

Report Item No: 1

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| APPLICATION No: | EPF/1564/12 |
| SITE ADDRESS: | Knollys Nursery Pick Hill Waltham Abbey Essex EN9 3LF |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey Paternoster |
| APPLICANT: | Mr Brian Sheridan |
| DESCRIPTION OF PROPOSAL: | Outline application with some matters reserved for redevelopment of site to provide a mix of 2,3 and 4 bedroom dwellings (114 dwellings), a 50 unit 1 bedroom extra care apartments building, a new health centre to accommodate six practitioners with adjoining pharmacy/convenience store, public amenity area, access roads and associated parking for all uses. |
| RECOMMENDED DECISION: | Refuse Permission |

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=540104

REASON FOR REFUSAL

- 1 The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice contained in the NPPF and policy GB2A of the adopted Local Plan and Alterations. This includes the development of housing, an extra care unit and health centre/pharmacy within the boundaries of the Green Belt for which no very special circumstances sufficient to outweigh the very significant harm to the openness of the area and any other harm have been demonstrated.
- 2 The site is considered to be unsustainable in respect of proximity to shops, services and facilities in Waltham Abbey such that the town would continue to sprawl eastwards with residential properties further detached from these services and future occupants and users of the health facility are likely to resort to the use of private motor cars. Therefore the proposal is contrary to policies CP1, CP3, ST1, ST2 and ST3 of the adopted Local Plan and Alterations and national guidance in the NPPF.
- 3 The indicative plan submitted with the application indicates a lack of parking with regards to current adopted standards for the extra care unit, health centre and pharmacy/convenience store, overlooking issues from upper floor units in block 90-93 and 94-97, and a general loss of trees and hedgerows. As such the applicant has failed to demonstrate that the site can be developed for the number of units envisaged and meet adopted standards for parking and amenity and provide

meaningful landscaping. The proposal is therefore considered to amount to overdevelopment of the site contrary to policies CP3, DBE2, LL10, LL11, and ST6 of the adopted Local Plan and Alterations.

- 4 The proposal fails to show a sensitive appreciation to the fact it would be on the settlement edge in that it does not provide extensive landscaping to soften its impact on its surrounding and the nature of the proposal would not allow for significant landscaping. The proposal is therefore contrary to Policy LL3 of the adopted Local Plan and Alterations.
- 5 The proposed development fails to indicate adequately how the site could be developed in this way whilst ensuring that preserved trees on site could be retained contrary to Policy LL10 of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

Knolly's Nursery occupies a site of approximately 3.5 hectares which is situated in the north eastern area of Waltham Abbey. The entire site is within the boundaries of the Metropolitan Green Belt. Part of the site was formerly used to operate a horticultural business and as such is a Greenfield site. There are some disused glasshouse structures at the western side of the site and a residential property. This area is generally low set and well screened. Conversely the eastern side of the site rises steeply to the crest of a hill and is open grassland. The Council's Settlement Edge Landscape Sensitivity Study (SELSS), as part of the Issues and Options consultation, records the landscape sensitivity of most of the site as "high" and includes a "sensitive historic landscape-with pre 18th Century fields". Owing to the sloping nature of this part of the site it is visually prominent from the surrounding countryside. The site contains a number of recently preserved trees.

Access to the site is gained from close to the junction of Pick Hill and Amesbury. The western side of Pick Hill, prior to meeting the application site, is typically residential, of a standard width and has residential dwellings lining either side. However as the road ascends along the southern boundary of this site it becomes single track and is lined by hedging.

The site is essentially at a point where the built up residential part of Waltham Abbey meets the countryside. The character to the south of Knolly's Nursery is typically residential with rows of fairly densely developed residential dwellings. To the north of the site is open countryside with sparse development and some nursery businesses evident. The main town centre of Waltham Abbey is approximately 3km to the west. The site forms a small part of the "Wal-D" Potential Development Options for Waltham Abbey in the Issues and Options "Planning Our Future" document which went out to consultation in July 2012.

The site is within an Epping Forest Flood Risk Assessment Zone, but not within Environment Agency Flood Risk Zones. The site includes features which could potentially provide habitat such as hedging, scrubland, ponds and disused buildings for various animal species.

Description of Proposal:

Outline consent is sought, with access also determined at this stage, to redevelop the site chiefly for residential development. The proposal as illustrated in the application form includes;

164 residential dwellings with the following mix;

- A 50 bed extra care unit to be located in the northern corner of the site close to the position of the existing glasshouse structures.
- 70 two bedroom dwellings to include a mix of houses, flats and maisonettes. 39 social rented, 19 shared ownership and 12 open market housing.
- 43 three bedroom dwellings to include a mix of 16 social rented, 6 shared ownership and 16 open market.
- 1 four bedroom open market house.

This would effectively amount to 130 affordable dwellings and 34 open market dwellings (80% affordable 20% open market).

- The proposal also includes the provision of a medical surgery to accommodate 6 practitioners with an adjoined pharmacy/convenience store.
- A new access to the site from Pick Hill.
- Associated parking, access roads and amenity space within the site.

Relevant History:

EPF/0061/03 - O/A for Change of use/Res dev - All matters reserved (Strip of land fronting Pick Hill on South West side of file plot, covers Knolly's Nursery and Knolly's House). Refuse permission - 06/08/2003.

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 – General Restraint
GB7A – Conspicuous Development
RP4 – Contaminated Land
U2B – Flood Risk Assessment Zones
U3B – Sustainable Drainage Systems
DBE1 – New Buildings
DBE2 – Impact of Buildings on Neighbouring Property
DBE4 – Design and Location of New Buildings within Green Belt
DBE5 – Design and Layout of New Development
DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity space
DBE9 – Amenity
H3A - Housing Density

H4A – Dwelling Mix
H5A - Affordable Housing
H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
NC4 – Protection of Established Habitat
LL1 – Rural Landscape
LL2 – Resist Inappropriate Development
LL3 – Edge of Settlement
LL10 – Retention of Trees
LL11 – Landscaping Schemes
ST1 - Location of Development
ST2 - Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
ST7– Criteria for Assessing Proposals (new development)
I1A – Planning Obligations

The National Planning Policy Framework (NPPF) 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:

WALTHAM ABBEY TOWN COUNCIL: Objection. As per our recent response to the issues and options document in which we advised that we would only wish to see small scale development for Waltham Abbey we believe this development is intrinsically too large for Waltham Abbey. Objections were also raised that the site was in the Green Belt and on the northern part of the town where Green Belt development is indefensible. We also have road safety concerns; Pick Hill is a single track road leading to a junction that is already dangerous, the western junction is just as dangerous off Upshire Road. It is noted that the Pick Hill/Upshire Road junction is not shown on the plans and this is the junction that is of most concern.

The application was widely advertised; with 194 neighbours directly consulted, two site notices displayed adjacent to the site, an advertisement placed in the local newspaper and local community groups consulted. A large number of responses were received from these various consultees and it is clear that there is some local opposition to the proposed scheme. These are documented as follows;

Petition from Waltham Abbey Residents Association (signed by approximately 500 residents), Campaign to Protect Rural England (CPRE), Essex Area Ramblers, Friends of Epping Forest, Amesbury – 1, 7, 15, 43, 47, 57, 61, 67, Oxleys Road – 13, 15, 20, 22, 24, Pick Hill – 2a, 16, 21, 23, 26, 30, 31, 45, 47, 49, 50, 51, 53, 61, 63, 65, 67, 69, 71, 73, Monkswood Nursery, The Elms, 1 & 3 Barns Court, Paternoster Close – 12, 21, 42, Paternoster Hill – 25, 37, 55, 73, Homefield – 19, 85, Maple Springs – 4, Harries Court- 12A, 40, Crooked Mile – 114, 116, 118, Princesfield Road – 39, 47, 14 Brookside, 28 Woollard Street, , 38 Jubilee Court, 27 Rochford Avenue, Glyn Gates, Fernhall Lane, Ivydene, Woodgreen Road, Southend Farmhouse, Southend Lane, 8 Hillhouse: **OBJECTION. Owing to the volume of responses and the detailed content of responses it is necessary to provide a summary of responses received. The issues of concern are as follows:**

- The development is on Green Belt land and is contrary to the purposes of maintaining a Green Belt, in that it will result in encroachment into the countryside and will result in urban

sprawl. This area should be preserved for future generations. Concern that this could result in more Green Belt developments in the area. No special circumstances exist. This is Green Belt land; our Green Belt land.

- The proposal will result in the development of a large amount of social housing in an already deprived area putting further pressure on facilities.
- The proposal will put further pressure on the already poor local public transport system. The extra care unit and Health Centre will put even more pressure on this.
- The schools in the district are at full capacity and already over subscribed.
- Impact on the nearby public footpath.
- Concern about the loss of the hedgerows and the wildlife they contain.
- Concern that there may be protected species such as Great Crested Newts and Bats at the site. Bats are regularly spotted along the back lane at the site.
- There are major land drainage problems at the top of Pick Hill and this will exacerbate the problem. Concern about flooding.
- Increase in traffic in the general vicinity and this proposal will exacerbate an already serious issue. Pick Hill is a single track and not suitable to take an increase in vehicle movements. The access to the site is not suitable for an increase in traffic. Increase in parking problems in the wider vicinity.
- The proposed development, in a natural valley, is in contradiction with the site's rural character and contrary to the Council's Settlement Edge Landscape Sensitivity Study (SELSS) as part of the Issues and Options consultation which records the landscape sensitivity of most of the site as "high" and includes a "sensitive historic landscape-with pre 18th Century fields". The site forms a natural boundary with the built area of Waltham Abbey.
- There is no evidence of a need for a Health Centre at this location. This is a poor location for the centre. "Sweeteners" have been added to make the proposal more acceptable.
- Impact on the amenity of residents, loss of a view, and loss of wildlife from near our homes. Impact on the biodiversity of the area.
- Impact of noise, dust and pollution on local residents.
- There would be a need for a major upgrade of the infrastructure of the town and the site is some distance from the main town centre. Waltham Abbey is at capacity and the nearest hospital is in Harlow. Increased pressure on already over-burdened facilities.
- Previous planning applications have been turned down at the site.
- Increased danger to pedestrians using the road network in the vicinity of the site.
- The works could cause subsidence on nearby properties.
- My belief is that the verge way belongs to the Corporation of London.
- Concern that the removal of the glasshouses will cause land contamination.
- This proposal is premature in light of the issues and options consultation.
- Impact on water pressure in the area.
- This would reduce the supply of horticultural produce which is encouraged in this area.
- The town centre is already witnessing shops closing down, why build more houses?
- Impact on values of our properties.
- Waltham Abbey will become over congested.
- Not enough police to serve the area.
- The sewage system could not cope with more development.

Issues and Considerations:

There are a number of issues to consider with regards to this development, and a large number of consultees responses to assess, chief among these is; The principle of this development having regard to national and local planning policy, the supply of housing/affordable housing in the district, the sites location in the Metropolitan Green Belt, the characteristics of the development, potential impact on the landscape/trees/hedgerows/ vegetation, access to the site, the existing habitat and the comments of all consultees.

Principle of the Development

The proposal to develop this site has been the subject of pre application discussions held at the Council Offices on 21/08/12. The application is supported by a Planning Statement by Dr Robert Wickham of Howard Sharp and Partners and a Design and Access Statement by LM Associates. There is no dispute that the proposed development is located on Metropolitan Green Belt land and as such, owing to its characteristics, represents inappropriate development. Local Plan policy GB2A clearly outlines that in such instances a case for “very special circumstances” must be made. This is recognised in Dr Wickham’s submission. It is useful to use the points made in this document as a template for the “very special circumstances” case and to address the points contained therein.

Policy Vacuum/ No 5 Year Housing Supply

The submissions from Howard Sharp and Partners refer to a policy vacuum and the fact that this Local Authority does not have a 5 year supply of deliverable housing. The policy vacuum is a reference to the Secretary of State (SoS) for Communities and Local Government’s (DCLG) statement of 06/07/10 in which he signalled an intention to abolish the regional tier of planning, including the East of England Plan, relevant to this district. It has long since been established through Judicial Review that such a move exceeded any authority the SoS had with regards to the removal of the regional tier of planning and that such an action would also require a Strategic Environmental Assessment (SEA) in line with European Law.

On 11/12/12 the SoS, through the Chief Planning Officer, announced the revocation of the East of England Plan, following the satisfactory conclusion of a SEA and having regard to primary legislation contained in the Localism Act 2011 which now facilitates the removal of regional plans. As of 03/01/12 the plan will be revoked and no longer be a material planning consideration with regards to decision making in this district.

Current housing figures for this district, as with other council areas in the East of England, are with regards to housing numbers generated to meet the quota in this regional plan. Epping Forest’s current status with regards to meeting East of England generated figures is as follows;

“Figures for the district, available from the Forward Planning section, predicts that for the period (financial years) 2012/13 – 2016/17 a net new dwelling build rate of 797 units, including a 10% non build rate of planning permissions. The following link provides a detailed summary of how the figures have been calculated: (. Having regard to the East of England 20 year target (2001 – 2021) of 3,500 dwellings this would result in an Annualised target of 175 completions per year. However the district has often exceeded this annual target and as such the Residual target is more relevant. 2,328 units were completed in the first 10 years of the period which leaves a target of 1,172 units for the remaining ten years, or 117 units per year, 586 for the next five years. When this figure is compared with the 797 units which have a planning consent and allowing for a 10% non build rate it can be clearly seen that the district actually has a surplus in land supply for housing having regard to East of England figures and the requirements at Paragraphs 47 – 49 of the NPPF”

It is recognised that these figures will have reduced weight as from 03/01/12. However a new target is being generated as part of draft plan preparations, and under the current Issues and Options Consultation. The advice from the Forward Planning section is that this clearly identified housing supply is not expected to radically change. Thus although new figures are in the preparation stage it is expected that this authority will have an identifiable five year supply. It can be surmised that the East of England figures will not be found to be seriously lacking in precision such that any new figure would be fundamentally different.

Therefore the Local Planning Authority would dispute the figures and conclusions within the Howard Sharp and Partners document which indicate as little as a two year supply. In any case

this issue is not considered a special circumstance which would render this site special having regard to the site's location within the Metropolitan Green Belt and in a relatively unsustainable part of the town. This issue will be explored later in this report under the heading 'Green Belt Release in Waltham Abbey'.

The Need For Affordable Housing Locally

The case is also made that there is a need for affordable housing to meet the shortfall in supply locally which currently exists. It is recognised that the Council's waiting list for housing has grown considerably in recent years and that there is a need for "intermediate" and affordable housing. In this regard the Director of Housing is in support of this proposal, notwithstanding the Green Belt issues that arise. The argument that Green Belt land can be built upon in order to meet the affordable housing shortfall has previously been accepted by Members, most notably at The White Lodge, Sewardstone Road (119 dwellings, community uses and shop), and Jennikings, Manor Road, Chigwell (68 residential units). However these came with other positive, sustainable attributes including being previously developed land and well served by public transport and accessible local facilities within walking distance. Also the lack of affordable housing is a district wide issue, and indeed beyond the district, and it is not unique to the Knolly's Nursery site, nor to Waltham Abbey. As stated, the need for affordable housing has been cited in a number of locations around the district and the Local Planning Authority has been proactive in meeting the shortfall as indicated by the examples above. However it is not considered that this in itself amounts to a very special circumstance. The desire to increase the level of district wide affordable housing is recognised but this must be balanced against the potential harm to the Green Belt and the purposes of maintaining a Green Belt. Therefore although this issue is recognised as a material planning consideration it must be viewed in the context of all other related considerations.

A further point is that such an argument does not necessarily make this site "special". The Local Planning Authority is currently undertaking an Issues and Options consultation. This document identifies potential sites for development. This includes a number of sites which from a strategic point of view are much more sustainable and would reduce the sprawl of Waltham Abbey eastward, which is currently prevalent, and locate development closer to the town centre and services. Therefore if a sequential test is undertaken, as identified in local policy CP3, there are better placed, more sustainable, sites within Waltham Abbey to meet this need.

The Need For Extra Care Provision

The submitted statement also makes reference to the need for extra care provision within the district and references the Essex County Council Adult Social Care Report. In this regard a 50 bed care home and 12 disabled bungalows are proposed. The report indicates a shortfall of 2, 627 extra care places in Essex. This would form part of the affordable housing provision on the site.

In response to this application Social Services at Essex County Council state that "*the Knolly's Nursery planning application is for extra care housing and 12 bungalows for disabled people – these will all be self-contained housing units enabling older people to live independently in housing designed to meet their mobility requirements and help to prevent admission to a care home. They are not registered as a care home and residents can either rent or purchase depending on the tenures on offer. Our Market Position Statement confirms that there is a requirement for a further 233 units of extra care housing in the Epping District*". Therefore a demand does seem to exist for further units of the kind indicated above and the local Planning Authority should be proactive in meeting such a need.

However there is no indication of a need specific to Waltham Abbey nor is it considered that need would have to be met on a Green Belt site. Any need would be steered towards brownfield sites and thus be in compliance with Local Plan policies and Government drives with regards to sustainable development. This element of the scheme represents an unnecessary encroachment

into the Green Belt and is not considered a very special circumstance. Such units should ideally be located close to the town centre where existing facilities would ensure a much better quality of life for residents as opposed to contributing to unnecessary sprawl into the Green Belt. The reuse of redundant buildings may be one potential example of a reuse of existing resources.

There is further concern that the proposed Heads of Terms only suggests that part of the development site would be made available to Epping Forest District Council. These units are part of the proposed affordable housing on the site and their implementation is considered to go to the heart of any permission. It has not been clearly stated that this part of the proposal would be "taken on" by other representative bodies. The concern here is that if this part of the proposal was not agreed as a "built out" part of the scheme this could result in a serious shortfall of the affordable housing element. This would be necessary to make this development suitable in planning terms. If, as seems to be the case, land would be made available to the Local Planning Authority to develop the site this would be at the public's expense. Nothing has been provided in evidence of any willingness to undertake such a responsibility by any other public bodies. Therefore the provision of an 80/20 mix of affordable housing and its deliverability has to be called into question.

The Need For A Health Centre/Chemist

Dr Wickham's document points to a need for a Health Centre/Chemist in the locality of the site. A full response has been received from NHS North Essex which represents the Primary Care Trust (PCT) for the area. The response firstly outlines the need for a financial contribution under a Section 106 planning obligation to make the development acceptable in planning terms. This is owing to the increase in the local population and the need to tailor healthcare services accordingly. The contribution sought is £36,000.

Reference is made in the submission to preliminary discussions between the applicant and the Primary Care Trust about the possible relocation of Maynard's Surgery to the proposed development site. It is evident that this would require an NHS business case. Dr Wickham's Planning Statement refers to "a requirement from the Primary Care Trust for a health centre to provide convenient access for healthcare in this general area". This could not necessarily be the interpreted conclusion from the submitted comments. The PCT has shown an interest in a potential move but this in no way indicates a need to relocate, bearing in mind the Green Belt "very special circumstances" case needed. It is not readily apparent that if a need does exist why it should be located at this site, on Green Belt land. Again the Local Planning Authority would take the position that this element of the scheme represents an unnecessary encroachment into the Green Belt resulting in an increase in urban sprawl at this location, when there is no clear evidence of need or justification as to why such a use could not be located at a more sustainable brownfield site with better accessibility and scope for more shared trips.

Planning Gain – Removal of Glasshouses

The submitted document also cites general improvements at the site with the removal of the glasshouses and associated works situated in the low lying northern part of the site. Impact on the landscape will be discussed in a separate section but it is clearly evident that the majority of the site is actually open pasture land which the Council's Settlement Edge Landscape Sensitivity Study (SELSS) records the landscape sensitivity of most of the site as "high" and includes a "sensitive historic landscape-with pre 18th Century fields". Therefore the general clean up of one corner of what is a site of high aesthetic value could not be considered a special circumstance sufficient to outweigh the harm.

New Bus Route

The continuation of the bus route from Pick Hill into the site is proposed and detailed in the submission as a special circumstance. No evidence of a desire by the provider to operate such a system has been included to substantiate the claim and in any case the provision of such a service would not be considered a special circumstance.

Summary of the Case for "Very Special Circumstances"

The previous sections provide an analysis of the "very special circumstances" case made as part of the submission. It is not considered that this Authority cannot provide a 5 year supply of housing as per the submitted enclosures. The district has a shortfall in its affordable housing supply rate but this is not specific to Waltham Abbey or indeed this district. Whilst the need to increase this supply is recognised, this must be balanced against all other material planning considerations. It is not by itself considered a very special circumstance to release Green Belt land. Any need for independent extra care facilities does not have to be met on a Greenfield site. No evidence has been provided that indicates a desire from the PCT to relocate health services to the site, and again, this does not necessarily have to take place on Green Belt land. The planning gain argument, as discussed above, is not accepted. Therefore, in conclusion, it is not accepted that a very special circumstance case exists to justify the release of Green Belt land at this location.

Most of the arguments put forward could equally be made for almost any site within the Green Belt in this district. Separately and taken in totality they cannot be considered very special or sufficient to outweigh the very real and considerable harm to the openness of the Green Belt and to other harm that would result from the development.

Details of the Proposed Development

The Site

The characteristics of the site have been detailed in the section at the beginning of this report. It must be noted that the site is not a "brownfield" site and even the area used for glasshouses is effectively a horticultural (agricultural) use. The site is therefore Greenfield and within the Green Belt and not previously developed land. The application has been made at a time when a new Local Plan is being formulated and sites are being considered for housing. A number of areas have been identified adjacent to Waltham Abbey as being potentially suitable for housing development (pages 153 – 164 Issues and Options consultation document). Similar sites have been identified around other towns and villages in the district, however it must be stressed that not all sites will be suitable for development or indeed need to be developed to meet housing needs over the plan period. It is, though, recognised that Green Belt land will have to be released to meet local housing need.

Knolly's Nursery forms a small part of the area marked "WAL-D" on the Waltham Abbey Issues and Options map, one of seven strategic areas. Sites to be brought forward will be identified in the New Year. Having regard to the need to release Green Belt land the sites suitability must be assessed as part of this application. The potential for change is described thus – "potential for mixed use including residential, commercial and community facility development. However, landscape sensitivity is high and it is adjacent to a conservation area (this does not directly affect Knolly's). Existing road access is poor: Pick Hill reduces to a single track road at the eastern end." The Settlement Edge Landscape Sensitivity Study (SELSS), also part of the evidence base, has identified "sensitive historic landscape – pre 18th century fields" which encompasses all of the Knolly's site except for the glasshouses. Therefore there is some sensitivity to change with regards to the site. The remainder of this section will address the sites suitability for release to meet housing need.

Green Belt Release in Waltham Abbey

Waltham Abbey is a historic market town of about 20,000 residents. The town centre is a Conservation Area but as a local centre it has struggled in recent times to maintain its vitality and viability. Development from the 1950's has spread the town eastwards such that quite a percentage of the population live some distance from the town centre and are therefore less likely to use it. As a result the town centre is in a declining state and the area around scores high on deprivation indicators. The Roundhills, Ninefields and Upshire estates have all extended the town very significantly to the east leaving the original town centre (Sun Street/Market Square) inconveniently located at the western edge of the town. The post WW2 estates have only local centres with a very limited range of services, and public transport in the town is limited in service. Knolly's Nursery (WAL-D) from a strategic point of view would continue the trend of the town spreading eastwards. Further piecemeal development on the eastern edge, like this proposal, simply compounds this problem. Other sites (WAL-A, WAL-G, WAL-F) notwithstanding development limitations which may exist are strategically better placed. Further representations from Dr Wickham carry out a critique of these sites and identifies issues with delivery. However the Issues and Options document does not relate any serious concerns with regards to deliverability and it must be concluded that such sites, or part of such sites, could be developed to meet the longer term housing needs of the district. In the immediate term a five year supply exists as discussed. It is therefore considered that more suitable sites exist from a strategic viewpoint if Green Belt land is to be released for housing in Waltham Abbey. The release of this site such a distance from the town centre would constitute an unsustainable form of development contrary to local policy and the general sustainable aims underpinning national guidance in the NPPF.

Topography and Character

The site sits within the Green Belt on the edge of Upshire/Waltham Abbey. It is on a steep incline which flattens out in the area of the existing derelict glass houses and Knolly's House. The upper slopes of the site are currently grassland with encroaching scrub, and are bordered by common native hedges and trees, with non-native species within the garden of Knolly's House. It has previously been stated that the site has some historical significance and landscape sensitivity is high. Arboricultural and ecology surveys have been submitted as part of the application, including a Tree Survey, Landscape and Visual Impact Assessment and Habitat Survey. On 12/12/12 further Tree Protection Plans, Development Reports and Impact Assessment Plans were received for consideration. These reports were passed to the relevant sections for comment.

Tree Survey

This identifies 4 groups of trees and 66 individual trees. Of these 18 have been rated as 'B' trees and should be considered for retention. Of these trees 12 individuals and one group are considered appropriate for protection by a Tree Preservation Order and this has indeed been implemented by the Trees Section. Initial tree concerns were as follows;

"Whilst this is only an outline application, no consideration appears to have been given to the retention of any of the trees surveyed in the initial submission. LM Associates drawing number 2406.PL01 Rev D appears to show the loss of the vast majority of the trees from the site, and for those that have been shown to be retained, consideration has not been given to their root protection areas. For example, an ash (T27) is shown to be retained, it has a stem diameter of 574mm, using Table D.1 (BS5837:2012) this equates to a 6.6m protection radius, yet a building is shown to be 3m from the stem of the tree. Also the crown spread of the tree is shown to be 7m, so again there would be a direct conflict with the building – even more so when an allowance of at least 1.5m for scaffolding is taken into account. It is acknowledged that new planting areas are shown within the site, however, there are a number of existing trees which are worthy of retention and the submitted tree report confirms this. The application fails to take the existing trees which are worthy of retention into account and is therefore contrary to Local Plan policy LL10".

In response to tree concerns further documentation and plans were received by the Local Planning Authority on 12./12/12 which suggests moving nine of the TPO'd trees. These range in height between 5m and 18m and diameters of 120mm and 630mm. It is a very specialised operation to transplant large trees successfully, and also a very expensive exercise. The Trees Section have been advised the following from experts in this field;

"A 'tree spade' is only appropriate for trees up to a 60cm girth (circumference) (190mm diameter), at a cost of c£300- £400 per tree. Over 60cm girth requires a cradle and hessian wrap and considerable amount of preparation prior to moving e.g. 2 winters root pruning. The estimated cost per tree is £15,000 - £30,000. In addition to the moving costs there needs to be a management / maintenance programme for each tree to ensure successful establishment for 5-7 years after relocation. By the time this is added up it is a significant sum of money – the cost of moving the trees would be in the region of £150,000 without any aftercare costs".

If this is being put forward as a serious suggestion the Authority would expect to have been provided with more details on the proposals to move the trees and the commitment of the Applicant that they are willing to cover this minimum level of cost. Such details could be covered within the Section 106 Agreement. However at present, this is not considered a viable alternative which has been factored into the development costs. The Local Planning Authority would therefore confirm the initial conclusion on tree issues, which is that adequate measures to retain trees worthy of retention have not been put in place and as such the current layout is not viable.

Visual Landscape Assessment

As has previously been recorded the Settlement Edge Landscape Sensitivity Study describes the area around the site as of 'high sensitivity', with a sensitive historic landscape composed of pre 18th Century field systems.

The Landscape Setting Area (3) describes;

- i) The landscape character sensitivity as – representing the typical character of the area; with many natural, cultural and historic features ; and a high overall character sensitivity.
- ii) Visual sensitivity as – moderate inter-sensitivity; moderate visual prominence ; and a moderate overall visual sensitivity.
- iii) and, an overall high sensitivity to change.

It is desirable that where landscape setting areas have a high overall sensitivity, that they are safeguarded in landscape terms and are considered to have a significant role in contributing to the structure, character and setting of the settlement.

The applicants have submitted a Landscape and Visual Impact Assessment Report. The submitted report concurs with the Chris Blandford study and concludes that *'the removal of the derelict nursery greenhouses and the residential dwelling in the site to a housing development would not be beneficial to the landscape character of the area and its visual qualities.'* (1.18) and that *'the change of use of the site and proposals are likely to result in substantial impact on the quality and condition of the site, in terms of the increased pollution of ground through seepage from development, increase in the extent of hard surfaces and loss of grassland, increases in the number and scale of buildings and the loss of existing landscape vegetation .'* (1.19) This clearly confirms that a development of this scale, in this visually sensitive location, would be inappropriate, and therefore contrary to Local Plan policies LL2, LL3 and LL10.

The submitted report makes several mitigation recommendations e.g. the introduction of wild flower meadow, grassland and native species hedging and trees; and, enhancement of site boundaries with increased depth of native structural planting. These elements do not appear to have been incorporated within the indicative layout. Indeed, from looking at the indicative layout all the hedges have been removed. Some of the properties are shown to have only 5m long back

gardens - in order to allow for a sensible and robust native hedge around the site this would require a minimum planting width of 2m. To achieve this and allow suitable sized gardens the buildings would need to be pulled away from the boundaries – this may impact on the number of dwellings which could be fitted onto the site.

It is therefore considered that where the site is sloping, opening outwards from the town into the wider countryside from the crest of a locally significant ridge with a relatively intact network of hedgerows, it is extremely sensitive to change. The proposal does not provide enough landscaping or respect the character of the landscape at such a sensitive location at the edge of a settlement and as such it is contrary to Policies LL2 and LL3 of the adopted Local Plan.

Ecology Report

A Habitat Survey has been submitted by Arbtech Ltd. The findings of the report show the potential of birds and reptiles to be located at the site. However appropriate conditions could be put in place to ensure that development takes place outside the bird breeding season and that a general duty of care is shown towards wildlife that may be present at the site. Ecology enhancements could also be agreed by condition. Natural England has no objection to this proposal but suggest suitable biodiversity enhancements and as stated this could be agreed by condition.

Access to the Site

Essex County Council Highways Authority (HA) has been consulted with regards to this development and access to the site has been considered important enough to be dealt with at outline stage. In this regard a Transport Statement has been submitted as part of the outline application.

The HA has formed the view that the proposal is generally acceptable and not contrary to policy. The submitted Transport Assessment (TA) has undertaken an assessment of the existing vehicle movements through the current access junction and has used the TRICS database to provide the proposed vehicle movements for the development as a whole. Although the HA does not dispute these figures the TA has assumed a lawful use of the site that it never had. The lawful use of the site is as a wholesale horticultural business and not a commercial garden centre that would have generated far more vehicle movements. Therefore the proposal will increase vehicle movements at this location over the level of the lawful use of the site but the HA, from observations made on site during the peak hours at the junction with Pick Hill and Paternoster Hill, has concluded that there would be no capacity issues either at this junction or any of the other junctions onto Upshire Road as they are all currently operating well under capacity.

With regard to the two access options submitted for the proposal the HA would advocate the implementation of the Priority Junction option over the Mini-Roundabout (RAB) option based on the fact that it does not accord with the appropriate standards as laid out in the Design Manual for Roads and Bridges TD 54/07, and as such a priority junction arrangement would be preferred. There is also the issue of lighting a mini-RAB that could cause conflict environmentally and possibly to amenity. The planning application has no information with regard to the lighting levels necessary for a mini-RAB that the planning officer can assess. The proposed development will not in the view of the Highways Authority have any detrimental impact upon highway safety, capacity or efficiency at this location and a priority junction, the preferred option, would provide acceptable access to the site.

A number of conditions are deemed necessary including the provision of bus stops and the submission of a Stage 1 Road Safety Audit by way of negatively worded conditions. A Section 106 Agreement would also be necessary to ensure that travel packs are provided for future residents and to regulate the works to the public highway and areas which would become public highway.

Design and Layout

The detailed design of the proposed development is an issue which is reserved for later consideration. An indicative layout has been submitted and building designs and heights have been included as supplementary information. This indicates a range of styles of dwellings in terms of heights and finishes and the density is reasonable. The streetscape submitted would not look out of place and would blend relatively well with the existing built form in the vicinity. The proposed extra care unit is a large building but it is envisaged that this would be located in the low section of the site which would reduce its impact. It is not considered the proposal would impact excessively on the amenities of nearby residents.

Concern has already been expressed that the proposed layout would result in the removal of quality trees and the hedgerows would also be lost. A further concern is that the layout indicates relatively shallow gardens for some of the dwellings. Plots 57-60 for example would allow for a 5.0m deep garden if all hedgerows were removed. They would be of a size which is in general compliance with local policy (20 sq m per habitable room). Some of the gardens would be slightly under this requirement e.g. plot 23 has a square area of circa 72 sq m when the policy would require 80 sq m. This policy does allow a slight reduction when the development is in close proximity to public open space, as in this case. Therefore though some of the gardens are slightly below the policy requirement they would be acceptable. This, however, is having regard to removal of the hedgerows and as has been stated this is not an acceptable scenario from a strictly landscaping and visual amenity viewpoint.

The plans do include some parking to the front of dwellings however this is interspersed with front garden areas, communal green space and there are some parking courts. Generally the parking layout is considered adequate. The area of public amenity space is deemed suitable for the development.

The parking spaces meet the required standards with regards to adequate size. The provision of two parking spaces per residential unit is in compliance with the required standards. The doctor's surgery/pharmacy/convenience store indicates twenty two spaces. This would form a mixed use of the site for A1/D1 purposes. A health centre would be judged on the number of full time staff and number of consulting rooms. The application indicates that there would be six medical practitioners operating from the site and perhaps at least three other members of staff. Three parking spaces would be required per consulting room. It is therefore considered that approximately twenty seven spaces would be needed for the surgery. An A1 (food) use would require one space per fourteen sq m. As the Design and Access Statement indicates 113 sq m, this would require eight spaces. The chemist (94 sq m) would require four spaces. Therefore a total of thirty nine spaces would be needed for this use. The extra care unit which allows some degree of independence for occupants indicates circa eight spaces. This would be classed as a C3 use (retirement developments, warden assisted, independent living accommodation). In such instances one space per unit would be required (50 spaces). Collectively the parking requirements for this development would require a revision of the scheme to meet this demand. It seems the number of units would have to be reduced. No parking is indicated for cycles or motorcycles but it is considered that suitable parking could be accommodated for the uses and this could be agreed by condition.

The dwellings provided are a mix of two storey and one storey dwellings, and flats contained in maisonette style buildings with two flats below and two above, and blocks of six flats. The layout generally forms short rows of development. A number of the two bed flats (90-97) are in close proximity to the rear of numbers 89 and 98. The distance is approximately 6 – 7 metres. Given the elevated position and close proximity to the boundary there would be an issue of overlooking. The developer could perhaps consider the option of moving some of the disabled bungalows to this location. However this would result in maybe three dwellings replacing eight. This suggests a need to reduce the number of units on the site.

The distance between some of the rear elevations in this part of the site (dwellings 89 – 103) is approximately 20m. With a development of this density some degree of overlooking should be expected. The Essex Design Guide which provides supplementary planning guidance on design issues for the district suggests that for rear facing elevations which are roughly parallel a distance of at least 25m should be retained. However a distance of 20m is not considered to result in serious overlooking, particularly in a development of this density.

Plot No165 has been separated from the development but included within the site plan. This plot is not referred to in the key but appears to be the four bedroom house listed in section 11 (residential units) of the application form. There are no strong reasons to refuse such a layout. The City of London states that access to this plot appears to be over forest land. Ownership of land is not a planning matter but these comments are noted.

The proposed layout, owing to a lack of parking at the surgery/convenience store and the extra care unit and concern with regards to overlooking of plots 89 and 98 and inadequate space for any meaningful landscaping and tree retention, suggests that the layout in terms of provision of residential units is excessive and that the number of units would need to be reduced in order to provide an acceptable layout. It is recognised that layout is a reserved matter but it is clear at outline stage that this layout would result in an overdevelopment of the site with regards to parking provision, loss of trees/hedgerows and issues of overlooking.

Land Drainage

The applicant has submitted details with regards to flood risk as part of this outline application. Comments have been received by both the Council's internal Land Drainage Section and the Environment Agency (EA). The Council's Land Drainage Section indicates a need for a condition to secure a Flood Risk Assessment (FRA) prior to the commencement of the development. As the works are proposed within eight metres of a watercourse, Land Drainage Consent would also be required. A condition with regards to foul drainage disposal is also deemed necessary. Ultimately they record no land drainage objections to the proposal.

The EA have also provided comments with relation to this proposal. This indicates a requirement for the FRA to be provided at outline stage. Concern is also expressed that the loss of a pond on the site has not been mitigated by an appropriate replacement. It is considered that appropriate mitigation could be secured by condition, potentially within the public amenity areas. With regards to a full FRA, planning legislation does allow for Local Planning Authorities to require any information they feel necessary at outline stage (Section 62 (3) of the 1990 TCPA). However outline planning applications are intended to enable an applicant to explore the principle of a development before requiring detailed plans and reports. The site is not within an EA Flood Risk Zone 2 or 3. It is recognised that a Flood Risk Assessment should be submitted to address any issues with regards to flooding which may be generated by the development of this site. The standard condition is as follows;

“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”.

This requires that an FRA is provided prior to commencement of the development. If the details are submitted and are not adequate then the proposed development cannot proceed. As this application is only requesting a decision on the principle of this development it seems unreasonable to request a full FRA particularly in an area outside EA flood risk zones. This is particularly true having regard to Government initiatives to kick-start economic growth and to

ensure that the planning system is pro-active in bringing suitable development forward “without delay”. If flood risk is a future issue then this proposal will not proceed but a full FRA is deemed excessive at outline stage having regard to the above. This has been the traditional approach of this Council and is fully compliant with Government aims to ensure that LPA’s act positively in order to avoid unnecessary delays in the system.

Contaminated Land

A Land Contamination Statement has been included with the submission. Due to its former use as a Horticultural Nursery, this site has been identified as a Potentially Contaminated Site. Domestic housing is considered a vulnerable use that is sensitive to the presence of contaminants. Therefore the standard land contamination conditions would be deemed necessary with regards to the proposal but it is not an issue which it is considered could not be appropriately mitigated.

Essex County Council (Education) comments

Essex County Council’s Education section has provided full comments on the application. This indicates that the 66 houses and 48 flats will require a contribution, secured through Section 106, of £387, 690. This would be to meet the need for further pre-school and primary places that would be generated by the proposal. The Design and Access Statement notes that a contribution towards education would be required.

Specialist Archaeological Advice

The Historic Environment Team (HET) of Essex County Council has been consulted on the application. As the HER search has confirmed, there are few known archaeological sites within the immediate vicinity and they feel it is unlikely that the development will impact upon any surviving archaeological resource. Accordingly the Historic Environment Team will not make recommendations for archaeological works on this application.

City of London Comments

The City of London, as Conservators of Epping Forest, has expressed concern with the proposal and its impact on the Green Belt/biodiversity of the area. Concern is expressed with regards to views of the site which would be gained from public vantage points and the organisation calls into question the use of the term “previously developed land” to describe this site. As has been previously stated the Conservator’s have questioned ownership of the strip of land along the Pick Hill side of the development. This however would be a civil matter between the potential developer and the Conservator’s.

Section 106 Agreement

The Design and Access Statement includes a section on S106 contributions. The provisions for affordable housing would be necessary to render the development acceptable in planning terms. These provisions have been considered by the Housing Section of the Council and seem reasonable. Such contributions could be further agreed and detailed if outline consent was granted.

Retaining 10% of the development as public amenity space can be covered by the agreement.

Concern with regards to the deliverability of the care facility has been recorded in the preceding text.

The statement makes reference to education contributions and as has been stated there would be a requirement to meet the education shortfall.

The reference to providing a bus service through the development is not deemed necessary as there is already a bus service close to the site along Pick Hill.

The proposed Heads of Terms includes the provision of the Health Centre/Pharmacy. It would be required that this would include the convenience store and that it would be built out.

Meeting the full costs of highways works is included within the obligation and this would indeed be required.

The payment of the Council's legal costs would be required.

The proposed dwellings would be expected to conform to the suitable level in the Code for Sustainable Homes.

Additionally the Primary Care Trust request £36,000 in order to meet tailored healthcare provision in the locality in accordance with additional residential units. This is considered to meet the test with regards to requesting reasonable S106 contributions.

Fairly late in the application cycle the applicant has suggested moving a number of trees within the site. This is something which the Authority would want to have covered by a suitable agreement.

Conclusion:

The applicant seeks outline consent to redevelop this site for a largely housing development. A case for very special circumstances has been put forward. It is firstly stated that this authority cannot demonstrate a five year housing supply as required by the NPPF. It is recognised that the East of England Plan will be removed from the Development Plan. However it is expected that the Local Planning Authority will be able to demonstrate a deliverable five year housing supply and that new figures will not be radically different from the current figure. The lack of affordable housing provision in the district is also cited as a special circumstance. This is a recognised issue in the district, and indeed beyond. Recent approvals indicate a proactive response to tackling the issue and increasing the supply of this housing. The desire to increase this supply must however be balanced against the undoubted harm to the Green Belt that would arise if this scheme was to proceed and all other material planning considerations. It is also considered that this shortfall does not necessarily make this, relatively unsustainable site, special.

The case is made that extra care provision in this district is in shortfall and comments from Essex County Council Social Services relate that for this type of extra care provision a need for further units does exist. However there is no necessity to meet this need on Green Belt land and brownfield, town centre sites, which would avoid encroachment into the Green Belt and are located close to facilities seem more suitable. There is further concern about the deliverability of these units as the proposed S106 Heads of Terms only refers to making land available for an extra care unit. This element therefore does not amount to a special circumstance. The need for a Health Centre/Pharmacy at this location is also detailed as a special circumstance. However the Primary Care Trust to date has, in preliminary discussions, only outlined an interest in moving services to the site. This is not accepted as a very special circumstance and involves another unnecessary encroachment into the Green Belt and the location is poor in terms of general accessibility. Planning Gain through the removal of the glasshouses and redirecting a bus route through the site are not accepted as very special circumstances. Generally, the case for very special circumstances amounting to the justification of the release of Green Belt land has not been made. The harm to openness that would occur is also considered significant.

The development of this site would continue the eastward spread of the town. It is recognised that the site forms a small part of the "WAL-D" potential development site in the Issues and Options

document. However these are only initial potential sites for development which have yet to be fully evaluated and there are better strategically placed sites which could be developed in Waltham Abbey for housing. The development of this site, detached from local services, would represent an unsustainable form of development contrary to local policy and guidance contained in the NPPF.

The site contains a number of noteworthy trees which have subsequently been given protection with Tree Preservation Orders. Revised comments have been received by the applicant but this Authority would maintain a stance that this layout is not achievable having regard to the need to retain the preserved trees. The site is also considered sensitive to change and that mitigation measures could not compensate for the loss of such a visually sensitive site at the settlement edge of Waltham Abbey.

The proposed indicative layout has also been assessed. This indicates a lack of parking for the extra care provision and the Health Centre/Pharmacy. This coupled with concerns about overlooking at part of the site and the loss of trees/hedgerows suggests that the proposed number of residential units is ambitious, and in need of revision. It is considered that issues with regards to land drainage and contamination could be dealt with by condition. Safe access to the site is achievable and there are no serious issues with regards to road safety.

Therefore, in conclusion, and having regard to all issues which have been discussed above it is considered that the proposed development is inappropriate and it is recommended that consent is refused. This recommendation takes into account local and national policy.

Is there a way forward?

When the proposed development is assessed with regards to identifying a way forward it would have to be recorded that the principle of developing this site is at odds with national and local policy which sets out to maintain the openness of the Green Belt and is generally deemed unacceptable. No clear way forward appears to exist.

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:

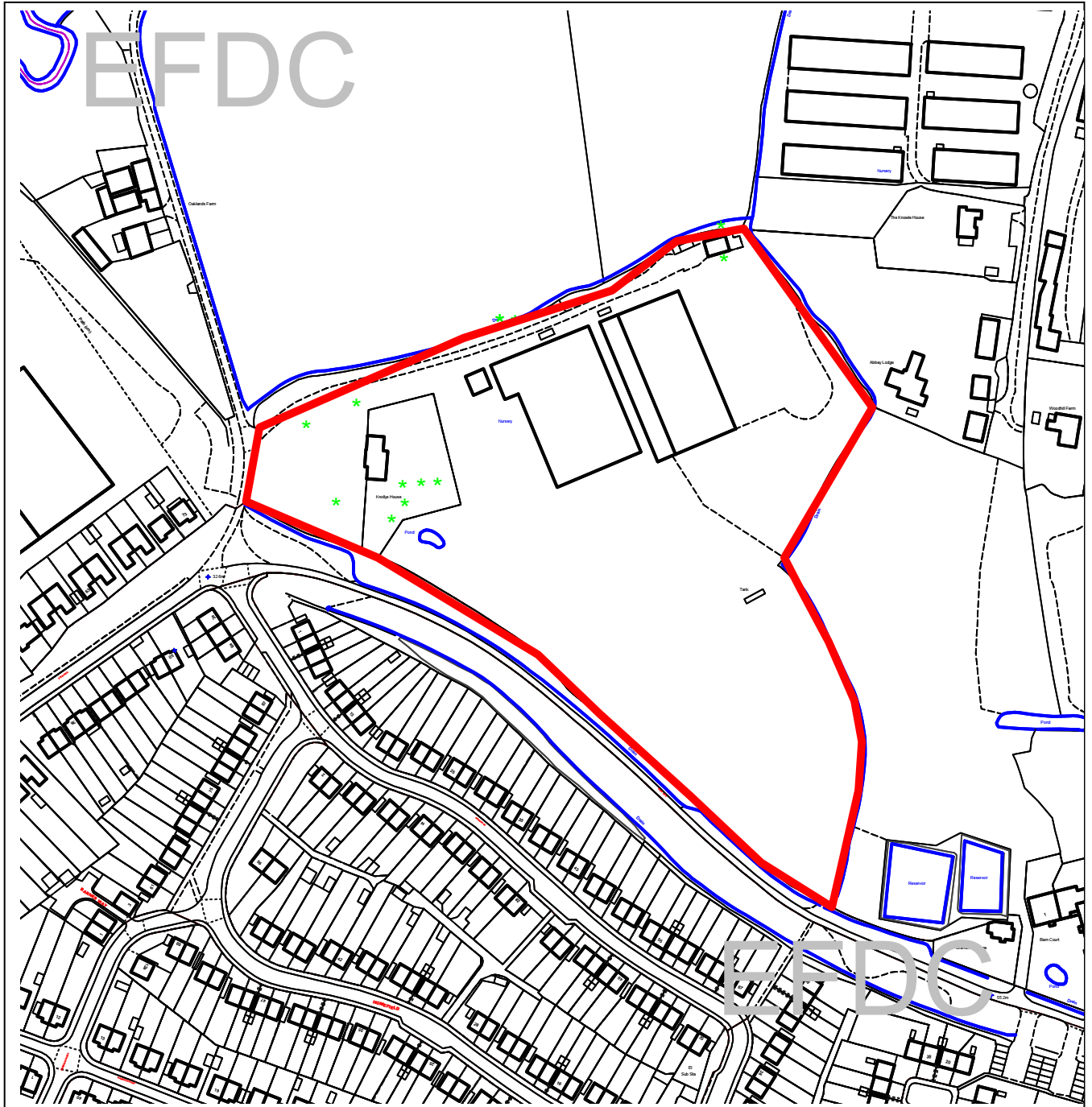
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee West



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| Agenda Item Number: | 1 |
| Application Number: | EPF/1564/12 |
| Site Name: | Knollys Nursery, Pick Hill Waltham Abbey, EN9 3LF |
| Scale of Plot: | 1/2500 |

Report Item No: 2

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0847/12 |
| SITE ADDRESS: | Skillet Hill Honey Lane Waltham Abbey Essex EN9 |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey Honey Lane |
| APPLICANT: | RVL Properties Ltd |
| DESCRIPTION OF PROPOSAL: | 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. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=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: Submitted location plan, BRD/11/048/EX1A, , 01, 02F (received amended 07/12/12), 03, 04, 05, 06, 07, 10B, 11B, 20, 30, 40, and OS 442-12.3, OS 442-12.4, OS 442-12.5, the submitted Flood Risk Assessment by MLM dated 26/11/12 and the Phase 1 Contaminated Land Survey by SES dated 27/11/12.
- 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 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.
- 17 Wheel washing or other cleaning facilities for vehicles leaving the site during construction and demolition 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.
- 18 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.
- 19 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.
- 20 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference SJC/614963/JRC, and the following mitigation measures detailed within the FRA:
 1. Limiting the surface water run-off generated by the 1% annual probability critical storm including allowance for climate change to 34.5 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Provision of adequate surface water runoff attenuation features to accommodate runoff volumes generated by the 1% annual probability critical storm (plus climate change).
 3. Minimising the length of watercourse crossing required as shown on Proposed Site Layout, revision F drawing BRD/11/048/EX1.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 21 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A site investigation scheme, based on the submitted Preliminary Risk Assessment (reference CON019-SKIL001) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 3) A verification plan providing details of the data that will be collected in order to

demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

- 22 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 23 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 24 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 25 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 26 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved and should be in line with the submitted FRA (reference SJC/614963/JRC).
- 27 The development hereby permitted shall not be commenced until such time as a scheme to install the underground tanks has been submitted to, and approved in writing by, the Local Planning Authority.
The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.
- 28 No development shall take place until a scheme for the proposed realignment of the watercourse and new ponds, in accordance with diagram BRD/11/048/EX, has been submitted and approved in writing by the local planning authority. The scheme shall include the following elements:

- detail all new planting, to be of native species
- details of the new pond habitat created on site
- Design details (including profiles) for the realignment of the watercourse.

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)).

The application was deferred from the last meeting in order to facilitate a members site visit and to allow full comments from the Environment Agency. The members site visit was carried out on 08/12/12 and comments from the Environment Agency, stating No Objection were received on 18/12/12. The comments are included within this report.

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 uses such as a mechanics garage (B2). 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 and it is a short journey to Waltham Abbey town centre. There are some preserved trees within the site and it is also within 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. This would measure approximately 21.0 x 10.5 with a 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 if the view can be taken that the development would not have a materially greater impact on the Green Belt than the present use the proposal may be considered appropriate in line with the more 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 applicant's 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 an 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 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 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. They have reviewed the above application and consider 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) has demonstrated that the western roundabout (RAB) functions well within capacity now, with the development and in 2022 with this development completed. 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 highways 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 ARCADY modelling. 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 considered there are no highway issues with regards to the proposal.

The hotel and restaurant in the western section of the site include 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 catslide 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 site's 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. This would evidently have some advantages but is largely a matter for the Highways Section of 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.

Environmental Health Comments

As the development includes a restaurant use details of suitable extraction equipment is deemed necessary.

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 it is advisable to make contact with the police in order to achieve as secure a development as possible. 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.

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 condition is required by the Land Drainage Section for a Flood Risk Assessment. 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.

Environment Agency Comments

Following extensive negotiation between the applicant and the Environment Agency, the Agency are content that the proposed development will have no serious impact on flood risk within the immediate area and any issues can be dealt with by appropriate conditions. These conditions have been tested against the requirements of Circular 11/95 and seem to comply and as such shall be attached to the decision notice.

Conclusion

The proposal is to redevelop the entire brownfield site with a number of different uses. Although contrary to local Green Belt policy, 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. There are no highways concerns as a result of this development. The design of the proposed buildings is acceptable. The Environment Agency has removed any concerns they had, subject to appropriate conditions, which shall be attached to the decision notice and are considered reasonable. Therefore in light of the above this proposal is deemed acceptable and is recommended for approval with 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:

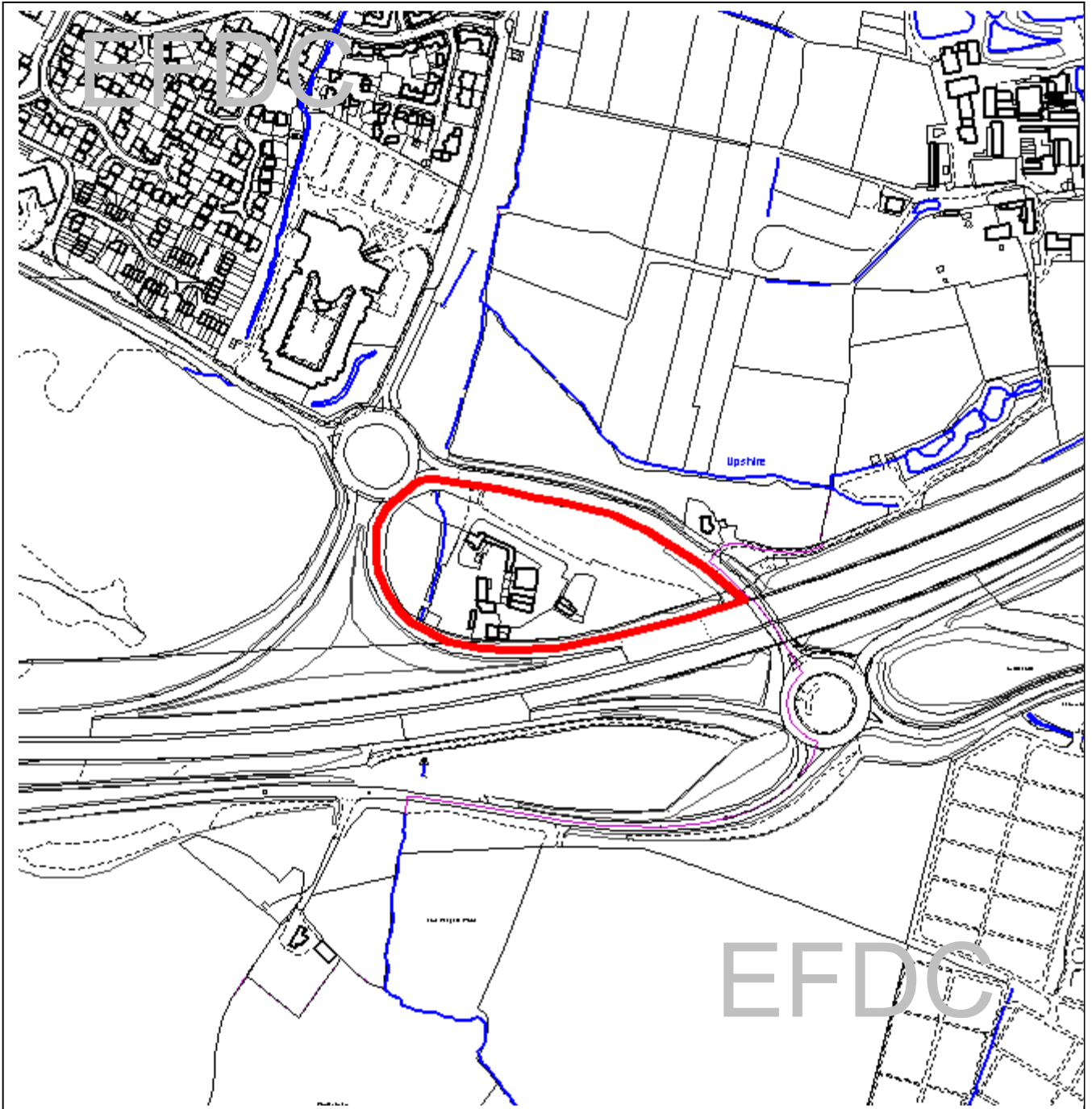
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee West



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| Agenda Item Number: | 2 |
| Application Number: | EPF/0847/12 |
| Site Name: | Skillet Hill, Honey Lane, Waltham Abbey, EN9 3QU |
| Scale of Plot: | 1/5000 |

Report Item No: 3

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1225/12 |
| SITE ADDRESS: | Sons Nursery Hamlet Hill Roydon Harlow Essex CM19 5JZ |
| PARISH: | Roydon |
| WARD: | Broadley Common, Epping Upland and Nazeing Roydon |
| APPLICANT: | Mr Edward O'Donoghue |
| DESCRIPTION OF PROPOSAL: | Change of use from horticulture to garden area, associated with residential use. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=538713

CONDITIONS

- 1 The development hereby permitted within the red lined application site will be completed strictly in accordance with the approved drawings nos: 357:100 and unnumbered location plan.
- 2 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions to the existing property onto the garden area hereby approved and generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes E and F (Outbuildings, enclosures and hard surfacing)] shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 Within 3 months of this consent the existing shipping container located to the north of the residential dwelling shall be removed from the site.
- 5 No ancillary caravans, portable buildings or shipping containers shall be stationed at any time within the garden area hereby approved.

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 a roughly rectangular area of land, approximately 115m in depth and 20m wide. It was originally part of a larger nursery site, which now has no nursery or agricultural use, but is in the same ownership, located on the northern side of Hamlet Hill. The site is set back from the road by about 20 metres and is set behind high gates and fences. To the east is the residential property known as Furrows End which is separated from the site by a high conifer hedge.

There is an existing building within the site which has lawful use as a dwelling. Roughly half the area of the site is hard surfaced and there is currently a storage container located adjacent to the dwelling which is used for domestic storage.

Description of Proposal:

The proposal is to change the use of the land from agriculture to residential garden area for the lawful dwelling. No works or buildings are proposed.

Relevant History:

The larger nursery site has a long planning history including unauthorised use for car sales which was successfully stopped by enforcement action.

With regard to the current site the most relevant factor is the Certificate of Lawful development EPF/1615/11 issued in 2011 for use of the single storey building on the site as a dwelling. The application proved on the balance of probability that the building had been used residentially for in excess of 4 years and as such the use was lawful, however the application identified only the area of the building and therefore the dwelling has no lawful garden area, although it is likely that some of the area now under consideration will have been used on an ad hoc basis in connection with the residential use.

SUMMARY OF REPRESENTATIONS

1 neighbour was consulted and a site notice was erected at the site; the following representations were received.

PARISH COUNCIL – Object. Concerns that the land could be turned into plots - may create a precedent for similar sites in the District.

THE RISE, HAMLET HILL – Quite undesirable. Seems to be first step to siting caravans on the land. There have been illegal caravans on there in the past. Too much land in the area is being developed. Concerned that existing residential use is unlawful.

ROYDON HAMLET RESIDENTS - Worried that this could lead to further development at the site. Would like to be kept informed.

Policies Applied:

Local Plan Policies:
GB2A – Green Belt

GB4 - Extensions to residential curtilages
E13A – New and Replacement Glasshouses
E13B - Protection of Glasshouse Areas
DBE9 - Loss of amenity

The above policies form part of the Council's 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 Framework and therefore are afforded full weight.

Issues and Considerations:

The site is within the Metropolitan Green Belt and is identified as a Glasshouse Area covered by Policy E13A. The main concerns therefore are the impact of the proposal on the Green Belt and on the Glasshouse area and in addition the impact of the use on the adjacent residential property must be considered.

Green Belt

The proposal is simply to enable the use of the strip of land as residential garden area in connection with the existing lawful dwelling. No new buildings or hard surfacing are proposed and the physical impact of the use of the land as garden would be minimal. Policy GB4 allows for the extension of residential curtilage within the Green Belt where it would not have an adverse impact on the open character of the landscape, would relate well to the curtilages of adjoining properties and would not be of excessive size. The site is well screened from view and the use is an open use which would have minimal impact on openness. The proposed garden area, although large, would be the same depth as that of the adjoining property and would not project onto open agricultural land. It is considered that with the imposition of appropriate conditions to prevent the creation of further hardstanding, outbuildings and extensions, the use of the land as garden would not be harmful to the openness of the Green Belt.

Glasshouse Area

Policy E13A seeks to direct new glasshouse development to existing glasshouse areas. And policy E13B seeks to protect Glasshouse Areas from development that would undermine the policy approach of concentrating glasshouses in clusters to minimise damage to visual amenity and loss of openness in the Green Belt and/or would cause harm to the future vitality and viability of the Lea Valley Glasshouse industry. This site forms the eastern edge of an E13A area which runs west from here to Netherhall Road. It is not considered that the loss of this 20m wide strip from the eastern edge of this area would have any significant impact on the prospects of the future development of the remainder of the site for glasshousing, nor is it of such a size that its loss would cause harm to the vitality or viability of the Glasshouse industry. The site and the adjoining land within the applicant's ownership have not been used for growing for a great many years.

Impact on Residential Amenity

The use of the land as garden for the lawful dwelling would be less likely to cause any harm to the residential amenity of the neighbouring residents than the existing lawful glasshouse/agricultural use of the site. There is extensive planting between the two sites and there will be no harm to residential amenity.

Other Issues

Concern has been raised that the site may be turned into plots for mobile homes, as there has been a history of mobile homes on the wider site and indeed there is currently an unauthorised mobile home located in front of the red lined site and a portable building (used, according to applicant, as a games room and shower facility) sited immediately to the west of the application site. These breaches of control are the subject of current enforcement investigation and whilst the scepticism of the parish council and neighbours is understood, we can only determine the

application that is currently before us. Should the change of use to garden be approved, this would not enable or authorise the use of the land for stationing of caravans for residential use. It is however suggested that given the size of the site and the extent of hardstanding available, in addition to the conditions removing permitted development rights, an additional condition preventing the stationing of ancillary caravans/portable buildings and shipping containers is required to maintain the openness of the Green Belt

Conclusion

The proposed use is an open use that will not have an adverse impact on the character and openness of this area of Green Belt. Subject to conditions the development is considered to be in accordance with the Local Plan and the NPPF and the application is recommended accordingly.

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:

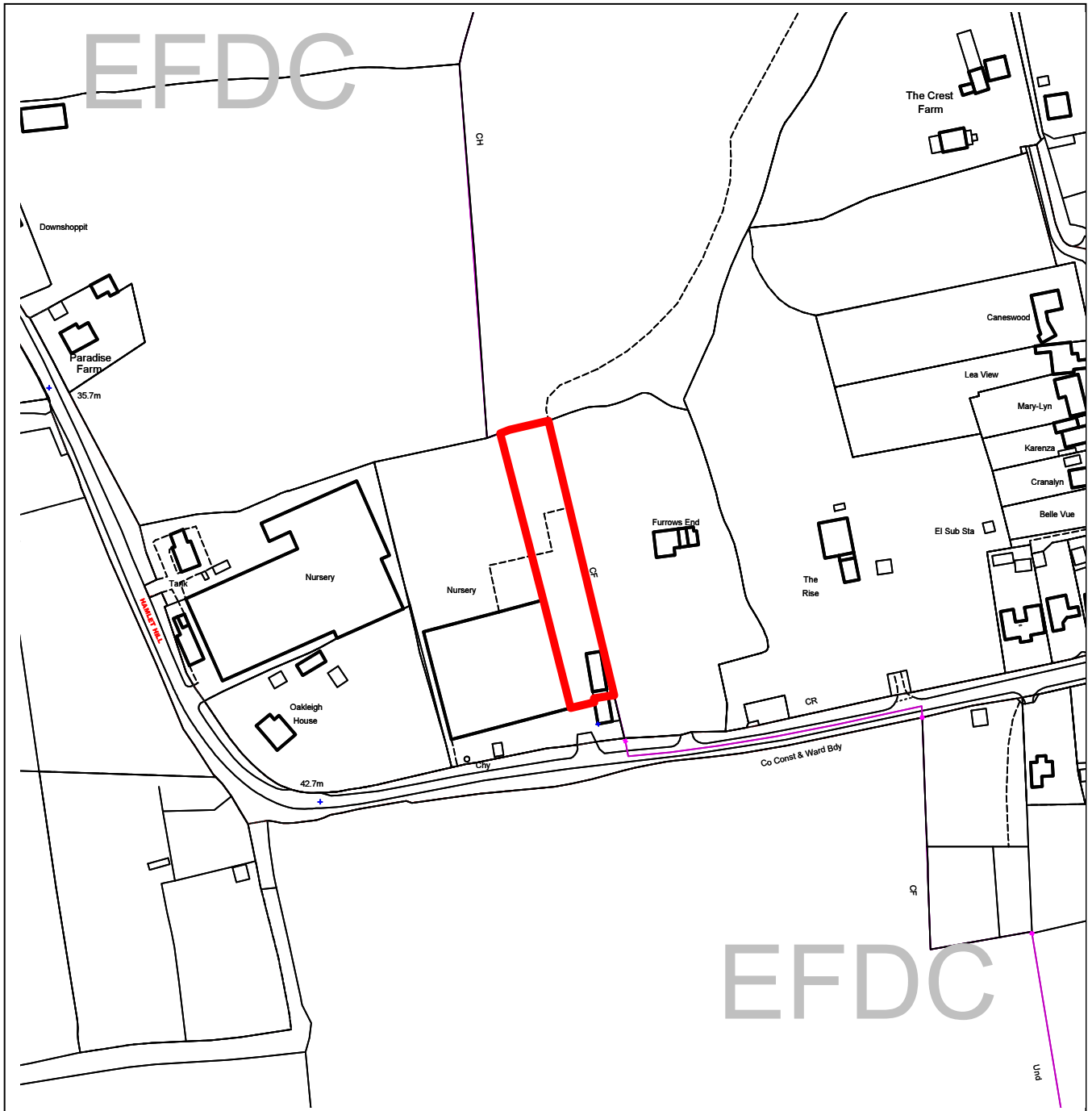
***Planning Application Case Officer: Mrs Jill Shingler
Direct Line Telephone Number: (01992) 564106***

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: | 3 |
| Application Number: | EPF/1225/12 |
| Site Name: | Sons Nursery, Hamlet Hill Roydon, CM19 5JZ |
| Scale of Plot: | 1/2500 |

Report Item No: 4

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1690/12 |
| SITE ADDRESS: | 21 The Magpies Epping Upland Epping Essex CM16 6QG |
| PARISH: | Epping Upland |
| WARD: | Broadley Common, Epping Upland and Nazeing |
| APPLICANT: | Mr Darren Block |
| DESCRIPTION OF PROPOSAL: | Rear dormer. |
| 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=540909

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.

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 proposal site forms part of a development of two storey dwellings in the small hamlet of Epping Upland. The site is outside the Metropolitan Green Belt but its boundary abuts the rear of the property. The rear of the site is a grassed area which is part of the local bridleway network. Footpath 74 also runs in close proximity to the rear of the site.

Description of Proposal:

The proposal is to extend the dwelling on the rear elevation by creating a box dormer. This would fill the majority of the roof slope and would have a flat roof and Juliette balcony feature. The dormer would be finished in render with a large set of glazed doors.

Relevant History:

No relevant history.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Excessive Loss of Amenity to Neighbouring Properties

DBE10 – Residential Extensions

GB7A – Conspicuous Development

The National Planning Policy Framework (NPPF) 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:

PARISH COUNCIL: Objection. Overbearing impact on the visual amenity as viewed from the public right of way. Out of keeping with the rural concept and character of the Magpies development.

2 neighbours consulted – no replies received.

Issues and Considerations:

The main issues relate to the design of the proposal, its location, amenity and the comments of consultees.

Design/Location

Rear dormer windows are a common feature on dwellings within the district and are a popular means to extend houses. This is largely because such development is permitted without the need for planning consent by virtue of Part 1, Class B of the General Permitted Development Order 1995, as amended in 2008. However The Magpies development has had its permitted development rights removed for all extensions. Therefore this application is necessary. The dormer is a conventional design. Such developments are undertaken to maximise space with design often a secondary consideration. However as rear dormers go this is not necessarily a poor design and indeed for such developments is in some ways restrained. It does retain a reasonable gap to the eaves and the edges of the dwelling and is set down from the ridge. There is not an excess of overhanging tile or render in relation to glazing. In design terms this proposal therefore raises no serious issues.

The Parish Council are concerned that the dwelling's location, in a development of dwellings, and adjacent to the Metropolitan Green Belt renders the proposal inappropriate. The dormer would be visible from the nearby bridleway and footpath. Although the countryside's openness is worth preserving, and this is encased in rural restraint policies, it is not considered that such proposals excessively compromise this aim. As stated, such features are common, even in rural locations. Notwithstanding the fact that this rear dormer would appear more prominent owing to the nearby bridleway/footpath it is not considered that it is contrary to local or national policy. The Magpies is a pleasant rural development but it is located in an enclave of some 40 dwellings. The addition of a dormer to the rear of the dwelling would not compromise the original design or layout of this group of properties. It is therefore deemed an appropriate addition to the dwelling which would not seriously harm the character of the countryside or this group of houses.

Amenity

The proposed dormer would not materially increase overlooking and the proposal would be no worse than the mutual overlooking that exists from such developments.

Conclusion:

The proposed development is deemed acceptable even though this is a rural location and views exist from public vantage points. It is therefore recommended that the application is approved with 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:

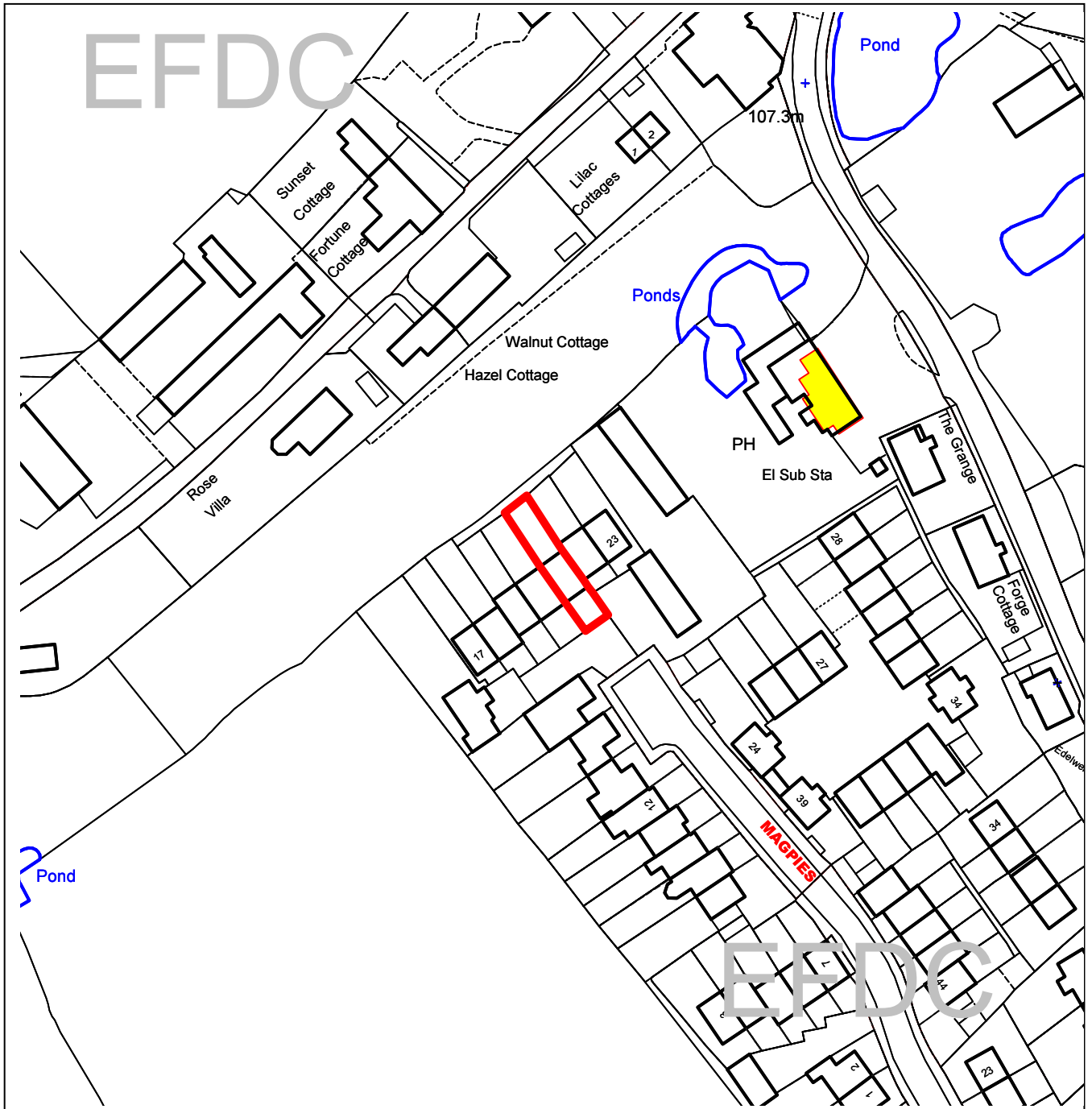
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee West



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| Agenda Item Number: | 4 |
| Application Number: | EPF/1690/12 |
| Site Name: | 21 The Magpies, Epping Upland CM16 6QG |
| Scale of Plot: | 1/1250 |

Report Item No: 5

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1819/12 |
| SITE ADDRESS: | Leaside Nursery Nursery Road Nazeing Essex EN9 2JF |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Mr P Milazzo |
| DESCRIPTION OF PROPOSAL: | Change of use of nursery buildings to class B8 storage use. |
| 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=541710

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 drawing no. 2815/10A
- 3 The premises shall be used solely for B8 and for no other purpose (including any other purpose in Class B 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 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The uses hereby permitted shall not be open to customers/staff outside the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and shall be open at no time on Sundays and Bank/Public Holidays.
- 6 No outdoor storage or external lighting shall take place on site without prior written approval from the Local Planning Authority.

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

Description of Site:

The application site is located on the west side of Sedge Green and is accessed by a narrow track from this road. The premises is an established horticultural nursery and contains glasshouses that cover a significant proportion of the site and other nursery buildings, including the two packing sheds subject to this application. The site is located within the Metropolitan Green Belt, Lee Valley Regional Park and an area identified for new and replacement glasshouses on the proposals map under policy E13. The lawful use of the site is as a horticultural nursery, however enforcement investigations have taken place regarding other unlawful uses on the site.

Description of Proposal:

Consent is being sought for the change of use of the two packing sheds to Class B8 storage use.

Relevant History:

Planning History:

EPF/1888/05 - Erection of nursery packing shed and storage shed for boxes and crates – **refused 31/01/06**

EPF/1080/06 - Erection of one agricultural workers dwelling and erection of packing/ storage shed and erection of replacement glasshouses – **refused 02/11/06**

EPF/0432/07 - Replacement of greenhouse on footprint of existing and new storage and equipment store (including boundary hedge and landscaping) (revised application) – **approved/conditions 08/08/07**

EPF/1688/08 - Demolition of existing packing shed, plant room and nursery office. Erection of extension to approved glasshouses and erection of facilities building incorporating replacement packing shed and office and staff welfare facilities including canteen, washroom and first aid room – **approved/conditions 03/11/08**

EPF/2215/09 - Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room. (Revised siting of building approved under planning permission EPF/1688/08) – **approved/conditions 08/01/10**

CLD/EPF/0172/11 - Certificate of lawful development for the stationing of one caravan for use as a nursery office with occasional overnight accommodation in association with the lawful horticultural use of the site – **lawful 23/03/11**

EPF/0082/12 - Variation of condition 11 of EPF/2215/09. (Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room.) to retain existing buildings until construction of new glasshouses commences – **refused 07/03/12**

CLD/EPF/0265/12 - Certificate of lawful development for proposed siting of three caravans for seasonal workers – **lawful 11/05/12**

Enforcement History:

ENF/0134/08 – Development of site as gypsy caravan site – **No evidence found of this.**

ENF/0507/10 – Unauthorised building erected – **Those granted consent under EPF/1688/08 and EPF/2215/09).**

ENF/0508/10 – Change of use for oil recycling business – **Breach found however ceased as a result of investigations.**

ENF/0509/10 – Change of use for car repairs – **Breach found however ceased as a result of investigations.**

ENF/0510/10 – Stationing of two mobile homes – **One caravan lawful (see CLD/EPF/0172/11), other removed as result of investigations.**

ENF/0511/10 – Use of packing shed for importation of unauthorised goods – **Breach found however ceased as a result of investigations.**

ENF/0689/11 – Condition of EPF/2215/09 not discharged – **Application invited (EPF/0082/12).**

ENF/0697/11 – Unauthorised caravan on site – **Caravan considered lawful under CLD/EPF/0172/11.**

ENF/0698/11 – Two caravans on site and used for habitation – **Only one caravan on site (previously considered lawful under CLD/EPF/0172/11).**

ENF/0032/12 – Breach of condition on EPF/2215/09 requiring removal of existing packing sheds – **Ongoing as EPF/0082/12 was refused.**

ENF/0070/12 – Three more caravans stationed on site – **Use lawful (see CLD/EPF/0265/12).**

ENF/0170/12 – Unauthorised change of use of agricultural building – **Buildings are empty and no apparent breach taking place.**

ENF/0524/12 – Buildings at rear being used for non agricultural use – **Packing sheds had agricultural items stored in them and no evidence was found of non-agricultural use.**

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
GB8A – Change of use or adaptation of buildings
DBE9 – Loss of amenity
RP05A – Potential adverse environmental impacts
E12A – Farm diversification
E13B – Protection of glasshouse areas
ST4 – Road safety

The National Planning Policy Framework (NPPF) 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:

7 neighbours were consulted and a Site Notice was displayed on 12/10/12.

PARISH COUNCIL – Object. B8 storage includes distribution and this could involve HGVs going to and from the premises. If granted there should be a suggested time limit of 3 years for the use of the premises. There have been previous applications in respect of these buildings – EPF/0082/12 to retain buildings until new construction completed. This was refused (insufficient justification provided for need of building to be retained).

LVRPA (Draft Comments) – Object as the site is within the Regional Park and the Green Belt. A permanent B8 storage use is not compatible with the statutory remit of the Park and is not compatible with the Green Belt.

LEA VALLEY GROWERS ASSOCIATION – Support the application. Leaside Nursery does not have adequate land to expand and as such it should be designated for new residential or commercial development.

LEASIDE, SEDGE GREEN ROAD – Object. It was originally insisted that the packing sheds were required for the viability of the existing horticultural site. The level of glasshouses on the site is too small for this size building and it was therefore always the intention to change the use of the new packing sheds. Furthermore, the site is currently being used for commercial purposes and if B8 use is granted it would likely lead to further application for change of use to B1 (light industry).

Issues and Considerations:

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, the E13 area, and regarding highways and neighbour amenities.

Green Belt Considerations:

The existing buildings on the site are 250 sq. m. in area and reach heights of approximately 5.5m. These were granted consent in 2007 and 2008, although a retrospective relocation of one of the sheds was granted in 2009.

Policy GB8A of the adopted Local Plan outlines the criteria against which the change of use or adaptation of buildings in the Green Belt should be judged. The National Planning Policy Framework (NPPF) also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of the NPPF promotes the “*sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings*”. Paragraph 90 states that “*certain other forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*” and includes “*the re-use of buildings provided that the buildings are of permanent and substantial construction*”.

The main issues in this case with regards to the criteria in Policy GB8A are that:

- The building is of substantial construction capable of conversion;
- The works were not carried out with the view of securing another use;
- The use would not have a materially greater impact on the Green Belt; and
- Associated traffic generation is not excessive.

Policy GB8A firstly requires that the building is of substantial construction capable of conversion. The buildings have both been constructed in a manner which makes them easily converted to B8 uses and they would be capable of conversion without major or complete reconstruction.

The two buildings were constructed around 2008 and as such have only been on site for approximately four years. Although the applicant originally stated that these packing sheds were required in order to make the existing horticultural business economically successful it is now stated that these “*are no longer necessary for their original purpose*” and instead “*the grower has decided to pack directly from the glasshouse, as this saves time and expense and means that produce can be delivered fresher to his customers*”.

Complaints have previously been received with regards to a change of use of the building to an oil recycling business, for importation, and for car repairs in 2010. Although a breach was found on site, these uses subsequently ceased and this was confirmed by way of a follow up site visit by Planning Enforcement, at which time the sheds were empty. Two further complaints were received in 2012 for unauthorised use of the packing sheds, however the site visit as a result of the first complaint revealed the sheds to be empty and no breach taking place, and the visit for the second complaint revealed the sheds to be containing horticultural paraphernalia, and again there was therefore no breach.

Although the buildings are of relatively recent construction and were at one point used for unlawful use this does not mean that they were constructed with the sole intention of obtaining an alternative use. The buildings were constructed around 2008, however it was two years before any breach of planning complaint was received. Given that the site is overlooked by neighbouring residents who have previously highlighted breaches of planning on this site, it is therefore assumed that no unlawful use of the buildings occurred within the period prior to the 2010 complaint. Once the unauthorised uses ceased every site visit undertaken by Planning Enforcement have recorded the buildings as being either empty or being used for horticultural purposes. There is no evidence of any other unlawful uses taking place within these buildings since those dealt with in 2010, and as such the Council could not successfully prove that there was any intention of erecting the packing sheds for any purpose other than that for which they were granted consent. Photographic evidence shows that horticultural use has taken place on site throughout the period of time that the packing sheds have been on site, and the last site visit by Planning Enforcement in October 2012 revealed the sheds containing horticultural goods stored in them.

Policy GB8A also requires that the use would not have a materially greater impact on the Metropolitan Green Belt. The existing site is a working horticultural nursery, although a relatively small scale one, and this use would not cease with the conversion of these buildings. Whilst the proposed change of use would result in some intensification of use of the site this would not be significant enough to be any more harmful to the Green Belt. A further consideration is the recent NPPF guidance which confirms the appropriateness of the change of use of agricultural buildings and which promotes sustainable growth in rural areas "*in order to create jobs and prosperity*".

The proposed uses would lead to an increase in traffic visiting the site, however given the relatively small size of these buildings this would only result in a relatively low level of movement. Whilst the access into the site is relatively poor, this is an existing access that serves a functioning horticultural nursery site. The relatively small scale increase in vehicle movements that would result from B8 use within these buildings would not significantly intensify the use of this access or have a detrimental impact on highway safety.

Impact on designated Greenhouse area:

The application site is located within an E13 area, where the policy states that planning permission should be refused for any development that would:

- (i) *undermine its policy approach of concentrating glasshouses in clusters to minimise damage to visual amenity and loss of the openness of the Green Belt; and/or*
- (ii) *harm the future vitality and/or viability of the Lea Valley glasshouse industry.*

Although the proposed change of use would introduce non-horticultural uses onto this site, and would result in the loss of the two packing sheds, the applicant is stating that these sheds are no longer required for the existing horticultural site. The Lea Valley Growers Association support this application, however this is largely based on the view that small glasshouse sites such as this are ultimately unviable and should be considered for residential or commercial redevelopment. Whilst this view is not shared by the Council, the reuse of redundant buildings on agricultural/horticultural sites is recognised as a way to fund the continued agricultural use of premises by supplementing the economic viability of a site. As such, this proposal would assist in the long term retention of this horticultural nursery.

Amenity considerations:

The application site is located to the rear of residential dwellings on Sedge Green, and the access to the site is via a track adjacent to residential properties. To the immediate northwest of the site is a residential gypsy site containing eight pitches. The site is a long established horticultural site that currently results in some nuisance to neighbours (based on the level of complaints received). The

change of use of the two existing packing sheds would result in some increase in traffic, although this would not be significant, and some intensification of use of the site. However, this would be outweighed by the loss of the two buildings as packing sheds, which can be very noisy and disturbing to neighbouring residents. The buildings are relatively small in terms of B8 storage, and as such would not result in large scale or intensive use, and as such any potential impact on neighbour's amenities as a result of this proposal would be fairly minimal.

Highways:

The proposed change of use would only result in a relatively low level of additional traffic movements. Whilst the access into the site is relatively poor this is an existing access that serves a functioning horticultural nursery site and as such the relatively small scale increase in vehicle movements that would result from B8 use within these buildings would not significantly intensify the use of this access or have a detrimental impact on highway safety.

Conclusion:

The proposed use of these buildings when considered against local and national policy, which makes provision for the reuse of agricultural buildings in the Green Belt, is deemed appropriate. As such, it is considered that the application complies with the relevant Local Plan policies and the guidance set out within the NPPF and it 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:

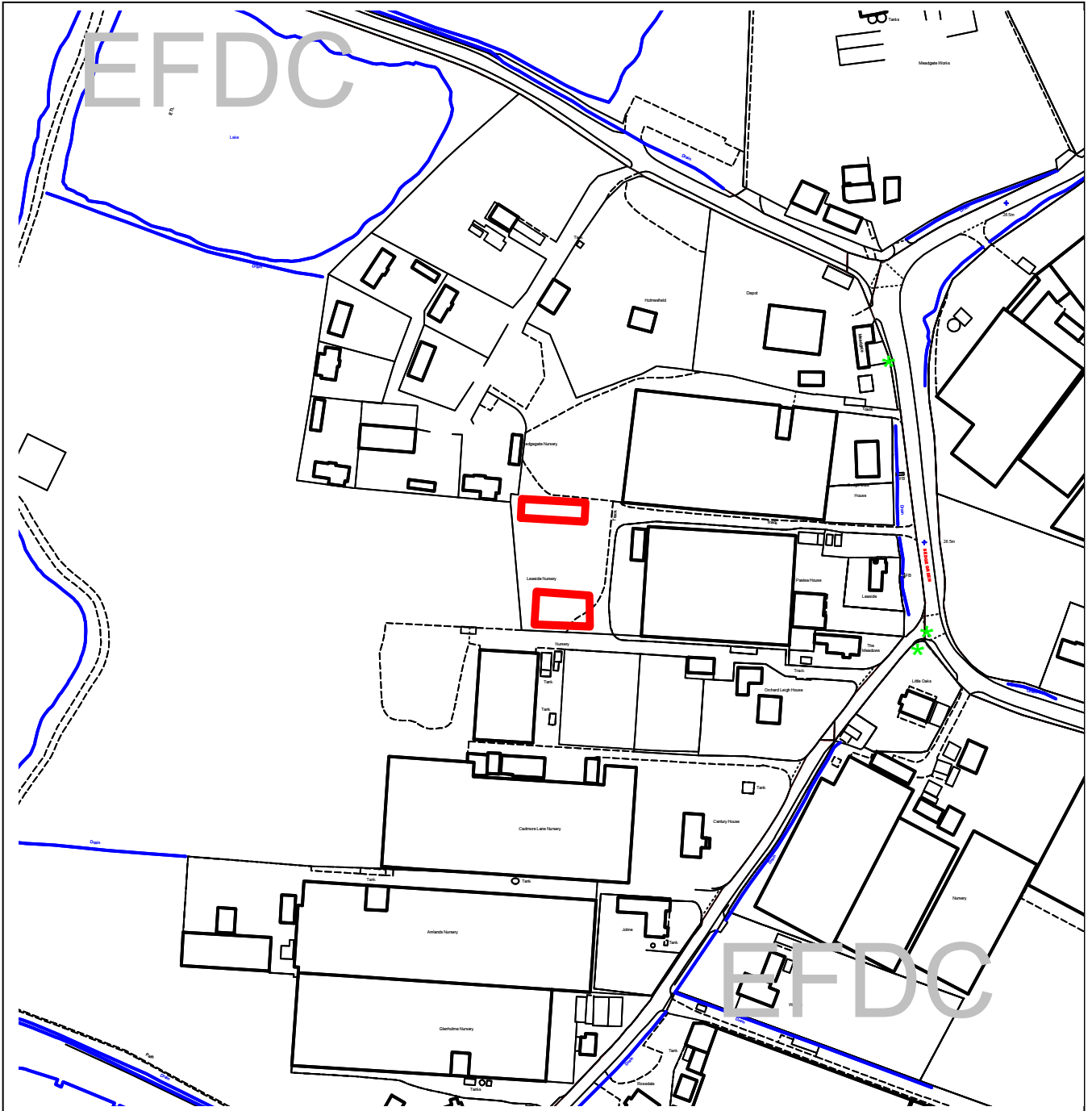
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



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| Agenda Item Number: | 5 |
| Application Number: | EPF/1819/12 |
| Site Name: | Leaside Nursery, Nursery Road Nazeing, EN9 2JF |
| Scale of Plot: | 1/2500 |

Report Item No: 6

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1849/12 |
| SITE ADDRESS: | The White Lion 11 Sun Street Waltham Abbey Essex EN9 1ER |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey South West |
| APPLICANT: | Mr Emile Al-Kirkhy |
| DESCRIPTION OF PROPOSAL: | Renovation of redundant pub at ground floor level with conversion of existing first floor residential to 2 no flats which includes extension to rear with new external amenity terrace with stairs from courtyard below. |
| 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=541833

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: PP-001, PP-100, PP-101
- 3 No development shall take place until samples 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Prior to commencement of development additional drawings that show details of proposed new external windows, doors and balustrades, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority. Work shall be carried out in accordance with such plans.
- 5 The communal courtyard area shown on plan ref: PP-100 shall be retained free of obstruction for the parking of residents, staff and visitors vehicles and/or for the taking of deliveries and use by service vehicles.

- 6 Prior to the erection of any external advertisements, with the exception of signs displaying the sale of the building, details of the size, appearance and colour of any proposed signage shall be submitted to and agreed in writing by the Local Planning Authority. Any advertisements thereafter displayed shall be done so in accordance with the agreed details.

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

Description of Site:

The White Lion is a redundant two storey pub building located in a prominent position on the south side of the pedestrianised Sun Street. The ground floor is now being used as a café. To the rear there is a two storey, reducing to single storey, range and car park/yard area backing onto the Quaker Lane car park. There is a public right of way to the west of the site with the front part of the existing building extending up and over the right of way forming a carriage way. The site is within the Waltham Abbey Town Centre and the frontage on Sun Street is within the key frontage. The site is within the Waltham Abbey Conservation Area and is on the Council's Local List of buildings of local interest or historic importance.

Description of Proposal:

Consent is being sought to renovate the public house at ground floor level (which given the current café use would involve a change of use back to A4 use as part of this application) and to extend and convert the first floor to two residential units. The proposed extension would be 2.9m wide and 1.9m deep with a gable ended pitched roof. A new external staircase would be added to provide a separate rear access to the flats and the existing flat roof would provide access and amenity space to the residential units. There are no alterations proposed to the existing front elevation or to the rear courtyard within this application. However there is a concurrent application submitted to redevelop the rear courtyard for a new retail unit.

Relevant History:

EPF/0246/12 - Conversion and extension of redundant pub into a mixed use development comprising A1 retail at ground floor and 4 residential units above – refused 05/04/12 (appealed 29/10/12 – still ongoing)

EPF/1015/12 - Conversion of a redundant pub to provide two no. 1 bed flats at first floor with 1 cafe (A3) and 1 vets (D1) at ground floor including ground and first floor extensions – refused 13/09/12

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP7 – Urban form and quality
DBE1 – Design of new buildings
DBE2 – Impact on neighbours
DBE3 – Design in urban areas
DBE8 – Private amenity space

DBE9 – Loss of amenity
HC6 – Character and appearance and setting of conservation areas
HC7 – Development within conservation areas
HC13A – Local list
TC1 – Town centre hierarchy
TC3 – Town centre function
ST1 – Location of development
ST6 – Vehicle parking
RST3 – Loss or diversion of right of way
U2B – Flood risk assessment zones

The above policies form part of the Council's 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:

14 Neighbouring properties were consulted by letter dated 17/10/12 and a Site Notice was displayed on 01/11/12. Whilst the neighbours have had more than 21 days to comment based on the date of the letters, this report has been produced slightly before the expiry of the 21 day consultation period given by the Site Notice. As such, any further comments received will be verbally reported to Members.

TOWN COUNCIL – We again reiterate our previous observations that it is felt that there are enough small flats in the area already to accommodate professional people and that there is a more urgent need for more family sized accommodation. There is also a bar area shown on the plans but planning application indicates retail use.

Issues and Considerations:

The main issues to be addressed in this case are the principle of the development in this location, whether the proposed design and appearance is acceptable within the street scene, the conservation area and the locally listed building and whether it would have a harmful impact on the amenities of adjoining or future occupiers. The previous application for the redevelopment of this site, which included the additional vets within the rear courtyard, was refused permission for the following reasons:

The proposed development fails to provide adequate parking to meet the current adopted standards, and does not provide any off street parking for service and delivery vehicles, resulting in an overall loss of parking provision such that it is likely to result in increased on street parking to the detriment of the character, appearance and amenity of the area, contrary to policies CP2, ST6, HC6 and HC 7 of the adopted Local Plan and Local Plan Alterations.

The proposed development in the rear courtyard of the premises would result in a cramped form of development which would result in a bulky and excessive form of built development. This detracts from the character and appearance of the building, the conservation area, and the streetscene, contrary to policies CP2, HC6, HC7, DBE3 and HC13A of the adopted Local Plan and Local Plan Alterations.

The proposal is for residential use at first floor with some relatively small scale alterations/extensions. The application site is located within the centre of Waltham Abbey and therefore has good access to shops, services and transport links and is considered to be a generally sustainable location for residential development.

The previous application was refused due to loss of parking and space for service and delivery lorries for the commercial units, and as the proposed development within the courtyard would be detrimental to the character and appearance of the building, conservation area and street scene. This application has removed the rear extension/development (although a concurrent application has been made for this) and therefore would retain the courtyard for parking/deliveries, and would only slightly alter the existing building. It was previously accepted that there would be no detrimental impact on the amenities of neighbouring residents or future occupiers and, as such, it is considered that this application is acceptable.

Comments on objection received:

The Town Council continue to object on the basis that 'there is no need for small flats in the area to accommodate professional people and that there is a more urgent need for more family sized accommodation', however there is still no evidence to justify this statement and until a comprehensive housing needs assessment is undertaken as part of the new Local Plan, the basis for housing type must be assessed on a supply and demand basis.

The Town Council has also raised an inconsistency in the submitted application in a reference to 'retail use' yet plans showing a bar. It does appear that the applicant has got somewhat confused with regards to the uses, as they state within the submitted Design and Access Statement that the site is "currently vacant", however the ground floor is in fact occupied by a café, and they refer to the site in separate sentences as an "existing retail bar/café" (which fall into three different use classes), an "existing bar", and "existing retail on the ground floor". Furthermore, the description of the development and the submitted plans clearly refer to the ground floor being a bar.

For clarity on this; the ground floor of the building was formally a public house (A4), however has recently been altered to a café (A3). This change of use does not require consent as you can change from A4 to A3 (or indeed to A1 retail) without planning permission. As such, whilst the current use of the ground floor is A3 this did not require consent and it could be converted to retail use without the need for planning permission. However, once changed a site cannot change its use back from A3 to A4 (or A1 to A3 or A4) without planning permission. As such, this application includes the change of use of the site from A3 (Café) back to A4 (public house), which is considered acceptable as this site was historically a pub and has only recently been changed to a café.

Conclusion:

As this application no longer features the redevelopment within the rear courtyard, to which the two previous reasons for refusal related, then this particular development is considered acceptable and complies with the relevant Local Plan policies. As such, this application is recommended for approval and the rear part of the development will be assessed and decided under a separate application.

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

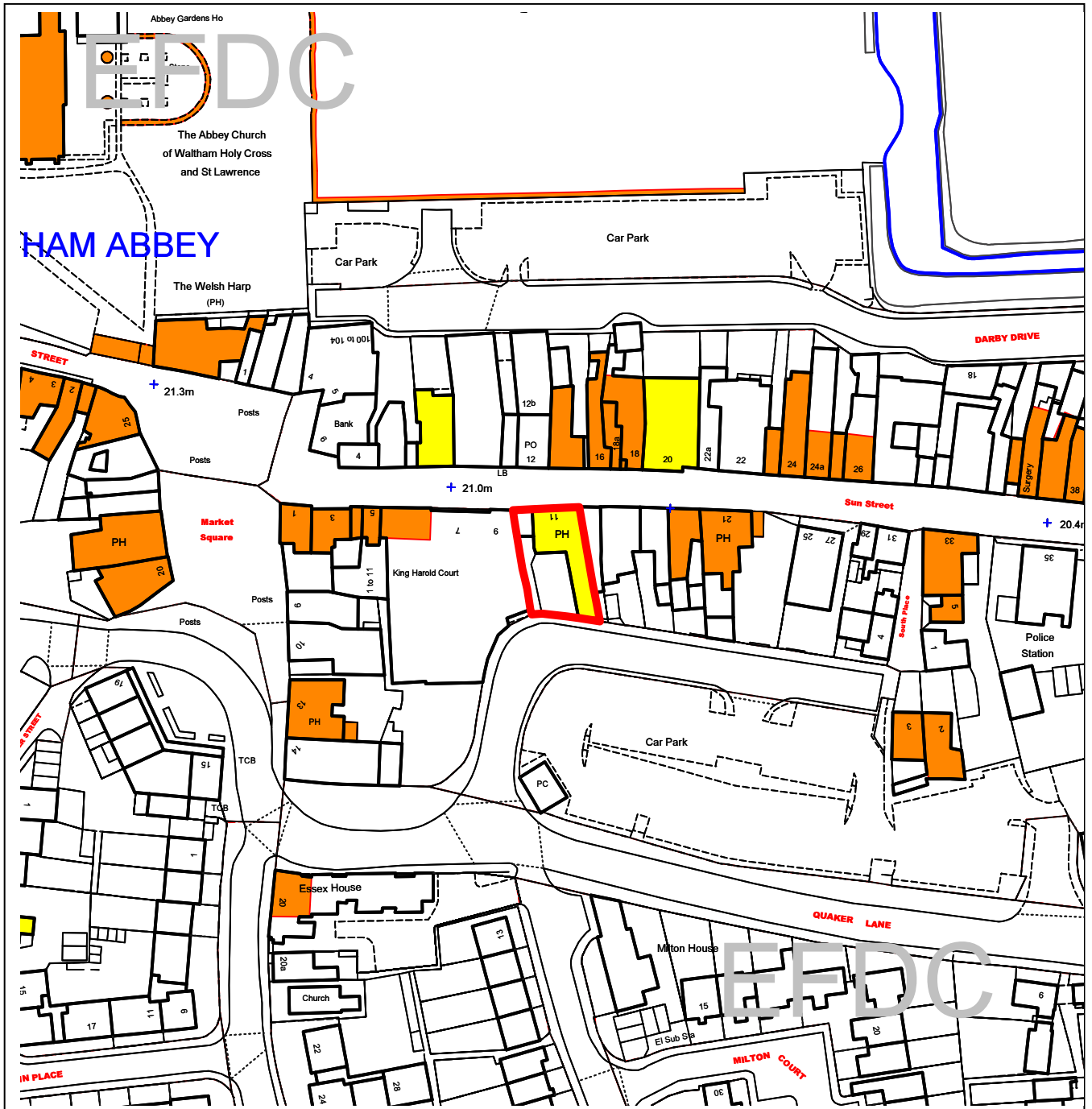
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| Agenda Item Number: | 6 |
| Application Number: | EPF/1849/12 and EPF/1958/12 |
| Site Name: | The White Lion, 11 Sun Street Waltham Abbey, EN9 1ER |
| Scale of Plot: | 1/1250 |