

AREA PLANS SUB-COMMITTEE 'WEST'

20 January 2016

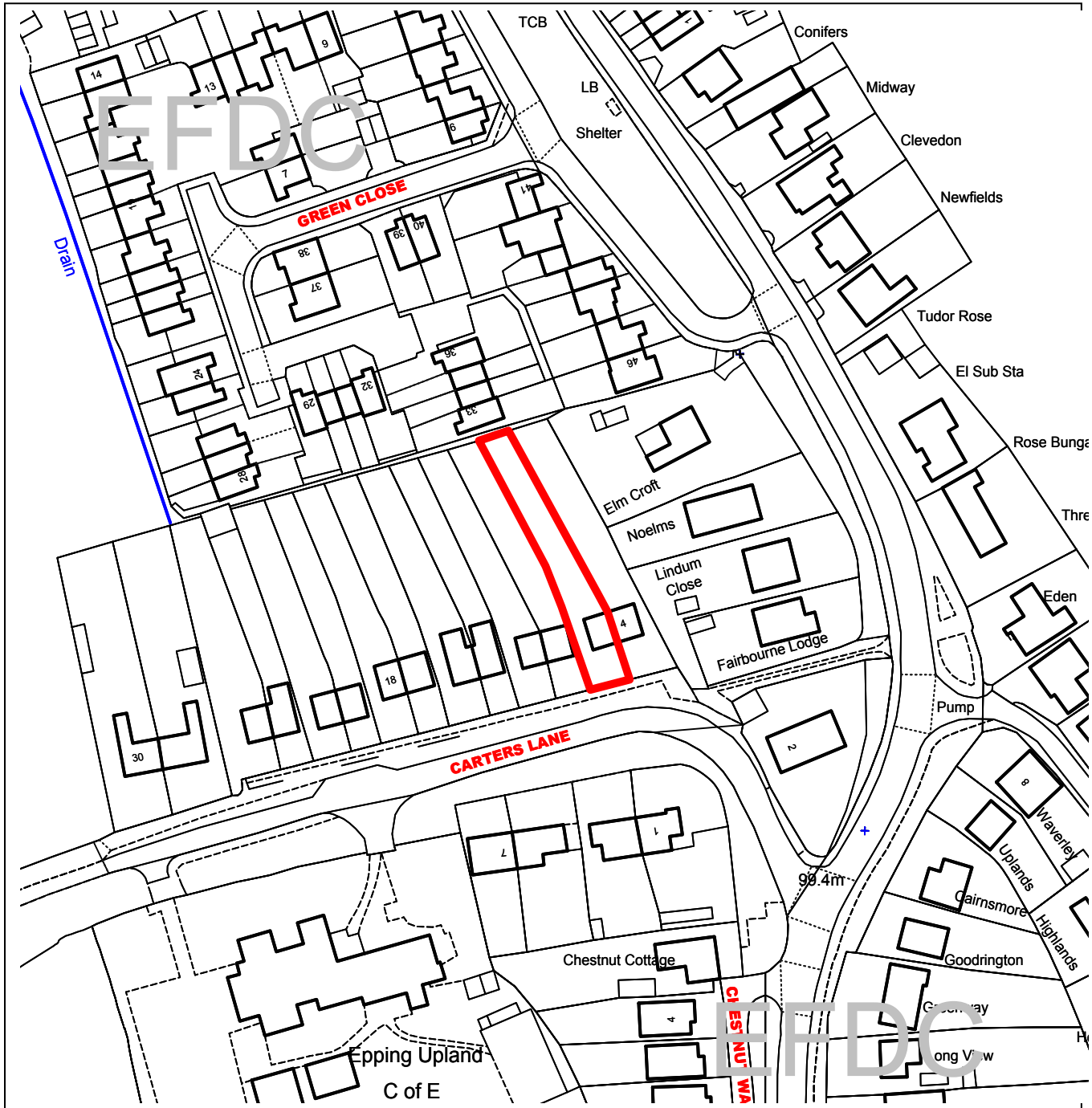
INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1593/15	6 Carters Lane Epping Green Epping Essex CM16 6QJ	Grant Permission (With Conditions)	26
2.	EPF/2133/15	3 Green Close Epping Green Epping Essex CM16 6PS	Grant Permission (With Conditions)	32
3.	EPF/2445/15	Red Roofs Low Hill Road Roydon Harlow Essex CM19 5JN	Grant Permission (Subject to Legal Agreement)	36
4.	EPF/2523/15	Emerald Riverside Avenue Nazeing Essex EN10 6RD	Grant Permission (With Conditions)	42
5.	EPF/2586/15	Di Rosa Garden Centre Tylers Road Roydon Harlow Essex CM19 5LJ	Grant Permission (With Conditions)	46
6.	EPF/2777/15	The Briars Old House Lane Roydon Harlow Essex CM19 5DN	Grant Permission (With Conditions)	54
7.	EPF/2809/15	Dallance Farm Breach Barns Lane Waltham Abbey Essex EN9 2AD	Refuse Permission	62



Epping Forest District Council

Agenda Item Number 1



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/1593/15
Site Name:	6 Carters Lane, Epping Green, Epping, CM16 6QJ
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/1593/15
SITE ADDRESS:	6 Carters Lane Epping Green Epping Essex CM16 6QJ
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mrs Sarah Duckett
DESCRIPTION OF PROPOSAL:	Proposed hip to gable roof extension, with rear dormer window, single storey side extension and single storey rear extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577436

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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

Description of site

Carters Lane is located within the small settlement of Epping Green. The existing building is a semi detached two storey dwelling situated within a long plot, which mirrors that of the adjacent neighbours. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is for a single storey front, side and rear extension, rear dormer window and a hip to gable roof extension.

Relevant History

EPF/2715/13 – single storey front and rear extension – Approved

EPF/2715/13 – Single storey front and rear extension (revised application) - Approved

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design of residential extensions

DBE2 – Effects to Adjoining Properties

DBE9 – Loss of Amenity

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

Consultation carried out and summary of representations received

5 Neighbours consulted –

Noelms – OBJECTION – The loft conversion is excessively large and would appear incongruous within the roof slope. The windows will cause significant overlooking and would alter the character of the street scene.

Epping Green Parish Council – OBJECTION - Excessive overdevelopment of the site. There is concern as to the size of the extensions in relation to the original footprint of the property. The development is inappropriate in the area.

Effect on street scene – front of extension would be out of keeping with the rest of the properties, would be asymmetrical with paired property and loss of front garden.

Loss of car parking – extension at front would take away existing off street parking. There are existing major parking issues in the road due to the proximity of the school.

Loss of light amenity to neighbouring property, no.4; effect of both front and rear extensions.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the living conditions of the neighbours, the design of the proposal in relation to the existing building and its setting and any parking issues.

Living conditions of neighbours

The proposed rear extension will be set on the shared boundary with no.4 and will project 6m from the existing rear elevation and will have a height of 3m. Although the boundary treatment between the two properties is relatively low, no.4 has a very long garden some 40m long and there is no regular neighbour located to the east. As a result the attractive open outlook to the rear that no.4

currently enjoys will not be compromised by the extension given its reasonable height and projection. Furthermore, weight must be given to the fact that planning permission has already been granted for a 4m deep single storey rear extension, to which this application will add a further 2m, which is not a substantial increase over what could already be erected.

The rear extension is set 1.2m from the shared boundary with the other adjacent neighbour and as a result will not cause any harm to their living conditions.

The side extension will be set against the side elevation of no.8 and will then project approximately 3m past its front elevation. Given that the extension is single storey and the net projection is not excessive, there will be no significant loss of light to the neighbour and it will not appear overbearing.

The front extension will project approximately 3m from the existing front elevation and will be set on the shared boundary with no.4. Its single storey height and reasonable projection will not cause any significant harm to their living conditions. The front extension has already been approved under reference EPF/2715/13 and therefore it does not require further assessment in this report.

The hip to gable roof extension will not cause any harm to neighbours as it is set against the side elevation of no.8.

Rear dormer windows are generally accepted forms of residential development. Indeed the majority of rear dormers are permitted development and as a result the Government views them as developments which do not cause excessive harm to the living conditions of neighbours. The application property has full permitted development rights and therefore a rear dormer window could be built without planning permission. Nevertheless planning permission has been sought and in this case it is set a significant distance from neighbouring dwellings and is orientated away from Lindum Close, Noelms and Elm Croft. Consequently it will cause no significant overlooking to any neighbours.

Design

The rear extension will not be visible from public areas of the street scene but is nevertheless conventionally designed and will therefore not cause any harm to its character or appearance.

The side and front extensions are conventional and would not appear overly prominent in the street scene. Furthermore front extensions are not uncommon along Carters Lane and as a result it will not appear discordant within the street scene.

The rear dormer window, although large will be on the rear elevation of the property and therefore will not cause any harm to the character or appearance of the street scene. The hip to gable roof extension is a common residential feature and will not cause any visual harm.

Parking considerations

The front extension will leave approximately 5m from the edge of the public carriageway for the parking of cars, which is sufficient space for off street parking and consequently there will be no harm to the existing parking arrangements.

Conclusion

The extension will not harm the living conditions of the neighbours and the design is acceptable. Therefore it is recommended that planning permission is granted.

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: James Rogers
Direct Line Telephone Number: 01992 564 371**

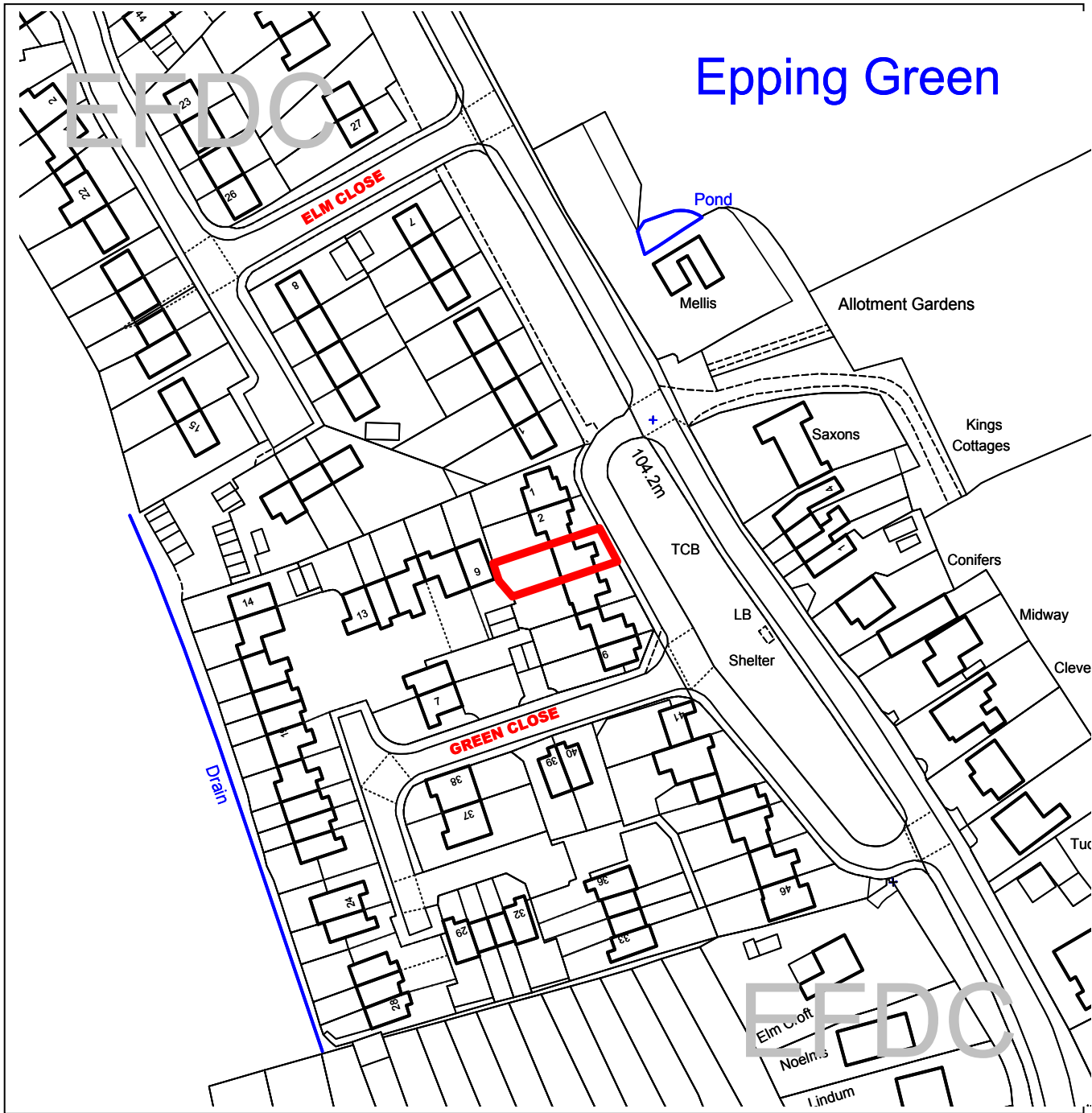
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

THIS PAGE IS INTENTIONALLY BLANK



Epping Forest District Council

Agenda Item Number 2



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2133/15
Site Name:	3 Green Close, Epping Green, Epping, CM16 6PS
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/2133/15
SITE ADDRESS:	3 Green Close Epping Green Epping Essex CM16 6PS
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mrs Emma Marchant
DESCRIPTION OF PROPOSAL:	To convert existing garage into a child's playroom
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578635

CONDITIONS

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

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

Description of site

The application site is located on Green Close within the settlement of Epping Green. The existing building is a two storey semi detached property situated within a relatively large plot. The building currently has a single storey attached garage to the north, however its size prevents it from being used for the parking of vehicles. Green Close has unrestricted parking and it is often relatively heavily parked, however the site does have some driveway parking on the front elevation. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area. Permitted development rights for conversion of the garage into a habitable room have been removed.

Description of proposal

The proposed development is to convert the garage into habitable accommodation.

Relevant history

No relevant history

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment
DBE10 – Design of residential extensions
DBE2 – Effects to Adjoining Properties
DBE9 – Loss of Amenity
ST6 – Vehicle Parking

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

Consultation carried out and summary of representations received

3 Neighbours consulted – NO COMMENTS RECEIVED

Epping Upland Parish Council – OBJECTION – Loss of garage reduces off road parking in an area where the Council already receives many complaints about parking issues, it appears to be just another room as the features shown on the plan are not consistent with a child's play room.

Issues and considerations

The development does not propose any material alterations to the external appearance of the dwelling (the garage door will remain in place) and as a result it will not harm the character or appearance of the street scene or the living conditions of the neighbours. Therefore the main issue to consider is whether the development will harm the existing parking situation.

Green Close is often parked relatively heavily, particularly during peak hours and there are no parking restrictions on the road. Whilst the loss of a garage used for the parking of cars would cause harm to this existing situation on Green Close, the size of the garage in question is too small for the parking of a car and is therefore not currently used as such by the current owners. Furthermore the driveway offers enough space for the parking of a car and there is a significant amount of unrestricted parking on the nearby Epping Road. Consequently the conversion of the garage into a habitable room will not cause significant harm to the existing parking situation.

Conclusion

The garage conversion will not cause any significant harm and therefore it is recommended that planning permission is granted.

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: James Rogers
Direct Line Telephone Number: 01992 564 371**

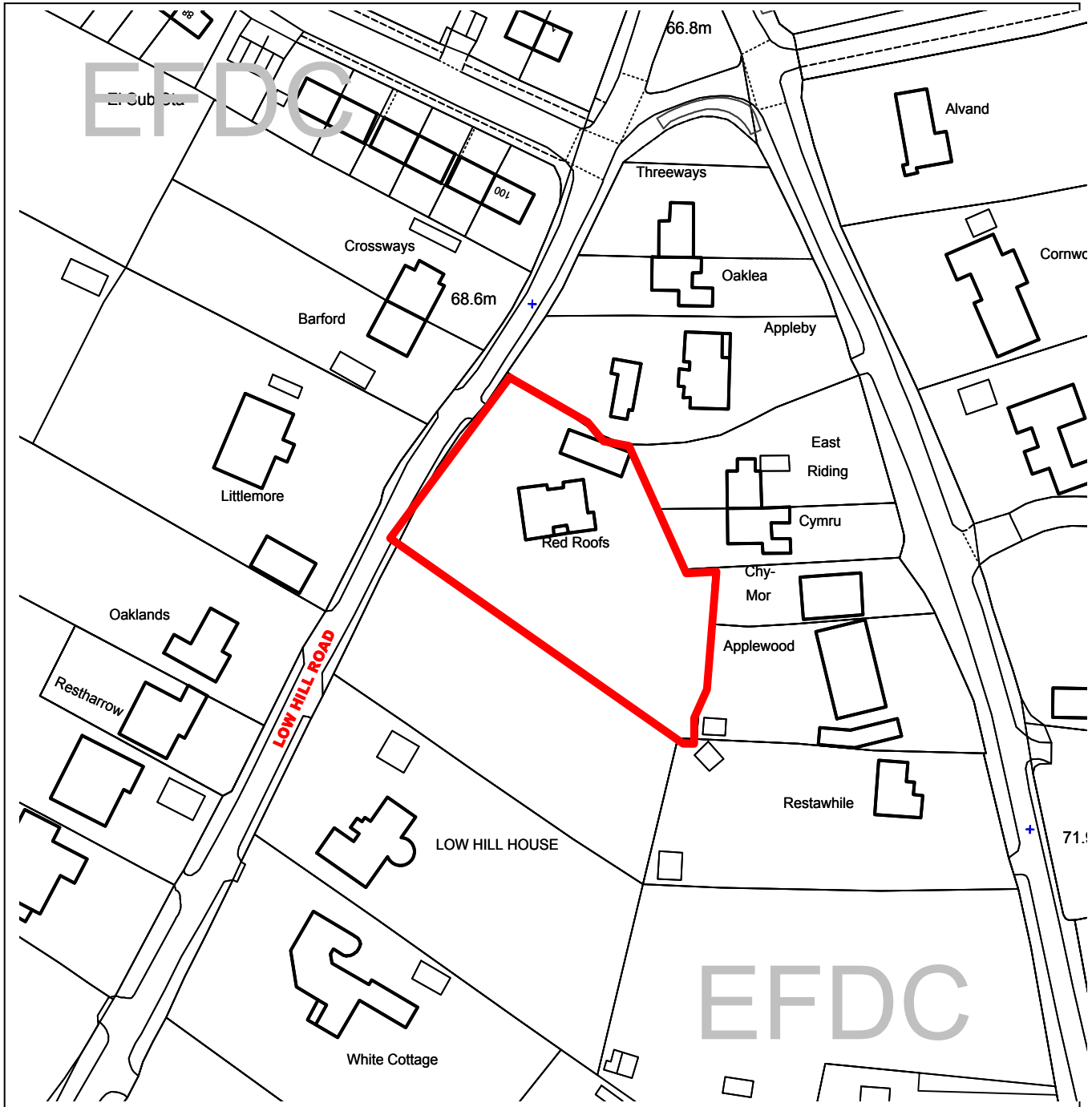
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

THIS PAGE IS INTENTIONALLY BLANK



Epping Forest District Council

Agenda Item Number 3



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2445/15
Site Name:	Red Roofs, Low Hill Road, Roydon, Harlow, CM19 5JN
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2445/15
SITE ADDRESS:	Red Roofs Low Hill Road Roydon Harlow Essex CM19 5JN
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr & Mrs Cioffi
DESCRIPTION OF PROPOSAL:	Erection of a new double garage with store room.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579396

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

And the completion by the 27th January 2016 (unless otherwise agreed in writing by the Local Planning Authority) of a legal agreement removing the right to implement the earlier planning permission (EPF/0957/14 - Erection of a new detached double garage and store room).

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

Red Roofs is located within a cluster of properties close to the junction of Low Hill Road and Epping Road. The property is a short walk from the village centre in Roydon. The site is occupied by a large detached dwelling and is served by an ancillary building adjacent to the dwelling. This benefits from consent to convert to a three bedroom residential annexe. The plot is extensive with the garden area to the south of the house having been sub divided as it benefitted from a consent for a new dwelling (EPF/2679/13). The site is within the Metropolitan Green Belt.

Description of Proposal:

The applicant seeks consent to construct a garage on the rear boundary of the property adjacent to the rear garden of a property on Epping Road (Chy-Mor). The building would have a footprint measuring 12.0m wide x 6.0m and an eaves level of 2.5m and a ridge level of 4.3m. Parking would be provided for two vehicles on the ground floor with an ancillary storage.

A section 106 agreement has been submitted with the proposal which would remove the permission for an extant garage permission (Council reference: EPF/0957/14 – see history below).

Relevant History:

EPO/0536/61 - Details of studio extension – approved 02/01/62
EPF/1228/09 - Erection of a detached house and formation of new vehicular access – approved/conditions 02/09/09
EPF/2247/09 - Erection of detached garage with storage/play room above – approved/conditions 18/01/10
EPF/0750/11 - Removal of a detached house and the erection of a replacement detached house and formation of a new vehicular access – approved/conditions 01/06/11
EPF/0255/13 - Erection of garage (revised application) – approved/conditions 02/04/13
EPF/1801/13 - Raising of roof to create additional bedroom and bathrooms – approved/conditions 28/10/13
EPF/2679/13 - Erection of detached dwelling (amended application to EPF/1228/09) – approved/conditions 11/02/14
EPF/0957/14 - Erection of a new detached double garage and store room. Grant Permission (With Conditions) – 20/06/14.
EPF/1354/14 - Alterations and conversion of existing barn to annexe accommodation. Grant Permission (With Conditions) – 28/08/14.
EPF/0793/15 - Erection of a new double garage with store room with a hipped roof including 3 no. dormer windows to the front - Refused

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
DBE2/9 – Effect on Neighbouring Properties/Loss of Amenity

DBE4 – Design in the Green Belt
GB2A – Green Belt Constraint
GB7A – Conspicuous Development
ST6 – Vehicle parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Consultation Carried Out and Summary of Representations received:

PARISH COUNCIL: OBJECTION – Overdevelopment in MGB and believe that permission already exists for a similar garage development.

14 neighbours consulted: 2 replies received from the same neighbouring occupier.

Chy-Mor: OBJECTION – Adverse impact on my residential amenity through loss of view; a structure the height and size proposed would have a great impact; Noise and disturbance as garage right at back of property; if approved would be easy to put in velux windows or dormers and convert upper part into living accommodation for the occupiers extended family; disagree with previous Case Officer's view that the proposal would be acceptable if other garage was removed; how will the fence be maintained; no notification that the other garage permission has been withdrawn; trees have been planted and concern about their future impact.

Issues and Considerations:

The main issues to consider relate to the sites setting within the Metropolitan Green Belt, character and appearance and living conditions.

Green Belt

Policy GB2A states that planning permission will not be granted for the use of land or the construction of new buildings in the Green Belt unless it is for the purposes of agriculture, horticulture, outdoor participatory sport and other uses that will preserve the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

As stated in the description, the property is served by a reasonably sized outbuilding which has permission to raise in height and be converted to annexe accommodation.

Furthermore the site benefits from an extant permission to construct a similar garage towards the front of the house. In Green Belt terms the Local Planning Authority (LPA) would have no issue with the extant garage being constructed at another location within the site. Whilst there are no specific policies addressing outbuildings, the Council tend to take the view that a double garage and store to serve a dwelling is a reasonable allowance.

However the LPA would not wish to see both garages erected due to the combined impact on the green belt so a previous application for a detached garage with accommodation in the roofspace was refused earlier this year.

At the time, Officers suggested that as a way forward the applicant could both reduce the height of the garage and enter into a Legal Agreement which prevents the construction of the extant garage, thus limiting overall impact to an acceptable level.

This application does just this. Although the garage would be 4.3m in height as opposed to approved garage height of 4m, this difference is not considered so material as to request a further reduction.

It is therefore considered that erecting this smaller building along with the removal of the permission for the already approved garage which can be dealt with by the signing of a S106 agreement, would not materially impact on the openness of the green belt.

Therefore the proposal would comply with policy GB2A of the adopted Local Plan and Alterations.

Character and Appearance

Policies CP2 and DBE10 seek to ensure that a new development is satisfactory located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area.

The overall design of the garage raises no significant issues and it would not appear out of place at such a location.

Therefore the proposal would comply with policies CP2, DBE4 and DBE10 of the adopted Local Plan and Alterations.

Living Conditions

Policies DBE2 and DBE9 seeks to ensure that an extension would not result in an excessive loss of amenity for neighbouring properties.

Concern has been expressed from the adjacent neighbour that the proposed garage would have an excessive impact on amenity. The garage would be tight on the boundary and 4.3m in height. Whilst the roof and upper brick courses of the garage would be visible from the rear garden area, it is not considered that there would be a serious impact on amenity. Although the rear garden area is not extensive, it is reasonably generous (circa 18-20m), and a roof pitching away from the boundary would not have an excessive impact. Whilst a gap to the boundary would undoubtedly reduce this buildings presence, when viewed from Chy-Mor, in its current location it is not excessively unneighbourly and there is no serious loss of outlook not would it appear materially overbearing.

In terms of noise and disturbance, the garage would serve two cars and is sited a sufficient distance from the neighbouring dwelling as not to excessively harm the living conditions of the objector.

In relation to the objectors concern that velux windows or dormer windows could be added and the building converted to residential space, this cannot be considered as part of this application. A material change of use to something other than a garage would require planning permission. Furthermore, a condition could be attached to any permission that restricts the use of the building for the purpose of parking of vehicles and ancillary storage.

With regards to the maintenance of the fence, this is not a material planning consideration. The objectors concern regarding the other structure has been considered above and the planting of leylandii trees does not form part of this application, however the Case Officer has passed on information regarding the High Hedges Act to the objector.

There would be some overshadowing of the garden area of Cymru, which is a relatively shallow garden, however this would not have an excessive impact on amenity which is what the policy guards against.

Therefore notwithstanding the objection from the neighbouring occupier, the proposal is considered acceptable in neighbouring amenity terms and is considered to comply with policies DBE2 and DBE9 of the Local Plan (1998) and Alterations (2006)

Highways

The proposed garage would provide secure off-street parking and has adequate space for several cars to park outside of the garage, and therefore this would have no impact on highway safety or the level of on-street parking.

Conclusion:

The proposed development, whilst constituting a detached outbuilding, meets with the general principal of appropriate development within the Green Belt (particularly when assessed as a 'limited extension' to the main dwellinghouse) given the submission of a legal agreement removing the permission to build the already approved garage. The design is appropriate and there would be no detrimental impact on the level of off-street parking provision or highway safety. Although a neighbour is concerned at the impact of the garage on her living conditions, it is not considered that the harm would be so excessive as to justify a refusal.

Therefore the application complies with 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:

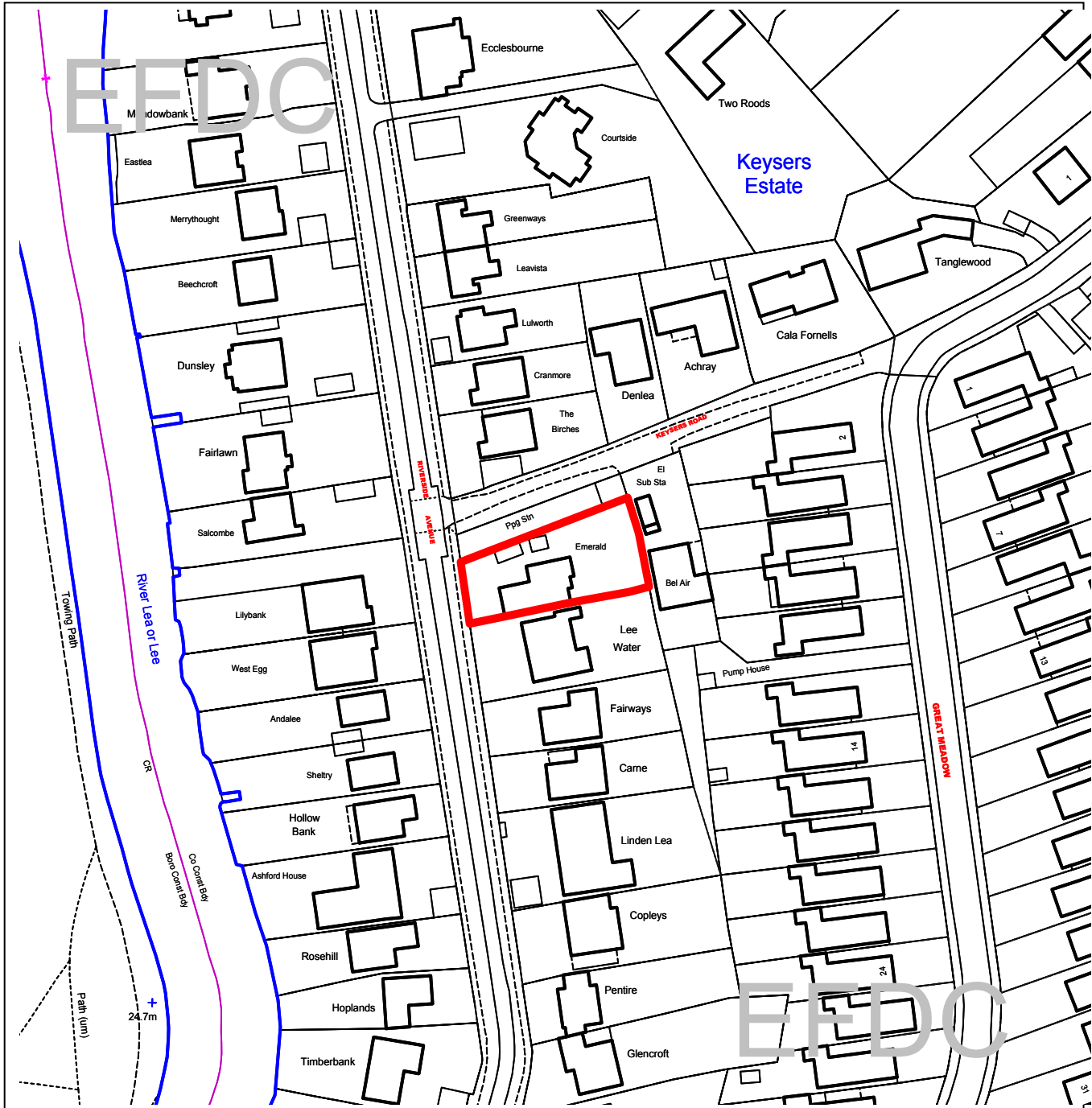
***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564337***

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



Epping Forest District Council

Agenda Item Number 4



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/2523/15
Site Name:	Emerald, Riverside Avenue, Nazeing, Essex, EN10 6RD
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2523/15
SITE ADDRESS:	Emerald Riverside Avenue Nazeing Essex EN10 6RD
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Philip Corbisiero
DESCRIPTION OF PROPOSAL:	Two storey rear and side extensions. New first floor level internal alterations
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579654

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 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.

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

Description of site

The application site is located on Riverside Avenue, within the built up area of Nazeing. The existing building is a single storey bungalow situated within a relatively large plot. The street scene has a mixture of different designs, some single storey bungalows, some chalet bungalows and some are two storey dwellings. The site is located within the boundaries of Flood Zone three as designated by the Environment Agency, the site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is to erect a first floor above the existing bungalow and to extend it to the front side and rear over two storeys.

Relevant History

EPF/1063/84 - First floor extension – Refused

EPF/0468/95 - Erection of detached garage. - Approved

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design

DBE9 – Impact on amenity

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

Consultation carried out and summary of representations received

5 Neighbours consulted –

Leewater – OBJECTION – The development will appear significantly overbearing and cause loss of light and privacy to private areas of our property. The development is a rebuild rather than an extension and could be done in a way which will not harm our living conditions.

Nazeing Parish Council – NO OBJECTION – providing that there is obscure glass on any windows facing the property to the rear.

Comments on representations

The Parish Council have not raised an objection on the basis that any rear windows are obscure glazed. The District Council Officers do not consider this a reasonable condition to impose and therefore an objection is recorded on behalf of Nazeing Parish Council.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the living conditions of the neighbours, the potential impact on the character and appearance of the locality and flood risk considerations.

Neighbouring living conditions

The rear elevation of the extended property will be located adjacent to the existing side elevation of Lee Water. The rear building line will not exceed the rear elevation of Lee Water and therefore will not be overtly visible from private areas of the dwelling house. Lee Water has a raised decking area consequently there will be no significant harm to their living conditions.

The two storey rear building line will leave approximately 15m from the shared boundary with Bel Air, located on Keyzers Road to the rear. The distance is sufficient to ensure that the development will not appear overbearing or cause a significant loss of light to residents of Bel Air.

The Parish Council have raised concern that the development will cause overlooking of the neighbouring property to the rear and as a result have requested that any window on the rear elevation is fitted with obscure glass. Whilst the new first floor windows on the rear elevation will increase the potential for overlooking Bel Air, due to the orientation of Emerald, views will mainly be over its existing side elevation rather than more private garden areas. Furthermore a gap of 15m is sufficient to ensure that any harm through overlooking will not be excessive. Therefore it is considered that it would not be reasonable to impose an obscure glazing condition.

Design

Riverside Avenue has a very varied character due to the plethora of different dwelling types along the road. The two adjacent properties, separated by Keyzers Road are two storey properties, the adjacent property on its other side is a chalet bungalow and opposite the site are a number of single storey bungalows. Consequently the erection of a two storey dwelling on this site will not appear overly prominent within the street scene or cause any harm to its character or appearance. In terms of its detailed design, the property will have a conventional albeit relatively modern design which respects the character of the street scene.

Flood Risk

The site is located within the boundaries of Flood Zone three and is therefore within the highest risk of flooding as designated by the Environment Agency. New development is usually targeted away from Flood Zones two and three, however standing advice from the Environment Agency states that:

‘Consultation with the Environment Agency is not required for minor development’

The Environment Agency helpfully defines what is meant by ‘minor development’ within this context, stating that it is for example:

‘Sheds, garages, games rooms etc. within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling eg subdivision of houses into flats’.

Therefore residential extensions are included in what falls within ‘minor development’ and therefore consultation with the Environment Agency is not required and by implication the development is acceptable in flood risk terms. This view is shared by the Land Drainage and Water Team of the Council.

Conclusion

The development is not contrary to any adopted Local or National policy and therefore it 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:

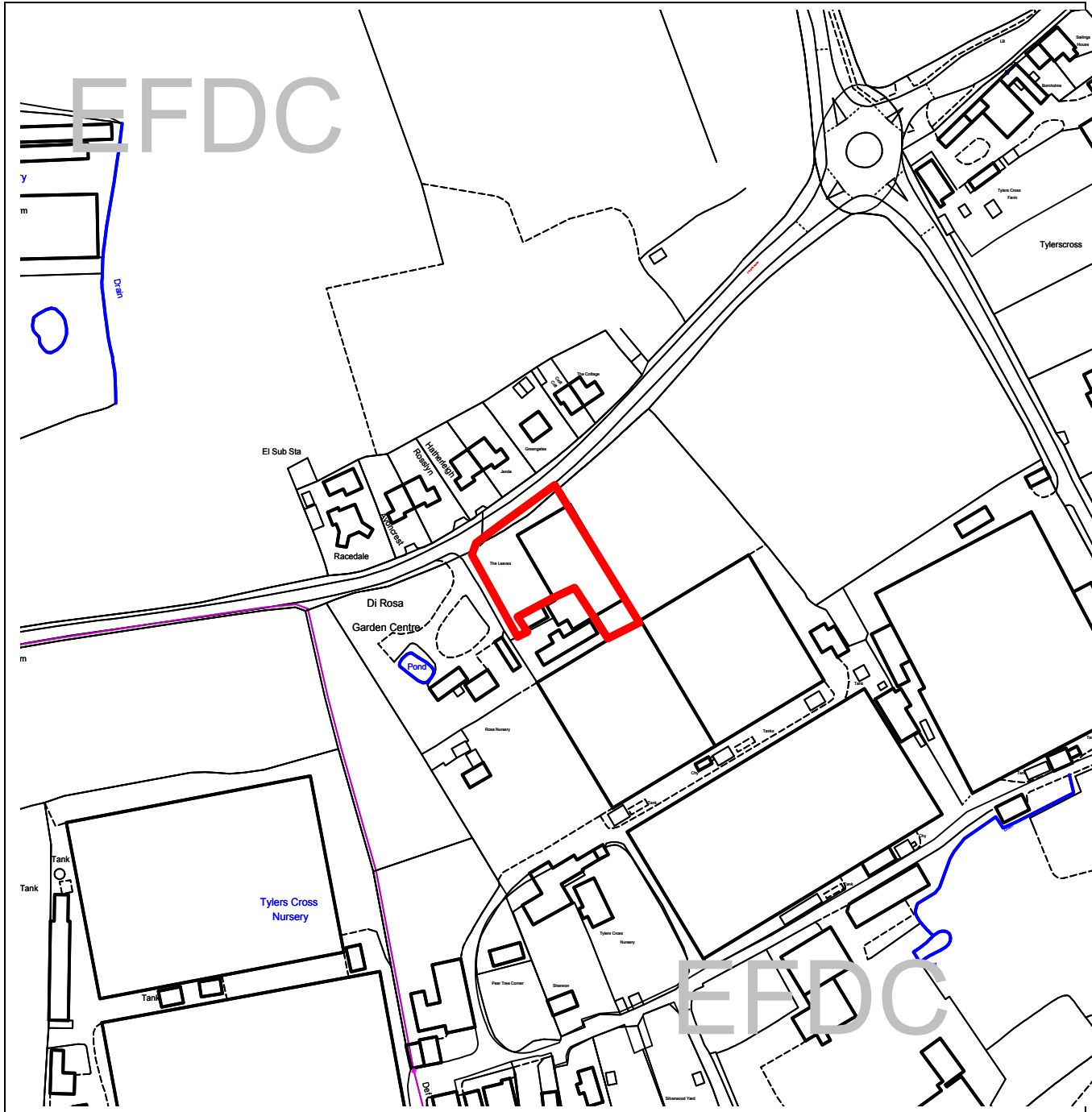
**Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371**

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



Epping Forest District Council

Agenda Item Number 5



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/2586/15
Site Name:	Di Rosa Garden Centre, Tyers Road, Roydon, CM19 5LJ
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/2586/15
SITE ADDRESS:	Di Rosa Garden Centre Tylers Road Roydon Harlow Essex CM19 5LJ
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Joe Urso
DESCRIPTION OF PROPOSAL:	Demolition of part of existing glasshouses, erection of building for storage of ice cream vans and re-use of retained glasshouses for ancillary parking.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579855

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: 3560/1, 3560/2, 3560/3, 3560/4, 3560/5
- 3 Materials to be used for the external finishes of the proposed development shall match those stated within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The use hereby permitted shall not be operated outside the hours of 10:00 to 20:30 on Monday to Sundays and Bank Holidays.
- 5 There shall be no repair works or machined cleaning of the fleet of vehicles or the charging of any refrigeration units outside of the new building hereby approved without the prior written consent of the Local Planning Authority.
- 6 The rating level of noise emitted from the site shall not exceed 5dB(A) above the prevailing background noise level when measured from the edge of the closest residential property.

- 7 Prior to the commencement of the use of the site details of the proposed new hedge planting, as shown on Drawing No. 3560/3, shall be submitted to and approved in writing by the Local Planning Authority. The hedge shall be planted prior to commencement of the use of the site, unless otherwise agreed in writing by the Local Planning Authority. If the hedge dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by new planting of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Proposal:

Consent is being sought to redevelop the site as a transport yard. This would involve the demolition of part of the existing glasshouses and its replacement with a new storage building to store ice cream vans. The remaining glasshouses would be retained for ancillary parking purposes.

Description of Site:

The site is located within the Metropolitan Green Belt as part of a ribbon of development on Tyler's Road. The site contains a parking area to the front and large green house building. There is a storage building towards the rear of the site and a now lawful residential dwelling with associated curtilage beyond this.

Relevant History:

EPF/0416/12 – Retrospective change of use from nursery to garden centre – approved/conditions 20/04/12

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
GB8A – Change of use or adaptation of buildings
DBE9 – Loss of amenity
ST4 – Road safety
ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

11 neighbouring properties were consulted and a Site Notice was displayed on 20/11/15.

PARISH COUNCIL – Object. There is a considerable lack of detail to this application. There is no detail relating to the times of operation and vehicle movements and the building height seems far in excess of what is needed for ice-cream vans and would be particularly overbearing. What is the ancillary parking to be used for? And there are concerns not only about road access but also the possible noise from refrigerated units, particularly overnight, being used to maintain frozen products.

THE COTTAGE, TYLERS ROAD – Object as this is a further infringement of the Green Belt, the cumulative impact on the area from this (and other) developments, due to traffic/highway safety concerns, and due to possible noise nuisance.

HATHERLEIGH, TYLERS ROAD – Queries the number of vehicles proposed and impact on traffic, the number of employees listed, the operating hours and possible noise impact. Also has concerns regarding drainage and the proposed hedgerow.

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, the location of the site, the overall design, and the impact on neighbouring residents.

Green Belt:

The application site is located within the Green Belt and whilst it appears that the site is largely underused and vacant retrospective planning consent was granted in 2012 for the change of use of the horticultural site to a garden centre. As such the current lawful use of this site is as a garden centre, which technically falls within use class A1.

The proposed development involves both the replacement of part of the existing greenhouses with a new building and the change of use of the remaining glasshouses. Paragraph 89 of the National Planning Policy Framework states that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*”, with a list of exceptions to this. This list includes:

Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The National Planning Policy Framework also states that “*the re-use of buildings provided that the buildings are of permanent and substantial construction*” is not considered to be inappropriate provided they “*preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*”.

Given its lawful use as a garden centre this site constitutes previously developed land. This has been proven within the judgement in R. (on the application of Lee Valley Regional Park Authority) v Broxbourne BC [2015] EWHC 185 (Admin) which found that former agricultural buildings, including glasshouses, which now have a lawful use for a non-agricultural purpose, should be treated as previously developed land.

The volume of the existing glasshouses to be demolished are approximately 1,160m³ and the volume of the proposed replacement building is 984m³. Likewise the footprint of the existing building to be demolished is 426m² whereby that of the proposed building is 264m². Whilst the proposed new building would be approximately 1m higher than the existing glasshouses and more solid in appearance the reduction of 176m³ in volume and 162m² in footprint nonetheless ensures that the proposed development would have a lesser impact on openness than the existing buildings on site. In addition to this, due to the location of the site on the edge of the wider Tylers Cross Nursery site, whereby much additional built development and commercial and residential (gypsy) uses have been permitted, the proposed development would be viewed within the context of this site, which would further reduce its impact on the openness of the Green Belt.

The change of use of the retained glasshouses for ancillary parking for the van drivers cars whilst out during the day would not conflict with the purposes of including land within the Green Belt and therefore would also not constitute inappropriate development.

Location:

The application site is not located within a particularly sustainable location as it is not well served by sustainable transport methods or close to local facilities. Nonetheless the existing lawful use of the site is as a garden centre, which could result in far greater levels of transport movements than the proposed small scale transport yard use.

It is stated by the applicant that the majority of his van drivers live in Harlow and therefore they have the option of coming to the site by bus, cycle or on foot, however there can be no guarantee that the employees will remain close to the site. Furthermore, due to the lack of footways and infrequent nature of the local bus services it is doubtful that many, if any, of the current employees would travel to and from the site by sustainable transport methods.

Notwithstanding the above, paragraph 28 of the NPPF states that "*planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; [and]*
- *promote the development and diversification of agricultural and other land-based rural businesses...*"

This rural economic development argument has been used and agreed in various nearby developments including the following:

- EPF/0108/13 – Tylers Cross Nursery: Change of use of land surrounding glasshouse from agricultural to sui generis use as a scaffold and paving storage yard.
- EPF/0109/13 – Tylers Cross Nursery: Change of use of existing agricultural and glasshouse store and workshops to B2 use.
- EPF/2416/14 – Bumbles Auto Care, Bumbles Green: Extension of existing workshop building and erection of a new workshop.

The proposed use of the site would be as a base to store ice cream vans. The applicant proposes to keep his fleet of 12 vans at the site. The traffic generated by the site would consist of the drivers arriving by car and leaving in their vans around 10.30-11.00am each day, and returning in the van and driving home in the evening between 6.30 and 8.30pm. For the remainder of the day there would be little or no traffic.

It is stated that between the clocks going forward in March and back in October the vans are out most days. Between mid-February and March and between mid-October and November the vans are only out at weekends. The vans do not operate at all for about 3 months over the winter, when virtually no traffic movements would take place.

When compared to the lawful retail garden centre use on the site, which would be open to visiting members of the public and had the potential for regular vehicle movements throughout the day and throughout the year, the proposed development would result in considerably less traffic movements than the existing lawful use of the site could generate. Due to this there has been no objection received from Essex County Council Highways with regards to either the sustainable location of the site or highway traffic/safety concerns.

Design:

The proposed new building would be steel-framed with a shallow pitched roof of about 4.5m to the ridge. The walls and roof would be clad with olive green, plastisol coated profiled steel sheeting. There would be a single roller shutter door in the side elevation with personnel doors in the side and rear elevation. The new building would appear somewhat utilitarian however would be wholly in keeping and appropriate to this site and the wider Tylers Cross Nursery area.

New landscaping is proposed along the site frontage to help screen and soften the impact of the development. Whilst no details have been received regarding the landscaping this can be dealt with by condition.

Amenity considerations:

The application site is located directly adjacent to the now lawful dwelling known as The Leaves. Whilst the applicant states that he "*intends to buy the adjoining dwelling at 'The Leaves' for him and his family to live in*" this dwelling is not currently owned by the applicant and therefore the amenities of the residents of this site must be taken into account. There are further residential properties to the north and west of the site.

Concern has been raised with regards to potential noise nuisance, primarily as a result of refrigeration units running overnight, however traffic movements, operating hours and any other ancillary activities are also material considerations.

The intention is that the fleet of ice cream vans would be stored within the proposed new building overnight. This would provide security as well as reducing any potential noise and visual impact as a result of storing the vans on the site. It is understood that not all ice cream vans have refrigeration units that require charging overnight, however some do. It is not known whether the applicant's current fleet require charging. Nonetheless any such charging would be undertaken within the proposed new building, which would ensure that any noise nuisance would be minimal. In order to control this a condition could be imposed restricting any vehicle with a refrigeration unit being charged overnight to only be done so within the new building. Furthermore a noise level condition could also be added to ensure that there is no excessive noise nuisance audible from the closest residential property.

With regards to traffic movements, it has been confirmed by Essex County Council Highways that the proposed development would result in considerably less traffic movements than the existing lawful use. As such any noise nuisance or disturbance as a result of traffic movements would be less than would occur if the garden centre were run as lawfully permitted.

The operating hours proposed are 10:00-20:30 Monday to Sunday (including Bank Holidays). This is to enable drivers to arrive at the site and leave in their vans around 10:30-11:00 each day and returning the vans between 18:30 and 20:30. Whilst the operating hours differ from those of the

garden centre (conditioned at 08:00-17:00 Monday to Saturday and 09:00-16:00 on Sundays and Bank Holidays) the activities on the site would primarily be limited to these two times of the day. Furthermore, between mid-February and March and mid-October and November the ice creams vans would only be used at weekends, and during three months over winter the ice cream vans are not used at all. Due to this, whilst the operating hours would be slightly later into the evening (which is somewhat off-set by starting later in the mornings), and the site would be operated for a significantly longer period on Sundays and Bank Holidays, the actual level of activity on the site would be greatly reduced from the lawful use of the site as a garden centre.

With regards to any ancillary working on the site, whilst not specifically mentioned it is possible that ancillary activities may take place on the site, such as minor repair works and cleaning of the vans. The garden centre use has a condition stating "*no outside storage shall occur at the site, other than for the purposes of displaying plants, or for the sale of plants, without the written consent of the Local Planning Authority*" and it is considered that a similar condition could be imposed in this application to ensure that no works to the fleet of vehicles takes place outside of the building permitted. This, combined with the noise level condition mentioned above, would ensure that there would be no excessive nuisance caused as a result of the proposed development.

Response to Parish Council Objection:

The following has been received from the Applicants agent in response to the Parish Council comments:

I would like to make the following comments on the Parish Council objection to EPF/2586/15:-

"There is no detail relating to the times of operation and vehicle movements": Please see 4.5 to 4.8 of my planning statement. My client clarified to me that the vehicle movements are even less than my statement implies as five of the vans are used for festivals between June and August where they stay for long periods and therefore do not come back to the site for weeks at a time. I am not sure we can be any more detailed than we have been. Remember this is an existing access with a planning permission for a retail garden centre.

"The building height seems far in excess of what is needed for ice-cream vans": You can see the photo of the vans in my statement. I don't think a clearance of 3m at the eaves of the building is unreasonable. He has to have a single span building in order to avoid posts obstructing the floor area, and the roof pitch is probably about as shallow as we could reasonably make it. The building is not as tall as a standard double garage (normally about 5.2m).

"What is the ancillary parking to be used for?": It would be used for the parking of cars by the drivers employed by the applicant to operate the vans. This was my idea. My client initially wanted to demolish all the glasshouses. But I suggested it would be better to leave them up and park staff cars in them out of site.

"Possible noise from refrigerated units, particularly overnight, being used to maintain frozen products": Stock is almost always kept in the vans overnight but there may also be a separate chest freezer or two. Whether in the vans or in a separate chest freezer the noise is just the same as a normal domestic freezer and there is no possible chance of any noise travelling far enough to disturb anyone. This would not be a refrigerated building and there would therefore be no refrigeration plant with extract fans, which is probably what the parish council fear.

Conclusion:

The application site, due to the previous consent, constitutes previously developed land. Since the proposed replacement building would be smaller in both volume and floor area this, plus the conversion of the remaining glasshouses, would not constitute 'inappropriate development' harmful to the openness of the Green Belt. The level of vehicle movements would be considerably less than those that would result from the lawful garden centre use of the site and there would be less noise nuisance and general disturbance as a result of this, particularly since conditions could be imposed to control the activities on the site and the noise levels that they generate. As such it is not considered that the proposed development would be detrimental to neighbours amenities. The design of the replacement building is considered to be acceptable in this location and additional planting is proposed to the front of the site, which would provide screening to the development. As such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

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

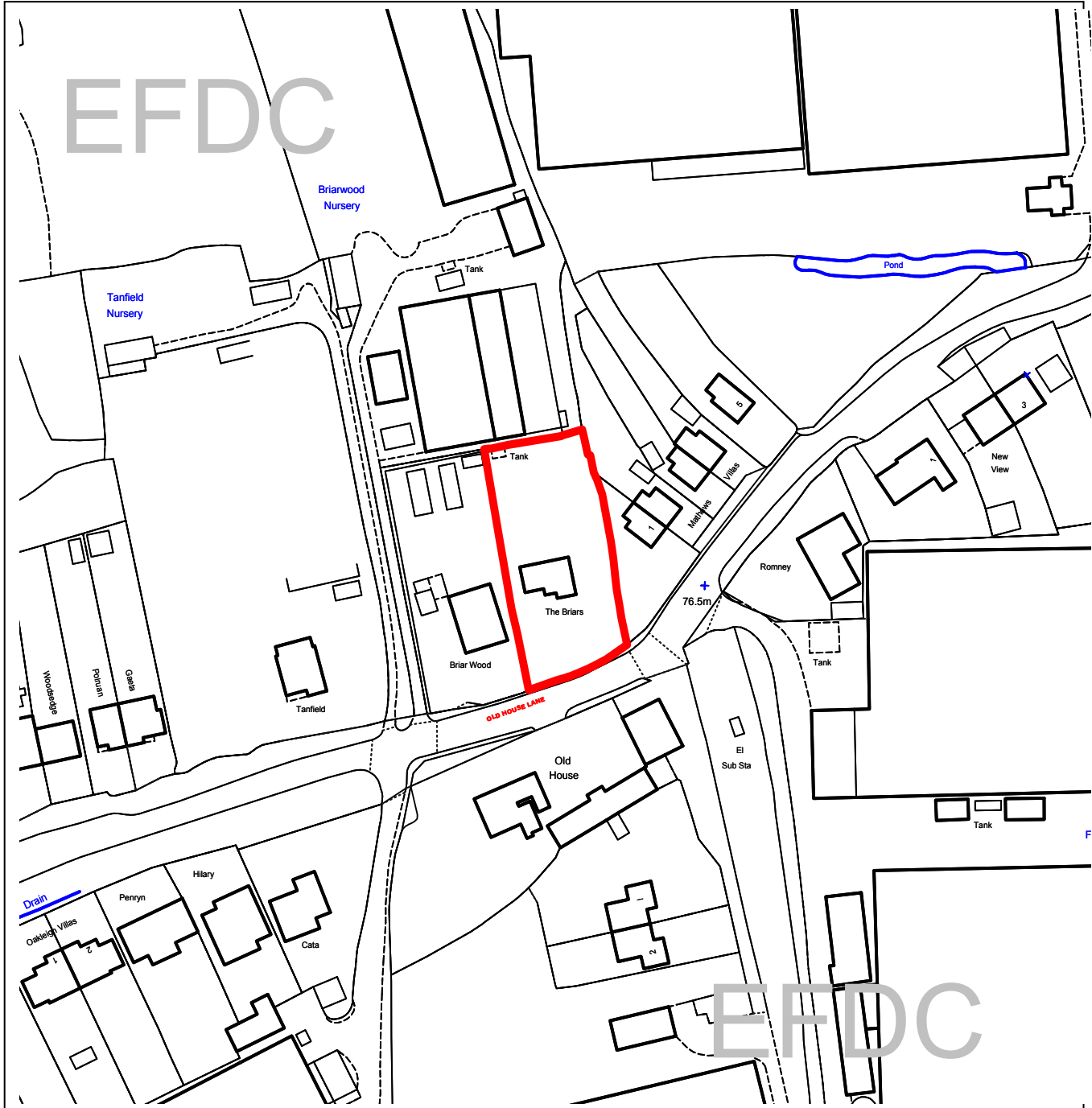
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 6



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2777/15
Site Name:	The Briars, Old House Lane, Roydon, Harlow, CM19 5DN
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2777/15
SITE ADDRESS:	The Briars Old House Lane Roydon Harlow Essex CM19 5DN
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr R Morreale
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and erection of larger new dwelling.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580296

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: 3278/10, 3278/11, 1298.6, 1298.7, 1298.8, 1298.9, 1298.10, CLS15050001 Rev: 0
- 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 details of 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A or B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

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

- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 11 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.

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site is located on the northern side of Old House Lane, which is a small built up enclave consisting of predominantly residential dwellings and horticultural nurseries. Although other commercial uses are evident within the area.

The site currently contains a two storey detached dwelling house bordered on both sides by residential properties, to the south (on the opposite side of Old House Lane) by a recently converted listed barn that is now residential in use, and to the rear by a horticultural nursery.

The site is located within the Green Belt and opposite, but not within, a conservation area.

Description of Proposal:

Consent is being sought for the demolition of the existing dwelling and the erection of a new dwelling. The replacement dwelling would also be a two storey detached property and would reach a maximum width of 17m and maximum depth of 12.7m. It would have a hip ended pitched roof to a maximum ridge height of 8m and would benefit from both front and rear hip roofed projections.

Relevant History:

EPR/0340/61 – Proposed dwelling – allowed on appeal with no conditions 29/08/61
EPF/1312/78 – extension (cloakroom/toilet and conservatory) – approved 20/10/78

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
CP3 – New development
GB2A – Development within the Green Belt
GB15A – Replacement dwellings
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
ST4 – Road safety
ST6 – Vehicle parking
RP3 – Water quality
RP4 – Contaminated land

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

Consultation Carried Out and Summary of Representations Received:

11 neighbouring properties were consulted and a Site Notice was displayed on 27/11/15.

PARISH COUNCIL – Object. Overdevelopment and concerns over parking.

Main Issues and Considerations:

The key considerations are the impact on the Green Belt, the overall design, and the effect on neighbouring residents.

Green Belt:

The site is in the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework states that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*”. Nonetheless a list of exceptions to this is provided. For a proposal to be considered ‘not inappropriate’ it must fall within one of exceptions. This list includes:

- *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 affordable housing for local community needs under policies set out in the Local Plan.*

The floor area of the existing dwelling on the site equates to some 170m² and the proposed new dwelling would have a floor area of around 360m². This would equate to a 111% increase in built

form and as such the proposal would clearly be 'materially larger' than the existing dwelling. Therefore the development would fail to fall within the first of the above quoted exceptions.

The applicant argues that as a matter of principle the replacement of an existing dwelling with a larger new dwelling is capable of constituting 'limited infilling' in certain circumstances since infilling involves filling a gap between existing buildings. Infilling of such a gap can be achieved either by building a new freestanding development on a vacant plot or by replacing an existing building with a larger new building or buildings.

A recent appeal in Sewardstonebury (EPF/0288/13) gives weight to this since the proposal involved the demolition of one dwelling and the erection of two dwellings. Despite this appeal proposing the demolition and replacement of the existing house the Planning Inspectorate clearly stated that *"the site is large enough to accommodate the proposed dwelling in a manner that would be consistent with the spatial characteristics of the street scene, whilst the design would be appropriate to the traditional form and character of existing development. Therefore, allowing for the fact that limited infilling in villages is not inappropriate, there would be no significant harm either to the open character of the Green Belt or the character and appearance of the area"*. As such it was concluded that *"the proposed development would not constitute inappropriate development in the Green Belt"*.

In April 2014 planning consent was granted for extensions to the neighbouring property at No. 1 Matthews Villas (EPF/0472/14). Within the Officers report it was stated that *"these additions would increase the size of the dwelling by approximately 65%. However in such a location - essentially a built-up enclave – an addition of this size is considered acceptable. The building is surrounded on three sides by development and visual impact would be fairly minimal."*

As highlighted above, the application site is clearly located in a built-up enclave and is surrounded on three sides by residential properties. This is similar to several other 'limited infill' approvals and as such it is considered that this site would constitute a 'village' for the purposes of paragraph 89 of the NPPF.

Since there is no requirement for 'limited infill' to *"not to have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"* the increased size of the proposed new dwelling over the existing dwelling, in Green Belt terms, is not a factor in whether the proposal is acceptable or not. As such it is considered that the proposed development of this site would not constitute inappropriate development harmful to the Green Belt.

Design:

The proposed new dwelling would replace the existing building with a new dwelling of a similar style, albeit to a larger size. The new dwelling would introduce a second hip ended front projection, which would provide the dwelling with a more symmetrical appearance, and would extend further to the rear at a two storey height.

Whilst significantly larger than the existing house the proposed new dwelling would not appear overly prominent within the plot and would be similar in scale to other dwellings within the immediate vicinity.

The proposed new dwelling would retain a gap of 1.2m from the western boundary and 3m from the eastern boundary and as such would ensure that there is adequate visual separation from the neighbouring dwellings.

Amenity considerations:

The proposed new dwelling would not be any higher than the existing house, however it would be both deeper and closer to the shared boundaries with the neighbours. Nonetheless there would be a distance of 4.5m at its closest point to both adjacent neighbouring dwellings, widening to almost 8m. The dwelling would not extend beyond the rear wall of No. 1 Matthews Villa and would extend approximately 4m beyond the rear of Briar Wood, however due to the distance and orientation of the properties it is not considered that the development would be unduly detrimental to the amenities of the neighbours.

Other Matters:

Drainage:

The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required regarding this, which can be dealt with by condition.

Contamination:

Records indicate that due to its former use as a horticultural nursery and the presence of an infilled watercourse there is the potential for contaminants to be present on the site. Since domestic dwellings with gardens are classified as a particularly sensitive use land contaminated risks need to be investigated, assessed and, where necessary, remediated by way of conditions.

Parking:

The Parish Council have objected due to concerns over parking, however there is more than adequate space within the site to provide an excess of off-street parking provision and all required manoeuvrability space.

Conclusion:

The proposed development would constitute a 'limited infill in an existing village' and therefore does not constitute inappropriate development harmful to the Green Belt. The overall size and design of the new dwelling is considered acceptable in this location and there would not be any detrimental impact on neighbour's amenities. As such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

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

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

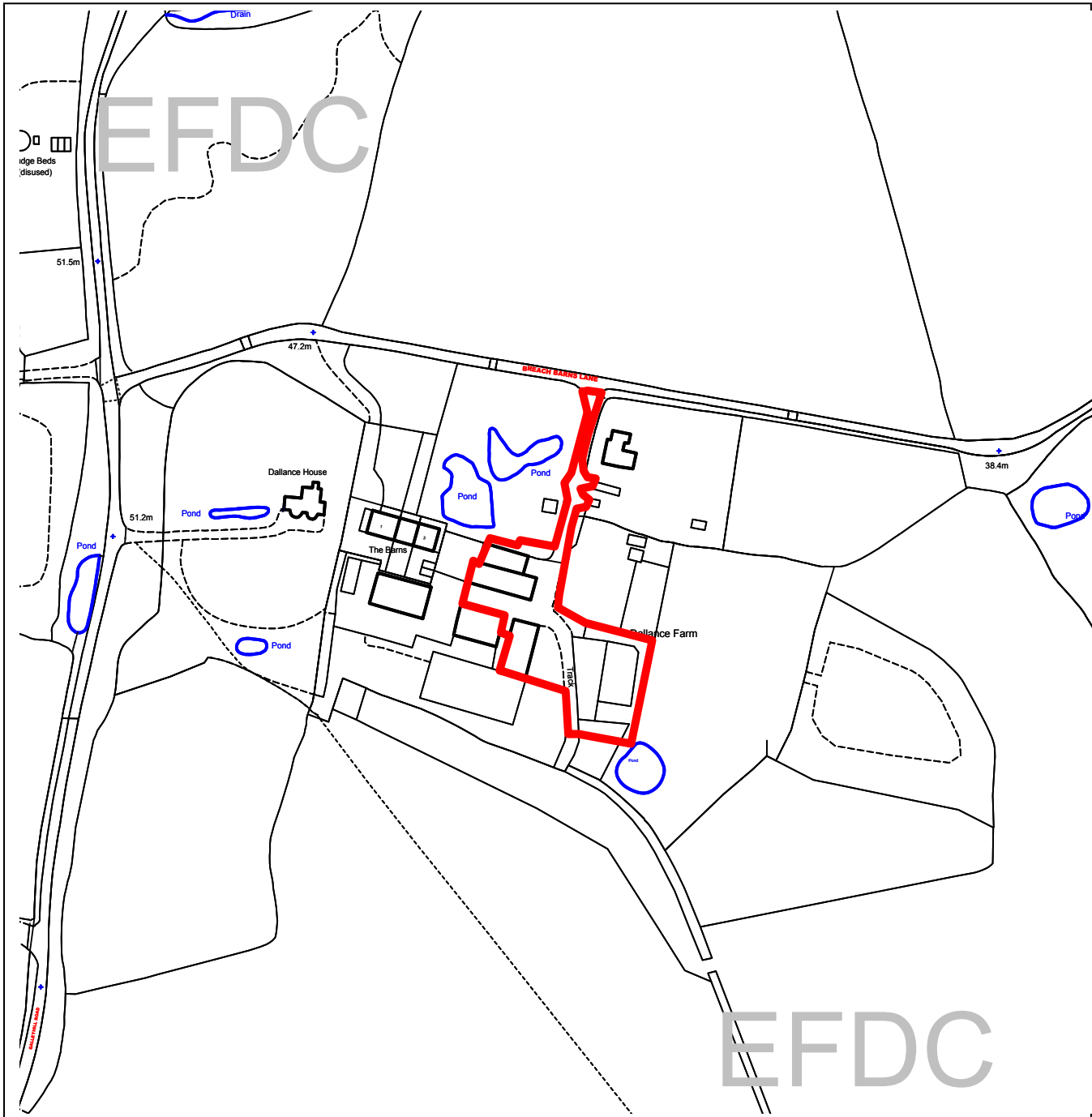
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

THIS PAGE IS INTENTIONALLY BLANK



Epping Forest District Council

Agenda Item Number 7



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2809/15
Site Name:	Dallance Farm, Breach Barns Lane, Waltham Abbey, EN9 2AD
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/2809/15
SITE ADDRESS:	Dallance Farm Breach Barns Lane Waltham Abbey Essex EN9 2AD
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	June Yeats
DESCRIPTION OF PROPOSAL:	Revision of application EPF/1605/15 - Demolition of existing barns and erection of 2 dwellings and a lodge home.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580353

REASON FOR REFUSAL

- 1 The proposed new dwellings would constitute inappropriate development harmful to the openness of the Metropolitan Green Belt. The matters put forward do not constitute very special circumstances that clearly outweigh the harm from the development and therefore the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Stavrou (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site:

The application site contains a range of large farm structures located within the boundaries of the Metropolitan Green Belt. The group includes a bin barn, an open side hay barn, a disused grain store and a Dutch Barn. The site is accessed down a long track from Breach Barns Lane.

Description of Proposal:

The applicant seeks to demolish the bin barn and dutch barn and to erect two detached dwellings and a lodge home. The proposed dwellings would have footprints measuring 140m², 117.6m² and 73.9m² and would consist of a five bed dwelling, a three bed dwelling and a two bed 'log cabin'

lodge house. The proposed lodge house is stated to be occupied by a worker of the existing feed business at Dallance Farm.

The dwellings would be served off of the existing access track and would each benefit from at least two off-street parking spaces and an area of amenity space.

Relevant History:

AGR/EPF/1394/00 - Agricultural determination for erection of new barn building – permission not required 29/08/00

EPF/1933/00 - Conversion of barn to form three dwellings – approved/conditions 28/03/01

EPF/1890/01 - Conversion of existing agricultural building to 3 dwellings with associated parking and residential curtilage – withdrawn 11/03/02

EPF/2027/02 - Convert existing barn to an equine veterinary surgery – refused 06/12/02

EPF/2330/02 - Convert existing barn to an equine veterinary surgery – approved/conditions 04/03/03

EPF/2163/03 - Insertion of part first floor and use for staff quarters and office area in association with equine veterinary clinic – approved/conditions 19/01/04

EPF/2977/14 - Application for prior notification for change of use of two agricultural barns to three dwellings (Class C3) and associated development – prior approval required and granted 09/02/15

EPF/1605/15 - Conversion of bin barn and hay barn into residential use – approved/conditions 01/09/15

Policies Applied:

CP1 - Achieving Sustainable Development Objectives

CP2 - Protecting the Quality of the Rural and Built Environment

CP3 - New Development

CP5 - Sustainable Building

GB2A - Development in the Green Belt

GB7A - Conspicuous Development

NC4 - Protection of Established Habitat

RP4 - Contaminated Land

DBE1 - Design of New Buildings

DBE2 - Effect on Neighbouring Properties

DBE4 - Design in the Green Belt

DBE8 - Private Amenity Space

DBE9 - Loss of Amenity

LL1 - Rural Landscape

LL2 - Inappropriate Rural Development

LL10 - Adequacy of Provision for Landscape Retention

LL11 - Landscaping Schemes

ST4 - Road Safety

ST6 - Vehicle Parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary of Representations:

6 neighbouring properties were consulted and a Site Notice was displayed on 04/12/15.

TOWN COUNCIL – No objection. If committee is minded to grant permission they would like to see a condition applied stating that this be used for agricultural use only and that the issues of drainage and bin store space be addressed.

Issues and Considerations:

The key considerations in this application are whether the development is appropriate within the Green Belt or generally in this location, the design, and the impact on neighbour's amenity.

Green Belt:

The application site is located within the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework states that "*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*", however does provide a list of exceptions to this. One of these exceptions is "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*".

Whilst consent has been granted for the change of use of two of the existing agricultural barns into residential properties this development **has not** been undertaken and therefore, until the development is implemented, the site would continue to be agricultural in use. As such the development cannot fall within the exception of a 'replacement building' since the proposed new building would not be in the same use as that which it replaces. Due to these factors it is not considered that the proposed development would fall within this exception to inappropriate development that allows for 'replacement buildings'.

The NPPF states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".

The key consideration put forward by the applicant appears to be with regards to the 'fallback position' of the previous approval, and the potential permitted development rights to convert the buildings. Whilst it is accepted that there is consent to convert two of the existing agricultural buildings into two dwellings this approved development relates to the conversion of the existing building. It is accepted within the NPPF that the re-use of building in the Green Belt are not inappropriate development, whereby the erection of new buildings does constitute inappropriate development. Therefore it is not considered that an extant 'appropriate development' is in itself sufficient enough to outweigh the harm from an inappropriate development.

The second strand of the applicants case is the reduction in built form on the site. The proposed new dwellings would result in a total footprint of 331.57m² and are stated to be no higher than the existing barns to be removed. The development would involve the removal of the existing bin barn and dutch barn, which are quoted as having a footprint of 439m². Furthermore the previously permitted conversion is stated as totalling a residential floor area of 415.7m². As such the proposed development, despite the hay barn being retained, would result in a 107m² reduction in footprint over the existing buildings on the site and an 84m² reduction in footprint over the extant residential scheme previously granted consent. Whilst the hay barn is to be retained on site it is suggested that a condition be imposed to ensure that this building cannot be converted.

In addition the applicant suggests that the proposed new dwellings would be more visually appealing than the previously approved conversions. The extant permission allows for the re-covering of the existing buildings with new external materials and there is no reason that the

previously permitted scheme would be 'visually harmful' to the Green Belt. Therefore little weight is attributed to this factor.

Whilst it is accepted that the overall reduction in built form would have a positive impact on the openness of the Green Belt that is given some weight in favour of the development, it is not considered that this is sufficient enough to outweigh the harm from the proposed inappropriate development.

The applicant has also stated that one of the proposed new dwellings would be "*a lodge home for the manager of the feed business run from the site. If it was felt necessary the lodge could also be secured as a rural workers dwelling by way of planning condition*". Since no evidence or additional information has been provided with regards to the need for a 'rural workers dwelling' on this site this matter is given little weight in favour of the proposal.

Due to the above, whilst it is recognised that there would be some reduction in built form on the site it is not considered that the stated 'benefits' of the proposal would constitute very special circumstances sufficient to clearly outweigh the harm from inappropriate development on the site. Therefore the proposal is contrary to the guidance contained within the NPPF and the relevant Local Plan policies.

Location of development:

Whilst the application site is not located within a particularly sustainable location this would replace the existing consent for two dwellings on the site and therefore it is not considered that the development would result in a significantly greater impact in terms of sustainability.

Design:

The proposed two storey dwellings have been designed to appear similar to converted barns and, in isolation, would not appear harmful to the overall character and appearance of the area. Whilst the proposed lodge house would be more residential in appearance this would be relatively low in height and located to the rear of the other proposed dwellings. As such this would be viewed within the context of the wider site and would not cause any excessive detrimental impact on the character and appearance of the area.

Amenity considerations:

Given the location of the proposed dwellings it is not considered that there would be any detrimental loss of amenity to nearby residents.

Due to the size of the application site there is ample private amenity space available to exceed the Local Plan requirements for the proposed new dwelling.

Other matters:

Contamination:

Due to its farmyard use and the presence of a landfill site within 250m there is the potential for contaminants to be present on the site. As this application is for residential development, which is a particularly sensitive proposed user, contaminated land investigations and (where necessary) remediation will need to be undertaken. However this matter can be dealt with by condition.

Land drainage:

The applicant has no proposal to dispose of foul sewage and is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Therefore additional details are required with regards to foul and surface water drainage.

Conclusion:

In light of the above it is not considered that the proposed dwelling would meet the exception of a 'replacement building', nor any other exception as laid out within the NPPF, and therefore the proposal would be inappropriate development harmful to the Green Belt. The stated 'benefits' of the proposal, including the 'fallback position' and reduction in built form, are not considered sufficient to clearly outweigh the above identified harm and therefore no very special circumstances exist in this instance. As such the proposal is contrary to Government Guidance in the form of the NPPF and Local Plan policies CP2 and GB2A and therefore the application is recommended for refusal.

Is there a way forward?

Since the previously approved prior determination has not been implemented there is currently no way forward in terms of replacing these with a new dwelling.

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