

AREA PLANS SUB-COMMITTEE 'WEST'

18 December 2013

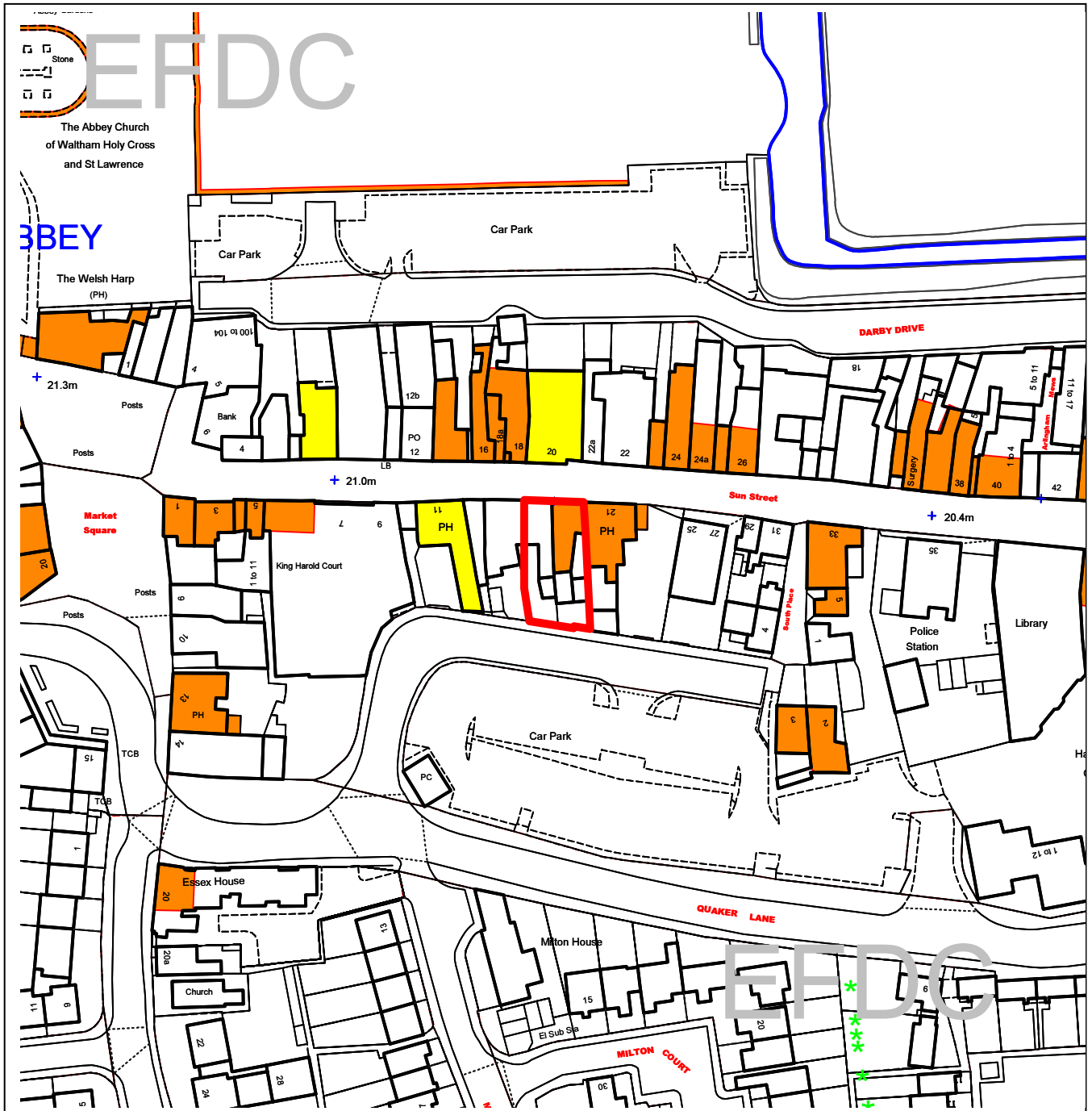
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Epping Forest District Council

AGENDA ITEM NUMBERS 1 & 2



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Application Number:	EPF/1922/13 & EPF/2045/13
Site Name:	17-19 Sun Street, Waltham Abbey EN9 1ER
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/1922/13
SITE ADDRESS:	17-19 Sun Street Waltham Abbey Essex EN9 1ER
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr David Leake
DESCRIPTION OF PROPOSAL:	Grade II listed building consent for change of use application from A1 to A2, including replacing existing rear garage door and additional windows.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553892

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 Details of the new shop front doors (on the rear elevation) showing the joinery mouldings and glazing details, e.g. in a section drawing at a scale between 1:2 and 1:20 as appropriate, shall be submitted for approval in writing by the Local Planning Authority prior to their installation.
- 3 Additional details that show details of the proposed new windows shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The new windows shall match those on the same elevation of the modern extension.
- 4 No additional extract ducts, terminals, flues, ducting, meter cupboards, soil and vent pipes shall be fixed to the fabric of the building unless agreed otherwise in writing by the Local Planning Authority.

This application is before this Committee since it is associated with 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))

Description of Site:

19 Sun Street is a two and half storey building which fronts onto Sun Street, with two storey and single storey rear projections that back onto Quaker Lane. The building is a Grade II listed. The site is within the Waltham Abbey Conservation Area and is a prominent site both within Sun Street

and Quaker Lane. The rear of the site backs onto Quaker Lane car park with access from Quaker Lane. The application site is within the Waltham Abbey Town Centre and the front of the site is within the key frontage.

Description of Proposal:

Grade II Listed Building Consent is sought for works necessary in order to facilitate the change of use of the unit from a purpose within Class A1 to a use within Class A2. This essentially amounts to two ground floor windows in the flank elevation, a new rear door entrance from Quaker Lane, the erection of swan neck lighting fixtures above new signage (which would be the subject of a separate application), and some internal alterations including the creation of office areas.

Relevant History:

EPF/0757/12 - Conversion of upper floors into 3 flats, 2x 2 bed, 1x 1 bed including alterations to the existing rear ground floor storage area to provide access to the upper floor flats. Grant Permission (with conditions) – 14/06/12.

EPF/0759/12 - Grade II listed building application for the conversion of upper floors into 3 flats, 2x 2 bed, 1x 1 bed including alterations to the existing rear ground floor storage area to provide access to the upper floor flats. Grant Permission (with conditions) – 14/06/12.

EPF/0509/13 - Grade II listed building application for the subdivision of ground floor shop into two shops. Grant Permission (with conditions) – 17/05/13.

EPF/0624/13 - Alteration to shopfront to enable subdivision of ground floor shop into two shops. Grant Permission (with conditions) – 17/05/13.

Policies Applied:

HC10 – Works to a Listed Building

Summary of Representations:

Site Notice Displayed: No replies received.

TOWN COUNCIL: No Objection.

Issues and Considerations:

The main issues to consider are whether the proposed works preserve or enhance the setting of the listed building.

The works generally would not impact negatively on the character of the building. Subject to the conditions below this application is considered acceptable and the recommendation is for approval;

- Details of the new shop front doors (on the rear elevation) showing the joinery mouldings and glazing details, e.g. in a section drawing at a scale between 1:2 and 1:20 as appropriate, shall be submitted for approval in writing by the LPA prior to their installation.
- Additional details that show details of the proposed new windows shall be submitted to and approved in writing by the LPA prior to their installation. The new windows shall match those on the same elevation of the modern extension.
- Details of the swan- neck external lighting to be approved.

- No additional extract ducts, terminals, flues, ducting, meter cupboards, soil and vent pipes shall be fixed to the fabric of the building unless agreed otherwise in writing by the LPA.

Whilst the listed building application is considered acceptable, the planning issues associated with the material change of use of the building are considered under the separate planning application the subject of the next item on the agenda.

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

Report Item No: 2

APPLICATION No:	EPF/2045/13
SITE ADDRESS:	17-19 Sun Street Waltham Abbey Essex EN9 1ER
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr David Leake
DESCRIPTION OF PROPOSAL:	Change of use application from A1 to A2, including replacing existing rear garage door and additional windows.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554630

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

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))

Description of Site:

19 Sun Street is a two and half storey building which fronts onto Sun Street, with two storey and single storey rear projections that back onto Quaker Lane. The building is a Grade II listed. The site is within the Waltham Abbey Conservation Area and is a prominent site both within Sun Street and Quaker Lane. The rear of the site backs onto Quaker Lane car park with access from Quaker Lane. The application site is within the Waltham Abbey Town Centre and the front of the site is within the key frontage.

Description of Proposal:

Consent is sought to change the use of this ground floor commercial unit from a use within Class A1 to a use within Class A2. The submitted particulars outline that the change would be used to facilitate the reuse of the ground floor as an Estate Agent. A new shopfront would be installed in the rear, Quaker Lane, elevation to provide a secondary entrance. Two new windows would also be installed in the flank elevation at ground floor level.

Relevant History:

EPF/0757/12 - Conversion of upper floors into 3 flats, 2x 2 bed, 1x 1 bed including alterations to the existing rear ground floor storage area to provide access to the upper floor flats. Grant Permission (with conditions) – 14/06/12.

EPF/0759/12 - Grade II listed building application for the conversion of upper floors into 3 flats, 2x 2 bed, 1x 1 bed including alterations to the existing rear ground floor storage area to provide access to the upper floor flats. Grant Permission (with conditions) – 14/06/12.

EPF/0509/13 - Grade II listed building application for the subdivision of ground floor shop into two shops. Grant Permission (with conditions) – 17/05/13.

EPF/0624/13 - Alteration to shopfront to enable subdivision of ground floor shop into two shops. Grant Permission (with conditions) – 17/05/13.

Policies Applied:

Policy TC1 – Town Centre Hierarchy

Policy TC3 – Town Centre Function

Policy TC4 – Non Retail Frontage

Policy DBE9 – Loss of Amenity

Policy CP2 – Protecting the Quality of the Rural and Built Environment

HC6 & 7 - Development in Conservation Areas

Summary of Representations:

Site Notice Displayed and 2 neighbours consulted: 1 reply received.

RRP PLANNING (on behalf of nearby, unnamed trader): Objection. The proposed development does not comply with local policy and will result in 37.9% of the Key frontage in non retail use. The proposal will result in three non retail uses in a row which is contrary to local policy TC4. This building would not qualify under the new permitted development regime as the building is listed. The subject units have only recently become vacant and this strategically important retail unit should be retained for retail use. The undermining of the Key Frontage would have a negative impact on the vitality and viability of the town centre. Approving this scheme could set a harmful precedence.

TOWN COUNCIL: No Objection.

Issues and Considerations:

The main issues to consider are the impact on the vitality and viability of the retail centre. The concerns and comments of objectors will also be addressed.

Town Centre

The site is within the Key Frontage and as such policy TC4 is of particular importance in any judgement. This is a long established policy which aims to protect primary shopping areas from excessive amounts of non-retail uses. A fall below 70% retail or more than two adjacent units in non-retail use is considered undesirable. It is clearly the case that changes to the planning system, in particular the changes to the permitted development regime brought about by Class D, should also be considered. Although this unit would not qualify as the building is listed the “general spirit” of this Government initiative is worth assessing.

The most recent Town Centre Survey figures (February 2013) for non-retail uses in the Key Frontage in Waltham Abbey indicate that 31% of the frontage is in non-retail use and as such this should weigh against approval in any balancing exercise. As stated more than 30% non-retail is

contrary to the aims and objectives of this policy although it is only marginally over. The Town Centre Survey figures further indicate that 17.4% of the Key Frontage is currently vacant with vacancies for the entire frontage at 13.8%. Both figures are above the district and U.K single figure averages. This must weigh in favour of allowing an alternative use into this unit. Further weight must be given to the fact that the unit has been empty for some time with apparently no A1 uses willing to occupy. The applicant has indicated that the unit has been marketed for one year to no avail. There is no reason to contest this assertion. An Objector has stated that this scheme would result in the non-retail uses in the Key Frontage reaching 37.9%. Their figures only result on surveying the southern side of the Key Frontage when the Council calculate a figure for the entire Key Frontage. The figure for the entire Key Frontage which would result from the conversion of this unit would be 33% non-retail. However it is fair to state that this scheme would result in an increase in non-retail frontage over and above the 30%.

In May the Government announced changes to the permitted development regulations with one of the aims being to facilitate the conversion of such units, albeit non-listed buildings, to other uses. This is for a limited period; lasting two years from the date the use was taken up. The clear aim is to ensure the planning system plays a part in kick-starting growth and aiding the emergence of the British economy from recession. In a case such as this Local Planning Authorities are faced with essentially two schools of thought. Firstly should long adopted Key Frontage policies take precedence (as suggested by the Objector's Statement) with the reasoning that the Government measures are only temporary and long term damage could be done by the change of use to non-retail. In this regard Councils should wait for the use to be taken up by retail and it is generally accepted that excessive levels of non-retail uses in the Key Frontage is not ideal. Alternatively do Local Authorities embrace the spirit of the permitted development changes and take the pragmatic approach that under these testing economic times controlling the uses of commercial units is not currently considered a key function of Local Authorities by Central Government. It is generally accepted locally that Waltham Abbey Town Centre, for various local, national and socio-economic reasons, is in a state of decline. The historic town centre has struggled to maintain its vitality and viability. The issue is whether permitting this change of use may contribute further to the decline of the town centre or could it have a positive impact.

Paragraph 23 of the NPPF still suggests that Local Authorities should set policies which identify primary shopping areas and which recognise town centres as the heart of the community. This would suggest that long term such policies should remain. However countless reports point to the fact that in the near future "retail will have a diminished role in town centre activity" and that town centres "should become community hubs with housing, education, entertainment and leisure facilities" (The Planner November 2013). The recent mooted changes to the system aiming to facilitate switches from retail to residential point to a trend continuing in the direction of a much more multi-faceted town centre. In a recent appeal decision in Warrington for a change of use from A1 to A3 an Inspector described the local key Frontage policy as "an aspiration in the face of current realities" (APP/M0655/A/13/2198097). He determined that a use which secured an active presence in the Key Frontage and encouraged footfall should be promoted. It is noted that an A3 use would encourage more footfall than the proposed A2 use here but faced with a marketed, vacant unit it is considered that in this instance an alternative use to retail is justified based on current market realities. In time national policy may provide further clarity in the direction in which town centre policies should move. The change would not result in alarmingly high levels of non-retail use and as such would not significantly harm the functioning of the Key Frontage. It is not considered that such a decision sets a precedent and it is reached having regard to the specific circumstances of this application.

The proposed change of use is therefore considered acceptable. Such an approval would permit movement within the class to other A2 uses, including to Betting Offices. There seems no clear reason to restrict the use of this unit and appeal decisions have found that Betting Offices can make a positive contribution to the vitality and viability of town centres. It is therefore considered unreasonable to restrict movement within the class in this case.

Amenity

Permission does exist to convert the upper floors to residential but this general low key town centre use would not impact on amenity to any great degree. For someone opting for town centre living this is perhaps the ideal ground floor occupant.

Conclusion:

For the reasons outlined above this change of use is considered an acceptable proposal. 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

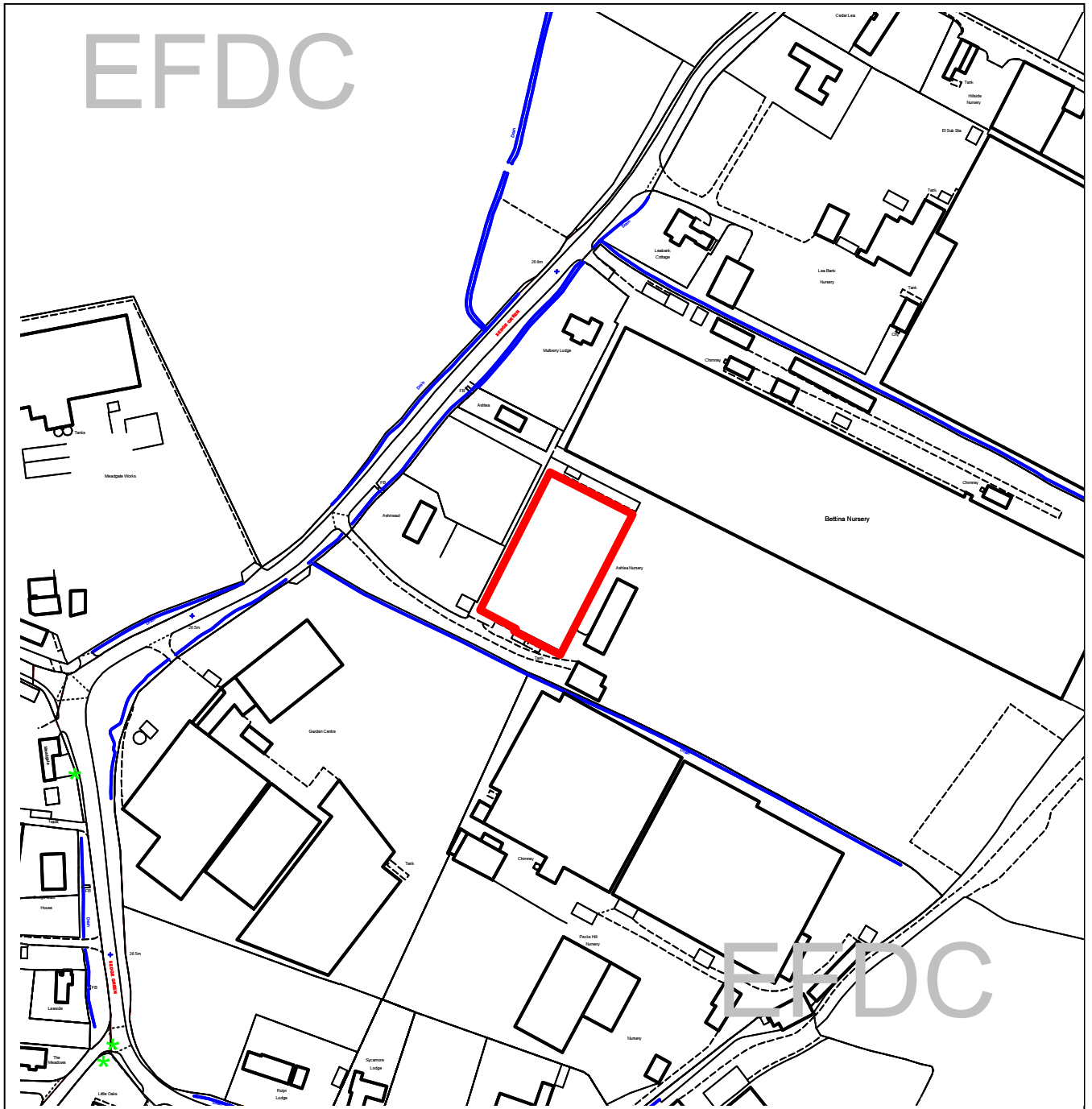
Direct Line Telephone Number: (01992) 564336

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



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AGENDA ITEM NUMBER 3



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Application Number:	EPF/2103/13
Site Name:	Bettina Nursery, Sedge Green Nazeing, CM19 5JR
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2103/13
SITE ADDRESS:	Bettina Nursery Sedge Green Nazeing Essex CM19 5JR
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr J Cuffaro
DESCRIPTION OF PROPOSAL:	Retrospective application for the change of use, from horticultural use to application for car pound.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554892

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawing no's: 3346/1, 3346/2
- 2 The premises shall be used solely as a car pound and for no other purpose (including any other purpose permitted within the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Statutory Instrument revoking or re-enacting that Order.
- 3 The car pound hereby permitted shall not be open for the delivery or collection of vehicles outside the hours of 08:00 to 18:00 on Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays and Bank Holidays.

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:

Bettina Nursery is a large horticultural nursery located on the eastern side of Sedge Green, Roydon. The application site is a parcel of land located between Ashmead (residential property) and the existing glasshouses on the site, and was formerly the location of a packing shed approved in 2004, which was never implemented (although this development is extant as the adjacent glasshouses granted consent under the same application were erected, and therefore the planning permission was implemented within the required timescale). Access to the site is via the southern access to the nursery and is shared with other uses on this site, including a lawful auto

bodyshop. The entire Bettina Nursery site is located within a designated E13 glasshouse area and the Metropolitan Green Belt.

Description of Proposal:

Retrospective consent is being sought for the change of use of the land from horticultural use to use as a car pound. The site usually contains approximately 50 cars repossessed on the instruction of local authorities and also contains three temporary buildings used for ancillary offices and storage. The site is enclosed by 2m and 2-3m high fencing and gates.

Relevant History:

EPF/1146/01 - Erection of glasshouses and packing shed – approved/conditions 28/09/01

EPF/0107/04 - Erection of glasshouses and packing shed – approved/conditions 03/03/04

CLD/EPF/1898/04 - Certificate of Lawfulness for existing use as an auto bodyshop – lawful 09/05/05

EPF/0938/12 - Demolition of existing nursery building and replacement with new building to be used for nursery storage, as a staff mess room/canteen and a nursery office – approved/conditions 09/07/12

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB7A – Conspicuous development

DBE9 – Loss of amenity

RP05A – Potential adverse environmental impacts

E12A – Farm diversification

E13B – Protection of glasshouse areas

ST4 – Road safety

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:

6 neighbours were consulted and a Site Notice was displayed on 11/11/13.

PARISH COUNCIL – Object for the following reasons:

1. The application represents a misuse of land designated E13.
2. Approval would result in traffic nuisance for neighbouring properties.
3. The application raises environmental issues regarding the contamination of land from vehicle fluids.

Issues and Considerations:

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

Green Belt Considerations:

The existing site is part of an authorised horticultural site where there was a previous consent granted to erect a packing shed. Whilst this permission remains extant, due to works commencing on the adjacent glasshouse (which was approved under the same consent), it is stated within the submitted application that *“at present, because of the uncertainties about the state of the economy, the high level of gas prices, and the large capital investment required to complete the development, the applicant has decided to wait for a more auspicious time before continuing with the project”*. As such, it is stated that *“in the meantime the car pound generates a significant rental income, which is helping to carry the nursery business through a difficult economic period”*.

Local Plan policies and the National Planning Policy Framework (NPPF) allow for the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of the NPPF promotes the *“sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings”*. Paragraph 90 states that *“certain other forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”* and includes *“the re-use of buildings provided that the buildings are of permanent and substantial construction”*.

Whilst there are no buildings on the site that are proposed for conversion, simply the change of use of the large area of hardstanding, the above is nonetheless still considered broadly relevant to this proposal. Furthermore, the proposal would comply with Local Plan policy E12A as it would not be a significant or irreversible loss of agricultural land as all works are temporary in nature and the diversification of the site would support the continued use of the existing nursery. Another material consideration is that the application for the change of use provides an employment base for 8 people and complies with the Government’s aim to encourage economic growth.

Due to the above, it is considered that the proposal would not constitute inappropriate development within the Green Belt and, given its location, level of permanence, and the level of screening, this would not be excessively harmful to the openness of the Green Belt.

Impact on designated Greenhouse area:

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

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

Although the proposed development would introduce non-horticultural uses onto this site the proposed car pound consists of the parking of vehicles on existing hardstanding and temporary buildings. As such, the site could easily be re-established for horticultural use if required at a later date (particularly given the extant permission for a packing shed on this area). Furthermore, the application site is only a small part of the much larger nursery site, which has sufficient space to provide a packing shed elsewhere if required. Therefore it is not considered that this proposal undermines the E13 designation of the area.

Amenity considerations:

The application site is located to the rear of Ashmead, which is within the ownership of the applicant. The use of this site as a car pound is not considered to be unduly harmful in terms of nuisance, as repossessed cars are simply stored on the site. Although the site does result in a number of transport movements, these are predominantly by car or by the applicant’s small car transporter (which carries a maximum of two cars). The existing access lawfully serves the large horticultural site (along with the northern access) and serves Ashmead and the lawful auto

bodyshop. As such, it is not considered that the level of vehicle movements resulting from this proposal are unduly harmful to neighbours amenities.

Highways:

The proposed change of use is served by the existing access that also serves Ashmead and the lawful auto bodyshop. The level of vehicle movements outlined in the submitted application are modest and would have an insignificant impact on the highway network. The existing access is considered to be sufficient to accommodate the volume of traffic generated from this use, and there is adequate turning space within the site to enable all types of vehicles to enter and exit in forward gear. As such, the proposal is not detrimental to highway safety, capacity or efficiency in this location or on the wider highway network. Due to this there is no objection raised by Essex County Council Highways.

Other matters:

The Parish Council have objected in part due to “*environmental issues regarding the contamination of land from vehicle fluids*”. The lawful nursery site would already be considered to be potentially contaminated due to its horticultural use and other surrounding uses and known contaminants. In contrast, controlled car storage (such as that proposed) is not considered to be a potential land contamination risk.

Conclusion:

The proposed use of this land, when considered against local and national policy which makes provision for agricultural diversification and supporting business reuse, is deemed as being not inappropriate development within the Green Belt. The development would not undermine the E13 designation of the site nor detrimentally impact on neighbours amenities or highway safety, and therefore the application complies with the relevant Local Plan policies and the guidance set out within the NPPF. As such the application is recommended for approval.

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

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

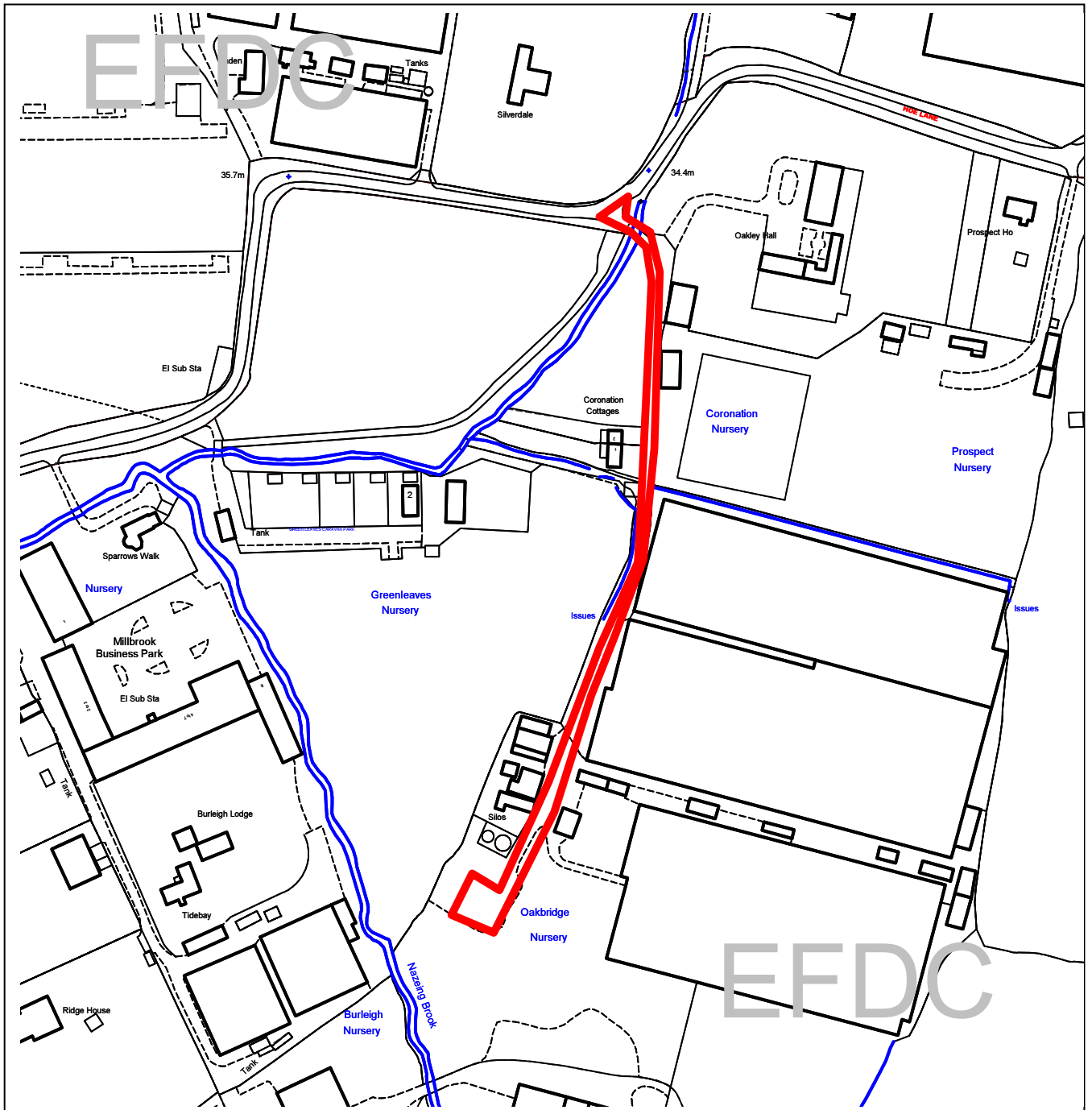
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Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/2116/13
Site Name:	Coronation Nursery Ltd, Hoe Lane Nazeing, EN9 2RN
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/2116/13
SITE ADDRESS:	Coronation Nursery Ltd Hoe Lane Nazeing Essex EN9 2RN
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Franco Pullara
DESCRIPTION OF PROPOSAL:	Installation of a new boiler house and wood chip store area. Boiler house will contain a new biomass boiler, ancillary equipment, flue and area of hardstanding which will supply Coronation Nursery with renewable heat energy.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554972

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 in accordance with the approved drawings No's: RPS-CN-008, 009, 010, 011, and the proposed flue shall extend to a height of 10.5m above ground level as detailed.
- 3 Materials to be used for the external finishes of the proposed development shall be as detailed on the submitted plan numbered RPS-CN-008, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Any deliveries in connection with the use shall only take place between the hours of 08:00 - 18:00 Monday to Saturday, unless otherwise agreed by the Local Planning Authority.
- 5 No external lighting shall be installed on or adjacent to the building other than in accordance with details that will be previously submitted in writing to, and approved, by the Local Planning Authority.

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

Description of Site:

The application site is fairly extensive and within the boundaries of the Metropolitan Green Belt. The site is home to a nursery business and as such includes a number of large glasshouse structures as well as some smaller ancillary buildings to the west. These buildings are in use for general storage and the packing of fruit and vegetable products. There is a large area of hardstanding behind these ancillary buildings and this area is screened from outside the site by trees. The site is accessed down a private road off Hoe Lane on the outskirts of Nazeing and the road contains a general mix of both residential and commercial properties.

Description of Proposal:

The applicant seeks consent to install a wood chip boiler towards the rear of the site. The boiler would be contained in a building measuring approximately 18.0m x 9.0m with a ridge height measuring 6.5m from ground level. The structure would also include an internal storage area for wood chips and an area of hardstanding to the front. An extract flue would be located in the roof area. The facility would be used to burn wood chips in order to generate energy in connection with the nursery business based at the site. The building would be located towards the rear of the site on an existing area of hardstanding and behind the ancillary buildings.

Relevant History:

EPF/0462/99 - Erection of combined heat and power building and associated external plant. Grant Permission (with conditions) - 24/11/1999.

EPF/1365/11 - County Matters application for establishment of an organic recycling facility involving the development of a 'wet' anaerobic digestion facility with ancillary equipment. [ESS/26/11/EPF]. Refused Permission and dismissed on appeal.

EPF/1210/13 - Certificate of lawful development for a proposed biomass boiler and associated flue and wood chip feeding system, and areas of hardstanding required in connection with the agricultural operations at the site. Withdrawn by Applicant – 09/08/13.

EPF/1211/13 - Certificate of lawful development for a proposed 150sqm hardstanding area to store wood chippings for fuel for biomass boiler in connection with the agricultural use of the site. Withdrawn by Applicant – 09/08/13.

Policies Applied:

CP2 –Protecting the Quality of the Rural and Built Environment

CP4 – Energy Conservation

GB2A – Green Belts

GB11 – Agricultural Buildings

RP5A – Adverse Environmental Impacts

E13B – Protection of Glasshouse Sites

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring properties

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

ST4 – Road Safety

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:

TOWN COUNCIL: Objection. The site is in the Green Belt and abuts the Conservation Area and there are no special circumstances to justify this development. Concern about the movement of vehicles on Hoe Lane which has had past difficulties in relation to Heavy Goods vehicles because of its narrow width. With constant use with heavy lorries the lane surface and boundary structures are becoming damaged. Planning permission has been granted for a care home nearby. Access from Hoe Lane is on a difficult bend. The size of the building will have a visible impact. With glasshouse space in short supply it makes no sense to remove glasshouses and replace it with a biomass plant that could become a precedent for further change.

13 neighbours consulted and site notice displayed: No objections received.

Issues and Considerations:

The main issues to consider relate to the sites location in the Metropolitan Green Belt, design, issues of amenity, highway safety and the comments of consultees.

Green Belt

The site is within the boundaries of the Green Belt and local and national policy recognises agricultural buildings as being an appropriate form of development. This is acknowledged by local plan policy GB11 which states that agricultural buildings are appropriate if it is established that they are “demonstrably necessary for the purposes of agriculture”. The proposed use of this building is to provide an alternative means of energy generation to serve the nursery business. There is no doubt that the site is in use for agricultural purposes and the issue is whether the proposed development is necessary or desirable. The applicant has provided a very detailed submission with regards to a justification for this scheme.

In reference to the Green Belt the statement makes the case that the General Permitted Development Order (GDPO) recognises wood chip boilers as necessary for the purposes of agriculture. This is a reference to the amendment to the GDPO in 2012 which states that “reasonably necessary for the purposes of agriculture” includes, in relation to the erection, extension or alteration of a building, for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine”. Such developments are therefore recognised as necessary for the purposes of agriculture in relation to this Order. It has already been established by previous applications that such a unit at this site would not qualify under permitted development (within 400m of a protected building). It is evident that the spirit of this change is to recognise that such developments can play an important role in the workings of an agricultural/horticultural holding. The changes to the GDPO are to facilitate such developments more readily within the planning system. It is clear that such schemes provide more economically sustainable options for energy production for horticultural businesses and are becoming a more common option. In this regard it is rational to recognise this scheme as “reasonably necessary for the purposes of agriculture”. The supporting statement does outline the reasoning behind installing the plant and it is considered that a case has been made that this development is “demonstrably necessary for the purposes of agriculture”. The system will provide a lower cost option in meeting the nursery’s energy costs and the planning system should be supportive of such developments subject to the scheme being in acquiescence with other material considerations.

Policy GB11 also requires that the new development will not be detrimental to the character of the area or the amenity of nearby residents. The building is a fairly standard, utilitarian structure that will not look out of place in a rural setting, particularly when considered in the context of the wider site. A heavy tree screen does exist on the rear boundary that would part shield the building to

views from outside the site. The appearance of the building is not an issue of concern and its finishing as per the submitted plans would be acceptable. This can be secured by condition. .

The Parish Council has raised concern about the loss of glasshouses at the site but the plans clearly indicate that no glasshouse structures would be affected. The development does not offend local Green Belt policy.

Amenity

It is evident that such uses have the potential to emit smoke and could arguably cause nuisance. The comments received from the Council's Environmental Health Section indicate that the concern with smoke relates largely to the use of damp or wet pellets or during start up or shut down periods. Such developments are relatively heavily regulated by the Environment Agency and if smoke from the appliance causes nuisance recourse is available through the Environmental Protection Act and the Clean Air Act. The Environmental Health Section is satisfied that the proposed flue would do an efficient job in dealing with the issue of smoke dispersal. Officers are content to accept that a modern system will be installed and that if an issue arises remediation could be achieved through separate channels. The advice outlines that such appliances do not generate excessive noise levels and as the nearest residential dwelling is some 100m away this should not be a contentious issue. The Parish Council comments make reference to a care home that has been granted consent nearby but this does not seem relevant to this analysis and it is not clear that there would be directly related amenity concerns. With regard to carbon emissions such schemes are governed by the requirements for Environmental Permits or the Government Renewable Heat Incentive (RHI) scheme.

Highway Safety

The Parish Council has expressed concern with regard to road safety in the area of Hoe Lane and that this development will result in damage to the road. The submitted Planning Statement outlines that vehicle movements in relation to deliveries will be at a maximum of four per week. Bearing in mind that the lawful use of the site is as a working nursery, and indeed the entire road is home to commercial businesses, this increase is considered minimal and not a reason to withhold consent. The denying of consent in this instance would not eradicate existing issues of concern with the movement of large vehicles along Hoe Lane which may exist. Safe access to Coronation Nursery from Hoe Lane exists from an established access.

Existing Power Plant

It is noted that an existing gas powered plant currently provides the nursery with energy and the submission details how this new plant will be used to part replace the existing facility. It is stated that the new machinery will be more cost effective and that the gas plant is incurring increased costs. This is a fairly small scale facility and it appears it would be used to reduce the need to rely solely on the gas facility and as such usage of gas. Officers are mindful that very often these units qualify as permitted development and in this spirit, and in support of local business, this additional facility is justified.

Conclusions:

Applications for renewable energy schemes are generally supported and in this instance a case can be made to support this proposal. Conditions which ensure the development is constructed in accordance with the submitted plans, including the proposed flue, are deemed necessary. A condition controlling lighting of the facility is also necessary. Issues of nuisance relating to smoke emissions are controlled by separate legislation and it appears it would be unnecessary to duplicate these controls with a planning condition having regard to the six tests of a planning

condition required by Circular 11/95. It is not necessary to control by condition the limited amount of vehicle movements necessary in connection with the biomass boiler.

In conclusion this proposal is in compliance with sustainable development objectives and is in support of local business. It is deemed necessary for the purposes of agriculture and impact on the open character of the Green Belt would not be excessive. There are no clear concerns with regards to amenity and no highway issues. Drawing all matters together for consideration it is 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:

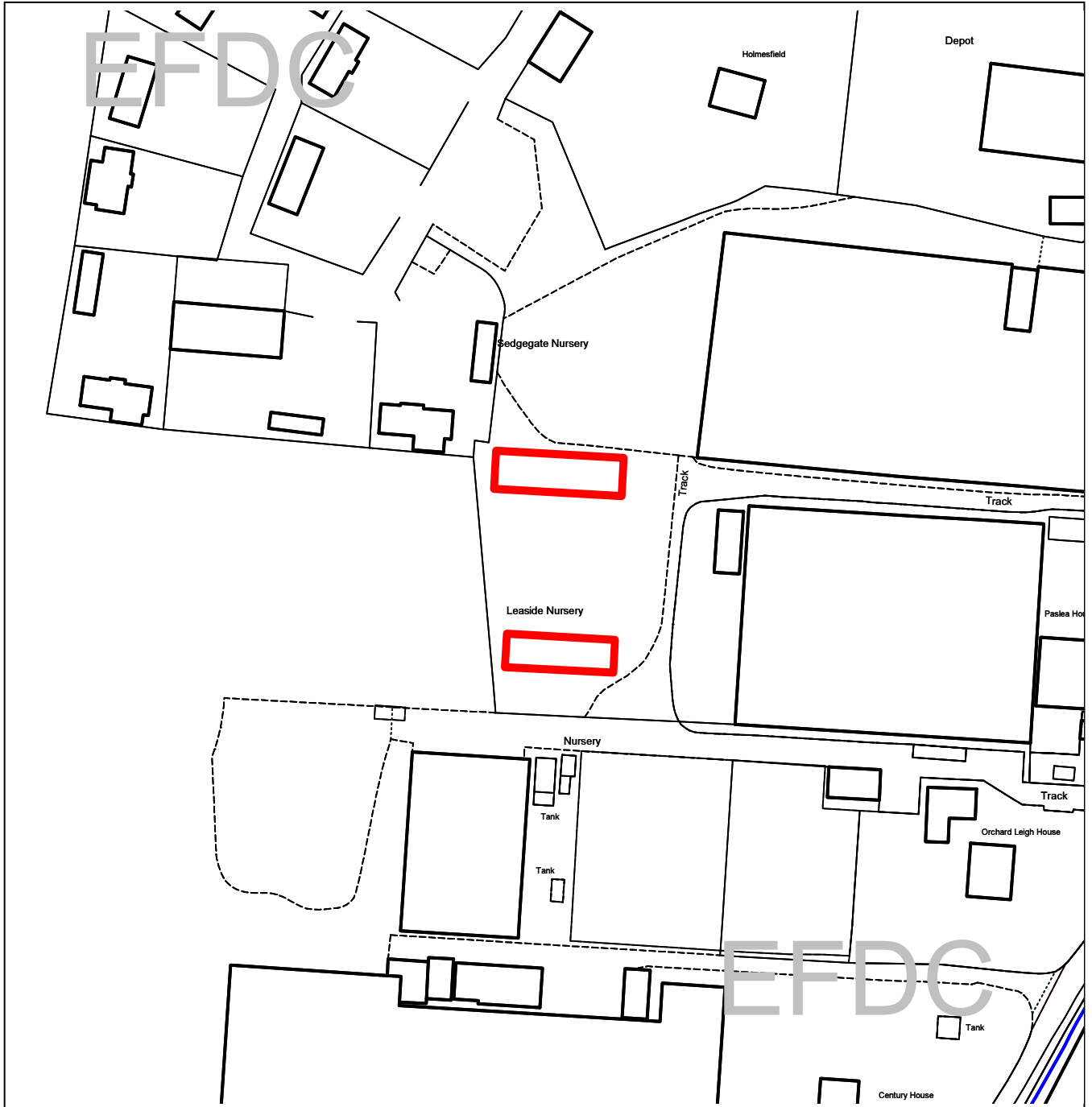
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/2299/13
Site Name:	Leaside Nursery, Nursery Road Nazeing, EN9 2JF
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2299/13
SITE ADDRESS:	Leaside Nursery Nursery Road Nazeing Essex EN9 2JF
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr P Milazzo
DESCRIPTION OF PROPOSAL:	Variation of condition 5 'hours of use' to allow the site to operate between 07.00 and 19.00 on Monday to Friday and 07.00 and 13.00 on Saturday and at no time on Sundays and Bank/Public Holidays and variation of condition 7 'size of vehicles' to restrict vehicles of a weight over 7.5 T entering the site via the access between Leaside and Sedge Gate House, on EPF/1819/12 (Change of use of nursery buildings to class B8)
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=556210

REASON FOR REFUSAL

- 1 The variation of condition no. 5 to allow for earlier operating hours on Saturdays and the variation of condition no. 7 to allow for vehicles over 7.5T to access the site would detrimentally impact on the amenities of surrounding neighbouring residents, contrary to the guidance contained within the National Planning Policy Framework and policies DBE9 and RP5A of the adopted Local Plan and Alterations.

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

Description of Site:

The application site is located on the west side of Sedge Green and is accessed by a narrow track from this road. The site is located within the Metropolitan Green Belt, Lee Valley Regional Park and an area identified for new and replacement glasshouses on the proposals map under policy E13.

The premises is an established horticultural nursery and contains glasshouses that cover a significant proportion of the site. Planning consent was recently granted for a temporary change of use of the two packing sheds to B8 storage use.

To the rear of the nursery is a permanent gypsy site and an area of open land and there are residential dwellings towards the front. To the north of the site is Sedgigate Nursery, which has now been incorporated into this site, and to the south is a neighbouring horticultural nursery.

Description of Proposal:

Consent is being sought to vary condition's 5 and 7 on EPF/1819/12. This original application was for:

Change of use of nursery buildings to class B8 storage use.

This was granted consent subject to several conditions, including:

5. *The uses hereby permitted shall not be open to customers/staff outside the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and shall be open at no time on Sundays and Bank/Public Holidays.*

and

7. *No vehicles of a weight of over 7.5T shall use the site in any circumstances.*

This application proposes to vary condition no. 5 to allow for the site to operate between 07:00 and 19:00 on Monday to Friday and 07:00 to 13:00 on Saturday, and to vary condition no. 7 to allow for larger vehicles to use the site but to only enter through the site access between Meadgate and Sedge Gate House (through the adjacent Sedgigate Nursery).

This application has been submitted along with a similar application for the neighbouring (and associated) Sedgigate Nursery site.

Relevant History:

Leaside Nursery:

Planning History:

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

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

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

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

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

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

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

CLD/EPF/0265/12 - Certificate of lawful development for proposed siting of three caravans for seasonal workers – lawful 11/05/12
EPF/1819/12 - Change of use of nursery buildings to class B8 storage use – approved/conditions 10/01/13

Enforcement History:

ENF/0134/08 – Development of site as gypsy caravan site – No evidence found of this.
ENF/0507/10 – Unauthorised building erected – Those granted consent under EPF/1688/08 and EPF/2215/09).
ENF/0508/10 – Change of use for oil recycling business – Breach found however ceased as a result of investigations.
ENF/0509/10 – Change of use for car repairs – Breach found however ceased as a result of investigations.
ENF/0510/10 – Stationing of two mobile homes – One caravan lawful (see CLD/EPF/0172/11), other removed as result of investigations.
ENF/0511/10 – Use of packing shed for importation of unauthorised goods – Breach found however ceased as a result of investigations.
ENF/0689/11 – Condition of EPF/2215/09 not discharged – Application invited (EPF/0082/12).
ENF/0697/11 – Unauthorised caravan on site – Caravan considered lawful under CLD/EPF/0172/11.
ENF/0698/11 – Two caravans on site and used for habitation – Only one caravan on site (previously considered lawful under CLD/EPF/0172/11).
ENF/0032/12 – Breach of condition on EPF/2215/09 requiring removal of existing packing sheds – Ongoing as EPF/0082/12 was refused.
ENF/0070/12 – Three more caravans stationed on site – Use lawful (see CLD/EPF/0265/12).
ENF/0170/12 – Unauthorised change of use of agricultural building – Buildings are empty and no apparent breach taking place.
ENF/0524/12 – Buildings at rear being used for non-agricultural use – Packing sheds had agricultural items stored in them and no evidence was found of non-agricultural use.

Sedgigate Nursery:

Planning History:

EPF/0943/95 - Continued use for storage and distribution of plant containers and production, maintenance and storage of interior plant displays – refused 30/01/96 (dismissed on appeal 23/10/96)
EPF/0036/05 - Car park spaces and storage of agricultural vehicles in conjunction with growing use of greenhouses – refused 01/07/05
CLD/EPF/1391/10 - Certificate of lawful development for an existing use for vehicle repairs – not lawful 28/11/11
EPF/0374/11 - Demolition of existing glasshouses, erection of replacement glasshouses, erection of packing shed and storage building – refused 28/04/11
EPF/1283/11 - Demolition of existing glasshouses, erection of replacement glasshouses and erection of packing shed (revision to application EPF/0374/11) – approved/conditions 16/08/11
EPF/2282/12 - Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes – refused 12/02/13
EPF/1060/13 - Change of use of land for stationing of caravans for occupation by Gypsy/Traveller families with ancillary works (demolish two rows of glasshouses, fencing, portacabin amenity blocks, hardstanding and septic tank). Part Retrospective – refused 24/07/13
EPF/1312/13 - Use of land to park vehicles from units on to Sedgigate Nursery from Leaside Nursery – approved/conditions 26/09/13

Enforcement History:

ENF/0015/96 – Change of use from agriculture to plant operations – Notice served
ENF/0065/98 – Use of land for making & storage of pallets – Enforcement appeal dismissed, notice upheld – 22/06/99
ENF/0105/06 – HGV's on site, car repairs – Use ceased following refusal of EPF/0036/05
ENF/0701/06 – Use of land at nursery as depot for scaffolding firm and builders yard. Use of glasshouse for general industrial purposes – ongoing
ENF/0442/09 – Change of use agricultural to training centre, storage business and interior landscaping business – No breach found

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
DBE9 – Loss of amenity
RP05A – Potential adverse environmental impacts
ST4 – Road safety

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:

21 neighbours were consulted and a Site Notice was displayed on 18/11/13. This report has been produced prior to the expiration of the statutory consultation period. As such, any additional comments received will be verbally reported to Members at the Committee.

PARISH COUNCIL – None received at time of producing the report.

LEASIDE, SEDGE GREEN ROAD – Providing it is made clear that no HGV's can use Leaside Nursery entrance then there is no comment to this application.

Issues and Considerations:

The reasoning behind the imposition of the two conditions is to protect the amenities of neighbouring residents by controlling excessive noise and disturbance from the proposed use, and with regards to condition no. 7 there is also the additional reason of protecting highway safety.

The stated need to vary/remove these conditions is that one of the existing tenants requires longer operating hours than those originally imposed on the consent, and also one of the tenants requires limited access by a larger lorry than currently allowed under condition no. 7. The justification put forward by the applicant for allowing the proposed changes is as follows:

Condition no. 5:

The buildings granted consent for B8 use are located some 60m from the dwellings which front onto Sedge Green Road and as such the change to the opening hours imposed would not cause any additional harm to these neighbour's amenities. Furthermore it is highlighted that the previous lawful horticultural nursery on the site had no planning conditions limiting the hours of use.

Condition no. 7:

The existing access into Leaside Nursery already suffers from a non-planning restriction preventing large vehicles using this access, and therefore it is still intended to retain a restriction on this access. However a variation of the condition specifically restricting the use of the access itself would not preclude large vehicles entering the existing access between Meadgate and Sedge Gate House through the adjacent Sedgigate Nursery. This would therefore allow for limited access to one of the B8 tenants by a larger lorry, which normally consists of just two vehicles (4 movements) per day.

It is put forward that Sedge Gate House has a large, four-car garage and forecourt enclosed by a 2m high brick wall located between the house and the access road, and that the flank wall of the house is 10m distant from the access road and contains no overlooking windows. Meadgate House also has a double garage and hard-surfaced forecourt enclosed by a 2m high brick wall adjacent to the access road. The flank wall of this house is 12.5m from the access and has no overlooking windows. Holmsfield is owned and forms part of Woosters Haulage Depot and therefore has its own vehicle movements closer to the house than the application site, and therefore this would not suffer from the proposed changes. As such the use of Sedgigate Nursery to allow for large vehicles to access the application site is stated as not being harmful to neighbouring residents.

With regards to highway safety implications, it is argued that the access to Sedge Gate Nursery is wide enough for two vehicles to pass comfortably so that there is little danger of vehicles having to wait on the highway.

Assessment:

The majority of the application site is sufficient distance from the dwellings fronting onto Sedge Green Road, however the key amenity concerns for these neighbours are as a result of vehicle movements using the access that runs between Sedge Gate House and Meadgate House, the use of which would also increase with an increase in operating hours. Whilst the dwelling to the north of Sedgigate Nursery known as Holmesfield would be little impacted by the increased opening hours, due to the presence of its own haulage yard, there is a lawful and well established gypsy site to the west of the Sedgigate Nursery that immediately adjoins this site, along with part of the application site, which is considerably closer than any of the other dwellings. The amenities of this residential site deserve as much protection as the dwellings fronting onto Sedge Green Road.

It is considered that the extension of operating hours to 07:00 and 19:00 Monday to Friday would be unlikely to result in any undue additional harm to neighbours amenities, however it is considered that extending the Saturday opening hours to 07:00 would be unneighbourly and result in excessive harm to the amenities of nearby residents. This is reinforced by the level of complaints currently being received with regards to disturbance resulting from the existing site.

Similarly, there are a high number of complaints being received with regards to the size of lorries accessing this site and the disruption and damage being caused by these. Allegations have been received from neighbouring residents with regards to large lorries being unable to safely access the site via the existing Sedgigate Nursery entrance and damage being done to private property. Given these complaints, the use of the site for larger lorries, even if only accessed through Sedgigate Nursery, clearly has a greater impact on neighbours amenities than the restricted use as approved.

Whilst it is stated that the proposed removal of condition no. 7 is to allow for a single tenant to have two large vehicles enter the site per day, the removal of this condition could attract a significantly greater number of large vehicles than stated or than would be reasonably expected to serve a standard horticultural nursery. Furthermore, as stated by the applicant, there is a non-planning restriction regarding large vehicles entering this site that would have stopped lorries over

7.5T using the former, and existing, horticultural nursery prior to it being combined with Sedgigate Nursery and would have likely been imposed due to similar reasons as condition no. 7.

Conclusion:

Given the proximity of the application site and Sedgigate Nursery's access road to neighbouring residential properties, the increase in operating hours on Saturday mornings and the variation of condition no. 7 to allow for large vehicles to access the site using the Sedgigate Nursery access would result in a significant increase in harm to the amenities of surrounding residents, contrary to the guidance contained within the NPPF and Local Plan policies DBE9 and RP5A. Therefore the application is recommended for refusal.

Is there a way forward?

An application to just vary condition no. 5 to allow for increased operating hours Monday to Friday would likely be considered acceptable.

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

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

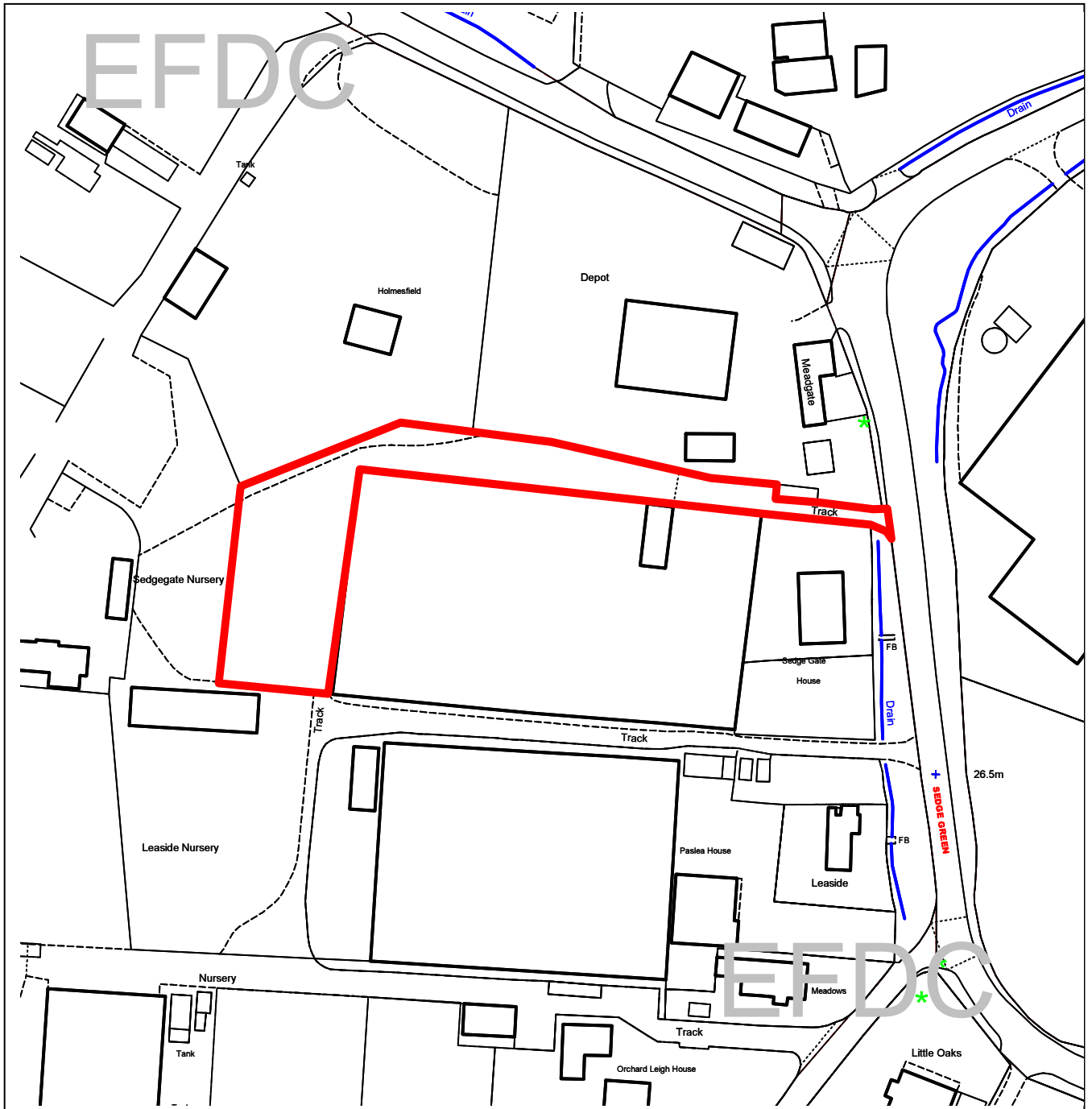
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 6



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Application Number:	EPF/2300/13
Site Name:	Sedge Gate Nursery, Sedge Green Nazeing, EN9 2PA
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2300/13
SITE ADDRESS:	Sedge Gate Nursery Sedge Green Nazeing Essex EN9 2PA
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr P Milazzo
DESCRIPTION OF PROPOSAL:	Variation of condition 4 'hours of use' to allow the site to operate between 07:00 and 19:00 on Monday to Friday and 07:00 and 13:00 on Saturday and at no time on Sundays and Bank/Public Holidays and removal of condition 6 'size of vehicles' on EPF/1312/13 (Use of land to park vehicles from units on to Sedgigate Nursery from Leaside Nursery)
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=556211

REASON FOR REFUSAL

- 1 The variation of condition no. 4 to allow for earlier operating hours on Saturdays and the removal of condition no. 6 to allow for vehicles over 7.5T to access the site would detrimentally impact on the amenities of surrounding neighbouring residents, contrary to the guidance contained within the National Planning Policy Framework and policies DBE9 and RP5A of the adopted Local Plan and Alterations.

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

Description of Site:

Sedgigate Nursery is located on the western side of Sedge Green and accessed by a narrow track to the north of Sedge Gate House. The site is within the Metropolitan Green Belt, is a site designated for glasshouse use and is within the Lea Valley Regional Park. The site also falls within an Environment Agency Floodzone 2.

The previous nursery site has been divided into two, with the front (eastern) parcel currently being used unlawfully as a Gypsy Site and the rear (western) parcel being incorporated into the adjacent Leaside Nursery. Planning consent was recently granted for a temporary change of use of the application site (the rear parcel) to allow for vehicles to be parked on this in connection with the temporary B8 storage use of the adjacent Leaside Nursery.

To the rear of the nursery is a permanent gypsy site and there are residential dwellings towards the front. To the north of the site are largely commercial sites, and to the south is the neighbouring Leaside Nursery.

Description of Proposal:

Consent is being sought to vary condition 4 and remove condition 6 on EPF/1312/13. This original application was for:

Use of land to park vehicles from units on to Sedgigate Nursery from Leaside Nursery.

This was granted consent subject to several conditions, including:

4. *The uses hereby permitted shall not be open to customers/staff outside the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and shall be open at no time on Sundays and Bank/Public Holidays.*

and

6. *No vehicles of a weight of over 7.5T shall use the site in any circumstances.*

This application proposes to vary condition no. 4 to allow for the site to operate between 07:00 and 19:00 on Monday to Friday and 07:00 to 13:00 on Saturday, and to remove the restriction imposed by condition no. 6 altogether.

This application has been submitted along with a similar application for the neighbouring (and associated) Leaside Nursery site.

Relevant History:

Sedgigate Nursery:

Planning History:

EPF/0943/95 - Continued use for storage and distribution of plant containers and production, maintenance and storage of interior plant displays – refused 30/01/96 (dismissed on appeal 23/10/96)

EPF/0036/05 - Car park spaces and storage of agricultural vehicles in conjunction with growing use of greenhouses – refused 01/07/05

CLD/EPF/1391/10 - Certificate of lawful development for an existing use for vehicle repairs – not lawful 28/11/11

EPF/0374/11 - Demolition of existing glasshouses, erection of replacement glasshouses, erection of packing shed and storage building – refused 28/04/11

EPF/1283/11 - Demolition of existing glasshouses, erection of replacement glasshouses and erection of packing shed (revision to application EPF/0374/11) – approved/conditions 16/08/11

EPF/2282/12 - Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes – refused 12/02/13

EPF/1060/13 - Change of use of land for stationing of caravans for occupation by Gypsy/Traveller families with ancillary works (demolish two rows of glasshouses, fencing, portacabin amenity blocks, hardstanding and septic tank). Part Retrospective – refused 24/07/13

EPF/1312/13 - Use of land to park vehicles from units on to Sedgigate Nursery from Leaside Nursery – approved/conditions 26/09/13

Enforcement History:

ENF/0015/96 – Change of use from agriculture to plant operations – Notice served
ENF/0065/98 – Use of land for making & storage of pallets – Enforcement appeal dismissed, notice upheld – 22/06/99
ENF/0105/06 – HGV's on site, car repairs – Use ceased following refusal of EPF/0036/05
ENF/0701/06 – Use of land at nursery as depot for scaffolding firm and builders yard. Use of glasshouse for general industrial purposes – ongoing
ENF/0442/09 – Change of use agricultural to training centre, storage business and interior landscaping business – No breach found

Leaside Nursery:

Planning History:

EPF/1888/05 - Erection of nursery packing shed and storage shed for boxes and crates – refused 31/01/06
EPF/1080/06 - Erection of one agricultural workers dwelling and erection of packing/ storage shed and erection of replacement glasshouses – refused 02/11/06
EPF/0432/07 - Replacement of greenhouse on footprint of existing and new storage and equipment store (including boundary hedge and landscaping) (revised application) – approved/conditions 08/08/07
EPF/1688/08 - Demolition of existing packing shed, plant room and nursery office. Erection of extension to approved glasshouses and erection of facilities building incorporating replacement packing shed and office and staff welfare facilities including canteen, washroom and first aid room – approved/conditions 03/11/08
EPF/2215/09 - Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room. (Revised siting of building approved under planning permission EPF/1688/08) – approved/conditions 08/01/10
CLD/EPF/0172/11 - Certificate of lawful development for the stationing of one caravan for use as a nursery office with occasional overnight accommodation in association with the lawful horticultural use of the site – lawful 23/03/11
EPF/0082/12 - Variation of condition 11 of EPF/2215/09. (Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room.) to retain existing buildings until construction of new glasshouses commences – refused 07/03/12
CLD/EPF/0265/12 - Certificate of lawful development for proposed siting of three caravans for seasonal workers – lawful 11/05/12
EPF/1819/12 - Change of use of nursery buildings to class B8 storage use – approved/conditions 10/01/13

Enforcement History:

ENF/0134/08 – Development of site as gypsy caravan site – No evidence found of this.
ENF/0507/10 – Unauthorised building erected – Those granted consent under EPF/1688/08 and EPF/2215/09).
ENF/0508/10 – Change of use for oil recycling business – Breach found however ceased as a result of investigations.
ENF/0509/10 – Change of use for car repairs – Breach found however ceased as a result of investigations.
ENF/0510/10 – Stationing of two mobile homes – One caravan lawful (see CLD/EPF/0172/11), other removed as result of investigations.
ENF/0511/10 – Use of packing shed for importation of unauthorised goods – Breach found however ceased as a result of investigations.
ENF/0689/11 – Condition of EPF/2215/09 not discharged – Application invited (EPF/0082/12).

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

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

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

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

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

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

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

DBE9 – Loss of amenity

RP05A – Potential adverse environmental impacts

ST4 – Road safety

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

Consultation Carried Out and Summary of Representations Received:

14 neighbours were consulted and a Site Notice was displayed on 18/11/13. This report has been produced prior to the expiration of the statutory consultation period. As such, any additional comments received will be verbally reported to Members at the Committee.

PARISH COUNCIL – None received at time of producing the report.

Issues and Considerations:

The reasoning behind the imposition of the two conditions is to protect the amenities of neighbouring residents by controlling excessive noise and disturbance from the proposed use, and with regards to condition no. 6 there is also the additional reason of protecting highway safety.

The stated need to vary/remove these conditions is that one of the existing tenants requires longer operating hours than those originally imposed on the consent, and also one of the tenants requires limited access by a larger lorry than currently allowed under condition no. 6. The justification put forward by the applicant for allowing the proposed changes is as follows:

Condition no. 4:

The application site is located some 60m from the dwellings which front onto Sedge Green Road and as such the change to the opening hours imposed would not cause any additional harm to these neighbour's amenities. Furthermore it is highlighted that the previous lawful horticultural nursery on the site had no planning conditions limiting the hours of use.

Condition no. 5:

The proposed removal of this condition would allow for limited access to one of the B8 tenants by a larger lorry, which normally consists of just two vehicles (4 movements) per day. Furthermore the previous horticultural use had no such restriction on vehicle size. It is therefore argued that it was likely that large lorries previously used the lawful horticultural use of the site.

It is also put forward that Sedge Gate House has a large, four-car garage and forecourt enclosed by a 2m high brick wall located between the house and the access road, and that the flank wall of the house is 10m distant from the access road and contains no overlooking windows. Meadgate House also has a double garage and hard-surfaced forecourt enclosed by a 2m high brick wall adjacent to the access road. The flank wall of this house is 12.5m from the access and has no overlooking windows. Holmesfield is owned and forms part of Woosters Haulage Depot and therefore has its own vehicle movements closer to the house than the application site, and therefore this would not suffer from the proposed changes.

With regards to highway safety implications, it is argued that the access to Sedge Gate Nursery is wide enough for two vehicles to pass comfortably so that there is little danger of vehicles having to wait on the highway.

Assessment:

The majority of the application site is sufficient distance from the dwellings fronting onto Sedge Green Road, however the key amenity concerns for these neighbours are as a result of vehicle movements using the access that runs between Sedge Gate House and Meadgate House, the use of which would also increase with an increase in operating hours. Whilst the dwelling to the north known as Holmesfield would be little impacted by the increased opening hours due to the presence of its own haulage yard, there is a lawful and well established gypsy site to the west of the application site that immediately adjoins the application site and is considerably closer than any of the other dwellings. The amenities of this residential site deserve as much protection as the dwellings fronting onto Sedge Green Road.

It is considered that the extension of operating hours to 07:00 and 19:00 Monday to Friday would be unlikely to result in any undue additional harm to neighbours amenities, however it is considered that extending the Saturday opening hours to 07:00 would be unneighbourly and result in excessive harm to the amenities of nearby residents. This is reinforced by the level of complaints currently being received with regards to disturbance resulting from the existing site.

Similarly, there are a high number of complaints being received with regards to the size of lorries accessing this site and the disruption and damage being caused by these. Allegations have been received from neighbouring residents with regards to large lorries being unable to safely access the site and damage being done to private property. Given these complaints, the use of the site for larger lorries clearly has a greater impact on neighbours amenities than the restricted use as approved.

Whilst it is stated that the proposed removal of condition no. 6 is to allow for a single tenant to have two large vehicles enter the site per day, the removal of this condition could attract a significantly greater number of large vehicles than stated or than would be reasonably expected to serve a standard horticultural nursery. Furthermore, whilst the previous horticultural use of the site may not have had the same restrictions as those proposed under EPF/1312/13, this use would likely have pre-dated the planning system. However an opportunity to control the impact on the neighbours amenities arose through the proposed change of use, and as a result relevant conditions were imposed in order to protect neighbours amenities.

Conclusion:

Given the proximity of the site and access road to neighbouring residential properties, the increase in operating hours on Saturday mornings and the removal of the vehicle size restriction would result in a significant increase in harm to the amenities of surrounding residents, contrary to the guidance contained within the NPPF and Local Plan policies DBE9 and RP5A. Therefore the application is recommended for refusal.

Is there a way forward?

An application to just vary condition no. 4 to allow for increased operating hours Monday to Friday would likely be considered acceptable.

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

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

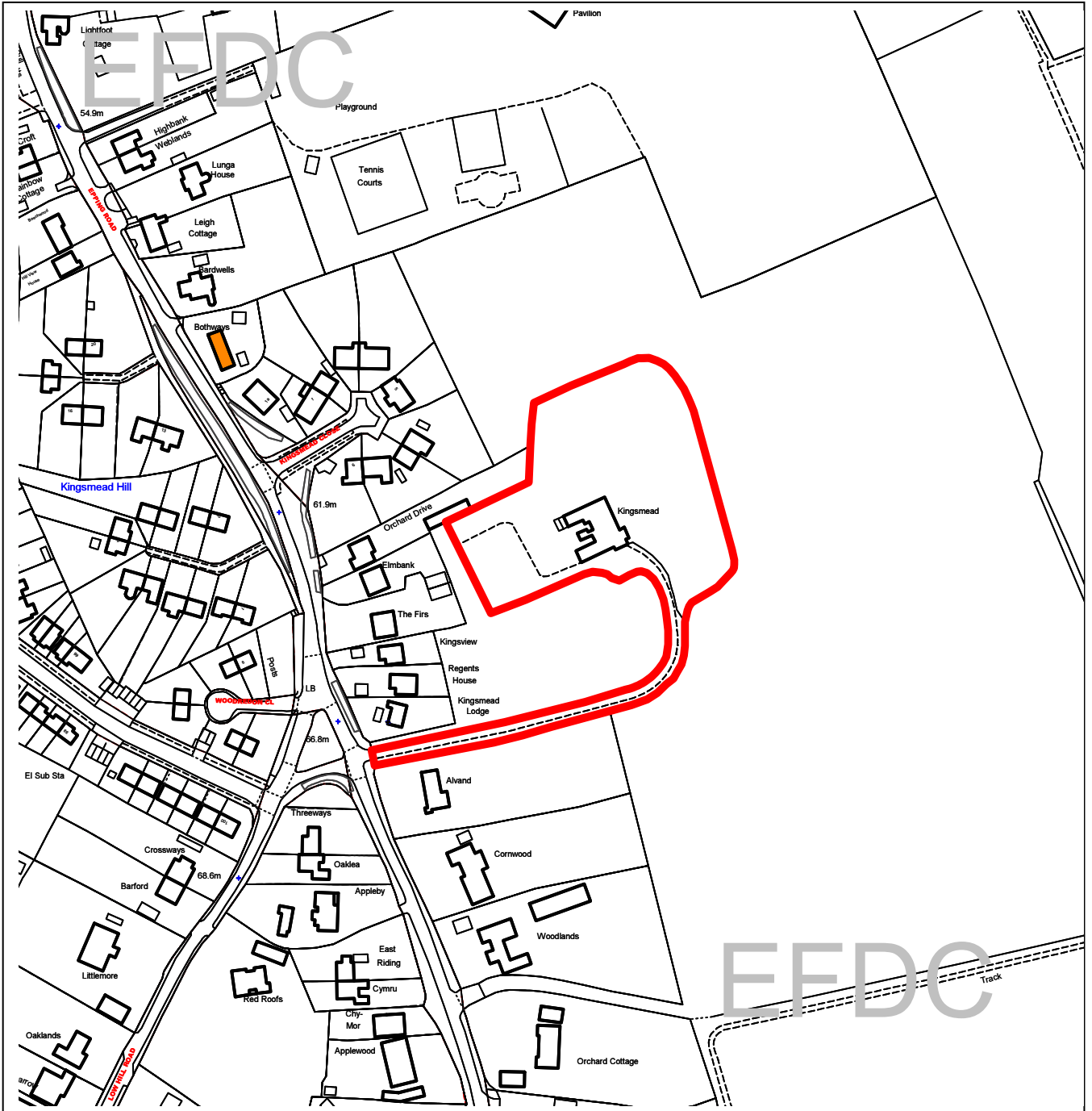
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 7



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Application Number:	EPF/2315/13
Site Name:	Kingsmead, Epping Road Roydon, CM19 5HU
Scale of Plot:	1/2500

Report Item No:7

APPLICATION No:	EPF/2315/13
SITE ADDRESS:	Kingsmead Epping Road Roydon Essex CM19 5HU
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Hanover Housing Association (HHA)
DESCRIPTION OF PROPOSAL:	Change of use to former Kingsmead Private School building to create eight apartments, with associated landscaping and car parking.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=556293

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: ROY AL 001, ROY AL 002, ROY AL 010, ROY AL 011, ROY AL 012, ROY AL 015, ROY AL 020, ROY AL 021 Rev: A, ROY AL 022 Rev: A, ROY AL 023 Rev: A, ROY AL 024, ROY AL 030 Rev: A, I526 02 Rev: A
- 3 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.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 6 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.

- 7 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 07.30 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.
- 8 The recommendations of the Extended Phase 1 Habitat Survey ref: RT-MME-114455-01 shall be undertaken in full. Works shall not commence on the approved development until the further survey works are submitted to and agreed in writing by the Local Planning Authority. Should the surveys reveal the presence of Protected Species then a detailed mitigation strategy must be submitted to and agreed in writing by the Local Planning Authority. All works shall thereafter proceed in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority.
- 9 Prior to the occupation of the development hereby approved, the Developer shall provide and implement a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, which shall include six one day travel vouchers for use with the relevant local public transport operator.
- 10 Prior to the occupation of the development hereby approved the details of the number, location and design of cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The approved facilities shall be secure, convenient and covered and provided prior to first occupation of the development, and retained thereafter.

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 Proposal:

Consent is being sought for the change of use of the existing former Private School building into eight residential apartments. This would consist of 4 no. one bed flats and 4 no. two bed flats and would involve only minor external alterations (insertion/alterations to windows). The proposed apartments would be served by seventeen parking spaces and landscaped communal gardens.

Description of Site:

The application property is a detached two-storey building with rooms in the roof space. The building has a long history and has previously been used as a school, then for office purposes, and then as a school again. Consent has also been granted for residential use. The site is accessed by a road which enters onto the east side of Epping Road, south of Kingsmead Close, and falls within the Metropolitan Green Belt. Several of the trees on site are subject to a recent Tree Preservation Order.

Relevant History:

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

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

EPR/0236/71 - Change of use – approved/conditions 08/06/71
EPO/0131/72 - Conversion of premises to 8 flats and erection of 8 garages – approved/conditions 13/06/72
EPO/0162/72 - Use of premises as offices/conference centre/laboratory/staff recreation/visitors accommodation and caretakers flat – allowed on appeal 15/11/74
EPF/1620/80 - External staircase between first and second floors of existing offices – approved/conditions 05/12/80
EPF/1014/81 - Extension of office car parking – approved/conditions 07/09/81
EPF/0699/89 - Three storey extension and ancillary parking – approved 26/06/89
EPF/0091/90 - Two storey extension together with ancillary parking – refused 20/04/90
EPF/1209/05 - Change of use from offices to a boarding school for approximately 100 pupils – withdrawn 07/09/05
EPF/0137/07 - Change of use of existing offices to 9 flats involving external alterations and extensions. Extension to existing building to create 3 houses and erection of detached carports – refused 20/04/07 (appeal dismissed 01/10/07)
EPF/1576/07 - Change of use of existing offices to 9 flats involving external alterations – refused 21/09/07
EPF/2145/07 - Change of use of existing offices to 9 flats involving external alterations – approved/conditions 24/01/08
EPF/0449/09 - Change of use of vacant office space to single residential dwelling and removal of fire escape – approved/conditions 12/05/09
EPF/1053/09 - Change of use from offices to non-residential school - (D1 use) – approved/conditions 20/08/09
EPF/0046/12 - Variation of condition 6 of planning permission EPF/1053/09 (Change of use from office to non-residential school) to allow for a maximum of 60 pupils to be on the school register at any time – approved/conditions 26/03/12

Policies Applied:

CP1 – Achieving sustainable development objectives
GB2A – Development in the Green Belt
GB8A – Change of Use or Adaptation of Buildings
DBE8 – Private amenity space
ST4 – Road Safety
ST6 – Vehicle Parking
DBE9 – Loss of Amenity
LL10 – Adequacy of provision for landscape retention

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:

12 neighbours were consulted and a Site Notice was displayed on 26/11/13. Due to delays in the registering of the application this report has been produced prior to the expiration of the statutory consultation period. As such, any additional comments received will be verbally reported to Members at the Committee.

PARISH COUNCIL – None received at time of producing report.

5 KINGSMEAD CLOSE – No objection but concerned about adequacy for visitor parking and impact on the drainage/sewerage of the area.

Main Issues and Considerations:

The main considerations are the impact on the Green Belt, amenity concerns, and with regards to highway issues.

Green Belt:

The application site is located within the Metropolitan Green Belt where the re-use of buildings is considered not inappropriate provided “*they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt*” (para. 90 of the NPPF). Local Plan policy GB8A is broadly consistent with this.

In 2008 planning consent was granted for the conversion of the building into nine flats, which was never implemented. However this confirms that the principle of the proposed redevelopment for residential purposes is acceptable on this site. The use of the building for eight flats rather than nine would result in less vehicle movements and associated residential paraphernalia, and therefore this current proposal would be more acceptable than the previously granted scheme.

Due to the above, the proposed change of use would not constitute inappropriate development in the Green Belt and therefore complies with the NPPF and Local Plan policies.

Amenity:

The building is located a considerable distance from surrounding residential properties and as such the proposed changes would not directly affect neighbours amenities. The resultant traffic movements and activity would be less than the previously approved nine flats, and considerably less than the previous use as a private school. As such, this development would likely be more beneficial to neighbours amenities than the existing use of the site.

There are more than sufficient levels of communal amenity space to serve the future occupants of the site and to comply with Local Plan policy DBE8.

Highways:

Whilst the existing access to the site is substandard and there are no public footways leading to the site, the proposed change of use would generate far less vehicle movements than the previous consents for the site (particularly the existing school use). As such, there would be no additional detrimental impact on highway safety, capacity or efficiency, and may be a beneficial impact by reducing the level of traffic movements from the site.

The level of off street parking provision would exceed that required by the Essex County Council Vehicle Parking Standards, which is a minimum of 12 resident spaces and 2 visitor spaces. As such, this proposal would comply with Local Plan policy ST6.

Other matters:

There are several trees on site that are covered by a recently served Tree Preservation Order, however the proposed change of use would not impact on the health and wellbeing of these trees. Nonetheless, to ensure adequate protection during construction works, a tree protection condition should be added to any planning consent for the development.

The submitted Phase 1 Habitat Survey and Initial Bat Survey contain recommendations that should be followed, and further survey work needs to be undertaken for bats and reptiles. These can be dealt with by way of a condition.

Conclusion:

The proposed change of use of the building would not constitute inappropriate development in the Green Belt and would not detrimentally impact on neighbours amenities or highway safety/capacity. Furthermore, adequate amenity space and parking would be provided. Planning consent was previously granted in 2008 for nine residential flats, and therefore the change of use to eight flats is considered to be acceptable and complies with the relevant Local Plan policies and Government guidance. As such, the application is recommended for approval.

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

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

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