

**Report Item No: 1**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/0847/12  |
| <b>SITE ADDRESS:</b>            | Skillet Hill<br>Honey Lane<br>Waltham Abbey<br>Essex<br>EN9  |
| <b>PARISH:</b>                  | Waltham Abbey  |
| <b>WARD:</b>                    | Waltham Abbey Honey Lane   |
| <b>APPLICANT:</b>               | RVL Properties Ltd   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Increase in existing lorry park facility from provision for 25 to 36 lorries; demolition of existing buildings; redevelopment of driver's facilities; erection of 43 bed hotel; restaurant; and petrol station; together with related parking areas and landscaping. |
| <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=537219](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537219)

**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: BRD/11/048/01, 02D, 03, 04, 05, 06, 07, 10B, 11B, 20, 30, 40, the submitted location plan and OS 442-12.3, OS 442-12.4, OS 442-12.5.
- 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 No development shall take place until details of the proposed surface materials for the parking areas and roadways 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.
- 5 Prior to the commencement of development details for the upgrading of the existing Skillet Hill Farm bus stops, either side of Honey Lane, shall be submitted to the Local Planning Authority for approval. The details shall include a new flag and pole

with integral telematics and shall be provided in compliance with the approved details prior to the first use of the site.

- 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, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 If any tree, shrub or hedge shown to be retained in accordance with the approved plan number OS 442-12.4 dated July 2012 - Tree retention and removal plan is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 9 No clearance of the site shall be undertaken prior to the hibernation period (once temperatures regularly fall below 5 Celsius overnight) unless otherwise agreed by the local Planning Authority.
- 10 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11",

or any subsequent version or additional regulatory guidance.

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

- 11 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 12 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 13 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in

writing of the Local Planning Authority in accordance with the immediately above condition.

- 15 All material demolished from the existing buildings shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 16 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 17 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.
- 18 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed prior to the commencement of the development. The cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 19 Details of refuse storage for the various uses at the site shall be submitted to the Local Planning Authority prior to the commencement of development. The development shall proceed in accordance with the approved details.
- 20 No external lighting shall be provided on or adjacent to the site other than in accordance with details previously submitted to and approved in writing for by the Local Planning Authority.

*This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a)) and,*

*since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (c)) and,*

*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:**

Skillets Hill occupies a relatively extensive site of approximately 4.5 hectares and is effectively a “teardrop” shape. The entire site is within the boundaries of the Metropolitan Green Belt. The site is bordered to the north by Honey Lane and to the west and south by the M25 motorway/slip road off the motorway. The roadways result in the plot forming an island of land. The land is generally uniform and can be divided into three sections. To the north is a wooded area adjacent to Honey

Lane. The main bulk of the site is in use as a lorry park and as such is covered in hardstanding. To the west the site forms a relatively open grassed area. There are a number of uses within the site. As stated the bulk of the site is in use as a lorry park and in the centre of the site is a "truck stop" restaurant. To the west is the main built form of the site and this includes a number of buildings and such uses as a mechanics garage (Class B2 use). A number of these buildings are in a dilapidated state. Access and egress is achieved from Honey Lane and the site is located between two roundabouts serving the M25. It is a short drive journey to Waltham Abbey town centre. There are some preserved trees within the site and it is also with an Epping Forest District Council flood risk assessment zone.

### **Description of Proposal:**

The applicant seeks consent for a redevelopment of the entire site. This would include an increase in the provision for lorries from 24 spaces to 36 to the east of the site. A truck stop would be located adjacent to the parking spaces within the site. This would measure approximately 21.0m x 10.5m with an eaves level of 3.5m and a highest ridge level of 7.5m. The building is designed in an Essex barn style.

A 43 bedroom hotel would also be developed on the site. This would have accommodation over two storeys and would be shaped at a right angle. The building would have an eaves height of 4.0m and a ridge height of 8.0m. Bedroom provision in the roof would be accommodated by dormer windows.

The plans also include the development of a petrol station at the site. This would include a shop provided in a building that would measure approximately 24.0m x 12.5m with a sloping roof to a height of 4.0m. The forecourt would be covered by a canopy which would measure approximately 31.0m x 22.0m.

A restaurant would be located to the extreme west of the site. This would also be in an Essex barn style with a deeply sloping catslide roof. The floor area of the building would measure approximately 24.0m x 15.5m. Space would be provided over two floors.

The redevelopment of the site would include associated parking, internal roadways and landscaping.

### **Relevant History:**

EPF/0365/07 - Change of use of land to Lorry Park for 25 lorries, change of use of existing house to drivers' facilities and offices and alteration to existing access. (Revised application). Refuse permission - 20/12/2007. Appealed through the Public Inquiry process - Allowed with conditions (20/12/07).

### **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
CP6 – Achieving Sustainable Urban Development Patterns  
CP7 – Urban Form and Quality  
CP8 – Sustainable Economic Development  
CP9 – Sustainable Transport  
GB2A – Green Belt Development  
GB7A – Conspicuous Development

RP4 – Contaminated Land  
NC4 – Protection of Established Habitats  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 - Design in the Green Belt  
DBE6 – Parking in New Developments  
DBE9 – Excessive Loss of Amenity to Neighbouring Properties  
E4A – Protection of Employment Sites  
U2A – Flood Risk Assessment Zones  
LL10 – Adequacy of Provision for Landscape Retention  
LL11 –Landscaping Schemes  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking

The National Planning Policy Framework has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **Summary of Representations:**

4 neighbours were consulted, a site notice was displayed and the proposal was advertised in the local press: 1 reply was received.

INNER LODGE, DOWDING WAY: Comment. I am one of the few local residents in the immediate vicinity of this planned development. I have major concerns related to development in green belt areas and normally would strongly oppose it. However, in this case it is an existing site and appears to be an improvement on the current condition. Traffic in this area on Dowding Way serving the Sainsbury's depot is considerable and can be a problem at times. In particular our property on Dowding Way suffers from vehicles using the lane for parking (often overnight). The lane also suffers from people using it as a public toilet, disposing of small rubbish (such as coffee cups & food wrappers) and also fly tipping of larger rubbish (there are still mattresses and other rubbish dumped behind the hedge). The problems generally arise from the isolated nature of the lane and also due to traffic leaving the M25 and looking for an area where they can stop for toilet relief / eating / sleeping. Potentially this problem could get worse due to increased traffic from the proposed development. However, provided certain measures are taken I could see this development as beneficial to the local area. The measures would include as a minimum sufficient signage to direct traffic to the availability of the park and also signage on the lane off Dowding Way to indicate that parking/toilet relief/dumping is not permitted and pointing out the availability of the facilities nearby. If there was an assurance that these measures would be taken then I would have no objections to the proposed development.

WALTHAM ABBEY TOWN COUNCIL: Objection. Committee raised a number of concerns with regards to this development. The proposal was considered an overdevelopment of the site within the Green Belt and concerns were raised about the potential increase in traffic that a development of this size could cause.

### **Issues and Considerations:**

The main issues that arise with this application relate to the general principle of the development and its location in the Green Belt, highway issues, design, amenity and the comments received from the various consultees both internal and external and representations received from the general public/Parish Council.

## Principle/Green Belt Location

Policy GB2A of the adopted Local Plan outlines developments deemed appropriate within the Metropolitan Green Belt. The proposal does not comply with any of the uses deemed appropriate and as such would be considered inappropriate development having regard to the Local Plan. In March 2012 the National Planning Policy Framework (The Framework) was formally adopted as national planning policy for England. Section 9, Protecting Green Belt Land, addresses Green Belt development and replaces Planning Policy Guidance 2 (PPG2). Section 212 makes it clear that The Framework is a material planning consideration from the day of its publication. Section 89 of The Framework recognises *“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”* as appropriate in Green Belt terms. The site would be considered brownfield, thus the view can be taken that the development would not have a materially greater impact on the Green Belt than the present use and considered appropriate in line with the up to date recently adopted policy.

One way of assessing whether this proposal would have a materially greater impact on the Green Belt is to consider the increase in built form. The visualisation booklet submitted as part of the application package provides a good representation of existing and proposed built form at the site. The applicants' figures indicate an existing volume of approximately 8065 cu m. The proposed built form would have an approximate volume of 10930 cu m. These figures can be confirmed as being broadly correct and as such represent an increase in building volume of approximately 35%. This is a reasonable level of increase. However the built form would be contained within well designed individual buildings as opposed to the current sprawl of relatively dated, dilapidated structures. The hotel building would be more prominent than any of the existing buildings, as would the restaurant, but even with this there would not be a noticeable increase in terms of built development of the site. There would be an increase in hardstanding, largely for parking for the restaurant, and an increase in movements notwithstanding the current mix of uses. It was evident on site that the existing uses result in a significant degree of outdoor parking and storage. Considered as a whole there would be increase in activity at the site which would have some impact on the Green Belt. However bearing in mind the location of the site, totally surrounded by roads, and the general tree screen that exists around the boundary the impact would not be material. The general guidance contained within the Green Belt section of The Framework is that such sites are suitable for development particularly where the proposal would not conflict with the purposes of including land within a Green Belt.

Section 9 outlines the five purposes of maintaining a Green Belt and reiterates the importance attached to their preservation by central government. The five main purposes are;

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

When judged against this criterion the proposal would not offend the purposes of maintaining a Green Belt. The site is already well developed and would not result in further unrestricted sprawl, the merging together of neighbouring towns or excessive encroachment into the countryside. The special historic character of Waltham Abbey Town Centre would be unaffected. The scheme would assist in the regeneration of a site on the edge of the urban area of Waltham Abbey by recycling what is, to a certain extent, a dilapidated collection of uses. The proposed buildings are well designed and would make a positive contribution to the visual amenity of the area. The proposal

would have sustainable development benefits. In particular it would be economically sustainable in providing job opportunities and infrastructure, contributing to a stronger, more competitive local economy. The development would also be socially sustainable by regenerating a dilapidated site and replacing it with a high quality development in terms of design and layout.

The previous application for the lorry park was decided at a Public Inquiry. It is evident from that decision that this site was considered particularly suitable for a lorry park, having regard to the characteristics of other junctions nearby, and that a demand existed for the facility. This demand does not appear to have lessened in the intervening period and an extension at this location seems logical. It is therefore considered that this is a suitable proposal at this location.

### Highway Issues/Parking

The development would utilise the existing accessway into the site which has been designed for use by heavy goods vehicles. Essex County Council's Highways Section has been involved in the consultation process and has no objection to this proposal. The Highway Authority has reviewed the above application and considers the proposed development will not have any detrimental impact upon highway safety, capacity or efficiency at this location. The proposal will utilise the existing purpose built HGV access which was implemented when the appeal was allowed for the 2009 lorry park on the site. The access, therefore, has the appropriate sight lines and geometry to facilitate the proposal with no need to upgrade it.

The Transport Assessment (TA) accompanying the application has demonstrated that the western roundabout (RAB) functions well within capacity now and a ten year projection with the development. The TA suggests that the eastern RAB operates slightly above capacity for a small amount of time in the AM peak, on the Honey Lane arm, and the development in 2022 will only cause a negligible increase in queue lengths at these times. From highway observations made on site during the AM peak the roundabouts both functioned very well and specifically the eastern RAB did not appear to be over capacity. Indeed the queue lengths on the eastern RAB Honey Lane arm were significantly shorter than those predicted by the modelling technique. Consequently the figures contained within the TA should be considered as a very worst case scenario and not as a real life representation of the queues on the ground. It is therefore been demonstrated that there are no highway issues with regards to the proposal.

The hotel and restaurant in the western section of the site includes 82 parking spaces for vehicles, which are adequately sized for their purpose. The adopted parking standards for restaurants require a maximum one space per 5 sq m of space. The hotel would require a maximum one parking space per bedroom resulting in a requirement of 43 spaces. It is accepted that parking could be shared across both uses and this would leave 39 spaces for the restaurant use. Owing to the floor area of the restaurant, meeting the maximum standards would require approximately 110 spaces. However this is a maximum standard and it is considered that 82 spaces would adequately serve both uses. Any further parking would impinge on the landscaped elements of the site which are considered to bring tangible benefits to the overall development.

### Highway Agency Comments

The Highways Agency have evaluated that the proposal would have no impact on the adjacent M25 and raise no objection to the scheme.

### Design

The current site, as previously stated, is in a run down dilapidated state with many of the buildings in a poor state of repair. Therefore its redevelopment is generally to be welcomed. The proposed restaurant would be constructed in the style of an Essex barn with a deeply sloping cat slide roof. It would not appear out of place in a Green Belt location and indeed would be an acceptable



addition to the immediate area. Materials of construction can be agreed by condition to ensure an appropriate finish.

The petrol station/canopy appears to be designed as a typically functional building for such a use and is generally acceptable. Again suitable materials can be agreed by condition.

The truck stop corresponds with the general theme for the site of agricultural style buildings and as such would harmonize as part of the completed development. Materials can be agreed by condition.

The hotel building would be by far the largest building on the site. The finish would include a deeply gabled roof with dormer style windows opening the roof for accommodation. This building would also be agricultural in style, albeit on a larger scale, but would also have a certain degree of character which would bring positive aesthetic improvements to the site. Suitable materials can also be agreed by way of an appropriate condition.

The sites redevelopment will include an increase in hardstanding to facilitate roadways and parking. Suitable materials for the finish can again be agreed by condition.

### Amenity

In terms of amenity there are no immediate neighbours to the development site and therefore no real impact. One neighbour of the scheme has expressed concern with regards to general nuisance from users of the M25. A suggestion with regards to appropriate signage pointing road users to the facilities at this site has been put forward, which is a matter direct for the Highways Agency and/or Essex County Council.

### Trees/Landscaping

There are two veteran oak trees on this site, whilst they should remain unaffected by this proposal it is important that they are protected during any development activities. As veteran trees they are particularly important for the specialist habitats that they provide. The screening of the site is also particularly important and although some of the vegetation within the site will be removed, the plans indicate that a good level of screening should be retained when viewed from Honey Lane. There are therefore no concerns with regards to trees and landscaping subject to conditions ensuring tree protection, tree retention and details of hard and soft landscaping.

### Ecological Considerations

A number of reports including a Phase I Ecological Survey, Bat Survey and Reptile Survey have been submitted as part of the application. No evidence of bats was found and it was considered highly unlikely that reptiles were present at the site. However a number of recommendations have been included in the summaries, largely relating to the site clearance, and these shall be attached to any decision notice.

### Land Drainage

As the site is within an Epping Forest District Council flood risk assessment zone and owing to the size of the development a Flood Risk Assessment is required. As works are proposed within eight metres of a watercourse land Drainage Consent is also required. Details of foul and surface water drainage are also necessary and can be secured by condition.

### Environmental Health Comments

As the development includes a restaurant use details of suitable extraction equipment is deemed necessary. Such a condition is normally required to safeguard against noise and smells causing harm to residential amenity, but as there are no neighbours, this is not required in this instance.

### Essex Police Comments

Essex Police have raised some concerns with regards to the security of the parking area. However such a parking area is more secure than the side of the roadway which does occur within the district. A condition is suggested with regards to the proposal achieving secured by design certification. This is not something that can be easily tied up by condition. However it is suitable to advise the applicant by informative that making contact with the police in order to achieve as secure a development as possible is advisable. Suitable lighting of the site can also be secured and at present a security presence is provided on site by security guards.

### Contaminated Land

Due to the former uses of the site including as a farm and waste transfer depot, and because of the presence of made ground at the site, the standard contaminated land conditions are deemed necessary.

### Conclusion

The proposal is to redevelop the entire brownfield site with a number of different uses. Such proposals are deemed appropriate in the recently adopted national guidance if the development would not have a greater impact on the openness of the Green Belt. The increase in the built form and activity at this site would have some level of impact but having regard to the specific site characteristics, as outlined in preceding paragraphs it is not considered that this would be material. When judged against the criterion outlined for maintaining a Green Belt this proposal is acceptable. The development would improve the visual amenity of the immediate area. This is a sustainable development with economic and social benefits. The existing demand for a lorry park does not seem to have wavered in the period since the approval of the original scheme. Despite the concerns of the Town Council, there are no highways concerns backed up by evidence as a result of this development. Similar concerns raised on the last planning application were not supported by the Inspector on the last appeal and would unlikely to be justified on this application. The design of the proposed buildings is acceptable.

Therefore in light of the above this proposal is deemed acceptable and is recommended for approval with appropriate 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:***

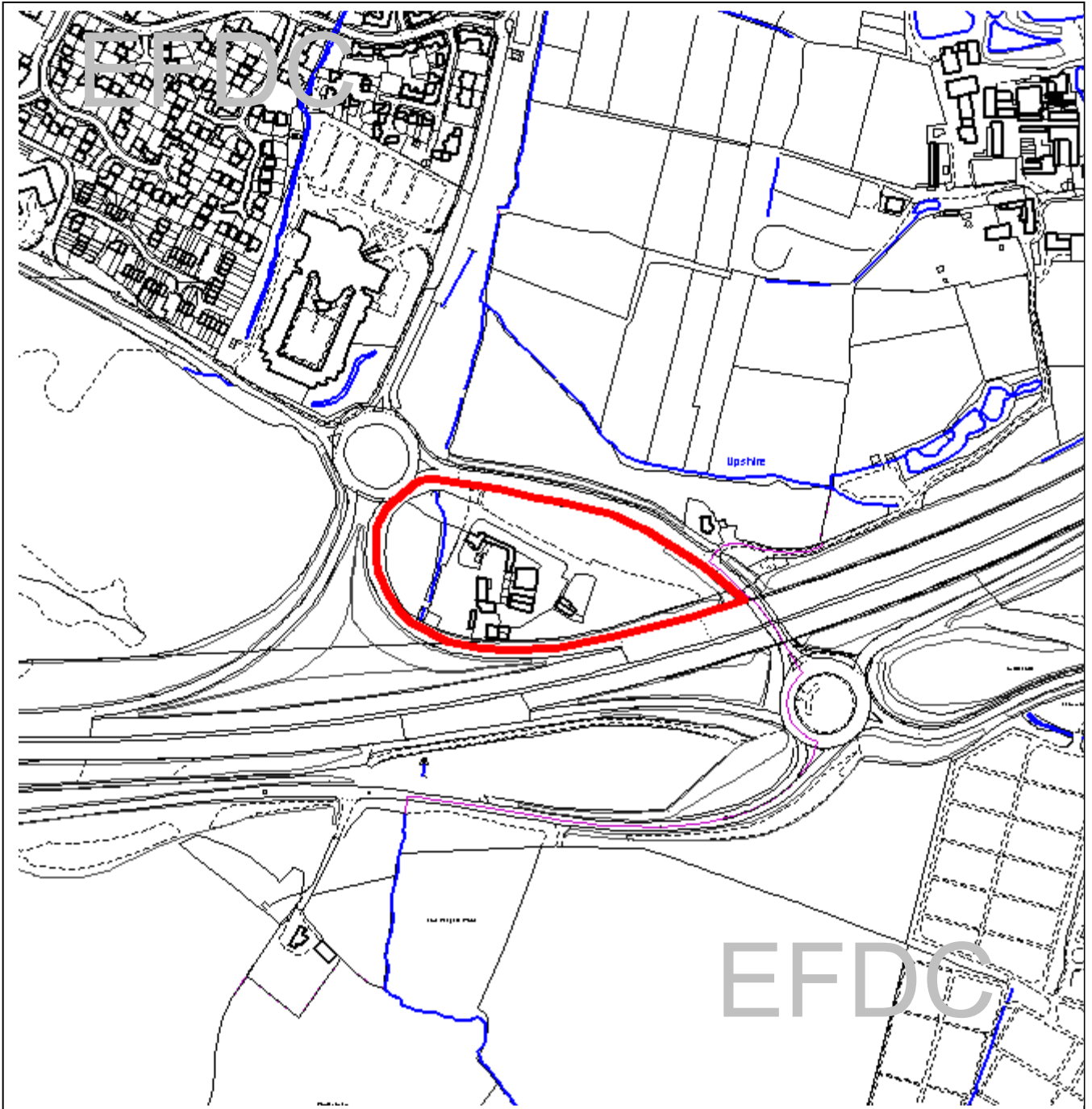
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

***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/0847/12                                      |
| Site Name:                 | Skillet Hill, Honey Lane, Waltham Abbey, EN9 3QU |
| Scale of Plot:             | 1/5000   |

**Report Item No: 2**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/1695/12                                     |
| <b>SITE ADDRESS:</b>            | 4 Wheelers Close<br>Nazeing<br>Essex<br>EN9 2RA |
| <b>PARISH:</b>                  | Nazeing   |
| <b>WARD:</b>                    | Lower Nazeing                                   |
| <b>APPLICANT:</b>               | Mr Gavin Wilson                                 |
| <b>DESCRIPTION OF PROPOSAL:</b> | Rear and side extension.                        |
| <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=540929](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=540929)

**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 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 4 Wheelers Close, Nazeing.
- 4 Prior to occupation of the development hereby approved, the doorway between the proposed annexe and the existing dwelling as shown on Plan Ref: ELA/3 Rev: 01 shall be installed and retained and shall not be fixed shut in any way.
- 5 Prior to occupation of the development hereby approved, details regarding replacement car parking shall be submitted to and agreed in writing by the Local Planning Authority and shall be retained free of obstruction for the parking of residents and visitors vehicles thereafter.

*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:**

Semi-detached two storey dwelling located on the eastern side of Wheelers Close, Nazeing, which is a small close consisting of nine dwellings, although planning permission has been granted for two additional dwellings at the north eastern end (within the rear gardens of No's. 66-70 Western Road). The property benefits from a detached garage, which is one of a block of three garages serving No. 4, No. 6 and No. 8 Wheelers Close. The applicant has a right of access over the shared crossover which serves all three garages.

### **Description of Proposal:**

Consent is being sought for a part two storey part single storey side and rear extension to create a granny annexe. The two storey side element would be 3.5m in width and 8.5m in depth with a pitched roof to a ridge height of 6.5m. This would be built atop and would link the existing single storey detached garage with an extension beyond this to the rear. The proposed single storey element would wrap around the rear section of the neighbouring garage and would extend beyond the existing rear wall of the house. The section to the rear of the neighbour's garage would be 1.3m in width and 3m in depth with a 2.9m high flat roof. The section to the rear of the house would be 5.2m in width and 3m in depth and would also have a 2.9m high flat roof. The proposal would consist of an extended kitchen/diner to the main house within the single storey rear extension, and a granny annexe within the side extension. This would retain the front section of the existing garage as a store and would provide a separate annexe served by a new entrance (which includes a door leading to the main house), containing a kitchen and lounge on the ground floor with a bedroom and en-suite on the first floor.

### **Relevant History:**

EPF/0641/12 - Rear and side extension for granny annexe – withdrawn 15/05/12  
EPF/1108/12 - Rear and side extension for granny annexe (revised application) – refused 16/08/12

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
DBE9 – Loss of amenity  
DBE10 – Residential extensions  
ST6 – Vehicle parking

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.

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

9 neighbours were consulted. No Site Notice was required.

PARISH COUNCIL – Objections as with previous application. This application if permitted would be likely to result in such an intensification of use which would create an undesirable precedent or detract from the character of the surrounding area. It would result in adjacent properties being overlooked to an excessive degree. It would be overdevelopment and out of keeping with the street scene. Any conversion of existing garage would result in increased on street parking. Proposed arrangements for parking do not appear to comply with ECC Highways Authority's Development Management Policies or Local Plan policies.

2 WHEELERS CLOSE – Object as the single storey rear extension would impact on their amenities, as this would effectively erect a new dwelling on the side, and as this would create a terrace out of the existing semi-detached properties. Furthermore the proposal would look much too big and bulky and would be overbearing and detrimental to the appearance of the street scene.

6 WHEELERS CLOSE – Object as this would create a terracing effect, due to the loss of light and privacy that would result, as this would create a new separate dwelling, as the right of way across the land in front of the garage is only for vehicle access to the garage, and as this would result in their being no parking available on the site. Issues such as impact on drainage and sewage and access to the neighbours property have also been raised.

### **Issues and Considerations:**

The main considerations are the impact on neighbour's amenities, the design and impact on the street scene, and with regards to vehicle parking. The previous application was refused permission for the following reason:

*The proposed development, due to its disjointed and uncharacteristic roof design, would be an incongruous form of development detrimental to the character and appearance of the existing dwelling and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and DBE10 of the adopted Local Plan and Alterations.*

This latest application is a revision over that previously refused in August 2012. The difference between this proposal and that previously considered unacceptable is the design of the roof of the proposed extension. The previous application proposed a hip ended ridge roof that differed greatly from the design of the roof of the main dwelling. This previous proposal appeared disjointed and separate from the main dwelling and was considered an incongruous addition that would fail to complement and enhance the existing street scene. This is clearly reflected in the previous reason for refusal.

This revised application has altered the roof design so that it is similar to the neighbour's existing first floor extension with a gable ended roof running adjacent, but subordinate, to the existing house. This current application would have a far more acceptable appearance and would no longer appear detrimental to the street scene, and therefore is considered to have overcome the previous reason for refusal. All other considerations are dealt with below.

### **Amenity considerations:**

The proposed two storey extension would be located atop the existing flat roofed garage and would extend 3m beyond the rear wall of this detached outbuilding. The neighbouring property benefits from a similar extension that is built atop and joins their detached garage to the house, and also dog legs beyond and behind the garage. Between the applicants garage and the neighbours garage is a third garage owned by No. 8 Wheelers Close. The proposed two storey extension would not dog leg around the rear of the applicant's garage, and as such would be located 2.5m from the front section of the neighbours first floor side extension, and 1.3m from the rear section of the neighbours first floor side extension and would not extend beyond the rear wall of the neighbours extension. The neighbour has no flank windows facing onto the site, nor does this application propose any flank windows overlooking the neighbour, and as such there would be no loss of light, privacy or visual amenity to No. 6 Wheelers Close. Similarly, the flat roofed single storey element proposed to the rear of the garages would not extend beyond the neighbours two storey addition, and therefore would cause no detrimental impact. Although there have been issues raised with regards to the problems that this would cause in terms of the neighbour accessing and maintaining their side wall, the neighbours extension is built up to the applicants

side boundary and as such access to this area is not available at present (unless so granted by the applicant). Regardless of this, the issues of access for maintenance purposes are not a material consideration as this is controlled by other legislation.

The proposed two storey side extension would include a first floor rear window facing onto the garden of Springs, Hoe Lane. Whilst the window would only be located some 5m from the shared boundary, and as such would offer views into the neighbour's garden, only the very rear most section of their garden, which is over 35m in depth, would be overlooked. Furthermore, the existing houses in Wheelers Close, which have first floor rear windows, are located just 9.8m from the shared boundaries and would already result in some loss of privacy. As such, it is not considered that the harm from the proposal would be detrimental enough to the amenities of the residents of Springs to warrant refusal.

The attached neighbour at No. 2 Wheelers Close has objected to the single storey rear extension on the grounds of loss of amenity. This part of the scheme could be built under permitted development to this depth and height, and as such is considered by Central Government to be acceptable in terms of impact on neighbours. Therefore it would be unreasonable for planning permission to be refused for this part of the development.

#### Design:

The proposed extension would be similar in built form to that built at No. 6 Wheelers Close, although would not dog leg around the rear part of the garage. Given that the rear section of the first floor extension would be located 1.3m from the side boundary, and the front section is divided from the neighbour by a garage owned by a third party, the proposed extension would be adequately separated from the neighbouring dwelling and therefore would not result in a terracing effect.

Wheelers Close consists of the two sets of semi-detached dwellings on the eastern side of the road, which are of one matching design, and five detached bungalows on the western side, which share a different but also matching design. The application site is one of a pair of 1960's semi-detached houses with a distinct and traditional appearance. The two storey side extension would have a gable ended ridged roof similar to that on No. 6 Wheelers Close, and when viewed from the highway the two side extensions would appear almost identical, and as such this would not be detrimental to the character and appearance of the street scene.

#### Vehicle parking:

The proposed development would result in the loss of the existing garage for off street parking. Whilst the area of land in front of the garage is located within the submitted application site it has been claimed by neighbours that this area of land is not owned by the applicant and they only benefit from a right of access. As such, this area may not be available for off street parking provision. Although there is no other parking shown on the submitted plans, the dwelling does have a front garden (currently laid to lawn) which could be utilised as car parking. The use of this area for off street parking could be sought by condition and would adequately compensate for the loss of the garage.

#### Other considerations:

Concern has been expressed that the proposed 'granny annexe' would actually be used as a separate dwelling. Although the extension would benefit from a separate access to the side of the property there is a doorway shown on the plans between the proposed annexe and the original house. Suitable conditions could be added to ensure that the extension is only used ancillary to the main dwelling and is not used as a separate dwelling and that the doorway to the main house as shown on plan ref: ELA/3 Rev: 01 must be installed and retained. This would adequately

protect against any unlawful use of the extension as a separate dwelling (plus enforcement action could be taken if any such unlawful use were to take place).

**Conclusion:**

The scale and external appearance of the proposed extension would be similar to the existing extensions on No. 6 Wheelers Close and as such is not considered detrimental to the overall character and appearance of the street scene. There would be no undue harm to neighbours amenities and the loss of parking within the garage could be adequately compensated for within the front garden. Other matters, such as right of access, are not material planning considerations as they are covered by other legislation. Due to the above, the proposed development would comply with the relevant Development Plan policies and the guidance contained within the NPPF and, subject to a condition controlling the use of the annexe, the application 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](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee West



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|----------------------------|------------------------------------|
| <b>Agenda Item Number:</b> | 2                                  |
| Application Number:        | EPF/1695/12                        |
| Site Name:                 | 4 Wheelers Close, Nazeing, EN9 2RA |
| Scale of Plot:             | 1/1250                             |