

Report Item No: 1

APPLICATION No:	EPF/2350/09
SITE ADDRESS:	Monkswood Nursery Pick Hill Waltham Abbey Essex EN9 3LE
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East Waltham Abbey Paternoster
APPLICANT:	Mr Garry Monk and Mrs Donna Robertson
DESCRIPTION OF PROPOSAL:	Cessation of existing uses and clearance of site, erection of two detached houses, garages and domestic stables.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=510950

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 Prior to occupation of either of the dwellings hereby approved, all existing structures, hardstanding and materials within the application site shall be removed, and the land shall thereafter cease to be used for any commercial activity.
- 3 The residential curtilages of the proposed new dwellings shall be restricted to those indicated on plan Ref: RPEF/08/01.
- 4 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.
- 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 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 garages hereby approved shall be retained so that they are 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.

- 7 The stables and paddock areas shall only be used as ancillary domestic stables incidental to the enjoyment of the proposed dwellinghouses and shall not be occupied as units separately from the dwellings.
- 8 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, C, D, E, F shall be undertaken without the prior written permission of the Local Planning Authority.
- 9 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 BS5837:2005 (Trees in relation to Construction)
- 10 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.
- 11 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement 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 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 (referred to in PPS23 as a Validation 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 The development shall be carried out in accordance with the Flood Risk Assessment Ref: 10964/EJS/SZ/C2 by John Pryke and Partners dated 24 February 2011, and shall be subject to the following mitigation measures:
- 1) Provision of compensatory flood storage on the site to a 1 in 100 year + climate change standard, on a volume for volume and level for level basis as set out in the submitted calculations 104A to 111. The compensatory storage shall be retained for the lifetime of the development.
 - 2) Finished floor levels in the western property shall be set at 27.94m AOD and in the eastern property at 28.61m AOD.
 - 3) Provision of safe routes into and out of the site to an appropriate safe haven.
- 18 Following completion of the compensatory flood storage works, and prior to occupation of the buildings, a topographic survey of ground levels above Ordnance Datum as a result of the altering of land levels, shall be submitted to and agreed in writing by the Local Planning Authority.

This application is before this Committee since it is an application for development of a significant scale (Pursuant to Section CL56, Schedule A (c) of the Council's Delegated Functions) and since it is an application contrary to the provisions of the approved Development Plan, and is recommended for approval (Pursuant to Section CL56, Schedule A (a) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the cessation of the existing uses and clearance of the site and the erection of two detached houses with detached garages, and domestic stables. The proposed western dwelling would replace an existing residential mobile home and would be a maximum of 15m in width and 12m in depth with a pitched roof to a ridge height of 8.5m. The proposed eastern dwelling would be a new dwelling and would be a maximum width of 18m and maximum depth of 12m with a pitched roof to a maximum ridge height of 8.7m. Both properties would be set back in excess of 20m from the edge of the highway and would have detached triple garages 9.8m in width and 7.7m in depth, with dual pitched roofs 5.7m in height. Access to the properties would be via new carriage driveways directly off Pick Hill.

Between the two proposed dwellings would be two domestic paddock areas each containing a three bay stable building 11m wide and 4.3m deep with pitched roofs to a maximum height of 4.4m. The remainder of the site (the area to the rear), would be left as open land to allow access to Cobbins Brook and would be accessed by the existing site access with a driveway leading between the eastern house and its associated paddock. Whilst this area would not be used for any purpose it would still be subject to a landscaping scheme.

Description of Site:

The application site comprises a 1.5 hectare site located on the northern side of Pick Hill (along the unmade section of the road) which contains a former horticultural nursery (with a large expanse of derelict glasshouse), a mobile home that has become a permanent dwelling, a paddock area, and a commercial/scrap yard to the rear of the site. To the immediate east of the site is a further large scrap yard and to the immediate west is a single detached dwelling. The site is bordered on the north by Cobbins Brook and to the south by Pick Hill (road), with agricultural fields beyond. The entire site is located within the Metropolitan Green Belt, Environment Agency

Floodzones 2 and 3, an EFDC flood risk assessment zone, and an E13 glasshouse area (although designated for 'potential de-designation').

Relevant History:

WHX/0177/64 - Stationing of caravan – approved/conditions (every year between 1964 and 1973)
EPF/1308/75 - Renewal of temporary permission for the stationing of a mobile home for a further period – approved/conditions 24/10/75
EPF/1578/80 - Renewal of temporary permission for mobile home for a further period – approved/conditions 30/01/81
EPF/0114/84 - Retention of mobile home for a further period – approved/conditions 16/03/84
EPF/0739/85 - Change of use to garden centre/manufacture of paving slabs and garden ornaments – refused 12/08/85
EPF/0760/87 - Retention of mobile home for a further period – approved/conditions 31/07/87
EPF/0979/90 - Retention of mobile home for further three year period – approved/conditions 17/09/90
EPF/0926/93 - Retention of mobile home for further period – approved/conditions 06/01/94

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Protecting the quality of the rural and built environment
CP3 - New development
GB2A - Development in the Green Belt
GB15A- Replacement dwellings
E13B - Protection of glasshouse areas
E13C - Prevention of dereliction of new glasshouse sites
DBE1 - Design of new buildings
DBE2 - Effect on neighbouring properties
DBE4 - Design in the Green Belt
DBE8 - Private amenity space
DBE9 - Loss of amenity
LL1 - Rural landscape
LL2 - Inappropriate rural development
LL11 - Landscape schemes
RST4 - Horse keeping
U2A - Development in flood risk areas
U2B - Flood risk assessment zones
U3A - Catchment effects
ST1 - Location of development
ST4 - Road safety
ST6 - Vehicle parking

Summary of Representations:

5 neighbours were consulted and a Site Notice was displayed on 17th February 2010.

TOWN COUNCIL – No objection subject to it meeting special circumstances.

CITY OF LONDON – Object as this would constitute inappropriate development within the Green Belt and as this will set a precedent for further similar developments on vacant glasshouse sites.

PATERNOSTER NORTH RESIDENTS ASSOCIATION – Object as this is against Green Belt policy and has no very special circumstances, it would set a dangerous precedent for similar

development on other glasshouse sites, there is inadequate infrastructure in Waltham Abbey to support further residential development and the site is in an unsustainable location.

Issues and Considerations:

The application site is situated within the Metropolitan Green Belt. PPG2 and Local Plan policy GB2A states that the erection of new dwellings constitutes 'inappropriate development' unless they are for agricultural and forestry workers or are limited affordable housing for local community needs. Furthermore, whilst replacement dwellings are not considered as 'inappropriate development', this is only "*providing the new dwelling is not materially larger than the dwelling it replaces*". The proposed development would result in the erection of one brand new open market dwelling and one replacement dwelling materially larger than that which it replaces, and therefore the proposal constitutes inappropriate development which, by definition, is harmful to the Green Belt.

Whilst the development constitutes inappropriate development, very special circumstances can be argued to justify such development, however these have to be sufficient to clearly outweigh the harm from inappropriate development, as well as any other harm caused. In this instance the other harm from this development is that it is located within an E13 glasshouse area and in an unsustainable area.

Local Plan policy E13B deals with protection of E13 glasshouse areas, and states that "*the Council will refuse any application that it considers is likely to: (i) undermine its policy approach of concentrating glasshouses in clusters to minimise damage to visual amenity and loss of the openness of the Green Belt; and/or (ii) harm the future vitality and/or viability of the Lea Valley glasshouse industry*". Furthermore policy E13C (which generally relates to schemes for new or replacement glasshouses within E13 areas) states that "*under-used or derelict glasshouses and other buildings including packhouses will not be considered suitable sites for the introduction of non-agricultural uses, at least until a future review of the plan*". Whilst the application site is within an E13 area designated as being 'potential de-designated' (which is an 'early warning' for sites that are derelict or in decline that, unless revitalised, will be de-designated within the next plan review), this does not at this time remove the E13 designation and therefore the proposal is contrary to this policy. However, the clear intention to de-designate the site during the next Local Plan review is a material consideration and therefore has some bearing on this application.

The site's location, lack of footway and limited access to public transport and local facilities means that the site clearly constitutes an 'unsustainable location'. Although there are some time immune commercial uses on the site (which would constitute Previously Developed Land), the majority of the site has a lawful horticultural (agricultural) use, paddock, or time immune residential use (which, with the exception of a 'replacement dwelling', would not constitute Previously Developed Land or have any presumption for residential development). Notwithstanding this, the level of harm that would result from one additional house on this site would not be detrimental enough in itself to warrant refusal on sustainability grounds.

The applicant states that "*the environmental and visual benefits gained from these proposals provide the 'very special circumstances' needed to support the limited amount of inappropriate development*". In particular the arguments put forward are the following:

- The proposal would put an end to the unauthorised and unrestricted uses to the rear of the site.
- The use of the site for residential purposes would reduce the visual harm, impact on neighbours, and traffic movements (including large HGV's).
- The removal of the derelict glasshouses and replacement with well designed dwellings, outbuildings and stables and a high level of landscaping would improve the openness and visual appearance of the site.

- The proposed built form would result in a total of 554 sq. m., which is an 86.15% decrease from the existing 4000 sq. m.
- The scheme would be subject to a comprehensive Flood Risk Assessment, which would improve the overall drainage and off-site flood risks resulting from the site.
- The development would result in a limited level of inappropriate development as one dwelling would constitute a replacement house (albeit materially larger than that which it replaces) and the remainder of the site would be for domestic horse keeping, which is recognised as being acceptable within rural areas such as this.

PPG2 clearly states that *“the quality of the landscape is not relevant to the inclusion of land within Green Belt or to its continued protection. The purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives”*. Whilst it is accepted that the removal of enforcement exempt non-conforming uses on the site would be beneficial to the area, there has been no exploration or evidence provided to show that this could not be achieved through the redevelopment of the site for ‘not inappropriate development’ (i.e. new/replacement horticultural/agricultural use, outdoor sport or recreation, etc.).

Notwithstanding the above, the redevelopment of this site for the proposed scheme was originally explored with the Local Planning Authority in November 2007, whereby the response from the head of Planning Enforcement stated:

“Since it would be inappropriate development in the Green Belt Officer support would only be given if very special circumstances are demonstrated. Such circumstances would not solely be on the basis of the removal of extensive derelict glasshouses. However, I am aware there are unrelated inappropriate uses taking place on the site that are time immune from enforcement action and your client owns buildings outside the nursery site on the opposite side of Pick Hill and in an adjacent field. The inappropriate uses include the open storage of vehicles, building materials and scaffolding together with the use of land as a builders depot. These uses primarily take place to the rear of the existing glasshouses. I am also aware that neighbouring land to the east is lawfully used as a depot for a demolition contractors and its appearance is harmful to the visual amenities of the Green Belt.

I therefore advise that should a proposal for the site include the removal of all the inappropriate uses on the site together with the glasshouses and all other buildings adjacent to the site that are in your clients ownership, this would form the basis for demonstrating very special circumstances. The nature of the proposal is also important and it should achieve significant benefits to and enhancement of the openness and visual amenities of the Green Belt”.

The application site constitutes all land within the applicant’s ownership (according to the submitted location plan), and therefore proposes the removal of all the unlawful and inappropriate uses and buildings on the site (as well as those considered appropriate) in line with the previous advice given, however there is no proposal to remove *“buildings outside the nursery site on the opposite side of Pick Hill and in an adjacent field”*. However, as no blue line showing ‘other land within the applicant’s ownership’ has been indicated on the location plan, no such demolition can be sought as part of this application. Furthermore, the amount of inappropriate built form proposed (the one new dwelling and enlargement of the replacement dwelling) and additional landscaping and open grassed areas (paddocks) is also in line with the previous advice as it would ‘enhance the openness and visual amenities of the Green Belt’ as suggested by the previous head of Planning Enforcement.

Due to the above, whilst the removal of glasshouses and horticultural uses (regardless of their state of repair or vacancy of such) in itself would not constitute ‘very special circumstances’, it is

considered that the previously highlighted circumstances (i.e. removal of the unauthorised and unrestricted use, demolition of all derelict buildings, and improvement to the openness and visual amenities of the Green Belt) have been put forward and may be considered, on balance, enough to outweigh the harm from the new dwelling and for a replacement dwelling materially larger than that which it replaces.

Whilst it would be preferable to see a more modest new dwelling on the site (and a replacement dwelling not materially larger than the existing property) it is stated by the applicant that *“to enable the necessary funding it has been necessary to develop properties of this size and accommodation level”*. Although no documentation or viability report has been submitted to support this, the proposed dwellings are not unusually large for this type of location and there are known economic factors on the site (i.e. the need to decontaminate the site, the production and implementation of the Flood Risk Assessment, etc.).

Highways/Parking

The application site is located on the unmade section of Pick Hill (and the applicant would need to obtain consent to use this private road for access to the proposal, however this is not a planning consideration) and proposes two additional carriage driveways. Whilst the site is largely vacant now, if fully functional as a horticultural nursery, single dwelling, paddock area, and time immune commercial depot the level of traffic movement down this narrow unmade road would be considerably higher and more harmful than the use of the site for two dwellings. Complaints have previously been received from residents of Pick Hill (the public highway section) about HGV traffic movements emanating from this area and the reinstatement of the current lawful uses on the site would further exacerbate this. As such it is considered that the introduction of one further dwelling (and significant enlargement of the proposed replacement dwelling) would improve the highway safety and level of traffic movements on Pick Hill.

Given the unsustainable location of the development maximum parking standards would be required. The proposed dwellings would both have detached three bay garage buildings with plenty of space within the front garden for additional/visitor parking and manoeuvrability space. As such the proposed parking provision is considered acceptable.

Overall Design

Whilst the proposed dwellings are fairly substantial in size, as previously stated these dwellings have been designed as such to ensure that the development is economically viable for the owner. Although relatively large the dwellings are of a fairly standard design that is not unacceptable to the area. The proposed detached garages and stable buildings are similarly considered acceptable in design and would be an improvement over the current dilapidated site, unsightly mobile home and the unauthorised (but time immune) depot.

Landscaping

There are no trees within the central area of the site as this is where the redundant glasshouses and builder's depot stand. The main tree cover on site is to the rear along Cobbins Brook, which may need to be protected and retained (subject to a more detailed tree survey that can be sought and agreed by condition). Furthermore, as stated within the original recommendations from the head of Planning Enforcement, a robust and beneficial landscaping scheme will be required for the site to improve the overall appearance and character of the area. Again this can be sought by condition.

Other Considerations

The site lies within Environment Agency Floodzones 2 and 3 and an EFDC flood risk assessment zone. A Flood Risk Assessment was submitted with the application, and has been subject to in-depth discussions and negotiations between the applicant and the Environment Agency (which has led to the delay in deciding the application). The latest Flood Risk Assessment (dated February 2011) is now considered sufficient and, subject to this being implemented, along with other measures controlled by condition, the development is now considered acceptable in terms of flood risk.

Due to its former use as a horticultural nursery and builder's yard, and due to the presence of made ground and adjacent demolition contractors yard, the site is potentially contaminated. Therefore a full contaminated land investigation would be required.

Conclusion:

As outlined above, the erection of a new dwelling and replacement of the existing mobile home with a house "*materially larger than the dwelling it replaces*" is considered to constitute 'inappropriate development', and is therefore harmful to the Green Belt. Further to the 'in principal' harm, the redevelopment of the site would also result in the loss of glasshouses within an E13 site (albeit one designated for 'potential de-designation'), and would introduce further housing within an unsustainable location.

Although no evidence has been produced as to why the site could not be successfully redeveloped for a more appropriate Green Belt use or to justify the economic need to provide houses of this scale, the arguments put forward were previously explored with Planning Services and it was recommended that the proposal "*would form the basis for demonstrating very special circumstances*". As such it is considered that, on balance, the removal of the unauthorised and unrestricted depot to the rear of the site, the visual improvements resulting from the redevelopment of the redundant glasshouse area, and the resultant additional landscaping and flood alleviation works would constitute very special circumstances in this instance to outweigh the identified harm from this development. Therefore the proposed development is recommended for approval.

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

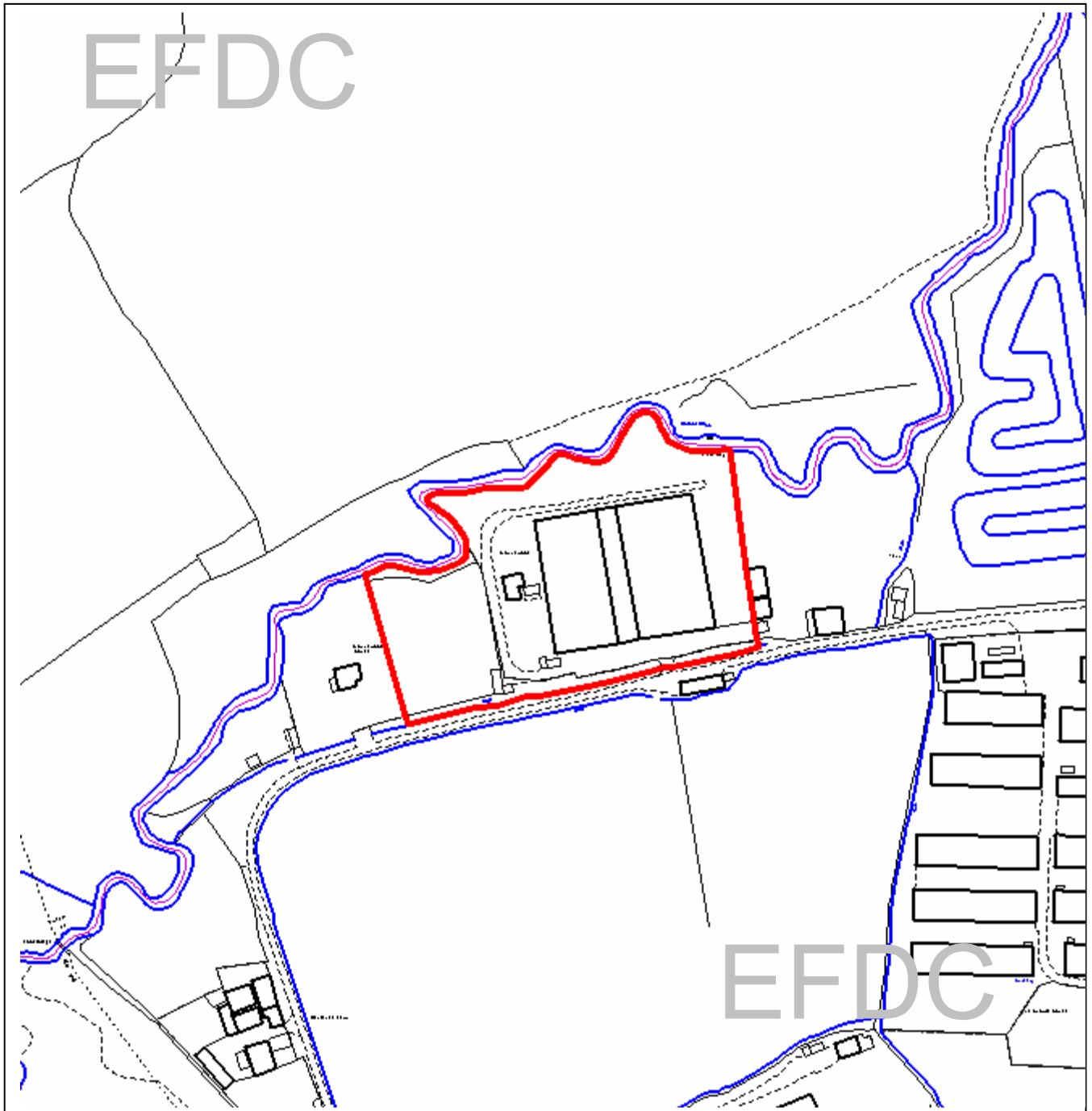
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/2350/09
Site Name:	Monkswood Nursery, Pick Hill Waltham Abbey, EN9 3LE
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/0306/11
SITE ADDRESS:	Woodside Bury Road Sewardstonebury E4 7QL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr G Stone
DESCRIPTION OF PROPOSAL:	Existing garage and swimming pool to be demolished and replaced with new detached 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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=525511

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 have taken place until details of the types and colours of the external finishes 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.
- 3 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.
- 4 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, D and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 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 BS5837:2005 (Trees in relation to Construction)
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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 lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 8 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 and visitors vehicles.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section CL56, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the demolition of an existing garage and removal of a swimming pool and the erection of a new detached dwelling. The dwelling would be a 4 bed detached property that would have a maximum depth of 10.7m and maximum width of 10.4m. The dwelling would have a predominantly gable ended pitched roof, although would incorporate a half hip on the southern flank, with a ridge height of 9.1m. Access to the dwelling would be directly off of Bury Road and would utilise the existing access to Woodside. A previous access point is proposed to be reopened to serve the existing dwelling.

Description of Site:

The application site consists of the side garden of Woodside, Bury Road, which sits in a plot considerably wider than surrounding properties. Currently the site contains a detached garage building and uncovered swimming pool. The site is located on the corner of Bury Road and Woodman Lane, which is a private road serving a number of houses. The site is located within the Metropolitan Green Belt.

Relevant History:

EPF/1206/80 - Outline Application for bungalow within the curtilage of Woodside (access from Woodman Lane) – refused 20/10/80 (appeal dismissed 12/08/81)
EPF/0328/00 - Erection of detached dwelling house and detached garage – refused 03/07/00

EPF/1826/00 - Erection of detached dwelling house and detached garage (revised scheme) – refused 22/12/00 (appeal dismissed 05/06/01)

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL3 – Edge of settlement
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

Summary of Representations:

10 neighbouring residents were consulted.

TOWN COUNCIL – No objection (verbal confirmation as response not received).

CITY OF LONDON – Object as this development would create an infill when viewed from front and side elevations, detracting from the openness of the Green Belt. There appear to be no very special circumstances to justify the development.

SARNIA, BURY ROAD – No objection as the proposed dwelling will fit in well with the surrounding buildings and would look better than the existing garage.

TEWKESBURY, WOODMAN LANE – Support the application as this removes a rather ugly garage and allows a new attractive house to be built, enhancing the quality of Bury Road.

BRANDON & FOUR, WOODMAN LANE (same objector) – Object as this is for an infill in the Green Belt and as it would be out of character and detrimental to the amenities of this rural area. This has previously been refused permission for new dwellings on this site and approval would set a precedent for other similar development in the locality.

Issues and Considerations:

Green Belt

The general presumption in relation to the erection of new dwellings within the Green Belt is that they constitute inappropriate development. However there are some exemptions to this, such as the development of 'rural exception sites' relating to affordable housing, or dwellings erected specifically for agricultural, horticultural or forestry workers. A further exception is stated within PPG2 (Green Belts) Para. 3.4 which states that "*the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes: [4th bullet point] limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11*". The box referred to lays out the circumstances of such 'infill development' and states "*if **infilling only** is proposed, the village should either be "washed over" and listed in the development plan or should be inset (that is, excluded from the Green Belt). The local plan should include policies to ensure*

that any infill does not have an adverse effect on the character of the village concerned. If the village is washed over, the local plan may need to define infill boundaries to avoid dispute over whether particular sites are covered by infill policies”.

With regards to this application, the proposed site is the side garden of Woodside, Bury Road and is surrounded to the north, east, south and west by residential properties. Whilst the site is located within the village of Sewardstonebury, which is completely ‘washed over’ by the Green Belt, this location has not been designated as being suitable for infilling, nor does the Local Plan have a specific policy relating to infill development. As such the proposed development does not fall within the description of “*limited infilling in existing villages*” as described in PPG2 and therefore constitutes inappropriate development that, by definition, is harmful to the Green Belt. This view is consistent with the previous history to the site, and the Planning Inspector previously stated (in relation to EPF/1826/00) that “*no evidence to show that Sewardstonebury is listed in the adopted Local Plan as being suitable for limited infilling along the lines put forward in PPG2. I therefore agree with the Council that the development would constitute inappropriate development in the Green Belt*”, and “*this corner should not, therefore, be treated as a genuine infill for limited infilling*”.

It is accepted within PPG2 however that inappropriate development can be considered acceptable within the Green Belt provided there are very special circumstances sufficient to outweigh the harm caused by this. Although it was considered within the previous applications that “*there are, however, no very special circumstances which outweigh the general presumption against inappropriate development in the Green Belt*”, these applications were decided some ten years ago, and therefore the circumstances must be reassessed.

Although reference was made to historic infill development within Sewardstonebury as part of the previous applications for this site, which the Planning Inspector previously considered “*sets no precedent for the grant of planning permission for the case in hand*”, there has been considerable further development within the locality since this time.

Although replacement housing is not considered inappropriate development within the Green Belt, this is only “*providing the new dwelling is not materially larger than the dwelling it replaces*”. Notwithstanding this, several considerably larger replacement houses have been approved (and constructed) within Sewardstonebury, including Nou Camp, Bury Road (2003), Carrols Farm, Bury Road (2010), Oaktrees, Western Lane (2010) and Bury Farm, Bury Road (2010). Furthermore, additions larger than those that would constitute ‘limited extension’ have been approved on several properties within Sewardstonebury, including Hill Top, Bury Road (2008) and Orchard House, Bury Road (2010). Of particular importance however is that a new dwelling was approved at Committee within a former ménage adjacent to San Segal, Farm End in 2009/2010. It was considered in this instance that given “*its location on the edge of the built up settlement of Sewardstonebury and previously approved new dwelling on the adjacent Bury Farm, it is considered that on balance the very special circumstances of this proposal are sufficient to outweigh the harm to the Green Belt*”. It was similarly noted within this application that the new house adjacent to San Segal would “*logically ‘round-off’ this section of the village*”.

This recent planning consent, and the relaxation of the ‘replacement dwellings’ and ‘limited extension’ policies within Sewardstonebury, are material planning considerations and have a bearing on this proposal. As such, whilst it was previously concluded that this plot would not be suitable for infilling, it is now considered that, due to the level of development approved in the locality since this time and recently approved new dwelling at San Segal, the principal of further residential development in this location (subject to all other planning considerations) may be acceptable. Given that the proposed dwelling would continue the existing built form of Bury Road, would be surrounded on all four sides by existing residential properties, and would not extend the village into the surrounding open Green Belt, it is considered that the particular special

circumstances of this site would be sufficient to outweigh the principal harm resulting from this development.

Design and appearance

Policies CP2, DBE1 and DBE4 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 proposed dwelling would be a fairly interesting and acceptably designed property that would be smaller, but not disproportionately so, than Woodside. The surrounding properties in Bury Road and Woodman Lane (and in the whole of Sewardstonebury) vary greatly in their design and size, and due to this it is not considered that the proposed dwelling would be detrimental to the overall character or appearance of the area.

Amenity considerations

The dwelling would retain a sufficient separation from Woodside, and would be a considerable distance from other neighbouring properties. As such there would be no impact on visual amenity, privacy, or light levels reaching neighbouring properties. Whilst an additional dwelling would result in intensification of use of the site and further vehicle movements, the impact would not be unduly detrimental as to result in noise or any other form of nuisance to surrounding residents.

There is sufficient private amenity space to serve the proposed new dwelling, and adequate space remaining to serve the occupiers of Woodside. These areas comply with the requirements as laid out in DBE8 and the Essex Design Guide.

Highways/Parking

The new dwelling proposes to utilise the existing vehicle access of Woodside, with the existing property reopening and utilising an unused crossover from Bury Road. Given the presence of several vehicle crossovers onto Bury Road and the relatively minor nature of this highway the reinstatement of this access would be considered acceptable.

Whilst the application site is not considered a sustainable location, as Sewardstonebury is not particularly well served by public transport or local facilities, the site is within an existing built up enclave and as such the lack of sustainable transport would be difficult to justify. Notwithstanding this, due to the problems with public transport, maximum parking standards should be sought on this site. The application site would therefore require at least 2 off-street parking spaces for the dwelling, which would be easily accommodated within the front garden. The front garden area would also allow for adequate space for visitor parking and to turn a vehicle so that cars could enter and exit the site in forward gear. Similarly adequate space would remain to serve Woodside and allow for a similar level of parking and manoeuvrability space.

Landscaping

There are no preserved trees located on the site and whilst many existing trees are present, none of these are considered suitable for protection. However, the conifer/laurel screen alongside Woodman Lane acts as a good screening and is predominantly shown to be retained. To ensure this (and other trees shown to be retained) are kept and protected during construction, relevant tree protection conditions are required. Furthermore a condition requiring details of hard and soft landscaping to be submitted and agreed should be added.

Conclusion:

Due to the particular circumstances of this development, primarily its location within the built up settlement of Sewardstonebury and the recently approved developments within the locality, it is considered that on balance the very special circumstances of this proposal are sufficient to outweigh the harm to the Green Belt. Due to this it is considered that the proposed development generally complies with all relevant Local Plan policies and is therefore recommended for approval.

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

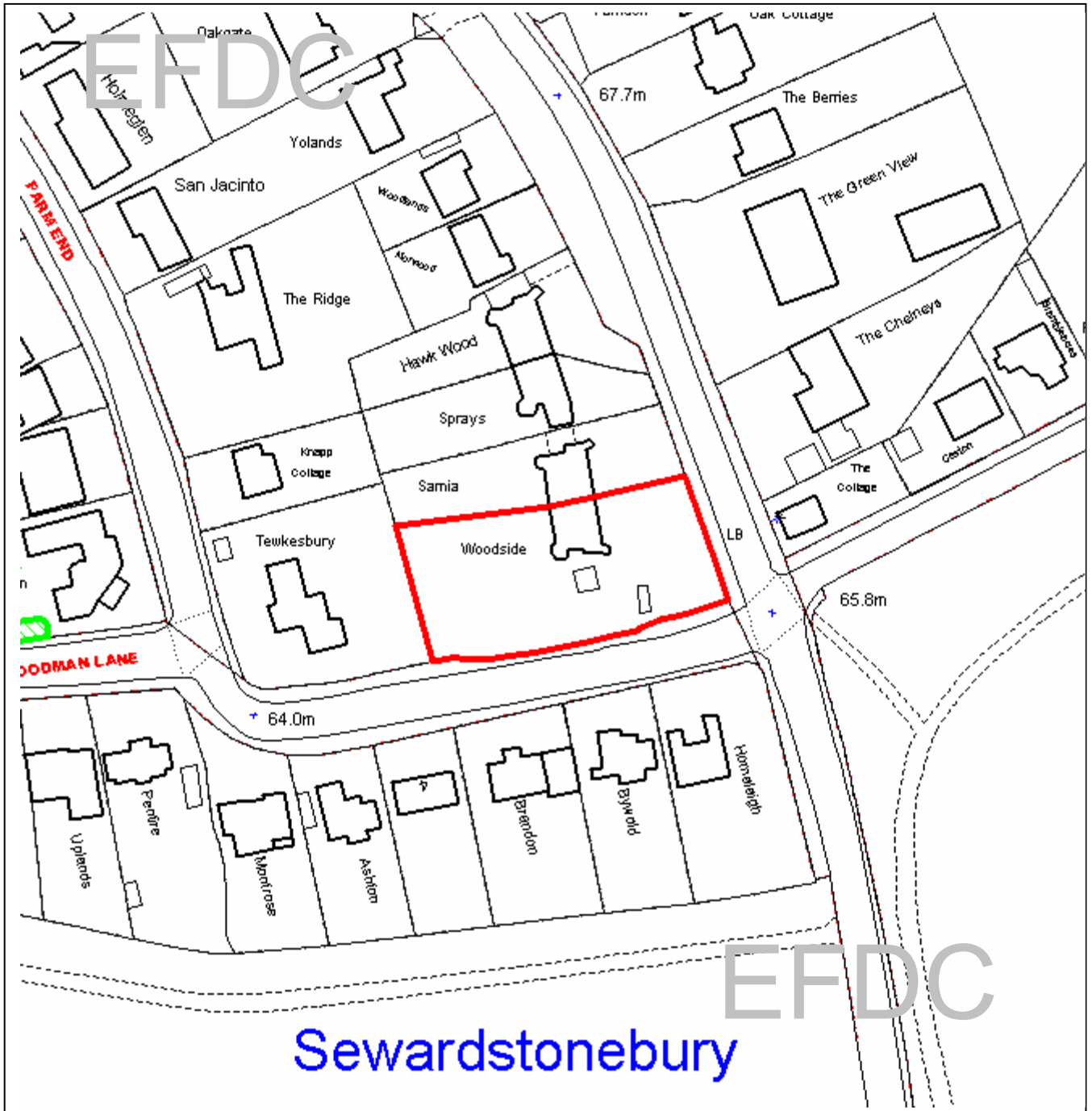
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/0306/11
Site Name:	Woodside, Bury Road Sewardstonebury, E4 7QL
Scale of Plot:	1/1250