

## AREA PLANS SUB-COMMITTEE 'WEST'

**26 February 2014**

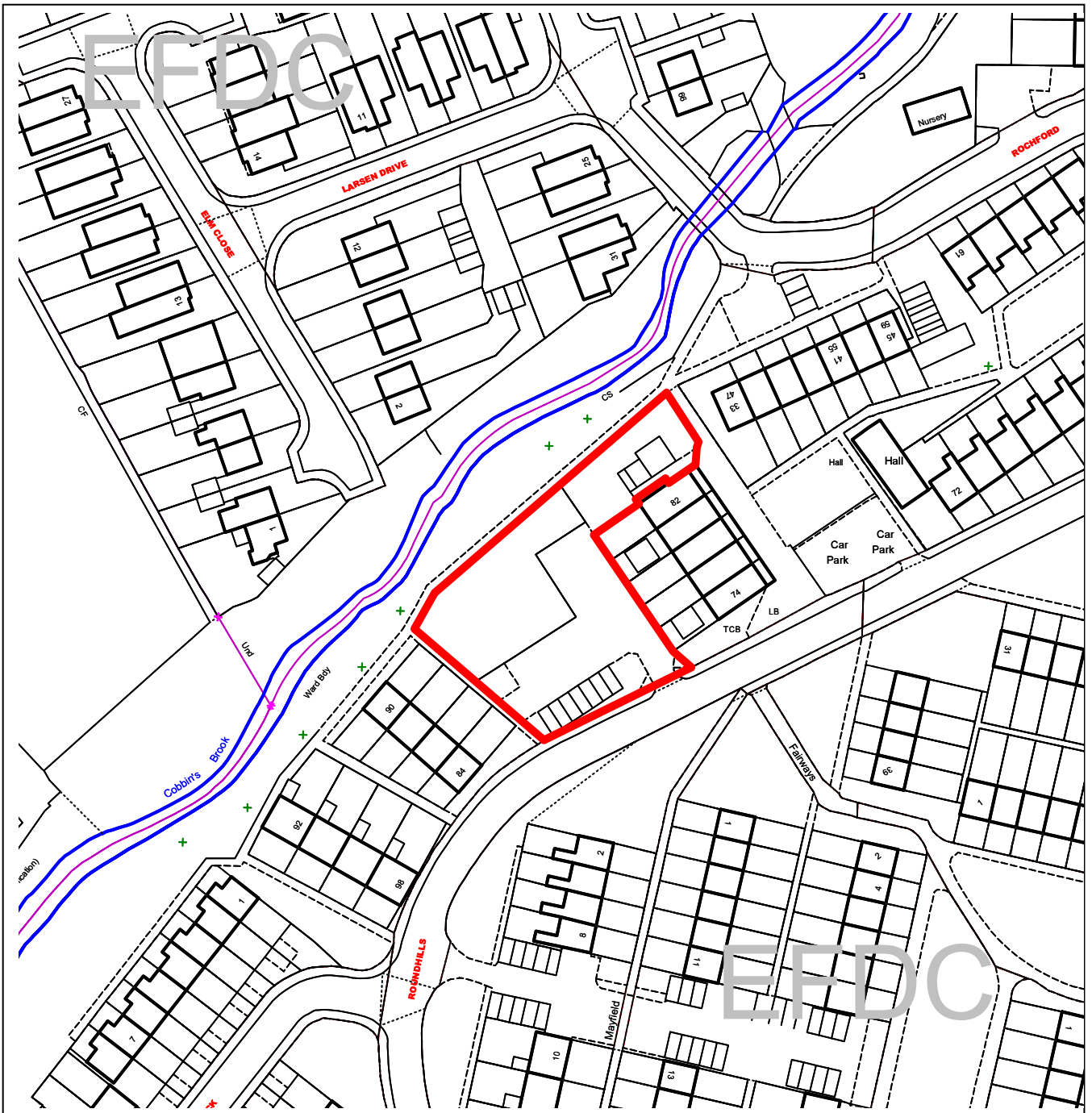
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# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/2456/13
Site Name:	Former Red Cross Hall Site Roundhills, Waltham Abbey, EN9 1UU
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2456/13
<b>SITE ADDRESS:</b>	Former Red Cross Hall Site (incl. garages (nos. 279-285 Roundhills Waltham Abbey Essex EN9 1UU
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Honey Lane
<b>APPLICANT:</b>	EFDC
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of garages and provision of four new 3 bedroom affordable houses and two new 1 bed duplexes with gardens, parking and landscaping on garage/hard surfaced site.
<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=556937](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=556937)

**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: 612 025 PL01 Rev: A, 612 025 PL02, 612 025 PL03, 612 025 PL04 Rev: A, 612 025 PL05 Rev: C, 612 025 PL06 Rev: A, 612 025 PL07 Rev: A, 612 025 PL08 Rev: A, 612 025 PL09 Rev: A, 612 025 PL10 Rev: A, 612 025 PL11, 612 025 PL12, 612 025 PL13
- 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 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.
- 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 an 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, 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.
- 7 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 and visitors vehicles.
- 8 The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment ref: 13069/CEB.
- 9 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 in writing 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]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be

conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 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.
- 14 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.
- 15 Prior to the commencement of the development hereby approved, 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. The approved scheme shall be carried out in its entirety prior to the occupation of the dwellings and shall be retained thereafter at all times.

- 16 Prior to the commencement of works, a Preliminary Risk Assessment demonstrating that the construction of the development would not result in unacceptable risks of pollution to groundwater and Cobbins Brook shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved scheme.

*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)), since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g)), and since 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 an L shaped site consisting of an existing garage site, an area of green open space, and a fenced off overgrown section that currently contains storage containers. The site is owned by this council and contains 7 garages that are available to rent, although there are also areas of hardstanding used for informal off-street parking.

The site is bounded to the east by the Roundhills shopping parade, which has rear access through the application site and residential units on the upper storeys, to the north by a public footpath with Cobbins Brook beyond this, to the west by residential properties (No's. 84-90 Roundhills), and by the south by Roundhills (road) with public open space beyond this.

The site is located within an Environment Agency Floodzone 2 and contains a number of unpreserved trees.

### **Description of Proposal:**

The proposal is for the erection of four no. 3 bedroom houses and two no. 1 bedroom duplexes, with associated gardens, parking and landscaping. This application is a Council proposal to provide units for applicants on the Council's Housing waiting list at an affordable rent.

The proposed four houses would be laid out as a terrace sitting at a right angle to Roundhills (road) and would measure a total combined width of 21.6m and a depth of 10.2m. The houses would have a continuous dual pitched roof reaching a ridge height of 8.1m with solar panels on the rear roof slope and would benefit from rear gardens measuring between 19m and 14m in depth.

The proposed two duplexes would be located to the northwest of Roundhills shopping parade on the currently open parcel of land. These would measure a total combined width of 12.4m and a depth of 5.8m and would have a dual pitched roof to a ridge height of 7m. These properties would front onto the existing public footpath running adjacent to Cobbins Brook and would be served by first floor front balconies and semi-private outdoor space surrounding the building. A 2m high wall would be erected along the rear of the site to provide security and privacy from the adjacent footpath to the south of the site.

The existing trees on the site would be removed and replaced by new landscaping. The development also proposes 17 unallocated parking spaces to serve the new dwellings/replace

those lost through the proposed scheme. Access to the rear of the shops would be retained as existing.

Although this application should be assessed on its own merits, this is one of three applications currently being considered for the redevelopment of garage sites within the Roundhills area for affordable housing (initially this was one of four applications, however EPF/2504/13 – Site 5, garages to rear of 1 Oakwood, Roundhills – has subsequently been withdrawn by the applicant).

### **Relevant History:**

WHX/0063/68 - Development of Red Cross centre – approved/conditions 11/06/68

EPF/0403/75 - Building for storage of plant – approved 14/04/75

EPF/1243/79 - Temporary siting of relocatable Library in car park – approved 16/10/79

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

248 Neighbours were consulted on the four submitted applications (by way of a single letter) and 3 Site Notices were displayed around this application site on the 13<sup>th</sup> December. It is also understood that the Housing Directorate carried out their own consultation prior to the submission of the application.

TOWN COUNCIL – **Object** due to concerns raised over lack of parking.

ROUNDHILLS RESIDENTS ASSOCIATION – **Withdrawn objection** to former Red Cross Site, however consider that the impact from the loss of parking of this site, once developed, should be assessed before any other sites are permitted for redevelopment (in order to fully assess the potential 'knock on' effect on parking in the area).

7 OAKWOOD – **Object** to all three applications due to the parking implications, as this would result in an increase in parking on the retained garage sites (including Site 5 where the previous application was withdrawn), as the proposals would be out of character with surrounding built form and appearance, as there would be very little space on the sites for adequate landscaping, as it would result in the loss of existing open space, the impact on drainage, there would be a lack of light to future occupants (due to the orientation of the dwellings) and a loss of light/overshadowing of neighbours properties, and would request that, if granted, conditions are imposed to control the nuisance to neighbours during construction.

62 FAIRWAYS – Whilst support the removal of the garages, which are an eyesore, dangerous, expensive and of no use, the space should be used to create additional parking. Therefore **object** to the loss of parking that would result from the applications.

69 ROUNDHILLS – **Object** due to a loss of light, the dirt and pollution (assumedly from construction), the strain on existing utilities and infrastructure, and as the garages are in use.

86 ROUNDHILLS – Accept that the former Red Cross Site needs to be redeveloped however the planned development is out of scale with the previous single storey community hall. Also **object** due to the loss of parking, the impact on amenities and infrastructure, and as this site is within the floodzone.

RESIDENT OF MAYFIELD – **Concerned** about highway safety using the access to the application site, particularly as Roundhills (road) has to be crossed at this location to reach the shops.

79 ROUNDHILLS – **Object** due to loss of parking, impact to surrounding residents during construction, and due to the impact on existing services.

42 GREENLEAS – **Object** to all four applications due to additional stress on street parking and highway safety concerns that would result from this.

38 GREENLEAS – **Object** due to the impact on parking, the additional strains on the drainage system and local facilities, and due to the loss of light and privacy to surrounding neighbours.

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H2A – Previously developed land  
H3A – Housing density  
H4A – Housing mix  
H5A – Provision of affordable housing  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U2A – Development in flood risk areas  
RP3 – Water quality  
RP4 – Contaminated Land

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.

**Main Issues and Considerations:**

This is a council application to develop its own land for the provision of six affordable housing units, along with two other similar schemes on garage sites within the Roundhills estate. The key considerations are the suitability of the site, amenity considerations, design and impact on the surrounding area, highway and parking considerations, and flooding/drainage concerns.

**Suitability of site:**

The application site is located within the urban area of Waltham Abbey and is considered to be a sustainable location with relatively good access to the shops (particularly Roundhills shopping parade but also Waltham Abbey Town Centre), local facilities, employment and public transport. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development. The principle of further development within this type of location is considered to accord with this presumption and therefore this should be afforded significant weight. Furthermore, the redevelopment of this site would constitute the reuse of previously developed land. Both the NPPF and Local Plan policy H2A encourage the reuse and intensification of use of such sites; however applications still need to be assessed on their individual merits.



### Amenity considerations:

The proposed development would consist of 2 no. two storey 'blocks', comprising the terrace of four dwellings and the pair of duplexes.

The proposed terrace of houses would be orientated to match the pattern of development within the immediate locality and would back onto the rear gardens of No's. 84-90 Roundhills (although the gardens would be separated by an existing public footpath). At their closest point the proposed new dwellings would be located 15m from the rear boundaries of the neighbouring properties and 26m from the rear walls of these neighbours houses. This would be sufficient distance to ensure that there would be no undue loss of light or privacy as a result of the development. Whilst the proposed terrace would face the rear of Roundhills shopping parade, which includes upper storey residential units with entrance doors and windows within this elevation, there would be a distance of more than 24m between the front windows of the proposed houses and those of the neighbouring flats, with the rear yards of the ground floor flats and the access road between the two.

The proposed pair of duplexes would be located on the currently open area of green space to the northwest of the Roundhills shopping parade. These properties would be orientated so that they front onto the public footpath adjacent to Cobbins Brook and would follow the general built form of the flats to the east. The elevations that face this proposed development from the surrounding buildings are flank elevations with no side windows, and none of the nearby neighbouring properties benefit from private amenity space. As such, this development would not result in any detrimental impact on neighbours amenities.

The terrace of houses would all benefit from private amenity space that would meet the preferred amenity standards (which for these properties would equate to 80 sq. m.). The proposed duplexes would have private amenity space in the form of first floor front balconies and gated off rear 'yards', plus semi-private open space surrounding their properties. Given that these one bed dwellings are more akin to flats than standard houses, this is considered sufficient to meet the requirements of policy DBE8.

### Design

The surrounding area comprises a range of dwellings built in the 1960's including two storey terraced housing, single storey bungalows and three storey flats. Whilst some of the buildings in the immediate locality (specifically the block of flats to the east of the application site and the Roundhills shopping parade block) are flat roofed developments, the majority of dwellings within the area are continuous terraces that have relatively slack, dual pitched roofs. There are a mix of building materials, however the surrounding properties are predominantly red brick.

The two proposed blocks would follow the overall built form and simple design of the wider 1960's estate and would be orientated to mimic/follow the immediate built form of the neighbouring properties. As such, it is considered that the design of the proposed dwellings would be in character with the surrounding area.

The design of the proposed development has taken into consideration the need for security and ensures that the parking areas and communal spaces are open and visible to limit crime and antisocial behaviour problems and the private areas are suitably fenced/gated off. The development would remove the somewhat unsightly garages and the fenced off and overgrown parcel of land (which currently contains storage containers) and would result in the site frontage adjacent to Roundhills (road) becoming more open, to the benefit of the appearance of the area.

The proposal would result in the loss of existing vegetation within the site (although the large tree at the entrance to the site would be retained), however this is not considered to be detrimental to

the area. There is indicative landscaping shown on the proposed plans, and the landscape officer is content that, subject to a landscaping condition, there is sufficient scope for some additional landscaping to soften the impact of the proposal in the locality.

### Highway Safety and Parking Issues

The biggest concern on this (and the other two) proposals is regarding the impact on parking provision within the Roundhills Estate. The proposed development would result in the loss of seven garages along with an area of informal parking. Whilst the submitted Transport Statement claims that this area caters for a maximum of 11 spaces it is considered that you could likely park a maximum of 14 cars within this area, plus the 7 garages (totalling a maximum of 21 spaces). The development would provide 17 unallocated spaces on this site. The proposed development would provide affordable housing for persons on the Council's Housing waiting list, and due to this Essex County Council Highways Officers consider that in such cases one space per dwelling is sufficient for resident parking. As such, the proposed development would retain 11 'visitor' parking spaces.

The submitted Transport Statement indicates that within Essex County Council 78% of all garages are not used for car parking and highlights that some of the garages are let to users who are not in the immediate vicinity of the sites. The submitted Transport Statement states that out of the seven garages on this site four are used by local people and three are vacant. Based on this, the proposed redevelopment of this site would result in displacement of up to 7 cars onto the surrounding roads. This is based on the fact that there are currently a maximum of 14 informal parking spaces (based on the LPA's findings) plus 4 garages occupied by local residents, all of which would be lost. However the proposed development would provide 17 unallocated spaces, 6 of which would serve the needs of the new dwellinghouses. Therefore 11 unallocated spaces would be provided to appease the 18 lost, leaving a maximum of 7 spaces unaccounted for.

There is no specific planning policy which seeks to retain existing parking courts and, whilst it is noted that the submitted Transport Statement takes into account private roads/accesses that are not available for public parking, the Highway Authority (Essex County Council) considers that there is sufficient capacity in the surrounding roads to accommodate this level of displaced parking (taking into account displaced parking from the other two sites also under consideration). As such, Essex County Council Highways has raised no objection to the proposal on the grounds of level of provision or on highway safety grounds.

### Flooding/Drainage

The site is within an Environment Agency Floodzone 2 and has satisfied the Sequential Test. A flood risk assessment was submitted with the application, which the Environment Agency consider is sufficient to ensure that there is no risk of increased flood risk on or off-site (subject to the development being carried out in accordance with the agreed flood risk assessment).

### Other Issues

#### Affordable Housing

The development falls below the threshold which requires the provision of affordable housing, and as such there is no requirement for a legal agreement to secure affordable housing. The application is, however, a Council proposal and the development will provide 6 much needed units for applicants on the Council's Housing waiting list at an affordable rent.

#### Contamination

The site is potentially contaminated land and it is therefore necessary to impose full contaminated land conditions to ensure that any contaminants identified on site are suitably dealt with.

There is also a risk of pollution to groundwater and the nearby Cobbins Brook as a result of the construction of these properties. Due to this a Preliminary Risk Assessment (PRA) has been requested by the Environment Agency, and subsequently submitted. At the time of writing this report there has been no response from the Environment Agency on the suitability of the PRA, however any response will be reported verbally at Committee if received.

Whilst the Environment Agency generally require an acceptable PRA to be agreed prior to approving any potentially contaminating development, in some instances this can be dealt with by way of a condition. As the PRA is simply dealing with groundwater contamination as a result of construction works it is unlikely that this matter could not be resolved, it simply depends on the level of work/amount of money required to deal with this issue. Due to this there have been other examples where a PRA has been sought via condition, such as in the recently agreed Abbey Mills application (EPF/2665/13). As such, if no response is received from the Environment Agency by the time of the Committee, or if the submitted PRA is considered insufficient, it is considered that this matter can be suitably dealt with by condition.

### Infrastructure

Concern has been raised with regards to the strain that this application (along with the other two applications) would have on local facilities and infrastructure, including drainage facilities and the local transport network. Given the small scale of this development (six houses), and the combined development (total of 14) it is not considered that this would put any appreciable strain on local amenities and infrastructure. Issues concerning drainage details, sewerage, electricity, etc. would be dealt with under Building Regulations approval and therefore is not a material planning consideration.

### Conclusion

This proposal for the redevelopment of an unsightly area of land within the urban area of Waltham Abbey to provide six affordable dwellings is considered to be in accordance with the principles of sustainability set out in the NPPF making the best use of urban land. Whilst there will be a reduction in parking provision and some displacement onto the public highway it is considered that there is suitable capacity to deal with the level of additional on-street parking resulting from the development. The design is considered appropriate to the location and will enhance the visual amenity of the area through the removal of the garages and area of fenced off scrubland, and there will be no significant harm to the residential amenity of surrounding residents. The application is therefore considered to be in accordance with the adopted policies of the Local Plan and the NPPF and, subject to suitable conditions, 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:***

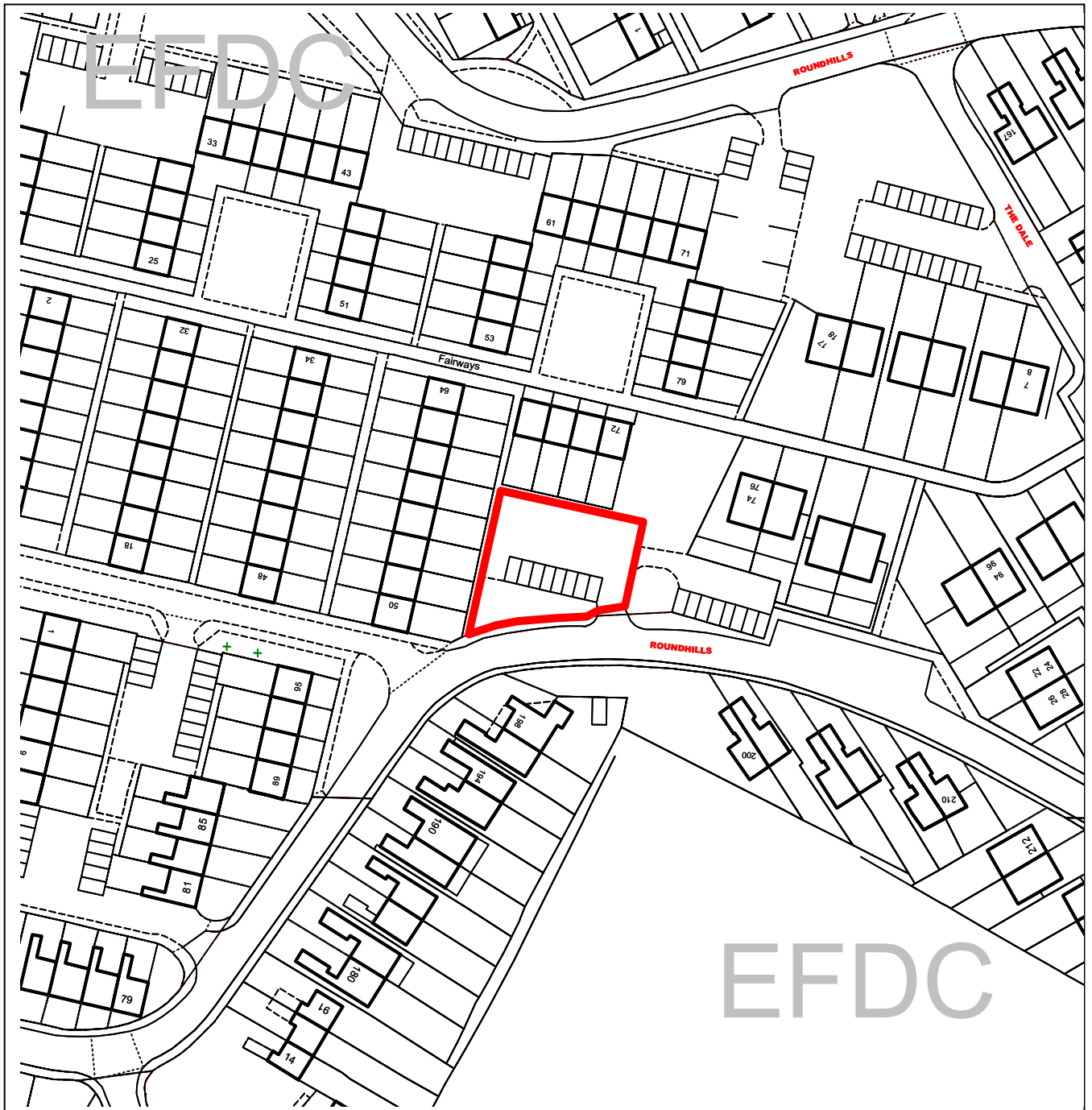
***Planning Application Case Officer: Mr Graham Courtney  
Direct Line Telephone Number 01992 564228***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/2510/13
Site Name:	Garages to rear of 66 -72 Fairways (Site 4), Waltham Abbey, EN9 1ST
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2510/13
<b>SITE ADDRESS:</b>	Garages to rear of 66 -72 Fairways (Site 4) Waltham Abbey Essex EN9 1ST
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Honey Lane
<b>APPLICANT:</b>	EFDC
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of garages (nos. 225 to 232) and provision of two new 3 bedroom affordable houses with gardens, parking and landscaping on garage/hard surfaced site, Roundhills, Waltham Abbey.
<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=557290](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557290)

**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: 612 026 PL01 Rev: A, 612 026 PL02, 612 026 PL03 Rev: B, 612 026 PL04 Rev: A, 612 026 PL05 Rev: A, 612 026 PL06 Rev: A
- 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 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.
- 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 an 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, 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.
- 7 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.
- 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 in writing 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 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 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. 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      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 and visitors vehicles.
- 14      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.
- 15      Prior to the commencement of the development hereby approved, 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. The approved scheme shall be carried out in its entirety prior to the occupation of the dwellings and shall be retained thereafter at all times.

*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)), since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g)), and since 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 an existing garage site owned by this council that contains 8 garages that are available to rent, although there is also a large area of hardstanding used for informal off-street parking. The site is bounded to the north, east and west by residential properties and by the south by Roundhills (road) with further residential properties beyond this. The site contains a number of unpreserved trees.

### **Description of Proposal:**

The proposal is for the erection of two no. 3 bedroom houses with associated gardens, parking and landscaping. This application is a Council proposal to provide units for applicants on the Council's Housing waiting list at an affordable rent.

The proposed houses would be semi-detached and would front on to Roundhills (road). They would measure a total combined width of 19.8m and a depth of 5.7m. The houses would have a continuous dual pitched roof reaching a ridge height of 6.4m and would benefit from rear gardens measuring 7.8m in depth and 9.9m in width.

All but one of the existing trees on the site would be retained, and some additional landscaping would be planted. The development also proposes 7 unallocated parking spaces to serve the new dwellings/replace those lost through the proposed scheme.

Although this application should be assessed on its own merits, this is one of three applications currently being considered for the redevelopment of garage sites within the Roundhills area for affordable housing (initially this was one of four applications, however EPF/2504/13 – Site 5, garages to rear of 1 Oakwood, Roundhills – has subsequently been withdrawn by the applicant).

### **Relevant History:**

None relevant.

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

248 Neighbours were consulted on the four submitted applications (by way of a single letter) and 3 Site Notices were displayed around this application site on the 13<sup>th</sup> December. It is also understood that the Housing Directorate carried out their own consultation prior to the submission of the application. A further 27 immediate neighbours were reconsulted on an amended plan regarding the removal of a tree and creation of two additional parking spaces.

TOWN COUNCIL – **Object** due to concerns raised over lack of parking.

ROUNDHILLS RESIDENTS ASSOCIATION – **Object** due to the impact on on-street parking provision and as it is considered that the submitted Transport Statement is flawed. Consider that



the redevelopment of Sites 4 and 7 should not be considered unless alternative parking areas are provided (such as was proposed at Harveyfields) and claim that the garages are only vacant as the Council refused to rent them out to people on the estate.

7 OAKWOOD – **Object** to all three applications due to the parking implications, as this would result in an increase in parking on the retained garage sites (including Site 5 where the previous application was withdrawn), as the proposals would be out of character with surrounding built form and appearance, as there would be very little space on the sites for adequate landscaping, as it would result in the loss of existing open space, the impact on drainage, there would be a lack of light to future occupants (due to the orientation of the dwellings) and a loss of light/overshadowing of neighbours properties, and would request that, if granted, conditions are imposed to control the nuisance to neighbours during construction.

62 FAIRWAYS – Whilst support the removal of the garages, which are an eyesore, dangerous, expensive and of no use, the space should be used to create additional parking. Therefore **object** to the loss of parking that would result from the applications.

58 FAIRWAYS – **Object** to the application because, whilst agree that the garages should be demolished, consider that the area should be used for more efficient off-street parking, consider that additional housing could be erected on Green Belt land, consider that a right of access to existing properties should be retained, and feel that this would be detrimental to the outlook of surrounding residents.

44 FAIRWAYS – **Concerned** about the loss of parking.

42 GREENLEAS – **Object** to all four applications due to additional stress on street parking and highway safety concerns that would result from this.

38 GREENLEAS – **Object** due to the impact on parking, the additional strains on the drainage system and local facilities, and due to the loss of light and privacy to surrounding neighbours.

#### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H2A – Previously developed land  
H3A – Housing density  
H4A – Housing mix  
H5A – Provision of affordable housing  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
RP4 – Contaminated Land

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.

### **Main Issues and Considerations:**

This is a council application to develop its own land for the provision of two affordable housing units, along with two other similar schemes on garage sites within the Roundhills estate. The key considerations are the suitability of the site, amenity considerations, design and impact on the surrounding area, and highway/parking considerations.

#### Suitability of site:

The application site is located within the urban area of Waltham Abbey and is considered to be a sustainable location with relatively good access to the shops (particularly Roundhills shopping parade but also Waltham Abbey Town Centre), local facilities, employment and public transport. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development. The principle of further development within this type of location is considered to accord with this presumption and therefore this should be afforded significant weight. Furthermore, the redevelopment of this site would constitute the reuse of previously developed land. Both the NPPF and Local Plan policy H2A encourage the reuse and intensification of use of such sites; however applications still need to be assessed on their individual merits.

#### Amenity considerations:

The proposed development would consist of a pair of two storey semi-detached dwellings located on the northern side of Roundhills (road). The proposed houses would be orientated to mirror the terrace of four dwellings to the north, which would back onto the application site (although the gardens would be separated by an existing public footpath). The proposed new dwellings would be located 9m from the rear boundaries of the neighbouring properties, and 20m from the rear walls of these neighbours' houses. This would be a similar distance to other properties within the estate and is considered sufficient enough to ensure that there would be no undue loss of light or privacy as a result of the development. There would be no first floor flank windows overlooking neighbours to the west, and any overlooking of these properties as a result of the front or rear first floor windows would be no different to that currently imposed by No's. 66-72 Fairways (or other situations seen within the local area).

Local Plan policy DBE8 suggest that 20 sq. m. of private amenity space should be provided per habitable room, which in this instance would equate to 80 sq. m. per dwelling. The two dwellings would both benefit from 77.2 sq. m. of private amenity space, which is considered acceptable (particularly given the level of public open space available within the surrounding area).

#### Design

The Roundhills Estate comprises a range of dwellings built in the 1960's including two storey terraced housing, semi-detached properties, single storey bungalows and three storey flats. The immediate locality to the application site consists of two storey terraced and semi-detached dwellings. The majority of dwellings within the area have relatively slack, dual pitched roofs and are of a standard 1960's design.

The two proposed dwellings would follow the overall built form and simple design of the wider 1960's estate and would be orientated to mirror the immediate built form of the neighbouring properties. As such, it is considered that the design of the proposed dwellings would be in character with the surrounding area.

The design of the proposed development has taken into consideration the need for security and ensures that the parking areas and communal spaces are open and visible to limit crime and antisocial behaviour problems and the private areas are suitably fenced/gated off. The development would remove the somewhat unsightly garages and would result in the site frontage adjacent to Roundhills (road) becoming more open to the benefit of the appearance of the area.

The proposal would result in the loss of one large tree at the front to the site, however this is not considered to be detrimental to the area given the retention of the remainder of the landscaping. There is indicative landscaping shown on the proposed plans, and the landscape officer is content that, subject to a landscaping condition, there is sufficient scope for some additional landscaping to soften the impact of the proposal in the locality.

### Highway Safety and Parking Issues

The biggest concern on this (and the other two) proposals is regarding the impact on parking provision within the Roundhills Estate. The proposed development would result in the loss of eight garages along with an area of informal parking. The submitted Transport Statement claims that this area caters for a maximum of 14 spaces, which combined with the 8 garages would total a maximum of 22 spaces lost. The proposed development would provide 7 unallocated spaces on this site. The proposed development would provide affordable housing for persons on the Council's Housing waiting list, and due to this Essex County Council Highways Officers consider that in such cases one space per dwelling is sufficient for resident parking. As such, the proposed development would retain 5 'visitor' parking spaces.

The submitted Transport Statement indicates that within Essex County Council 78% of all garages are not used for car parking and highlights that some of the garages are let to users who are not in the immediate vicinity of the sites. The submitted Transport Statement states that out of the eight garages on this site only four are used by local people, two are let out to people who live some distance away, and two are vacant. It is considered that the two garages in 'distant use' are unlikely to result in displaced parking on the highway as these would likely be used for storage purposes rather than everyday parking. Furthermore, these distant uses (on this site and the other two) could be accommodated in vacant units on other Council owned garage sites within Waltham Abbey (Harveyfields and Springfields).

Further to the above, the Transport Statement includes the results of a survey undertaken on two consecutive nights of 2<sup>nd</sup> and 3<sup>rd</sup> October 2013 at 2am in the morning (in order to ensure the probability of maximum demand). During both these surveys the application site appears to have been extensively used, with 11 cars parked on site on the 2<sup>nd</sup> and 14 cars parked on site on the 3<sup>rd</sup>. The Transport Statement considers that there is adequate on-street parking to absorb the displaced cars.

An objection has been received from the Roundhills Residents Association stating that the Transport Assessment is flawed because it takes into account parking availability on private roads and the entrance to the swimming pool, none of which are available for public parking, and also dispute the figures stated within this assessment.

Irrespective of the figures within the Transport Statement, and those stated by the Residents Association, it is considered that the proposed redevelopment of this site would result in displacement of up to 13 cars onto the surrounding roads. This is based on the fact that there are currently a maximum of 14 informal parking spaces plus 4 garages occupied by local residents, all of which would be lost. However the proposed development would provide 7 unallocated spaces, 2 of which would serve the needs of the two new dwellinghouses. Therefore 5 unallocated spaces would be provided to appease the 18 lost, leaving a maximum of 13 spaces unaccounted for.

There is no specific planning policy which seeks to retain existing parking courts and, whilst it is noted that the submitted Transport Statement takes into account private roads/accesses that are not available for public parking, the Highway Authority (Essex County Council) considers that there is sufficient capacity in the surrounding roads to accommodate this level of displaced parking (taking into account displaced parking from the other two sites also under consideration). As such, Essex County Council Highways has raised no objection to the proposal on the grounds of level of provision or on highway safety grounds, subject to the imposition of conditions.

### Other Issues

#### Affordable Housing

The development falls below the threshold which requires the provision of affordable housing, and as such there is no requirement for a legal agreement to secure affordable housing. The application is, however, a Council proposal and the development will provide two much needed units for applicants on the Council's Housing waiting list at an affordable rent.

#### Contamination

The site is potentially contaminated land and it is therefore necessary to impose full contaminated land conditions to ensure that any contaminants identified on site are suitably dealt with.

#### Infrastructure

Concern has been raised with regards to the strain that this application (along with the other two applications) would have on local facilities and infrastructure, including drainage facilities and the local transport network. Given the small scale of this development (two houses), and the combined development (total of 14) it is not considered that this would put any appreciable strain on local amenities and infrastructure. Issues concerning drainage details, sewerage, electricity, etc. would be dealt with under Building Regulations approval and therefore is not a material planning consideration.

### Conclusion

This proposal for the redevelopment of an unsightly area of land within the urban area of Waltham Abbey to provide two affordable dwellings is considered to be in accordance with the principles of sustainability set out in the NPPF making the best use of urban land. Whilst there will be a reduction in parking provision and some displacement onto the public highway it is considered that there is suitable capacity to deal with the level of additional on-street parking resulting from the development. The design is considered appropriate to the location and will enhance the visual amenity of the area through the removal of the garages, and there will be no significant harm to the residential amenity of surrounding residents. The application is therefore considered to be in accordance with the adopted policies of the Local Plan and the NPPF 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)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	EPF/2511/13
Site Name:	Garages to rear of 53 Roundhills (Site 7), Waltham Abbey, EN9 1TD
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2511/13
<b>SITE ADDRESS:</b>	Garages to rear of 53 - 79 (odds) Roundhills (Site 7) Roundhills Waltham Abbey Essex EN9 1TD
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Honey Lane
<b>APPLICANT:</b>	EFDC
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of garages (nos. 176 to 180, 187 to 208 and 219 to 224) and erection of six new 2 bedroom affordable houses with gardens, parking (15 spaces) and landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=557291](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557291)

**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: 612 028 PL01 Rev: B, 612 028 PL02 Rev: A, 612 028 PL03 Rev: A, 612 028 PL04 Rev: B, 612 028 PL05 Rev: B, 612 028 PL06 Rev: A, 612 028 PL07 Rev: A, 612 028 PL08 Rev: A, 612 028 PL09, 612 028 PL10, 612 028 PL11, 612 028 PL12
- 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevations 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.
- 5 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 6 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.
- 7 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.
- 8 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 and visitors vehicles.
- 9 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 in writing 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]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes,



adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 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.
- 14 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.
- 15 Prior to the commencement of the development hereby approved, 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. The approved scheme shall be carried out in its entirety prior to the occupation of the dwellings and shall be retained thereafter at all times.

*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)), since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g)), and since 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 an existing garage site owned by this council that contains 32 garages that are available to rent and informal off-street parking. The site is surrounded on all four sides by residential properties and is accessed (by vehicles) from the east off of Roundhills (road). The site also has pedestrian access from the west from Greenleas and from the north through another garage site (Site 5) and via several footpaths between the houses. The south of the site is bounded by the rear gardens of No's 53-79 Roundhills. The existing site is almost completely laid to hardstanding, with the exception of a small area of grassland at the western end.

### **Description of Proposal:**

The proposal is for the erection of six no. 2 bedroom houses with associated gardens, parking and landscaping. This application is a Council proposal to provide units for applicants on the Council's Housing waiting list at an affordable rent.

The proposed houses would be set in three pairs of semi-detached dwellings located on the northern side of the site, with the existing access road retained. Each pair of houses would measure a total combined width of 13m and a depth of 7.3m. The houses would all have dual pitched roofs reaching a ridge height of 6.8m and would benefit from rear gardens. These would measure 10.2m in depth and 6.5m in width (units 1-4) and 11m in depth and 6.5m in width (units 5 & 6).

The existing grassed area at the western end of the site would in part be developed, however some additional landscaping areas would be incorporated on the site and some trees planted. The development also proposes 13 unallocated parking spaces to serve the new dwellings/replace those lost through the proposed scheme, along with the retention of parking along the southern side of the access (as existing), which would allow for an additional 17 spaces.

Although this application should be assessed on its own merits, this is one of three applications currently being considered for the redevelopment of garage sites within the Roundhills area for affordable housing (initially this was one of four applications, however EPF/2504/13 – Site 5, garages to rear of 1 Oakwood, Roundhills – has subsequently been withdrawn by the applicant).

### **Relevant History:**

None relevant.

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

248 Neighbours were consulted on the four submitted applications (by way of a single letter) and 3 Site Notices were displayed around this application site on the 13<sup>th</sup> December. It is also understood that the Housing Directorate carried out their own consultation prior to the submission of the application. A further 30 immediate neighbours were reconsulted on an amended plan

regarding the slight alteration to the proposed parking areas and the confirmation of the retained parking spaces along the southern side of the access road.

TOWN COUNCIL – **Object** due to concerns raised over lack of parking.

ROUNDHILLS RESIDENTS ASSOCIATION – **Object** due to the impact on on-street parking provision and as it is considered that the submitted Transport Statement is flawed. Consider that the redevelopment of Sites 4 and 7 should not be considered unless alternative parking areas are provided (such as was proposed at Harveyfields) and claim that the garages are only vacant as the Council refused to rent them out to people on the estate.

61 ROUNDHILLS – **Object** due to the loss of light and consider the 17 parking spaces along the southern side of the access are unacceptable.

7 OAKWOOD – **Object** to all three applications due to the parking implications, as this would result in an increase in parking on the retained garage sites (including Site 5 where the previous application was withdrawn), as the proposals would be out of character with surrounding built form and appearance, as there would be very little space on the sites for adequate landscaping, as it would result in the loss of existing open space, the impact on drainage, there would be a lack of light to future occupants (due to the orientation of the dwellings) and a loss of light/overshadowing of neighbours properties, and would request that, if granted, conditions are imposed to control the nuisance to neighbours during construction.

7 OAKWOOD (from different resident) – **Object** to the application due to a loss of parking and the impact that this would have on the surrounding area and residents amenities.

10 OAKWOOD – **Object** due to the impact on the character and amenities of the neighbourhood, the impact on parking, and due to highway safety concerns.

11 OAKWOOD – **Object** to the loss of parking and access and due to disruption during construction.

81 ROUNDHILLS – **Object** due to the impact on parking, the overshadowing of neighbours properties, the impact on highway safety, increased traffic congestion, as the Transport Statement is inaccurate and untrue, and due to the impact on the existing infrastructure and the character of the area.

62 FAIRWAYS – Whilst support the removal of the garages, which are an eyesore, dangerous, expensive and of no use, the space should be used to create additional parking. Therefore **object** to the loss of parking that would result from the applications.

79 ROUNDHILLS – **Object** on the grounds of loss of amenities, disturbance, disruption, overdevelopment, impact on amenities, loss of parking, loss of the garages that are rented out, and due to the impacts during construction.

42 GREENLEAS – **Object** to all four applications due to additional stress on street parking and highway safety concerns that would result from this.

38 GREENLEAS – **Object** due to the impact on parking, the additional strains on the drainage system and local facilities, and due to the loss of light and privacy to surrounding neighbours.

44 FAIRWAYS – **Concerned** about the loss of parking.

75 ROUNDHILLS – **Object** due to loss of parking, impact on the infrastructure of the area, concerns about anti-social behaviour and crime, and due to the disturbance resulting from construction.

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H2A – Previously developed land  
H3A – Housing density  
H4A – Housing mix  
H5A – Provision of affordable housing  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
RP4 – Contaminated Land

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.

**Main Issues and Considerations:**

This is a council application to develop its own land for the provision of six affordable housing units, along with two other similar schemes on garage sites within the Roundhills estate. The key considerations are the suitability of the site, amenity considerations, design and impact on the surrounding area, and highway/parking considerations.

**Suitability of site:**

The application site is located within the urban area of Waltham Abbey and is considered to be a sustainable location with relatively good access to the shops (particularly Roundhills shopping parade but also Waltham Abbey Town Centre), local facilities, employment and public transport. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development. The principle of further development within this type of location is considered to accord with this presumption and therefore this should be afforded significant weight. Furthermore, the redevelopment of this site would constitute the reuse of previously developed land. Both the NPPF and Local Plan policy H2A encourage the reuse and intensification of use of such sites; however applications still need to be assessed on their individual merits.

**Amenity considerations:**

The proposed development would consist of three pairs of two storey semi-detached dwellings located on the northern side of the site. Units 3-6 would be orientated to continue the existing building lines of 1-11 Oakwood and 2-12 Oakwood, and units 1 & 2 would be slightly staggered

from the building line of 17-27 Greenleas by some 1.8m (further back). There would be a 1.6m gap/footpath retained between the flank walls of the new dwellings and those of the adjacent neighbouring properties. The proposed new dwellings would be located 7m from the rear boundaries of the neighbouring properties to the south, and 15.6m from the main rear walls of these neighbours' houses (but 11.3m from the rear walls of the ground floor rear projections).

Given that the dwellings would follow the existing form of development the impact from these would be no different than that of the existing properties (and arguably less due to the 1.6m separation from the neighbouring properties). The only first floor flank windows would be obscure glazed (and can be conditioned as such) that would not result in any overlooking of the neighbouring properties to the south, and the new dwellings would be more than sufficient distance from these properties to ensure that there would be no undue loss of light or outlook as a result of the development.

Local Plan policy DBE8 suggest that 20 sq. m. of private amenity space should be provided per habitable room, which in this instance would equate to 60 sq. m. per dwelling. The dwellings would all benefit from a minimum of 66 sq. m. of private amenity space.

### Design

The Roundhills Estate comprises a range of dwellings built in the 1960's including two storey terraced housing, semi-detached properties, single storey bungalows and three storey flats. The immediate locality to the application site consists of two storey terraced and semi-detached dwellings. The majority of dwellings within the area have relatively slack, dual pitched roofs and are of a standard 1960's design.

The proposed dwellings would follow the overall built form and simple design of the wider 1960's estate, and would continue the neighbouring terraces of houses. As such, it is considered that the design of the proposed dwellings would be in character with the surrounding area.

The design of the proposed development has taken into consideration the need for security and ensures that the parking areas and communal spaces are open and visible to limit crime and antisocial behaviour problems, and the private areas are suitably fenced/gated off. The development would remove the somewhat unsightly garages to the benefit of the appearance of the area.

There is indicative landscaping shown on the proposed plans, and the landscape officer is content that, subject to a landscaping condition, there is sufficient scope for some additional landscaping to soften the impact of the proposal in the locality.

### Highway Safety and Parking Issues

The biggest concern on this (and the other two) proposals is regarding the impact on parking provision within the Roundhills Estate. The proposed development would result in the loss of thirty two garages along with a large area of informal parking. The submitted Transport Statement claims that this area caters for a maximum of 17 spaces, which combined with the 32 garages would total a maximum of 49 spaces lost. The proposed development would provide 30 unallocated spaces on this site. The proposed development would provide affordable housing for persons on the Council's Housing waiting list, and due to this Essex County Council Highways Officers consider that in such cases one space per dwelling is sufficient for resident parking. As such, the proposed development would retain 24 'visitor' parking spaces.

The submitted Transport Statement indicates that within Essex County Council 78% of all garages are not used for car parking and highlights that some of the garages are let to users who are not in the immediate vicinity of the sites. The submitted Transport Statement states that out of the thirty

two garages on this site only fifteen are used by local people, six are let out to people who live some distance away, and eleven are vacant. It is considered that that the six garages in 'distant use' are unlikely to result in displaced parking on the highway as these would likely be used for storage purposes rather than everyday parking. Furthermore, these distant uses (on this site and the other two) could be accommodated in vacant units on other Council owned garage sites within Waltham Abbey (Harveyfields and Springfields).

Further to the above, the Transport Statement includes the results of a survey undertaken on two consecutive nights of 2<sup>nd</sup> and 3<sup>rd</sup> October 2013 at 2am in the morning (in order to ensure the probability of maximum demand). During both these surveys the application site appears to have been fairly underused, with 16 cars parked on site on the 2<sup>nd</sup> and 17 cars parked on site on the 3<sup>rd</sup> (including those parked on the southern side of the access road). The Transport Statement considers that the full use of the side of the access road, and the surrounding on-street parking is adequate to absorb the displaced cars.

An objection has been received from the Roundhills Residents Association stating that the Transport Assessment is flawed because it takes into account parking availability on private roads and the entrance to the swimming pool, none of which are available for public parking, and also dispute the figures stated within this assessment.

Irrespective of the figures within the Transport Statement, and those stated by the Residents Association, it is considered that the proposed redevelopment of this site would result in displacement of up to 28 cars onto the surrounding roads. This is based on the fact that there are currently a maximum of 37 informal parking spaces (inclusive of the 17 spaces along the southern side of the access road) plus 15 garages occupied by local residents, all of which would be lost. However the proposed development would provide 30 unallocated spaces, 6 of which would serve the needs of the new dwellinghouses. Therefore 24 unallocated spaces would be provided to appease the 52 lost, leaving a maximum of 28 spaces unaccounted for.

Although this is quite a high number of displaced parking, there is no specific planning policy which seeks to retain existing parking courts and, whilst it is noted that the submitted Transport Statement takes into account private roads/accesses that are not available for public parking, the Highway Authority (Essex County Council) considers that there is sufficient capacity in the surrounding roads to accommodate this level of displaced parking (taking into account displaced parking from the other two sites also under consideration). As such, Essex County Council Highways has raised no objection to the proposal on the grounds of level of provision or on highway safety grounds, subject to the imposition of conditions.

### Other Issues

#### Affordable Housing

The development falls below the threshold which requires the provision of affordable housing, and as such there is no requirement for a legal agreement to secure affordable housing. The application is, however, a Council proposal and the development will provide six much needed units for applicants on the Council's Housing waiting list at an affordable rent.

#### Contamination

The site is potentially contaminated land and it is therefore necessary to impose full contaminated land conditions to ensure that any contaminants identified on site are suitably dealt with.

## Infrastructure

Concern has been raised with regards to the strain that this application (along with the other two applications) would have on local facilities and infrastructure, including drainage facilities and the local transport network. Given the small scale of this development (six houses), and the combined development (total of 14), it is not considered that this would put any appreciable strain on local amenities and infrastructure. Issues concerning drainage details, sewerage, electricity, etc. would be dealt with under Building Regulations approval and therefore is not a material planning consideration.

## Conclusion

This proposal for the redevelopment of an unsightly area of land within the urban area of Waltham Abbey to provide affordable dwellings is considered to be in accordance with the principles of sustainability set out in the NPPF making the best use of urban land. Whilst there will be a reduction in parking provision and quite a lot of displacement onto the public highway, it is nonetheless considered that there is suitable capacity to deal with the level of additional on-street parking resulting from the development. The design is considered appropriate to the location and will enhance the visual amenity of the area through the removal of the garages, and there will be no significant harm to the residential amenity of surrounding residents. The application is therefore considered to be in accordance with the adopted policies of the Local Plan and the NPPF 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:***

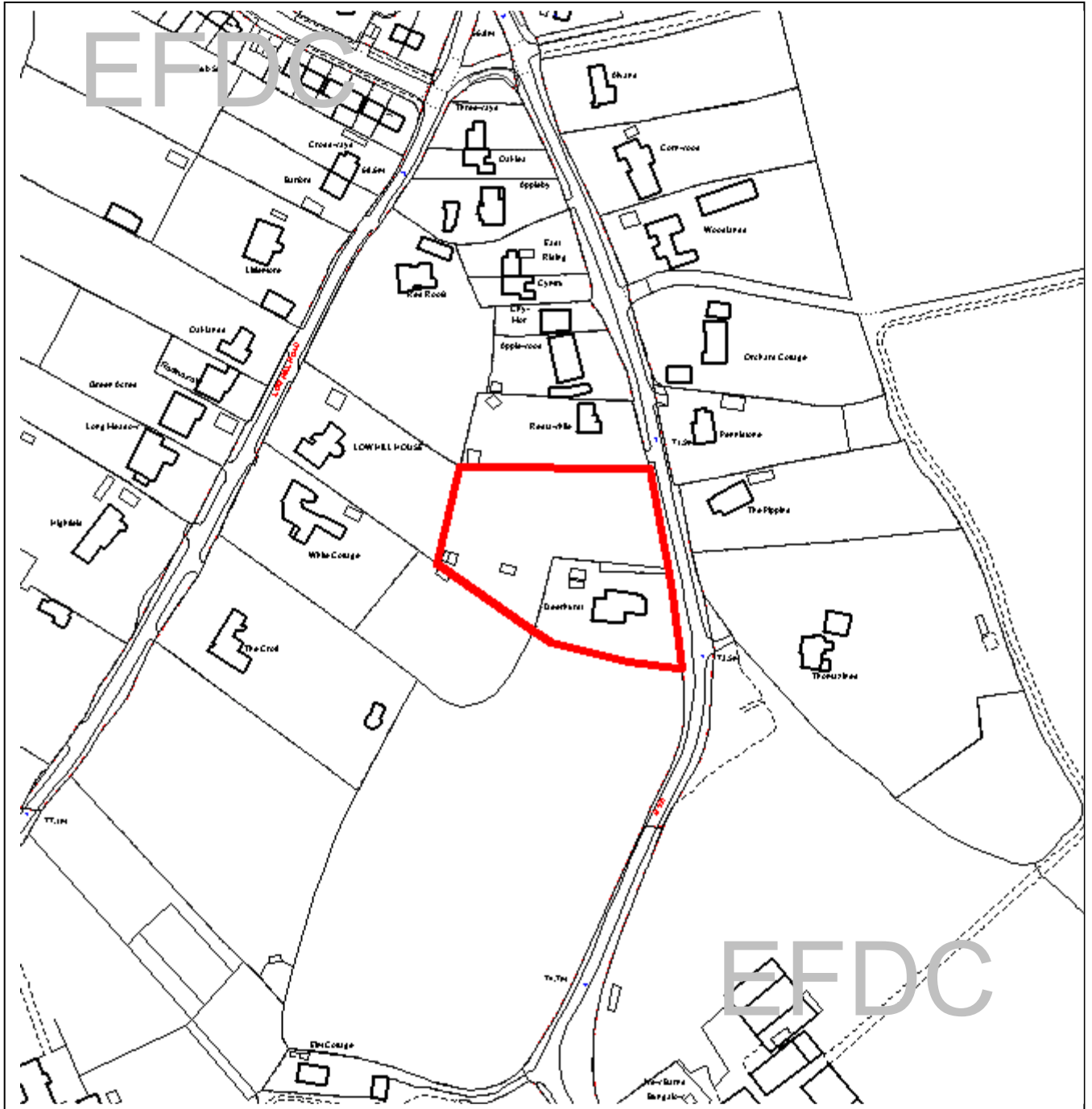
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/1893/13
Site Name:	Deerhurst, Epping Road Roydon, CM19 5DA
Scale of Plot:	1/2500



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1893/13
<b>SITE ADDRESS:</b>	Deerhurst Epping Road Roydon Essex CM19 5DA
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Stallan Developments Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 3 no. detached dwellings with associated garages and access following demolition of existing dwelling.
<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=553711](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553711)

**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: AM.431.01 Rev: A, AM.431.02 Rev: A, AM.431.03 Rev: A, AM.431.04 Rev: A, AM.431.05
- 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 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 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 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

9 Prior to occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres to the north and south as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and the area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

10 Prior to first occupation of the development, the proposed private drive shall be constructed to a minimum width of 5.5m and be surfaced in bound material for at least 6 metres from the back edge of the carriageway and provided with an appropriate dropped kerb crossing of the verge.

11 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. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

- 12 Prior to the occupation of the development, the existing vehicle access serving the site shall be permanently closed and retained as such thereafter.
- 13 Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.
- 14 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 15 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 Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 16 Prior to commencement of the development, the recommendation in the Phase 1 Habitat Survey shall be followed and further survey works shall be undertaken on building B1 and B6 (as indicated on the Phase 1 Habitat Map contained in Appendix I of the Phase 1 Habitat Survey). Should these surveys reveal the presence of bats then a detailed mitigation strategy shall be submitted to and agreed in writing by the Local Planning Authority. The agreed strategy shall thereafter be carried out and maintained.

*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 consists of a detached dwelling with a large garden area, most of which is currently undeveloped but has consent for a new house to be erected on it. The site is located on the western side of Epping Road on the southern edge of the village of Roydon. It is relatively level, mainly regular in shape and comprises of approximately 0.3 hectares. There is mature vegetation located along the boundaries of the site.

The site is located within an enclave of residential dwelling houses that vary in size, style and form. Although the site is situated just outside a conservation area, it is located within the Green Belt.

#### **Description of Proposal:**

Planning permission is sought to demolish the existing dwelling and to erect three new detached dwellings on the site. The proposed new dwellings would all be detached five bed houses with double garages and would each measure a maximum width of 13.6m and maximum depth of 16m with pitched roofs to a ridge height of 10.2m. The dwellings would be positioned in an arced layout with the proposed replacement property (Plot 3) facing north and siding onto Epping Road, with Plots 1 and 2 being more conventionally located facing the road. All three dwellings would be

served by a new vehicle access located to the north of the existing crossover, which would be closed up.

### **Relevant History:**

EPF/0331/85 - Single storey side and rear extensions – approved 12/04/85

EPF/1202/86 - Outline application for erection of dwelling house – refused 23/10/86

EPF/0795/13 - Erection of 1 No. detached dwelling and detached garage with formation of new residential access – approved/conditions 17/06/13

### **Policies Applied:**

CP1 - Achieving sustainable development objectives

CP2 - Protecting the quality of the rural and built environment

DBE1 - Design of new buildings

DBE2 - Effects to adjoining properties

DBE4 - Development within the Green Belt

DBE9 - Loss of amenity

GB2A - Development within the Green Belt

GB7A - Conspicuous development

LL7 - Planting, protection and care of trees

LL10 - Adequacy of provisions for landscape retention

LL11 - Landscape schemes

ST4 - Road safety

ST6 - Vehicle parking

NC4 - Protection of established habitat

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:**

7 neighbouring residents were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object on the grounds that the site is in Metropolitan Green Belt. The Parish Council does not consider the development of three houses as 'limited infilling' and approval could set a precedent for other sites in and at the edge of the village. If EFDC is minded to approve the application the Parish Council would like the following considered as approval conditions:-

- 1) The perimeter hedge retained/reinstated and carried across the 'old' drive.
- 2) The ditch, which forms part of the Epping Road drainage system, is not used to take run off water from the properties otherwise Epping Road will face further flooding issues.
- 3) That this approval does not set a precedent for other Metropolitan Green Belt sites.

### **Main Issues and Considerations:**

The main issues to be addressed are the impact on the Green Belt, the design and appearance, and with regards to the impact on neighbour's amenities.

#### **Green Belt:**

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to

safeguard the countryside from encroachment. The Framework explains that the construction of new buildings is inappropriate development within the Green Belt, apart from some exceptions. Paragraph 89 of the Framework explains what constitutes these exceptions, which include the following:

- *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *Limited infilling in villages; and*
- *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 purposes of including land within it than the existing development.*

Planning consent was granted in June 2013 for the erection of a new house within the side garden of Deerhurst as it was considered that this would constitute a 'limited infill' and therefore did not constitute inappropriate development in the Green Belt. This proposal would override the previous consent and would allow for two new dwellings to be erected within the side garden, as well as allowing a replacement dwelling. The definition of Previously Developed Land as laid out in Annex 2 of the NPPF is "*land which is or was occupied by a permanent structure, including the curtilage of the developed land*", although this description does contain the caveat of "*although it should not be assumed that the whole of the curtilage should be developed*".

Although the redevelopment of this site from one dwelling (existing) or two dwellings (approved) to three dwellings would clearly "*have a greater impact on the openness of the Green Belt*", the site is surrounded by residential dwelling houses on the edge of the village of Roydon and has already been accepted as an acceptable 'infill' plot. For this reason it is considered that the proposed redevelopment of the previously developed site would meet the above exceptions and therefore would not constitute inappropriate development in the Green Belt, nor would the proposal result in excessive harm to the openness of the Green Belt or conflict with the purposes of including land within it.

#### *Design and appearance:*

Policy DBE4 requires new buildings to respect the wider landscape setting of the site and be of a design that is in keeping with the local character in terms of traditional plan form and detailing. In terms of the design and appearance of the proposed dwellings, these would reflect the wider landscape setting of the surrounding area through the use of appropriate materials and would incorporate a traditional plain, form and detailing of a building found within a rural landscape.

Whilst all three dwellings would be identical in terms of their design and layout, they have been shown to differ in terms of colour/materials to provide some visual interest to the site. The size, scale and form of the dwellings are considered appropriate as they would be in keeping with the surrounding properties. In addition they have been appropriately sited allowing for suitable separation and each benefit from large plots/garden areas.

Although the replacement house (Plot 3) would be relocated so that it sides on to Epping Road, this is not uncommon within the surrounding locality and would not be detrimental to the street scene as this is the last property on the western side of Epping Road and therefore the arced layout successfully 'finishes off' this row of houses.

The size and layout of the residential curtilages is appropriate in that they would easily meet the required level of private amenity space for future occupiers.

Neighbouring amenities:

Due consideration has been given to the impact on the amenities enjoyed by adjoining residents in relation to loss of privacy, loss of light and visual blight.

Due to the distance that the proposed new dwelling houses would be set away from adjoining properties, and as there is substantial screening on the boundaries in the form of mature vegetation, there would not be excessive harm caused to the amenities of adjoining residents. The design and layout of the proposed new houses is such that there would be no loss of amenity to future occupants of any of the three new properties.

Other issues:

The proposed dwelling would be able to accommodate more than sufficient off street parking as required within the Essex County Council Vehicle Parking Standards. The three dwellings would all be served by a single shared access located where consent was previously given for a new access (under EPF/0795/13). As such, subject to conditions, no objection has been raised by the Essex County Council's highways officer.

The proposed development would result in the loss of a number of trees, however the majority of these are conifers and, due to the robust tree screen along the highway boundary, these offer little to the amenities of the wider landscape. Due to this, there is no objection to the removal of these trees. The boundary trees however are important and should be protected during construction works. As such, a condition requiring such protection should be imposed.

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve surface water runoff. As such, a flood risk assessment should be sought by way of a condition.

The recommendations contained within the submitted Phase 1 Habitat Survey produced by Arbtech should be followed, which can be dealt with and controlled by condition. It is also necessary for building B6, as shown on the Phase 1 Habitat Map contained in Appendix I of the Phase 1 Habitat Survey, to be surveyed due to the presence of heavy ivy coverage. Should surveys reveal the presence of bats then a detailed mitigation strategy would be required. This issue can however be dealt with by condition.

**Conclusion:**

The proposed redevelopment of this site would not constitute inappropriate development in the Green Belt, nor would it result in a harmful impact upon the Green Belt. It would not be detrimental to the amenities of adjoining property owners or the character and appearance of this semi-rural area and the street scene. It is therefore in accordance with the policies contained within the Local Plan and Alterations, which are consistent with the National Planning Policy Framework, 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***

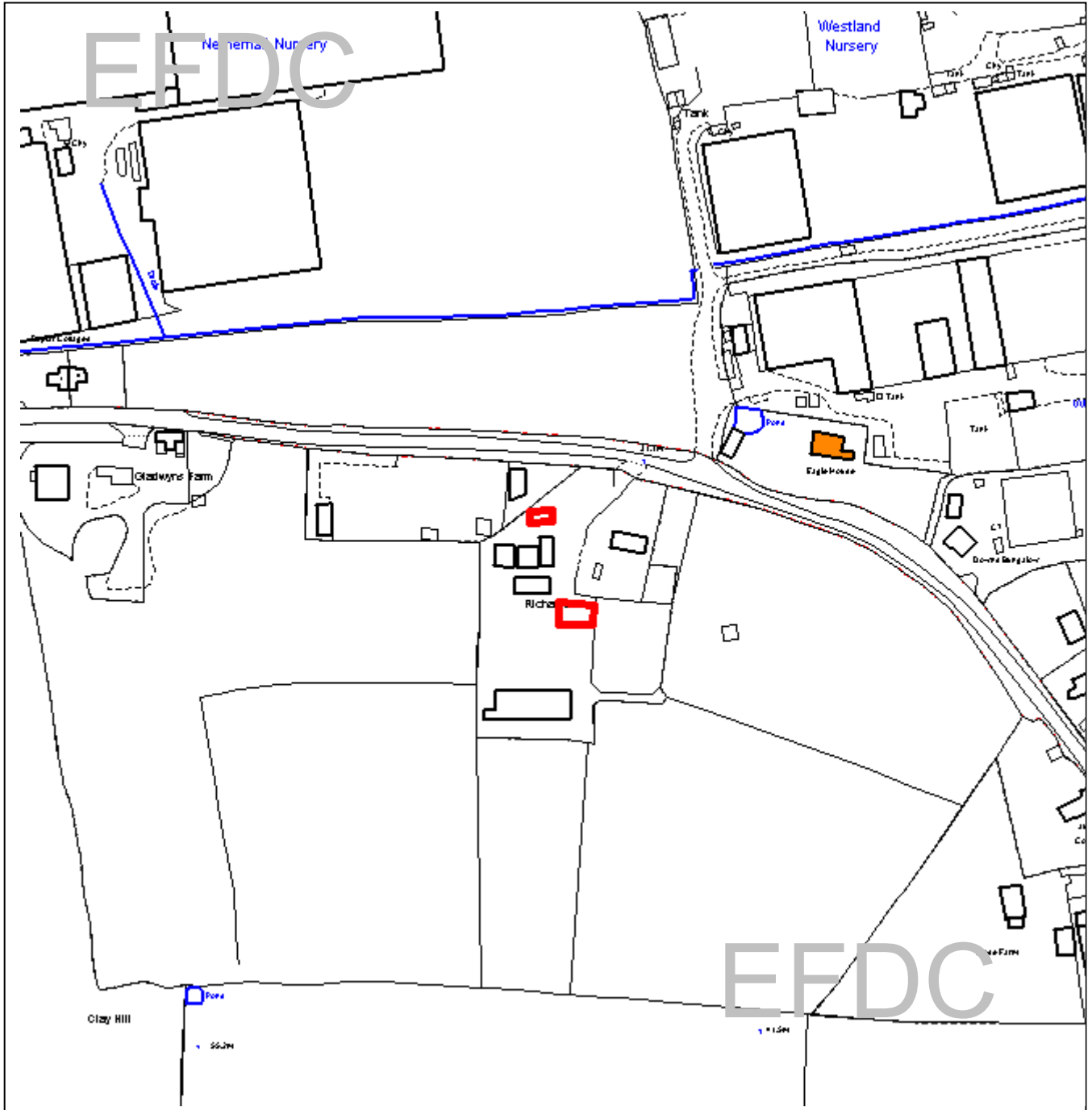
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/2502/13
Site Name:	Richards Farm, Hamlet Hill Roydon, CM19 5JZ
Scale of Plot:	1/2500



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2502/13
<b>SITE ADDRESS:</b>	Richards Farm Hamlet Hill Roydon Harlow Essex CM19 5JZ
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Mr John Draper
<b>DESCRIPTION OF PROPOSAL:</b>	Two additional gypsy mobile homes on site.
<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=557232](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557232)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawing no: B267
- 3 This consent shall inure solely for the benefit of John Draper and/or David Draper, and any resident dependants and for no other persons.

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

**Description of Site:**

The application site is a 4.5 hectare site located on the southern side of Hamlet Hill. The site currently contains one authorised permanent gypsy pitch for use by Mr John Draper and several stables and other horse keeping paraphernalia, including a hardstanding exercise area. The site is located within the Metropolitan Green Belt.

**Description of Proposal:**

Consent is being sought for the stationing of two additional mobile homes for permanent occupation on this established Gypsy & Traveller Site. The two mobile homes would be for occupation by the current occupant's sons and their wives.

### **Relevant History:**

EPF/0849/86 - Outline application for bungalow and stationing of mobile home for temporary period – refused 05/09/86 (enforcement notice quashed and temporary consent given for mobile home in 1987)

EPF/1374/88 - Use of land and buildings for livery purposes and horse breeding – refused 06/03/89 (appeal allowed 16/05/90)

EPF/0767/90 - Retention of mobile home for further period in connection with livery stables and horse- breeding – approved/conditions 06/08/90

EPF/0934/92 - Retention of mobile home – approved/conditions 23/11/92

EPF/1642/02 - Occupation of mobile home without compliance with condition 2 of EPF/934/92 (restricting occupation to John Bellman Draper) – refused 06/01/03

EPF/0461/09 - Use of land for stationing of 4 additional mobile homes for occupation by Gypsy Families (total of 5 on site) – withdrawn 07/01/13

### **Policies Applied:**

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

H10A – Gypsy caravan sites

LL2 – Inappropriate rural development

ST1 – Location of development

ST2 – Accessibility of development

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:**

4 neighbours were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object as this is Metropolitan Green Belt, there are no very special circumstances and as Roydon already has its fair share of the district's G&T sites.

### **Main Issues and Considerations:**

Policy H10A of the Local Plan states: *"In determining applications for Gypsy Caravan sites within the Green Belt the Council will have regard to (i) whether there are any very special circumstances which would justify an exception to the Green Belt policies of restraint, and (ii) The impact on the openness of the Green Belt and the character and appearance of the Countryside"*. In addition, the impact of the development in highway terms, the effect on the surrounding area, sustainability and the need for Gypsy sites in the District need to be taken into account.

### **Green Belt**

The site lies within the Metropolitan Green Belt and the proposal is deemed as inappropriate development, which by definition is harmful to the Green Belt. As such permission should only be given if there are very special circumstances that outweigh this harm.

The application site originally had a mobile home stationed on it in the late 1970's and early 1980's but only on a temporary basis, which expired. The current occupant, Mr Draper, acquired the site

in 1986 and obtained temporary planning permission for a mobile home on appeal in October 1987. The reason for the Planning Inspector granting consent was due to Mr Drapers gypsy status, his personal circumstances (including the fact that he had a young son with a serious medical condition), and as the site was proposed for horsekeeping use, which would have required a continuous presence to ensure viability. This temporary permission was renewed in 1990 and granted subsequent permanent consent in 1992, although all these consents have been subject to a personal condition relating to Mr Draper.

The existing home on this site previously catered for Mr Draper and his three children, who are now grown up. As such, the proposed two additional mobile homes are being sought to allow for Mr Drapers two sons John (35) and David (26), along with their wives. Mr Draper's children are referred to in all the previous applications and clearly have grown up on this site.

Along with the desire for his children to remain on the site (where it is stated that David has lived his entire life in the mobile home shared with his father), there is also a need for David's wife Savanna to remain on site as she is the main carer for Mr Drapers wife, who is in ill health, and her presence during the day allows for Mr Draper to continue to work.

Although the submitted personal circumstances are somewhat lacking in substance (for example no further justification has been provided as to John's need to live on site), this is an established site that has served Mr Draper and his family for over 25 years and would not spread or introduce new residential use to the site but would simply intensify the current use of the site. Furthermore, this would allow for the current occupants family to remain on the site and to continue the horse-keeping currently taking place.

Whilst a previous planning application in 2009 for four additional pitches was withdrawn, as it was heading for a refusal due to a lack of justification/very special circumstances, this was because it proposed four pitches but only specified that this was for Mr Draper's two sons. Subsequent to this withdrawal, a letter was sent to Mr Draper in 2012 querying whether there was still a need for additional pitches and, as a result of this letter, Mr Draper was invited to make an application for a more sensible number of pitches (i.e. two to serve the actual needs of his family). Given the clear family connection seen here, the long established use of the site by Mr Draper and his family, and the, albeit thinly argued, personal circumstances of the applicant, it is preferable to intensify this existing, established site than to add to the need to create additional sites elsewhere within the district, which would also involve the splitting up of the existing family using this site. As such, it is considered that there are sufficient very special circumstances in this instance to allow for the expansion of this established gypsy site.

### Highway Issues

The application site is served by an existing established access off of Hamlet Hill that caters for both the established gypsy pitch and the associated horsekeeping business, and at least four of the six proposed residents of the site already reside here (albeit in one mobile home rather than the proposed three). The access would remain unchanged and as such the proposed development would not detrimentally impact on highway safety.

### Impact on surrounding area

The existing site is predominantly laid to hardstanding and contains the existing mobile home along with several stable buildings, a large barn, and a horse exercise area. Given the relatively built up nature of the site, it is not considered that there would be any significant detrimental impact on the character and appearance of the area as a result of the proposed additional mobile homes.

### Sustainability

Whilst the existing site is not in a particularly sustainable location, the intensification of use of the established site would be more preferable than increasing the need to create additional sites elsewhere in the District (which are likely to be within the Green Belt). Furthermore, at least four of the six residents of the proposed and existing mobile homes already reside on the site, so there would be minimal increase in transport movements as a result of this development.

### The need for Gypsy sites in the District

It is accepted that there is a need for additional gypsy sites within the District and that these are likely to be within the Green Belt. As such, it is preferable that this existing established site be intensified as this would have no further encroachment into the Green Belt and would continue to serve the needs of the gypsy family currently residing on the site.

### **Conclusion:**

In light of the above, as the application site is a long established gypsy site and the proposed two additional mobile homes would serve the family of the current occupant, who have all grown up on this site, without any significant encroachment into the Green Belt, it is considered that there are sufficient very special circumstances that clearly outweigh the harm to the Green Belt. All other issues are considered acceptable and therefore the application complies with Government guidance 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***

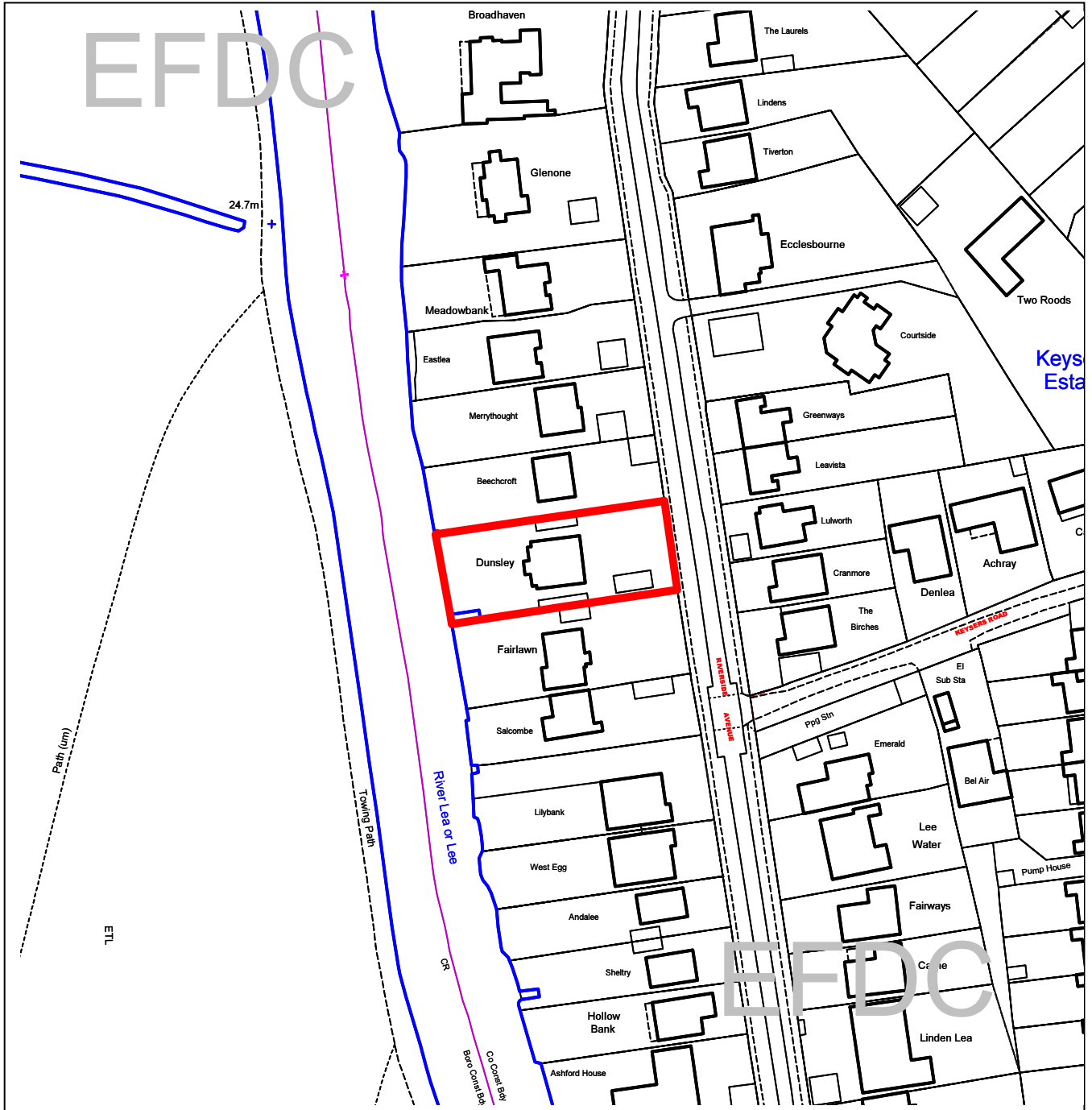
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 6



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Application Number:	EPF/2520/13
Site Name:	Dunsley, Riverside Avenue Nazeing, EN10 6RA
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2520/13
<b>SITE ADDRESS:</b>	Dunsley Riverside Avenue Nazeing Essex EN10 6RA
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Miss Scales
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing residential dwelling and erection of a replacement dwelling with associated garaging and access
<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=557336](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557336)

**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:
- 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 The proposed window opening in the flank elevations above ground floor level 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.
- 5 The proposed development shall follow the findings of the submitted Flood Risk Assessment by MTC Limited and dated September 2013 and the finished floor levels for the proposed development shall be set no lower than 300 millimetres above the 1 in 100 chance in any year including an allowance for climate change flood level
- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and maintained in working order throughout the course of the development. The equipment will be used to clean the wheels of vehicles leaving the site.

- 7 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 Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 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.
- 9 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 an 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.
- 10 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

*This application is before this Committee since it 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 contains a relatively small detached dwelling set back some distance from the roadway. The character of this part of Riverside Avenue is of dwellings set back from the road although most dwellings sit further forward on the plot. The house is single storey and concealed behind a high hedge which is close to the front boundary. There are examples of a number of redeveloped sites, including the southern neighbouring property, Fairlawn. The rear boundary abuts the River Lea and as such the site is within Environment Agency designated Floodzones. In terms of form and character the road contains a mix in styles.

### **Description of Proposal:**

The proposal is to demolish the existing dwelling on the site and replace it with a new two storey house and new garage. The main body of the house would have a footprint measuring 15.5m wide x 11.3m deep. The ridge level would be 8.4m high with an eaves level of 5.4m. The house would also have front and rear two storey projecting, glazed bays with gabled roofs. The house would be finished in facing brick and plain clay roof tiles.

Towards the front boundary of the site a garage would be constructed. This would be over two floors with a ridge level measuring 5.9m and an eaves level measuring 2.1m. The garage would have a floor area measuring 8.2m x 6.5m and a half hipped roof. A new access would be created onto Riverside Avenue.

### **Relevant History:**

No relevant history.

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP6 – Achieving Sustainable Urban Development Patterns  
CP7 – Urban Form and Quality  
DBE1 – Design of new buildings  
DBE2 – Effect on Neighbouring properties  
DBE3 – Design in Urban Areas  
DBE8 – Private Amenity Space  
DBE9 – Neighbour Amenity  
ST4 – Road Safety  
ST6 - Vehicle Parking  
LL11 – Landscaping Schemes  
U2A – Flood Risk Areas

### **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL: No Comment to make.

5 neighbours consulted: 3 replies received.

LULWORTH: Objection. There is currently a one storey bungalow on the plot and what is being proposed is a three storey house with a two storey garage on the frontage. We are extremely unhappy with the proposal as it is not in keeping with the current character of the plot and surrounding properties. The height of the proposed dwelling would cause us to lose an enormous amount of light and sun which we have enjoyed for the past 27 years and would also impact on our privacy as the design of our house would mean that the proposed property would be looking

into our bedrooms which would be invasive and intrusive. The proposed size of the garage is unnecessary and would be overpowering and unsightly in the context of this road. A garage is generally for cars etc. and not to contain a playroom/study which are normally incorporated in the home.

When the neighbouring property, Fairlawns, was built we received the planning application notification but when we looked on-line could not tell how tall and imposing this property would be, nor how large the garage would be and, again, how out of character it was with surrounding properties. We thought it would be of a similar height etc to the adjacent property. This property has already had an impact on our privacy and light, and had we known how this would affect us we would have submitted our comments to this effect. We bought our property over 27 years ago, when it was an avenue of the truest definition – instead of Riverside Avenue it is becoming Riverside Garages. The majority of the trees have now gone, including one in the garden of Dunsley that was approx. 90 years old, sadly taken down earlier this year – its crime being that the leaves dropped off onto the conservatory.

We have a high water table and all the building and resultant loss of trees and plant areas will only contribute to an increase in this as there will be nowhere for the water to go. We feel that the current level of water we experience in our garden when we have intense rainfall would only become higher should the proposed application be approved. The properties backing onto the River Lee do not experience the garden flooding that the properties on the other side of the road do.

SALCOMBE: Objection. The size of dwellings being erected on this road has totally changed the character of the area. Concern that the approval of another large dwelling will have land drainage and flooding implications for the area. Concern that approved schemes in the area are not proceeding in accordance with the agreed materials.

FAIRLAWN: Objection. The garage structure has windows at first floor level which will overlook our house and also the neighbours to the front. The front and rear elevation lacks any depth and feature. Concern that the boundary line submitted is incorrect. Concern that an oak tree was cut down prior to the planning application.

CRANMORE: Objection. Concern about the garage and the impact the first floor windows would have on our amenity. I also feel the size and position of the garage would deprive us of natural light. I'm also concerned the house is excessively large and lacks character.

### **Issues and Considerations**

The main issues with this proposal relate to design, amenity and the sites location in a Floodzone. The comments of consultees are another material consideration.

#### **Design and Appearance**

The proposed development would result in the removal of the existing dwelling and its replacement with a substantially bigger house. This in itself would not necessarily be a reason to withhold consent unless the building appeared out of character with existing development. In this regard a number of objectors have expressed concern that what is proposed is “featureless” and “out of character”. It is not considered that the proposed house necessarily lacks character. What is proposed to a certain degree is a matter of taste but the house has a defined character; that of a large dwelling filling most of the plot of which there are examples nearby. The central glazed features on the front and rear elevation break the length of the house and again to a certain degree is a matter of taste. However from an aesthetic viewpoint this dwelling, when judged as a stand alone property, raises no serious concerns.

Of course the dwelling would not be read in isolation as it would form part of the streetscape of Riverside Avenue. This is an area which is undergoing change and at one time was probably made up of dwellings like the one being replaced. However increasingly larger dwellings are being introduced to the streetscene and there are a number of examples nearby. Most of the large houses fill their plot although it is accepted that they are narrower plots. This dwelling follows the form of the neighbouring dwelling, Fairlawn, in terms of eaves and ridge height. It would have quite a dominant relationship in terms of bulk and scale with its immediate neighbour to the north, Beechcroft. However in an area in flux, as in this case, this is not an uncommon relationship. The house would be set some distance from the road and as such would not dominate the streetscene. Such local characteristics weigh in favour of the development.

The NPPF, on the subject of design, states that new buildings should “*respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging local innovation*”. The immediate area does not have a very strong identity and Members would have to assess whether they feel such a scheme would seriously offend the character of the area. It is Officers’ view that this is not the case. The area is in a state of change and the redevelopment of plots will follow a similar course to previous approved dwellings i.e. larger dwellings filling the width of the plot. In this regard however the proposed dwelling does retain a gap to each boundary as required by policy. Ultimately there is no distinctive style along this road to conform to. There is a mix of styles in terms of scale, form and design. The proposed dwelling would add to what is an eclectic mix of houses without seriously detracting from the character of the area. The existing dwelling makes little to no contribution to the streetscene, and although the proposed design of this dwelling is subjective, its impact could not be considered seriously detrimental.

The scheme includes plans for a large garage to the front of the plot. This is not a small structure but the applicants appear to have taken their lead on this from the neighbouring dwelling which has a garage of a similar style and size. In this regard it would be difficult to refuse consent for this garage. Surprisingly large garages are relatively commonplace along the road and what is proposed would not appear out of character. The garage would be set back some 9.0m from the edge of the road and that would reduce any role that it would play in the streetscene. The proposed design is relatively standard.

### Amenity

Although this is a large dwelling the actual footprint would not massively change and there would be no significant loss of light or overbearing impact from the perspective of adjacent neighbours. Side facing windows can be reasonably conditioned as obscure glazed.

The occupants of Fairlawn have raised concern about the windows at first floor level serving the garage. The concern is that the window facing towards this house would result in overlooking. This window would be set at an angle to Fairlawn and is not in a particularly elevated position. Furthermore the window is located above the stairwell providing access to the first floor. It is not considered there would be a serious impact on amenity.

Concern has also been expressed by the occupants of Cranmore, on the opposite side of the road that the garage will result in overlooking and loss of light to this property. Given the distances involved, and the fact that the buildings would be separated by the roadway, such an impact is not envisaged as being a likely outcome.

The objectors at Lulworth have raised concern that the proposed dwelling would cause them a loss of privacy and daylight/sunlight. Again, given the distances between front elevations, approximately 35.0m, and the separation provided by the roadway any impact would not be material. The proposed house is not significantly out of scale and any impact can be appreciated

by considering the height, scale and position of first floor windows on the adjacent neighbouring property, Fairlawn.

#### Land Drainage

The site is within EA designated Floodzones and some comments have drawn attention to the fact that the new house may impact negatively on land drainage in the area. A Flood Risk Assessment has been submitted by the applicant and in turn assessed by the EA. The conclusions drawn are that the scheme can proceed subject to a condition agreeing finished floor levels. The Council's Land Drainage section has no objection to the proposal.

#### Lea Valley Regional Park

The Regional Park has no objection to the scheme subject to a condition agreeing a landscaping scheme. This is a reasonable request and the application will be conditioned accordingly.

#### Other Matters

The objector at Fairlawn has raised the issue of whether the submitted boundary lines are correct. This is rightly qualified by stating this is not strictly a planning matter and the Local Planning Authority must accept the red line plan as submitted unless presented with clear evidence that it is in error and that there are members of the public with an interest in the land who have not been served notice. There is no evidence that this is the case here and the dispute about the indent of the southern boundary would have no bearing on the analysis of this scheme from a planning viewpoint.

It is also stated that trees have been removed from the site. No clear evidence of trees of amenity value being removed has been presented and there is no record of any preserved trees on site which enjoy special protection. The loss of any trees is regrettable but the site visit confirmed some trees still in place. Furthermore a planting condition can agree appropriate landscaping for the redeveloped site.

Owing to the size of this dwelling it is considered reasonable to remove permitted development rights for Class A and B which could result in a much larger structure which could lead to potential issues of amenity for neighbours.

#### **Conclusion:**

The proposed development is considered appropriate at this location. The comments and concerns of neighbours have been carefully considered and given due weight. However having regard to all material considerations it is considered this scheme is policy compliant and appropriate 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***

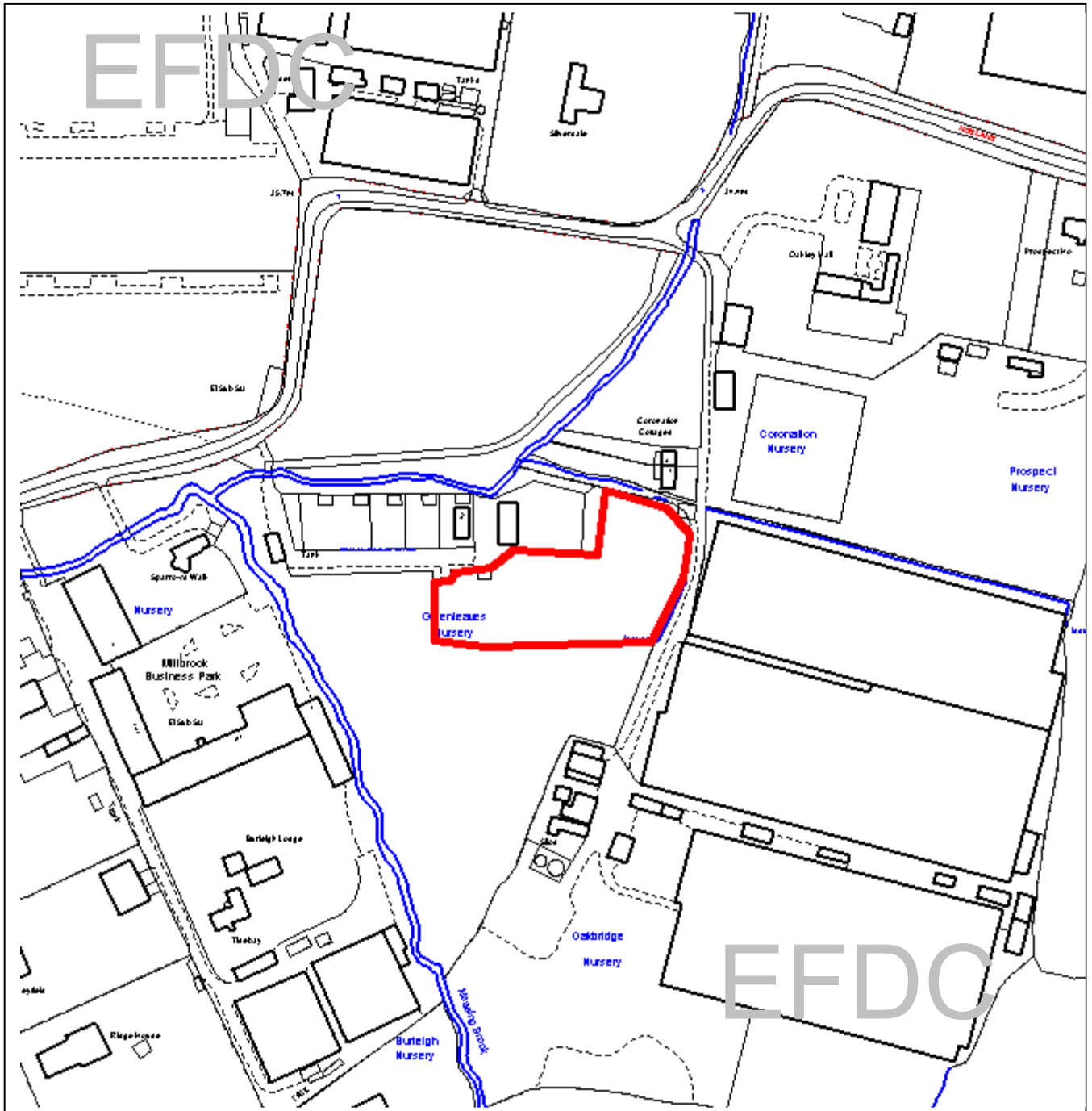
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 7



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Application Number:	EPF/2596/13
Site Name:	Greenleaves Caravan Park, Hoe Lane Nazeing, EN9 2RJ
Scale of Plot:	1/2500

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2596/13
<b>SITE ADDRESS:</b>	Greenleaves Caravan Park Hoe Lane Nazeing Essex EN9 2RJ
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr Tony Marshall
<b>DESCRIPTION OF PROPOSAL:</b>	Use of land for the stationing of caravans for residential purposes for 5 no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use.
<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=557696](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557696)

**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:08\_213A\_001, 08\_213A\_003, 08\_213A\_004 and 08\_213A\_005.
- 3 The additional pitches hereby approved shall be occupied only by the following named occupants and their dependents, and by no other persons:  
Plot 1 William Clayden, Jade Clayden  
Plot 2 Joseph Gaskin, Montanna Gaskin  
Plot 3 Charles Botton, Amber Botton  
Plot 4 Mary Marshall  
Plot 5 Robert Kennedy, Tawney Kennedy
- 4 The site shall be used for residential purposes only. No commercial, industrial or retail activity shall be carried out at the site, including the storage of goods, materials or other items (other than household/domestic effects relating to the specific pitch on which they are stored).
- 5 There shall be no more than 1 static caravan and 1 touring caravan stationed on each pitch at any one time (a total of 5 static caravans and 5 tourers on the site as a whole). No more than 2 vehicles shall be parked on each pitch at any one time.
- 6 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and

associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 7 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 in writing 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]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]



- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 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.

*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 red lined application site is an irregularly shaped area of land measuring approximately 90m x 40m and is currently used as a paddock. It is located immediately to the south east of the existing hard standing area of Greenleaves Mobile Home Park, which is located on the eastern side of Hoe Lane. The existing site has 10 plots and is accessed via a private access off Hoe Lane that crosses the Nazeing Brook. The site and the larger area of land within the applicant's ownership is well screened from the road and from adjacent residential properties by substantial hedgerows and lies between an established business park and horticultural development.

**Description of Development:**

Change of use of land to form an extension to existing mobile home park to allow for 5 family gypsy pitches. Each pitch would site 1 mobile home and 1 touring caravan together with an ancillary utility/day room building and hardstanding. The proposal would bring the total number of pitches on the site up to 15. The new plots would be accessed and serviced from the existing access driveway off Hoe Lane and the proposal includes a turning head and additional tree planting.

**Relevant History:**

The Greenleaves site has the following planning history:

In 1991 an Enforcement Notice was issued regarding the stationing of a mobile home on the land. An appeal against the notice was upheld and planning permission for the stationing of 6 mobile homes for named persons was granted in September 1992.

An application for the erection of a stable block and refurbishment of a barn was refused in June 1994.

An application for use of the site as a transit caravan site for 15 pitches was refused in January 1999.

An application for the erection of a toilet block, including showers and a recreation room was refused in January 1999.

The site was extended without planning permission and Enforcement Notices were issued in October 2001 in respect of change of use of the land and breach of various conditions as imposed by the appeal inspector when allowing the 6 units on the land in 1992.

Planning permission was granted in October 2003 for the 6 pitches that now exist on the land, each with one mobile home, one touring caravan and ancillary sheds, parking and access. This permission was personal to named gypsies and their dependants (under the age of majority) and included Mr Tony Marshall the current applicant.

In February 2008 permission was granted for 4 additional pitches at the site for use by named family members, all related to the owner of the site.

In August 2009 permission was refused by District Development Control Committee for 5 additional pitches as insufficient very special circumstances had been demonstrated.

In February 2010 permission was granted by District Development Control Committee for 5 additional pitches for specific named occupants. That application was identical to the current application and was not implemented, it lapsed in February 2013.

In November 2013 application for an additional 10 pitches was refused under delegated powers on the 4th November 2013 for the following reason.

The proposal constitutes inappropriate development that is, by definition, harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweigh this identified harm and, as such, the development is contrary to the guidance contained within the National Planning Policy Framework and policies GB2A, GB5, and H10A of the adopted Local Plan and Alterations.

The current application which reverts to the 5 pitches previously found acceptable was submitted following discussions with officers.

### **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
- DBE1 Design of new buildings
- DBE2 Detrimental effect on existing surrounding properties
- DBE4 Development within the Green Belt
- DBE6 Car parking in new development
- DBE8 Private amenity space
- DBE9 Loss of Amenity
- GB2A Development within the Green Belt
- GB5 Residential moorings and non-permanent dwellings
- GB7A Conspicuous Development
- LL1 Rural Landscapes
- LL2 Inappropriate rural development
- LL10 Protecting existing landscaping features

- ST4 Highway safety
- ST6 Vehicle parking
- H10A Gypsy caravan sites
- U2A Development in flood risk areas

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:**

31 neighbouring properties were notified and a Site Notice was erected, the following representations were received;

PARISH COUNCIL –after consideration Nazeing Parish Council object to the application on the following grounds:-

1. When the site was first formed it was occupied by the Jones family but over the course of time it has been taken over by the applicant and others. The effect of the proposal is an increase in the size of the site which will result in a large Traveller Site in the Green Belt.
2. Nazeing and Roydon accommodate some 90% of the Traveller Pitches in the Epping Forest District and any further increase is not acceptable.
3. Reference is made to the Government document published March 2012 titled " Planning policy for traveller sites". Policy B- paragraph 8 states "Local planning authorities should set pitch targets for gypsies....."  
Policy H - Paragraph 23 states " Local planning authorities should strictly limit new traveller site development in open countryside.  
Pursuant to these policies at a District seminar earlier this year it was stated and agreed by the delegates that large new traveller sites would not be tolerated and that generally five would be the maximum number of pitches which would be allowed.
4. The impact on the local infrastructure and services must be considered. Currently some 15% of children at the village school are from gypsy sites and many of them are transient. This puts a strain on the school itself and is unsettling for the other children

### **Issues and Considerations:**

This is an established Gypsy site with 10 authorised pitches. The proposal will extend the hard surfacing within the site and enable the provision of an additional 5 pitches for named Gypsies. A small utility/day room is proposed for each pitch.

The main issues relate to the principle of the development and its impact on the Green Belt, the character of the area, the amenities of neighbours, and highway safety.

#### **Principle of the development:**

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment

New development such as gypsy and traveller sites are regarded as inappropriate development within the Green Belt and it does not fall within any of the exceptions to this. Inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, Policy E of the Planning Policy for Traveller Sites document (2012) clearly states that:

- (i) Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.
- (ii) Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the plan-making process and not in response to a planning application. Policies GB2A and H10A of the Epping Forest Adopted Local Plan are broadly in accordance with these objectives. The above policies are considered to be relatively consistent with the National Planning Policy Framework and should therefore be afforded significant weight.

Policy GB2A outlines uses of land within the Green Belt deemed appropriate. The policy further states that planning permission will not be granted for the use of land or new buildings other than those classed appropriate within the indents of this policy.

Policy H10A of the Local Plan Alterations specifically relates to Gypsy and Traveller sites in the Green Belt. The policy states: "In determining applications for Gypsy Caravan sites within the Green Belt the Council will have regard to (i) whether there are any very special circumstances which would justify an exception to the Green Belt policies of restraint, and (ii) The impact on the openness of the Green Belt and the character and appearance of the Countryside".

The application site is currently a paddock and therefore falls under the category of 'agricultural land'. As such, this site does not constitute what is defined within the NPPF as previously developed (brownfield) land and the 'limited infilling' or 'partial redevelopment' of this site would not be an exception to inappropriate development. The applicant states within their supporting documentation that they accept that the use of the land for stationing of caravans is inappropriate development in the Green Belt and therefore 'very special circumstances' need to be demonstrated in order to outweigh the harm to the Green Belt.

The applicant considers that there would be minimal physical harm to the Green Belt as a result of this proposal and the main argument put forward for the inappropriate development is the general need for additional Gypsy pitches within the district and the lack of any five-year land supply. In view of this, the applicant has implied that the above should be viewed as material considerations before any personal circumstances become relevant as a significant material consideration in the application.

Whilst no 'five-year land supply' for additional pitches is currently demonstrable within the district, as required within the National Planning Policy Framework, the Local Planning Authority has been actively approving suitable sites to meet growing needs. The Council's development plan continues to deliver pitches to meet justified local need.

Notwithstanding the above, Paragraph 25 of PPTS document states that if a Local Planning Authority cannot demonstrate an up-to-date five year supply of deliverable sites, then this should be a significant material consideration in the assessment of any planning decision. However this only relates to planning applications for temporary planning permission. Given that the proposed application is for permanent permission and not temporary, officers consider that only a limited weight should be given in relation for the need to demonstrate a 'five year land supply'. Nevertheless, the issue on how much 'weight' should be given has been hotly debated between decision makers since March 2013. In July last year, Central Government through a Ministerial Statement has provided some clarity on how much consideration should be weighed up and is a material planning consideration in a recent statement as set out below:

"The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt." The Local Planning Authority would read this statement as clearly indicating that the 'five year land supply' of sites required by Policy H of the PPTS document should not override the requirement of Policy E that Gypsy and Traveller sites in the Green Belt, either temporary or permanent, and therefore constitutes as form of inappropriate development. At this time it is therefore not considered that the lack of a demonstrable five-year land supply for Gypsy and Traveller pitches is sufficient to outweigh the harm to the openness of the Green Belt from inappropriate development.

The current application has (unlike the application for 10 pitches, which was refused last year) named the proposed occupiers for these sites, and has given some details regarding their personal circumstances in support of the application. These potential occupiers are the same as those who were named on the unimplemented approval for this development from 2010 and their circumstances have changed little.

William Claydon and Jade Claydon:  
Mary Marshall:  
Robert Kennedy and Tawny Kennedy:  
Joseph Gaskin and Montanna Marshall:  
Charles Botten and Amber Marshall:

Given that the proposed occupiers have now been named, and the specific circumstances add weight to this application (particularly with regards to those registered with the local doctor and those that previously lived on existing pitches on Green Leaves), this adds weight to the application.

The fact that there is an identified need for additional sites to be found within the District and that at present the Council has not identified sites that could accommodate this need, is an important material consideration also adds weight to the application.

In addition the fact that the Council has previously granted consent on this site for an identical proposal, (which only lapsed last year) and previously accepted that the needs of the specific occupants and the need for sites outweighed the harm to the Green Belt, is clearly a material consideration. Although 4 years have elapsed since that approval the basic considerations remain the same.

The site is of adequate size to accommodate the proposed 5 additional plots and their siting and spacing can be controlled under the Caravan Site Licence. The suggested layout as shown on the submitted plans is appropriate and similar to the existing development.

Although the proposal will result in increased hard surfacing, small built day room facilities and an intensification of use, the site is well screened by existing hedgerows and will not be visually prominent in the Green Belt.

Neighbouring Amenities:

Due consideration has been given in respect to the amenities enjoyed by adjoining property occupiers. The site predominately lies in-between Millbrook Business Park and Oakbridge Nursery. Sparrows Walk and Burleigh Lodge which are residential premises abutting the western boundary of the site.

The proposed mobile homes would not result in overlooking or a loss of privacy to adjoining neighbours. In addition, the site is heavily screened by mature vegetation on the boundaries. As such, officers consider that the proposal would not lead to excessive harm to the amenities enjoyed by adjoining property occupiers.

Highway safety:

The access to the site off Hoe Lane is close to a bend in the road and has limited sight lines. Hoe Lane is narrow and very bendy, with no footways along most of its length and has a significant amount of large vehicles negotiating it. The addition of 5 further pitches to the established site will result in additional traffic movements and additional turning movements into and out of the site, including towed caravans on occasion.

The application was therefore referred to the Highway Authority who having considered the proposal raised no objection on the following basis:

“The site has an existing access which provides more than sufficient geometry for the use and Hoe Lane, at this location, has low traffic volumes and speeds. The accident data has been interrogated and there have been no reported accidents in the vicinity within the last 5 years. Consequently the proposal will not be detrimental to highway safety, efficiency or capacity at this location.”

Other issues:

Flood risk and Drainage

The site lies within an Epping Forest District Council flood risk assessment zone.

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is required.

The applicant has provided a flood risk assessment with the application; however, in order to approve a condition relating to a flood risk assessment further details are required. The proposal to dispose of surface water is unsuitable for a site of this size. The further details should include the pre and post development discharge rate from site as well as the proposed method of attenuation and flow control. The design should be clearly detailed in a drainage plan for the site and within the FRA. The applicant should note that the geology of the area is predominantly clay and infiltration drainage may not be suitable for the site.

However the Council's Land Drainage team are confident that any issues can be fully mitigated and is acceptable subject to the imposition of conditions.

Due to its use of a former use as a horticultural site, there is the potential for contaminants on the site. The application was referred to Council's contamination officer who has requested that appropriate contamination conditions be attached.

The Parish Council has raised a few issues which have not been covered above, these are the concentration of Gypsies in the Nazeing area, the impact on the local school and the preference for sites to be no larger than 5 plots. It is clear that there is a much greater concentration of Gypsies in this part of the District than elsewhere and that this does put a strain on local schools. In this instance the proposed occupants have currently just 4 children between them, only 1 of whom is of school age and it is not considered that the impact on the school would be so great as to warrant refusal of the application. With regard to the size of the site, at present there is no adopted policy which specifically restricts the size of sites, and whilst it is hoped that future policy and provision of sites will result in a more appropriate distribution of sites, at present in the absence of such policy or site provision we must treat each application on its own merits. We are

not aware of any specific issues having arisen from the existing site which is well maintained and run and no objections have been received from neighbours, it is not therefore considered that the increase of this site to 15 pitches will have a significantly harmful impact on the locality.

### **Conclusion**

In conclusion it is considered that whilst the earlier application for 10 additional pitches was recently refused due to lack of adequate justification for such an increase within this Green Belt Location, given the previous approval for 5 units, for the same named occupants, which is a material consideration and the proven need for additional Gypsy and Traveller pitches within the District, it is considered on balance to outweigh the relatively limited harm resulting from the development. The site is well located, relatively close to shops and services, and has only minimal impact on the character and amenity of the countryside as it is located between an established industrial estate and horticultural site and well screened from public view, has a suitable access and is not in an area liable to flood. It is an already established Gypsy site that has operated well for several years. As such it is considered that the application accords with Local Plan Policy and the NPPF and the application is recommended for approval subject to conditions.

Notwithstanding this recommendation, should permanent consent not be forthcoming temporary 3 year consent may be appropriate to help meet the identified need for sites until such time as the Gypsy and Travellers Development Plan provision has been finalised.

***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***

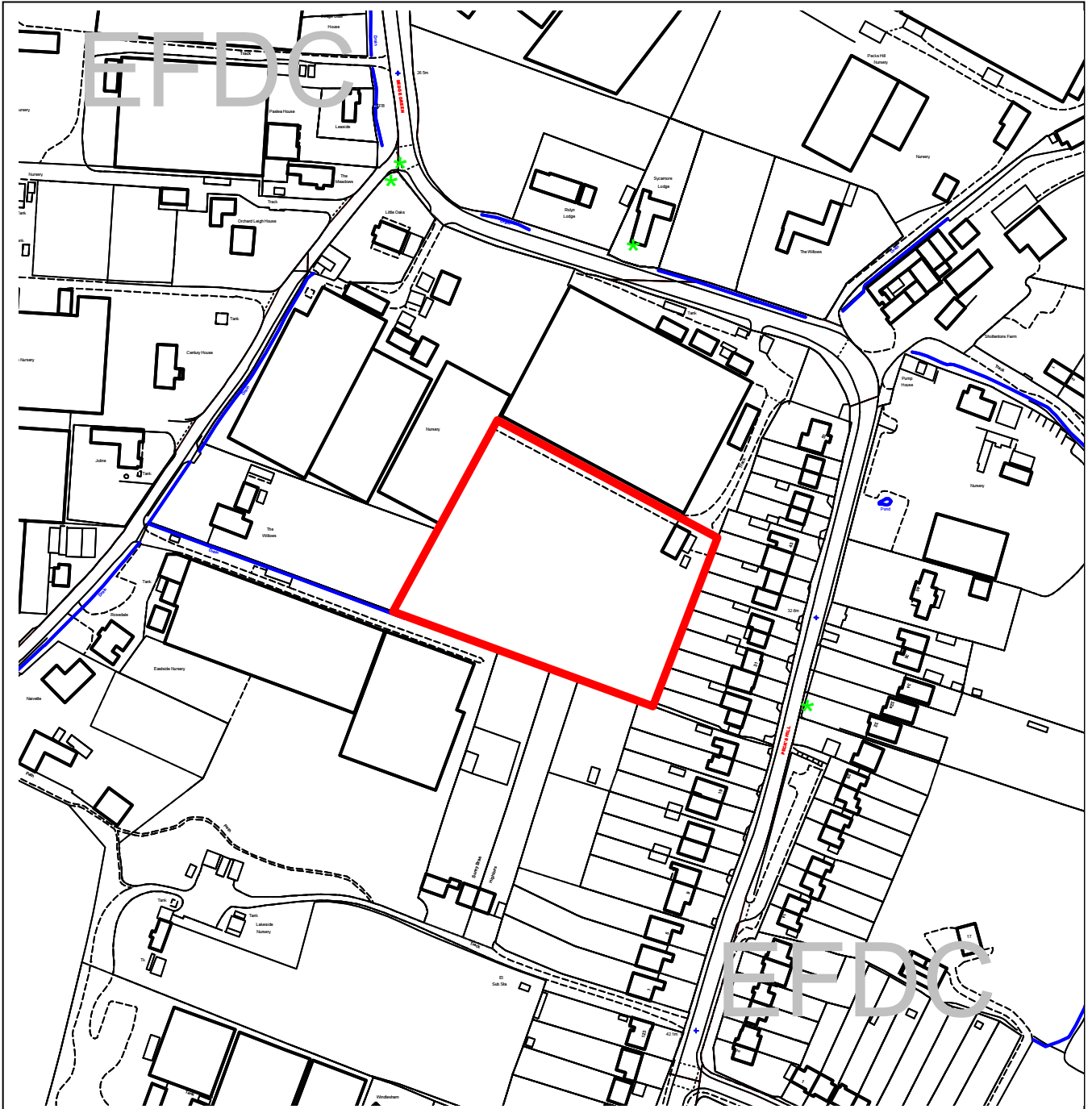
***Planning Application Case Officer: Jill Shingler  
Direct Line Number: 01992 564106***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 8



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Application Number:	EPF/2634/13
Site Name:	Chalkfield Nursery, Pecks Hill Nazeing, EN9 2NX
Scale of Plot:	1/2500



**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2634/13
<b>SITE ADDRESS:</b>	Chalkfield Nursery Pecks Hill Nazeing Waltham Abbey Essex EN9 2NX
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mrs Rosa Filocco
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of change of use from agricultural land to car storage and garage repairs/storage.
<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=557874](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557874)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and Site Plan both with title no: EX880418
- 2 The premises shall be used solely for car storage and repairs 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 09:00 to 17:00 on Monday to Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays.
- 4 Transporter Vehicles shall not exceed a maximum weight of 7.5 tonnes.
- 5 No car repairs shall be carried out outside of the building as referred to on the approved Site Plan with title number EX880418.
- 6 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 Class C of Part 8 of Schedule 2 to the Order shall be undertaken without the prior written permission of 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:**

Chalkfield Nursery is a large horticultural nursery located on the western side of Pecks Hill, located close to the bend where Pecks Hill becomes Sedge Green. The application site is the rear parcel of land located behind No's. 25-41 Pecks Hill and contains a 72 sq. m. single storey building. Access to the site is via the northern access through the nursery and is shared with other uses on this site. The entire Chalkfield Nursery site is located within a designated E13 glasshouse area, the Metropolitan Green Belt and the Lee Valley Regional Park.

**Description of Proposal:**

Retrospective consent is being sought for the change of use of the land from agricultural use to use as a car storage and garage repairs/storage. The garage repairs/storage takes place wholly within the existing building on site, with additional open car storage to the west of the building and staff/visitor parking to the east. Access to the site is via the existing vehicle access that previously served the lawful agricultural use.

**Relevant History:**

There are several agricultural related applications dating between 1948 and 1993, however none of these are directly relevant to this application.

**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  
RST24 – Design and location of development in the LVRP

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:**

16 neighbours were consulted and a Site Notice was displayed on 20/12/13.

PARISH COUNCIL – Object to the application on the following grounds:

1. This will be a misuse of designated E13 land.
2. The impact and loss of amenity to adjacent residential property through commercial activity at the site.
3. The unsuitability of access from Sedge Gate Road into Nursery Road.

LVRP – No objection subject to the imposition of the following conditions:

- (a) Remove permitted development rights for the provision of a hard surface (Part 8 Class C of the GPDO) so as to limit the scale of use that can operate from the site;
- (b) Restrict the permission to be personal to the applicant; and
- (c) Limit the life of the permission for 5 years.

**The following objection was received, however it is surmised that the objector may be confused with where the proposed application is. High Torrs was consulted as they immediately adjoin the application site to the south, however they simply share a rear boundary. Notwithstanding this the submitted objection states *“the site is apparently already being used for a car storage/salvage yard which has seen a substantial increase in the only access road (on which my house stands) to the site”*, however the access road serving the application site is approximately 170m to the north of this objectors house and is not shared with High Torrs. It is therefore likely that the objector is actually referring to Lakeside Nursery, which does share an access road with High Torrs and contains a lawful vehicle repairs use. This objector has been contacted with regards to this.**

HIGH TORRS, PECKS HILL – Object due to the impact on the access road, as this will provide no employment or benefit to the local community, and as this is not a suitable site for commercial use.

### **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, the LVRP and regarding highways and neighbour amenities.

#### **Green Belt Considerations:**

The existing site is part of an authorised agricultural site where there was previously a glasshouse, however this appears to have been removed some time ago. 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”* and paragraph 90 states that *“certain other forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”* and includes *“the re-use of buildings provided that the buildings are of permanent and substantial construction”*.

The proposed application is for the retention of the change of use, which has already occurred on site. As the building has already been converted for the proposed purposes, the building was clearly *“of permanent and substantial construction”* and was capable of conversion. The change of use of the building in itself would not have any further impact on the Green Belt than the former agricultural use and therefore this element does not constitute inappropriate development.

Along with the change of use of the building on site, it is also proposed to change the use of the surrounding land to car storage. Whilst such a change is not expressly permitted within the NPPF, it is nonetheless considered broadly in line with the above sections of the NPPF. 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 reversible and would not be detrimental to the long term designation of this area (particularly if a temporary consent is given similar to nearby approvals at Leaside Nursery – EPF/1819/12, Sedgeway Nursery – EPF/1312/13, and Bettina Nursery – EPF/2103/13). The recent application at Bettina Nursery, which was granted a temporary 5 year consent, is particularly relevant as it relates to a similar car storage use.

Another material consideration is that the application for the change of use would retain an employment base for 3 people and complies with the Government’s aim to encourage economic

growth. This should be given some weight in light of the NPPF's encouragement of economic development.

Due to the above, it is considered that the proposal would not constitute inappropriate development within the Green Belt and, given its location and level of permanence, 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 repairs/storage is not considered irreversible. As such, the site could easily be re-established for horticultural use if required at a later date. Furthermore, the application site is only part of the larger nursery site, which is still largely covered by operational glasshouses. Therefore it is not considered that this proposal undermines the E13 designation of the area.

Impact on the LVRP:

The Lee Valley Regional Park Authority has raised no objection to the proposed development, however they have suggested three conditions of consent. These consist of:

- (a) removal of permitted development rights regarding laying of hardstanding;
- (b) the consent being personal to the applicant; and
- (c) the consent being for a temporary 5 year period.

With regards to (a), it is considered that such a condition would sufficiently control the extent of the level of hardstanding on site and, through this, the scale of use of the site. Such a condition is therefore suggested.

With regards to (b), it is not considered that a personal restriction would be justified, as the assessment of the proposed use is simply as a car repairs/storage use rather than as any form of personal 'exceptional circumstances'. It is not considered that a similar car repairs/storage business run by another operator would have any further impact than that proposed here, and therefore no need for such a restriction.

With regards to (c), several of the recent surrounding changes of use of ex-horticultural sites have only been given temporary consent. This is to enable time for any nuisance/impact to be fully assessed and also protects against any long term loss of horticultural use on these E13 designated sites. There is some merit to imposing such a condition on this application if considered necessary.

Amenity considerations:

The application site is located to the rear of No's 25-41 Pecks Hill, which back on to the site. The site is largely overgrown and unused, with the existing car storage and parking being located at the northern end. The noisiest and most harmful aspect of the proposal is the car repairs, which is all carried out wholly within the building. A condition can be imposed to ensure that this situation remains in order to protect neighbours from noise nuisance.

The part of the site closest to neighbouring residents (between the rear boundaries of No's 39 & 41 and the building on site) is used for staff parking, which would not be any less harmful than the

lawful use of the site for agricultural purposes (and arguably would be less harmful than an intensely used horticultural site).

Highways:

The proposed change of use is served by the existing access that serves the wider Chalkfield Nursery site. The existing access would previously have served the entire horticultural site, and now serves both the application site (for the proposed purpose) and the remainder of this horticultural nursery. As such, it is considered that this established access is sufficient to accommodate the traffic generated from the proposed 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.

Other matters:

The Parish Council have objected in part due to “*the unsuitability of access from Sedge Gate Road into Nursery Road*”, however this junction is located in excess of 150m to the west of the shared access to the application site and does not appear to have any relation to this site. As such, it is unclear why the suitability of this junction is at all relevant to the proposal.

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, the LVRP, 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***

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