

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0587/13
<b>SITE ADDRESS:</b>	High Beech C Of E Primary School Mott Street Waltham Abbey Essex
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Ms Julie Harper
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/18/93 G3 - Ash x 3, Sycamore x 1 - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=547311](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547311)

**CONDITIONS**

- 1 Prior to the felling hereby agreed, the details of the replacement tree, or trees, of a number, species, size and in an appropriate position shall be approved in writing by the Local Planning Authority. The tree or trees shall then be planted within one month of the implementation as agreed, unless varied with the prior written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree 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.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

*This application is before Committee since all applications to fell protected trees are outside the scope of delegated powers*

**Description of Site**

These four trees stand within a triangular group of trees, on a steeply sloping corner at the front of this school site. They are part of the heavily wooded character of the area and are clearly visible from the entrance drive leading to the main school buildings. The trees have been selected from at least 15 individuals of varying size and quality in this untended piece of land. The trees are among the less publicly important individuals but add to the green presence of the tree group..

**Description of Proposal**

G3. Ash x 3, Sycamore. Fell tree to ground level

## **Relevant History**

The TPO/EPF/18/93 was made in 1993 to protect the most important trees on site and these trees were included as a group on grounds of their collective contribution to the screen along this part of the boundary. It is unlikely that they would have justified protection on their own merits.

There is a landscape scheme in draft form designed to provide a 'quiet teaching area' with seating, raised beds and a pond in this otherwise unusable area. A discussion has been had with the Principal Planning Officer who was willing to consider a modest pond of about 5 - 6 square metres as permitted development. It should be noted that anything larger than this would require planning permission.

## **Policies Applied**

LL9: Felling of preserved trees. The Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the trees.

## **Summary of Representations**

WALTHAM ABBEY TOWN COUNCIL objected on the grounds that there is no justification for felling these trees

## **Issues and Considerations**

The reasons given for the application are summarised, as follows:

A proposal to develop this area into a 'quiet ' teaching area with seating, raised beds and a pond necessitates felling 3 ash trees and a sycamore to ensure that there is sufficient light and reduced leaf fall. The four trees in question are of poor quality and low amenity value. The area in question has never been developed previously and I feel that the children would benefit enormously from the development

### **Planning considerations**

#### Amenity value

The group of over 15 trees vary in value and during a pre-application site discussion these four were selected for removal primarily due to their low quality whilst making better provision for the retained better specimens. In the case of the sycamore, its position is now interfering with the crown of the large ash; a dominant feature of this well treed area.

#### Replacement planting

The landscape scheme proposes extensive boundary mixed native hedge replanting with Hornbeam, Hawthorn, Hazel, Spindle, Field maple and Holly amongst existing self sown trees. This boundary screen will provide improved screening from neighbouring properties and other benefits in the greater variety of species and their various floral, autumn coloration and evergreen characteristics.

#### Other planning considerations

It is clear that the project has the best interests of the pupils in mind, where the opportunity for outdoor learning is being encouraged. This is to be supported, where appropriate, but must not

give clearance for a major engineering undertaking. Some concern was noted at the apparent size of the pond shown on the unscaled sketch of the landscape proposal. Providing this is amended to an appropriate scaled size not exceeding 3 metres at its widest dimension and does not threaten the root zones of the more important retained trees, then good use of this area must be seen as a laudable aim.

### **Conclusion**

The application is recommended for approval on the basis that these trees are not publicly important and that their removal is outweighed by the benefits enjoyed by pupils and better growing conditions for the retained trees. A replacement hedgerow will adequately mitigate for the loss of these mediocre individuals. It is, therefore, recommended to grant permission to fell all four trees on the grounds that the reason given justifies the need for the trees' removal. The proposal in this part is in accordance with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling then a condition requiring appropriate replacements as part of the full scheme and a condition requiring 5 days written notice prior to the works commencing should be attached to the decision notice.

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

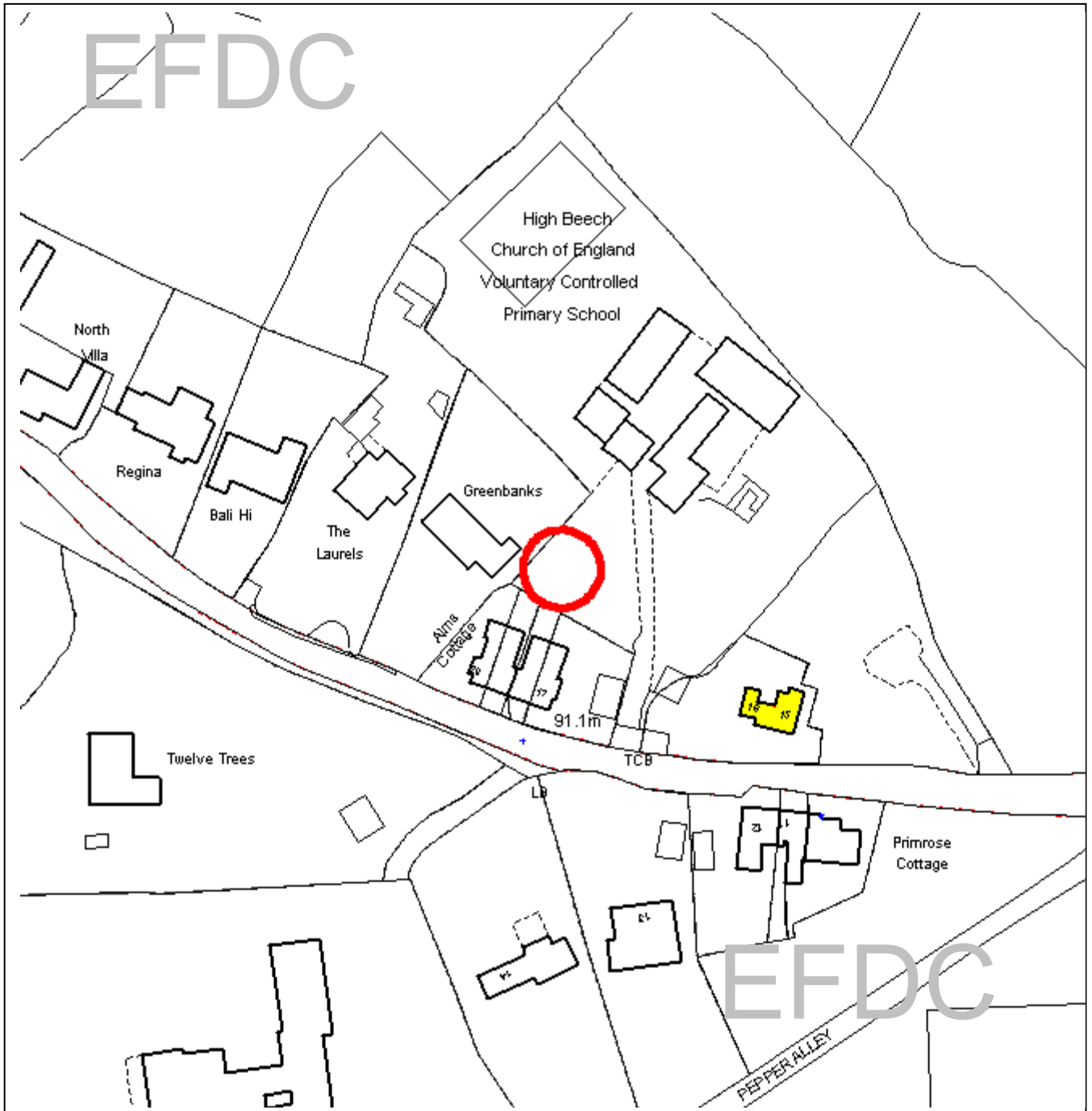
***Planning Application Case Officer: Robin Hellier  
Direct Line Telephone Number: 01992 564546***

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



# Epping Forest District Council

## Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	1
Application Number:	EPF/0587/13
Site Name:	High Beech C Of E Primary School Mott Street, Waltham Abbey
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0752/13
<b>SITE ADDRESS:</b>	11 Wheelers Green Middle Street Nazeing EN9 2LF
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Robin Sinden
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/23/83 T1 - Horse Chestnut - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=548170](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=548170)

**CONDITIONS**

- 1 Prior to the felling hereby agreed, the details of the replacement field maple tree, of a size and in an appropriate position shall be approved in writing by the Local Planning Authority. The tree shall then be planted within one month of the implementation as agreed, unless varied with the prior written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree 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.
- 2 The Local Planning Authority shall receive in writing, 5 working days prior notice of felling.

*This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.*

**Description of Site:**

The tree stands on the front boundary, close to the street. It is a major local feature close to the junction with Hoe Lane.

**Description of Proposal:**

Horse chestnut. Fell.

### **Relevant History:**

TPO/EPF/27/04 was a strategic order, protecting the most prominent trees in the village. Originally this was part of a much larger group but only 2 are now left. An adjacent tree on highway land was uprooted last year

### **Policies Applied:**

Epping Forest District Local Plan and Alterations, LL08 & 09: Pruning and felling of preserved trees.

### **Summary of Representations:**

NAZEING PARISH COUNCIL: Leave to the Arboricultural Officer.

BARNFIELD; Strongest possible objection. This substantial tree is a real local asset. He doubts that there is any real danger. Suspects concern arises from loss of companion. That tree was clearly rotten. This one shows no sign of weakness or instability. Doubts any hidden defect could be so severe as to threaten real danger. Suggests mixed motives. Felling is unnecessary and unjustified, a great loss to the community and to wildlife.

### **Issues and Considerations:**

#### **Introduction**

The application is supported by a professional assessment from Urban Tree Experts, who are not otherwise associated with the application. The report was commissioned in the wake of the collapse of the nearby tree. It is based on a visual tree assessment together with an internal survey of the stem using a Picus tomograph and a resistograph.

The principal findings are the presence of a small fruiting body (*Ganoderma applanatum*) between two of the stem buttresses; minor pockets of decay in the stem (at an early stage of invasion) and weak unions between several of the leading stems. This fungus is ultimately a destroyer of trees, but it can progress slowly, and be tolerated for many years particularly if a tree is otherwise vigorous. It found the tree safe to remain, but only subject to:

1. Visual inspections on a regular, annual basis but also after severe weather;
2. 3 yearly decay detection surveys; and
3. Cable bracing to guard against failure of the stem unions.

The application is based on the owner's concern about the state of the roots, which cannot be surveyed, the need for expensive cable bracing and repeat inspections and the tree's relatively short safe useful life expectancy, particularly given the stress on horse chestnuts now as a result of infestation by the leaf miner. The owner is willing to replace it, but would rather plant a native field maple.

#### **Discussion**

The visual importance of the tree is not disputed, nor that in early summer it looks splendid and is a significant local asset. There is also no case to fell it as an immediate hazard. However added to the incipient decay in its stem the possibility that its root system is more seriously decayed cannot be entirely discounted. The owner reports the presence of honey fungus in the lawn close to its base last autumn. Honey fungus is believed to have been a contributory cause to the loss of the other trees from the group. It also has stem unions that are not ideal; given the location the owner would be in an indefensible position were he not either to install cable bracing, or to apply to reduce the crown. Given the generally reduced life expectancy for horse chestnut, given the presence of the leaf miner in such numbers and the increasing prevalence of bleeding stem canker of this species across the district the issue is whether the accepted prominence of the tree

justifies requiring the owner to go to those lengths set out above to keep it or whether a replacement offers the better option in the medium/ long term?

### **Conclusion**

It is considered that the balance favours replacement. While this is a notable tree and local landmark and the owner's safety concerns are not proven, its Safe Useful Life Expectancy is not likely to be long, and would be dependent upon both bracing or surgery and regular inspections, including on the progress of the internal decay. The owner has stated his willingness to plant a new tree, and favours the native field maple, which would make a good replacement.

***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: Christopher Neilan  
Direct Line Telephone Number: 01992 564117***

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





**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0176/13
<b>SITE ADDRESS:</b>	The Mulberries and Poplars Farm Hamlet Hill Roydon Harlow Essex CM19 5JY
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Mr Peter Barker
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use to enable the retrospective expansion of established bus and coach depot including: parking of 10 buses or coaches and 9 staff vehicles; use of buildings Q and R for the repair and maintenance of agricultural vehicles, buses and coaches and the storage of tools and equipment associated with the repair and maintenance of agricultural vehicles, buses and coaches; the use of part of building S for staff toilets; the outside repair of buses and coaches within designated area between buildings Q and R; and planting of 2 x 10m deep native tree belts.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=545314](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545314)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3212/1A, 3212/4 and 3212/5.
- 2 Within 3 months of the date of this consent I a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), shall be submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 3 Any gates erected at the access to the site shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

- 4 There shall be no obstruction above 600mm in height within a 2.4m wide parallel visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided within 3 months of the permission hereby granted and thereafter retained.
- 5 No unbound material shall be used in the surface treatment of the vehicular access within 10m of the highway boundary with the site.
- 6 The site shall be used for the parking of a maximum of 10 buses/coaches or minibuses, unless otherwise agreed in writing by the Local Planning Authority and these shall be parked in the locations shown on the approved plan no. 3212/4.
- 7 Only buses coaches and minibuses operating from this site and the adjacent Poplars Farm depot and farm machinery used in farming of the land belonging to the Barker family as outlined in blue on the application drawings shall be maintained and repaired at the site.
- 8 Within three months of the date of this approval, all materials, vehicles/caravans and other open storage at the site other than operational buses/coaches and miniibuses shall be cleared from the site and thereafter there shall be no open storage of any kind within the site.
- 9 The bus and coach depot use hereby approved shall be used only as an extension to the existing bus and coach depot on the adjoining Poplars Farm as shown on drawing no. 3212/4, with access for buses and coaches to be taken through the existing vehicular access at Poplars Farm and shall not be sold or let as separate business.

*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 has been 'called in' by Councillor Penny Smith (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))*

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

The application relates to a roughly square site measuring approximately 75m x 75m located on the southern side of Hamlet Hill, within the Metropolitan Green Belt. The site contains 2 buildings currently used as storage in connection with the repair and maintenance of farm vehicles and buses, between which lies a vehicle lift used for inspecting and working on agricultural vehicles and coaches. A third building located towards the front of the site adjacent to the eastern boundary with Gladwyn's Farm is vacant and in a state of disrepair.

There is a tall conifer hedge along the front boundary. The adjacent site to the west (Poplars Farm) is in the ownership of the same family and has a lawful use as a bus depot. The site is currently in use for the parking of buses and coaches and for the storage of caravans and farm vehicles and there are some old cars, machinery and building materials around the site as well as a caravan in residential use.

Immediately to the east of the site is a residential property known as Gladwyn's, which is in different ownership.

The site can either be accessed through the adjacent Poplars Farm site or via an existing access at the eastern side of the site, where there are metal gates set back from the site frontage.

### **Description of Proposal:**

The application is an amended retrospective application to retain the existing unauthorised use of the land as an extension of the adjacent bus depot, (Barker Bus) for:-

- the open storage of coaches and staff parking,
- the use of two existing buildings for storage in connection with the repair and maintenance of coaches and farm machinery and storage of parts and tools.
- It is suggested that the third building, set close to the road frontage, would be used as a staff toilet facility.

The proposals include the provision of significant new tree planting to the side and rear of the site and it is proposed to utilise only the existing access to the adjoining depot, with no separate access to the application site.

### **Relevant History:**

The site and the adjoining land to the east and south (Gladwyn's Farm) were the subject of an enforcement notice in 1981, which required: 1) the discontinuance of use of the land and buildings for the purpose of storing, stationing, maintaining and repairing motor vehicles and parts of motor vehicles other than motor vehicles and parts of motor vehicles used solely for agricultural purposes in connection with the working of Gladwyn's Farm, Hamlet Hill, Roydon. 2) To remove from the land and buildings situated thereon all motor vehicles and equipment brought thereon in connection with said use.

A subsequent planning application for that use was refused and the appeal dismissed.

Although that enforcement notice is still extant, given its age and that the unauthorised use has changed in nature, rather than simply prosecute the owner for contravention of the notice, Officers gave the applicant the opportunity to apply for the change of use.

An application EPF/0606/12 for the change of use to a bus depot and also for the storage of 6 touring caravans and the stationing of staff toilets was submitted. This application was refused, under delegated powers, on 13<sup>th</sup> June 2012 for the following reason:

*"The proposed use which includes substantial open storage and parking of large vehicles including buses and caravans is inappropriate development in the Green Belt, harmful to openness of the Green Belt and contrary to the purposes of the Green Belt. Very special circumstances sufficient to outweigh the harm to the Green Belt from the development do not exist. The development is therefore contrary to the Green Belt principles set out in the National Planning Policy Framework and to Policy GB2a of the adopted Local Plan and Alterations."*

Following this refusal, a revised Enforcement Notice covering the application site and adjoining land within the applicant's ownership was served on 31<sup>st</sup> July 2012. It came into effect on 9<sup>th</sup> September 2012 and allowed six months from that date for compliance.

The Enforcement notice requires:

- The cessation of use of caravans/mobile homes for residential purposes.
- The removal of the caravans/mobile homes from the land and removal of any foundations

- Cessation of use of the land for the parking of buses, coaches, farm vehicles not connected with the agricultural working of the land, ancillary staff vehicles, the stationing of portable toilets and the storage of caravans
- The cessation of the use of the land for the repair and maintenance of buses, coaches and farm vehicles not connected with the agricultural working of the land
- The removal of all buses, coaches, farm vehicles not connected with the agricultural working of the land, ancillary staff vehicles, portable toilets and caravans from the land and the removal of all resultant debris and materials from the land.

The period for compliance ended on 8<sup>th</sup> May 2013.

The applicant initially appealed against the enforcement notice, but subsequently withdrew that appeal so the current uses are in contravention of this valid notice.

The applicant met with planning officers to discuss whether there was a possible way forward. The result is this amended application which no longer includes the storage of caravans or the siting of temporary toilets, and provides significantly more information about the link between this site and the existing business and the surrounding farmland. It was agreed that the Council would not seek to prosecute for non compliance with the bus related element of the enforcement notice, subject to this application being approved.

### **Summary of Representations**

A site notice was erected and 7 neighbouring properties and the Roydon Residents Association were written to. No neighbours responded but the following comments were received.

PARISH COUNCIL - No Objection – Support a business that has been trading for in excess of 30 years.

39 TEMPLE MEAD, ROYDON - I use Barkerbus when they run excursions for the elderly of Roydon and surrounding areas. If the land they use to store their vehicles had to be returned to agricultural use the community would lose a valuable asset, because Barkerbus tailor their service to our area.

GREEN VIEW, 1 CHURCH MEAD, ROYDON - I understand that the Barker Family - owners of Barkerbus have submitted a retrospective planning application for the plot of land, which has been in their ownership for some 8 years or so, and adjacent to their main depot.

Whilst the land is designated Green Belt, I do not see any reason why it should not be considered in the context of many other similar sites in the surrounding area which are used for 'business' purposes. Barkerbus are a small business which provides not only a service to the local community, I have used them, they have a wider community value in providing a service for schools and the disabled. At a time when every support needs to be given to such businesses, I would hope that the Members of Epping Forest District Council will support this application. I wish to register my support of the retrospective application.

ROYDON ROYAL NAVAL ASSOCIATION - We are a local Association of Royal Navy Veterans and have been dependent on Barker Bus for our social and member outings. Our members are mainly over 65 and without our local coach service we would find it extremely difficult to arrange the different venues for us to visit. They have never let us down; always been prompt and on time and have been fair in the hire of a coach and travel costs. We know that they have never complained about going out of their way to either pick up or drop our members off, knowing that security for our senior citizens on our streets is paramount. At these times when it is so important to emphasise local services for the community, we look towards using Barker Bus well into the future and we are unanimous in our support for the need to have them located on this site.

ROYDON PRIMARY SCHOOL - Barkerbus are a local firm who provide invaluable services to the community, including provision of home to school transport. We feel that their application should be allowed.

NAZEING PRIMARY SCHOOL - As Head teacher of a local primary school, Barker Bus has served our school community well, taking groups of pupils on various educational visits and school journeys. We can always rely on this local family run coach company, who are approved by Essex County Council and are happy to support their planning application.

**Policies Applied:**

The NPPF:

It is considered in addition that the following relevant policies of the adopted Local Plan and Alterations are in accord with the NPPF and are therefore to be accorded significant weight.

The most relevant Local Plan policies are:

- CP1 achieving sustainable development
- CP2 protecting the quality of the rural and built environment
- CP3 New development
- GB2A Green Belt
- GB8A Change of use of buildings
- RP5A Environmental Impacts
- E11 Employment uses elsewhere
- E15 Resist consolidation
- E12a farm diversification
- LL1 Rural Landscape
- LL2 Inappropriate rural development
- LL10 Landscape provision and retention
- LL11 Landscaping Schemes
- ST1 Location of development
- ST2 Accessibility of development
- ST4 Road Safety
- ST6 vehicle Parking

**Issues and Considerations:**

The main factors which need to be considered are impact on the Green Belt, highway safety, sustainability, residential amenity and visual amenity.

**Green Belt**

The site is within the Metropolitan Green Belt and its only authorised use is agricultural, it is not, as stated in the NPPF, classed as brownfield land or previously developed land. Whilst the change of use of buildings within the Green Belt can be appropriate, the main aspect of this application is the open storage of 10 coaches and this element is clearly inappropriate and by definition harmful to the Green Belt. There is also actual harm to openness as the vehicles parked on site physically take up space and have a visual impact on openness. For the proposed use to be considered acceptable, national and local policy makes it clear that there need to be very special circumstances which are sufficient to outweigh this harm.

The applicant's agent has put forward an argument that the harm is limited as the land is already despoiled from previous unauthorised use by the previous owner for lorry parking and soil

screening and dumping of demolition waste. However that use was never authorised and the then owner was prosecuted by this authority 9 times in total to secure the removal of those uses.

The applicant's agent also considers that there are very special circumstances sufficient to outweigh the harm from the development and has set out the following:

1. Reuse of existing buildings is appropriate development.
2. Barkerbus needs additional space to park buses and no other sites are available either in the applicant's ownership or in the locality
3. Refusal would cause serious harm to the local economy, contrary to the NPPF.
4. The proposed development is part of a diversification from agriculture which continues to benefit the farm and the local landscape. Farm diversification is supported by policy as it can ensure the continuance of farming use and the stewardship of land. The revised application (in which the applicant has changed from solely Mr Barker to "The Barker Family") shows that there is about 34 hectares of agricultural land within that family ownership. The fields are laid to grass and bounded by hedgerows, although the land is not actively farmed, it is managed under a Countryside Stewardship scheme which offers payments to farmers to protect and enhance the environment and wildlife. The farm, even relying on unpaid labour from Mr Peter Barker, made a profit of only £462 in the last published accounts. The argument is therefore that the continued operation of the Barkerbus business, which can only take place if they can expand, is necessary to enable the continued stewardship of this land.
5. The bus and coach services provided meet an important local community need and their loss would be contrary to Para 70 of the NPPF and adopted Local Plan Policy CF12
6. Refusal of Planning permission would result in more private car use and/or its replacement by a less sustainably located bus operator. It should therefore benefit from the presumption in favour of sustainable development in the NPPF.
7. New landscaping carried out around the southern and eastern boundaries of the site in connection with the development would significantly enhance biodiversity and landscape character.

The Planning Officer's comments on these issues is as follows:

1. It is accepted that the reuse of substantial buildings can be appropriate development, where this does not result in other harm, such as open storage and excessive traffic movements. The two main buildings within this part of the site are substantial and capable of reuse, the third building, located toward the front of the site is a dilapidated block work and timber structure, that has recently been part repaired and reroofed and may be capable of reuse. It is considered that the reuse of these buildings for storage/facilities in connection with the adjacent bus depot would not be inappropriate.
2. It is clear that the business has outgrown its original site; it is not physically possible to park all the buses owned and run by the business within the original bus depot area. The business has expanded gradually into the application site since the land was purchased from the previous owner in 2004 despite the fact that there was an enforcement notice on the land at the time of the purchase, and the previous owner had been prosecuted on some seven occasions for failure to comply with the notice.
3. The fact that this application is retrospective should not influence the decision. The question is whether, had the applicant applied for change of use of the land to allow the expansion of his

business in a controlled manner and with suitable conditions and landscaping, such a proposal would have been considered acceptable.

4. The case here has to some extent been clouded by the other uses that have been introduced within the wider site in the applicant's ownership, which include the open storage of caravans and the use of caravans for residential purposes. These issues can be resolved by the existing enforcement notice. Whilst the open storage/parking of coaches on Green Belt land is clearly inappropriate, it is accepted that this is an existing established business that does provide a local service and rural employment, which is broadly in line with the requirements of the NPPF. The agent's argument on this point therefore is valid and a material consideration.

5. However, it is difficult to see this expansion as true farm diversification, as it is clear that the main income is in fact from the bus business and the farm (which is not actively farmed) is perhaps a secondary business. However, there is evidence that the land is maintained under a stewardship scheme and the continuation of the bus business may help enable the continuation of this stewardship.

6. Maintaining the bus operation at one site rather than trying to split it over two sites, is clearly preferable on sustainability terms. As well as operationally, the owner and operator of the business lives opposite this site, providing security and reducing traffic movements.

7. The proposed landscaping will enhance the site and mitigate some of the visual intrusion from the proposed coach parking.

On balance, it is considered that taken all together these factors, which individually may not make a strong case, are sufficient to outweigh the harm to the Green Belt that results from the development.

#### Highway Safety

Although the development results in an increase in traffic movements, the Highway Authority state that the use has not resulted in any highway capacity or efficiency issues and there have been no recorded accidents associated with the use or access within the last 3 years. Furthermore, the application allows for improvements to be made to the access and visibility to the advantage of all road users. On this basis there is no objection to the proposal on highway grounds subject to the imposition of suitable conditions.

#### Sustainability

As touched on above and vouched for by local schools and others, the bus depot is well located to provide services for residents of Roydon and Nazeing reducing distances travelled, The operator also lives adjacent to the site reducing traffic movements. The link with the stewardship of the adjoining farmland is seen as a benefit with regard to long term sustainability issues.

#### Residential amenity

The nearest residential property to the extended site on the same side of the road is Gladwyn's Farm. The application includes a 12m wide belt of tree planting between the yard area and the boundary with Gladwyn's and it is not considered that there would be undue harm to residential amenity given that the authorised use of the site is a farmyard with repair and maintenance of farm machinery. No objections to the proposal have been received.

### Visual Amenity

The site is well screened from the road by an existing high conifer hedge. The proposals include the introduction of new tree planting belts of native species in three staggered rows that, in time, will reduce the impact of the site from longer views from the east or south. The applicant's agent has had discussions with the Council's landscape officer and subject to suitable size specimens being planted and suitable aftercare being provided, effective screening can be achieved. A condition requiring further details of planting and maintenance is suggested. The site itself is currently in a very poor state with old vehicles, caravans, building materials and other detritus left around the site. Whilst much of this is covered by the enforcement notice, it is considered that conditions requiring the removal of these within 6 months of any consent will help to improve the openness of the site, ensure that the depot has suitable manoeuvring space for the buses and farm machinery and generally improve the visual amenity of the site. Conditions can also be added to prevent any further open storage at the site and to restrict the areas used for parking and coach parking to prevent further incursion into the open area.

### Conclusion

The use of the site is contrary to Local and National Green Belt policy and entails the consolidation of an existing inappropriate use within the Green Belt, but on balance, it is considered the circumstances of this particular site, which will enable the continuation of a long standing established local business and achieve highway improvements and improvements to the visual amenity of the area (beyond those that could be achieved by simple enforcement action), are sufficient very special circumstances to outweigh the harm to the Green Belt. The application is therefore recommended for approval subject to conditions.

Should planning permission be granted, the Enforcement section will continue to work to secure the removal of the other unauthorised activities from the site.

***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***

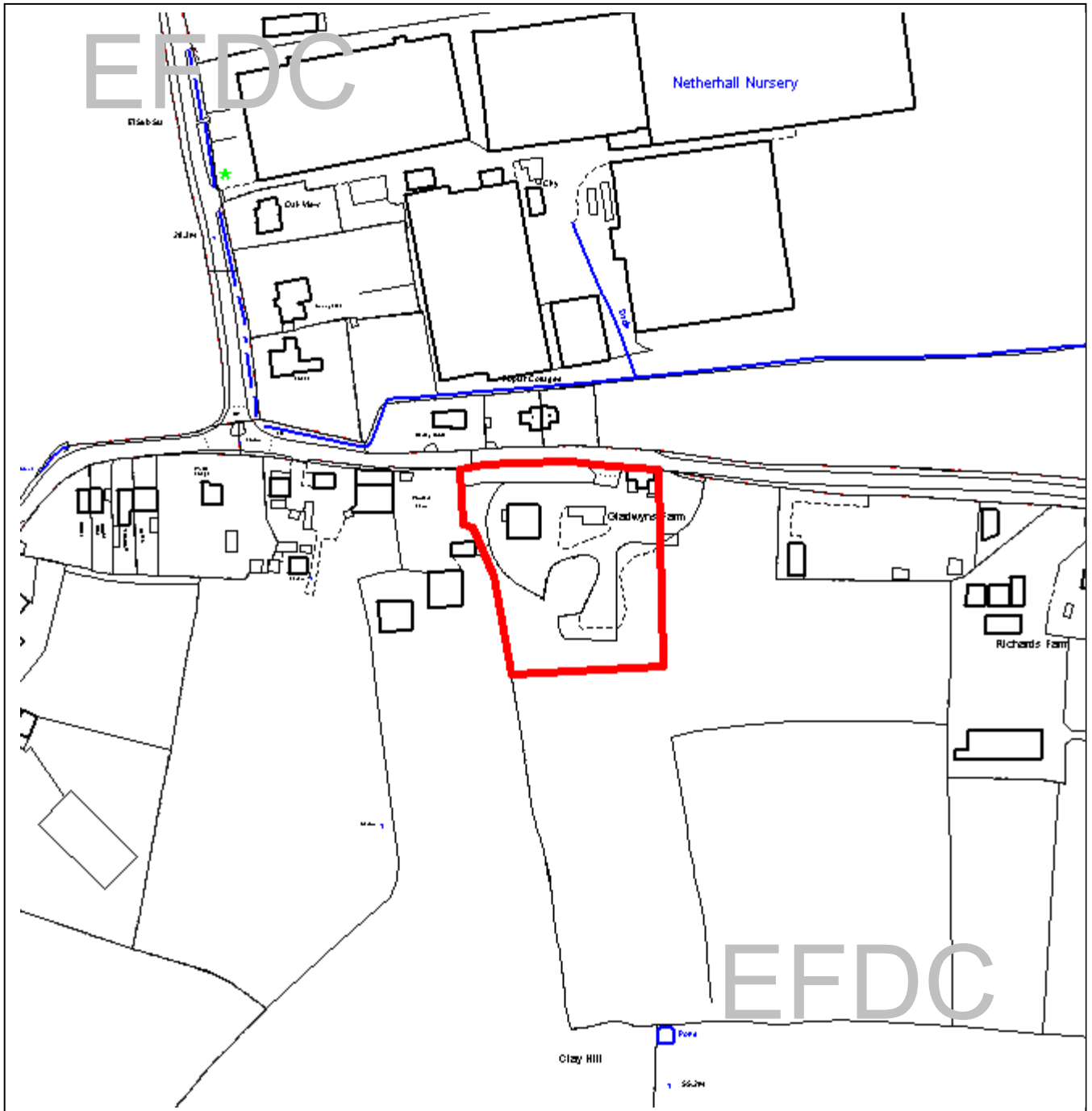
***Or if no direct contact can be made please email:***





# Epping Forest District Council

## Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0176/13
Site Name:	The Mulberries and Poplars Farm Hamlet Hill, Roydon, CM19 5JY
Scale of Plot:	1/2500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0711/13
<b>SITE ADDRESS:</b>	Hailes Farm Low Hill Road Roydon Harlow Essex CM19 5JW
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Mr M Bowden
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for the change of use from B8 (Storage and Distribution) to Sui Generis Use as a bus/coach garage.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=547931](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547931)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Location Plan licence no. 100047474, Block Plan licence no. 100047474
- 2 Within three months from the date of this decision, details of the proposed new tree planting, including positions or density, species and planting sizes and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.
- 3 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years from the date of this decision, 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.

- 4 Within three months from the date of this decision, details of all external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, all external lighting shall be installed and maintained in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.
- 5 There shall be no outdoor storage, with the exception of the storage and parking of vehicles, within the site.
- 6 All vehicle maintenance and repair must take place within the workshop, and shall not take place within the yard area.
- 7 Within three months from the date of this decision, details of a suitable parking area shall be made available and once approved, be retained on site for the parking of staff and visitors vehicles.
- 8 The site shall only be used for the parking of a maximum of 31 buses/coaches or minibuses, unless agreed in writing by the Local Planning Authority.
- 9 Only buses, coaches and minibuses operating from this site shall be maintained and repaired at the site.

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

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

The application site is a 0.25 hectare former B8 (Storage and Distribution Site) located on the western side of Low Hill Road and accessed from Glen Faba Road. The site is predominantly laid to hardstanding with three detached buildings consisting of a workshop, an office, and a drivers' room. The site is located within the Metropolitan Green Belt.

#### **Description of Proposal**

Retrospective consent is being sought for the change of use of the site from B8 Storage and Distribution use to Sui Generis Use as a bus/coach garage. The site has been occupied by Galleon Travel 2009 Ltd. since January 2013 following the refusal of retrospective consent EPF/0925/12 for the extension of the existing hardstanding for the parking of vehicles at Ricotta Transport, Tylers Cross. The company has a Public Service Vehicle Operator's Licence for up to 31 vehicles, and currently has no more than 25 vehicles on site at any one time. The application involves no alterations (retrospective or otherwise) to the existing buildings on site or any extension of the existing hardstanding. However the applicant does propose additional planting along the eastern boundary to help screen the site from the adjacent Burles Farm.

#### **Relevant History:**

EPR/0004/52 - Use of land as general merchants & stores dump – approved/conditions 29/02/52  
EPO/0098/64 - Motor dismantling & salvage of vintage & private vehicles for restoration – refused 14/08/64  
EPO/0410/69 - Warehouse – approved/conditions 09/09/69  
EPF/0740/75 - Details of extension to warehouse – approved/conditions 04/08/75

EPF/0274/86 - Change of use of land and buildings from retail warehouse and storage to fence and pallet makers workshop and storage – refused 28/04/86  
EPF/0465/86 - Change of use of land and buildings from retail warehouse and storage to premises for the assembly, storage and retail of double glazed windows – refused 30/05/86  
EPF/1948/00 - Change of use of agricultural land to 4 wheel drive off road training centre – refused 09/02/01 (appeal dismissed 28/06/01)  
EPF/0272/04 - Conversion of existing detached stable building into 1 x four bedroom dwelling – refused 04/05/04  
EPF/0273/04 - Conversion of existing barn into 1 x three bedroom two storey dwelling – refused 04/05/04  
EPF/0125/05 - Conversion of existing warehouse into new office space and conversion of existing barn to three bedroomed residential dwelling – approved/conditions 23/03/05 (not implemented)

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
GB8A – Change of use or adaptation of buildings  
DBE9 – Loss of amenity  
E4A – Protection of employment sites  
RP5A – Adverse environmental impacts  
ST4 – Road safety  
ST6 – Vehicle parking

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.

### **Summary of Representations:**

3 neighbouring properties were consulted and a Site Notice was displayed on 26/04/13.

PARISH COUNCIL – None received.

THE ROYDON SOCIETY – No objection to the use of the yard, however concerned about the size of vehicles using the site, the suitability of the surrounding roads and the access to the site, the potential flood risk from damage to roadside ditches, and due to other damage resulting from the large vehicles using the surrounding roads (such as to fences, etc.).

WHITE GABLES, LOW HILL ROAD – No objection to use of site for a coach hire business, however concerned about the following:

- Use of the site 24 hours a day, 7 days a week and disturbance from current hours of operation.
- Width of the highway and ability of large vehicles to be able to turn into the site.
- Potential flooding issues from infilling of the ditch adjacent to Hailes Farm.
- Damage done to the existing grass verges in the surrounding area.

2 DOWNE HALL COTTAGE, LOW HILL ROAD – Object due to the insufficient roads leading to, and access serving, the site, highway safety concerns, and regarding highway flooding concerns resulting from damage to ditches.

BURLES FARM, LOW HILL ROAD – Object due to the impact on the surrounding roads, the damage to highway ditches, and the damage to surrounding fences.

99 PARKFIELD – Object due to the impact on the surrounding roads and the resulting noise and pollution. This proposal adds to the existing traffic impacts from UK Salads.

### **Issues and Considerations:**

The main issues to determine are the impact on the Green Belt, on the surrounding neighbours, and with regards to impact on the public highway.

#### Green Belt:

The application site was formerly used as a Haulage company under its lawful Class B8 use (storage and distribution) and contained the three buildings currently on site. The National Planning Policy Framework (NPPF) outlines what does not constitute inappropriate development, which includes:

*“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, 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”.*

It also states that:

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

...

- *The re-use of buildings provided that the buildings are of permanent and substantial construction”.*

The change of use of this site and the buildings occurred in January 2013 and did not involve the erection or alteration to any of the existing buildings, the laying of any additional hardstanding, or the change to any other structures within the site. The buildings are clearly ‘of permanent and substantial construction’ as the change of use has already taken place, and as such the only consideration is whether the new use has a greater impact on the openness of the Green Belt than the former use.

Although a bus/coach garage does not fall within the same use class as a haulage depot, they are quite similar uses nonetheless. Aerial photographs have been provided by the applicant dated 2005, 2006, 2009 and 2011, all of which show a number of large vehicles parked/stored on the site. This can also be seen on the Council’s own 2007 and 2009/2010 aerial photographs of the site. Traffic movements from a haulage depot (or any other B8 use) would also be comparable to the proposed bus/coach depot (see below for more detail). As such it is not considered that the proposed use of the site is more harmful to the Green Belt or surrounding area than the former B8 use.

The lawful B8 use is fairly unrestricted in terms of operating hours, storage capacity, lighting, etc., and as such there is very little control against this use. However, the approval of the proposed depot use would allow for conditions to be imposed to control the site. It is also proposed to plant additional landscaping to screen the site from neighbouring properties, which could also be controlled through this application. The ability to impose such conditions would reduce the level of harm to the Green Belt and the surrounding area.

### Impact on neighbouring properties:

The application site is within a relatively isolated location, however it does nonetheless have nearby neighbouring properties. These consist of:

- Jalma (to the west) and Sunnyfields (to the south), which appear to be residential dwellings.
- The Conifers to the southwest, which is a lawful industrial site.
- White Gables to the southeast, which is a residential dwelling and a lawful site for the storage of vehicles in connection with a vehicle and driver hire business.
- Burles Farm to the east, which appears to be the farmhouse and farmyard for the still operational farm.
- Hailes Farm(house) to the immediate west of the site, which is owned and occupied by the two directors of the company.

There are some further residential dwellings approximately 315m to the east along Low Hill Road, and the large horticultural nursery sites some 300m to the south, a large proportion of which are currently intensely used by UK Salads.

Given the location and former use of the site, it is not considered that the proposed change of use results in any additional detrimental impact over the previous lawful B8 use. Furthermore, conditions could be imposed on any decision to obtain greater control and to reduce the impact on neighbour's amenities over the previously unrestricted use. All vehicle maintenance and repairs are carried out within the large workshop, which limits the level of audible noise and disturbance from such activity.

### Highway concerns:

The biggest concerns expressed by nearby occupants are regarding the suitability of the surrounding road network and the impact the proposed use has on this.

Low Hill Road is a very narrow road that is not suitable for large vehicles, although the road does widen when it becomes Netherhall Road. This road served the lawful B8 use on this site, which utilised large articulated lorries, the nearby industrial site and vehicle storage site, and both the neighbouring farm and the nearby horticultural nurseries. All these sites either do already, or could result in intense traffic movement of both small and large scale vehicles. As such, the existing roads currently serve a relatively high number of vehicle movements, including large scale vehicles, and it is not considered that this site unduly exacerbates this. The previous lawful use as a haulage yard resulted in articulated lorries using the surrounding roads for several years, and it is not considered that the proposed use has significantly altered this situation.

The current Public Service Vehicle Operator's Licence for the site allows up to 31 vehicles, although it is stated that there are no more than 25 vehicles on site at any one time. The site caters for local bus and school services, long-distance coach tour, and rail replacement services. It is stated that the average vehicle movements are as follows:

### Buses:

- Monday-Friday – 7 vehicles leaving between 07:00 and 08:00 and returning between 18:00 and 19:00.
- Saturday – 4 vehicles leaving around 08:00 and returning around 18:00
- No movements on Sundays and Bank/Public holidays.

### Coaches:

Coaches on site cater for a variety of tours ranging from day and evening trips to long distance, European tours. The vehicle movements of these are fewer, however are not time/day specific and each coach can often be off-site for 7 to 10 days at a time.

### Rail replacement:

Predominantly evening and weekends but needs to respond flexibly to need at relatively short notice.

Concern has been expressed about the ability for large vehicles to turn off of Low Hill Road and into the application site without damaging the highway ditch or neighbouring boundary treatments, and also reference has been made to similar issues elsewhere on the surrounding public highway. As previously stated, this site was previously used as a haulage yard for large articulated lorries, as can be seen in previous aerial photographs, all of which presumably had to negotiate the Glen Faba Road/Low Hill Road junction and did so without complaint. It is not considered that the proposed bus/coach depot use has significantly altered this situation. Damage to highway verges and ditches may not specifically be from vehicles using this site, particularly considering the activities taking place on other surrounding sites, and nonetheless these issues would be dealt with through other means (such as through enforcement by Essex County Council Highways or Land Drainage).

The existing site benefits from an extremely wide access onto Glen Faba Road, which is a dead end road that carries no through traffic, and the junction of Glen Faba Road and Low Hill Road has very good sight lines. As such, it is not considered that there is any highway safety or usage concerns relating to the proposed (retrospective) change of use.

### Other considerations:

The other material considerations in this application are the benefits that the proposed development would have on retaining employment use on the site and the surrounding area. Galleon Travel 2009 Ltd currently employs 2 directors, 15 drivers, 3 engineering staff, 2 full time and 1 part time office staff, and 1 yard hand. Furthermore, the company currently operates sustainable transport to the local community through local bus services, school transport, rail replacement services, and transportation for various community groups and organisations.

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

### Conclusion:

The proposed development would not constitute inappropriate development harmful to the openness of the Green Belt and would assist in the continuation of an employment use that provides a valuable sustainable transport service to the local area. The impact on surrounding neighbours and on the local highway network would not be significantly worse than the previous lawful B8 use of the site' and therefore the application is considered to comply with the NPPF and the relevant Local Plan policies and is recommended for approval.

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

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

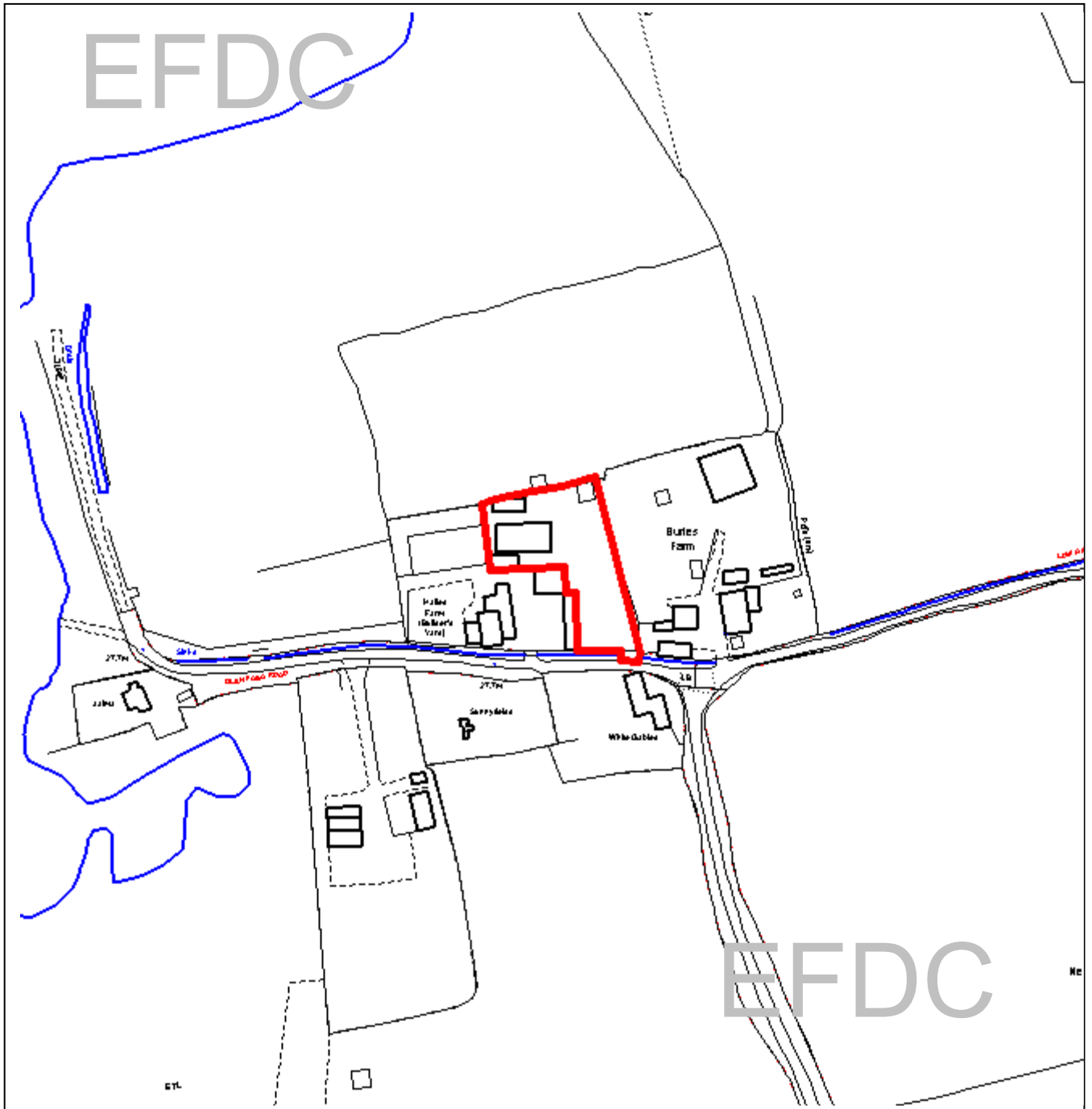
**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**





# Epping Forest District Council

Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0711/13
Site Name:	Hailes Farm, Low Hill Road Roydon, CM19 5JW
Scale of Plot:	1/2500

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0329/13
<b>SITE ADDRESS:</b>	Fernhall Farm Fernhall Lane Waltham Abbey Essex EN9 3TJ
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	The Administrators of the Estate of Mrs Mary Ethel Ellis
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of west barn and side barn to a residential dwelling with link extension and change of use from agriculture to residential.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=545971](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545971)

**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: The submitted location plan, MKB213 01, 02, 03C and 04B (03C and 04B received amended on 15/05/13)
- 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, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 No boundary treatment shall be erected on or adjacent to the site, other than that which has previously been submitted and agreed in writing by the Local Planning Authority.
- 5 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.

- 6 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]
- 7 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 in writing 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]
- 8 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 in writing 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]

- 9 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 in writing. The approved monitoring and maintenance programme shall be implemented.
- 10 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.
- 11 Prior to the commencement of development a Great Crested Newt Survey shall be submitted to the Local Planning Authority for approval. If the survey finds the species to be present in the vicinity a scheme of mitigation and relocation, including a timetable for the work, shall be further submitted as part of this condition for approval and the agreed mitigation/relocation shall be carried out in accordance with the agreed timetable unless otherwise agreed in writing.
- 12 Prior to the commencement of development a scheme of mitigation for Barn Owls shall be submitted to the Local Planning Authority for approval. The scheme of mitigation, including a timetable for the work, shall be submitted as part of this condition for approval and the agreed mitigation shall be carried out in accordance with the agreed timetable unless otherwise agreed in writing.
- 13 The proposed site clearance works shall be undertaken outside the bird breeding season (March - August inclusive) unless otherwise agreed by the Local Planning Authority.
- 14 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 15 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays 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.

*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:**

Fernhall Farm is located at the junction of Fernhall Lane and Long Street. The site is in an isolated location and is within the boundaries of the Metropolitan Green Belt and the Upshire Conservation Area. The site comprises a listed farmhouse, a listed barn, listed Granary structure and ancillary modern farm barns. The layout is a fairly typical farmyard setting. There are two access roads into the site, one from the junction of the roads and a new access to the south of the house from Fernhall Lane. The immediate area is characterised by sparse development dotted in open swathes of arable farmland.

The barn is timber framed on a brick plinth with a 20<sup>th</sup> century tiled roof. There is a side projection with gabled roof to the rear of the structure and the end two bays form a two storeyed stable. The barn contains a number of original fittings, particularly in the stable section, and the carpentry features are typical of post medieval Essex Barns.

### **Description of Proposal:**

Consent is sought to convert the barn (West Barn) to a residential dwelling. This would provide a four bedroom unit and would include the conversion of part of the modern farm building at the site (Side Barn). The building would have the appearance of a typical converted barn and would be served by a residential curtilage to the rear of the site. Access would be gained from the southern accessway.

### **Policies Applied:**

- CP1- Achieving Sustainable Development Objectives
- CP2- Protecting the Quality of the Rural and Built Environment
- CP3- New Development
- CP5- Sustainable Building
- GB2A- Development in the Green Belt
- GB7A- Conspicuous Development
- GB8A- Change of Use or Adaptation of Buildings
- GB9A- Residential Conversions
- HC6- Character, Appearance and Setting of Conservation Areas
- HC7- Development within Conservation Areas
- NC4- Protection of Established Habitat
- RP4- Contaminated Land
- H2A- Previously Developed Land
- H4A- Dwelling Mix
- DBE1- Design of New Buildings
- DBE2- Effect on Neighbouring Properties
- DBE4- Design in the Green Belt
- DBE8-- Private Amenity Space
- DBE9- Loss of Amenity
- LL1- Rural Landscape
- LL2- Inappropriate Rural Development
- LL10- Adequacy of Provision for Landscape Retention
- LL11- Landscaping Schemes
- ST4- Road Safety

## ST6- Vehicle Parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 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.

### **Relevant History:**

EPF/2231/11 - Agricultural determination for a new farm access track and gate. Permission Not Required - 14/11/2011.

### **Summary of Representations:**

TOWN COUNCIL: Objection. Overdevelopment in the Green Belt.

4 neighbours consulted and site notice displayed – 0 replies received.

CONSERVATORS OF EPPING FOREST: Objection. Concern about traffic movements and impact on the character of the Green Belt.

### **Issues and Considerations:**

The main issues to consider relate to the Green Belt/Conservation Area location of the site, design and appearance, amenity and the comments of consultees.

#### Green Belt

Policy GB8A of the adopted Local Plan allows for a change of use of buildings provided they meet the following criteria;

- (i) The building is:
  - (a) of permanent and substantial construction; and
  - (b) capable of conversion without major or complete reconstruction; and
  - (c) in keeping with its surroundings by way of form, bulk and general design;
- (ii) The proposed use would not have a materially greater impact than the present use of the Green Belt;
- (iii) The use and associated traffic generation would not have a significant detrimental impact on the character or amenities of the countryside;
- (iv) The Council is satisfied that works within the last 10 years were not completed with a view to securing a use other than that for which they were ostensibly carried out;
- (v) the use will not have a significant adverse impact on the vitality and viability of a town centre etc.

This policy further states that preference will be given to employment generating uses such as recreation, tourism or workshops. However in light of the recently adopted NPPF first preference to commercial use can now be discounted and residential accepted as a first option.

The application has been accompanied by a Structural Appraisal Report and Timber Frame Survey by Bidwells. It is clearly apparent on site that the building is in a reasonable state of repair and would lend itself well to conversion without major works. There are a number of openings which will be utilised in the conversion. The submitted reports indicate that there will be a need for some new boarding, works to the brick plinth and replacement/splicing of existing and removed structural timbers. This is not uncommon with such a development but it is evident that the overall form of the building would not be excessively altered, save for the fact that the use will change. It

is considered that the building is of permanent construction and its conversion would not require major reconstruction. The conversion is well designed and would be in keeping with its surroundings.

Such developments should not have a materially greater impact on the Green Belt and traffic movements should not detract from the character of the countryside. In terms of built form the only addition would be a small extension linking the West Barn to the Side Barn. There would be the creation of a residential curtilage which would result in an encroachment into open countryside. However it is reasonable that such a use is served by an area of private amenity space. It is not excessive and what is proposed is logical in terms of meeting this need. The proposal would result in the creation of a new residential unit in an area which could not be considered a sustainable location. However the reuse of an existing building, the provision of much needed housing and the economic benefits of the scheme are all sustainable objectives in their own right and as recognised in the NPPF. Recent Government changes to permitted development rights now permit the change of use of agricultural buildings to various uses, including B1 and B8 uses. Therefore it is considered that the location of development in the Green Belt, and its unsustainability, should be afforded diminished weight. There are enough sustainability attributes to this proposal to render the principle of conversion to residential acceptable.

### Design and Appearance

The building is listed and the site is within the Upshire Conservation Area. The matter of design has been covered in some detail in the Listed Building application and is generally acceptable subject to conditions. The conversion would not detract from the character of the area.

### Neighbour Amenity

The rear amenity space is a reasonable size and would remain sufficiently private. There is one immediate neighbour, the farmhouse, but this proposal would have no impact on the amenity of residents of this property.

### Trees and Landscaping

No tree survey information has been provided with this application. The only significant trees are those around the large pond on site – although none of these are marked on any plans. The site is within a Conservation Area, as such, all trees are protected. The reuse of this building should not require any tree works. Therefore it is expected those trees around the pond to be retained – any works to them will require 6 weeks prior notification to the Local Planning Authority. Hard and soft landscaping conditions are also deemed necessary.

Concern has been expressed by the Trees and Landscaping section that the access to the barn was originally approved for farm machinery, and to remove conflict between farm machinery and residential traffic on the original access road. The concern is that the approval of this scheme may lead to more pressure for another “agricultural traffic only” lane. It is the case that this lane was approved on the proviso that it would be used for farm traffic and to remove conflict. The approval of this scheme would result in both farm machinery and residential traffic using this lane. However the access has resulted in farm machinery no longer using the dangerous access point to the site which is adjacent to the junction. There are much better visibility splays at the new access point and although this was approved to remove vehicle conflict this is not considered a strong enough reason to withhold consent. The overall principle of the scheme and its discernible benefits should be given great weight. The laneway is not particularly long and does not excessively impact on the open character of the Green Belt or the special setting of the Conservation Area.

### Ecology

A Phase I Ecological Survey has been submitted. This identifies the potential presence of Great Crested Newts in a nearby pond and the presence of Barn Owls in the agricultural buildings. As the development will result in the loss of the barn as a place of shelter for the owls and the works will also potentially impact on Great Crested Newts in the vicinity, mitigation strategies for these species is a reasonable requirement to be secured by condition. The Phase I report also advises that the works should be undertaken outside the bird breeding season as the site offers ideal conditions for nesting. The application will be conditioned accordingly.

### Land Drainage

The site is within an Epping Forest Floodzone. The Land Drainage section of the Council have no objection to the proposal but point out that Land Drainage Consent would be required and that a condition agreeing foul and surface water drainage is necessary.

### Highways

Essex County Council Highways section has been consulted but there are no highway concerns in connection with this development.

### Contaminated Land

The site is potentially contaminated given its previous history and as such the standard conditions are necessary.

### Archaeology

The Historic Environment Officer of Essex County Council Historic Environment Team has identified the above planning application on the barns at Fernhall Farm, as having archaeological implications. The Historic Environment Record shows that the historic barn (EHER 33699) proposed for conversion is listed, and is on the First Edition Ordnance Survey Map. Recent work published in the East Anglian Archaeology: Research and Archaeology: A Framework for the Eastern Counties 2. Research Agenda and Strategy states that the East Anglian Farmstead is a crucial and understudied component of the East Anglian Landscape. This area was of major international importance in the development of farming practises and the High Farming tradition when new ideas culminated in significant alterations in the design and layouts of farm buildings. As historic fabric, features and fittings, elucidating the history and use of the buildings may survive, it is important that such elements are preserved by record by means of a historic building survey prior to the commencement of conversion works. A heritage assessment was submitted with the application, comprising photographs and plans. This assessment should be presented as a report for submission to the HER. This can be agreed by condition.

### Permitted Development Rights

It is deemed reasonable and necessary to remove permitted development rights for further extensions and outbuildings which could have an adverse impact on the Green Belt or the character of this Listed Building.

### **Conclusion:**

The proposed development of this site for residential purposes is deemed acceptable. The principle is agreeable and the submitted particulars are satisfactory. The recommendation is therefore 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:**

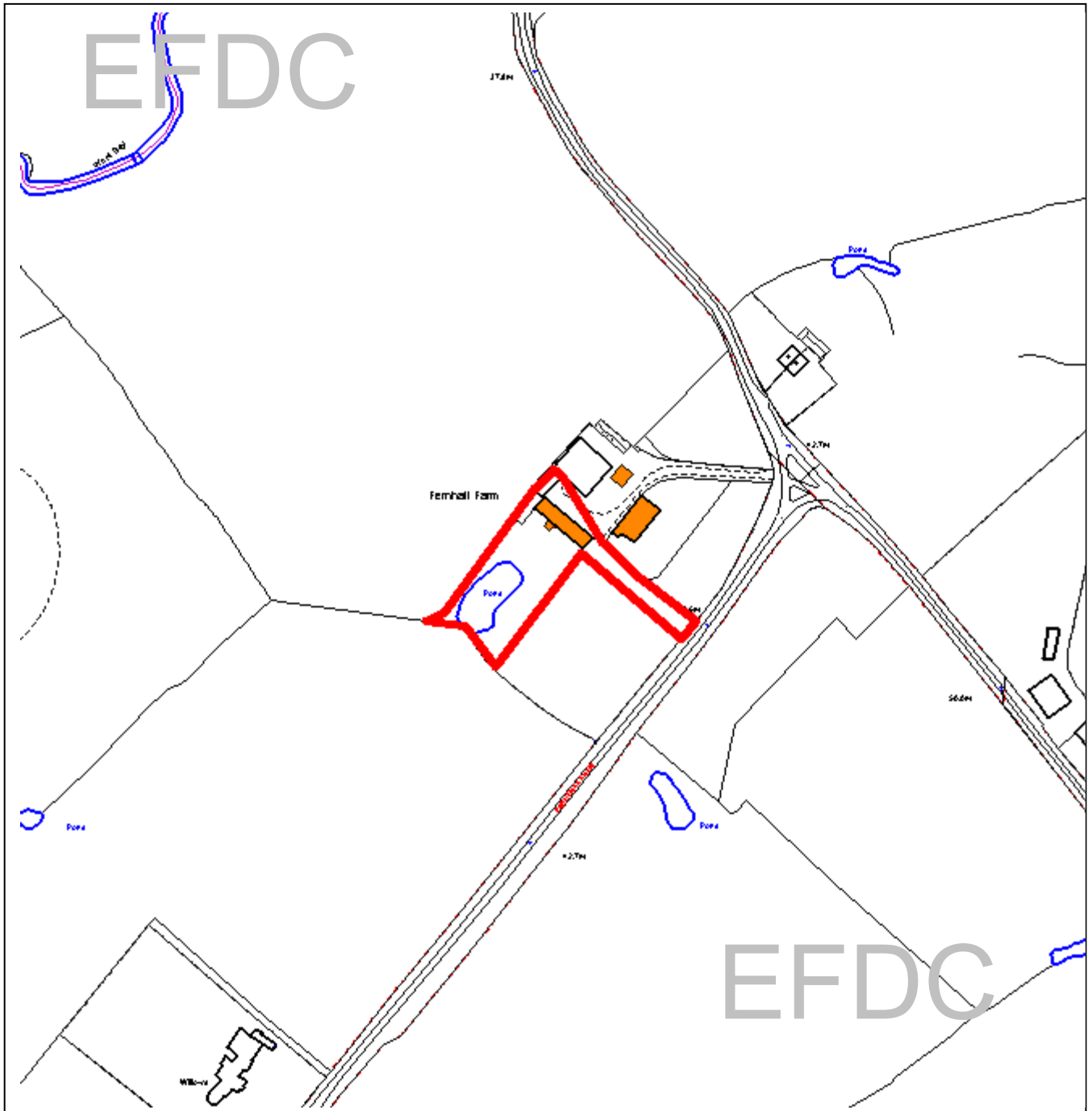
**Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336**

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



# Epping Forest District Council

## Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>5 &amp; 6</b>
Application Number:	EPF/0329/13 and EPF/0352/13
Site Name:	Fernhall Farm, Fernhall Lane Waltham Abbey, EN9 3TJ
Scale of Plot:	1/2500

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0352/13
<b>SITE ADDRESS:</b>	Fernhall Farm Fernhall Lane Waltham Abbey Essex EN9 3TJ
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	The Administrators of the Estate of Mrs Mary Ethel Ellis
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building consent for a change of use of west barn and side barn to residential dwelling with link extension
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=546150](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546150)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 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.
- 3 A sample panel of brickwork shall be constructed on site showing the brick bond, mortar mix and pointing profile to be used for new brickwork to be approved by the Local Planning Authority.
- 4 Additional drawings that show details of proposed new windows, doors, eaves, verges, cills, structural openings and junctions with existing buildings in section and elevation at scales between 1:2 and 1:20 as appropriate shall be submitted to and approved by the Local Planning Authority prior to the commencement of works.
- 5 Additional drawings that show details of proposed changes to walls, floors and roof to address building regulation requirements in section at scales between 1:2 and 1:20 as appropriate shall be submitted to and approved by the Local Planning Authority prior to the commencement of works.
- 6 Sections showing new floors in relation to the existing timber frame shall be submitted to and approved by the Local Planning Authority prior to the commencement of works.

- 7 Additional drawings of new boundary treatments and any hard landscaping shall be submitted to and approved by the Local Planning Authority prior to their installation.
- 8 Details of any new flues, pipes, extracts or meter boxes shall be submitted to and approved by the Local Planning Authority prior to their installation.
- 9 Any new external pipes and rainwater goods shall be in painted metal
- 10 Historic fixtures and fittings, including internal boarding, shall be retained unless otherwise agreed in writing with 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:**

Fernhall Farm is located at the junction of Fernhall Lane and Long Street. The site is in an isolated location and is within the boundaries of the Metropolitan Green Belt and the Upshire Conservation Area. The site comprises a listed farmhouse, a listed barn, listed Granary structure and ancillary modern farm barns. The layout is a fairly typical farmyard setting. There are two access roads into the site, one from the junction of the roads and a new access to the south of the house from Fernhall Lane. The immediate area is characterised by sparse development dotted in open swathes of arable farmland.

The barn is timber framed on a brick plinth with a 20<sup>th</sup> century tiled roof. There is a side projection with gabled roof to the rear of the structure and the end two bays form a two storeyed stable. The barn contains a number of original fittings, particularly in the stable section, and the carpentry features are typical of post medieval Essex Barns.

### **Description of Proposal:**

Listed Building Consent is sought to convert the barn (West Barn) to a residential dwelling. This would provide a four bedroom unit and would include the conversion of part of the modern farm building at the site (Side Barn). The building would have the appearance of a typical converted barn and would be served by a residential curtilage to the rear of the site. Access would be gained from the southern accessway.

### **Policies Applied:**

HC10 – Works to a Listed Building

HC12 – Development Affecting the Setting of a Listed Building

### **Relevant History:**

EPF/2231/11 - Agricultural determination for a new farm access track and gate. Permission Not Required - 14/11/2011.

### **Summary of Representations:**

TOWN COUNCIL: Objection. Overdevelopment in the Green Belt.

4 neighbours consulted and site notice displayed – 0 replies received.

### **Issues and Considerations:**

The main issue to consider is whether this proposal preserves or enhances the special character of this Listed Building or the group of buildings.

The conversion of these buildings has been the subject of pre-application discussions between the applicant, the Local Planning Authority and Essex County Council's Historic Buildings Advisor. It has been generally agreed in principle that the conversion of the West Barn is acceptable and would ensure its long term preservation. The development, in essence, is similar to countless such conversions which have been undertaken within the jurisdiction of this council area, and no doubt beyond. There has been some deliberation about how this conversion will take shape and these issues of debate can be considered in turn.

#### The Granary Building

The site contains a Granary building which is also a listed structure. The proposal does not contain any plans for this building. It is stated that this building is beyond economic repair and cannot be reconstructed. The Listed Buildings Advisor is of the opinion that the future of this Granary building should be addressed as part of this application. It is clear on site that the building is in a very poor state of repair and detracts from the setting of this group of buildings. The applicant has applied for the reuse of another building and the insurance of its long term future is the issue to be assessed. Although it would be desirable for this proposal to include plans for the Granary it is not considered that this is totally necessary to the overall acceptability of this scheme. From an economic perspective Central Government is placing a greater onus on Local Planning Authorities to ensure that the right development is brought forward without delay. It is not considered that the reuse of this building is of such concern as to be a reasonable justification for withholding consent for a scheme which would generate some moderate local economic activity. Its current poor state would not seriously affect the overall character of the scheme applied for, as the immediate area also contains modern farm buildings. The site contains a mix of buildings and this application is simply to find a long term use for one of the buildings. If the development preserves or enhances its setting/the building there are no clear Listed Building grounds to withhold consent.

#### Yard Boundary

The site plan indicates that the boundary line would cut through the farmyard. Concern has been expressed that fencing would impact negatively on the special setting of this group of buildings. The Agent for the Applicant has clarified that the boundary through the farmyard would remain open. This can be secured by condition and is an acceptable arrangement.

#### Historic Fabric

Concern has also been expressed that the originally submitted plans would result in the loss of historic fabric, particularly to the stable section of the building which contains a large number of original fittings. It has been agreed between the parties that the amount of fittings originally shown as being removed will not now be taken out. As such, a condition is necessary ensuring that historic fixtures and fittings are retained, including internal boarding.

#### Openings

The number of external openings has been reduced to an acceptable level. This will ensure that the traditional character of the barn, long sweeps of weatherboarding with only occasional openings, will be retained.

### Design of the Side Link

A link building is proposed joining the West Barn to the Side Barn. It has been agreed that the roof will be finished in aluminium, allaying previous concerns about a felt finish. A condition will be attached to the decision notice ensuring that a superior quality of materials is used in the development of this site.

### Conditions

A number of conditions have been suggested and all meet the six tests for a condition as laid out in Circular 11/95. This will ensure a sensitive development and that concerns expressed by the Authority's advisors at Essex County Council have been noted and responded to by the applicant. Further, the Local Planning Authority have been positive and proactive in working with the applicant in ensuring that concerns have been addressed and that this scheme can be put before Members with Officer support.

### **Conclusion:**

Amendments received in plan form during the course of this application have addressed initial issues with the scheme. A number of restrictive conditions are necessary largely agreeing materials and the retention of historic fabric. However subject to these conditions the development is acceptable from a Listed Building perspective.

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

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

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

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0339/13
<b>SITE ADDRESS:</b>	The Green Man Public House Broomstick Hall Road Waltham Abbey Essex EN9 1NH
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey North East
<b>APPLICANT:</b>	Churchill Retirement Living Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment to form 28 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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=546033](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546033)

**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: 40013WA-PL01 to40013WA-PL07 and 120287.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window opening(s) on first and second floors that service the communal hallways along the rear elevation shall be entirely fitted with obscured glass and shall be permanently retained in that condition.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving 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 Prior to development, including works of demolition or site clearance, tree protection measures shall be installed in accordance with Barrell Tree Consultancy - Arboricultural Impact Appraisal and Method Statement dated February 2013. The development shall be carried out in accordance with this approved document unless the Local Planning Authority give its written consent to any variation.
- 8 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]
- 9 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 in writing 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]



- 10 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 in writing 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]
- 11 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 in writing. The approved monitoring and maintenance programme shall be implemented.
- 12 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.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 14 No development shall take place until details of levels have been submitted to and approved in writing by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 15 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 16 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.

- 17 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 18 The proposed development hereby approved shall be carried out in accordance with the proposals in the Flood Risk assessment prepared by Mott MacDonald dated February 2013 unless otherwise agreed in writing with the Local Planning Authority.
- 19 The proposed development hereby approved shall be carried out in accordance with the Ecological Appraisal & Building Inspections prepared E.P.R dated January 2013 unless otherwise agreed in writing with the Local Planning Authority.
- 20 The facades of the development shall be provided with sufficient double glazing and acoustically treated ventilators, or other means of ventilation that will provide adequate ventilation with the windows closed, as detailed within the AS7287.130214.N/A, provided by Alan Sauders Associates.
- 21 Details of the proposed double glazing and acoustically treated trickle ventilators, or other means of ventilation, shall be submitted to and agreed in writing by the Local Planning Authority and installed before any proposed residential development is occupied. The double glazing and trickle vents should be installed correctly to ensure that they provide the correct level of acoustic insulation.
- 22 The development hereby permitted shall only be occupied by persons aged 60 years or over or, in the case of couples living together as a single household, where one occupier is aged 60 or over and the other occupier is aged 55 or over.
- 23 Prior to first occupation of the development the following details shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- A. The access arrangements as shown in principle on drawing no.40013WA-PL02 to include, if a bell-mouth access is to be formed, two pedestrian crossing points with appropriate tactile paving across the access.
- B. The provision of two pedestrian crossing points with appropriate tactile paving across The Gladeway at its junction with Farm Hill Road.
- C. The provision of two pedestrian crossing points with appropriate tactile paving across Broomstick Hall Road, adjacent to the mini-roundabout, with the possibility of utilising and upgrading the existing refuge island in width and with tactile paving.
- D. The provision of a flag and pole with integral telematics, raised kerbs and new bus cage with "No Waiting" plate to Essex County Council specification at the existing bus stop immediately outside the site on the northern side of Broomstick Hall Road.
- E. The provision of raised kerbs to Essex County Council specification at "The Green Man" bus stop on the south side of Farm Hill Road.
- The approved scheme of works shall be implemented prior to first occupation of the development.

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

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))*

### **Description of Site:**

The application site is located on the corner of Broomstick Hall Road and 'The Gladeway' within the built up urban area of Waltham Abbey. The site itself is mainly regular in shape, relatively level and is just over half an acre in size.

The site presently consists of a public house known as 'The Green Man' which is positioned within the south western corner of the site fronting onto Broomstick Hall Road. The building is three stories with accommodation within the roof and is externally finished from facing brickwork. To the rear of the public house is a two storey detached outhouse with a single storey extension. A large hard surface car park and a beer garden are used in association with the use of the site. A medium size timber paling fence is located on the side and rear boundaries of the site.

The subject site is predominantly located within a well established residential area that comprises of a wide variety of built forms and styles. Victorian terraces are located along the northern side of Broomstick Hall Road which abuts the eastern boundary of the site. A mixture of semi detached dwellings and detached dwellings along with some terrace style dwellings are located to the north and west of the site. A large three storey flatted development is located south west of the subject site known as Cobbinsbank which fronts onto Farm Hill Road.

The application site is not located within the Metropolitan Green Belt or a Conservation Area and it is not within the setting of any listed buildings. The site falls predominantly within Flood Zones 1 and 2 with a small element of the southern boundary falling within Flood Zone 3.

### **Description of Proposal:**

This proposal is to erect a part 1, 2 and 3 storey 'U' plan shaped block to provide 28 Category II sheltered apartments for the elderly with provision of a lodge manager's office on site along with communal facilities and associated car parking and landscaping. The existing public house along with associated buildings and facilities would be removed to make way for the proposal.

The new building will provide 18 one-bedroom and 10 two-bedroom apartments, a density of 125 dwellings per hectare. The apartments are accessed off internal corridors from within the building itself.

Communal facilities include an owner's lounge, reception area, wellbeing suite, office, guest suite, refuse area, and a laundry room.

The proposed vehicle access will be located in a similar position to the existing access off Broomstick Hall Road, although at a slightly repositioned point. The entrance driveway to the development would lead via an underpass to a car parking area for ten vehicles within the north eastern corner of the site. In addition, a provision for a dedicated mobility scooter store is proposed within the carpark, to provide secure storage. A further pedestrian access point into the development is via 'The Gladeway'

Small communal garden areas and hard paved areas provide private amenity space to the rear of the building.

**Relevant History:**

EPF/0689/96 - Erection of children's play area in present beer garden (approved)

EPF/0003/91 - Installation of internally and externally illuminated advertisement signs (approved)

EPF/0234/87 - Change of use and alterations of existing stable block to lounge and dining area (approved).

EPF/1710/86 - Outline application for erection of freestanding bedroom blocks (Refused).

EPF/1143/81 - First floor rear extension for accommodation for landlord over ground floor rear extension to replace kitchen and beer store (approved)

EPF/1019/81 - Single storey extension to provide toilet accommodation (approved)

EPF/1232/76 - Use of land for car park (approved)

**Policies Applied:**

Local Plan policies relevant to this application are:

CP1 Achieving sustainable development objectives  
CP2 Protecting the quality of the rural and built environment  
CP3 New development  
CP5 Sustainable buildings  
CP6 Achieving sustainable urban development patterns  
CP7 Urban form and quality  
DBE1 Design of new buildings  
DBE2 Detrimental effect on existing surrounding properties  
DBE3 Design in urban areas  
DBE6 Car parking in new development  
DBE8 Private amenity space  
DBE9 Loss of Amenity  
LL10 Protecting existing landscaping features  
LL11 Landscaping scheme  
ST1 Location of development  
ST2 Accessibility of development  
ST4 Highway safety  
ST6 Vehicle parking  
H1A Housing Provision  
H2A Previously developed land  
H3A Housing density  
H5A Provisions for affordable housing  
H6A Site thresholds for affordable housing  
H7A Levels of affordable housing  
U2A Development in flood risk areas  
U2B Flood risk assessment zones  
CF2 Health care facilities  
CF12 Retention of community facilities  
I1A Planning obligations

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.

### **Summary of Representations**

WALTHAM ABBEY TOWN COUNCIL - Object

Concerns were raised with regard to overdevelopment, lack of parking facilities and privacy issues to local properties.

#### **Neighbours**

Adjoining property occupiers notified and a site noticed displayed. One representation was received from the following occupier:

1 BROOMSTICK HALL ROAD – Objects

The proposed development would result in an adverse impact on the rights of light.

### **Issues and Considerations:**

The main planning issues are considered to be:

- Principle of development
- Design and appearance
- Neighbouring amenities
- Highway safety, traffic Impact, parking and access
- Landscape and trees
- Flood Risk and Drainage
- Contaminated land
- Affordable housing provision
- Health care provision

#### **Principle of development**

The site lies outside the Metropolitan Green Belt, Employment Area and Commercial Areas and is, therefore appropriate for residential development. The principle of residential development is therefore considered acceptable in land use terms and the provision of additional housing is consistent with Policy H1A and HC2A as the application site is within an established urban area and would result in the re-use of previously developed land.

Sheltered housing provides independence for vulnerable, elderly and disabled residents. Category 2 sheltered housing provides grouped dwellings for less active elderly persons with communal facilities and a resident warden. The layout of the units provides standard sized bedrooms, living rooms, bathrooms and kitchens.

A report prepared by D.C.A outlined the need for private retirement housing within the Epping Forest District. The report concluded that there is a demographical change in terms of an increasing ageing population within the district and that there is a significant level of unmet market demand for sheltered housing. It is generally accepted by officers that this is the case.

However, the current use is a public house, which constitutes a community facility. Local Plan policy CF12 states that:

*Permission will only be granted for proposals which will entail the loss of a community facility where it is conclusively shown that:*

- (i) the use is either no longer needed or no longer viable in its current location; and*
- (ii) the service, if it is still needed, is already, or is to be, provided elsewhere and accessible within the locality to existing and potential users.*

A commercial viability report was submitted as part of this application. It is officer's opinion that the report demonstrates that an extensive marketing campaign of the site was undertaken over the past couple of years which shows that due to the lack of interest; there was very little demand for the site as a public house. In addition, the report provides evidence that the retention of the pub in its current form is no longer viable and that there remains a great number of community facilities which include a substantial number of public houses (13 in total) within the surrounding locality. Officers are satisfied that the applicant has demonstrated sufficient evidence to outweigh the harm of a loss of a community facility.

The development site is located within a very built up, predominantly residential area that is close to Waltham Abbey town centre and other local facilities. Furthermore there are very good transport links within this area (specifically access to the M25 and other major roads) and bus services. The closest train station is within Waltham Cross, which is not within walking distance (particularly for elderly residents), however this is a short bus journey. It is considered that, in principle, this is a sustainable location for sheltered housing for the elderly. As such, it is considered that the redevelopment of this site would constitute a sustainable development in transport/location terms which is in accordance with Local Policies CP1 and ST1.

The principle of residential development for the site is in accordance with the Adopted Local Policies and the National Planning Policy Framework. It would make the most efficient use of available land by virtue of its sustainable urban location and that it would re-use a previous developed parcel of land in which its current use is no longer appropriate or in this case viable.

#### Design and appearance:

Following on from the above, new development should be of a high standard in terms of its design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

The development site is within a prominent location at the junction of Honey Lane, Farm Hill Road, Broomstick Hill Road and The Gladeway. Whilst this does ensure that a larger (three storey) feature building could be suitable for the corner of this site, it also means that the design of the building (including its overall bulk and scale) will need to be sensitively considered.

It is acknowledged that the building does have a large footprint and massing due to its 2/3 storey form. However, the mix of materials to the elevations, which includes the use of orange coloured brickwork, white painted weatherboarding and render and brown coloured roof tiles, together with the variation in ridge heights, projecting bays and the breaking up of the facades of the building will contribute to reducing its visual prominence within the street.

The building would be of a traditional design incorporating local features and materials to complement the existing street scene. The elevations that will front the public domain onto the High Street and 'The Gladeway' as a result of its siting and juxtaposition of the building heights

and setbacks will limit the bulk and scale of the building and it is considered to be appropriate having regard to the nature of the immediate surrounding buildings.

The density for this site will be 125 dwellings per hectare. Local policy states that new developments will achieve a net site density of 30-50 dwellings per hectare. Although the development is high density, it is in a neighbourhood where there are examples of other relatively high-density developments, specifically the large flatted development south west of the site known as Cobbinsbank. It is therefore considered that the density is, on balance, acceptable.

The Council's policy seeks to ensure an adequate amount of conveniently located amenity space is provided in new residential developments which is usable in terms of its shape and siting. However, the Local Plan does state that these standards may be relaxed where *"the development comprises sheltered housing for the elderly where the amenity space will be a visual amenity rather than an area required for active recreation"*.

The development provides small communal amenity space areas around the 'U' shaped building and centrally positioned near the main entrances into the building.

Whilst the amenity areas will be restricted in some areas around the plot, a robust planting scheme could provide attractive garden areas for the future residents. Furthermore all of the principal habitable rooms to the units would have an outlook over areas of soft landscaping. In addition, south of the site is a large open green area used as a public recreational area and a small public park with a war memorial. Officer's experience of declining planning applications on amenity space grounds have generally not been supported on appeal and despite the building footprint take-up of the site, the overall provision of amenity space on the site is therefore considered acceptable.

#### Neighbouring amenities:

Due consideration has been given regarding the potential impact the proposal would have on the amenities enjoyed by adjoining occupiers in relation to loss of privacy, loss of light and visual blight.

Turning to the impact of overlooking, it is noted that the proposal includes windows on all floors including dormer windows within the roof slopes on all elevations apart from the north eastern flank elevation. As such there would be no direct overlooking into habitable room windows of number 1 Broomstick Hall Road which is north-east of the site. The design of the building has accounted for this and there would be a minimal impact in term of overlooking into the rear private garden area of this property from windows on the rear façade of the proposal.

It is also considered that there would not be a significant amount of harm in terms of potential overlooking to the rear of the site to the properties north known as 2-8 'The Gladeway'. The only habitable room windows that are proposed along the rear façade of the development are setback over 25 metres from the rear facades of the adjoining properties. This distance meets the minimal standard under the Essex Design Guidance.

However it should be noted that there are a couple of windows that are located within 15 metres of the rear facades of the adjoining properties. These windows though service the communal hallways within the development and in order to minimise any overlooking, it will be conditioned that these windows be obscured glazed.

In terms of the potential impact to the adjoining property known as Elmsdown which is located south west of the site, on the other corner with The Gladeway, officers consider that there would not be a greater material change in relation to overlooking into their flank habitable windows compared with the current situation. However it is noted that the proposal would be able to directly overlook the rear garden area of Elmsdown. Nevertheless, given that there is public highway

between the two sites and that some minor overlooking of rear garden areas is expected within built up residential areas, this would not amount to significant harm.

The applicant submitted a Daylight and Sunlight Study prepared by Right of Light Consulting. Officers confirm that the report concludes that there would be low impact in terms of a loss of daylight and sunlight to adjoining properties habitable room windows and private garden areas.

In terms of scale, it is officer's opinion that the development would respect the neighbouring properties on the northern and eastern boundaries because the building steps down and by reducing its height, bulk and massing accordingly, it relates well to the neighbouring properties. As such it is considered that the development would not be visually intrusive or be overbearing to the extent that it would result in an unneighbourly development.

#### Highway safety, traffic impact & vehicle parking

The Adopted Council parking standards recommends warden assisted sheltered accommodation should provide, as a minimum, 1 space per dwelling, 1 space per eight dwellings for cycle storage and 1 mobility scooter space for every two units. This would mean that the parking requirements for 28 retirement flats would be:

- 28 parking spaces
- 4 secure cycle parking spaces
- 14 mobility scooter spaces

A total of 10 parking spaces are proposed for the use of residents and visitors, with vehicular access being taken from the new access off Broomstick Hall Road. The applicant's transport statement shows that parking occupancy rates at similar developments is akin to the level of parking provision proposed or slightly lower.

The application was referred to County Council highways officer who stated that the amount of off street parking is reasonable. It is officer's opinion that as the site enjoys a good location in terms of access to a range of services and public transport, the standard can be reduced and the level of parking is therefore, on balance acceptable in this location. It is clearly in the developer's interests to ensure that they provide adequate parking space, and they have provided evidence that this low level is generally sufficient. Members will recall that in the case of other developments of this type submitted in other parts of similar built up areas of Epping Forest District, the applicant's demonstration of parking level and need have convinced the Planning Inspector at appeal.

The applicants have submitted a Transport Assessment and the Highway Authority has raised no objection to the proposals subject to conditions. The siting of the single vehicle access point is in a similar position to the present access into the site. Therefore, no objection is raised to its location. There would be no significant impact on the surrounding highway network from the traffic generated from the proposed development. The site is in a good position of accessibility in terms of access to a range of services and public transport.

However in saying this, the highway authority have requested works to be undertaken outside of the site to improve the accessibility to the bus stop and the surrounding area to benefit not just the occupiers within the proposed development, but to the benefit of all surrounding residents. The proposed works that are required are as follows:

- The provision of two pedestrian crossing points with appropriate tactile paving across The Gladeway at its junction with Farm Hill Road.
- The provision of two pedestrian crossing points with appropriate tactile paving across Broomstick Hall Road, adjacent to the mini-roundabout, with the possibility of utilising and upgrading the existing refuge island in width and with tactile paving.



- The provision of a flag and pole with integral telematics, raised kerbs and new bus cage with “No Waiting” plate to Essex County Council specification at the existing bus stop immediately outside the site on the northern side of Broomstick Hall Road.
- The provision of raised kerbs to Essex County Council specification at “The Green Man” bus stop on the south side of Farm Hill Road.

These works are relevant to the development which can be covered by conditions on the planning approval in the interest of improving access to public transport necessitated by the development.

#### Landscape and trees:

An Arboriculture Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy in February 2013 was submitted as part of the application.

This information was referred to Council’s landscape officer who stated that they had no objection to the proposal subject to conditions being placed on the planning permission requiring that further details of hard and soft landscaping and tree protection measure be submitted prior to any works commencing on site.

#### Flood risk and drainage:

The site falls predominantly within Flood Zones 1 and 2 with a small element of the southern boundary falling within Flood Zone 3.

As such, a Sequential Test and a Flood Risk Assessment was produced by the applicant and formed part of the application. Officers deemed that the Sequential Test was appropriate. The application was referred to the Environmental Agency who stated that the Flood Risk Assessment had demonstrated that a safe dry access can be provided via ‘The Gladeway’. In addition it has been demonstrated that finish floor levels will be set no lower than 22.23 metres above ordnance datum and that there is no other fluvial flood risk concerns. However the Local Authority is responsible for assessing surface water flood risk on the site. Hence the application was referred to Council’s Engineering and Drainage officer. The officer had no objections to the proposed development subject to the installation of a drainage system to the specifications detailed within the Flood Risk Assessment.

#### Land contamination

The Geo-Environmental geotechnical ground investigation report prepared by Jomas Associates Ltd in January 2013 identified contaminants that require further investigation. However this can be remediated and as such, the Council’s contaminated land officer has requested that standard land contamination conditions be placed on any granted permission that require full surveys before any works are commenced on site.

#### Environmental services:

The application was referred to Council’s environmental health officer who stated that the applicant has prepared a comprehensive noise report to investigate the issue of traffic noise. As such there were no objections to the scheme subject to conditions that the development is constructed in accordance with the noise report.

A communal refuse area is located internally within the building. Environmental Services raise no objection to the amount of storage bins and their location is also acceptable for collection purposes.

Affordable housing provision:

It is officer's opinion that this form of development would not be suitable for on-site affordable housing provision, but instead would be subject to a financial contribution in lieu of on-site affordable housing. The Local Plan states that the amount "should reflect the subsidy that a developer would have provided had the affordable housing been achieved on site". As this development would be for more than 15 residential units and is located within a settlement with a population greater than 3,000, Local Plan policy H7A seeks "at least 40% of the total number of units to be affordable".

The applicant has provided a fully costed appraisal and has indicated that they are willing to pay a contribution in lieu of on-site affordable housing provisions. However the exact amount is still being negotiated between officers and the agent. The final figure is being finalised and will be verbally presented at the meeting.

Health care provision:

The application was referred to the North Essex Primary Care Trust who had not made any formal comments at the time of preparing this report. A follow up telephone conversation with the Trust concluded that they would hope to make some formal comments before this application is heard at the Area Committee Meeting. These comments will be verbally passed on at the meeting if received.

**Conclusion:**

The proposal, on balance, is considered to be appropriate by officers in terms that it would not result in a significant impact to the character and appearance of the surrounding area and the street scene, nor result in harm upon the amenities enjoyed by adjoining property occupiers. The proposal is in accordance with the policies contained within the Adopted Local Plan and Alterations and the National Planning Policy Framework. The development is therefore recommended to be approved subject to the suggested conditions and for the applicant to enter into a legal agreement requiring a financial contribution in lieu of on-site affordable housing.

***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: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337***

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



# Epping Forest District Council

## Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	7
<b>Application Number:</b>	EPF/0339/13
<b>Site Name:</b>	The Green Man Public House, Broomstick Hall Road, Waltham Abbey, EN9 1NH
<b>Scale of Plot:</b>	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0376/13
<b>SITE ADDRESS:</b>	145 Honey Lane Waltham Abbey Essex EN9 3AX
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Honey Lane
<b>APPLICANT:</b>	Peter Lampe
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for the retention of a wooden shed in rear garden.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=546291](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546291)

**CONDITIONS**

- 1 The proposed building shall only be used for purposes incidental to the enjoyment of the dwellinghouse and shall not be used to operate a trade or business which would bring the use beyond incidental.

*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:**

No145 Honey Lane is a semi detached dwellinghouse and this is the character along the road. Gardens are relatively deep and the flank boundaries are demarcated by traditional garden fencing.

**Description of Proposal:**

The applicant seeks consent to retain garden shed. The building has a floor area measuring 5.3m x 5.6 and has a flat roof to a height of 3.0m. The building has a brick plinth and wood panelled walls.

**Relevant History:**

No relevant history.

### **Policies Applied:**

DBE1 – Design

DBE2 - Amenity

CP2 – Protecting the Quality of the Rural and Built Environment

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 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:**

3 neighbours consulted – 2 replies received.

143 HONEY LANE – Objection. We are the neighbours at 143 Honey Lane but unfortunately are unable to find our letter advising us of this planning application.

We would like to object to the application on the following grounds:

- 1) The "shed" is considerably larger and taller than an average shed. This casts an over-bearing status over our garden. It should be noted the "shed" takes over almost the entire width of the garden.
- 2) It is unsightly and not in keeping with it's surrounding, looking almost "DIY" in construction.
- 3) We are concerned over the use of this "shed" which has more of the appearance of a workshop. We have already witnessed use of this domestic garden to store a number of pieces of large commercial plant machinery, with the associated noise, mess and unsightly appearance and are very concerned that this "shed"/workshop will be used for a commercial purpose/machinery workshop.
- 4) We have witnessed and have photographic evidence of large gas bottles used on the premises and left for a considerable length of time. This shows they are happy to have hazardous items within a few feet from our garden/house, with the associated risks to me and my family.
- 5) We are concerned about the detrimental effect this building could have on our house with its over-bearing presence on our garden.
- 6) Finally we are concerned at the nature of the construction of the unit which has two extremely large workshop type doors from floor to roof (3 metres?) in addition to the "normal" front door. If this was to be used as a normal shed, why the huge access point?

IF this "shed"/workshop is allowed to stay, against our wishes, we would ask that it has strict restrictions in place to prevent it being used as a mechanical type workshop. No commercial use, compressed air equipment (air guns/compressors etc), storage of gas bottles/cylinders, as this domestic/residential rear garden has already been used for commercial plant machinery and associated equipment, to the detriment of the area.

1 HARLTON COURT – Objection. My back garden is only small so the shed would block light in to the back of my house also my house is built on a much lower level to the garden that the shed would be built on so the shed would be above my first floor bedroom window height, maybe they can build the shed at the side of their house or somewhere else in the large garden or the height of the shed be reduced.

TOWN COUNCIL: Objection. Concern about the overall size and clarification about the use.

## **Issues and Considerations:**

The main issues to consider relate to design and amenity. The comments of consultees will also be assessed.

### **Design**

The garden store which is the subject of this application has been largely constructed and is in position. Permitted development regulations allow the construction of an ancillary outbuilding to a height of 2.5m. This building is approximately 0.50m higher than a permitted development building. The building is quite large, given the size of the garden, but in design terms it is fairly typical of such structures. It is not considered that the additional height seriously detracts from the character of the immediate area.

### **Amenity**

Concern has been expressed about the overbearing nature of the building from residents at 143 Honey Lane and 1 Harlton Court. In relation to No143, the building is located at the rear of the garden and although there would be some overshadowing of the back of the neighbouring garden this would not seriously impinge on amenity. The building is only circa 5.3m deep and as such would not appear excessively overbearing.

The shed is located to the west of No1 Harlton Court adjacent to public amenity land and any impact would be negligible.

The issue has also been raised about the use of this building and that it may be for a workshop. The planning system permits a wide range of uses of buildings and land "incidental to the enjoyment of the dwellinghouse". This would include a private workshop. This would only become a planning matter if the applicant operated a business from the site and the associated activity resulted in a material change of use of land, effectively creating a new planning unit. The point when a change from an ancillary use to a commercial use takes place is a matter of fact and degree which would have to be determined. In the case where an application would be required the planning merits could be assessed. However this does not appear to be the intention here and a condition preventing the commercial use of the building should guard against this likelihood.

## **Conclusion:**

The retention of this building is acceptable subject to an appropriate condition preventing a separate business use.

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

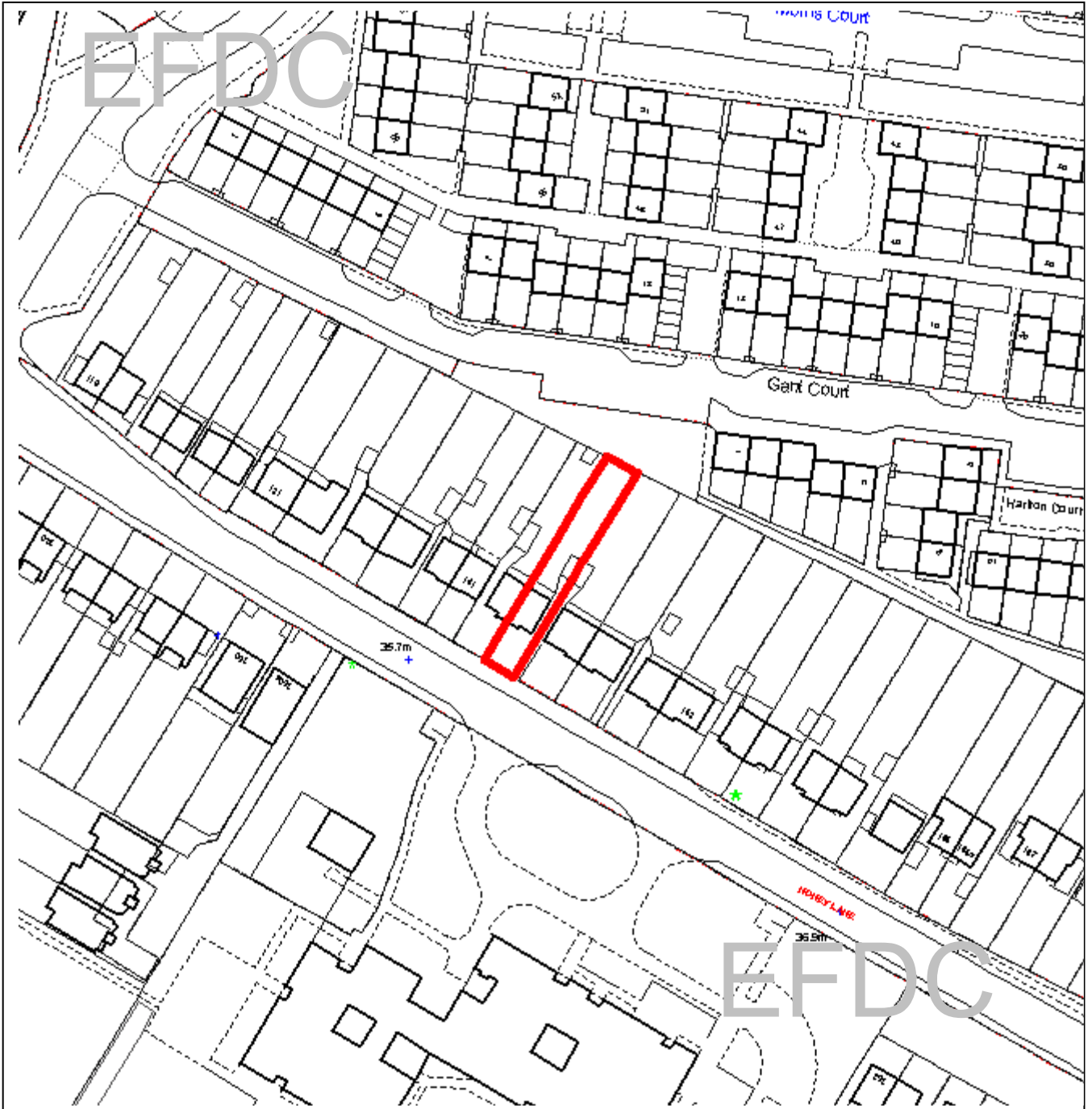
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/0376/13
Site Name:	145 Honey Lane, Waltham Abbey EN9 3AX
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0492/13
<b>SITE ADDRESS:</b>	83 Upshire Road Waltham Abbey Essex EN9 3PB
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Paternoster
<b>APPLICANT:</b>	Ms Joanne Page
<b>DESCRIPTION OF PROPOSAL:</b>	Extension to pavement and grass verge crossing
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=546930](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546930)

**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 crossover, shall be of a similar appearance to those of the existing crossover 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:**

No83 Upshire Road is the end house on a terrace of four two storey dwellings. The property is currently served by an existing 2.5m wide crossover to the highway. This passes over the footpath and a grass verge which is adjacent to this Class III type road. Part of the grass verge exists to the front of the property and there is a parking space adjacent to this on the roadway.

**Description of Proposal:**

The applicant seeks consent to extend the crossover across the entire width of the frontage of the house (6.3 wide). This would involve the removal of the area of grass verge and the parking space.

**Relevant History:**

EPF/0995/79 - Formation of a vehicular access. Grant permission - 17/08/1979.



### **Policies Applied:**

ST4 – Road Safety

ST6 – Vehicle Parking

CP2 – Protecting the Quality of the Rural and Built Environment

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 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:**

5 neighbours consulted – 2 replies received.

85 UPSHIRE ROAD: Comment. Regarding the extension of driveway access at 83 Upshire Road. As this will result in the loss of the parking space - and lack of parking is an issue for this side of the road as some houses are not permitted driveways - I feel it only fair that we all get a say in this matter. Please send a letter to 87, 89, 91, 93, 95, 97, 99, 101 Upshire Road accordingly. These houses are not permitted driveways and therefore the loss of a parking space would have the greatest impact on them.

87 UPSHIRE ROAD: Objection. I am writing to you reference No.83 Upshire Road applying for the cross over the grass verge .We have been told by Epping Forest Council for the last 18 years that the piece of grass verge belongs to the Corporation of London and that there is a number of pipe works running underneath this verge which would make it impossible for us to cross. We feel to take another parking space from us is just unacceptable, as we do not have enough parking spaces for our stretch of road for the houses 85 to 103.

TOWN COUNCIL: Objection. Concern about road safety and the loss of a parking space.

DIRECTOR OF HOUSING SERVICES: Objection. An extension to the crossover "would result in the loss of a parking space on the Upshire Road". Our policy in housing is to refuse requests to create crossovers or extensions to crossovers where it would lead to the loss of a parking space. They have not to my knowledge asked Housing Management for permission to extend the crossover. As an ex Council property they will need our consent as well as highways and your own permission.

### **Issues and Considerations:**

The main issues to consider relate to the loss of the parking space and road safety. The comments of consultees are another material consideration.

The consideration of this proposal basically boils down to two competing factors. Firstly, the loss of a parking space to the front of the property and secondly any impacts the extension of the crossover would have on road safety.

Essex County Council Highways Section has provided comments in relation to this proposal. This states that the "*proposal will remove one off street parking space but this is considered to be acceptable as it vastly improves the applicant's visibility to the traffic approach side, consequently improving highway safety for all highway users*". Concern has been expressed that the loss of the parking space will result in exacerbated parking issues in the vicinity, as some of the houses do not have off street parking. It is obviously the case that there would be one less parking space locally. It is also clear that the verge is subject to some ad hoc parking. The Housing Section of the

Council has also raised concern and outlined how their consent would also be required. Officers have formed the view that the improvements to road safety should take precedence in this instance. It is not considered the loss of one space would seriously impact on parking provision in the area. It is clear that the parking space to the front of this property, and ad hoc parking on the adjacent verge, is leading to hazardous road conditions when occupants are exiting this drive.

It is accepted that the consent of the Housing Section of the Council may be required but this would be a separate matter to planning. An informative shall be attached to the decision letter informing the applicant of this requirement.

**Conclusion:**

The proposed development would improve road safety at this location. It is therefore recommended that consent is granted subject to conditions.

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

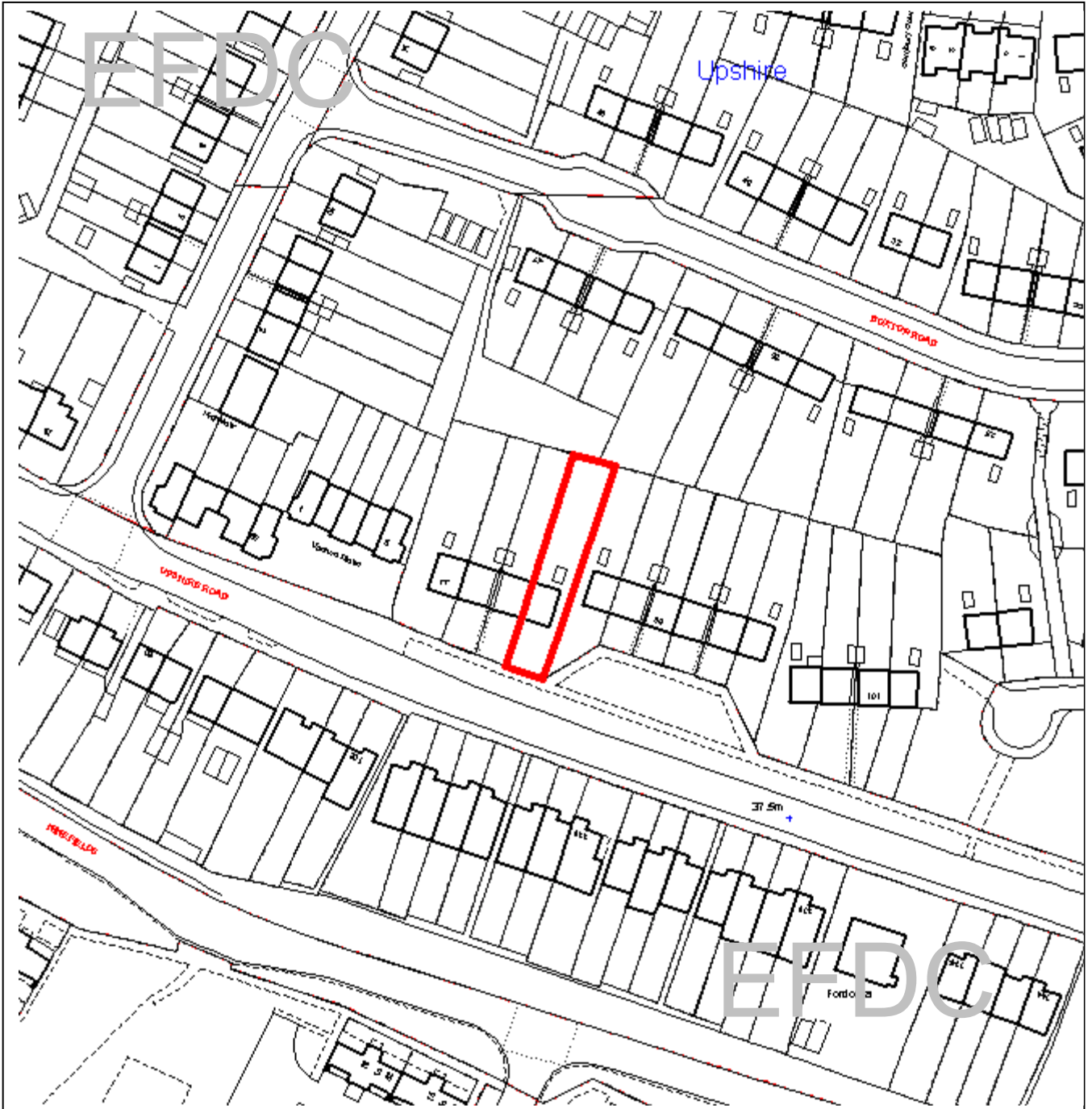
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDCC licence No.100018534

<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/0492/13
Site Name:	83 Upshire Road, Waltham Abbey EN9 3PB
Scale of Plot:	1/1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0495/13
<b>SITE ADDRESS:</b>	Willow Lea Clyde Road Roydon Harlow Essex EN11 0BE
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Lower Nazeing  Roydon
<b>APPLICANT:</b>	S Hannaford
<b>DESCRIPTION OF PROPOSAL:</b>	Extensions to bungalow
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniellM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=546952](http://planpub.eppingforestdc.gov.uk/AniellM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546952)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the northern first floor flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

*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:**

A detached bungalow located on the south eastern end of Clyde Road. The existing bungalow is the last property on this side of the road and is therefore adjacent to the Lea Valley Regional Park public footpath and the lake beyond this. All the surrounding dwellings to this property are full height, two storey houses.

### **Description of Proposal:**

Consent is being sought for a first floor extension atop the existing bungalow to create a two storey dwelling with rooms in the roof space. The proposal also includes the demolition of the existing attached garage and its replacement with habitable space to a 1.6m increased width. The extended property would have a flat topped pitched roof reaching a maximum height of 8.5m that would include two side dormer windows (overlooking the adjacent lake).

### **Relevant History:**

EPF/1239/81 - Lounge Extension – approved 13/11/81

### **Policies Applied:**

GB7A – Conspicuous development  
DBE9 – Loss of amenity  
DBE10 – Residential extensions

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:**

2 neighbouring properties were consulted. No Site Notice was required.

PARISH COUNCIL – Object. Overdevelopment of site.

LEA VALLEY REGIONAL PARK AUTHORITY – No objection

### **Issues and Considerations:**

The main issues to be considered are the impact on neighbour's amenities and with regards to the design.

#### **Amenity:**

The proposed roof enlargement would significantly increase the height of the existing building however there would be no significant change to the footprint of the building. As such, the proposed enlarged dwelling would remain roughly in line with the rear wall of the neighbouring resident, which is a full two storey dwelling. Whilst the proposed additions would extend approximately 3.8m beyond the front wall of the neighbouring dwelling, this would benefit from a 2.75m gap between the houses and would sit at an angle to the neighbouring property. Due to this, the proposed extensions would fall well short of the 45 degree line of the closest neighbouring window. As such, it is not considered that the proposal would result in any excessive harm to the neighbour's amenities through a loss of light or visual outlook.

The only upper storey windows facing onto the neighbouring property would serve bathrooms and can therefore be conditioned to be obscure glazed. Such conditions would ensure that the proposed development does not result in any undue loss of privacy or overlooking.

### Design:

Clyde Road contains a varied mix of types and designs of dwellings, with a predominance of one-and-a-half storey and two storey properties. The adjacent neighbour to the north is a full two storey dwelling with a ridge height approximately 200mm higher than the proposed extended property. The existing bungalow on this site is rundown, of no architectural merit and currently appears somewhat at odds with the larger houses surrounding it. Although the proposed extended property would have a flat topped pitched roof and is fairly deep, it is of a fairly standard design that would not be out of keeping with the street scene.

Given the application site's location at the end of Clyde Road, adjacent to the Lea Valley Regional Park/public footpath, it is very visible from the adjacent public Park/lake. The increased height and insertion of several glazed windows and dormers within the flank elevation overlooking the lake would result in the dwelling being more visually prominent than the existing bungalow, however the extended property would nonetheless be viewed within the context of the surrounding dwellings, several of which (including the neighbour to the north) reach a height greater than that proposed here. It is considered understandable that the occupants of the site would wish to make full use of the views over the Park/lake, the presence of the windows in this flank elevation is not considered to be unduly harmful to the character and appearance of the Park or the adjacent Green Belt.

### Other considerations:

The proposed development would result in the loss of the existing garage, and therefore the loss of an off-street parking space. However it was seen during the Planning Officer's site visit that two cars could be parked within the, albeit limited, front garden without highway safety issue. As the application site is located at the end of a private road with adequate space to manoeuvre it is considered that sufficient parking space can be retained despite the loss of the existing garage.

The Parish Council has objected to the application due to 'overdevelopment' of the site. Whilst the proposed extensions are relatively large when compared to the existing bungalow, the current bungalow on site is extremely small and is somewhat out of character with the larger surrounding dwellings. The proposed extensions would not significantly extend the footprint of the existing building and would result in a property similar in size to surrounding dwellings. As such, it is not considered that this proposal would constitute overdevelopment of the site.

### Conclusions:

Due to the above, it is considered that the proposed extensions would not be unduly detrimental to neighbours amenities, would respect the character and appearance of the street scene, and would not harm the adjacent Lea Valley Regional Park or Green Belt. As such, the application complies with the relevant Local Plan policies and is therefore recommended for approval.

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

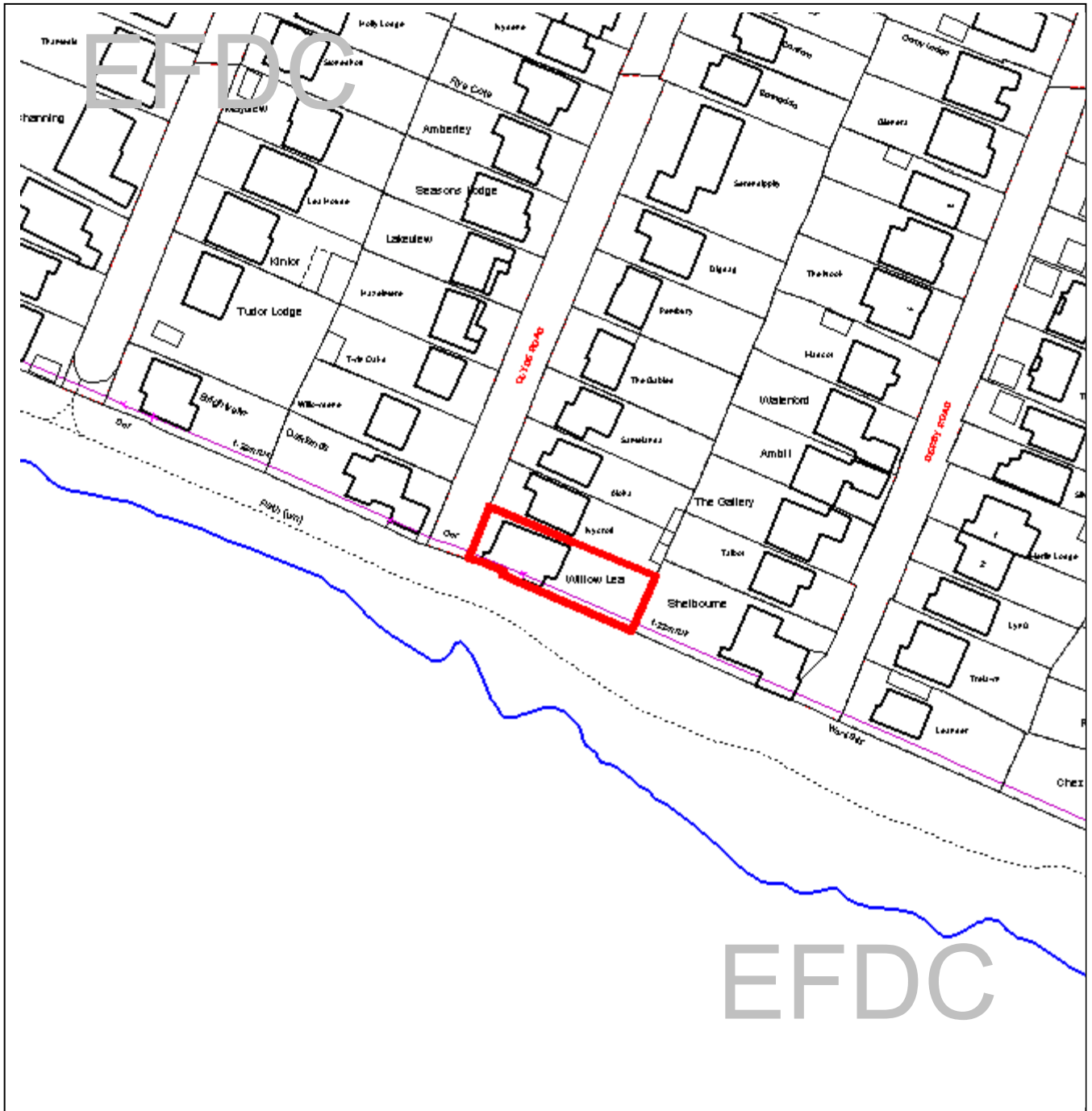
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>10</b>
Application Number:	EPF/0495/13
Site Name:	Willow Lea, Clyde Road Roydon, EN11 0BE
Scale of Plot:	1/1250