

Report to District Development Control Committee

Date of meeting: 29 June 2011



**Epping Forest
District Council**

Subject: Planning application EPF/0116/11 – Holyfield Farm, Holyfield, Waltham Abbey, Essex, EN9 2ED. - Demolition and removal of existing masonry and corrugated structures and refurbishment and extension of existing timber barns and conversion to a total of Two, 2 bedroomed dwellings (revised application)

Officer contact for further information: J Shingler Ext 4106
Committee Secretary: S Hill Ext 4249

Recommendation:

That the committee considers the recommendation of the Area Plans Subcommittee West to grant planning permission subject to 13 suggested planning conditions.

Report

1. This application was referred by the Area Plans Sub Committee West its meeting on 13 April 2011 with a recommendation for approval. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the officer's report is reproduced in full below.

Planning Issues

2. The debate at the sub committee meeting centred on the recommended reasons for refusal and the harm that the proposal may have on the Green Belt, residential amenity of adjacent occupants, the setting of the adjacent listed building and sustainability issues. In addition, as Members were minded to approve the scheme, the highway implications of the proposed hedge planting along the front boundary of the site was also considered.

3. The sub Committee considered that the circumstances of the site, particularly the poor state of the existing building on the site that is to be removed, the quality of the existing barn conversion on the adjacent site and the need to find a use for redundant farm buildings were sufficient to outweigh the harm to the Green Belt that would result from the development. They considered that the design of the development was appropriate to its location and that it would in fact enhance the setting of the listed building. Members did not consider that the sustainability issue was so strong as to warrant refusal of the application. Discussion regarding the sight lines from the access and the impact that the hedgerow would have was inconclusive, and Members asked that further clarification on this issue should be presented to District Development Control Committee. The majority of the committee considered that the development was acceptable, subject to conditions. It was however concluded that as the proposal was in contravention of a number of adopted

policies the application should be referred to District Development Committee with a recommendation for approval subject to conditions.

4. With regard to the highways issue, the existing access is poor, with very limited sight lines to the north and it would be harmful to highway safety to approve a development that would lead to increased use of such an access.

5. Planning officers however accepted that there would not be a significant increase in the use of the existing access as a result of this development, as the existing buildings have an agricultural use that could potentially attract significant traffic movements and Officers did not suggest a highway reason for refusal despite a clear objection to the proposal from Essex County Council Highways Officer.

6. Planning officers are concerned however that the proposals as currently before you include the provision of a new hedge along the highway boundary to help screen the rear garden areas of the proposed houses. If the hedge were to be provided in this position, it would significantly worsen an already dangerous access by further reducing sight lines to the north to in the region of just 20 metres. Any reduction in views to the north when exiting the site will cause a significant increase in highway danger for all users of the access. Should members be minded to approve the application, it is the clear and strong advice of the County Highways Officer and from the Planning Officer that no hedge should not be planted in the position shown. This can be covered by conditions requiring details of landscaping to be agreed, and the existing sight lines to be maintained.

7. Simple removal of the hedge from the plans however does cause an additional complication as it potentially results in the development being much more open and more obviously a residential use, as the rear garden areas will be exposed to view. In addition, this adds to the harm that the proposal will have with regard to retaining the character and setting of the listed barn and maintaining the character and visual amenity of the rural area. The Lee Valley Regional Park Authority had raised no concern with the proposal, but only subject to a condition that the proposed boundary hedge be planted and maintained to a height of 1.5metres so that the amenity of the park is not reduced. The increased visual impact from not providing the hedgerow therefore needs to be taken into account.

8. The report to the Planning Sub Committee is attached.

Conclusion.

9. Although the sub committee have recommended approval of the scheme, officers maintain that there are sound reasons for refusal as set out in the original report attached.

10. Should Members be minded to Grant Consent it is recommended that the following conditions be attached:

(1) The development hereby permitted must not be begun later than the expiration of three years beginning with the date of this notice.

(2) 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, Classes A, B, C, D, E or F shall be undertaken at either of the approved dwellings without the prior written permission of the Local Planning Authority.

(3) Notwithstanding the details shown on the approved plan, the hedge shown to be planted along the Highway frontage shall not be planted.

(4) No planting, fencing or other development shall at any time be erected within the site that will obstruct visibility when exiting from the site from a position 2.4 metres back from the highway edge.

(5) Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.

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

(7) No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

(8) 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]

(9) 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]

(10) 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.

(11) 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.

(12) 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.

(13) 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.