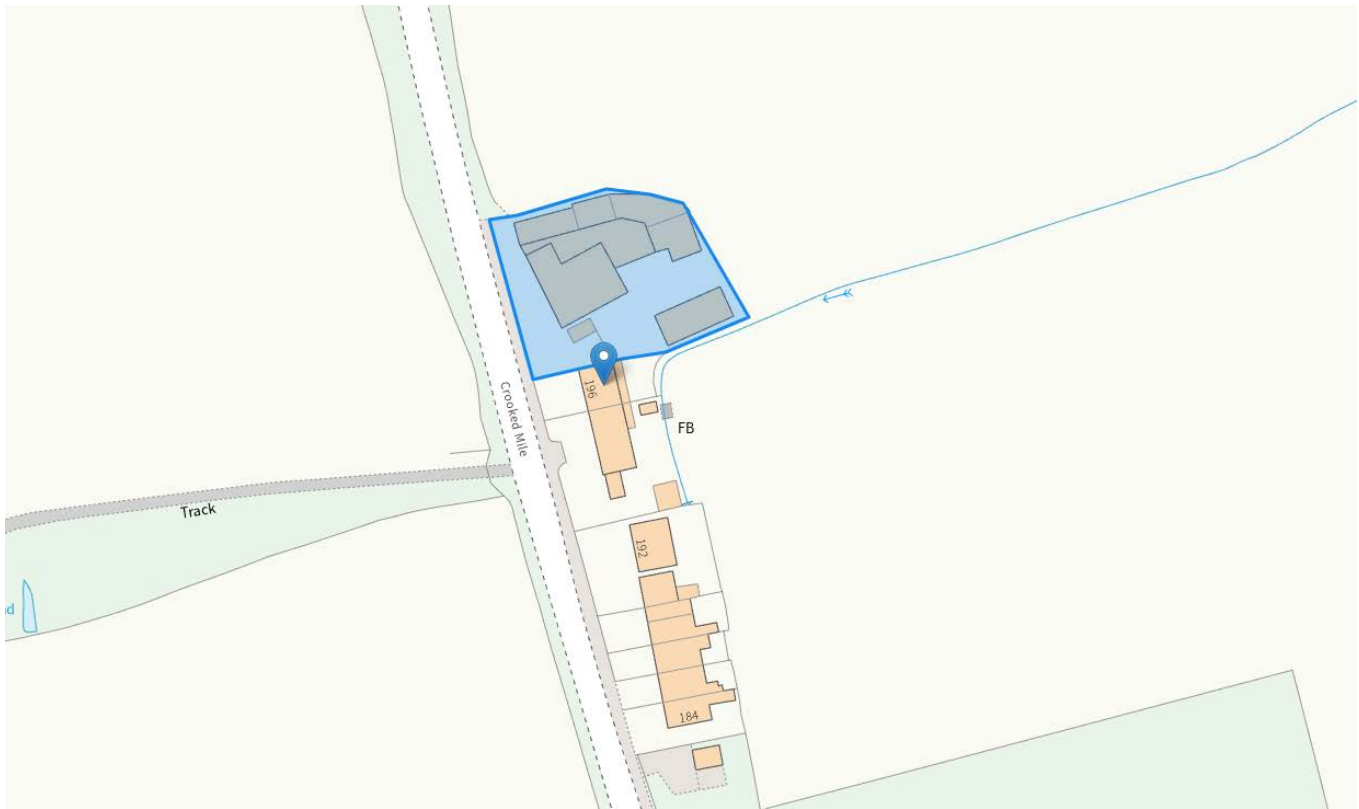


OFFICER REPORT

Application Ref: EPF/0498/24
Application Type: Full planning permission
Applicant: Mr Paul Willcocks
Case Officer: Sukhvinder Dhadwar
Site Address: 196, Crooked Mile, Waltham Abbey, EN9 2ES
Proposal: Demolition of existing workshop buildings and erection of 4 dwellings with associated access and parking (Identical scheme to refused applications EPF/1744/23 & EPF/2345/23).
Ward: Waltham Abbey North East
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000003V45>
Recommendation: Refuse



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This application was deferred from the 5th June 2024 meeting for a site visit which took place on the 26th June 2024.

This application is before this Committee since it has been 'called in' by Councillor Jean Lea (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).

Description of Site:

The site is roughly rectangular in shape with its long axis East-West and covers an area of 0.13ha. The site is generally level and vehicle access is from Crooked Mile to the immediate East. The site comprises of a central open area which is covered by vegetation and trees, the remainder comprising dilapidated single storey sheds of brick, timber and corrugated metal construction. The front structures are covered by corrugated roofs and there are one and half storey dilapidated timber structures at the back.

Trees line the boundary of the site.

The site falls within land designated as Green Belt.

Description of Proposal:

Permission is sought to demolish existing lean-to structures and erection of 4 No. 3 Bed dwellings with associated parking and access. This is an identical scheme to refused applications EPF/1744/23 & EPF/2345/23.

They are arranged as two pairs of semi-detached houses.

Each house measures a maximum 5.37m wide by 12.05m deep and 8.2m high to the ridge of its hipped roof.

Materials include brick and render walls, UPVC fenestration and plain clay tiles.

Each house provides an internal area of 98 sqm.

Relevant History:

Reference	Description	Decision
WHX/0238/61	Pigsties, boiler house and meal store	Approved
WHX/0215/73	Storage shed for mushroom production	Approved
EPF/0995/90	Use of former piggery building as woodworking workshop (garden furniture, garden sheds) This area covered 436 sq metres	Approved
Condition 1 gave only a temporary permission to inure for two years only from 8/10/1990. Permission therefore expired on 8/10/92.		
EPF/1744/23	Demolition of existing lean-to structures and erection of 4No. 3 Bed dwellings with associated parking and access.	Refused
Reasons for refusal:- 1 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal falls outside of the list of exceptions contained within paragraphs 149 and 150 of the NPPF. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy		

Framework, and Policy DM 4 of the adopted Local Plan (2023).

2
 In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policy DM2 of the Epping Forest District Local Plan (2023) and the requirements of the Habitats Regulations 2017.

EPF/2345/23	Demolition of existing workshop buildings and erection of 4 dwellings with associated access and parking	Refused
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Reasons for refusal:-

1
 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal falls outside of the list of exceptions contained within paragraphs 149 and 150 of the NPPF. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework, and Policy DM 4 of the adopted Local Plan (2023).

2
 In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policy DM2 of the Epping Forest District Local Plan (2023) and the requirements of the Habitats Regulations 2017.

3
 The proposed drainage strategy in the submitted the drainage plan 'Proposed SuDS, 1648_304_E' does not provide enough information to fully assess the proposal to ensure it meets the requirements set out in line with Policy DM16 of the adopted Local Plan. A full and proper assessment on this issue therefore cannot be made. The proposal therefore fails to demonstrate that the proposal will not increase the risk of flooding in this location and as such is contrary to the requirements of policy DM16 of the Epping Forest District Adopted Local Plan and guidance contained in the National Planning Policy Framework (NPPF).

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Epping Forest Local Plan 2011-2033 (2023):

On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033 (2023).

The relevant policies are listed below:

- SP1 - Spatial Development Strategy 2011-2033
- SP2 - Place Shaping
- H1 - Housing Mix and Accommodation Types
- T1 - Sustainable Transport Choices
- DM1 - Habitat Protection and Improving Biodiversity

DM2 - Epping Forest SAC and the Lee Valley SPA
DM4 – Green Belt
DM5 - Green and Blue Infrastructure
DM6 - Designated and Undesignated Open Spaces
DM9 - High Quality Design
DM10 - Housing Design and Quality
DM11 - Waste Recycling Facilities on New Development
DM15 - Managing and Reducing Flood Risk
DM16 - Sustainable Drainage Systems
DM17 - Protecting and Enhancing Watercourses and Flood Defences
DM18 - On Site Management of Waste Water and Water Supply
DM19 - Sustainable Water Use
DM20 - Low Carbon and Renewable Energy
DM21 - Local Environmental Impacts, Pollution and Land Contamination
DM22 - Air Quality

NATIONAL PLANNING POLICY FRAMEWORK 2023

Paragraph 11
Chapter 13 - Protecting Green Belt land

Consultation Carried Out and Summary of Representations Received

Neighbour responses received: None

PARISH COUNCIL: No objection.

Main Issues and Considerations:

Is the development appropriate for the Green Belt?

The NPPF states that 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. It is for these reasons that there is a presumption against inappropriate development in the Green Belt.

Paragraph 154 of the NPPF states that new buildings are inappropriate development subject to a number of exceptions. Paragraph 155 lists also certain other forms of development that are not inappropriate provided they preserve the openness of the Green Belt.

The site is located on the edge of ribbon development along Crooked Mile. It is surrounded by open fields on three sides.

The site has only partially been given permission under reference EPF/0995/90 for a non-agricultural use, however that permission was only given for a temporary period of 2 years, the site reverted back to agricultural use on 8/10/92. Therefore agricultural is the lawful use of the site. It appears from the dilapidated and in some cases collapsed condition of the buildings that they have not been use for a long time.

Local Policy DM4 is in compliance with the aims and objectives of national Green Belt Policy. None of the exceptions to inappropriate development are relevant to this proposal, it is therefore by definition, inappropriate development to which substantial harm must be attributed.

The height and solid permanence of the proposal are also greater than what is currently on site, the proposal would therefore have a greater adverse impact on the openness of the site.

In addition the proposal will spread urban sprawl northwards and eastwards from the existing ribbon development along this part of the Crooked Mile, causing urban sprawl, the proposal therefore conflicts with the purposes of containing land within the Green Belt.

This application is the resubmission of a similar refused scheme under reference EPF/1744/23 and EPF/2345/23.

Officers do not agree with the agent's assertion that the site is previously developed land (PDL) on the basis of the last use as the workshop had a specific condition allowing that use to only operate on a temporary basis under reference EPF/0995/90. The lawful use of the site is therefore for agriculture.

There are no very special circumstances that will outweigh this harm and other harms identified below and as such the proposal is contrary to chapter 13 of the NPPF and DM4 of the Local Plan.

Design

The proposed design of the houses reflects neighbouring properties and is therefore considered acceptable. The internal size and layout of the proposed new houses meets the requirements of Policy DM10 (A). Sufficient amenity space has also been provided. However given the size of the trees and their coverage of the garden areas, concern is raised in regard to whether future occupiers will want to retain them as they limit the light and usability of these north facing gardens. This would again further harm character and appearance of the area.

Trees

Further information is required in terms of the protection of the trees, however this matter could be controlled by condition.

Highway considerations

The Highway Authority is satisfied that subject to conditions there will be no detriment to the highway's safety or efficiency at this location. Sufficient parking has also been provided. The proposal therefore complies with the requirements of T1 of the Local Plan.

Land Drainage

The applicant has not addressed the previous reason for refusal in regard to lack of information in regard to whether the proposed drainage can effectively manage the requirement to attenuate surface water for all storm events. The Councils Drainage Team have provided the following comments below;

Land Drainage: Having reviewed the details supplied for the re-consultation of the above application, the Environmental Protection and Drainage Team wish to put on a holding objection as the proposed drainage strategy in the submitted the drainage plan 'Proposed SuDS, 1648_304_E' does not provide enough information to fully assess the proposal to ensure it meets the requirements set out in line with Policy DM16 of the adopted Local Plan.

To overcome this objection, the applicant must provide the following information:

The same drainage plan previously supplied has been submitted for this application, which illustrates four attenuation tanks, waterbutts and proposed piped network. However, it does not confirm the volume of attenuation, run off rate (l/s), flow control location, nor it has it provided any information which sets out the drainage strategy so that it can be reviewed in line with the councils DM policy DM16 of the adopted Local Plan.

Please provide a strategy or at the very least a drainage statement confirming the surface water drainage proposal and supporting calculations for the proposed attenuation tanks, it must be ensured that the system(s) can effectively manage the requirement to attenuate surface water for all storm events up to an including the 1 in 100 year plus climate change.

It should also be noted that whilst an additional SuDS report (July 2023) has been supplied, it does not contain the information required in the above holding objection.

The proposal is therefore contrary to the requirements of policy DM16 of the Local Plan.

Land Contamination

Given the proposed sensitive use proposed, it is recommended further conditions area attached to ensure remediation prior to the implementation of any permission. It is on this basis that the proposal complies with the requirements of DM21 of the Local Plan.

It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding).

Ecology

An Ecological Appraisal carried out by Coyne Environmental dated July 2023 was submitted as part of the application.

It found no evidence of protected species at the site.

Since there was no evidence of Protected Species at the site, a European Protected Species Licence will not be required for this project.

However, no information has been provided in regard to the provision of Biodiversity Net Gain. This matter can however be controlled by condition. It is on this basis that the proposal complies with the requirements of policy DM1 of the Local Plan.

Epping Forest Special Area of Conservation

In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policy DM2 of the Epping Forest District Local Plan (2023) and the requirements of the Habitats Regulations 2017.

Planning Balance & Conclusion

The proposal is inappropriate development in the Green Belt which will create urban sprawl and will have a serious impact on openness.

In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution.

Insufficient details have been provided to confirm that the proposal will not create additional flood risk in this area.

Refusal is therefore recommended.

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

Refusal Reason(s): (3)

- 1 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal falls outside of the list of exceptions contained within paragraphs 154 and 155 of the NPPF. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harms identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework, and Policy DM 4 of the adopted Local Plan (2023).
- 2 In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policy DM2 of the Epping Forest District Local Plan (2023) and the requirements of the Habitats Regulations 2017.
- 3 The proposed drainage strategy submitted with the application does not provide enough information to fully assess the proposal to ensure it meets the requirements set out in line with Policy DM16 of the adopted Local Plan. A full and proper assessment on this issue therefore cannot be made. The proposal therefore fails to demonstrate that the proposal will not increase the risk of flooding in this location and as such is contrary to the requirements of policy DM16 of the Epping Forest District Adopted Local Plan and guidance contained in the National Planning Policy Framework (NPPF).

Informatives: (2)

- 4 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Council's website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 5 This decision is made with reference to the following plan numbers:
1648_300, 1648_301, 1648_302 A, 1648_303 C, 1648_303_C, 1648_304 A SuDS V2, 1648_304 D, 1648_304 E, 1648_320 A, 1648_321, Ecological Appraisal (July 2023) and Habitats Regulations Assessment (July 2023) carried out by Coyne Environmental, Acoustic Assessment by Neo Johnson Acoustic Consultants (June 2023), Arboricultural Survey by

Arbtech (July 2023), Preliminary Contamination Assessment by The Brownfield Consultancy reference BC661 RE001 25th July 2023, SuDS report by Aaron Rio Planning Consultants, Technical Note. Marshall Permeable Paving Design Guide, Planning Statement.