

Report Item No: 1

APPLICATION No:	EPF/1276/12
SITE ADDRESS:	149 Roundhills Waltham Abbey Essex EN9 1TF
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr William Rex
DESCRIPTION OF PROPOSAL:	TPO/EPF/16/91 T1 - Acacia - Fell
RECOMMENDED DECISION:	Refuse Permission

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=539019

REASON FOR REFUSAL

- 1 Insufficient reasons have been provided to justify the removal of this tree. The loss of the tree's existing and potential visual amenity is therefore contrary to policy LL10 of the Council's Adopted Local Plan and Alterations..

This application is before this Committee since it is an application to fell preserved trees and is recommended for refusal (Pursuant to Section P4, (3) of the Council's Delegated Functions)

Description of Proposal:

T1. Robinia pseudoacacia 'Frisia' – To fell to ground level, and not replace.

Description of Site:

This is a young tree, 10 years old, standing around 8 metres tall. It stands in a visually significant location in the front garden of one of a short terrace of 4 dwellings.

Relevant History:

There are detailed records of the history surrounding this tree. Originally, an order was served on a Norway maple at this address at the request of the then owner but that tree was damaged in 1995. Notes taken at the time gave details of 19 holes drilled into the lower stem up to 1.1 metres above ground level. In November 2001 it fell over. The then owner planted the Robinia to replace it in a more central location in her garden. It was also protected by order, because of its potential value in this locally prominent location.

No records of works to this young tree are on file but photographs show that the tree has doubled in size since 2005.

Relevant Policies:

LL9 Felling of preserved trees.

SUMMARY OF REPRESENTATIONS

2 neighbours were consulted but no responses have been received at the time of writing this report.

WALTHAM ABBEY TOWN COUNCIL objected to the proposal but added the following comments: Whilst committee objects to the felling of this tree as no justifiable reason has been put forward to do so, would not object to reducing the size of the tree, provided that was done with the appropriate controls in place regulating the amount of tree reduction.

Issues and Considerations:

Issues

The reasons given for this application are made as follows:

- i) The tree has been planted in the middle of the front garden, preventing the use of this area for extra car parking spaces, which are likely to be wanted for the applicant's three sons, when they each become car drivers.
- ii) The tree is neither rare or particularly pretty and quite common locally.
- iii) The previous owner planted the tree to 'snub' her neighbour
- iv) If permission was granted the applicant would seek professional arboricultural help, e.g. a tree surgeon
- v) The applicant does not intend to replace the tree but would not pave over the whole area but is willing to keep a strip of about 3 feet nearest to the house for planting

Consideration of the reasons given

i) Car parking need

The reason is speculative. No evidence is provided of consideration of alternatives to paving the front garden. There is no evidence of any attempt to consider adding further parking spaces with the tree retained. It was noted that there is a 6 square metre 'lay by' with an 8 metre long front drive and garage also available for parking. This space could reasonably accommodate at least four cars without disturbing the tree. Therefore, there does not appear to be an immediate and justifiable need to lose the tree on these grounds.

ii) Rarity and visual appeal

The applicant considers the tree to be neither rare nor pretty. In the context of the immediate locality, however, it is the only one of this species. It has bright and colourful foliage and is a visual asset in landscape terms to local amenity.

iii) The previous neighbour dispute.

There is no evidence to substantiate the statement that this tree was deliberately chosen to cause maximum offence to the neighbour. The loss of the previous tree required a replacement under the Order and this was agreed by the Council's Landscape Officer.

iv) Professional arborist

To seek professional services is to be encouraged but can bear no weight on the argument to remove the tree.

v) No intention of replacing tree if allowed to remove.

This "offer" makes the point that the amenity that the tree currently provides would be lost irrevocably as a result of the proposal.

Conclusion

There is every chance that, if left, this tree could grow to maturity as a significant local landscape feature. Robinias are relatively short lived trees, so consideration could be given to an application to replace this specimen with a semi mature tree with different visual characteristics and a longer life expectancy

It does limit the potential to park cars in front of the house, as happens at neighbouring properties but that in itself is not sufficient reason to accept the permanent loss of amenity its removal would cause. It is, therefore, recommended to refuse permission to this application on the grounds that the reasons given for the felling fail to justify the need for the tree's removal. The proposal is contrary to Local Plan Landscape Policy LL9

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:

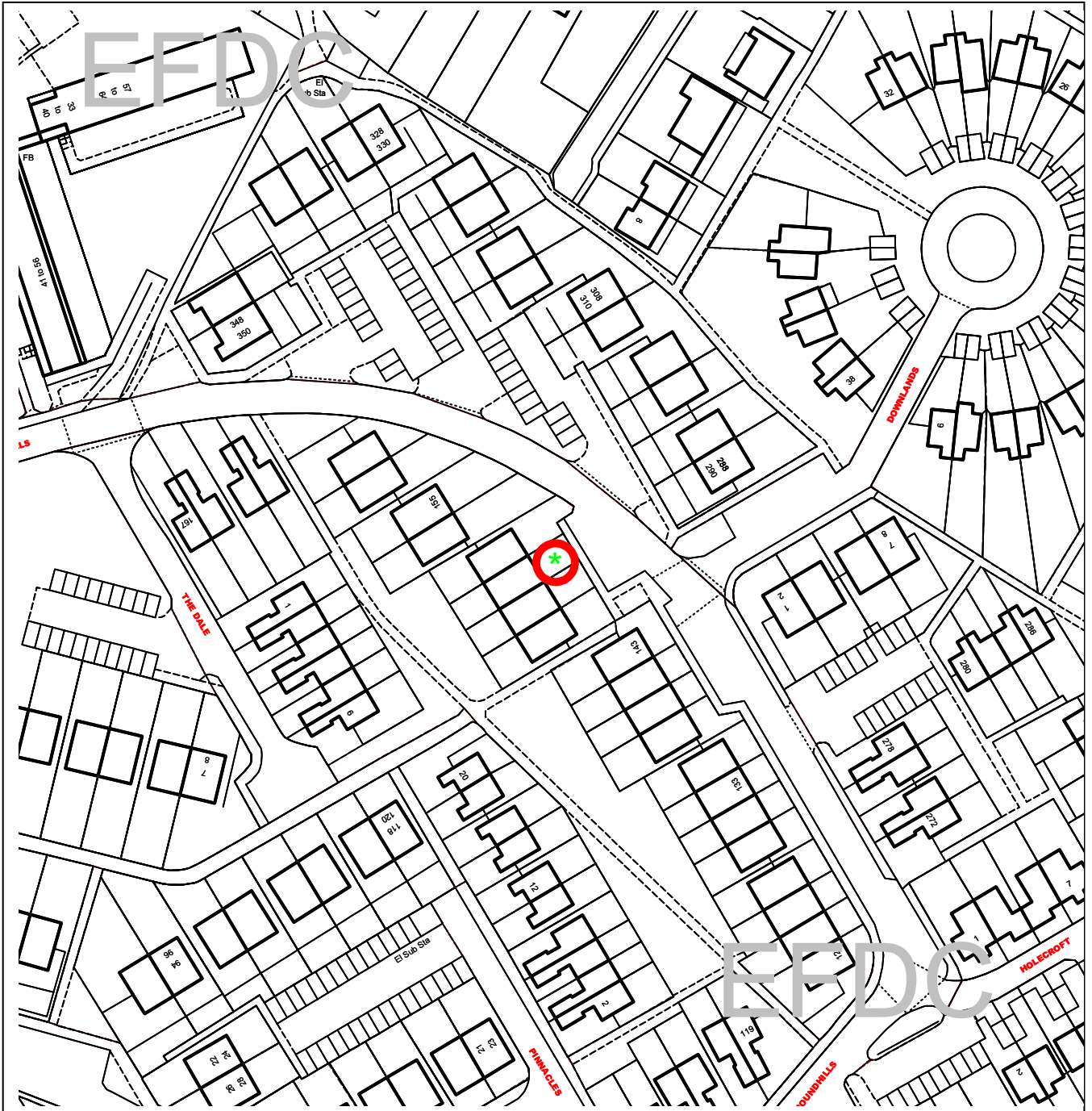
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/1276/12
Site Name:	149 Roundhills, Waltham Abbey EN9 1TF
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0125/12
SITE ADDRESS:	110 Brooker Road Waltham Abbey Essex EN9 1JH
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	English Rose Estates Limited
DESCRIPTION OF PROPOSAL:	Change of use on ground and first floor to D1 College/Community Centre.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534467

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: Ordnance Survey Location Plan date stamped 18/01/12, W01, W02, W03 (Existing plans), W03 (Proposed plans), W04
- 3 The premises shall be used solely for D1(c) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 4 The use hereby permitted shall not be open to students outside the hours of 09:00 to 18:00 on Monday to Saturday and at no time on Sundays and Bank/Public Holidays.
- 5 No more than 20 students shall be on site at any time.

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))

ADDITIONAL INFORMATION:

The application was deferred from the Area Plans Sub Committee West meeting dated 18th April 2012 for further information to be obtained and so that a Members site visit could take place. Whilst the below information was provided no site visit was able to be arranged. The application was subsequently deferred again from Area Plans Sub Committee West meeting dated 18th July 2012 for a site visit to be arranged and to request that the applicant attend the next Committee to answer questions. A Members Site Visit has now taken place.

It was also requested further details of the marketing evidence for this property be provided. Unfortunately, as stated within the below report, no marketing evidence has been specifically provided for this application, but instead the lack of demand is based on the previous marketing undertaken on this site, and as the site was still been advertised on at the time of writing the report. The particulars of these advertised one office of 378 sq. ft. for £252pcm, and the larger 21,000 sq. ft. office at POA. Other office buildings were also being marketed in Brooker Road for £37,500 pa (5,000 sq. ft. office), £10,720 pa (1,340 sq. ft. office), and £14,400 pa (1,800 sq. ft. office). These all indicate that there are several vacant offices within this estate and support the lack of market demand previously accepted on this site.

Previous information sought:

- Age of the children using the site? *13 - 16 10am - 3pm. YR9, YR10, & YR11 then 17 - 21 5pm - 8pm*
- Where will they come from? *Majority will be from Essex and a small number from Enfield*
- How are the children supervised (both during school hours and during break times)? *Young people are supervised by professional qualified support workers, mentors and teachers both in lessons and at break times.*
- Types of activities that are to be carried out on site? *Education: Maths & English. Vocational: Motor Go Kart project, Hair & Beauty, Cooking, Food Hygiene, Fitness Coaching, Music Production, life skills and support in work apprenticeships. All subjects are supplied with qualified teacher and supported by a college of further education*
- Who will be running and managing the site? *The HECP (Howard Edward Community Project) Charity who will be commissioning all the above mentioned activities, Not for Profit, will employ a qualified and experienced site manager.*
- Will it be run by the Local Education Authority or a Private Company? *It will be run by the HECP Charity under the guidance and regulation of Local Education Authorities*
- What security measures are around the site (Councillors are concerned as there are vulnerable people on site)? *Young people are picked up and dropped off from their homes, and/or schools and brought to the site. At no time are young people allowed to leave site without a key worker present with them, all meals are provided for on the site. The centre has state of the art CCTV installed together with door security and an admin officer who checks all incoming and outgoings of visitors. The alternative education centre will be above the legal requirements, which is needed at this time. This is to insure that we are ready when the law changes sometime this year with alternative provision. It means that for a P.R.U (Pupil Referral Unit). We are already preparing for our Ofsted inspection once the law changes and are striving to be a example of good practise. All young people are risk assessed before coming onto the project and whilst they are with us If*

through this process we feel that a young person may be of harm to themselves or others we would not be able to take the referral.

- What are the requirements for staff with regards to CRB checks? *All staff are subject to a fully enhanced CRB check before they can start working with young people, this is renewable every 2 years after their start date.*

The above information has not changed the Officer's recommendation on this application, which is to approve subject to conditions.

ORIGINAL REPORT:

Description of Site:

The application site is a three storey commercial property located on the southern side of Brooker Road. The site is located within the Brooker Road industrial estate and is designated as an employment area in the adopted Local Plan. The change of use relates to the ground and first floor office area, with the second floor remaining as B1 use. The entire building is served by parking areas to the front and rear of the building. Access to the industrial estate (and the site) is via Cartersfield Road to the east (vehicular and pedestrian) and Brooker Road to the north (pedestrian).

Description of Proposal:

Consent is being sought for the change of use of the ground and first floor B1 offices to a D1 College/Community Centre. The intended use of these premises would be for 'unengaged individuals' who struggle to fit in their schools. The supposed plan is that such individuals would undertake Maths and English classes at their respective schools and will be transported by minibus to the application premises to engage in vocational courses before being transported back to their schools.

Relevant History:

EPF/0335/88 - New light industrial building to replace abattoir – approved/conditions 06/06/88
EPF/0278/09 - Change of use of ground floor office to A3 use – approved/conditions 30/06/09
EPF/1449/11 - Change of use on first floor to D2 Gymnasium – approved/conditions 05/09/11

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
CP7 – Urban form and quality
E1 – Employment areas
E4B – Alternative uses for employment sites
E5 – Effect on nearby developments
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

Summary of Representations:

A Site Notice was displayed on 01/02/12.

TOWN COUNCIL – Object as there is already one youth facility in the area that previously caused problems. The area is of a very mixed use (leisure, retail and commercial) and the Town Council feels it is not a suitable use of site and that it should be considered for commercial use, rather than D1 College/Community Centre use.

Issues and Considerations:

The key issues in relation to this application are the impact on the existing employment area, the surrounding area, and with regards to highways and parking provision.

The application site is within a designated employment area. Local Plan policy E1 states that *“the redevelopment of existing sites or premises or their change of use to uses other than business, general industry or warehousing will not be permitted”*. However policy E4B nonetheless addresses ‘alternative uses for employment sites’ and states:

Where it can be proven that there is no further need for employment uses on a particular site, the Council will permit alternative uses which fulfil other community needs and which satisfy other policies of the plan.

The site is located within a designated employment area on the edge of the built up area of Waltham Abbey, which is a large predominantly residential town that is served by, albeit limited, sustainable transport. As confirmed by the Town Council, Brooker Road Industrial Estate has diversified over the years to include a mix of uses including leisure, community use and retail and also serves as the vehicular access into Town Mead recreation ground. Due to this it has clearly been accepted that alternative uses are acceptable in this estate.

The first floor section of the building has previously been approved for a change of use to a gymnasium (D2) as it was considered that sufficient marketing had taken place to justify the loss of this part of the site. Whilst no marketing evidence has been specifically provided with this application, the previous decision clearly considered that sufficient marketing had taken place on the site at that time (September 2011) and included a letter from Duncan Phillips Ltd. (Estate Agents) dated 26th August 2011 that stated *“despite marketing the above premises on your behalf over the last 2 years we have been unsuccessful in securing long term tenants”*. It goes on to specify that *“market conditions are difficult at present and Waltham Abbey does have a dearth of empty offices which are being offered at competitive prices”* and confirms that *“we will continue to offer these offices on your behalf and advise of any interest shown”*. Since this date the site has continued to be marketed as a B1 Office building, with the details currently still available on As such, this is considered to clearly prove that there is no further need for commercial B1 use on this site. Additionally, there are other office units within Brooker Road currently being marketed for commercial purposes, which shows further lack of market demand for office use in this locality.

As stated within policy E4B, if it is proven that there is no further need for employment uses on a site then alternative community uses should be considered. With regards to the proposed use as a school/community centre (D1), it is stated that the intention of the proposed use would be to provide vocational courses to unengaged individuals. This would involve a minibus transporting said individuals from their local schools (where they would conduct their Maths and English classes) to the site where they will engage in vocational courses before being transported back. The number of students would be relatively low (between 10 and 20 at any one time) and the school would be used between the hours of 10am and 3pm three or four days per week. No information has been received with regards to the proposed ‘community centre’ aspect of the development, however it is presumed that the applicant considers the type of use to fall between

the classifications of a school and a community centre, rather than this forming a separate use. Such a proposed use would be considered to constitute a 'community use' and would therefore be considered acceptable as an alternative use to this site.

Whilst the Town Council do not consider this site as being suitable for the proposed use and feel that this may cause 'problems' (although the suspected problems are not defined), there have been several units converted in Brooker Road Industrial Estate in recent years, including provision of a day care centre, karate academy, and the gymnasium on this site. None of these uses would traditionally be 'suitable' within an industrial estate, however the nature and character of Brooker Road has diversified over the years into a more mixed use estate. As such it is not considered that the provision of a community college facility would be unsuitable for this location.

The proposed college would still retain an element of employment and would offer training in vocational courses, which consists of training in a craft, trade, or professional position and would be broadly in line with the commercial uses of the industrial estate. As such the proposed use is considered to be acceptable in this location. Tight restrictions on the use of the building could be imposed to ensure this unit is not used as a general school which, if unrestricted, could result in a high number of students visiting this site and could cause traffic, parking, and/or safety concerns. However a restriction on the number of students on site at any one time would successfully protect against this. Furthermore a restriction of the hours of use could be imposed to control unsocial opening times, although this may not be considered as essential.

There are currently 36 parking spaces associated with this site, which would serve the college/community centre and any existing B1 element retained on the second floor. Whilst there are known issues with parking problems within this industrial estate the low number of students proposed would not result in a requirement for significant off street parking provision.

Conclusion:

The site has been marketed for B1 business purposes for a period of at least two and a half years without any interest, and planning permission has previously been granted for a change of use of the first floor as a gym. The proposed vocational college would constitute a community use, which is the preferred alternative use stated within policy E4B, and subject to restrictions would be suitable to this site. As such the application complies with the requirements of 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:

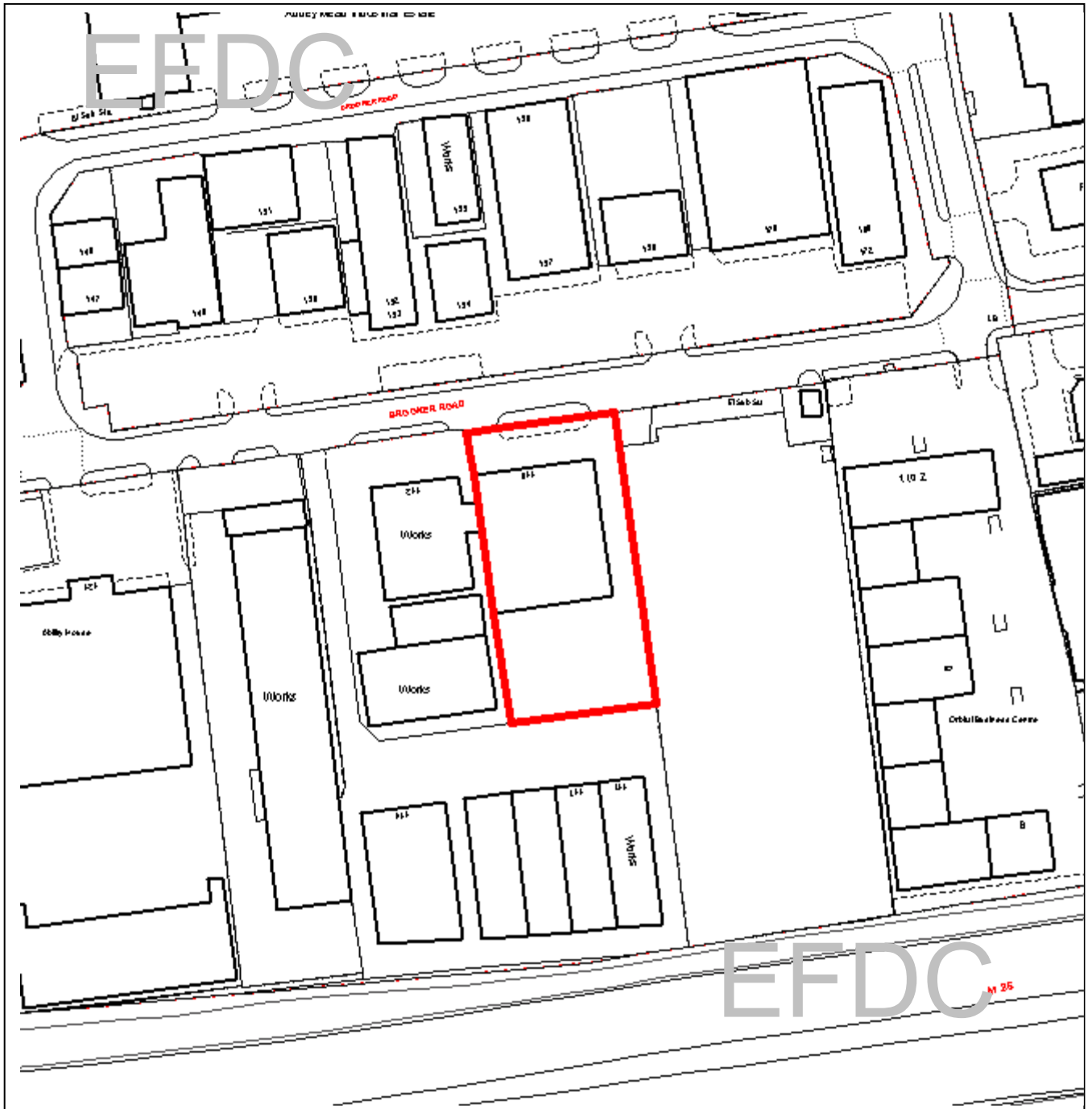
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



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Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/0125/12
Site Name:	110 Brooker Road, Waltham Abbey EN9 1JH
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0925/12
SITE ADDRESS:	Ricotta Transport Epping Road Nazeing Essex EN9 2DH
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Joe Ricotta
DESCRIPTION OF PROPOSAL:	Retrospective consent for the extension of the existing hardstanding for the parking of vehicles.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537465

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3218/2
- 2 No development shall take place until details of 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.
- 3 The approved hardstanding shall be retained free of obstruction for the parking of vehicles related to the transport use of the site known as Ricotta Transport, Epping Road, Nazeing and for no other purposes, and shall not be sold off or used separately from the area of land outlined in blue on Plan Ref: 3218/2.
- 4 Within 3 months from the date of this decision, a scheme of soft landscaping and a statement of the methods, including a timetable for its Implementation (linked to the development schedule), shall be submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

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:

The application site is an established transport yard located within the former nursery site of Tyler's Cross, Tyler's Road, which now primarily consists of small scale horticultural nurseries, disused glasshouses, light industrial uses, and several Gypsy and Traveller plots. The site is predominantly laid to hardstanding and used for the parking of vehicles, however the northern section was/is vegetated land. There is a large building in the southern section and a temporary structure to the northwest of this. The temporary structure is the subject of enforcement investigations. A second building previously stood adjacent to that currently on site, however this has recently been demolished.

The application site is located within the Metropolitan Green Belt and within a designated E13 Glasshouse area, however the draft emerging plan has recognised that the central section of Tyler's Cross Nursery (where the application site and Gypsy pitches are located) should be removed from this designation. Whilst this plan has not been adopted by the Council at this stage, it is a material consideration.

Description of Proposal

Retrospective consent is being sought for the laying of hardstanding towards the north of the site to extend the existing hardstanding. The area of hardstanding was formally a vegetated area of land, however has been used for the past year for the parking of buses and coaches.

Relevant History:

There is a long history with regards to the former Tyler's Cross Nursery site, however no applications are directly relevant to this proposal with the exception of:

EPF/0926/12 - Outline consent for the erection of storage building to replace former permanent buildings and existing temporary structure – currently under consideration

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
CP3 – New development
GB2A – Development in the Green Belt
GB7A – Conspicuous development
E13B – Protection of glasshouse areas
E13C – Prevention of dereliction of new glasshouse sites
ST4 – Road safety

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Summary of Representations:

4 neighbouring properties were consulted and a Site Notice was displayed on 22/06/12.

PARISH COUNCIL – Object as this is Metropolitan Green Belt, is excessive development, and due to access/highway concerns.

Issues and Considerations:

The main issues to determine are the impact on this Green Belt location, on the surrounding area, and with regards to highway safety.

Green Belt:

The application site is a long established transport company located fairly central within the Tyler's Cross Nursery site. The development under consideration here is an engineering operation as it consists of the laying of hardstanding. The National Planning Policy Framework (NPPF) outlines what does not constitute inappropriate development, and states that:

"Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

...

- *Engineering operations".*

The proposed development can therefore be considered as 'not inappropriate development' provided the proposed development "*would preserve the openness of the Green Belt*". Although large areas of hardstanding such as this do urbanise the Green Belt and are often considered harmful to the openness, the site is surrounded by large structures, including operating and redundant glasshouses, residential Gypsy pitches and light industrial buildings. The majority of the site is already laid to hardstanding, as are the majority of the surrounding sites within Tyler's Cross Nursery. The previous use of this site was a large scale horticultural nursery, whereby it would be expected for large expanses of hardstanding to be laid. The area of land is surrounded by other forms of development and screened to the north by existing planting, which can be strengthened by additional landscaping. Due to this it is considered that the proposed development would not have any detrimental impact on the openness of the Green Belt.

The other material considerations in this application are the benefits that the proposed development would have on the established business use on the site and the surrounding area. The site is currently occupied by Ricotta Transport and Logic Travel, who have been operating from the site for over 20 years. The business has recently amalgamated with another local transport company called Galleon Travel. Logic Travel/Galleon Travel operate approximately 26 vehicles at present, with about 6 coaches devoted to long distance travel, about 15 to school bus runs and about 5 to local bus routes.

The company currently operates the L3 weekday bus service, which transports passengers from Cuffley Station through to Harlow Bus Station and provides an important sustainable transport service. The company provides school transport, with 8 school contracts, along with work for some 95 other schools. A full list of the schools served has been submitted with the application, which includes schools in Abridge, Loughton, Buckhurst Hill, Ongar, Epping, Fyfield, Epping Green, Waltham Abbey, High Ongar, Roydon, and Theydon Bois. The proposed hardstanding is essential to accommodate the additional buses and coaches on this site to serve these services. As such, the existing business serves an important local (and wider) sustainable transport service and meets a social need within the district.

The NPPF puts great emphasis on promoting sustainable economic growth and supporting existing businesses and states that "*the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth*" and that planning should "*support existing business sectors, taking account of whether they are expanding or contracting*". Furthermore, it also seeks to "*promote the retention and development of local services*" and to "*guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs*". As such, the benefits of ensuring the

continuance and viability of this established business, which provides a key sustainable transport service to the District and surrounding areas would outweigh any small scale harm to the Green Belt that would result from this development. Due to the above, it is considered that the proposed development would not constitute inappropriate development in the Green Belt.

Impact on surrounding area:

The application site is located within a designated E13 glasshouse site, despite it not being in horticultural use for at least 20 years. Due to this, and as there are a number of permanent residential Gypsy pitches within Tyler's Cross Nursery, the central section of the wider site is proposed for removal from this designation within the new Local Plan. Whilst this is not yet adopted, it is a material consideration. Due to this long established use of the application site it is not considered that the laying of additional hardstanding in association with the existing transport business would be contrary to policies E13B or E13C.

The hardstanding would not be particularly visible outside of the Tyler's Cross Nursery site and therefore would have no impact on the visual amenities or character of the wider area and would be a form of development common to such horticultural sites.

Impact on highways:

The Parish Council have raised an objection with regards to 'access/highway concerns'. The access into the Tyler's Cross Nursery site is directly off of Epping Road and is fairly poor, however this is in existence and serves a large mixed use site consisting of horticultural nurseries, light industrial uses, and residential Gypsy pitches. The laying of the hardstanding does not alter the existing access to the application site or to the wider Tyler's Cross Nursery site, and would therefore have no direct impact on this.

Whilst the extension of the existing hardstanding is to accommodate the additional buses and coaches that have resulted from a recent amalgamation with Galleon Travel, the intensification of use and growth of the business is not under consideration here and could not be controlled or refused by this application. Were the application to be refused and the hardstanding to be removed, this would not necessarily result in a decrease in vehicles on site (although it would invariably affect the business as there would be more conflict and difficulties in vehicle parking). However, it is not considered that the application in itself would have any direct detrimental impact on the highway safety on Epping Road or the internal roadway within Tyler's Cross Nursery. No objections have been raised by Essex County Council Highway Officers with regards to the proposal.

Conclusion:

The proposed development would not constitute inappropriate development and would not detrimentally impact on the openness of the Green Belt. The development would assist in the continuation and vitality of a long established employment site that provides a valuable sustainable transport service to the local area. Therefore, the application is considered acceptable and is recommended for approval.

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

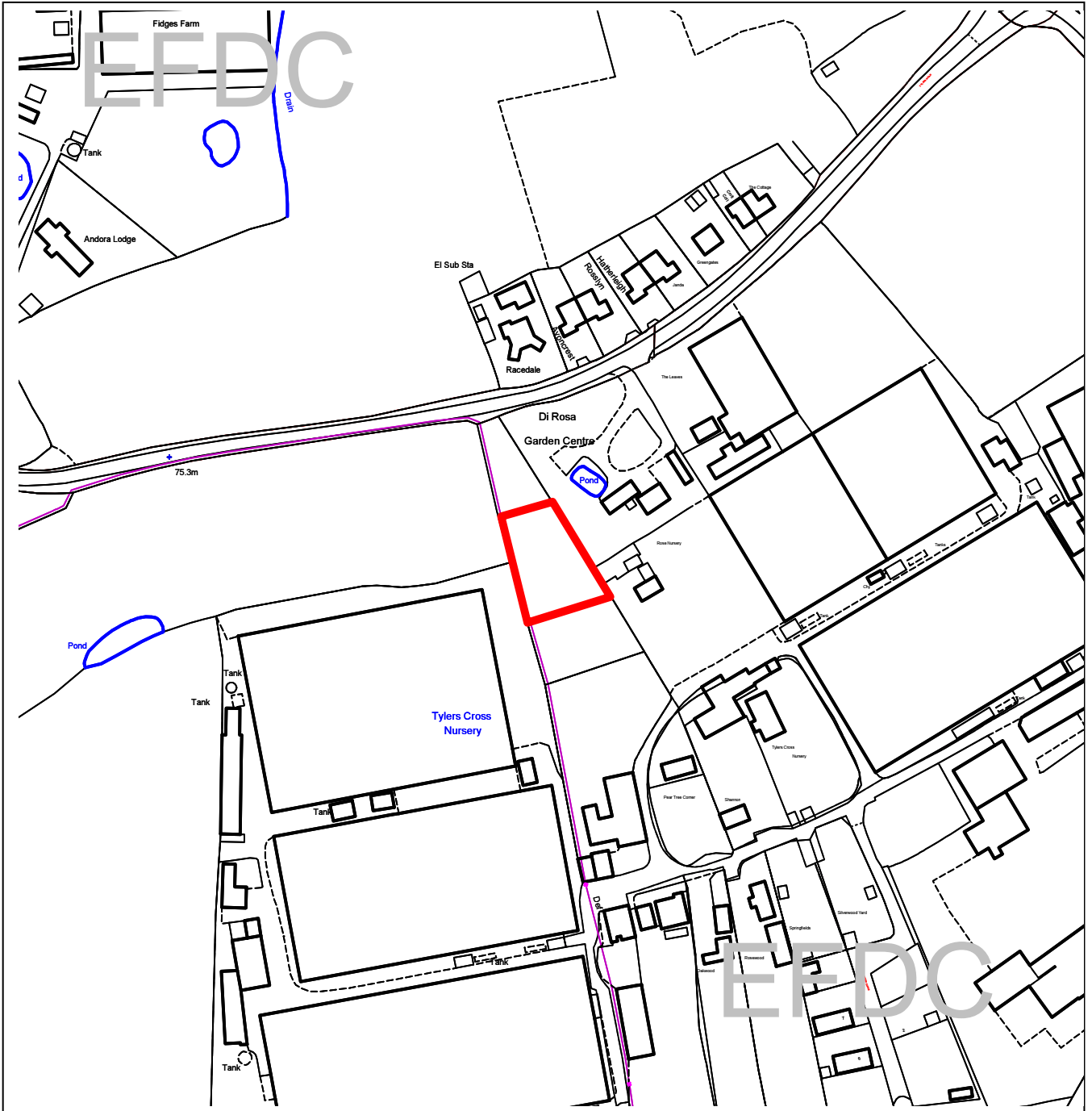
***Planning Application Case Officer: Graham Courtney
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Agenda Item Number:	3
Application Number:	EPF/0925/12
Site Name:	Ricotta Transport, Epping Road Nazeing, EN9 2DH
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0926/12
SITE ADDRESS:	Ricotta Transport Epping Road Nazeing Essex EN9 2DH
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Joe Ricotta
DESCRIPTION OF PROPOSAL:	Outline consent for the erection of storage building to replace former permanent buildings and existing temporary structure.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537466

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) appearance;
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3218/1, 3218/3, 3218/4
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 The building hereby approved shall be used solely in connection with the transport use of the site known as Ricotta Transport, Epping Road, Nazeing and for no other purposes, and shall not be sold off or used separately from the area of land outlined in blue on Plan Ref: 3218/1.

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

Description of Site:

The application site is an established transport yard located within the former nursery site of Tyler's Cross, Tyler's Road, which now primarily consists of small scale horticultural nurseries, disused glasshouses, light industrial uses, and several Gypsy and Traveller plots. The site is predominantly laid to hardstanding and used for the parking of vehicles, however it does contain a large building in the southern section and a temporary structure to the northwest of this. The temporary structure is the subject of enforcement investigations and is proposed to be removed and replaced by this proposal. A second building previously stood adjacent to that currently on site, however this has recently been demolished.

The application site is located within the Metropolitan Green Belt and within a designated E13 Glasshouse area, however the draft emerging plan has recognised that the central section of Tyler's Cross Nursery (where the application site and Gypsy pitches are located) should be removed from this designation. Whilst this plan has not been adopted by the Council at this stage, it is a material consideration.

Description of Proposal

Outline consent is being sought for the erection of a storage building to replace a previous building recently removed and an unlawful temporary structure. All matters with the exception of the appearance of the building are under consideration here, which includes the scale of the building. The proposed structure would be 11.5m in width and 18.5m in depth with a shallow pitched roof to a maximum height of 5.5m, to match that of the existing adjacent building.

Relevant History:

There is a long history with regards to the former Tyler's Cross Nursery site, however no applications are directly relevant to this proposal with the exception of:

EPF/0925/12 - Retrospective consent for the extension of the existing hardstanding for the parking of vehicles – currently under consideration

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
CP3 – New development
GB2A – Development in the Green Belt
GB7A – Conspicuous development
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE9 – Loss of amenity
E13B – Protection of glasshouse areas
E13C – Prevention of dereliction of new glasshouse sites
ST4 – Road safety

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Summary of Representations:

6 neighbouring properties were consulted and a Site Notice was displayed on 22/06/12.

PARISH COUNCIL – Object as this is Metropolitan Green Belt and is excessive development.

Issues and Considerations:

The main issues to determine are the impact on this Green Belt location, on the surrounding area, and with regards to any impact on neighbouring properties.

Green Belt:

The application site is a long established transport company located fairly central within the Tyler's Cross Nursery site. Whilst the erection of a storage building in connection with a transport yard is not recognised as being 'not inappropriate development' within the Council's Local Plan policies, the recently published National Planning Policy Framework (NPPF) now allows for the following exceptions:

*"The extension or alteration of a **building** provided that it does not result in disproportionate additions over and above the size of the original building"* (my emphasis).

*"The replacement of a **building**, provided the new building is in the same use and not materially larger than the one it replaces"* (my emphasis).

And,

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development".

The NPPF has widened the scope of development to now include all buildings rather than the previous guidance contained within PPG2, which only allowed for extensions and replacement of dwellings. The proposed development could be viewed against all three of the above exceptions for the following reasons.

1. The proposed building would be attached to the existing storage building on the site, which is used by the transport yard. Whilst there is no direct link between the proposed new building and that existing, this application could still be considered as an 'extension' to the existing building. The proposed development would replace a recently demolished building that previously adjoined the existing building on site, which had a floor area of 130 sq. m. The proposed new building would have a floor area of 210 sq. m., which is 80 sq. m. larger than that which it would replace. If the previous building, which has already been removed from site, is taken into account, then the proposed new development would result in a 16% increase in floor area, although it would be higher than the previous building. This would be considered a 'limited extension'. If however the previous building that is now no longer on site is **not** taken into account, then this proposal would result in a 60% increase over and above the existing building, which is pushing the boundaries of a 'limited extension'.
2. As stated above, the proposed development would replace a recently demolished building and would be 62% larger in floor area than that which it would replace. This would be considered 'materially larger' than the previous building. Furthermore, as the previous building has already been removed it could be argued that this development does not constitute a 'replacement'.

3. The application site is a 'previously developed site' and therefore can be infilled or redeveloped provided the proposed development "*would not have a greater impact in the openness of the Green Belt*". Although the proposed building would be larger than the building previously removed, it would be smaller than the existing (retained) building on site and would be in a fairly concealed location behind this structure. The site is surrounded by large structures, including operating and redundant glasshouses, residential Gypsy pitches and light industrial buildings, and the building would not be visible from any point outside of the Tyler's Cross Nursery Site. Due to this it is considered that the proposed development would not have any detrimental impact on the openness of the Green Belt.

There is currently a large temporary structure erected on the application site, which is primarily constructed out of scaffolding poles and sheet plastic. This structure is currently subject to enforcement investigations and is also being assessed by the Health and Safety Executive. Whilst the proposed development is to replace this structure, limited weight is attached to the removal of this temporary structure as it is understood that the relevant action will be taken by Planning Enforcement to have the structure removed regardless of the outcome of this decision. Therefore this would not be considered as a 'trade off' for any permanent new building on the site.

The only other material consideration in this application is the benefit that the proposed building would have on the established business use on the site. The site is currently occupied by Ricotta Transport and Logic Travel, who have been operating from the site for over 20 years. The proposed storage building is required to allow for loading and unloading of lorries and the storage of pallets. The recently removed building was unable to meet the needs for the business due to its limited height, which is why the scaffolding structure was erected as a temporary measure. This temporary structure clearly shows that there is a need for an additional building on site to accommodate the loading and unloading of vehicles and storage of pallets, and as such it is considered that the proposed development would be reasonably required for the vitality and viability of the existing business.

The NPPF puts great emphasis on promoting sustainable economic growth and supporting existing businesses and states that "*the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth*" and that planning should "*support existing business sectors, taking account of whether they are expanding or contracting*". As such, the benefits of ensuring the continuance and viability of an established business would outweigh any small scale harm to the Green Belt that would result from this development. Due to the above, it is considered that the proposed development would not constitute inappropriate development in the Green Belt.

Impact on surrounding area:

The application site is located within a designated E13 glasshouse site, despite it not being in horticultural use for at least 20 years. Due to this, and as there are a number of permanent residential Gypsy pitches within Tyler's Cross Nursery, the central section of the wider site is proposed for removal from this designation within the new Local Plan. Whilst this is not yet adopted, it is a material consideration. Due to this long established use of the application site it is not considered that the erection of the storage building would be contrary to policies E13B or E13C.

The building would not be visible outside of the Tyler's Cross Nursery site and therefore would have no impact on the visual amenities or character of the wider area.

Impact on neighbouring properties:

The proposed building would be located between the existing building on site and the large neighbouring glasshouses. The height of the new development would match that of the adjacent building and therefore would have no impact on any of the nearby residential Gypsy pitches.

Conclusion:

The proposed building would not constitute inappropriate development and would not detrimentally impact on the openness of the Green Belt. The development would assist in the continuation and vitality of a long established employment site and would have no detrimental impact on neighbouring properties or the wider surrounding area. Therefore, the outline application is considered acceptable and is recommended for approval.

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

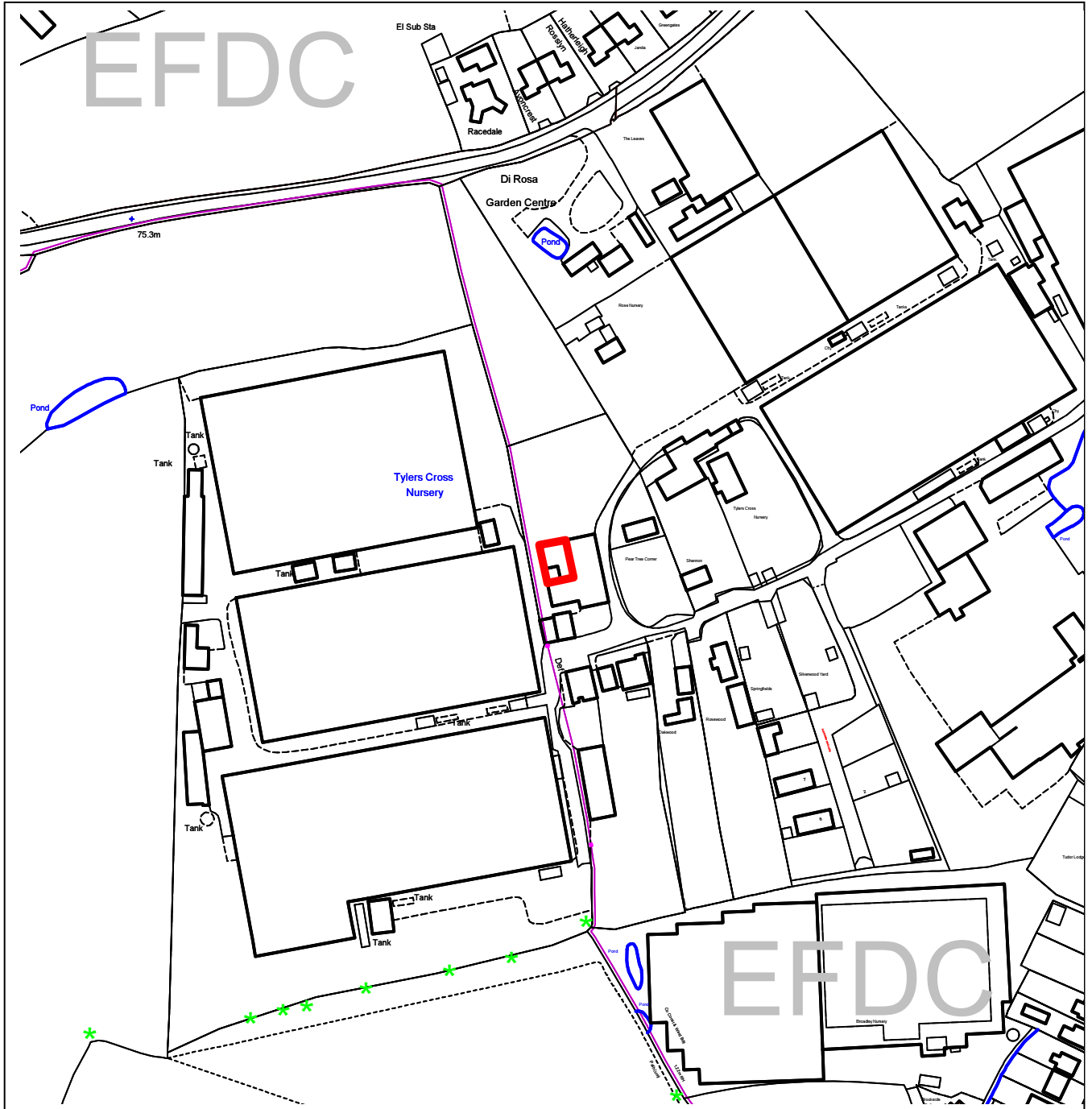
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	4
Application Number:	EPF/0926/12
Site Name:	Ricotta Transport, Epping Road Nazeing, EN9 2DH
Scale of Plot:	1/2500