

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2338/11
<b>SITE ADDRESS:</b>	Shottentons Farm Pecks Hill Nazeing Essex EN9 2NY
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Joe Colletti
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of two blocks of glasshouses of 3.1ha and 6.2 ha, irrigation reservoir, two buffer tanks, access roads, parking and landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to S106)

**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=532828](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532828)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall take place, including 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 to ensure the landscaping of each phase at an appropriate time) 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.

- 3 No development shall take place until details of the proposed surface materials for the parking areas and access roads, have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 4 The parking and loading areas shown on the approved plan in relation to Phase 3 and Phase 4 of the development shall be provided prior to the first use of each phase of the development and shall be retained free of obstruction for the parking of staff and for loading.
- 5 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Water management Plan, Job number: 210/2011, Revision: Final 1, 17/10/2011 and the following mitigation measures detailed within the FRA: Limiting surface water runoff to greenfield rates for all storm events up to and including 1 in 100 chance in any year event, taking the effects of climate change into account; Provision of compensatory storage on site to attenuate all storm events up to and including the 1 in 100 chance in any year event, taking the effects of climate change into account; maintaining a 5 metre setback between all new development existing land drains and watercourses.
- 6 Development shall not begin until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 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 mitigation and reasonable avoidance measures set out in the agreed water vole mitigation Statement shall be carried out in full.
- 9 Details of the provision for bat boxes or tubes including the timing of their erection shall be submitted to the Local Planning Authority and Agreed in writing prior to the commencement of development and the provision shall be made in accordance with the agreed details.

- 10 Prior to commencement of development a Phase One Reptile Survey and mitigation statement shall be submitted to and agreed in writing by the Local Planning Authority. The agreed mitigation details shall be complied with in full.
- 11 Details of any artificial lighting of the glasshouses together with details of any blinds to prevent light pollution shall be submitted to the Local Planning Authority and agreed in writing prior to installation.
- 12 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 13 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3071/10, SK08 RevC, SK12, SK13, SK14, MW-STF-001-05.11Rev,MW-STF-003-06.11 Rev A, SK15, SK17,
- 14 Prior to commencement of development an earthworks method statement including a timetable for completion of each phase of the works shall be submitted to and agreed on writing by the Local Planning Authority, and the works shall be carried out in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.
- 15 There shall be no importation of material on to the site to facilitate the land raising proposed, the development shall be completed by the cut and fill method only.

**And subject to the applicant first entering into a Legal Agreement under Section 106 within 6 months of the date of this meeting to provide a) £3000 for the checking and monitoring of the Travel Plan and b) to ensure the removal of the glasshouses and the reinstatement of the land should the horticultural use of the glasshouses cease for in excess of 3 years.**

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

**Description of Site:**

Shottentons Farm is a holding of about 37 hectares located to the north east of Pecks Hill Nazeing and is accessed at the end of Pecks Hill where the road sweeps east into Sedge Green. There are existing buildings at the entrance to the site, which were originally part of a dairy farm, and are now used for storage in connection with the nursery. The existing nursery consists of 1 large glasshouse of 3 hectares in area (Phase 1) and a second glasshouse of similar proportions is under construction (Phase 2). There is an existing reservoir to the south of the first glasshouse, constructed in connection with Phase 1. The red lined application site comprises about 20

hectares and is bounded to the west by the existing nursery buildings. The site consists of several open fields, partly bounded by trees and hedgerows. There is a Public Footpath (Footpath 4) which runs along the existing access road and runs eastwards through the site. The site lies within an identified Glasshouse area and there are nurseries to the east and west of the application site.

### **Description of Proposal:**

The proposal is to construct 9.3 hectares of glass in two blocks (Phase 3, 3.1 hectares and phase 4, 6.2 hectares), creation of a new reservoir in the northern corner of the site and two buffer tanks. The scheme includes provision of parking and servicing areas. The proposed glasshouses are 6.8 metres tall. The existing Glasshouse is currently used for tomato production to supply a supermarket chain and it is intended that the new glasshouses would also be used for this purpose.

The phase 3 glasshouse would involve the redistribution of soil within the site to create a level surface. Given the slope of the site, this results in cutting in about a metre at the southern end and raising the ground level at the northern end by about 4 metres. The glasshouse will be 224 metres in length consist of 56 x 4metre wide bays, which will run east to west with their gables facing east and west, and will be 140 metres in width. A parking area for 6 cars and a lorry collection area is proposed which will be accessed from a new length of access road that runs between the phase 1 and phase 2 glasshouses. A service area is to be provided within the glasshouse which will include a packing room, boiler room and irrigation room.

The Phase 4 Glasshouse has an area of 6.3 hectares and again involves redistribution of soil to create a level site. The southern edge will be cut in by 3 metres whereas the western edge would be raised by 5 metres. It will be 424 metres in length (106 x 4 metre wide bays running approximately north south. At its widest end to the east it will be 170 metres in width and at its eastern end 125 metres. As in Phase 3, the glasshouse structure will also contain the service area with packing, irrigation and boiler rooms. A parking area for 6 cars and lorry loading area is proposed together with a short length of access road that links to the existing yard area.

The reservoir would be constructed in the field at the north eastern end of the site and would have a capacity of 18,500 cubic metres.

There are 175 trees within the application site and the proposals retain 153 of them. To compensate for the loss of 22 trees, including some covered by a Tree Preservation Order A full landscaping scheme has been drawn up, which includes planting new hedgerows and trees within existing tree lines, thickening existing hedgerows and managing them for the future.

The public footpath that runs through the site will not need to be diverted; the positions of the two phases have been designed to maintain the current path in a 40 metre wide gap between the glasshouses.

### **Relevant History:**

EPF/0579/98 - Erection of horticultural Glasshouses (140m x 200m) with provision of hardstanding and alteration of existing vehicular access to Sedge Green/Pecks Hill – approved/conditions 01/06/98

EPF/1175/03 - Erection of glasshouses – approved/conditions 25/07/03

EPF/1950/03 - Outline application for the erection of glasshouses, facilities building and extension to the despatch area – approved/conditions 31/08/05

EPF/1664/08 details of glasshouse, facilities building and extension to despatch area approved 21/11/08.

EPF/0665/11 Erection of 2.8 hectares of glasshousing (6.5m high) approved 15/06/11 Superseded by EPF/1111/11 below.

EPF/1111/11 Erection of 3 hectares of glass and two rainwater silos. Approved. (This is phase 2 currently under construction)

### **Policies Applied:**

PPG2 Green Belts

PPS7 Sustainable Development in Rural Areas

Adopted Local Plan and Local Plan Alterations:

CP1 achieving sustainable development objectives

CP2 Protecting the quality of the rural and built environment

CP3 new Development

CP4 Energy Conservation

GB2A Green Belt

GB7A conspicuous Development

GB11 Agricultural Buildings

NC3 replacement of lost habitat.

NC4 Protection of Established Habitats

RP5A Adverse environmental impacts

E13A New and replacement glasshouses

E13C Prevention of Dereliction of New Glasshouse Sites.

U2A development in Flood Risk Areas

DBE1 Design of new buildings

DBE9 Loss of amenity

LL1 Rural Landscape

LL2 Inappropriate rural development

LL4 Agriculture/forestry –related development

LL7 Planting protection and care of trees

LL9 Felling of preserved trees

LL10 Adequacy of provision for landscape retention.

LL11 Landscaping Schemes

ST1 Location of Development

ST4 Road safety

ST6 vehicle parking

RST3 Loss or diversion of Rights of Way

### **Summary of Representations:**

A site notice was erected at the entrance to the site and a press advert was placed as this is a major development. 14 neighbouring properties were consulted.

The following representations were received:

PARISH COUNCIL- The following objections were made:

a) The development would increase the number of HGV's using the roads within Nazeing. The entrance to the nursery is on a sharp bend and could present issues with sight lines.

b) There is a safety issue with vehicles crossing Footpath 4. If the District Council is minded to grant permission, the proposal from Nazeing Footpaths group to remove the footpath on the

applicants land with a new footpath running north to south between footpaths 28 and 3 should be considered.

c) Although this is an E13 Area the levelling of the land would make the restitution of the land to its original use impossible.

d) The large modern glasshouses could reduce the opportunities for employment and may bring about the dereliction of smaller nurseries in the area.

e) Any further enlargement of glasshouses should be in conjunction with adequate road infrastructure.

f) If the District Council is minded to grant permission then a condition seeking clearance and restoration of the land be supported by an appropriate index-linked performance bond be sought from the applicant (prevention of dereliction of new glasshouse sites Policy E13C of the adopted Local Plan and Amendments)

g) Also suitable S106 should be sought.

OPEN SPACE SOCIETY- Objects most strongly. The proposals will have a serious adverse impact on people's safety as a result of vehicles crossing footpath 4. We consider the development is contrary to the public interest and urge you to reject the application.

LANGRIDGE FARM - PAYNES LANE – Object Access and egress are on sharp bend at the bottom of the hill. This will be overdevelopment; new glasshouses were erected very recently. Road network is not fit for purpose. Adverse impact on residential properties as this business runs 24 hours a day seven days a week, making life a nightmare for residents of Nazeing.

LEE VALLEY REGIONAL PARK AUTHORITY – The Authority raises no material consideration regarding the proposed application.

13 SHOOTERS DRIVE on behalf of NAZEING FOOTPATHS GROUP – Concerns about impact on Footpath 4, likely to become obstructed and enforcement is ineffectual, also concerned about safety of walkers as the path is likely to be crossed by loaders forklifts and lorries. Land either side of the path will be raised considerably so walkers will be dominated by structures nearly 10 metres above the level of the path. The loss of the element of footpath 4 that crosses the applicants land would not be a major loss to walkers and could be extinguished, but we would want to see a new route running north south on the eastern edge of the site between footpaths 28 and 3 linking up to a shortened FP4, for walkers such a route would be a real improvement to the network. It would increase flexibility for the applicant about siting and layout and the safety risk would be eliminated.

1 CHURCH CLOSE, LOUGHTON, on behalf of ESSEX AREA RAMBLERS – Footpath 4 crosses the site, but appears not to be obstructed, but ensuring continued access through such sits can be difficult. Therefore if Council is minded to grant then enforceable conditions requiring no obstruction of the path during development and following completion and improvement of the surface of the path to prevent it becoming overgrown, should be added.

### **Issues and Considerations:**

The site is within an identified Glasshouse Area within the Green Belt,

Policy E13 of the adopted Local Plan, identified those areas of the District in which it is considered appropriate to allow glasshouse development, this was to prevent the spread of glasshouses outside the traditional glasshouse areas of the District whilst enabling this important food production industry to continue to thrive in the area. In principle therefore this expansion of an existing nursery within this E13 Glasshouse Area is acceptable. The main issues therefore relate to the impact of the proposed development on the landscape, the public footpaths, impact on nature conservation and biodiversity, traffic impact, residential amenity, flood risk, sustainability and employment.

### Landscape.

The site is within the Metropolitan Green Belt but the development is required for agricultural purposes and is therefore appropriate development, in addition the site has been specifically identified in the adopted Local Plan as suitable for the development of glasshouses and lies between two established glasshouse developments. The land however is not level and for modern glasshouse development level land is required, the development therefore necessitates the levelling of the land which in this case involves significant cut and fill which results in parts of the site being raised up to a maximum of 5 metres above existing land level. There is no importation of material to achieve this, it is purely cut and fill. Whilst the development is massive and will be visible from vantage points, in this location between established nurseries it is not considered that its impact on the landscape is unacceptable. The Preserved trees that are to be lost in the centre of the site, had been compromised by previous land raising (which was carried out without consent by the previous owner of the land, and they currently lie in a dip, The development of the site for glasshousing in accordance with the E13 designation would leave these trees surrounded by glasshousing and of little public amenity value, in this instance it is considered that their loss can be justified subject to increased planting around the perimeter of the site that will be of greater public amenity value. The preserved trees adjacent to the public footpath are being retained. Subject to the provision of the landscaping scheme set out in the application, to be provided in phases as the development progresses, the proposals are considered acceptable in landscape terms.

### Public Footpath

Footpath 4 crosses the site from west to east and is accessed via the existing vehicular access. The intention is to retain the footpath and although it will run in a dip between the two proposed glasshouses, it is within a 40 metre wide strip, not a narrow chasm and whilst it is accepted that this may reduce the enjoyment of walkers utilising the path to some extent, it will not make the path unusable. There is a requirement in law, not to obstruct public rights of way and it is not necessary or appropriate therefore to condition this. Whilst the Nazeing Footpath Group has suggested the closure of this path and the creation of a new path heading north, this is not the proposal that is before us. Such closure and creation of a new footpath would need to be the subject of a closure or diversion order. If carried out under the planning acts, such an application can only be processed if the diversion is required as a result of a planning approval, and it is then the subject of a separate public consultation exercise. If contested the proposal could end at Public Inquiry, and is therefore potentially a particularly lengthy process. The applicant has agreed that he would be willing to support the suggested alternative route, but at this stage wishes the current application to be determined on its merits. Whilst the Footpath group have implied that footpath 4 is not needed, there is no guarantee that the loss of the footpath would be found to be acceptable. The application must be determined in its present form. Policy RST3 states that the Council will not grant planning permission for development proposals which entail the loss, stopping up or unreasonable diversion of public rights of way. This application is in accordance with that policy, whereas the alternative suggested by the Footpath Group would be contrary to it.

Concern has been expressed with regard to the safety of walkers using Footpath 4, but the path is already crossed by the access road and it is not considered that this proposal will create greater hazard for walkers.

### Nature Conservation and Biodiversity.

The application was accompanied by a phase 1 habitat survey and by bat emergence survey and water vole survey and mitigation. The mature trees on the site present good quality habitat for bats and bat roosts were found, the ditches at the site were found to be suitable for water voles, although no animals were found at the site. The council's Countryside manager has assessed the information provided and finds it robust and is happy that the proposed safeguards and mitigations are appropriate and as such it is not considered that the development will have an adverse impact on protected species or the biodiversity of the area.

### Traffic Impact.

A transport statement was submitted with the application which provides information regarding previous and expected traffic movements with regard to this site. Prior to the purchase of the site by Glinwell plc in 2010 the site had been operated by Kinglea Plants for growing bedding plants both within the glasshouse and externally over 3 hectares, they also pooled plants from up to 4 local nurseries prior to wholesale dispatch and imported and dispatched plants, pots and other garden items bought in from other UK nurseries to garden centres and supermarkets. The applicants through correspondence with the previous owners of the site have established that the site required a large number of staff and that 90 arrived and departed by car each day and that 29 deliveries took place by HGV daily in the peak season, dropping to 19 in the off peak season. Having checked the planning history this corresponds with the figures quoted when application EPF/1950/03 was considered, and these themselves were a reduction on earlier levels.

The current operation by Tomworld generally has 10 full time staff on site, supplemented by 10 pickers in the peak season which lasts 22 weeks. Each day a small rigid HGV collects the tomatoes for dispatch. In addition some deliveries to the site are made from the head office by car, with a delivery by van roughly once a week.

The applicants have provided information based on their current knowledge, about predicted traffic generation from the development of the site. This indicates that when all 4 phases are in operation there are likely to be 90 permanent staff plus 60 pickers at peak times with 68 daily car arrivals and departures and 1 HGV collection a day with a large articulated lorry or two rigid vehicle collections. It is concluded therefore that the development will generate lower numbers of vehicle movements when completed than the vehicle movements experienced under the previous ownership, and with only a fraction of the previous HGV movements. The maximum morning peak hour movements are substantially smaller with just 15 arrivals compared to 64 under the previous ownership.

The applicants have submitted a framework travel plan with the objective of reducing car movements by increasing car sharing, public transport use and walking and cycling. A condition requiring a detailed travel plan to be submitted and adhered to can be required, and monitored to ensure compliance. The monitoring is carried out by Essex County Council and the cost of this can be required by a legal agreement under Section 106.

The site currently operates with separate in and out accesses and although these are located at a sharp bend in the road sight lines from the exit are in excess of 190 metres. The intention is to maintain this in out arrangement.

Essex County Highways officers have concluded that the applicant has demonstrated that the vehicle movements associated with the proposal will be less than the previous use generated. By definition less movement through the accesses means that the development will be safer in highway terms. Accident data has been investigated at this location and there have been no recorded incidents in the last 3 years. The proposal will therefore have no detrimental impact on highway safety, efficiency or capacity at this location.

### Residential Amenity

The proposed glasshouses and parking areas are set well away from any residential properties, so the only likely impact on residential amenity would be from increased traffic movements in the vicinity, which are a long standing concern in Nazeing where there are a large number of businesses which generate significant HGV traffic. However, whilst the development will result in an increase in traffic over the current level of use, figures have been provided as explained above, that indicate that the use will not generate as much traffic as the previous use of the site by Kinglea, and that the increase in HGV movements over the existing level will be very minor. As such it is not considered that the proposal will result in excessive harm to residential amenity.



### Flood Risk

A flood risk assessment was submitted with the planning application because of the scale of the development. The Environment Agency as a result have raised no objection to the proposal subject to the imposition of conditions to ensure that the mitigation measures set out in the Assessment are carried out.. these will ensure that the surface water run off rates for all storm events equate to normal Greenfield rates so that there will be no increased risk of flooding as a result of the development.

### Sustainability

The site is relatively well located in relation to centres of population and current employees are relatively local. The development will provide economies of scale and provide increased UK tomato production, helping reduce reliance on imported food. The design of the development is intended to help maximise production with least energy use. As such the development is considered to be in accordance with the sustainability policies of the local plan.

### Employment

This is a successful business that is a local employer, the proposals will enable the consolidation and expansion of the business creating increased employment opportunities The Governments Draft Planning Policy Framework states that “significant weight should be placed on the need to support economic growth through the planning system” and this is a material consideration in the determination of this application.

### Other issues

The Parish Council have raised concern regarding the future of the site should the business cease, as dereliction and inappropriate uses of disused nursery sites has been a problem historically in the area. Policy E13 states that the Council will require that these sites are fully returned to a condition appropriate for their previous use when the land is no longer used for glasshouse horticulture. To achieve this, a legal agreement is required that would secure the removal of the glasshouses and the reinstatement of the land should the glasshouses be disused. Given the scale of the development and potential difficulties in finding a buyer for such a large scale development, officers consider that the agreement should allow a reasonable length of time before requiring demolition. In this instance therefore it is suggested that the legal agreement should require demolition and reinstatement of the land if the glasshouses cease to be used for horticultural purposes for in excess of 3 years. This allows adequate time for marketing and negotiation, whilst not being so long that the glasshouses would become derelict or unsightly.

### Conclusion

In conclusion it is considered that the development is in accordance with the adopted policies of the Local Plan and Local Plan Alterations and will provide increased employment opportunities and economic growth to the benefit of the area without causing undue harm to the character or amenity of the rural area. The application is therefore recommended for approval subject to the suggested 106 agreement and conditions.

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

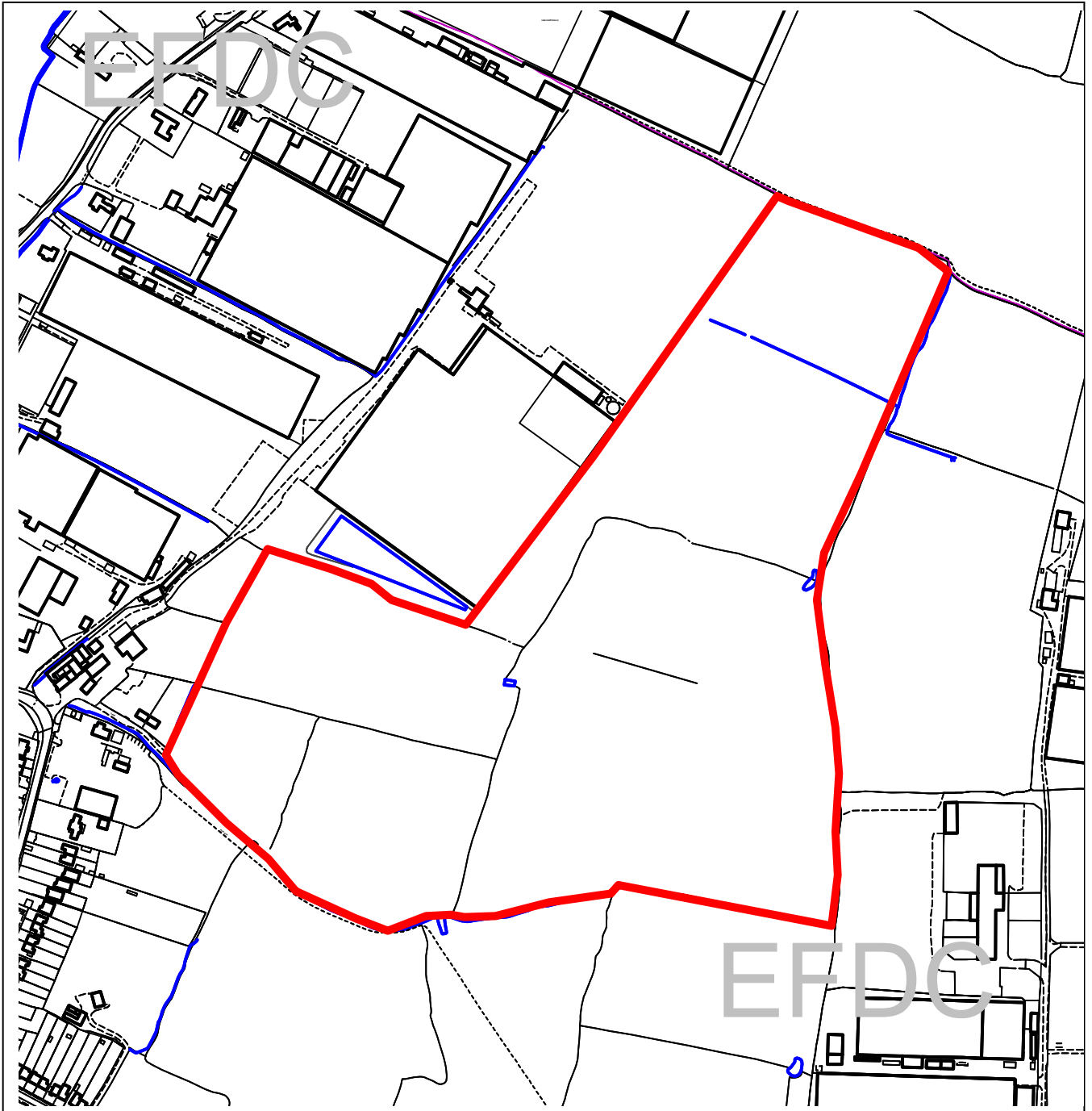
***Planning Application Case Officer: Jill Shingler  
Direct Line Telephone Number: 01992 564106***

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



# Epping Forest District Council

Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/2338/11
Site Name:	Shottentons Farm, Pecks Hill, Nazeing, EN9 2NY
Scale of Plot:	1/5000

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2438/11
<b>SITE ADDRESS:</b>	6 The Mead Nazeing New Road Nazeing Essex EN10 6SS
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr & Mrs Galizia
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing and proposed new 4 bed dwelling.
<b>RECOMMENDED DECISION:</b>	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=533242](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533242)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 765 008, 765 009J, 765 011B, 765 012B, H8415/01 Rev: D, H8415/10 Rev: F
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 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 D shall be undertaken without the prior written permission 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, 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.
- 9 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.
- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

- 12 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 14/02/12 ref: H8415 Rev: C, and the following mitigation measures as detailed within the FRA:
- Provision of compensatory flood storage for all events up to and including the 1 in 100 year flood event (with an appropriate allowance for climate change) through the use of voids underneath the building as shown on drawing ref: H8415/01 Rev: D.
  - Maintaining a flood flow route between No. 5 and No. 6 as shown on drawing ref: H8415/01 Rev: D.
  - Finished floor levels are set no lower than 25.09m above Ordnance Datum (AOD).
- 13 The development hereby permitted shall not be commenced until such a time as a scheme for regular maintenance of the steel grates to ensure they are free from debris and rubbish has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the agreed scheme, unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g)) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)*

### **Description of Proposal:**

Revised application for the demolition of the existing dwelling and erection of a new four bed property. The proposed new two storey dwelling would be a maximum of 7m in width and 11.7m in depth at first floor level with a pitched roof to a ridge height of 7.75m. The proposed dwelling would also incorporate a single storey rear/side projection. The rear projection would extend a maximum of 2.8m beyond the first floor rear wall and would stretch to a width of 8.5m. It would have a pitched roof to a maximum height of 4.5m and would extend 3.5m down the side (in front of the first floor rear wall). This would bring the front wall of the proposed single storey side projection roughly in line with the front wall of the neighbours 'store'. The proposed development would include a new pedestrian access to the north of the existing vehicle/pedestrian access, which would be raised to ensure it is level with the height of Nazeing New Road.

### **Description of Site:**

The site is a detached two bed dwelling with the first floor located within the roof area and is located on the eastern side of Nazeing New Road in a small linear enclave of 12 dwellings. Whilst relatively isolated this row of houses, and the Nazeing Glassworks to the rear, are not located within the Green Belt. The site is however located within Environment Agency Floodzones 2 and 3.

The existing dwelling is approximately 5.5m in width and 7.5m in depth, with an additional 3m deep single storey rear addition and reaches 7.4m in height. The dwelling is identical to the property to the north (No. 5) and the two to the south (No's. 7 and 8).

### **Relevant History:**

EPF/2644/10 - Demolition of existing dwelling and erection of replacement 4 bed dwelling – refused 28/02/11 (appeal dismissed 01/07/11)

EPF/0852/11 - Demolition of existing dwelling and erection of a 4 bed dwelling (revised application) – refused 06/07/11

EPF/1634/11 - Demolition of existing dwelling and erection of new four bed dwelling – refused 30/09/11 (currently being considered on appeal)

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP7 – Urban Form and Quality

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE9 – Loss of Amenity

ST6 – Vehicle Parking

LL10 – Adequacy of Provision for Landscape Retention

U2A – Development in Flood Risk Areas

U3A – Catchment Effects

### **Consultation Carried Out and Summary of Representations Received:**

8 neighbouring properties were consulted. No Site Notice was required. A further consultation was undertaken with regards to amended/additional information.

PARISH COUNCIL – Object. Planning applications in respect of this property have been refused in the past as overbearing and detrimental to the character and appearance of the street scene and loss of amenities to neighbouring properties. One application is currently the subject of appeal. The plans are inaccurate and the proposed dwelling house is bigger than previously refused applications and the flood level datums are different to the Environment Agency (**comments unchanged regarding amended/addition plans/info**).

5 THE MEAD – Object as this would be more harmful than the previous application. This has increased the width and depth of the proposed dwelling over the previous scheme, has removed the set back from the boundary with No. 7, and would still threaten the amenities of neighbours and the nearby Willow tree. Also still consider the flood level datum shown is incorrect, to which the EA's are more accurate. **Re: additional plans/info** – Development is still too big for the plot, still impacts on neighbours amenities, would still impact on the tree and still has an insufficient FRA.

7 THE MEAD – Object as this would impact on neighbours amenities, would be out of character, and due to possible flooding/drainage issues.

11 THE MEAD – Object as this is too large for its surroundings and due to possible flooding/drainage issues.

LANGRIDGE FARM, PAYNES LANE – Object as this development has been refused twice and again twice on appeal, the application is bigger than the previous ones, and as the plans are inaccurate and misleading.

## **Issues and Considerations:**

The main issues in this application would be the design and impact on the street scene, amenity considerations, potential flood risk issues, and impact on the neighbours tree. The three previous applications were refused on the following grounds:

- 1. The proposed development, due to its bulk and overall scale, would be overbearing and detrimental to the character and appearance of street scene, contrary to policy DBE1 of the adopted Local Plan and Alterations.*
- 2. The proposed development, due to its bulk, scale and proximity to neighbouring properties, would result in a detrimental loss of amenities to the neighbouring residents, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.*

The first application (EPF/2644/10) was also refused due to potential impact on the neighbours tree and inaccurate plans.

Much issue has been raised with regards to the accuracy of plans and information received, and amended/additional plans and information has been submitted to address these issues. Furthermore, the Local Planning Authority has checked all measurements on site and conclude that the latest amended plan received on 09/02/12 (Plan Ref: 765 009J) is accurate and all measurements shown on here are correct. Furthermore, the location and size of the neighbours Willow Tree has been accurately shown on the amended Tree Survey (Revision: B) and the correct flood level datum has now been shown and assessed under the amended Flood Risk Assessment (Revision: C). As such, it is considered that all plans and information now received and assessed is correct and adequate for a decision to be made on the proposal.

### **Design/neighbour amenities (previous reasons for refusal):**

To overcome the two previous reasons for refusal, the applicant has removed the previously proposed garage that would have been located on the shared boundary with No. 7, directly outside their side kitchen window. Furthermore the ridge height of the proposed new dwelling has been reduced by 250mm (7.75m rather than 8m) and the eaves height has been reduced by 500mm (4.9m rather than 5.4m), which has resulted in the first floor windows being partially set into the roof and has reduced the overall height and bulk of the proposed new dwelling. This reduced height has ensured that the ridge height of the proposed new dwelling would be an acceptable 600mm above the neighbours ridge height, and the eaves height would sit lower than the midway eaves of the neighbours mansard roof. The other alteration to the proposed dwelling is the breaking up of the side roof planes to create more visual interest and reduce the previous large expanse of roof.

The previous appeal decision regarding EPF/2644/10 stated that *"the appeal site lies within a distinct row of four residential properties of similar mansard roof design. From my observations, this group of small dwellings, due to their design and scale, make a positive contribution as a group to the character and appearance of the street scene. In addition, the character of the street scene is enhanced by the regular gaps between these buildings"*. Whilst the rear single storey section of the new dwelling would be built within 1.3m of the boundary on one side and up to the boundary on the other, this is set back 8.1m from the front of the dwelling and would be single storey. Furthermore the visible part (that on the southern portion of the site) would replace an existing single storey detached garage of roughly the same footprint. The main two storey dwelling would be located 1.25m from the shared boundary with No. 5 and 2.6m from the boundary with No. 7, which would be sufficient visual gaps to retain the open nature of this street scene.

Whilst the proposed development is located closer to the site boundaries and is still higher than the existing dwelling on this site, and both neighbouring properties have flank windows overlooking this site, it is considered that the reduced eaves height (which is the most harmful aspect of such a dwelling) is a sufficient height and distance to ensure there is no detrimental impact on the neighbours ground floor side windows.

All the above factors taken together result in a dwelling more modest in scale (when viewed from the street scene) that would not be unduly detrimental to the neighbours amenities. Whilst the two storey rear element extends beyond the neighbours first floor rear walls, the 3.5m and 4.5m distances would ensure that there would be no undue loss of light or outlook resulting from this. The proposed single storey rear/side protrusion would not extend beyond the detached outbuilding at No. 5 and would replace an existing detached garage at No. 6, which itself is built on the shared boundary. As such this element would have no greater impact on neighbours amenities than the existing situation. The only proposed first floor flank windows would serve bathrooms and, as such, can be conditioned to be obscure glazed. Therefore there would be no harmful loss of privacy to the neighbouring residents.

#### Flooding:

As previously stated, the submitted Flood Risk Assessment has been amended to take into account information raised by a neighbour with regards to flood level datum. The amended FRA has been assessed by the Environment Agency and there is now no objection with regards to potential flood risk, subject to relevant conditions. The proposed finished floor levels indicated within the FRA match up with the elevational drawings submitted, so the finished floor level (and therefore overall height) of the development would be unchanged to that shown on the drawings.

#### Impact on neighbouring tree:

There have been several revisions and amendments to the plans with regards to the neighbouring Willow Tree, and the original Tree Survey failed to take into account the full Root Protection Zone of the tree. However these issues have been resolved and a Tree Survey has been submitted that is accurate enough to fully assess the impact on this tree. The proposed development would encroach into the RPZ of the neighbours tree, however it is proposed that the corner of the single storey protrusion that encroaches would be set on a cantilevered ground beam which, due to the change in levels and higher finished floor level required by the FRA, could be constructed within the no dig zone without the need for ground disturbance. As such, and subject to relevant tree protection conditions, the development could be constructed without undue harm to the health and wellbeing of the neighbours tree.

#### Conclusion:

The reduced ridge and eaves height, removal of the single storey garage, and amended roof design are considered sufficient to overcome the previous reasons for refusal. As such, the proposed development is considered to not have an undue detrimental impact on the character and appearance of the street scene and the amenities of neighbouring residents. The plans have been checked on site and the plans and submitted information have been amended to reflect the findings of the LPA and the information raised by neighbouring residents. Based on this amended information, it is considered that the proposed development can be constructed without having a detrimental impact on the neighbours tree and without resulting in any increased flood risk, subject to suitable conditions. As such the development would now comply with the 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:***

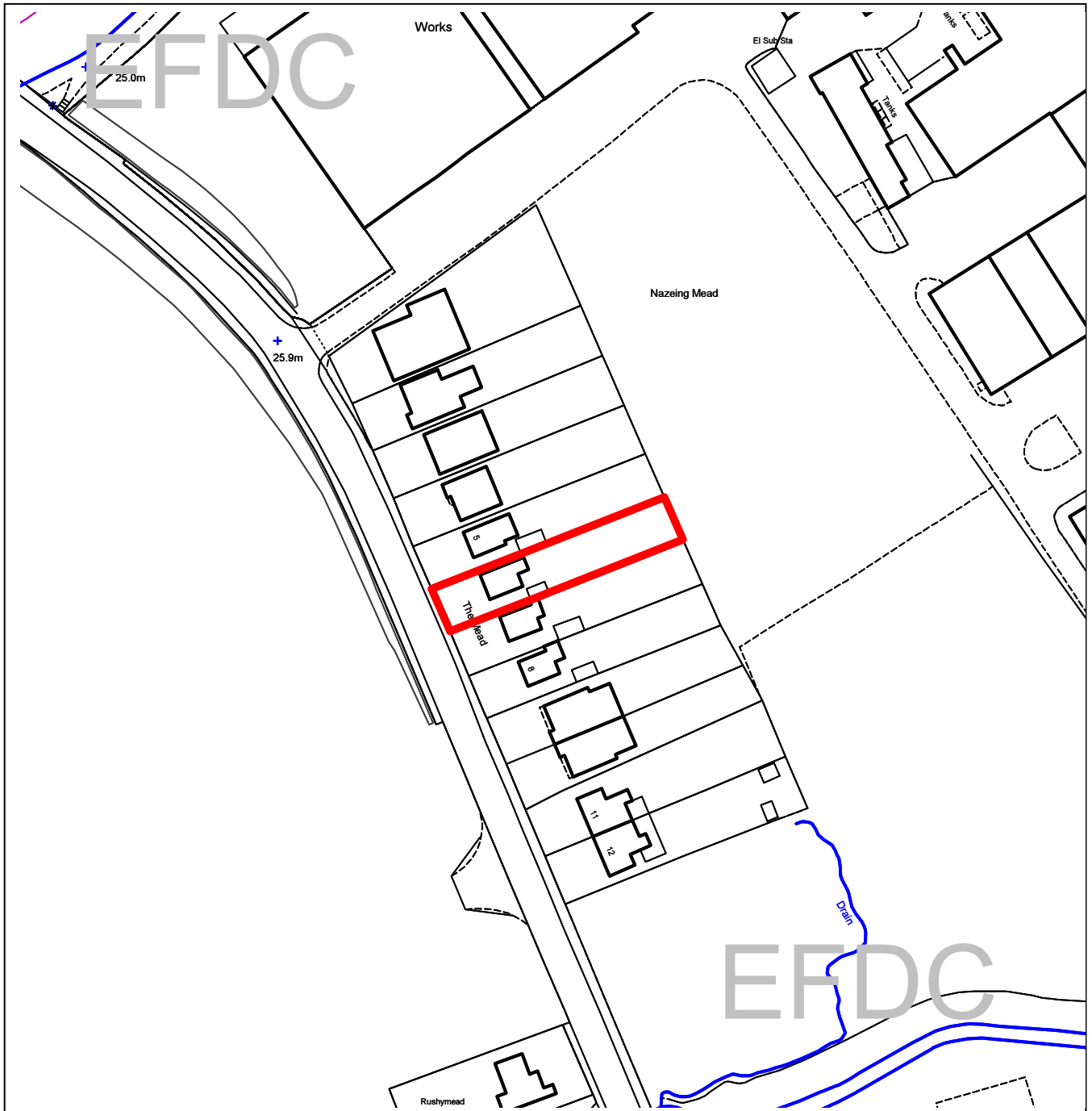
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/2438/11
Site Name:	6 The Mead, Nazeing New Road, Nazeing, EN10 6SS
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0046/12
<b>SITE ADDRESS:</b>	Kingsmead School Epping Road Roydon Essex CM19 5HU
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Ms C Buckingham-Hack
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 6 of planning permission EPF/1053/09 (Change of use from office to non-residential school) to allow for a maximum of 60 pupils to be on the school register at any time.
<b>RECOMMENDED DECISION:</b>	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=534142](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534142)

**CONDITIONS**

- 1 No more than 60 pupils shall be on the school role at any time and no more than 30 members of staff shall be employed on site, unless otherwise submitted and agreed in writing by the Local Planning Authority.
- 2 Prior to the erection of any screen walls, fences, gates or such similar structures, details shall be submitted to and agreed in writing by the Local Planning Authority and shall be erected and maintained to the agreed detailing and positions.
- 3 The premises shall be used solely for a non-residential school and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking or re-enacting that order.
- 4 The school hereby permitted shall be open to students only during the hours of 08.30 to 22.00 on Monday to Friday during term time and not at all at weekends and outside term times.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no development generally permitted by virtue of Part 32 Class A shall be undertaken without the prior written permission of the Local Planning Authority.

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

### **Description of Proposal:**

Consent is being sought for the variation of condition 6 of EPF/1053/09 (Change of use of office to non-residential school). The existing condition reads:

**No more than 30 pupils shall be on the school role at any time.**

**Reason: The application has been assessed on the submitted information on the basis of approximately 27 students. However there is space within the building to potentially accommodate more. Traffic, noise, parking and sustainability issues would need to be reassessed if more pupils were to attend.**

The proposed variation would allow for up to **60 pupils** to be on the school register at any one time.

### **Description of Site:**

The application property is a detached two-storey building with rooms in the roof space. The building was previously used as a school, then for office purposes, and consent was then granted for residential use before being approved and converted back into a school. The site is accessed by a road which enters onto the east side of Epping Road, south of Kingsmead Close, and falls within the Metropolitan Green Belt.

### **Relevant History:**

EPR/0271/67 - Use of school as data processing management and computer training centre – refused 12/09/67

EPR/0389/70 - Change of use – approved/conditions 08/09/70

EPR/0236/71 - Change of use – approved/conditions 08/06/71

EPO/0131/72 - Conversion of premises to 8 flats and erection of 8 garages – approved/conditions 13/06/72

EPO/0162/72 - Use of premises as offices/conference centre/laboratory/staff recreation/visitors accommodation and caretakers flat – allowed on appeal 15/11/74

EPF/1620/80 - External staircase between first and second floors of existing offices – approved/conditions 05/12/80

EPF/1014/81 - Extension of office car parking – approved/conditions 07/09/81

EPF/0699/89 - Three storey extension and ancillary parking – approved 26/06/89

EPF/0091/90 - Two storey extension together with ancillary parking – refused 20/04/90

EPF/1209/05 - Change of use from offices to a boarding school for approximately 100 pupils – withdrawn 07/09/05

EPF/0137/07 - Change of use of existing offices to 9 flats involving external alterations and extensions. Extension to existing building to create 3 houses and erection of detached carports – refused 20/04/07 (appeal dismissed 01/10/07)

EPF/1576/07 - Change of use of existing offices to 9 flats involving external alterations – refused 21/09/07

EPF/2145/07 - Change of use of existing offices to 9 flats involving external alterations – approved/conditions 24/01/08

EPF/0449/09 - Change of use of vacant office space to single residential dwelling and removal of fire escape – approved/conditions 12/05/09

EPF/1053/09 - Change of use from offices to non-residential school - (D1 use) – approved/conditions 20/08/09

**Policies Applied:**

GB2A – Development in the Green Belt

GB8A – Change of Use or Adaptation of Buildings

RP5A – Adverse Environmental Impacts

ST4 – Road Safety

ST6 – Vehicle Parking

DBE9 – Loss of Amenity

**Consultation Carried Out and Summary of Representations received:**

13 neighbours were consulted on this application. No Site Notice was required.

PARISH COUNCIL – No objection.

REGENTS HOUSE, EPPING ROAD – Object as there is a question as to whether the school would be sufficient for 60 students, due to highway and traffic concerns, the lack of pedestrian access to the site, and due to the impact on the local services.

KINGSMEAD LODGE, EPPING ROAD – Object due to highway safety concerns.

ALVAND, EPPING ROAD – Object due to highway safety and traffic concerns, parking and the resulting impact on surrounding residents.

BARDWELLS, EPPING ROAD – Comment that the development may impact on local services and there are serious highway concerns.

**Issues and Considerations:**

The issues for consideration are the impact that the increased number of students would have on the Metropolitan Green Belt, highways, and on neighbouring residents.

It was previously put forward in 2009 (regarding EPF/1053/09) that the proposed school would serve some 27 students ranging in age from 11 to 17 that would have special educational needs. These would be catered for by 10 members of full-time staff and 2 members of part-time staff.

The applicants propose to increase the number of students to no more than 60, which would be served by 24 members of staff. It is proposed that all students would arrive and depart by shared mini cabs that are provided by Essex County Council, which is the current situation at the three other Essex Schools operated by the applicant.

The access to the site would be via the existing access road served by a vehicle crossover on Epping Road. Whilst it is acknowledged that this existing access is less than ideal, the access is in place and has served the site (and the various uses undertaken at the site) for a number of years. The previous office use is estimated to have generated (at full capacity) up to 100 vehicle movements a day given its inaccessible location, and the vehicle movements would likely have coincided with the traditional peak times on the highway network (07:30 – 09:30 and 16:30 – 18:30).

The current use of the site has consent for unrestricted staff numbers and a maximum of 30 pupils, which is currently operating with no detriment to the highway network or safety and which does not appear to coincide with the evening peak on the highway network (although there would be some overlap with the morning peak). The accident data at this location for the last 3 years has been investigated by Essex County Council Highways Officers and there are no recorded accidents at the access, or in the surrounding area, that can be attributed to the use of this site.

Due to the above, it is considered by Essex County Council that an increase to a maximum of 60 pupils including associated staff (which could also be restricted in number) would not generate any more traffic than the previous office use. Furthermore, the applicant states that all students would be dropped off and picked up by shared mini-cabs organised by Essex County Council, which would significantly reduce the level of traffic movements resulting from the proposal and would produce less traffic than the existing school. However it would be difficult to restrict and enforce this by condition.

Concern has been raised by neighbouring residents with regards to the lack of pedestrian access to the site. Given the lack of public transport and local facilities it is not predicted that there would be large numbers of pedestrian movements to and from the site, as the majority of students and staff would likely arrive by car. As such, the lack of pedestrian access in this location is not considered grounds for refusing planning permission, particularly as this is an existing situation with the current facility.

There is more than sufficient space on site for vehicle parking, which has been used as such for several years (particularly when the building was fully occupied for office use). The vehicle parking standards in relation to schools and educational facilities is somewhat vague as it gives a 'general guide' rather than actual requirements. The suggested parking provision for all schools is 1 parking space for every 2 members of daytime teaching staff, and for further/higher education the standards suggest 1 space for every 15 students. The large areas of hardstanding situated to the west of the building would be more than adequate to allow for drop off and pick up points, and could also serve a school transportation bus should one be employed.

The application site is located behind residential dwellings on Epping Road, with the building itself being a considerable distance from the shared boundaries. Given the use of the site as a school, any noise and movement resulting from the site would be during the day at times when less neighbouring residents would be around, and would not be unduly detrimental given the (still) low number of students attending the school. Therefore the increase from a maximum of 30 students to 60 students would not be unduly harmful to the amenities of neighbouring residents.

The increase in the number of students would not have any further impact on the Green Belt over and above the original consent. However it is essential that a restriction to the number of students is still placed on the site to ensure it cannot be used as a fully functioning school catering for significantly more students than hereby proposed without prior consent from the Local Planning Authority.

### **Conclusions:**

Given the previous uses of the site it is considered that the increase in the maximum number of students attending the school would not be any more harmful to highway safety, traffic movements, parking, or neighbouring residents than the existing or previous uses of the site. Therefore the proposal complies with the relevant Local Plan policies and is recommended for approval subject to the following variation:

**No more than 60 pupils shall be on the school role at any time and no more than 30 members of staff shall be employed on site, unless otherwise submitted and agreed in writing by the Local Planning Authority.**

**Reason: The application has been assessed on the submitted information on the basis of approximately 60 students and 24 members of staff. However there is space within the building to potentially accommodate more. Traffic, noise, parking and sustainability issues would need to be reassessed if more pupils were to attend.**

***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:***

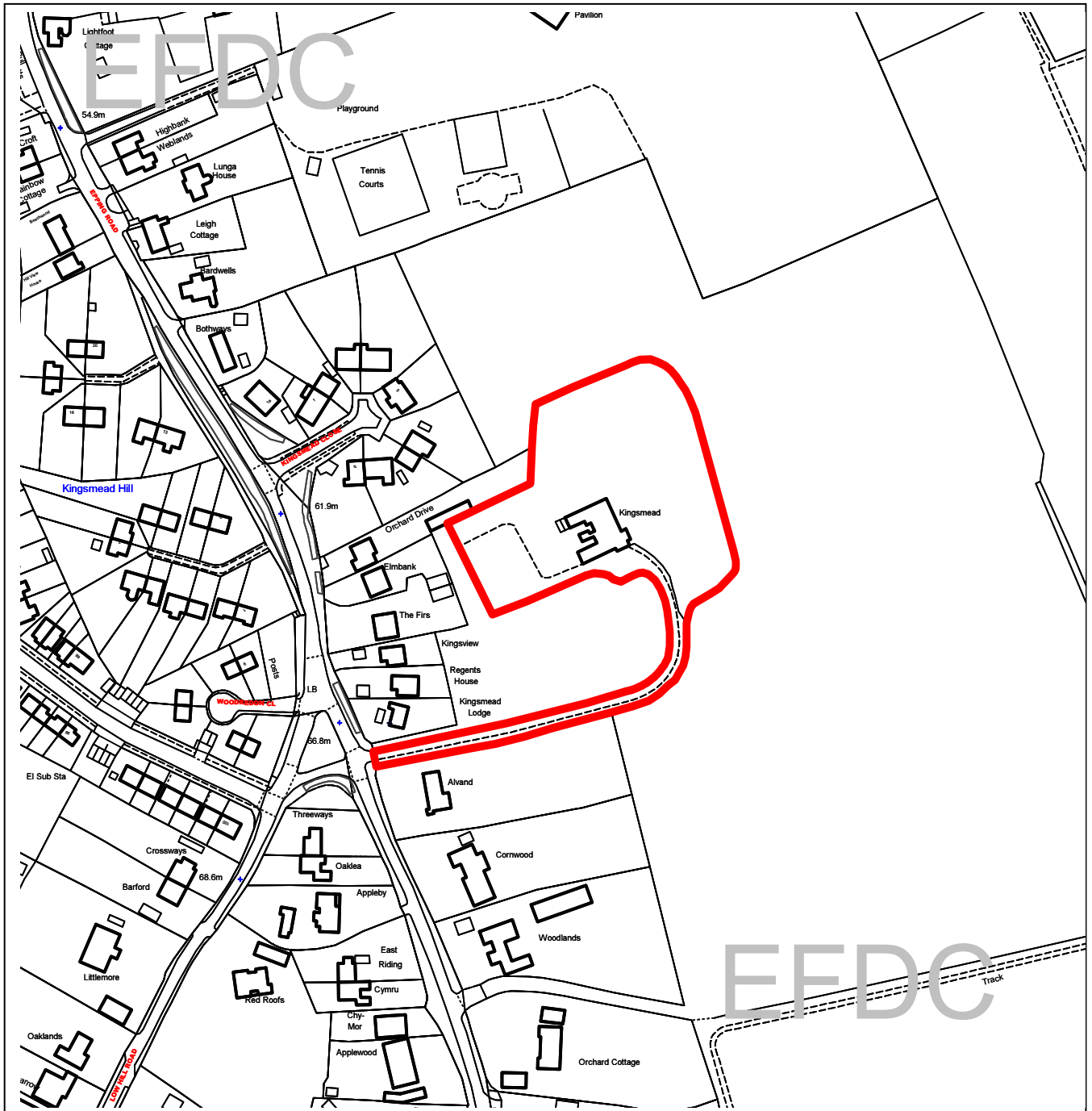
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# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0046/12
Site Name:	Kingsmead School, Epping Road, Roydon, CM19 5HU
Scale of Plot:	1/2500



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0144/12
<b>SITE ADDRESS:</b>	Haslingfield Meadgate Road Carthegena Estate Nazeing Essex EN10 6TA
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Miley Connors
<b>DESCRIPTION OF PROPOSAL:</b>	Part retrospective change of use from use as a single dwelling to a mixed use of single dwelling and residential caravan site for an extended gypsy family with 4 Caravans. (2 for independent living and two as ancillary accommodation to the dwelling)
<b>RECOMMENDED DECISION:</b>	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=534567](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534567)

**CONDITIONS**

- 1 The mixed use of the site as a single dwelling and residential caravan site for an extended gypsy family with 4 caravans hereby permitted shall be carried on only by Miley and Kathleen Connors, Patrick and Margaret Connors, Miley (Senior) and Mary Connors, Margaret Murphy and their resident dependants, and shall be for a limited period ending in January 2017, or at such time the premises are no longer occupied by the persons named above, whichever is the shorter.
- 2 When the land ceases to be occupied by those named in condition 1 above, or at the end of January 2017, whichever shall first occur, the use hereby permitted shall cease and all non-ancillary caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
- 3 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time, 2 of which shall be occupied only as ancillary accommodation to the dwelling house and not as separate residential units.
- 4 Unless within 3 months of the date of this decision a Flood Risk Assessment is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 3 months of the Local Planning Authority's approval, the use of the site hereby permitted shall cease until such time as a Flood

Risk Assessment is approved and implemented; and if no scheme in accordance with this condition is approved within 18 months of the date of this decision, the use of the site hereby permitted shall cease until such time as a scheme approved by the Local Planning Authority is implemented.

- 5 There shall be no stationing or parking of LGVs or vehicles over 3.5T on site, and no commercial or business uses shall take place at any time on the site.
- 6 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

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

This application is before this Committee since it has been 'called in' by Councillor Bassett (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

#### **Description of Site:**

The application site was originally a recreational chalet plot located within the Carthegena Estate, Nazeing. It is understood from Council records that the chalet became lawfully used as a dwellinghouse sometime in the late 1970's/early 1980's and the year round occupation of the chalet is lawful. There is a shed in the rear garden which was erected within the limits of permitted development and Council records concur with this view. The site has an area of approximately 1400 sq. m and is relatively well screened from the surrounding area by existing hedging. The site is located within the Metropolitan Green Belt, the designated Carthegena Holiday Estate, and the Lee Valley Regional Park. Furthermore the site lies within the Environment Agency Flood Zones 2 and 3.

#### **Description of Proposal:**

Part retrospective consent is being sought for the use of the site as a mixed use of single dwelling and residential caravan site for an extended gypsy family with 4 caravans. Two caravans are located to the rear of the site and are in situ, with two proposed caravans to be located towards the front of the site. The site has been used by the current occupants since 2003; however recent enforcement investigations have highlighted the need for planning permission on the site. The rear caravans are self contained and occupied by the Applicant's sons and respective spouses/family. The proposed additional caravans are for the Applicant's two daughters and the applicant's Mother in Law – the two proposed caravans would be used as sleeping accommodation but meals and bathroom facilities would be provided within the existing dwelling.

#### **Relevant History:**

No relevant history on this site other than that outlined above  
Recent history at adjacent sites:

Auburnville - a Gypsy Site was granted planning consent on appeal for a temporary period in September 2011

Devoncot – EPF/2411/11 - Use of site for private gypsy/traveller site for one family comprising two mobile homes, two touring caravans and utility building – Allowed temporary consent – January 2012

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB5 – Residential moorings and non-permanent dwellings

GB10 – Development in the Lee Valley Regional Park

H10A – Gypsy caravan sites

RST9 – Carthegena and Riverside chalet estates

RST24 – Design and location of development in the LVRP

U2A – Development in Flood Risk Areas

U2B – Catchment effects

### **Summary of Representations:**

2 neighbours were consulted and a Site Notice displayed on 15<sup>th</sup> February 2012

PARISH COUNCIL – Objections – This application is within the Green Belt and the Lee Valley Regional Park and would be contrary to policies GB10, GB15, RST 24 and RST 9. The property is a holiday home and not a residential dwelling.

LVRPA - The Authority has a substantial concern regarding the intensification of the existing residential use of the site on grounds that residential use is contrary to Section 12 of the Lee Valley Regional Park Act 1966 and is not compatible with the Green Belt or Regional Park designations. The development increases the visual impacts on the Green Belt and Regional Park and approval of such an intensification could set an undesirable precedent. The Authority requests that the Council take enforcement action to secure the cessation of this use and requiring removal of unauthorised buildings.

### **Issues and Considerations:**

The use of land within the Green Belt for the stationing of caravans for residential use is considered to constitute 'inappropriate development', as such the main considerations of this proposal is whether there are sufficient very special circumstances to outweigh this, and any other identified harm (such as the impact on the LVRP) and with regards to flood risk.

#### **Harm to Green Belt:**

The application site is within the Metropolitan Green Belt where the presumption is against inappropriate development unless there are very special circumstances that clearly outweigh this harm. The stationing of caravans for residential purposes does not fall within the acceptable uses permitted within the Green Belt as outlined within PPG2 and Local Plan Policy GB2A and therefore this use is by definition harmful to the openness of the Green Belt.

However, notwithstanding the above, the application site has a lawful use as a dwelling house and therefore the use of the land is residential. The two proposed caravans to the front of the site are for ancillary living accommodation for the Applicant's daughters and Mother in Law, with meals and bathroom facilities provided by the main dwelling, therefore the proposed caravans would be ancillary to the use of Haslingfield as a single dwelling and would not require planning permission in their own right. This would be the same as if an outbuilding within the curtilage of a residential

dwelling were converted to ancillary accommodation for a family member and therefore there is no change of use of the land and planning permission is not required. As these caravans have also been included within the application this provides the opportunity to limit the number of caravans on the site and limit occupation only to family members if this application were approved. This would avoid any additional pressure on the Green Belt.

The existing two caravans to the rear of the site are used by the Applicant's two sons and are self contained, not requiring facilities from the main house, and require planning permission because they each form a separate planning unit. The use of the rear part of the site for a permanent Gypsy/Traveller pitch, with the associated residential paraphernalia and intensification of the existing use, would clearly have a greater impact on this Green Belt location than the existing single dwelling use.

However, as outlined within the adjacent site history, an Enforcement Notice for the use of Auburnville, also within the Carthegena Estate, for a Gypsy Site was granted planning consent on appeal for a temporary period in September 2011. Within this appeal decision the Planning Inspector recognises that

*"there would be some additional impact on openness"* however the Inspector concludes that *"there is limited additional harm to the openness and the purpose of the Green Belt. The effect on the character and appearance of the surrounding countryside would not be unacceptable"*. As such, whilst very special circumstances would be required to clearly outweigh the 'in principle' harm from this development, a similar view should be taken to the physical harm to that at Auburnville.

The four arguments put forward with this application are, there is a national, regional and local need for additional Gypsy sites, that this is an existing residential site with a lawful use, the applicant and family members have access to health care and education and the two caravans to the rear of the site are for family members as such this could constitute special circumstances to outweigh the harm to the Green Belt.

#### Other harm:

Aside from the above 'in principle' harm to the Green Belt, the application site is also located within the Lee Valley Regional Park and Flood Zones 2 and 3. When assessing 'very special circumstances', these must clearly outweigh the harm to the Green Belt *"and any other harm"* as stated within PPG2.

#### *Impact on LVRP:*

With regards to development within the Carthegena estate, policy RST9 states that:

**The Council will not grant planning permission for any development within the chalet estates at Carthegena and Riverside where this would prejudice the Lee Valley Regional Park Authority's proposals for the area.**

This is backed up by policy GB10, which only allows for development within the LVRP which is *"necessary to enhance the function and enjoyment of the Park for its users"*. As the LVRPA has objected to this proposal due to the intensification of the use the proposed development clearly prejudices their proposals for the area. The proposal does not *"conserve and, where possible, enhance the landscape of the Park or its setting"*, as required within Local Plan policy RST24, and the scheme would not *"have regard to the importance of the Park for leisure, recreational and nature conservation. (ii) safeguard the amenity and future development of the park; and (iii) conserve and, where possible, enhance the landscape of the Park or its setting"*.

The Inspector in the appeal decision for Auburnville stated that *'It (the proposal) would frustrate the Regional Park Authority's policy of obtaining plots as they become available and thereby prejudice the Authority's proposals for the area. It is considered that this application also fails to comply with policy relating to the Lea Valley Regional Park.*

*Flood risk:*

The application site is located within the Environment Agency Flood Zone 2 and 3. A Flood Risk Assessment was not submitted with the application and, as such, the Environment Agency object to the development as the use of the site for a Gypsy/Traveller site is classified as 'highly vulnerable' and no justification has been provided as to why it would be acceptable or appropriate in this area (which has a high probability of flooding).

The Planning Inspector assessed the issues of flood risk when assessing Auburnville as a Gypsy site, and stated, given the inadequate FRA submitted, *"I am unable to conclude that the degree of flood risk to site occupants and others would be acceptable throughout the lifetime of the proposed land use. This is a factor to which I attach considerable weight"*. As no FRA has been submitted with this application there is no way to assess the potential long term flood risk resulting from this site. On the appeal at Auburnville it was concluded that this is *"an area that is unsatisfactory for such development from a flood risk perspective"*.

*Very special circumstances:*

*Existing use:*

The applicants (Mr and Mrs Connors and their family members) have resided on the site since 2003. It is not considered that the part retrospective nature of the development alone constitutes very special circumstances that clearly outweigh the in principle harm on the openness of the Green Belt, the harm to the function and enjoyment of the LVRP, and the risk of flooding.

*Need for additional Gypsy sites:*

The need for additional Gypsy and Traveller sites is a common issue raised, however this need will be dealt with through the allocation of land. Until this time applications are being considered on a case by case basis. However it is not considered that this specified need is sufficient to constitute very special circumstance.

The argument for an outstanding need for Gypsy sites was assessed by the Planning Inspector on the Auburnville appeal, which was dealt with thoroughly at a Public Inquiry, and it is stated within the appeal decision that:

*"Bearing in mind the permissions which have been granted by the Council, or on appeal, in recent years it is clear that good progress has already been made towards the provision of additional Gypsy sites in order to achieve the RSS requirement, even though land has not yet been specifically allocated for this purpose. The Council indicates that Policy H10A was prepared and adopted having regard to quantitative assessments at that time. Even so, this criteria-based policy is now somewhat out-of-date and does not reflect the Circular 01/2006 guidance. The current*

*inadequacies of the Development Plan Gypsy policy background is a material consideration of some weight in this appeal”.*

The Inspector then goes on to state *“I conclude that a significant unmet need already exists in the District. This is a factor which weighs strongly in favour of the appellant”.*

*Personal circumstances:*

The applicants have resided on the site for a period of approximately nine years. The application site provides a settled base from which to access health care facilities and schooling, and a moderate amount of weight should be attributed to this.

*Conclusions:*

The appeal on Auburnville, coupled with the recent approval at Devoncot, are both comparable to this case as similar arguments were put forward as those put forward in this instance. However, unlike Auburnville and Devoncot this proposal is on a site that benefits from use as a dwelling rather than holiday use and therefore in comparison holds greater weight, particularly, as part of this application, the front two proposed caravans are ancillary to the dwellinghouse and therefore would not require planning permission in their own right. Whilst the personal circumstances of the families, at Auburnville, Devoncot and at this application site differ, the appeal decision on Auburnville, and the subsequent approval on Devoncot are a material consideration in this instance.

The Planning Inspector previously assessed the need for additional Gypsy sites in the District and personal circumstances of the occupants against the in principle harm of the development in the Green Belt, impact on the LVRP and potential flood risk. To this they concluded that:

*“The material considerations in support of this appeal taken together do not outweigh the conflict with Development Plan and national policies designed to protect the Green Belt so as to justify the grant of a full planning permission on the basis of very special circumstances.”*

However, the Inspector goes on to state that:

*“There is an unmet need but no available alternative Gypsy and Traveller site provision in the area. There is a reasonable expectation that substantial progress will have been made as regards the availability of alternative sites in the area to meet that need at the end of the period of 5 years. This will allow time for the Council’s emerging housing policy strategy that will include Gypsy and Traveller site provision to make substantial progress.”*

*“The grant of a 5 year temporary permission would also enable the family to access medical and educational services, and continue to receive the support and care that they need, without disruption. The harm resulting from a temporary planning permission would not endure permanently. I conclude that the factors in support of this appeal, including the need for Gypsy sites in the area, and the personal accommodation needs and circumstances of this particular Gypsy family, taken together amount to very special circumstances sufficient to justify the grant of a temporary planning permission for the period of 5 years”.*

**Conclusion:**

The proposed development constitutes inappropriate development within the Green Belt, would adversely impact on the character, use and future development of the Lee Valley Regional Park, and is in a location not suitable for this type of development due to flood risk. Insufficient very

special circumstances exist to clearly outweigh this harm and to justify a permanent consent being given.

However, as concluded by the Planning Inspectorate at the nearby Auburnville site, the need for additional Gypsy sites within the area and personal circumstances of the applicants would be considered sufficient to amount to very special circumstances to justify the grant of a temporary planning permission. Planning Committee also agreed with the Inspector in deciding the application for Devoncot which was granted a five year temporary consent in January.

It is considered acceptable to grant a temporary permission for this application to coincide with that given at Devoncot and therefore a temporary consent which would end in January 2017. This is considered to allow ample time for the Council to progress with their housing policy strategy to provide allocated Gypsy site provision. A temporary consent would also provide the Council with the opportunity to control the number of caravans on the site and limit the occupants to family members. As such the proposed development is recommended for a temporary planning approval, subject to conditions.

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

***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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

