AREA PLANS SUB-COMMITTEE 'WEST'

17 August 2016

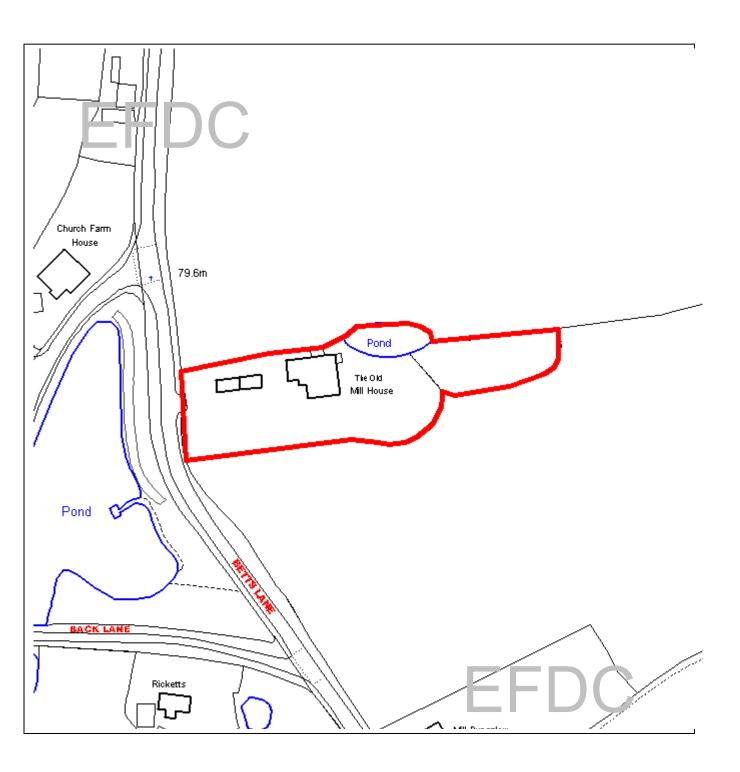
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/1436/16
Site Name:	Mill House, Betts Lane, Nazeing, EN9 2DB
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/1436/16
SITE ADDRESS:	Mill House
	Betts Lane
	Nazeing
	Essex
	EN9 2DB
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Tom Casey
DESCRIPTION OF	Retrospective planning application for the erection of entrance
PROPOSAL:	gates, new piers and wall.
RECOMMENDED	Refuse Permission (Householder)
DECISION:	

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=58489

REASON FOR REFUSAL

- The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances sufficient to outweigh the harm caused. Consequently it is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- By reason of its height, bulk, materials and design, and its and prominence in the street scene, the proposal will be an incongruous and inappropriate urbanising feature which will cause significant harm to the rural character and appearance of this part of the conservation area. Consequently the development is contrary to policies HC6 and HC7 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

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

And since it would otherwise have been refused under delegated powers by the Director of Governance but there is support from the relevant local Parish/Town Council and no other overriding planning consideration necessitates refusal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(I))

Description of site

The application site is located on Betts Lane, which is within a sporadic area of development within Nazeing. The site contains a large new dwelling which is set back significantly from the main public carriageway, however is visible from public viewpoints. The entrance to the site has a large set of gates and pillars joined by a brick wall and set back 5m from the public carriageway. There are no other large boundary treatments within close proximity to the site and rather, the boundaries are more often low hedges giving an open and rural farmland appearance to the area. The application site is located within the boundaries of the Metropolitan Green Belt and it is located within the Nazeing and South Roydon Conservation area.

Description of proposal

The proposed development is for the retention of the gates, wall and pillars erected without planning permission at the entrance to the site.

Relevant History

EPF/1729/13 - Existing bungalow to be demolished and replacement timber frame one-and-half storey dwelling erected. Alterations to existing access way. - Approved

EPF/0162/14 - Existing bungalow to be demolished and replacement timber frame one-and-half storey dwelling erected and outbuilding (Amended application to EPF/1729/13) - Approved

EPF/2447/15 - Proposed replacement entrance gates, new piers and wall. - Refused

Policies applied

GB2A – Development in the Green Belt

GB7A - Conspicuous Development

DBE9 – Living conditions of neighbours

HC6 – Character, appearance and setting of conservation areas

HC7 – Development within conservation areas

CP7- Quality of development

CP2 - Protecting the Quality of the Rural and Built Environment

DBE10 - Design

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 -

Mill Bungalow – SUPPORT - Having reviewed the submitted documents re this retrospective planning application my view as an immediate neighbour is that although the applicant should have submitted a planning application for this development the actual erection of entrance gates, new piers and wall is not obtrusive and fits the nature of the property and immediate neighbourhood well. Given that gates etc constructed at other properties in the area well exceed the guidelines and are much more intimidating I believe that the current gates etc should be retained. Objecting to a minor excess in height seems an overreaction by EFDC. Greater attention to other more disturbing developments in the village should be the centre of attention! The overall development on this site is very favourable and fits well with this conservation area.

Nazeby, Betts Lane – SUPPORT - These appear to be in keeping with the property and are not out of character to surrounding properties. We hope that the EFDC allow this application.

PETITION IN SUPPORT of the application – 5 addresses – Little Chickney, Mill Cottage, Nazeby, The Vicarage and Glebe House.

NO ADDRESS GIVEN - SUPPORT

Nazeing Parish Council – SUPPORT – The Council fully supports the application.

Issues and considerations

The wall, gates and pillars are not close to any neighbours and are set back a sufficient distance from the public highway to not cause harm to users of it and therefore the main issues to consider are the potential impacts on the openness of the Green Belt and the potential harm to the character and appearance of the conservation area.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The wall, gates and pillars are within the curtilage of a dwelling which is not within a built up area and is therefore previously developed land. Whilst the limited infilling or redevelopment of previously developed land is not inappropriate, any new development must not cause greater harm to the openness of the Green Belt.

The original entrance to the site was through a traditional five bar gate, which had a very low height and low visual impact within the street scene. The wall, gates and pillars are substantially larger than this and more solid in appearance and as such it cannot reasonably be the case that there is no greater harm to the openness of the Green Belt and therefore constitutes inappropriate development in the Green Belt, which is, by definition harmful.

Weight must be given to permitted development rights, within which it would be possible to erect a 1m high boundary treatment adjacent to the highway without requiring planning permission. However the gates and pillars are significantly higher than this and therefore it is considered that permitted development would be significantly less harmful to the Green Belt than the result of this application.

It is therefore considered by officers that this proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances.

Conservation issues

The character and special interest of the Nazeing and South Roydon Conservation area, which was first designated in 1982, unusually derives from the exceptional quality of its ancient landscape featuring well preserved medieval settlements and enclosed field patterns. Together with the open or common field systems, these landscape features give each settlement a distinctive setting. The conservation area retains its quiet, small-scale rural qualities characterised by small grassed fields that are dissected by narrow, winding lanes and footpaths and bounded by tall hedgerows and mature trees.

Nazeing is located in the centre of the conservation area, is an historic settlement which back from the early medieval period. It has formed around a triangular green comprising two ponds and is bounded by thick hedges and mature trees. The unspoiled charm created by the green is one of the most striking aspects of the local area. The green was originally bordered on two sides along Back Lane (west and south) by buildings of various dates from early 15th century to the 20th centuries. Even today, most of the properties are, delineated by thick hedgerows and mature trees. which creates a strong sense of enclosure and intimacy.

Betts Lane, running along the east side of the green however offers a completely different atmosphere. Historically unbuilt, this part of Betts Lane is characterised by a more open landscape where tall hedgerows and mature trees give way to uninterrupted low hedges and arable fields. Indeed this gives a strong rural and agricultural appearance to this part of Betts Lane. It is the predominance of the landscape over the buildings, which gives this conservation area its special character..

It is within this sensitive landscape that the new dwelling on this site was erected. The scheme EPF/0162/14 comprising the demolition of the existing single storey bungalow and the erection of a generous dwelling house and associated double garage get consent in 2014. The planning permission was granted with conditions in order to ensure the proposal is built in accordance with the approved drawings.

The plan approved plan NWA-13-007-16A shows the house and garages but also the boundary treatment proposed as part of the scheme. The site plan indicates clearly the "existing planting (hedge) to remain", "the existing access" to be retained and the "new 5-bar gates" to be installed.

It is crucial to understand that this appropriate boundary treatment was one of the aspects which made the scheme for the replacement dwelling acceptable. Indeed, this in keeping, respectful and minimal boundary treatment was supposed to lessen the spatial and visual impact of the whole scheme and therefore preserve the special character and appearance of the area.

In light of both the context and planning history the previous planning application EPF/2447/15, regarding the "erection of entrance gates, new piers and wall", was refused by the LPA under delegated powers.

Although there are, within the wider context of the area, some examples of large and dominant entrance gates, over the years other proposals for such gates have been successfully resisted including to the stable and manege immediately south of the site.

There are no approved examples in the immediate vicinity of this site. As explained above, Betts Lane features an open landscape which is particularly vulnerable. Visually subtle and passive, this landscape featuring low hedges and grass fields is easy to overwhelm and distort with inappropriate construction. Within such a sensitive setting, any new development should ensure the preservation of this unique sense of place and remain subservient to its environment; it has to blend with the landscape.

Despite the reduction of its scale from the previous application (lower side walls and less imposing gates), the development is still an inappropriate and harming development which fails to comply with policy in terms of heritage and conservation. Due to its large scale and strong urbanised character, the development will visually and spatially overwhelm the existing hedge and as a result will irreversibly undermine the ancient landscape which gives the area its identity. Furthermore, there are serious concerns that if such out of keeping entrance gates are permitted here it will set an unwanted precedent which may compromise the LPAs ability to resist similar applications in the future which could seriously undermine the character of the conservation area in the future.

Attention is drawn to a recent refusal of planning permission at Woodside in North Weald (EPF/0988/16), which proposed a similar development for the retention of a wall, pillars and gates within a rural setting. The application was brought to members of the Plans East Planning

Committee where members considered that the wall, pillars and gates would create a significant urbanising feature within the sylvan character of Woodside and therefore cause it significant harm. It is important to note that unlike this proposed development, the Woodside application was not within a conservation area and as a result Betts Lane is in an even more sensitive location.

In summary the gates and pillars cause significant harm to the character and appearance of the conservation area and is therefore contrary to policies HC6 and HC7 of our Local Plan and Alterations (1998/2006).

Conclusion

Whilst the small section of wall which is below 1m in height could be built as permitted development officers consider that the overall impact of this development with its large pillars and gates has a significant urbanising impact harmful to the openness of the Green Belt and to the character and appearance of this rural conservation area.

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:

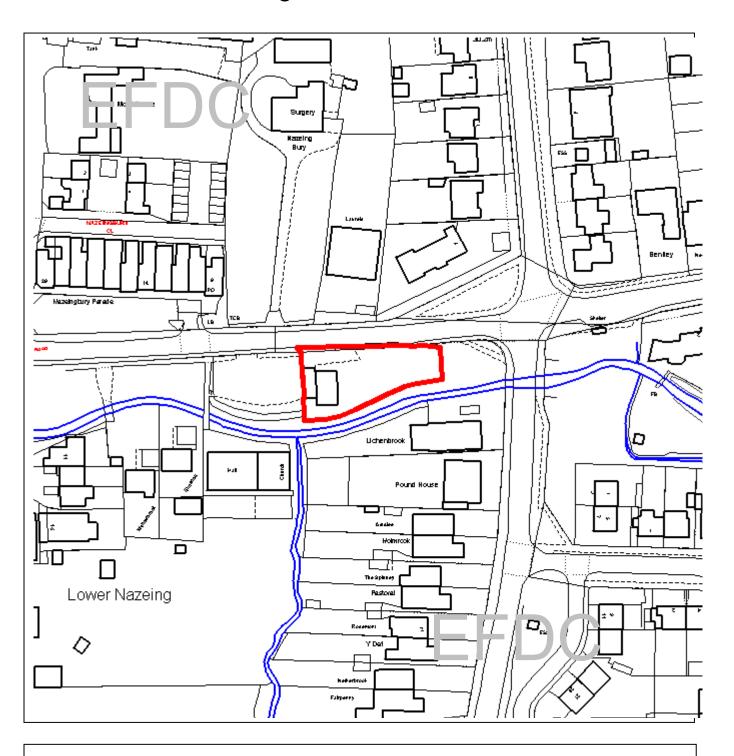
Planning Application Case Officer: James Rogers Direct Line Telephone Number: 01992 564371

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



Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/1495/16
Site Name:	Former Total Garage, Nazeing Road, Nazeing, EN9 2LD
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1495/16
SITE ADDRESS:	Former Total Garage Nazeing Road Nazeing Essex EN9 2LD
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Nazeing Parish Council
DESCRIPTION OF PROPOSAL:	Demolition of existing service station and erection of 6, 3 bed houses with associated amenity space, parking and access.
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=585034

REASON FOR REFUSAL

- The development fails to provide an access opening wide enough to enable a vehicle to enter the site safely and efficiently whilst another vehicle is waiting to exit the site. This would result in a site where other vehicles may encounter movements that would lead to danger and hazards to users of the highway contrary to policy ST4 of the Adopted Local Plan and Alterations and the NPPF
- The proposals do not accord with the adopted minimum parking standards, in terms of internal layout, manoeuvring space, bay sizes and the number of spaces. This will likely lead to inappropriate kerbside parking, poor manoeuvring within the site and unusable on site spaces contrary to policies ST4, ST6 and DBE6 of the Adopted Local Plan and Alterations.
- Approval would set a precedent which if repeated could seriously undermine the principle of seeking to minimise on street parking and highway danger in the locality.

 The proposed dwellings fail to provide adequate usable private amenity space for three bed family dwellings and this together with the lack of adequate off street parking, inadequate size of bays and vehicle access, and inadequate space for manoeuvring, illustrates that the proposal is overdevelopment of this restricted site which fails to improve the environmental quality of the area and the way if functions contrary to policies, CP7, H3A, DBE3(i) and DBE8 of the Adopted Local Plan and Alterations and the NPPF.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(i))

Description of Site:

The application site is located on the southern side of Nazeing Road approximately 25 metres west of St Leonards Road within Lower Nazeing. The site itself is relatively level, slightly irregular in shape and is approximately 840 square metres in size.

The site was once used as a petrol filling station however it has been redundant for a number of years. The whole of the site is completely hard paved with no soft landscaping. Two existing vehicle crossovers along Nazeing Road provide access into the site.

The site is surrounded by residential properties to the north, south and east, with the village hall located to the west. A small parade of shops is located to the north-east of the site on the opposite side of Nazeing Road. The site backs onto a small Nazeing Brook. It is not located within the green belt or a conservation area however the majority of it is located within Flood Zone 2 with a small part along the southern boundary located within a Flood Zone 3.

Description of Proposal:

Planning permission is sought for the demolition of the existing service station building and replacing it with the construction of 6 x 3 bed dwellings in total - a terrace of four and a pair of two semi-detached dwellings, angled at 90° to the road. A hard paved area containing seven off street parking spaces would be centrally located between the buildings. A new vehicle crossover is proposed off Nazeing Road to provide vehicle access to an off street parking area providing 7 parking spaces. The existing two vehicle crossovers would be closed up. Each dwelling would be provided with its own amenity space.

This is a revised application as there is already consent for 6 x 2 bed dwellings on the site. The only change proposed is the addition of a third bedroom with en-suite bathrooms within the roofspace and the installation of front and rear facing dormer windows to achieve this.

Relevant History:

EPF/0345/59 – Erection of petrol filling station (refused and dismissed at appeal)

EPF/0175/61 – Erection of petrol filling station (allowed under appeal)

EPF/0407/74 - Installations of pre-payment note acceptor and fire/telephone cabinet (refused permission)

EPF/1505/81 - New canopy for existing petrol filling station to replace existing canopy (refused permission)

EPF/0868/82 - New canopy to replace existing (granted permission)

EPF/0389/84 - Rebuilding of petrol filling station with car wash (granted permission)

EPF/1034/91 - Replacement of existing car wash machine with new car wash, dryer and under chassis wash machine (granted permission)

EPF/0011/93 - Erection of various replacement illuminated signs (permission granted)

EPF/0924/07 - Conversion of former petrol station to a Community Centre (permission granted)

EPF/0303/13 Demolition of petrol filling station and erection of 6, 2 bed houses with associated parking. Approved by Committee.

Policies Applied:

Local Plan policies relevant to this application are:

CP1 Achieving sustainable development objectives

CP2 Protecting the quality of the rural and built environment

CP3 New development

CP5 Sustainable buildings

CP6 Achieving sustainable urban development patterns

CP7 Urban form and quality

DBE1 Design of new buildings

DBE2 Detrimental effect on existing surrounding properties

DBE3 Design in urban areas

DBE6 Car parking in new development

DBE8 Private amenity space

DBE9 Loss of Amenity

LL10 Protecting existing landscaping features

LL11 Landscaping scheme

ST1 Location of development

ST2 Accessibility of development

ST4 Highway safety

ST6 Vehicle parking

H1A Housing Provision

H2A Previously developed land

H3A Housing density

U2A Development in flood risk areas

U2B Flood risk assessment zones

U3A Catchment effects

NC4 Protection of established habitat

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.

Summary of Representations

51 neighbours and previous supporters were consulted - no responses were received.

The application is on behalf of the Parish Council so there are no Parish Council Comments.

Issues and Considerations:

Given that there is an extant consent for 6 dwellings on the site, and there has been no significant policy change since the previous approval the main issue is the additional impact of the bedroom and dormer windows within the roof space.

Principle of development

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

Design and appearance:

The site is prominently located close to the junction of St Leonards Road and Nazeing Road in the heart of the village.

The proposed houses are traditional in design, and the dormer windows now proposed are appropriate. The pitched roofed additions will sit well within the roofs. The development is appropriate visually to the location and although side elevations face the main road, these have been designed to contain fenestration so that that fit appropriately within the street scape.

Amenity space and living conditions

The Council's policy seeks to ensure an adequate amount of conveniently located amenity space is provided in new residential developments which is usable in terms of its shape and siting. Four

of the dwellings have a private garden area ranging between 30 and 35 square metres with only dwellings 4 and 6 having a slightly larger area. This small amenity space was considered acceptable by Members for the 2 bed properties previously approved on the site, but in granting consent, Members removed permitted development rights for extensions, outbuildings and roof alterations, presumably because of the very limited amenity space provision.

The proposal is now to provide 3 bedroom family properties, and for such dwellings the normal requirement would be for 80 square metres of amenity space. Whilst some flexibility in amenity space provision is possible, it is considered that 35 square metre gardens are too small to provide for family use.

Neighbouring amenities:

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

The proposed development has been sited and orientated in a way that it will not cause harm to the amenities of adjoining property occupiers given the extensive vegetation along the Nazeing Brook which will screen the gardens of the nearest properties to the rear. The proposed dormer windows will not cause undue overlooking.

Highway safety, traffic impact & vehicle parking

The Adopted Council parking standards recommends that for a two or more bedroom dwelling, a minimum of 2 vehicle spaces are required and 1 secure cycle covered space per dwelling. In addition a minimum of 0.25 of a visitor space is required for each dwelling. This would mean that the parking requirements for 6 dwellings on the site would be:

- 12 parking spaces for residents
- 2 parking spaces for visitors

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A total of 7 parking spaces are proposed for the use of residents and visitors, with vehicular access being taken from the new access off Nazeing Road.

The level of parking may be reduced if the site is within a main urban area and enjoys a good location in terms of a range of services and public transport. However although the site is located within the heart of Nazeing, Nazeing does not have the wide range of shops and services that would make this location suitable for such a large reduction in parking, nor is it well served by public transport, it is therefore likely that occupants of the dwellings would be heavily reliant on private motor vehicles for their everyday needs.

In addition the Adopted Council parking standards state that the preferred parking bay size should be 5.5m by 2.9m. The spaces proposed within the development measure 4.9m by 2.4m which is clearly under the minimum requirements. It does not even meet the size that was required before the new standard was adopted in 2009. There should also be a minimum distance of 6m between parallel parking bays in order for vehicles to safely manoeuvre within the site. There is only a distance of 5m between the two parking bays outside dwellings 5 and 6 which will, in turn, once again lead to harm to safety within the site, and some of the parking spaces may not be usable by larger family vehicles.

Furthermore, the access to the site is not wide or deep enough to enable a vehicle to enter the site safety and efficiently whilst another vehicle is waiting to egress the site. The width of the proposed

access is 4.5m by a depth of 5.2m. It should be 5m by 6m to ensure sufficient highway safety. The proposed access as it stands could lead to danger and hazard to users of the highway, in this busy location.

Members previously approved 6, 2 bedroom houses here despite the clear objections of the County Highways officer, and contrary to the recommendation of officers. The previous approval is a material consideration, but the increase in the number of bedrooms in this proposal means that it is even more likely that occupants will have more than 1 vehicle and that there will be more potential for inappropriate on street parking around the site and greater vehicle movements at the access to the site which will further increase harm to highway safety.

The development is contrary to policies ST4, ST6 and DBE3 of the adopted Local Plan.

Flood risk and drainage:

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

As such, a Sequential Test and a Flood Risk Assessment was produced by the applicant at the time of the original application which indicated that there were no other reasonably available sites within and surrounding Nazeing with lower probability of flooding that would be appropriate for this type of development. This was previously accepted (although it is now clear that in applying a sequential test the normal requirement would be for a District wide search for sites) and given the fallback position it is not considered reasonable to suggest refusal on sequential test grounds.

The Council's engineering and drainage officer had no objections to the proposed development subject to a number of conditions if granted permission in terms of requiring further details regarding foul and surface water runoffs. In addition given that the development is to be set within 20 metres of a water course it was advised that the application should also be referred to the Environment Agency. The Environment Agency comment that given the proximity of the buffer zone their permission is required for the works.

Land contamination

Land contamination issues can appropriately be dealt with by condition.

Landscape and trees:

The application was referred to Council's landscape officer who stated that there is no vegetation of note within and surrounding the site that is in need of protection during and after construction works. A condition attached to any granted permission would be required for further details of hard and soft landscaping to improve the appearance of the site.

Environmental services:

A communal refuse area is located towards the front of the site next to the new vehicle access. Environmental Services raise no objection to the amount of storage bins and their location is also acceptable for collection purposes.

However officers consider that although the storage area would be partly screened by a timber panel fence, given that it is located to the front of the site in complete view of passing vehicles and pedestrians, it would be visually intrusive to the street scene and could be better located. Such a refuse area should be discreetly located away from public viewpoints or suitably screened by landscaping.

Other issues:

Policy CP7 states that one of the Council's primary objectives is to make the fullest use of urban land areas and improve the attractiveness in which to live, work and visit. However it further states that new development in urban areas which results in overdevelopment will not be permitted.

The density for this site will be 71 dwellings per hectare. Local policy states that new developments will achieve a net site density of 30-50 dwellings per hectare. The NPPF however has no such requirement and seeks to ensure that new development is appropriate to the character of the surrounding area. This is an unusual site where higher density development is not necessarily inappropriate, but the density is far in excess of that of the surrounding residential area.

Taking into consideration the lack of off street parking provided, the inadequate size and layout of the parking bays and access, the lack of appropriate maneuvering space along with the inadequate private amenity space for each dwelling and finally the inappropriate setbacks from Nazeing Brook, it is considered that the proposal amounts to an overdevelopment of the site contrary to policy CP7.

Conclusion:

In conclusion, although the principle of the development and the design of the dwellings is acceptable, the change from 2 to 3 bedrooms amounts to an overdevelopment of the site which is likely to result in more inappropriate on street parking, additional traffic movements at the access to the site and hence increased highway danger, over the original consent. The proposal is therefore contrary to the adopted policies of the local plan and Local Plan Alterations and is recommended for refusal.

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 Telephone Number: 01992 564106

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