

Report Item No: 1

APPLICATION No:	EPF/1086/09
SITE ADDRESS:	Hunters Lodge Old House Lane Nazeing Essex EN9 2LJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr R Day
DESCRIPTION OF PROPOSAL:	Removal of agricultural occupancy condition attached to planning approval EPO/896/73.
RECOMMENDED DECISION:	Grant Permission

CONDITIONS

None

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the removal of an agricultural occupancy condition placed upon the grant of consent for the dwelling.

Description of Site:

Detached dwelling with an agricultural occupancy condition restricting its occupation to a person solely or mainly employed or last employed in the locality in agriculture or forestry (including any dependants of such a person residing with him) or a widow or widower of such a person. The dwelling is situated to the north of, and shares its access with, Old House Farm and is located within the Metropolitan Green Belt.

Relevant History:

There are several previous planning applications on this site, many of which relate to the change of use of Old House Farm, however the only application directly relevant to this dwelling is:

EPO/0896/73 – One farm stockman's dwelling – approved/conditions 27/11/73

In respect of changes of use of Old House Farm the relevant planning history is:

EPF/1963/00	Change of use of part of redundant pig rearing sheds to B1 and B8 uses and alteration to Old House Lane access (retrospective application) – refused 16/05/02 (allowed on appeal 16/05/02)
EPF/1511/02	Continued use of farm office building as detached dwelling and change of use of agricultural land to residential curtilage – allowed on appeal 29/07/03
EPF/2022/03	Demolition of building 3; continued use of Units 1b, 1d, 2a and 5a for B1c & B8 purposes; use of Units 1a, 1c, 2b and 5b for B8 purposes; provision of vehicle parking and perimeter landscaping – refused 04/08/04 (allowed on appeal 17/03/05)
EPF/2085/03	Extension to temporary planning permission under EPF/1963/00 by one year for use of units 1B, 1D, 2A and 5A for light industrial and storage uses – allowed on appeal 17/03/05

Policies Applied:

GB2A – Development within the Green Belt
 GB17B – Removal of agricultural occupancy conditions

Summary of Representations:

1 property was consulted and no response was received.

NAZEING PARISH COUNCIL – Object as it has not been proved that there is no call for agricultural properties.

Issues and Considerations:

The main issue with this application is whether or not a sufficient case (with the appropriate evidence) has been made to establish whether or not the agricultural occupancy condition should be removed from planning permission EPO/0896/73.

Policy GB2A of the Local Plan establishes the general principles of development within the Green Belt and allows for the erection of a dwelling for an agricultural, horticultural or forestry worker where it has been proven that such a dwelling is required. Policy GB17B sets the principles for removal of an agricultural occupancy condition. This sets out four requirements that must be satisfied before the removal of an agricultural occupancy condition is permitted. These are:

- (i) There is no longer a functional need for the dwelling on the holding.
- (ii) There is no longer a need for this type of dwelling in the locality.
- (iii) The dwelling has been marketed with its agricultural occupancy condition status made clear throughout for a minimum of one year. The marketing must include:
 - (a) 'For Sale' signage visible from the highway;
 - (b) Local newspaper advertising on a regular basis throughout the marketing period,
 - (c) National or regional advertising in specialist agricultural publications on a regular basis throughout the marketing period,
 - (d) The asking price for the dwelling being at least 40% below its general housing market value.
- (iv) A survey of the agricultural community is carried out to assess the existing agricultural need in the locality for the dwelling.

Compliance with these requirements is assessed as follows:

- (i) Need for the dwelling on the holding

The property is one of two agriculturally tied properties on this small holding. The previous use of the site was for the breeding of pigs, however this use ceased in 2001 due to a decline in profits. As can be seen from the previous history of the farm, planning permission has been granted for the change of use of much of the farm complex to B1 and B8 purposes. As a result of this only two of the nine buildings within the complex currently retain agricultural use, and a further one building has use for agricultural or domestic purposes. Due to this extensive change of use of the majority of the site it is considered that there is now little need on site for this agriculturally tied property, particularly when considering that there is also another property on the holding with an agricultural occupancy condition.

(ii) Need for this type of dwelling in the locality

A survey of local agricultural sites in the surrounding area and documentation regarding the general decline in agriculture in the District has been submitted with the application. Amongst other things this shows a general reduction in the level of agriculture in the District (from as much as 82% reduction in vegetable growth and a 55% reduction in the keeping of dairy cows), which has resulted in a reduction in the level of agricultural workers. Although these figures cover the entire District, and therefore are not necessarily specific to this locality, the change of use of the agricultural holding (as outlined above) and other examples of planning permission being granted for the removal of agricultural occupancy conditions in Nazeing show that there is no longer a need for this dwelling in the locality.

(iii) Appropriate marketing

The property has been marketed since April 2008 with an initial asking price of £610,000. Whilst this seems rather expensive for the size, type and location of this dwelling, evidence has been submitted from Hetheringtons Countrywide estate agents supporting this valuation. Given the change in the market the asking price of the property was reduced to £580,000 in October 2008 and £559,000 in January 2009. Providing the initial valuation was correct, these asking prices have been fairly consistently below 40% of the open market value of the dwelling, taking into account the falling housing market.

The property was advertised in the Country Properties Section of the Farmers Weekly, in Farmers Trader, in the local Guardian, and in the Rural Property Services. Furthermore the property has been advertised online through Acorus website and other websites linked to this. The property has been advertised as such throughout the specified period. Details have been submitted regarding the interest generated through these advertisements, being 15 requests for particulars and no requests to view the property.

No 'For Sale' board has been displayed at the site. The agent claims that this is because "*it was impossible to find anywhere to place a For Sale Sign. The property is at the end of a long private lane servicing a number of other properties. No traffic goes past the house and there was nowhere to place it safely at the end of the lane and our client owns no land on which to place it*". Whilst the display of a 'For Sale' board is specifically mentioned under GB17B (iii) it is considered that, given the level of advertisement undertaken through alternative forms (online and in national and local press), the proposal complies with the aim of this Policy.

(iv) The applicant identified 55 agricultural holdings within 10 km distance from the site (10-15 minutes drive). Each of these holdings had been contacted through a postal survey enquiring to the need for an agricultural workers dwelling. From these 55 questionnaires only 2 responses were received (copies of which were submitted with the application), one of which did not require further accommodation and one of which requested further details. Whilst further details were sent no requests to view or offers were received.

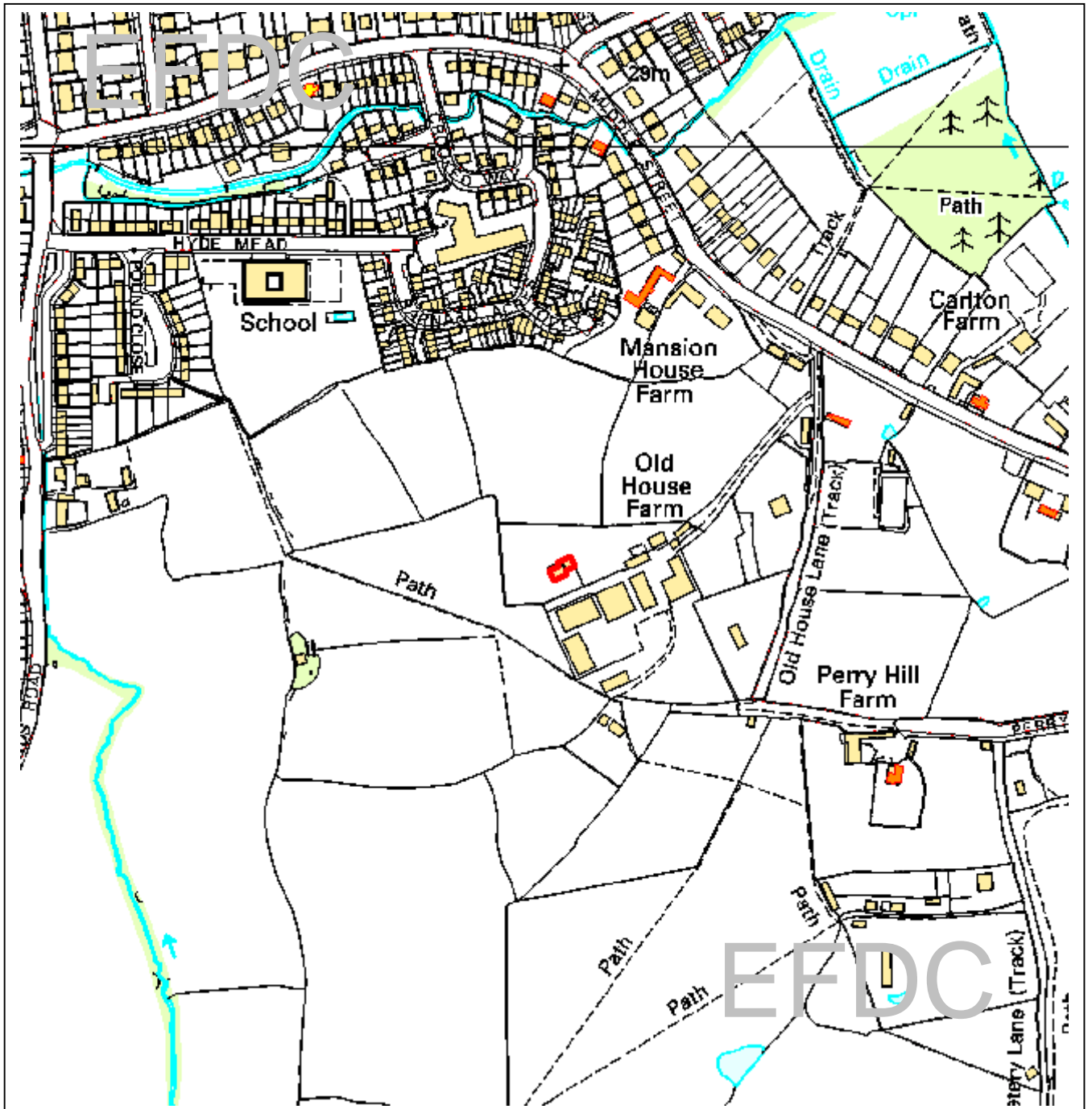
Conclusion:

Although the initial open market valuation of the dwelling, and subsequent asking price taking into account the agricultural occupancy condition, is considered somewhat high, given the submitted evidence from the estate agent it is considered that this does comply with the requirements in GB17B. Although no 'For Sale' sign was displayed at the property, having regard to its location and to compliance with all other requirements of policy GB17B, the failure to display such a sign is not sufficient grounds upon which to withhold planning permission. That is because the purpose of the policy – to ensure agricultural occupancy conditions are only removed where it is clearly proven there is no further need for the property on an agricultural holding or in connection with agriculture in the locality – has demonstrably been satisfied. Accordingly, the proposal is recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/1086/09
Site Name:	Hunters Lodge, Old House Lane Nazeing, EN9 2LJ
Scale of Plot:	1/5000

Report Item No: 2

APPLICATION No:	EPF/1206/09
SITE ADDRESS:	Disused pumping station Rear of 18 Stoneyshotts Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr S Ducketts
DESCRIPTION OF PROPOSAL:	Demolition of disused pumping station and erection of a new build detached 3 bed house. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 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.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1 Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-

Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 7 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. It shall also include a scheme for the provision and management of a buffer zone alongside the Honey Lane Brook. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 8 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 9 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing 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.
- 10 Finished floor levels of the dwelling hereby approved shall be set no lower than 25.48m above Ordnance Datum.
- 11 Prior to commencement of the development hereby approved a scheme to ensure that a dry access route above the 1:100% cc event of 25.18m above Ordnance Datum (AOD) can be provided, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.
- 12 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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 the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions) and is an application for non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the demolition of the disused pumping station and erection of a new build detached 3 bed house. The dwelling would be 7m wide and 5m deep with a ridged roof to a maximum height of 7.5m. Access to the proposed dwelling would be via an existing vehicle access serving garages, and an additional pedestrian access would be created onto Willow Path. There are two parking spaces indicated on the site plan, with the remainder of the land being used as amenity space.

Description of Site:

The subject site is located to the rear of No. 18 Stoneyshots and was once used as a pumping station. The land is relatively level with mature vegetation located on the southern and eastern boundaries. Access to the site is via a track that runs parallel to the southern boundary of No. 18. Located currently on the site is a small brick building. The site is irregular in shape and it comprises of approximately 277 sq. m., which is significantly larger than the application site relating to previous proposals.

The land is located in an established residential area with a mixture of semi-detached and terrace style dwellings. The dwellings are similar in building form, bulk and scale and have relatively large private open spaces. Located to the north of the site there are garages, which appear fairly underused. To the southwest is a small watercourse.

Relevant History:

- EPF/2477/06 Outline planning application for the demolition of disused pumping station and erection of single dwelling house – withdrawn 14/02/07
- EPF/1051/07 Demolition of disused pumping station and erection of a one bedroom house (revised application) – refused 06/08/07 (appeal dismissed 29/02/08)
- EPF/1272/08 Demolition of disused pumping station and erection of a new single dwelling – withdrawn 12/03/09
- EPF/0433/09 Demolition of disused pumping station and erection of a new build detached 3 bed house - refused 08/05/09 for the following reason:

The proposed development, by reason of its design, bulk and location, would represent a visually intrusive and incongruous feature in the street scene, harmful to the character and appearance of the surrounding area, contrary to policies CP2 and DBE1 of the adopted Local Plan and Alterations.

Policies Applied:

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- H2A – Previously developed land
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE3 – Design in urban areas
- DBE6 – Car parking in new developments
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- LL10 – Adequacy of provision for landscape retention
- LL11 – Landscaping schemes
- ST1 – Location of development
- ST6 – Vehicle parking
- U2A – Development in flood risk areas

Summary of Representations:

10 neighbours were consulted on this application.

WALTHAM ABBEY TOWN COUNCIL – Object as the position of the proposed dwelling is more central on larger plot but concerns remain regarding ingress and egress to the site.

11 WILLOW PATH – Comment on the proximity to the brook and potential flood risk.

17 WILLOW PATH – Object as the proposal is out of scale with the small plot of land, there would be a loss of light and privacy resulting to neighbours, there are potential flood risk implications, and it would desecrate the natural habitat and interfere with existing tree roots.

14 STONEYSHOTTS – Object as the plot is too small to cater for a new house, the access to the site, overlooking, and due to environmental implications.

5 MEADOW CROSS – Object to the potential flood risk, loss of privacy, and as the dwelling is out of character with neighbouring properties.

Issues and Considerations:

The application site lies within the built-up section of Waltham Abbey, in an area that is predominantly residential. The Local Plan does not identify the site or surrounding area for any alternative form of development, and there are no policy constraints that restrict the principle of a dwelling. PPG3 states that re-development for housing in urban areas should maximise the available land and promotes the use of previously developed land, which is reflected in Local Plan policy H2A. Furthermore, several Local Plan policies promote new development in sustainable areas well served by public transport. Given the site's location within the built-up area of Waltham Abbey, close to local facilities/amenities and well served by public transport, the addition of a further dwelling in this type of location is in accordance with the policy criteria in respect of the location of development. Notwithstanding the acceptable principle of residential development on this site, any development of it for that purpose is subject to must be assessed in detail against Local Plan policies and other material considerations. These are addressed below.

Design and appearance

Policies CP2, DBE1 and DBE3 of the Epping Forest District Local Plan seek to ensure that new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area.

The site was previously considered inappropriate for a new dwelling in 2007 due to its location and cramped appearance, however the Planning Inspector concluded that "*the acceptability of the bulk and scale of the building is not in dispute*". Notwithstanding this, the proposal refused in May 2009 was found to be an unacceptably large dwelling for the site. The dwelling now proposed more in line with the size of house proposed in the 2007 application but the site area has been considerably enlarged from 132 sq. m. to 277 sq. m. As such the bulk and scale of the dwelling is considered appropriate to site.

The newly designed property has a more traditional appearance to the previous applications with a more standard styled ridged roof and gable projections. The only modern aspects of the dwelling are some of the window designs, such as the full height stairwell glazing and roof level gable windows. However these aspects are considered acceptable on this predominantly traditional designed property. Whilst the design is somewhat uninspired it is no longer considered an incongruous feature detrimental to the appearance of the street scene. Furthermore, the proposed materials would be in keeping with the nearby properties. Accordingly, the design of the current proposal is now considered to comply with the requirements of Local Plan policy DBE1.

Flood risk

Previous applications were refused due to potential flood risk, and the appeal was in part dismissed due to the lack of an adequate Flood Risk Assessment. Consultation has since been undertaken between the applicant and the Environment Agency, who are satisfied a Flood Risk Assessment submitted with the application demonstrates the consequences of the development for flood risk in the locality are acceptable subject to compliance with appropriate planning conditions. In particular, it is noted the enlarged site and relocation of the dwelling further from the watercourse has allowed for a sufficient buffer zone alongside Honey Lane Brook.

Amenity considerations

It was considered by the Planning Inspectorate that the 2007 application “*would not give rise to excessive loss of amenity due to overlooking*”. There would be no windows located in the eastern flank wall, which faces Willow Path, and as such no overlooking would occur to these properties. The northern and western windows would overlook the existing parking areas, and as such would not be detrimental to neighbouring properties. Although there would be large areas of glazing at first floor level on the southern elevation there is some 18.5m distance between these windows and the rear boundary of the closest dwelling, and some 26.5m between the windows and the rear of the houses on Meadow Cross. This complies with the Essex Design Guide, which states that ‘*a minimum of 25m between the backs of houses may be acceptable*’, and ‘*the rear of new houses may not encroach any closer than 15m to an existing rear boundary*’. As such it is not considered that this proposal would result in a loss of privacy to those houses in Meadow Cross.

An objection has been received from No. 17 Willow Path with regards to loss of light. As the rear garden of this property is north facing it receives very little sunlight and, given the considerably smaller scale of the proposed property and its location set in from the rear wall of No. 17 Willow Path, it is not considered that the proposed dwelling would be unduly detrimental to the light received in this area.

Policy DBE8 of the Local Plan requires that new dwellings should have at least 20 sq. m. of private amenity space for each habitable room. The proposed three bedroom dwelling would require 80 sq. m. of private amenity space under this requirement. Given the size of the plot there is adequate space within the site to provide sufficient private amenity space to meet the requirements of policy DBE8.

Highways/Parking

The application proposes two marked-out parking spaces for this three bedroom dwelling. Given the site’s location within the built-up area of Waltham Abbey, with access to local facilities and public transport, it is considered that this would be sufficient. Access to the site is via a track that runs parallel to the southern boundary of No. 18 and serves an existing garage block. As this is an existing access to garages it is not considered that the development would have an adverse impact on either the traffic generation or safety of the existing access or Stoneyshotts. Furthermore, no objection has been raised by Essex County Council Highways on this proposal.

Landscaping

The application site contains a number of mature trees located along its boundaries, however it is not felt that this proposal would detrimentally impact on the health or wellbeing of these. As such, provided the trees are protected during construction (particularly the mature oak growing just outside of the site on the southern boundary), the proposal complies with Local Plan policy LL10. There is very little vegetation of any amenity value aside from those trees around the boundary, and as such the loss of this is acceptable. However a landscaping scheme would be required to soften the development and generally improve the appearance of the site.

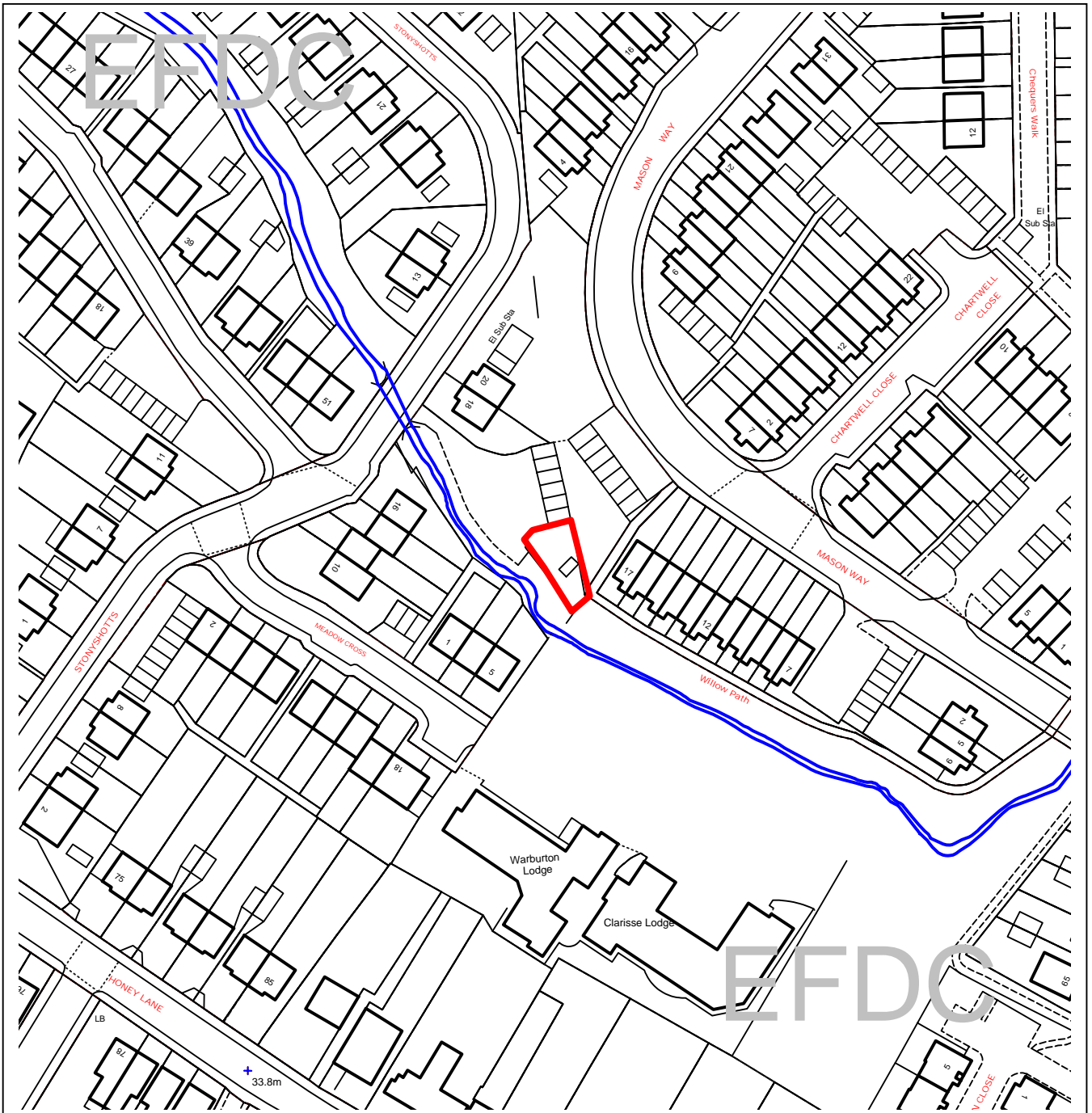
Conclusion:

The proposal refused in May 2009 was considered unacceptable due to the design and impact on the street scene. No other reasons for refusal were given. The current proposal has addressed this since the dwelling would be smaller and more traditional in design. Moreover, it is within a larger plot than that was the 2007 proposal. Accordingly, it is considered the current proposal complies with all relevant Local Plan policies and is therefore recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/1206/09
Site Name:	Disused pumping station rear of 18 Stoneyshotts, Waltham Abbey, EN9
Scale of Plot:	1/1250