqm, which amounts to a 25% increase over and above the original. The proposal is therefore considered to be a limited extension over the original and is therefore not inappropriate development in the Green Belt and very special circumstances are not required.

Neighbouring living conditions

The side extension is set a significant 6m distance away from the shared boundary with Cinders Cottage to the west, has a reasonable size and height which, from the perspective of this neighbour, will be set against the backdrop of an existing first floor dwelling. It is therefore considered that there will not be harm to the living conditions of this, or any other neighbour.

The extended part of the raised terrace to the rear of the new extension is a significant distance from the shared boundary with Cinders Cottage and will not cause substantial overlooking to this neighbour.

Design

The side extension is of a reasonable bulk, size and scale which respects the character and appearance of the existing building and the street scene.

Conclusion

The proposal is not inappropriate development in the Green Belt, will not harm the living conditions of the neighbours and the design is acceptable. It is therefore recommended that planning permission is granted.

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

**Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371**

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 6



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Application Number:	EPF/2305/16
Site Name:	North Villa, Mott Street, Waltham Abbey, IG10 4AP
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2305/16
SITE ADDRESS:	North Villa Mott Street Waltham Abbey Essex IG10 4AP
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr John Lyons
DESCRIPTION OF PROPOSAL:	Double storey extension to existing dwelling.
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=587136

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.
- 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.

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

Description of site

The application site is located on Mott Street, which is located within the settlement of High Beach. The existing building is a two storey detached dwelling situated within a relatively short and wide plot. The neighbours are similar large two storey dwellings, the majority of which have rather large curtilages. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposal is for a first floor side extension to the dwelling.

Relevant history

Pre application submitted for the extension to the existing dwelling and erection of new building to form three separate dwellings.

WHX/0109/70 - EXTN TO DWG – Approved

EPF/0249/84 - Single storey workshop/shed rear of garage serving. - Approved

EPF/3230/15 - conversion of an existing dwelling into two separate dwellings and the erection of a new building for an additional dwelling. – Refused

EPF/0483/16 – Conversion of existing dwelling into two separate dwellings and the erection of a new dwelling - Refused

EPF/0670/16 - The conversion of one existing house into two houses. – Approved by Plans West

Policies Applied

GB2A Development in the Green Belt
GB7A – Conspicuous Development
CP7- Quality of development
CP2 – Protecting the Quality of the Rural and Built Environment
DBE10 – Design of Residential Extensions
DBE9 – Impact on amenity

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 the relevant policies in existing plans according to the 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

7 Neighbours consulted –

CINDERS COTTAGE – OBJECTION – The new extension will have a side facing window which will severely overlook my property and the extended raised terrace will cause overlooking.

TWELVE TREES – OBJECTION – The proposal will cause loss of parking. There will be a significant loss of light and privacy to Cinders Cottage.

REGINA – OBJECTION – The increased extension will encourage families to move into the area and demand more parking. There will be harm to the openness of the Green Belt.

VINE COTTAGE – OBJECTION - There will be a lack of parking and hazards to people using the highway.

STONECROFT – OBJECTION – The extension will cause harm to the character and appearance of the street scene.

WALTHAM ABBEY TOWN COUNCIL – NO OBJECTION

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the openness of the Green Belt, the living conditions of the neighbours and the design of the proposal in relation to the existing building and its setting.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development in the Green Belt should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused. However paragraphs 89 and 90 of the NPPF give certain exceptions to inappropriate development, one of which is the:

Extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

This dwelling was granted planning permission in June 2016 by Area Plans West Planning Committee. That consent created a new 'original' dwelling which has not been previously extended. The original dwelling therefore has a floor area of approximately 82.5sqm and this extension will add 42sqm which amounts to a 51% increase over and above the original dwelling. Officers consider that this amounts to a limited extension to this property in the Green Belt and therefore does not constitute inappropriate development. Acknowledgement has been given to the fact that the proposal is a first floor addition, which does cause greater harm in the Green Belt than a single storey extension; however it is considered that this harm is not substantial in the context of the extension being defined as 'limited'.

Neighbouring living conditions

The side extension is set a significant 6m distance away from the shared boundary with Cinders Cottage to the west and will not therefore cause a substantial loss of light to this neighbour or appear overbearing. The proposal creates a greater opportunity for overlooking given that it is over two storeys, however its side elevation is blank and as a result will not allow for this to occur. Any window put into the side elevation under Permitted Development on the first floor would be required to be obscure glazed and therefore it is not anticipated that this will cause substantial harm in the future.

Design

The side extension follows the form of the existing building and will appear somewhat subservient to the existing dwelling as its ridge is below the existing. In terms of size, bulk and scale, as well as fine detail, the proposal is considered to respect the character of the existing building and the street scene.

Conclusion

The proposal is not inappropriate in the Green Belt, will not harm the living conditions of the neighbours and respects the character and appearance of the street scene. Therefore it is recommended that planning permission is granted.

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

**Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371**

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



**Epping Forest
District Council**

Report to Area Plans Sub-Committee

Date of meeting: Plans West – 16 November 2016

Subject: Probity in Planning – Appeal Decisions, 1st April 2016 to 30 September 2016

Officer contact for further information: Nigel Richardson (01992 564110)

Democratic Services Officer: Mark Jenkins (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 March 2016 and 30 September 2016, the Council received 49 decisions on appeals (48 of which were planning related appeals, the other 1 was enforcement related).
5. GOV07 and 08 measure planning application decisions and out of a total of 48, 18 were allowed (37.5%). Broken down further, GOV07 performance was 8 out of 32 allowed (25%) and GOV08 performance was 10 out of 16 (62.5%).

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 - APPEALS ALLOWED:

Area Committee South

Buckhurst Hill

EPF/1812/15	Proposed demolition of existing building and construction of a replacement building providing 13 flats	West Lodge 32 Palmerston Road
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Chigwell

EPF/1279/15	Proposed two storey new build house (Revision to EPF/1505/14)	26 Meadow Way
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EPF/3207/15	Provision of front basement extension part completed.	170 Manor Road
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Loughton

EPF/2418/15	Demolition of existing bungalow and erection of 2 no. 3 bed dwellings.	21 Priory Road
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EPF/2983/15	Demolish garage and replace with two-storey side extension. Attached replacement garage with granny flat above. Front dormers. Ground floor and two-storey rear extension. Accommodation within roof space.	24 Alderton Hill
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EPF/2580/15	Prior notification for a telecommunications installation comprising the erection of 13.5m high dual stack monopole supporting 6 no shrouded antennas, a 0.3m dish, 2 no. equipment cabinets and ancillary development (Revised proposal to previously refused EPF/0386/11 - it is now not proposed to erect the installation on the pavement - it is now proposed 6.5m to the rear of the pavement in a grassland area).	Land close to junction of Westall Road and Burney Drive
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Area Committee East

Epping

EPF/1399/15	Conversion of existing annexe to separate dwelling, provision of car port, front canopy and rear decking.	15 Bell Common
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EPF/2163/15	Erection of 18 dwellings, including access, parking, amenity and landscaping.	Allotments rear of 8 to 22 Institute Road Coopersale
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Lambourne

EPF/0300/14	Retrospective application for replacement dwelling incorporating further revisions to roof and dormers and provision of landscaping. (Amended from EPF/2414/09 and EPF/1737/11)	Great Downs Farm London Road Abridge
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North Weald Bassett

EPF/0183/15	Erection of three storey building to accommodate 20 no. apartments (to replace existing clubhouse and Essex barn to be demolished under Prior Notification application EPF/0267/15)	North Weald Golf Club Rayley Lane
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Area Committee West

None

7. The appeal performance for GOV08, committee reversals, was outside of target at 62.5%. It is of course understood that these are the more contentious planning applications 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 6 cases where the committees were successful are as follows:

COMMITTEE - APPEALS DISMISSED:**Area Committee East****Epping**

EPF/1783/15	Demolish existing dwelling, erection of two storey structure with rooms within roof space providing 4 no. self contained two bed roomed flats. Removal of Cypress tree.	16 Kendal Avenue
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EPF/2484/15	Demolition of existing two storey dwellinghouse and garage, the construction of a new two storey residential building with loft and basement accommodation containing 3x1 bed and 4x2 bed apartments, with associated car, bicycle parking and refuse facilities.	33 Chapel Road
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EPF/3024/15	Demolition of a two storey extension and conservatory on the rear elevation of Dane Lodge and its conversion into three apartments, the demolition and replacement of the rear outbuildings to provide one apartment and the erection of a new detached two storey building providing two mews houses, together with the provision of associated on-site covered parking and a bin store.	9 Church Hill
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North Weald Bassett

EPF/1737/15	Proposed 1 no. 2 bed flat and 1 no. 1 bed flat in existing roof of the property and front, rear and side dormer and raised ridge height level to rear roof.	94 - 96 High Road
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Area Committee South**Loughton**

EPF/1973/15	Demolition of existing house and construction of eight residential flats with associated car parking	51 High Road
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spaces, amenity space and refuse collection area.

EPF/2111/15	Subdivision of site and proposed 1 no. 1 bed dwellinghouse with parking and garden area.	257 Chester Road
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Area Committee West

None

8. Out of 1 **ENFORCEMENT NOTICE APPEAL** decided, 1 was **allowed**. This is as follows:

ENF/0249/14	Without planning permission the change of use of stables to a building used as a single residential dwelling	The Outlook Moreton Bridge Moreton
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COSTS

9. There was no award of costs against the Council for unreasonable behaviour in the reasons for refusal in this 6 month period.

10. National Planning Practice Guidance on Award of Costs advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party in the following two circumstances:

- a party has behaved unreasonably; and
- the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

Conclusions

11. Whilst performance in defending appeals at 37.5% 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. 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.

12. Finally, appended to this report are the appeal decision letters relevant to each Plans sub-committee area, which are the result of Members decision at planning committees.

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

Total Planning Application Appeal Decisions 1st April 2016 to 30th September 2016

Allowed With Conditions

Buckhurst Hill

1 EPF/1812/15	Proposed demolition of existing building and construction of a replacement building providing	West Lodge 32 Palmerston Road
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		13 flats	
2	EPF/1348/15	Demolition of the existing outbuildings to the rear of 158 Queens Road. Erection of two part 2 and part 3 storey buildings at the rear containing 4 flats. Ground floor rear extension of the retail units proposed. First floor part rear extension proposed. New gable roof proposed with 3 dormer windows in connection with conversion of floors above shop to 2 flats. (Revised application to EPF/1684/13)	158 Queens Road
Chigwell			
3	EPF/3207/15	Provision of front basement extension part completed.	170 Manor Road
4	EPF/1279/15	Proposed two storey new build house (Revision to EPF/1505/14)	26 Meadow Way
Epping			
5	EPF/2163/15	Erection of 18 dwellings, including access, parking, amenity and landscaping.	Allotments rear of 8 to 22 Institute Road Coopersale
6	EPF/1399/15	Conversion of existing annexe to separate dwelling, provision of car port, front canopy and rear decking.	15 Bell Common
Lambourne			
7	EPF/0300/14	Retrospective application for replacement dwelling incorporating further revisions to roof and dormers and provision of landscaping. (Amended from EPF/2414/09 and EPF/1737/11)	Great Downs Farm London Road Abridge
Loughton			
8	EPF/2442/15	Single storey front extension and new external front steps.	62 Queens Road
9	EPF/2580/15	Prior notification for a telecommunications installation comprising the erection of 13.5m high dual stack monopole supporting 6 no shrouded antennas, a 0.3m dish, 2 no. equipment cabinets and ancillary development (Revised proposal to previously refused EPF/0386/11 - it is now not proposed to erect the installation on the pavement - it is now proposed 6.5m to the rear of the pavement in a grassland area).	Land close to junction of Westall Road and Burney Drive
10	EPF/0194/16	Two storey rear extension with balcony, balustrades and 2m high privacy screens on either side of the balcony area. Relocation of existing external steps and landing area to provide egress and access to the garden.	71 Queens Road
11	EPF/2983/15	Demolish garage and replace with two-storey	24 Alderton Hill

	side extension. Attached replacement garage with granny flat above. Front dormers. Ground floor and two-storey rear extension. Accommodation within roof space.		
12	EPF/2682/15	Demolition of existing property and erection of a replacement dwelling.	21 Alderton Hill
13	EPF/2418/15	Demolition of existing bungalow and erection of 2 no. 3 bed dwellings.	21 Priory Road
14	EPF/0697/16	Demolition of existing property and erection of a replacement dwelling.	21 Alderton Hill
Nazeing			
15	EPF/0437/16	Raise ridge height to bungalow and provide loft extension	2 Middle Street
16	EPF/1060/13	Change of use of land for stationing of caravans for occupation by Gypsy/Traveller families with ancillary works (demolish two rows of glasshouses, fencing, portacabin amenity blocks, hardstanding and septic tank). Part Retrospective.	Sedgegate Nursery Sedge Green
North Weald Bassett			
17	EPF/0183/15	Erection of three storey building to accommodate 20 no. apartments (to replace existing clubhouse and Essex barn to be demolished under Prior Notification application EPF/0267/15) Appeal Lodged 21/9/15	North Weald Golf Club Rayley Lane
Waltham Abbey			
18	EPF/2021/15	Double storey side and single storey rear extension.	20 Halfhides
<u>Dismissed</u>			
Chigwell			
19	EPF/0957/16	Two storey side extension	11 Ely Place
20	EPF/1621/15	Use of double garage as a dwelling house, and carrying out associated external alterations	Land adjacent to 26 Maypole Drive Chigwell Row
Epping			
21	EPF/1783/15	Demolish existing dwelling, erection of two storey structure with rooms within roof space providing 4 no. self contained two bedroomed flats. Removal of Cypress tree.	16 Kendal Avenue
22	EPF/2484/15	Demolition of existing two storey dwellinghouse and garage, the construction of a new two storey residential building with loft and	33 Chapel Road

basement accommodation containing 3x1 bed and 4x2 bed apartments, with associated car, bicycle parking and refuse facilities.

23	EPF/0109/16	Single storey front extension.	100 Hemnall Street
24	EPF/3024/15	Demolition of a two storey extension and conservatory on the rear elevation of Dane Lodge and its conversion into three apartments, the demolition and replacement of the rear outbuildings to provide one apartment and the erection of a new detached two storey building providing two mews houses, together with the provision of associated on-site covered parking and a bin store.	9 Church Hill
Fyfield			
25	EPF/2154/15	Proposed first floor side extension. Two storey rear extension with first floor balcony. Loft conversion including dormers to rear. Enlarged patio area to rear. Two storey bay windows to front elevation. Two vehicle standing areas.	Blakeney Clatterford End
High Ongar			
26	EPF/3026/15	Formation of a second vehicular entrance to the property	Harley Cottage 202 Nine Ashes Road
Loughton			
27	EPF/0181/16	Retrospective application for two storey side extension, loft conversion, including rear dormer, porch and single storey rear extension.	7 Colebrook Lane
28	EPF/3245/15	First floor rear extension.	26 The Crescent
29	EPF/2706/15	Two storey side extension.	47 Deepdene Road
30	EPF/2255/15	Change of use of the premises 6a Valley Hill from use as shop premises (Use Class A1) to use as a hot food takeaway (Use Class A5).	6A Valley Hill
31	EPF/2855/15	Demolition of existing bungalow and erection of two detached bungalow-style townhouses, with integral garages.	54 Ollards Grove
32	EPF/0866/15	Two detached two storey cottage properties, with garages at basement level.	54 Ollards Grove
33	EPF/1973/15	Demolition of existing house and construction of eight residential flats with associated car parking spaces, amenity space and refuse collection area.	51 High Road
34	EPF/2990/15	Retention of existing annex as separate dwelling.	56 Oakwood Hill

35	EPF/2111/15	Subdivision of site and proposed 1 no. 1 bed dwellinghouse with parking and garden area.	257 Chester Road
Nazeing			
36	EPF/3158/15	Extensions to and conversion of double garage to form a two bedroomed self-contained granny annexe to Nonsuch Cottage	Nonsuch Cottage Back Lane
37	EPF/2015/15	Conversion of existing bungalow into 2 no. detached dwellings. Small frontal extension and partial demolition to achieve separation. Raise ridge height and erect front dormer windows.	2 Middle Street
North Weald Bassett			
38	EPF/1737/15	Proposed 1 no. 2 bed flat and 1 no. 1 bed flat in existing roof of the property and front, rear and side dormer and raised ridge height level to rear roof.	94 - 96 High Road
39	EPF/2218/15	Retention of workshops and storage units in buildings 15 & 16	Chase Farm Vicarage Lane
Ongar			
40	EPF/1628/15	Single storey rear extension.	Orchard Cottage Greensted Hall Church Lane
41	EPF/1721/15	Grade II* listed building application for a single storey rear extension.	Orchard Cottage Greensted Hall Church Lane
Roydon			
42	EPF/3215/15	To replace the front garden fencing around Grade II listed building, with the same height and length of fencing as the existing, but with an altered design and materials.	Brick Lock Cottage
Stanford Rivers			
43	EPF/2737/15	Detached dwelling	153 London Road
Theydon Mount			
44	EPF/0949/16	Retention of raised patio with addition of natural screening	6 Hill Hall Cottages Mount Road
Waltham Abbey			
45	EPF/3230/15	The extension and conversion of an existing dwelling to create two dwellings. The erection of a new dwelling, creating three dwellings in total	North Villa Mott Street
46	EPF/3032/15	Proposed 3 bedroom bungalow in the rear garden of 16 Pick Hill. Waltham Abbey	Rear garden of 16 Pick Hill
47	EPF/2512/15	Application for approval of details reserved by condition 2 'Materials', condition 5 'Landscape	Bantham Cottage Wellington Hill and

Scheme' and condition 6 'Flood Risk Assessment' of planning permission EPF/2101/12 (Extension of time limit on EPF/0025/10) (which gave approval to the erection of a two storey detached house to replace existing dwelling.)

Bowls Club Site
Rats Lane

Willingale

48 EPF/0551/16 Erection of stables and change of use of land for the keeping of horses

Tarrymans
Birds Green

Enforcement Appeals

Allowed With Conditions

ENF/0249/14 Without planning permission the change of use of stables to a building used as a single residential dwelling

The Outlook
Moreton Bridge
Moreton

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