

AREA PLANS SUB-COMMITTEE 'WEST'

15 August 2018

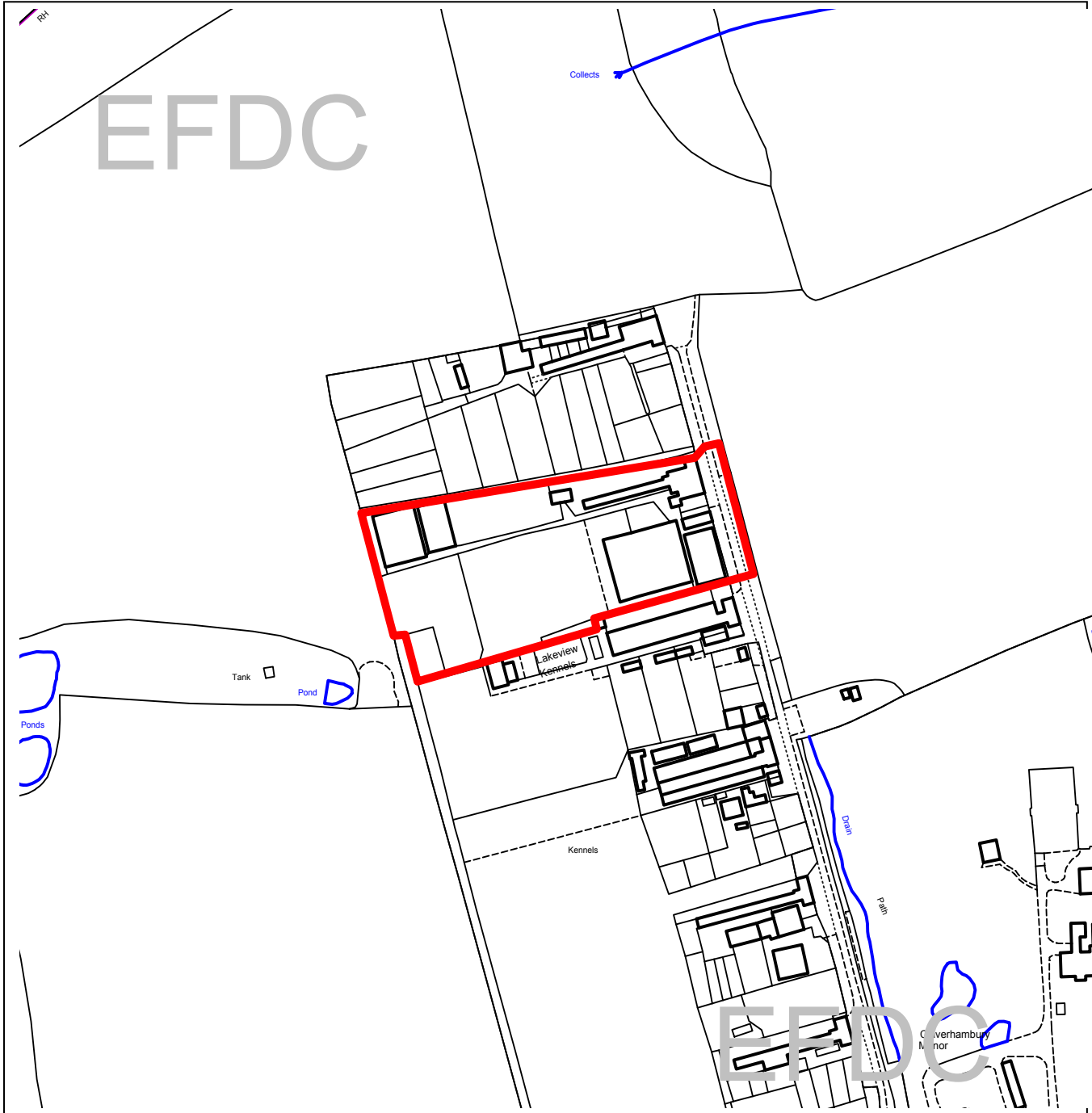
INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/3266/17	Lakeview Kennels Claverhambury Road Waltham Abbey Essex EN9 2BL	Grant Permission (Subject to Legal Agreement)	16
2.	EPF/3359/17	Land to rear of 54 Sun Street Waltham Abbey Essex EN9 1EJ	Refuse Permission	28
3.	EPF/0600/18	Skilletts Hill Farm Honey Lane Waltham Abbey Essex EN9 3QU	Grant Permission (with conditions)	34
4.	EPF/0601/18	Land between 32a and 33 Downlands Waltham Abbey Essex EN9 1UH	Grant Permission (Subject to Legal Agreement)	42
5.	EPF/0827/18	Silverdale Nursery Hoe Lane Nazeing Essex EN9 2RJ	Refuse Permission	52
6.	EPF/0854/18	Maycroft Epping Road Roydon Essex CM19 5HT	Grant Permission (Subject to Legal Agreement)	60
7.	EPF/1163/18	Oakleigh Nursery Paynes Lane Nazeing Essex EN9 2EU	Refuse Permission	68
8.	EPF/1769/18	Chimes Garden Centre Old Nazeing Road Nazeing Essex EN10 6RJ	Grant Permission (Subject to Legal Agreement)	78



Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/3266/17
Site Name:	Lakeview Kennels, Claverhambury Road, Waltham Abbey, EN9 2BL
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/3266/17
SITE ADDRESS:	Lakeview Kennels Claverhambury Road Waltham Abbey Essex EN9 2BL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Mr M Bonnefin
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings and erection of 5 detached bungalows.
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=602998

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: 1742.1A, 2, 3A, 4, 5, 6, 7, 8, 9, 10, 11, calc8, calc9, and CLS15072001 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 Prior to the first occupation of the development hereby approved, all buildings shown to be demolished on drawing number 1742.3A shall be demolished and the materials removed from the site.
- 5 No development shall take place until details of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 Details of the water quality system to be installed shall be submitted to and approved in writing prior to installation. The approved system shall be installed and operational prior to first occupation of the development and retained and maintained

thereafter.

- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 A minimum of 31dB Rw noise reduction shall be used for all glazed elements to be installed in the new dwellings and a minimum 2m high close boarded fence shall be installed to the garden boundaries.
- 9 Prior to the commencement of any works a single dusk/dawn survey for bats should be undertaken on building B3 in accordance with guidelines from Natural England (or other relevant body). If the survey reveals presence of bats then further dusk/dawn surveys shall be undertaken. These shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition of this structure. Once the status of the roost is confirmed an appropriate and proportionate detailed mitigation and compensation strategy shall be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to and approved in writing by the Local Planning Authority. Should a Natural England European Protected Species licence (EPS) be required then this shall also be submitted to the Local Planning Authority. All works shall then proceed in accordance with the approved strategy.
- 10 Prior to any works commencing on site a lighting scheme for bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed and timings of when the lights will be used.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme, and these shall be maintained thereafter in accordance with the scheme. No other external lighting be installed without prior written consent from the Local Planning Authority.

- 11 No removal of hedgerows, trees or shrubs, or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance/demolition and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority.
- 12 Prior to first occupation of the development a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. This could include native planting, wildflower areas, bird and bat boxes.
- 13 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 14 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 15 No development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation, together with a detailed list of individual potential pollutant linkages, 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]
- 16 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]

- 17 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.

- 18 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.

- 19 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.

And subject to the completion, within 6 months, of a Section 106 Legal agreement to secure necessary contributions towards a) access management and monitoring of visitors to the Epping Forest Special Area of Conservation (SAC) and b) mitigation of air pollution in the vicinity of the Epping Forest SAC.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council, supported by at least one non-councillor resident objection with material planning reasons.

Description of Site:

The application site consists of a commercial kennel business containing an existing dwelling and a range of kennel buildings associated with an existing security business. The site is one of six kennel sites situated on Claverhambury Road, which itself is located to the north of the urban settlement of Waltham Abbey.

The site is located within the Metropolitan Green Belt and an EFDC flood risk assessment zone.

Description of Proposal

Consent is being sought for the demolition of the existing kennel buildings and the construction of 4 no. three bed bungalows and 1 no. three/four bed chalet bungalow. Each dwelling would be served by a detached garage along with additional off-street parking provision and the proposed development would include a single estate road serving the dwellings and providing field access to the rear of the site.

Relevant History:

There are a number of previous planning applications relating to the existing kennel use on the site, however none are directly relevant to this proposal.

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP5 – Sustainable building
CP6 – Achieving sustainable urban development patterns
CP9 – Sustainable transport
GB2A – Development in the Green Belt
GB7A – Conspicuous development
H2A – Previously developed land
H3A – Housing density
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Provision for landscape retention
LL11 – Landscaping schemes
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood risk assessment zones
U3A – Catchment effects
RP3 – Water quality
RP4 – Contaminated land
RP5A – Adverse environmental impacts

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 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.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Presumption in Favour of Sustainable Development
 SP 6 - Green Belt and District Open Land
 H 1 - Housing Mix and Accommodation Types
 E 1 - Employment Sites
 T 1 - Sustainable Transport Choices
 DM 1 - Habitat Protection and Improving Biodiversity
 DM 2 - Epping Forest SAC and the Lee Valley SPA
 DM 3 - Landscape Character, Ancient Landscapes and Geodiversity
 DM 4 - Green Belt
 DM 9 - High Quality Design
 DM 10 - Housing Design and Quality
 DM 11 - Waste Recycling Facilities on New Development
 DM 18 - On Site Management of Waste Water and Water Supply
 DM 19 - Sustainable Water Use
 DM 21 - Local Environmental Impacts, Pollution and Land Contamination
 DM 22 - Air Quality

Summary of Representations:

15 neighbouring properties were consulted and a Site Notice was displayed.

TOWN COUNCIL – Object. It is understood that this area is Green Belt land and the committee considered that there are no special circumstances identified. The committee also raised concerns regarding the overdevelopment of the site; road safety regarding the narrowness of the access road, and in the surrounding areas. The bat survey is duly noted.

RETIRED GREYHOUND TRUST (KENNELS NO. 6) – Object as there are problems with the water supply and sewerage in the area, concerns about access and parking problems, and since it would not be desirable to have residential dwellings within this area since it is designed and used for animal accommodation.

7 CLAVERHAMBURY KENNELS – Object as the site is within the Green Belt, there would be an increase in vehicle movements and parking, concerns about sewerage and water supply, due to the impact on the existing businesses as a result of possible noise complaints and nuisance caused to kennelled animals, and due to the potential impact on existing wildlife.

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, the general location of the site, the impact on the surrounding kennels and future residents, the design of the development, and regarding highway safety.

Green Belt:

The application site is located within the Metropolitan Green Belt. Paragraph 145 of the recently revised National Planning Policy Framework (2018) states that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt”, with a list of exceptions. Amongst these exceptions is:

- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The definition of previously developed land, as laid out within Annex 2 of the NPPF, reads:

Previously developed land: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

The existing site consists of a kennels business containing a number of buildings associated with this use and a detached bungalow, which would remain, towards the front of the site. Given the current uses of the site this would clearly constitute previously developed land. Therefore the key consideration with regards to this exception is whether the proposed development would “*have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*”.

The site is currently occupied by a detached dwelling, which would remain, and a number of kennel buildings. The kennel buildings have a total footprint of 2,345m², a volume of 5,372m³, and are spread across the entire site. The proposed five new dwellings would have a combined floor area 752m², a volume of 2,520m³, and would be concentrated within the eastern part of the site (adjacent to the existing dwelling). Therefore the proposal would result in a 68% reduction in footprint and a 53% reduction in volume across the site. Furthermore the proposal would reduce the spread of development currently on the site. As such the proposed development would not have any greater impact on the openness and character of the Green Belt and therefore meets the above exception to inappropriate development.

Sustainability:

Whilst the application site is not considered to be within a sustainable location it has been shown in several recent appeal decisions both within and outside of the district that in areas with a lack of a demonstrable five year supply of housing the issue of sustainability alone is not sufficient to outweigh the provision of additional housing.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development. Whilst the allocated sites within the emerging Local Plan will provide a suitable five-year land supply once the Plan is adopted, at the current time the Council cannot demonstrate a five-year supply of land for housing purposes. Given this it is not considered that the impact on sustainability would be such to warrant refusal of the application on this issue.

Impact on existing kennels/future residents:

The application site is one of six kennel sites situated on Claverhambury Road and therefore the proposed dwellings would adjoin existing, active dog kennel businesses on each side. The potential impact on both the vitality of the neighbouring businesses and the potential loss of amenity that could be caused to future residents on the site has been raised and a Noise Exposure Assessment was subsequently submitted.

The proposal does result in the loss of the existing kennel business on the site. Whilst policy E 1 of the Epping Forest District Local Plan (Submission Version) requires the loss of employment to be suitably justified, and some weight should be given to this policy at the current time, the existing business is a low employer and therefore the proposed redevelopment of this site would not result in a significant loss of employment.

The application has been assessed by the Environment & Neighbourhood Manager, who's main concern with regards to noise nuisance to date has been in relation to the kennels to the rear of the application site, which are proposed to be removed as part of this proposal. Nonetheless the following comments were received:

"I still have some concerns about noise from the other kennels in the area that could result in some impact and require the Council to investigate any allegation of noise nuisance, with a potential impact on those existing kennels, if a nuisance is established and they are required to take some step to minimise the nuisance in line with apply the best practicable means (BPM). However, on balance, I do not believe that I have sufficient evidence to object to the proposed application on noise grounds. Any impact on the existing kennels will be restricted to applying the BPM, which by definition, will take into account the financial limitations on what can reasonably be done, so this affords the existing businesses some protection (even if the noise amount to a nuisance).

I presume that anybody purchasing a house in this area will also carry out normal checks and will be aware of the potential for some dog barking noise.

I note that the noise report (para 9.5) recommends a 2m high close boarded fence to provide some protection to the proposed gardens. This appears to be a sensible recommendation".

As such, subject to a condition requiring a minimum 2m high close boarded fence being erected around the site boundary, it is not considered that the proposal would result in any significant or excessive loss of amenity to future residents nor should it have any detrimental impact on the continued use or possible expansion of the adjacent dog kennel businesses.

Design:

The existing and neighbouring sites each contain a detached bungalow and a number of low level kennels buildings. The development proposes four single storey bungalows and one chalet bungalow, all of which would be relatively low in height and would be designed to reflect the existing built form within the locality.

The proposed new houses would be served by the new private drive, which would also provide access to the field to the rear of the site. The general layout of the dwellings is acceptable. Each of the proposed dwellings would be served by suitable private amenity space.

Highways:

Concern has been raised about the existing narrow access road serving the site and suitability of this to serve the development. It is also noted that part of the access road is a Public Right of Way. Essex County Council Highways were consulted on the application and raise no objection from a highway and transportation perspective since *“the proposed development will, in the worst case, generate a similar level, or less, of traffic movement to that of the lawful use of the site. Consequently there will be no detriment to highway safety or efficiency”*.

An informative should be added to ensure that the public footpath is not interfered with.

Each of the proposed dwellings would be served by at least two off-street parking spaces with additional space for visitor parking. As such the proposal complies with the requirements of the Vehicle Parking Standards.

Epping Forest Special Area of Conservation:

The application site lies within 6.2km of the Epping Forest Special Area of Conservation (SAC). As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the SAC as a result of increased visitor pressure arising from new residential development within 6.2km of the SAC, and from the effects of air quality throughout the District. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures and air quality on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policies DM 2 and DM 22. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a legal agreement and recognises that the level of contribution is to be agreed after the committee, should Members resolve to grant permission.

In addition to the above, as required by policy T 1 of the Epping Forest District Council Local Plan Submission Version, a condition is required to ensure that an electric charging point is provided for each of the new dwellings to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

Other Considerations:

Land drainage:

The site lies within an Epping Forest District Council flood risk assessment zone however there is no concerns regarding surface water. However there are issues with regards to foul drainage. The current site is served by a defective sewage treatment plant which has no licence from the Environment Agency to discharge; there is insufficient space for a drainage field for a new plant or any watercourses in close proximity.

There has been correspondence between the applicant and the Council's Land Drainage Team and the latest submission proposes the use of a cess pit. Whilst such solutions are not the most ideal for a development of this size, if no other option is available then the use of a cess pit may be acceptable in certain circumstances. However the size proposed for scheme is not suitable and therefore further details will need to be agreed regarding foul drainage. This matter can however be dealt with by way of a condition.

The current dwelling and business is served by an unwholesome private water supply that has been shown by analysis to be contaminated with bacteria including E. coli and chemical contaminants including sodium and fluoride which affects the whole area of Claverhambury. The supply currently has a boil notice as issued by the Council on it due to its risk of causing illness when consumed. As a result of this the applicant proposes to install UV or chlorination systems with a reverse osmosis system and re-blending arrangement. The aim being to reduce sodium and fluoride below the limits in the regulations and remove bacterial contamination.

Providing that the systems are appropriately sized for the expected usage of the new properties and use Drinking Water Inspectorate (DWI) approved products then this will adequately address the above concerns. A condition will be required to approve the details of the system prior to installation so that the Council can be assured that it could mitigate the issues highlighted in the risk assessment and therefore not require remedial works at a later date.

Contamination:

The application has been accompanied by a Phase 1 Environment Report. Whilst PAH & Metals etc. from coal/coke and ash/clinker from historic heating of the bunk house/bungalow and greyhound feed boilers have not been specifically identified as potential contaminants, as PAH & Metals etc. have been included as general made ground contaminants, this should suffice.

Although no detailed list of individual potential linkages has been included in the report to enable different source locations and different pathways to be identified (e.g. human ingestion of deeper hydrocarbons via permeation of plastic water supply pipes and human ingestion of hydrocarbons in shallow soils would require investigation at different depths & locations and would have different remedial options) and enable the linkages to be revised through the phased land contamination conditions, it should be feasible in this instance to avoid the need for the Phase 1 to be revised and instead include the requirement for a detailed list of individual pollutant linkages to be included with the Phase 2 Protocol. As such this matter can be suitably dealt with through the use of conditions.

Ecology:

A Bat Scoping Survey has been submitted with regards to the development. Subject to a number of conditions, the proposal is considered to be acceptable in terms of its impact on ecology.

Conclusion:

This application constitutes the redevelopment of previously developed land and would not have a greater impact on the openness of the Green Belt than the existing development. As such the proposal would not constitute inappropriate development. Whilst the site is not well located in terms of sustainable transport modes or served by local services/facilities and the redevelopment would result in the loss of the existing employment site it is not considered that these factors are sufficient enough to warrant a refusal of the application.

The design and layout of the proposed dwellings would be acceptable and the development would provide additional housing to assist in the Council meeting its five-year land supply. The application has been assessed by Environmental Services who consider that, subject to a

condition, there would not be a significant or excessive loss of amenity to future residents nor should the development detrimentally impact on the vitality of the neighbouring businesses. All other material considerations have been addressed.

Due to the above the proposed application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and emerging Local Plan policies and is recommended for approval, subject to conditions and to the applicant first entering into a legal agreement to secure mitigation against any impact on the Epping Forest SAC.

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:

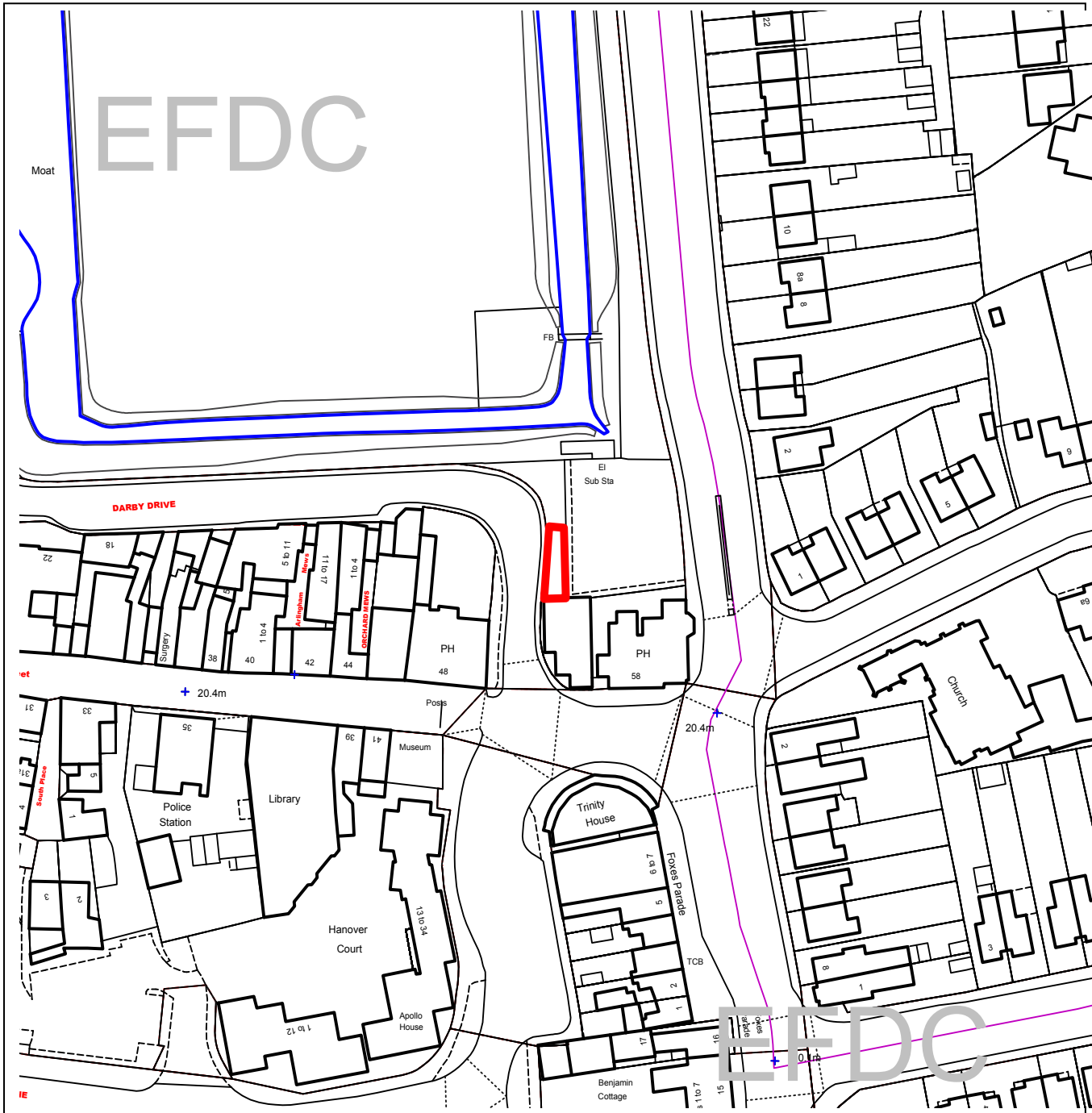
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/3359/17
Site Name:	Land to rear of 54 Sun Street, Waltham Abbey, EN9 1EJ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/3359/17
SITE ADDRESS:	Land to rear of 54 Sun Street Waltham Abbey Essex EN9 1EJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Ben Green
DESCRIPTION OF PROPOSAL:	The erection of a one and a half storey building for a flexible A1 (retail)/A2 (financial and professional) use.
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=603337

REASON FOR REFUSAL

- 1 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.
- 2 The proposal will introduce a car free development into the area as well as displace existing parking used for existing business in the Town Centre, resulting in a significant demand for on street parking in the locality. As a result the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would also be harmful to highway safety. The proposal is therefore contrary to policies CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.

This application is before this Committee since it has been 'called in' by Councillor Mrs Kane

Description of site

The application site is located to the north of no.54 Sun Street which is within the centre of Waltham Abbey. The site is located to the immediate east of Darby Drive and is currently used as an area for parking for existing business units within the Town Centre. The application site is not within the boundaries of the Metropolitan Green Belt and it is within the Waltham Abbey Conservation Area.

Description of proposal

The proposed development is to erect a one and a half storey building for flexible A1/A2 Purposes.

Relevant History:

EPF/2447/11 - Outline application for the erection of a new block containing two retail units at ground floor with four flats at first and second floor, to the rear of no 54 Sun Street – refused 06/02/12 (appeal dismissed 02/10/12)

EPF/1029/13 - Phase 1 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor – refused 18/07/13 (appeal dismissed 26/06/14)

EPF/1056/13 - Phase 2 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor – refused 18/07/13

EPF/1224/15 – Outline planning permission for mixed use retail shop and office development – refused

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Protecting the quality of the rural and built environment
CP3 - New development
CP9 - Sustainable transport
TC3 - Town centre function
HC6 - Character, appearance and setting of conservation areas
HC7 - Development within conservation areas
DBE1 - Design of new buildings
DBE2 - Effect on adjoining properties
DBE6 - Car parking in new development
DBE8 - Private amenity space
DBE9 - Loss of amenity
DBE12 - Shopfronts
ST1 - Location of development
ST2 - Accessibility of development
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.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 – Presumption in favour of sustainable development
DM9 – High quality design
DM7 – Heritage Assets
E1 – Employment sites

Consultation carried out and summary of representations received

8 Neighbours consulted – NO COMMENTS RECEIVED

WALTHAM ABBEY TOWN COUNCIL – NO OBJECTION

Issues and considerations

There would not be any significant harm caused to the living conditions of any nearby neighbour and therefore the main issues to consider are the potential impact on the character and appearance of the Conservation Area, parking provision, employment issues and any other material considerations.

Conservation Area and parking issues

The principle of erecting a building on this site has been the subject of four previous applications, all of which were subsequently refused and two of them dismissed on appeal by the Inspectorate. As part of the reason for refusal in all four applications was an identified harm to the character and appearance of the Conservation Area, however rather than being caused by the notion of a building on the site, it was rather due to the detailed design of the building proposed as well as the harm caused by the increased demand for on street parking.

Indeed the Inspector concluded within the 2013 application that:

The Council do not object to the principle of redevelopment of the appeal site and I agree that the site adds little to the Conservation Area at present apart from its openness, where the addition of a well designed building could add visual interest to Darby Drive and generally to the setting around the junction with Sun Street.

However in that instance the Inspector went on to conclude that, amongst other things, the building as proposed would cause harm to the character and appearance of the Conservation Area due to its detailed design, mass and scale.

It therefore follows that the Council may be supportive of a well-designed building within this part of the Conservation Area.

The proposed building in this application is for a one and a half storey building which has a mass and scale which is respectful to the Conservation Area. The steep pitched roof and front gables mirror those on no.54 Sun Street creating continuity between the two buildings. Subject to conditions regarding the use of materials in the construction of the building, it is concluded that the building will preserve the character of the Conservation Area.

Turning to the parking issues, the proposed development of the site will include the loss of commercial parking on the site as well as the introduction of a new A1/A2 use with no dedicated parking provision. It is not absolutely clear on what basis the current car park is used, but from the notices which are displayed on the site; it appears to be occupied by the vehicles of several local companies. There is nothing to indicate where these vehicles would park, especially given the parking restrictions in this part of Waltham Abbey, nor would how any vehicles related to the proposed use be accommodated.

Indeed, this was also considered by the previous Inspector on the 2013 application where it was concluded that:

I appreciate that this is a town centre location, and that various non-car modes of transport would potentially be available. However the visual consequences of the proposal would be exacerbated by potentially indiscriminate parking as a result of the development.

The Inspector went on to conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and would in fact cause it substantial harm. Since this proposal seeks permission for effectively the same principle, there is no substantive reason to take a different view from the previous Inspector.

As well as the harm to the Conservation Area, the displacement of existing parking which is well used by existing businesses in the locality as well as the introduction of a car free development will result in a significant demand for off street parking in the middle of Waltham Abbey, which is an area of significant demand for on street parking. Indeed the Essex County Council Parking Standards require 1 space per 20sqm on floor space created for A1 uses. A reduction in spaces can be considered as appropriate in Town Centre locations, however since it has been found there would be material harm to significant parking arrangements, the reduction of spaces is not appropriate in this instance.

Employment issues

Policy E1 of the Epping Forest Local Plan (Submission Version) 2017 seeks, amongst other things, to support and encourage development of flexible local employment space to meet the needs of the District.

In this instance the proposed unit would make a modest contribution to existing employment within Waltham Abbey and this lends moderate weight in favour of the application.

Epping Forest SAC

There must be a screening assessment by the competent authority (generally the LPA) as to whether a project is likely to have “a significant effect” on a European Site (providing that the application is not directly connected with or necessary to the Site’s management) whether in combination with other plans or projects or alone. The screening is carried out on a precautionary basis. The trigger for subsequent assessment via a Habitats Regulation Assessment (HRA) does not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is required if there is a probability or risk that the plan or project will have an effect on the site concerned [reg 63 and Art. 6(3)]

This proposal could cause significant in combination impacts on the integrity of the SAC. At the very least, the application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such,

the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping

Overall balance and conclusion

The proposal has been found to cause harm to the character and appearance of the Conservation area, harm to existing parking arrangements in Waltham Abbey and it has not been demonstrated beyond reasonable scientific doubt that there will not be an in combination impact on the integrity of the SAC. These factors weigh heavily against the proposal.

On the other side of the balance, the proposed new unit will offer a modest increase in employment opportunities in Waltham Abbey and this should be afforded moderate weight.

The lack of harm caused to the Conservation Area by reason of the building itself carries neutral weight since it is policy expectation that new development would not cause such harm.

Drawing all the strands together it is clear that the benefits of the scheme do not outweigh the identified harm to the Conservation Area or the lack of information of the potential harm to the Epping Forest SAC. As a result, planning permission should be refused.

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:

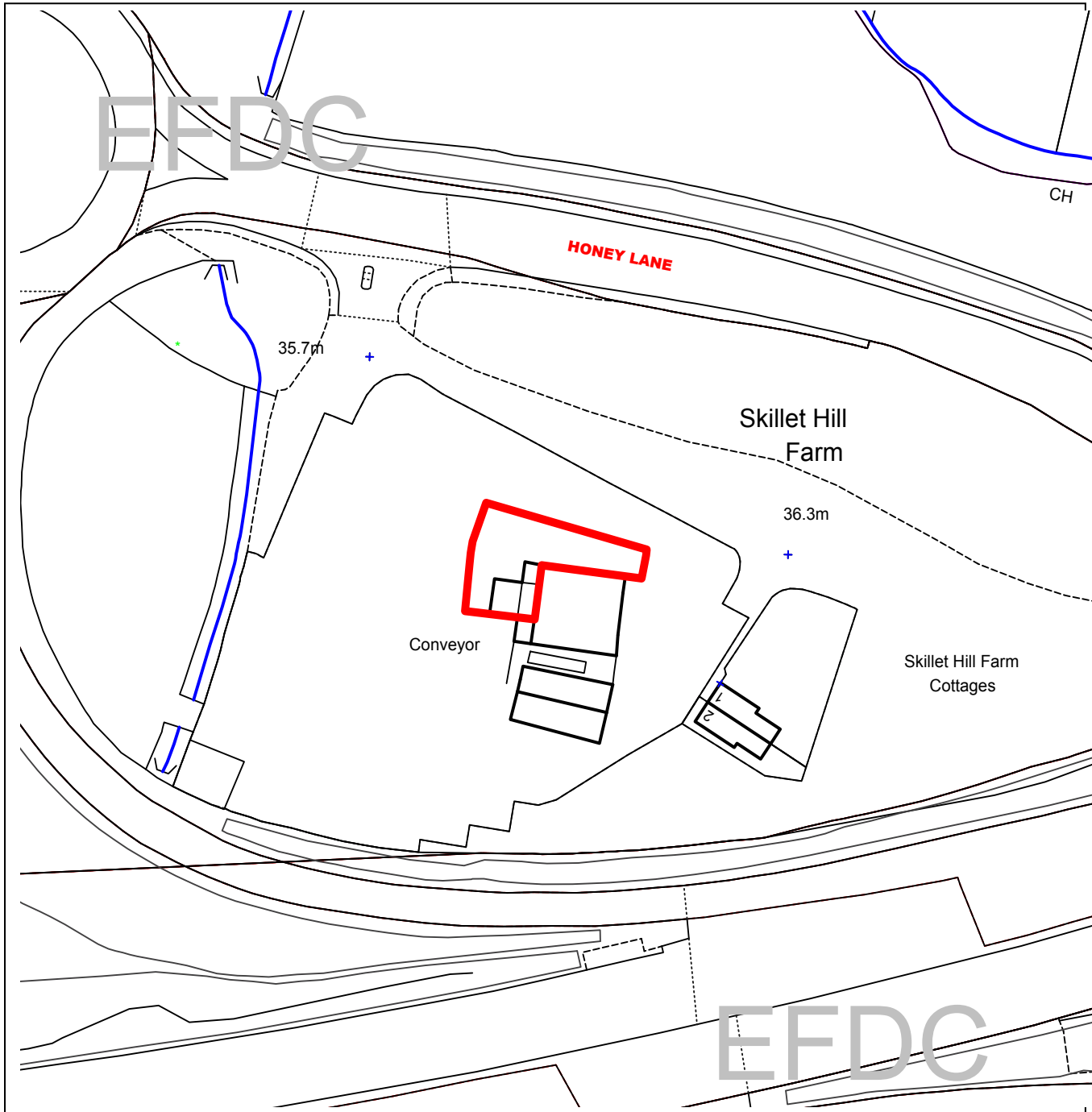
Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371

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



Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/0600/18
Site Name:	Skilletts Hill Farm, Honey Lane, Waltham Abbey, EN9 3QU
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0600/18
SITE ADDRESS:	Skilletts Hill Farm Honey Lane Waltham Abbey Essex EN9 3QU
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr Nick Thompson
DESCRIPTION OF PROPOSAL:	Change of use from truck parking to fuel storage and dispensing.
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=606473

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: GA010: 1P01, 2P01, 3P01, 4P01
- 3 The use of the refuelling facilities hereby approved shall only be for a maximum of 35 HGVs at any one time which are stationed on the site as part of its lawful use as a HGV parking area allowed under previous application EPF/0847/12 unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 Deliveries for the use hereby permitted shall not be made outside the hours of 09:00 to 16:00 Monday to Friday and not at all on Saturdays, Sundays and Bank/Public Holidays.

- 6 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 7 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

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

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

The Assistant Director (Development Management) considers this application is appropriate to be determined by Members

Description of site

The application site is located on Honey Lane, just to the north of the M25 within the settlement of Waltham Abbey. The site is currently used as a truck stop and contains a café and rest area. The application site is located within the boundaries of the Metropolitan Green Belt and it is not within a Conservation Area.

Description of proposal

The proposed development is for an operational change of use of part of the site from a truck stop to use for the storage and dispensing of fuel.

Relevant history

EPF/0365/07 - Change of use of land to Lorry Park for 25 lorries, change of use of existing house to drivers' facilities and offices and alteration to existing access. (Revised application) – Allowed on appeal

Policies Applied

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties
DBE9 – Loss of amenity
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
U3B – Sustainable drainage systems

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.

Epping Forest District Local Plan (Submission Version) 2017:

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 - Presumption in Favour of Sustainable Development
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure
DM21 - Local Environmental Impacts, Pollution and Land Contamination
DM4 - Green Belt
DM5 - Green and Blue Infrastructure
DM9 – High quality design
D4 – Community, leisure and cultural facilities

Consultation carried out and summary of representations received

WALTHAM ABBEY TOWN COUNCIL – OBJECTION - The Committee noted that this being a retrospective planning application, there were concerns raised regarding the access and egress to the site and suggested that the Local Highway Authority should be consulted on this matter and that there should be a wider consultation with the neighbours in view of the impact that the increased traffic would have on the area

2 Neighbours consulted – NO COMMENTS RECEIVED

Issues and Considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of the neighbours, the character and appearance of the area, highway issues and any other material planning considerations.

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 NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.

The NPPF also emphasises that when considering an application, a Local Planning Authority 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.

However paragraphs 89 and 90 of the NPPF allow certain exceptions to inappropriate development one of which is the:

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

In 2007 the entire site was granted planning permission on appeal for the parking of up to 25 HGVs and up to 10 cars and for the change of use of the existing building on the site for drivers facilities. It therefore follows that the site constitutes previously developed land and can be considered under this exception to inappropriate development.

The proviso of this exception is that the proposed development, be it infilling or redevelopment of previously development land cannot have a materially greater impact on the openness of the Green Belt or conflict with the purposes of including land within it. Since the application site only concerns a small section of the site, the application will not result in the cessation of the existing use of the site for HGV parking but will allow those vehicles parked on the site to refuel. Whilst it cannot be said that the refuelling would be ancillary to its use as a truck stop, it would be used closely alongside this lawful use and would only involve small scale development; the installation of refuelling pumps and underground tanks. The physical impact on the Green Belt is therefore very low given its context in the middle of a previously developed site.

There is some concern that the introduction of this use could significantly increase the number of HGVs using the site to refuel and that this in turn would have a substantially greater impact on the openness of the Green Belt. However the applicant has indicated a willingness to accept a condition that refuelling can only be undertaken by HGVs who have booked to park their vehicles on the site and not for transient HGVs from the M25. Providing this condition is imposed it is reasonable to conclude that the use would not increase the number of HGVs on the site and would therefore preserve the openness of the Green Belt.

All things considered it is reasonable to conclude that the proposal is not inappropriate development in the Green Belt.

Living conditions of neighbours

The site is bounded by the M25 to the south and Honey Lane to the north and only has one neighbour within relative close proximity to the site. As previously identified, it is not considered that the installation of refuelling facilities for existing HGVs on the site would create an increase in HGV movements to and from the site. Within this context it is not considered that there would be substantial disturbance caused to residents as a result of the proposal.

Character and appearance of the area

The refuelling equipment will be of a small scale within the boundaries of an existing HGV parking area. As such it would not cause substantial harm to the character and appearance of the area.

Highway issues

The Essex County Council Highway Team were consulted on this application and have concluded that the installation of refuelling equipment on this site would be unlikely to cause a significant increase in traffic movements to and from the site and therefore have no objection to the application.

In addition to this, Highways England was also consulted on the proposal to assess whether there may be harm to the M25 or Junction 26. Since the M25 is a critical national road network, Highways England has a responsibility to ensure that it operates and is managed in the public interest to ensure its long term operation and integrity. Having looked at the application, Highways England has concluded that the use will not result in a material severe impact on junction 26 of the M25 and therefore they have no objection to the application.

Indeed it is agreed that there will not be a substantial increase in traffic movements to and from the site providing that there is a planning condition imposed to restrict its use for HGVs parking on the site.

Epping Forest SAC

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC.

In this instance the installation of a fuel storage area on an existing lawful truck parking area will not cause any increased visitor pressure into Epping Forest.

Turning to the potential harm to air quality, Essex County Council has identified there will not be an increase in the number of vehicle movements to and from the site, since the refuelling area is located within the context of the existing lawful use of the site and will displace existing parking. In addition to this, it has also been identified that a planning condition will need to be imposed to ensure that the only vehicles permitted to use the refuelling area are those booked to be parked and not transient HGVs passing from the M25.

Furthermore the information submitted has been assessed by Natural England who raised 'no comments'. Whilst they make it clear that this lack of comment does not imply that there are no impacts on the natural environment they do state that "*the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes*".

Based on the above it is clear that there will not be an increase in the number of vehicle movements associated with the site and it therefore follows that there would not be an increase in air pollution and, as confirmed by Natural England's response, the proposed development would not be likely to give rise to significant effects on the Epping Forest SAC either alone or in combination with other developments. Therefore, as the competent authority, the Council can reasonably conclude that this particular proposal will not need to be subject to a project level Habitats Regulation Assessment.

Conclusion

The proposal is compliant with the relevant policies of the Development Plan 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**

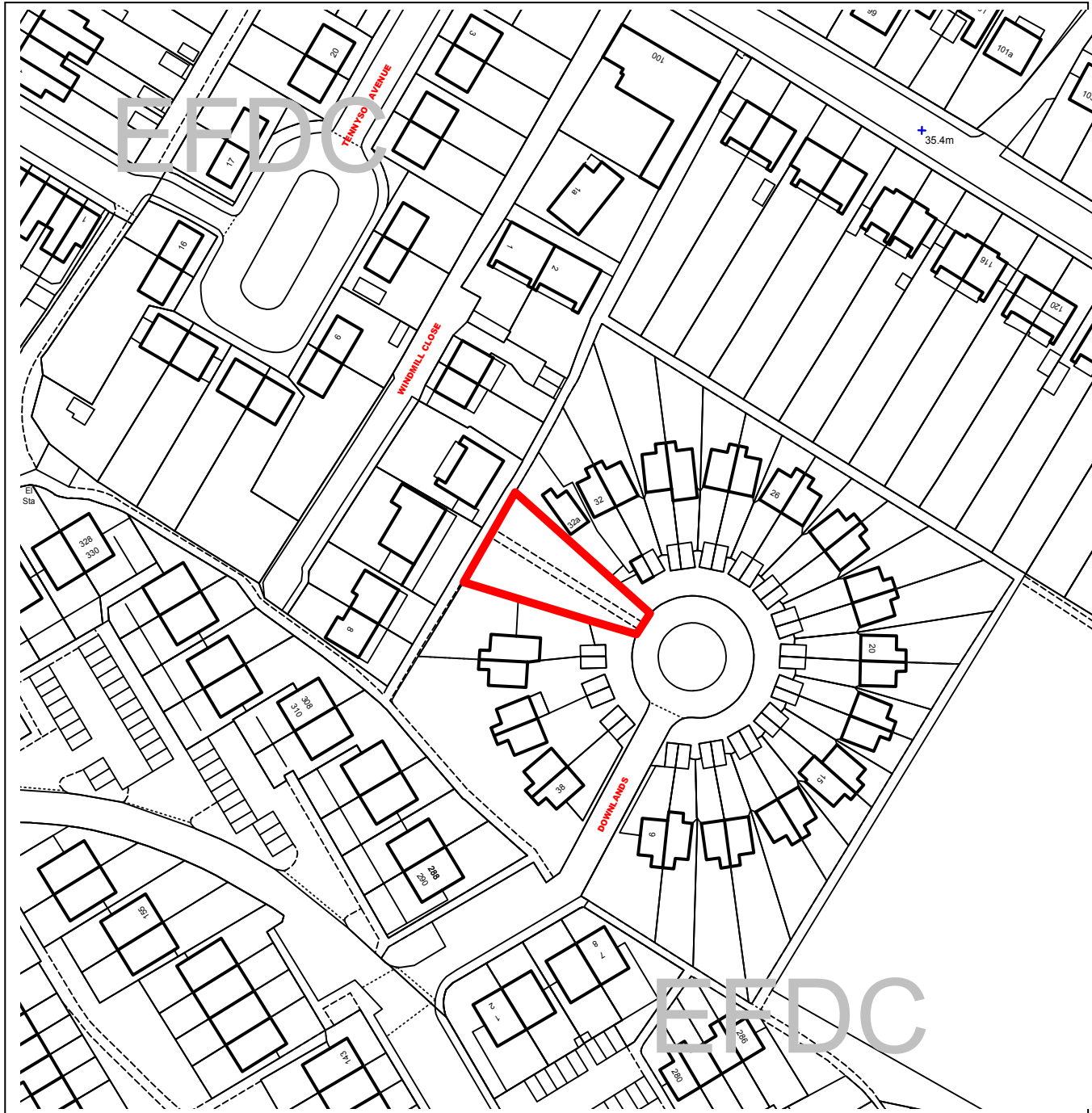
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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/0601/18
Site Name:	Land between 32a and 33 Downlands, Waltham Abbey, EN9 1UH
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0601/18
SITE ADDRESS:	Land between 32a and 33 Downlands Waltham Abbey Essex EN9 1UH
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr Paul Rayden
DESCRIPTION OF PROPOSAL:	Relocation of existing footpath and erection of two semi-detached houses.
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=606474

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: 001 P1, 090 P1, 091 P1, 101 P1, 102 P1, 103 P1, 104 P1
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor rear (western) elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

- 6 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.
- 7 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

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

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 10 Prior to first occupation of the dwellings hereby approved measures to improve the ecological value of the site shall be implemented in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority.
- 11 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

And subject to the completion, within 6 months, of a Section 106 Legal agreement to secure necessary contributions towards a) access management and monitoring of visitors to the Epping Forest Special Area of Conservation (SAC) and b) mitigation of air pollution in the vicinity of the Epping Forest SAC.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more at least 5 expressions of objections material to the planning merits of the proposal are received.

Description of Site:

The application site consists of an area of grassed open space with a footpath running through the centre that is situated on the western side of Downlands, which is a circular residential development with vehicular access to the rear and with properties fronting out towards pedestrian footpaths.

The site is not in a Conservation Area or the Green Belt. The surrounding area has a generally urban, residential character.

Description of Proposal:

The proposed development seeks to relocate the existing footpath along the northern boundary of the site and erect a pair of semi-detached dwellings each with two tandem off-street parking space and private amenity space.

Due to the shape of the application site the proposed dwellings would have a shared access to the parking areas and would be orientated so that the active frontage would face Downlands (overlooking the parking area) with the private amenity space being to the rear (adjacent to the footpath).

The pair of dwellings would measure a total of 11.8m in width and maximum of 9.5m in depth (including the single storey rear projections). They would have gable ended pitched roofs to a ridge height of 7.6m.

Relevant History:

None on application site, however consent was granted and implemented for the erection of a single detached dwelling on the neighbouring site ref: EPF/1424/09

Policies Applied:

- CP1 – Achieving Sustainable Development Objectives
- CP2 – Protecting the Quality of the Rural and Built Environment
- CP3 – New development
- CP6 – Achieving sustainable urban development patterns
- DBE1 – Design of New Buildings
- DBE2 – Effect on Neighbouring Properties
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- RP3 – Water quality
- RP4 – Contaminated Land
- ST1 – Location of Development
- ST2 – Accessibility of Development
- ST4 – Road Safety
- ST6 – Vehicle Parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 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.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Presumption in Favour of Sustainable Development

H 1 - Housing Mix and Accommodation Types

T 1 - Sustainable Transport Choices

DM 1 - Habitat Protection and Improving Biodiversity

DM 2 - Epping Forest SAC and the Lee Valley SPA

DM 3 - Landscape Character, Ancient Landscapes and Geodiversity

DM 9 - High Quality Design

DM 10 - Housing Design and Quality

DM 11 - Waste Recycling Facilities on New Development DM 18 - On Site Management of Waste

Water and Water Supply DM 19 - Sustainable Water Use DM 21 - Local Environmental Impacts, Pollution and Land Contamination

DM 22 - Air Quality

Consultation Carried Out and Summary of Representations Received:

43 neighbouring properties were consulted.

TOWN COUNCIL – No objection.

19 DOWNLANDS – Object due to impact on parking.

20 DOWNLANDS – Object due to overdevelopment of the site, loss of open space, safety concerns about the new footpath, and potential impact on water pressure.

23 DOWNLANDS – Object due to disruption during construction works.

30 DOWNLANDS – Object due to impact on parking congestion and loss of green space.

31 DOWNLANDS – Object due to impact on parking and loss of open space.

32 DOWNLANDS – Object due to impact on parking, impact on water pressure, the loss of the open space, and due to the cluttering of the area.

34 DOWNLANDS – Object due to impact on parking, loss of the green space, and safety concerns regarding the replacement footpath.

35 DOWNLANDS – Comment that it would add more cars to an already congested area and remove more green space.

6 WINDMILL CLOSE – Object due to overlooking.

7 WINDMILL CLOSE – Object due to the loss of the open space, as this is overdevelopment of the site, and due to overlooking concerns.

Main Issues and Considerations:

The key considerations in this application are the principle of the development in this location, regarding parking provision, loss of open space, design and impact on the street scene, and any potential impact on neighbour amenities.

Principle of development:

The application site is located within the urban town of Waltham Abbey within a heavily built-up residential area. The location of the site is, in principle, acceptable for additional residential development.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development. Whilst the allocated sites within the emerging Local Plan will provide a suitable five-year land supply once the Plan is adopted, at the current time the Council cannot demonstrate a five-year supply of land for housing purposes. Due to this it has been shown in several recent appeal decision, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission in locations such as this. Such matters weigh in favour of the development.

Parking provision:

One of the key concerns of neighbouring residents appears to be regarding parking provision and the potential impact that this development would have on the surrounding road network, which currently suffers from parking stress.

The Essex County Council Vehicle Parking Standards recommends two off-street spaces for dwellings of this size, which would be provided on site in a tandem arrangement. This form of car parking is identical to that of all other properties in Downlands, albeit one of each of the two spaces on the surrounding properties are within detached garages. The provision of open parking on this site instead of the erection of garages would better ensure that the spaces are utilised for parking rather than storage purposes.

Whilst it is accepted that there is existing, well-known, parking stress within the locality the proposed houses would provide sufficient off-street parking to serve future residents and therefore should have no impact on the existing parking problems.

Loss of open space:

The application site is an area of approximately 480m² of open green space dissected by a footpath leading to the perimeter footpath serving the dwellings on Downlands. The site is devoid of trees or vegetation, except for grass.

Concerns have been raised by local residents about the loss of the green space, partially due to the visual impact on the streetscene and partially since the area is used as an open play area for children.

The Roundhills estate, to which this site forms a part of, is interspersed by a number of open green spaces, which is something of a feature to the area. Along with the application site Downlands also benefits from a grassed area within the centre of the vehicular area. Whilst this has the characteristics of a roundabout it is effectively an area of open green space.

It is accepted that the proposal would result in the loss of the existing open green space, however it is not considered that this would cause any significant harm to the amenities of the local community. The existing green space is not large enough to provide all necessary functions (i.e. dog walking, exercise, etc.) and other, similar alternative space is available within the immediate locality.

The existing footpath would be relocated to the northern edge of the site to ensure that access can still be obtained to the perimeter footpaths serving the neighbouring residents. Concern has been raised about the potential for criminal and anti-social behaviour along this footpath, however the estate is interspersed with alleyways such as this such that they are common features within the wider Roundhills estate. There would be an opportunity to control the boundary treatment on the new development to ensure that lower level fencing can be provided where suitable (such as along the parking area and front garden), which would assist in ensuring that the footpath is relatively open and visible from public view.

Design:

The proposed new dwellings have been designed to reflect the existing properties within the estate. The key difference is that the new dwellings would front onto the parking area as opposed to the other properties in Downlands, which back onto the parking area and front onto the perimeter footpaths.

Whilst this layout would be slightly at odds to the surrounding built form it would provide an active frontage onto the parking area that would be beneficial in terms of passive security and overlooking.

Despite the concerns about overdevelopment on the site, it is not considered that the proposal would appear cramped or out of keeping with the surrounding street scene and the spacing between the new dwellings and the existing neighbouring properties would be sufficient to maintain some openness to the site. As such it is not considered that the proposal would be detrimental to the character or appearance of the area.

Neighbouring Amenity:

The proposed new development would not extend beyond the rear walls of either of the neighbouring dwellings and would maintain a suitable distance between the buildings.

An overlooking survey has been submitted with the application and it is proposed that the first floor rear windows, which would serve bathrooms and stairwells, would be obscure glazed. It is clear from the submitted information that, subject to a condition requiring obscure glazed and fixed frame windows to the rear, there would be no loss of privacy or overlooking to the neighbouring properties to the west.

Concerns have been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works are however suggested in order to minimise any impact on neighbours.

Epping Forest Special Area of Conservation:

The application site lies within 6.2km of the Epping Forest Special Area of Conservation (SAC). As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the SAC as a result of increased visitor pressure arising from new residential development within 6.2km of the SAC, and from the effects of air quality throughout the District. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures and air quality on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policies DM 2 and DM 22. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a legal agreement and recognises that the level of contribution is to be agreed after the committee, should Members resolve to grant permission.

In addition to the above, as required by policy T 1 of the Epping Forest District Council Local Plan Submission Version, a condition is required to ensure that an electric charging point is provided for each of the new dwellings to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

Other considerations:

Land Drainage:

The applicant is proposing to dispose of surface water by main sewer. The opportunity of new development should be taken to further reduce the runoff entering the main sewer by incorporating sustainable drainage systems in to the drainage design. Techniques such as rainwater harvesting and permeable paving should be given strong consideration. Further details are required, which can be dealt with by condition.

Concerns have been raised about the potential impact that the development would have on water pressure. In line with policy DM 19 of the Epping Forest District Council Local Plan Submission Version, a condition should be imposed to ensure that a water efficiency standard of 110 litres (or less) per person per day is provided on site in order to avoid any additional water stress.

Contaminated Land:

A readily available Council held desk study information for this site has been screened and no evidence can be found of any potentially significant contaminating activities having taken place historically on the site. Records indicate that the site formed part of a field until it was developed as part of a sports ground around the middle of the last century and as a communal landscaped area for the Downlands housing development around 1967.

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos in hardstanding beneath the existing footpath and the former tennis court sub base) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

Conclusion:

The erection of the two proposed dwellings within this location would comply with the 'presumption in favour of sustainable development' as laid out within the NPPF and would assist in the Council meeting its five-year supply of deliverable housing sites, albeit in a small way. Furthermore, whilst the proposal would result in the loss of a small area of open green space, it is not considered that the development would be detrimental to the character or appearance of the street scene.

Whilst the site is located within an area of known on-street parking stress, adequate off-street parking is proposed for the future residents of the site. Therefore the development should have no greater impact on parking pressure.

There would be no detrimental impact on the amenities of surrounding residents and the new dwellings have been designed to reflect and complement the immediate locality. Due to this it is considered that the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant adopted and emerging Local Plan policies and the application is therefore recommended for approval subject to the applicant first entering into a legal agreement to secure mitigation measures for the Epping Forest SAC.

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

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

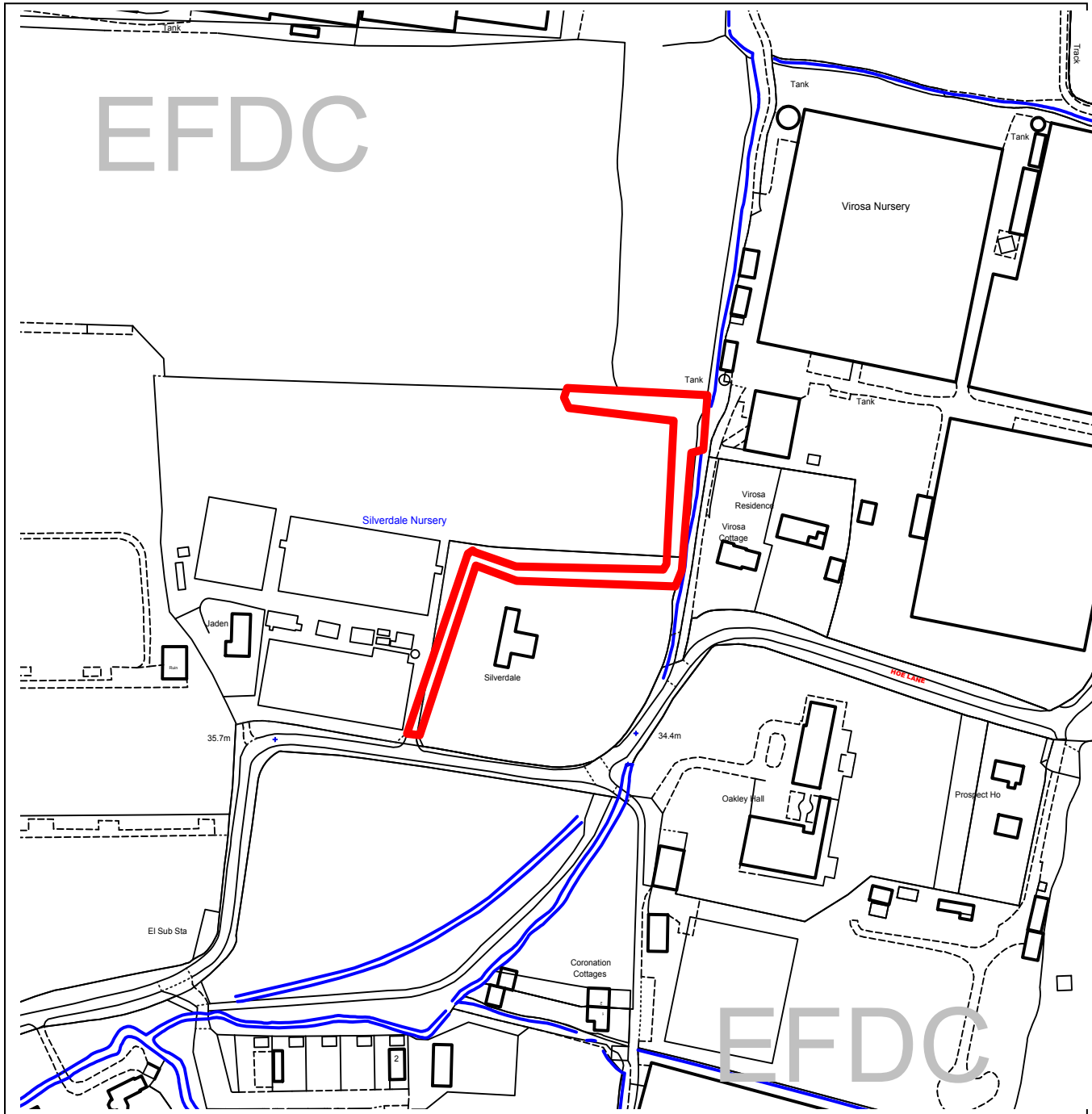
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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/0827/18
Site Name:	Silverside Nursery, Hoe Lane, Nazeing, EN9 2RJ
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/0827/18
SITE ADDRESS:	Silverdale Nursery Hoe Lane Nazeing Essex EN9 2RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr P Milazzo
DESCRIPTION OF PROPOSAL:	Stationing of four caravans for nursery workers, provision of amenity space and landscaping.
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=607375

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the circumstances of this proposal do not amount to very special circumstances which clearly outweigh the identified harm. It has also not been demonstrated that the caravans are essential for the continued use of the enterprise. The proposal is therefore contrary to policy GB2A and GB17A of the Adopted Local Plan, with DM4 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.
- 2 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017. This carries substantial weight in the decision.

This application is before this Committee since it has been 'called in' by Councillor Bassett

Description of site

The application site is located on the western side on Hoe Lane which is within the settlement of Nazeing. Silverdale Nursery is directly adjacent to the site and a dwelling known as Silverdale is to the south. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

Description of proposal

The proposal is for the stationing of four caravans for nursery workers as well as the provision of amenity space and landscaping.

Relevant history

EPF/2150/14 - Prior notification of proposed demolition of approximately 5000 sq.m. of existing glasshouses and ancillary nursery buildings; hard standings; and other nursery tanks and structures, but excluding the existing bungalow ("Jaden"). – Approved

EPF/2908/14 - Erection of glasshouses and ancillary nursery development. – Approved

EPF/0776/16 - Application for minor material amendment to EPF/2908/14 - Minor external changes - (Erection of glasshouses and ancillary nursery development). – Approved

Policies Applied

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP6 Sustainable Urban Development Patterns
CP8 – Sustainable Economic Development
GB2A – Development in the Green Belt
GB11 – Agricultural buildings
GB17A – Agricultural, horticultural and forestry workers dwellings
DBE2 – Effect on neighbouring properties
DBE9 – Loss of amenity
U2A – Development in Flood Risk Areas
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.

Epping Forest District Local Plan (Submission Version) 2017:

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 – Presumption in favour of sustainable development
SP6 – Green Belt and district open land
DM4 – Green Belt

E1 – Employment sites
E3 – Food production and glasshouses

Regarding policy E3 of the emerging Local Plan, paragraph B allows for the provision of residential accommodation for nursery workers on existing nurseries subject to certain criteria.

In accordance with paragraph 216 of the NPPF, decision makers may give weight to relevant policies in emerging Local Plans according to, amongst other things, the extent to which there are unresolved objections to relevant policies. In this instance the Council has received a substantial objection to Policy E3 of the emerging Local Plan for the Lea Valley Growers Association and thus at this time, can only be afforded limited weight in the decision making process.

Consultation carried out and summary of representation received

NAZEING PARISH COUNCIL – NO OBJECTION – but if permission is granted it be subject to a condition that the accommodation is used only for seasonal workers employed at Silverdale Nursery.

Issues and Considerations

The main issues to consider are the potential impacts on the Green Belt, the living conditions provided, the impact on the character and appearance of the area and any other material considerations.

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 NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.

The NPPF also emphasises that when considering an application, a Local Planning Authority 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.

Paragraphs 89 and 90 of the NPPF allow certain exceptions to inappropriate development; however uses of land are not included within these exceptions and since the stationing of a caravan constitutes a change of use of the land, it follows that the proposal is inappropriate development in the Green Belt a view shared by the applicant. In accordance with paragraph 88 of the NPPF the harm caused by reason of inappropriate development is attributed significant weight.

Openness

The site is located on the northern edge of glasshouses on Silverdale Nursery and would not be overtly visible from public viewpoints. Whilst the provision of caravans would appear as a discordant physical encroachment into an otherwise predominantly open rural setting, however given its relatively subtle location in relation to public viewpoints it will not cause additional harm to the openness of the Green Belt.

Other Considerations

Firstly with regards to housing supply, the Council is clear that it cannot currently demonstrate a deliverable 5 year supply of housing land is available within the district as required by the NPPF. In this respect the Council accepts that policies relating to housing provision cannot be considered up to date. This adds weight to an approval of planning permission in this instance.

The Epping Forest Local Plan was adopted in 2006, prior to the introduction of the NPPF and reflects previous Government policy in relation to Green Belt. Policy GB2A provides for the use of land which would preserve the openness of the Green Belt and which would not conflict with the purposes of including land within it. However this provision within the Adopted Local Plan is inconsistent with the NPPF and thus the weight attached to it is significantly reduced.

Policy GB17A of the Adopted Local Plan sets out the circumstances in which the Council may consider an agricultural workers dwelling as acceptable. This requires the applicant to demonstrate that the dwelling is essential, taking into account the nature of the enterprise, that there is firm evidence that the enterprise has long term viability and that genuine and sustained efforts to find suitable alternative accommodation have been made.

In terms of need, the applicant submits that the growing area of the site has increased by over 300% and the crop producing potential of the glasshouse is six times greater than the original and this, combined with the extended growing season has resulted in an approximate increase of 1200% of produce over the original. It is for this reason that the labour requirements of the nursery have also increased by a further 8 workers (there are already 10 working).

These claims may well be an accurate reflection of the need for workers although there is no robust evidence to support this. Indeed neither is there compelling evidence to demonstrate that there is an *essential* need for these workers to reside on the site for the proper functioning of the enterprise. Similarly in the wider context, there is no firm evidence to demonstrate that there is an essential need for these workers to live near their place of employment other than economic factors of the individual workers. It is the requirements of the horticultural nursery itself, rather than those of the employee which are relevant in determining whether or not such residential accommodation is justified. Whilst it may very well be convenient to accommodate horticultural workers on the site for the benefit of the business, there is no compelling evidence to show that it is essential.

The applicant indicates that agricultural workers cannot afford to buy or rent properties in the local area. In addition a brief survey of various property websites indicated that the rental prices were higher than what workers could generally afford. However affordability in this context would normally mean to the horticultural enterprise and not to the individual occupiers of the dwellings. Even if this is not the case the submitted statement does not appear to take into account the likelihood of workers sharing housing costs.

In addition the applicant argues that there are no other dwellings suitable or reasonably available in the locality and the previously mentioned brief search of property websites by the applicant supports this claim. However there is no clear evidence to show what steps were taken to find other alternative accommodation, such as the extent of enquiries made to local estate agents concerning the availability of properties to purchase or rent, nor has the possibility of a House in Multiple Occupancy been considered. On this basis it is concluded that the applicant has not rigorously investigated the possibility of finding suitable alternative accommodation.

Reference has been made to a decision reached on a planning application at Shottenton's Farm in Peck's Hill Nazeing, which allowed the erection of 24 agricultural workers dwellings. In that instance, although officers recommended refusal on Green Belt grounds members of the District Development Committee accepted that there was a need to provide accommodation for workers, in order to support the Glasshouse industry. The provision of purpose built

accommodation blocks restricted to use only by agricultural workers was accepted as an appropriate way of achieving this.

However in this instance no “need” argument has been put forward and as with the Shottentons Farm application officers are of the view that there are no very special circumstances apparent sufficient to outweigh the harm to the Green Belt from inappropriate development. (If the need to provide cheap accommodation applies to all nurseries, it can not, by definition be regarded as “very Special” circumstances, indeed if accepted, then other business uses in the District could potentially make the same argument). To allow the caravans with no very special circumstances would set a significant precedent which could be repeated elsewhere to the serious detriment of the Green Belt.

Regard has also been given to a recent approval at Bettina Nursery (EPF/0653/18) which allowed the stationing of four caravans for agricultural workers at a nursery in Sedge Green, relatively close to the application site. However, whilst the arguments put forward for this proposal are similar to those in this previous approval, the context of this decision differs from this previous decision. Firstly the previous decision involved the removal of an existing caravan which benefitted from existing use rights and thus was not controlled by any planning conditions. In addition since the decision was issued, the Council has changed its stance on policy E3 of the emerging Local Plan which is now only attributed limited weight in the decision making process. Finally, as with all proposals, each application is based on its own merits and previous decisions do not bind the Council into a making a particular decision.

In light of the above assessment, the proposal is considered to be contrary to policies GB2A and GB17A of the Adopted Local Plan, with policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the NPPF.

Epping Forest SAC

There must be a screening assessment by the competent authority (generally the LPA) as to whether a project is likely to have “a significant effect” on a European Site (providing that the application is not directly connected with or necessary to the Site’s management) whether in combination with other plans or projects or alone. The screening is carried out on a precautionary basis. The trigger for subsequent assessment via a Habitats Regulation Assessment (HRA) does not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is required if there is a probability or risk that the plan or project will have an effect on the site concerned [reg 63 and Art. 6(3)]

In this instance it is entirely possible that the proposal will cause in combination impacts on the integrity of the SAC. At the very least, the application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017. This carries substantial weight in the decision.

Potential impact on character of the area

As previously discussed, the caravans are not overtly visible from public viewpoints and would be set against the backdrop of an existing glasshouse if viewed from the north. It is not considered that such a relationship will cause significant harm to the character and appearance of the area.

Standard of accommodation

There is some concern regarding the occupation of a caravan for year round accommodation. However such sites require a licence from the Council and can be regulated to ensure a satisfactory standard of accommodation is provided.

Overall balance

Weighing all the relevant considerations into the overall balance, it is concluded that none of them, either individually or collectively, clearly outweighs the harm caused to the Green Belt by reason of inappropriate development. It is thereby concluded that there are no sufficient very special circumstances to justify allowing this development. The proposal is therefore contrary to policies GB2A and GB17A of the Adopted Local Plan, with policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the NPPF.

Conclusion

The proposal is inappropriate development in the Green Belt and there are no very special circumstances to clearly outweigh the harm caused. It is therefore recommended that planning permission is refused.

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

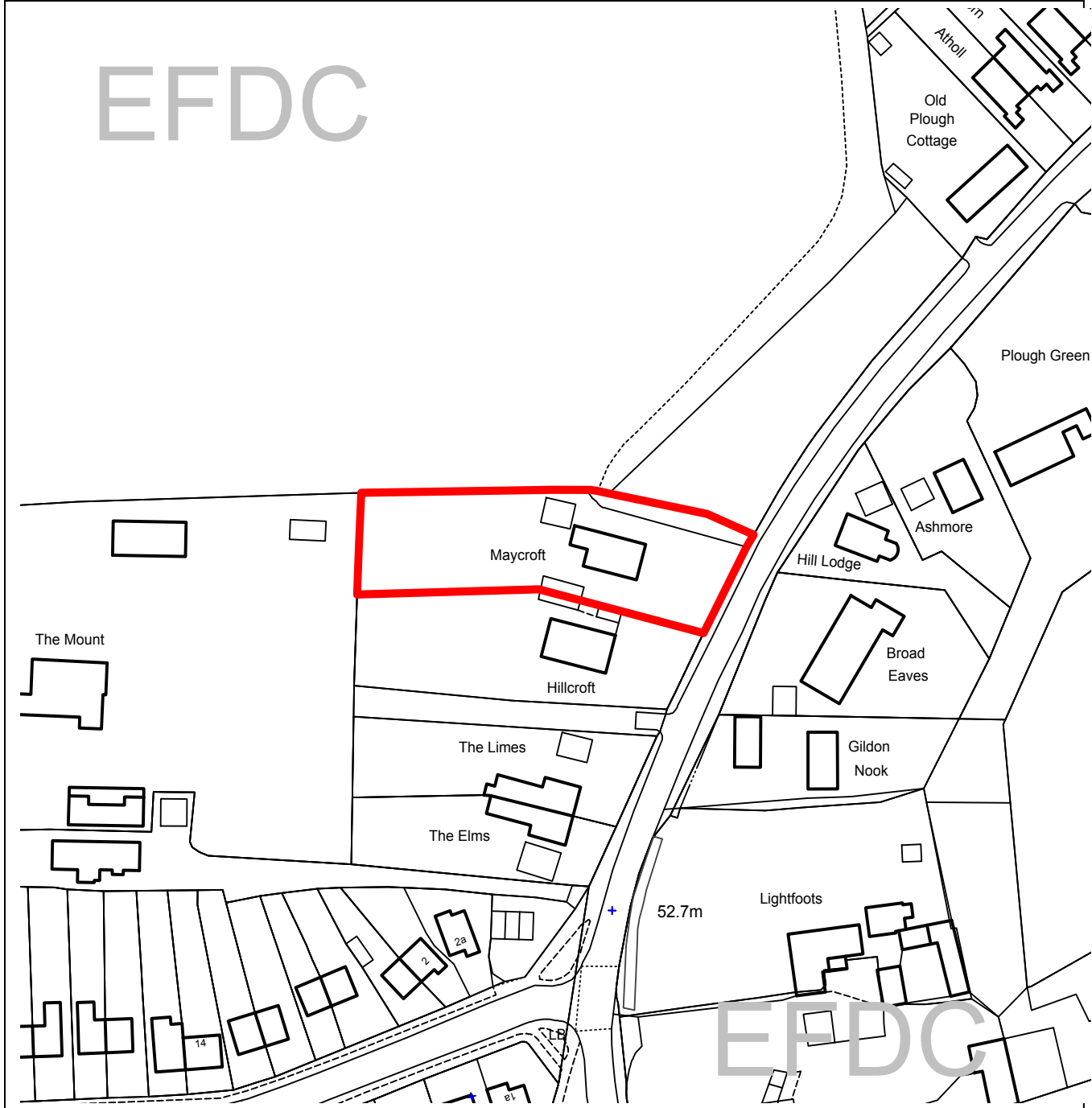
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Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/0854/18
Site Name:	Maycroft, Epping Road, Roydon, CM19 5HT
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0854/18
SITE ADDRESS:	Maycroft Epping Road Roydon Essex CM19 5HT
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Chris Penniston
DESCRIPTION OF PROPOSAL:	Division of site and construction of new dwelling on land to the rear.
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=607433

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 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.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1008_MC_AL-0-001/3, 1008_MC_AL-0-002, 1008_MC_AL-0-003/3, 1008_MC_AL-0-004/4, 1008_MC_AL-0-005/4, 1008_MC_AL-0-006/4, 1008_MC_AL-0-007/4, 1008_MC_AL-0-008/3, 1008_MC_AL-0-015/4 1008_MC_AL-0-SK001, 1008_MC_AL-0-SK002, 1008_MC_AL-0-SK010/1, 1008_MC_AL-0-SK011/1, 1008_MC_AL-0-SK012/1, 1008_MC_AL-0-SK013/1, 1008_MC_AL-0-SK014/1, 1008_MC_AL-0-SK015/1, Planning, Design and Access Statement Rev.1, Arboricultural Report
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

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

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

- 6 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 8 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 9 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 10 The existing area of foliage outlined on plan no. 1008_MC_AL-0-015 4 adjacent to the front boundary of the site to Epping Road shall be maintained so as not to exceed a height of 0.6m as stated on this plan.
- 11 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

And subject to the completion, within 6 months, of a Section 106 Legal agreement to secure an appropriate financial contribution towards mitigation of air pollution in the vicinity of the Epping Forest Special Area of Conservation.

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: Scheme of Delegation, Appendix 3)

Description of Site:

The site is a two storey detached dwelling house located on the Western side of Epping Road in Roydon. Maycroft is sited within a residential area which includes single detached residential dwelling houses in the immediate vicinity. The site is adjacent to the Metropolitan Green Belt, but not included within it. Planning permission was recently granted for 4 new dwelling houses on the land between Maycroft and the closest dwelling to the left site boundary, The Plough, which is a Listed Building. There are no Listed Buildings attributed to the Maycroft site, and it is not within a Conservation Area.

Description of Proposal:

The proposal is for a new two storey residential dwelling to the rear of the Maycroft site. Amended plans also show alterations to the front entrance to Maycroft off Epping Road to form a shared site area served by a proposed widening of an existing crossover to allow two way access and egress. This includes a proposed 0.6m high brick wall along the front boundary, planting behind, the wall increasing to 0.9m high inside the site where there will be a new access to the front garden of Maycroft, whilst the access to the new house at the rear will continue along the other side of Maycroft, served by a 1.8m high fence and railing gates.

Relevant Site History:

EPF/1008/08 – Erection of Bungalow (Revised Application) (06/10/2010) – Withdrawn

EPF/1645/07 – Erection of single dwelling (19/09/2007) – Refuse Permission

Policies Applied:

Adopted Local Plan:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
DBE1 – Design of New Buildings
DBE2 – Detrimental effect on existing surrounding properties
DBE6 – Car Parking in new development
DBE8 – Private Amenity Space
DBE9 – Impact on Amenity
GB7A – Conspicuous Development
ST4 – Highway Safety
ST6 – Vehicle Parking
LL10 – Adequacy of provision for landscaping retention
LL11 – Landscaping Schemes
H1A – Housing Provision

NPPF 2018

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 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

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, Full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 – Presumption in favour of sustainable development
DM2 – Epping Forest SAC and the Lee Valley SPA
DM9 – Quality of Design
DM10 – Housing Design and Quality
DM21 Local environmental impacts, pollution and land contamination
DM22 – Air Quality
H1 – Housing Mix and Accommodation Types
T1 – Sustainable Transport Choices

Summary of Representation:

No. of neighbours consulted: 9, no comments received

PARISH COUNCIL: OBJECTION: The Parish Council objects as the application is back land development.

Main Issues and Considerations:

The main issues to consider are as follows:

- Principle and Siting of the proposed development in this location
- Design
- Impact on the Living Conditions of Neighbours

- Highway safety

Principle of Residential Development:

The site lies adjacent to but outside of the Metropolitan Green Belt. It is part of the rear residential garden of Maycroft. Given it is not in an urban area, then the principle of building another residential property in the rear garden is not considered inappropriate and therefore the Roydon Parish Council's objection that it is backland development is not an in principle starting point to consider a refusal of planning permission.

The principle of residential development would be considered acceptable in land use terms and the provision of additional housing is consistent with Policy H1A as the application is within an established urban area. It therefore turns to the planning merits of scale, design, impact on neighbours amenity etc. to consider whether the proposal is acceptable or not.

Design

The proposed dwelling house would be two storeys high with a gabled roof. The external ground floor would be composed of facing brickwork. The first floor would be rendered white. The materials selected would be similar to the existing appearance of Maycroft and convey a similarity on the plot. Two sunken balconies would be inserted into the Northern elevation at first floor level.. The design is considered acceptable in this location and is not out of keeping with its surroundings.

Impact on the Living Conditions of Neighbours:

The dwelling house would be 12 metres in depth, 7 metres in width and 8.2 metres in height. It would be 1.35 metres from the existing side boundary and 3.2 metres from the rear boundary. There is existing foliage in place which would assist in the screening of the dwelling house. It is considered that there would not be excessive harm in relation to visual impact or undue overlooking.

There would be little impact caused in relation to loss of light due to the siting of the proposed dwelling.

Highway Safety

Essex highways were consulted on the proposal and as a result of concerns raised by them regarding sight lines and the access width the plans have been amended to reduce the fronting wall height to maintain adequate sight lines from the access and to widen the access to allow 2 cars to pass. There are therefore no highway safety concerns with regard to the revised proposal.

Other Considerations:

As mentioned, the site is located outside of the Metropolitan Green Belt. Policy GB7A states that The Council will refuse planning permission for development conspicuous from within or beyond the Green Belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt. It is not considered that this development would be excessively prominent in views from the Green Belt. There are other buildings close by which are set as far back from the road frontage.

The Council's Land Drainage Team were consulted as part of the application and have suggested that a condition regarding details of foul and surface drainage be added to the decision notice.

The Council's Contaminated Land Team were consulted as part of the application and have suggested that a condition relating to contaminated land be added to the decision notice. Whilst it appears that the risk of contamination is low, residential use is classed as a sensitive use that is particularly vulnerable to the presence of contamination. With that in mind, it is considered necessary to add a condition regarding the cessation of works and a remediation strategy to be agreed and approved in writing by the local planning authority if contaminated materials are discovered on site.

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased traffic movements resulting in a reduction in air quality. The Council is currently developing with partners an interim strategy for the monitoring and air quality and its impact on the SAC and means of mitigating such impacts. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Whilst this site would be outside of the buffer zone in relation to increased visitor pressures, it has not been proven that it will not in combination with other developments result in a reduction in air quality, which would need to be mitigated.

The applicant has confirmed that they would be willing to enter into a legal agreement to contribute to securing adequate mitigation measures as and when they are identified

Conclusion:

The proposed development whilst located at the rear of the site, makes best use of non green belt land in a village location without causing harm to the character or amenity of the area or to neighbouring amenity. Suitable access is available and it is not considered that there are any overriding reasons to resist development in this location. The application is therefore recommended for approval subject to a Legal Agreement which would include the current issues raised in respect of the impact of the development on the Epping Forest Special Area of Conservation.

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: Alastair Prince

Direct Line Telephone Number: 01992 564462

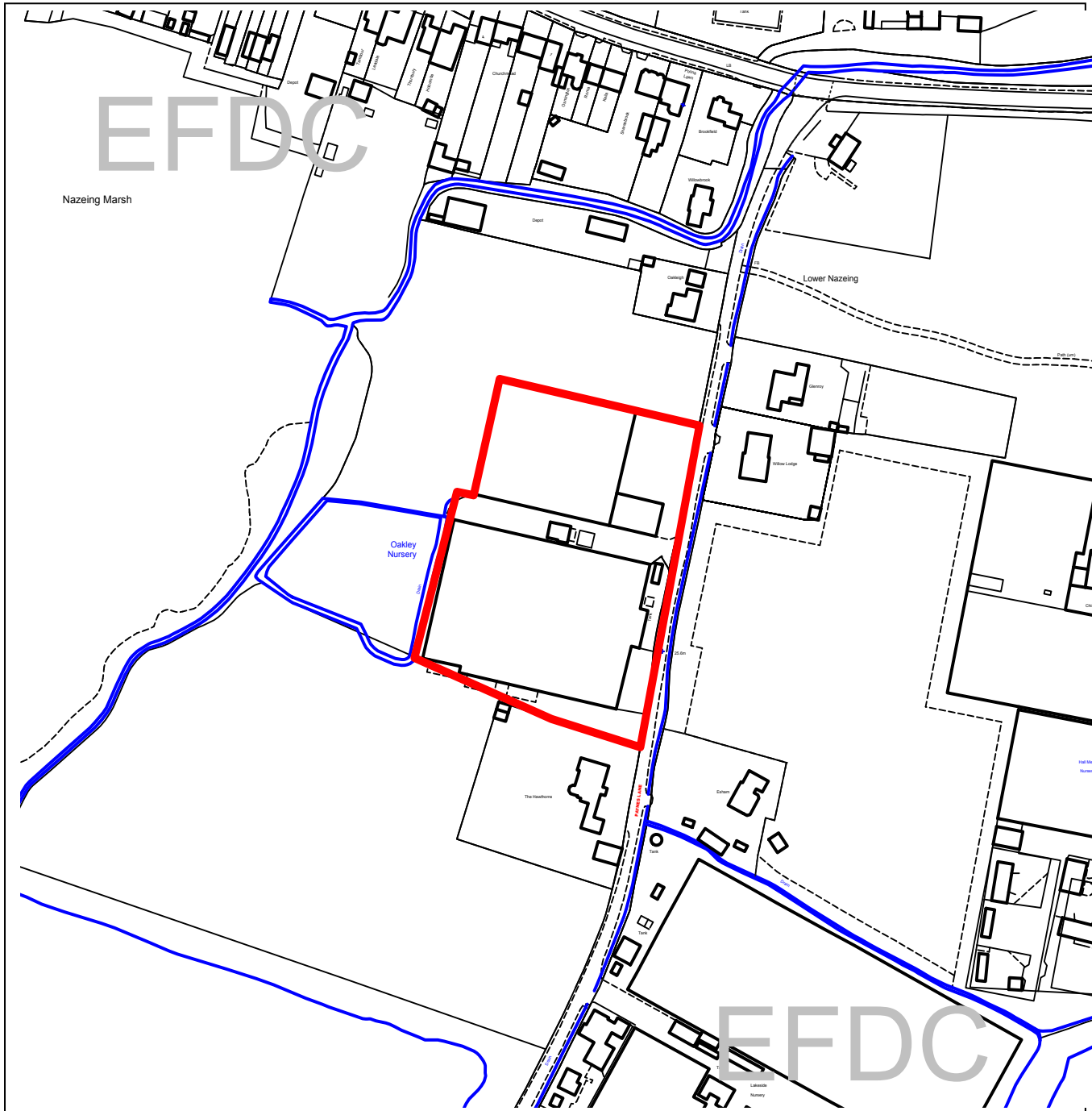
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Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/1163/18
Site Name:	Oakleigh Nursery, Paynes Lane, Nazeing, EN9 2EU
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/1163/18
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing Essex EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Giovanni Orlando
DESCRIPTION OF PROPOSAL:	Retention of single mobile caravan.
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=608664

REASON FOR REFUSAL

- 1 The proposed development would constitute inappropriate development harmful to the Green Belt and would conflict with its fundamental purpose. The case submitted is not sufficient to constitute very special circumstances that clearly outweigh the harm from the proposal. Therefore the development is contrary to the guidance contained within the National Planning Policy Framework, policies GB2A of the adopted Local Plan and Alterations, and policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 and with the Green Belt objectives of the National Planning Policy Framework.
- 2 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such the proposed development is contrary to Policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.
- 3 The proposal would introduce a highly vulnerable development into an Environment Agency Flood Zone 2 where it has not been demonstrated to meet the required Exceptions Test. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework, policy U2A of the adopted Local Plan and Alterations and with policy DM15 of the Epping Forest Local Plan (Submission Version) 2017.

This application is before this Committee since it has been 'called in' by Councillor Bassett

Description of site

The application site is located on Paynes Lane which is located within the settlement of Nazeing. Currently on site is a large glasshouse and other associated packing buildings as well as various caravans. The Hawthorns is a residential dwelling located a significant distance to the south of the nursery. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposal is to retain an existing caravan on the site.

Relevant history

EPF/0041/16 - The replacement of two existing dilapidated caravans with 2 new caravans for residential use by nursery workers (and associated concrete bases). – Approved by committee after recommendation to refuse. The consent is time limited until September 2019.

EPF/0861/16 - Retention of 1 mobile caravan to provide accommodation for workers. – Refused

Policies Applied

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP6 Sustainable Urban Development Patterns
CP8 – Sustainable Economic Development
GB2A – Development in the Green Belt
GB11 – Agricultural buildings
GB17A – Agricultural, horticultural and forestry workers dwellings
DBE2 – Effect on neighbouring properties
DBE9 – Loss of amenity
U2A – Development in Flood Risk Areas
RP4 – Contaminated land

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

Epping Forest District Local Plan (Submission Version) 2017:

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 – Presumption in favour of sustainable development
SP6 – Green Belt and district open land
DM4 – Green Belt

E1 – Employment sites
E3 – Food production and glasshouses

Regarding policy E3 of the emerging Local Plan, paragraph B allows for the provision of residential accommodation for nursery workers on existing nurseries subject to certain criteria.

In accordance with paragraph 216 of the NPPF, decision makers may give weight to relevant policies in emerging Local Plans according to, amongst other things, the extent to which there are unresolved objections to relevant policies. In this instance the Council has received a substantial objection to Policy E3 of the emerging Local Plan for the Lea Valley Growers Association and thus at this time, can only be afforded limited weight in the decision making process.

Consultation carried out and summary of representations received

NAZEING PARISH COUNCIL – OBJECTION – The application is misleading and the size of the caravan is incorrect. Two of the caravans appear to be built across the boundary of the adjacent property. The Council received information from a local resident that several people are living on the site and do not appear to be employed in the nursery. In the event that permission is granted for the application, it be subject to a condition that the caravan accommodation is only used for workers employed at the nursery.

LEA VALLEY REGIONAL PARK AUTHORITY - The Authority requests the retention of conditions making the application personal to the applicant and for a time limited period of 3 years after which the site should be cleared and the site restored.

HAWTHORNS – OBJECTION – The proposal would cause significant disturbance and noise. The caravan is sited on a backfilled drainage trench, the caravans overlook all aspects of the rear of our property and have views directly into our bathroom and bedroom. There is no need for workers to live on site for such a small nursery, like any other business the workers should live elsewhere. If it is not viable it should close down. Strongly dispute that there were historically caravans in residential use. The previous owner of Hawthorns has confirmed that this was not the case. If caravans are needed they should be sited between the glasshouses where they have less impact. The application does not address access to the caravans, parking for them or removal and storage of waste.

Issues and Considerations

The main issues to consider are the potential impacts on the Green Belt, the living conditions provided, the impact on the character and appearance of the area and any other material considerations.

Whether inappropriate development

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 NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.

The NPPF also emphasises that when considering an application, a Local Planning Authority 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.

Paragraphs 89 and 90 of the NPPF allow certain exceptions to inappropriate development; however uses of land are not included within these exceptions and since the stationing of a caravan constitutes a change of use of the land, it follows that the proposal is inappropriate development in the Green Belt. In accordance with paragraph 88 of the NPPF the harm caused by reason of inappropriate development is attributed significant weight.

Openness

It is consistent with *Turner vs SSCLG* {2016} EWCA Civ 466 to have regard to the visual dimension as well as the quantum and extent of development. In this instance the caravan is located at the southern end of the site, directly adjacent to the existing glasshouse. It would not be overtly visible from public viewpoints and whilst the provision of a caravan would appear as a discordant physical encroachment into an otherwise open setting, given its limited visibility from public views; it would not cause significant additional harm to the openness of the Green Belt.

Nevertheless the sprawl of development into an otherwise open part of the Green Belt will cause encroachment into the countryside and conflict with the fundamental purpose of the Green Belt of keeping land open in perpetuity, causing it moderate additional harm.

Other matters

Policy GB17A of the adopted Local Plan and Alterations sets out the circumstances in which the Council may consider an agricultural workers dwelling as acceptable. This requires the applicant to demonstrate that the dwelling is essential, taking into account the nature of the enterprise, that there is firm evidence that the enterprise has long term viability and that genuine and sustained efforts to find suitable alternative accommodation have been made.

The applicant has not provided any evidence that there is an essential need (officer emphasis) for any agricultural workers to be present on the site 24 hours a day in order for the nursery to operate effectively. Instead it is argued that a 24hour presence is required for the security of the site, however there is no evidence that the site has suffered from any criminal activity and in any event the security of the site could be achieved in other ways, such as an overnight security team. As such this circumstance should be given very limited weight.

Whilst the applicant has clearly fallen short of the requirements of policy GB17A, the Council understands that nursery operators in the locality are finding it difficult to recruit and retain staff in the industry due to the low wages involved and the relatively high cost of accommodation in the District.

This argument was made with regard to the recent application for worker accommodation blocks to house 12 workers, at Shottenton's Farm in Peck's Hill Nazeing. In that instance, although officers recommended refusal on Green Belt grounds members of the District Development Committee accepted that there was a need to provide accommodation for workers, in order to support the Glasshouse industry. The provision of purpose built accommodation blocks restricted to use only by agricultural workers was accepted as an appropriate way of achieving this.

However in this instance no "need" argument has been put forward and as with the Shottentons Farm application officers are of the view that there are no very special circumstances apparent sufficient to outweigh the harm to the Green Belt from inappropriate development. (If the need to provide cheap accommodation applies to all nurseries, it can not, by definition be regarded as "very Special" circumstances, indeed if accepted, then other business uses in the District could potentially make the same argument). To allow the caravan with no very special circumstances

would set a significant precedent which could be repeated elsewhere to the serious detriment of the Green Belt.

The Council is however aware of the issue and as part of the Local Plan process the Council is considering policies for the future of the Glasshouse industry and the need for worker accommodation to support the industry is one of the aspects being considered, indeed policy E3 of the Epping Forest Local Plan (Submission Version) 2017 supports such a notion subject to certain criteria. However for the reasons previously stated, this policy can only be given limited weight at this time and therefore, currently there is insufficient policy support for this application.

Flood Risk

The site lies within Environment Agency (EA) Floodzone 2. Reference has not been made in the application as to the duration of occupation throughout the year of the workers. If the workers are seasonal the flood risk vulnerability is classified as 'more vulnerable' whereas if the workers occupy the site year round the vulnerability is 'highly vulnerable' and would not be suitable at this location subject to passing both parts of the Exception Test.

The applicant has not made reference to the Exceptions Test and therefore it cannot reasonably be considered to pass such a test. Substantial weight should be attributed to this.

Human Rights

In the event that planning permission is refused, and enforcement action is taken to secure the removal of the caravans, the people occupying the caravans will likely be made homeless. This is a material consideration and the Human Rights of the occupants need to be considered.

The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) into UK law and is a relevant consideration. Before making a decision to pursue enforcement action it is necessary for the Council to be mindful of the impact it would have on the occupants, of the site. It is recognised that the refusal of planning consent and subsequent enforcement action will be an interference with the Human Rights of the people currently occupying the site, there is a clear obligation upon the Council to ensure that the any decision it makes accords with the obligations under Article 8 of the ECHR.

Whilst the refusal of planning consent and any subsequent enforcement notice will impact on the occupation of the site in that the occupants will need to relocate, no evidence has been provided to show that the occupants include children, (who are particularly protected under the Act) or that there are other particular needs that need to be considered. Accordingly as it has been concluded that the development constitutes inappropriate development harmful to the Green Belt and, since the objections to the development are significant and serious, interference with Article 8 rights by refusing planning consent remains necessary to safeguard the public interest.

Living conditions of adjacent neighbours

The mobile home has been sited close to the southern boundary of the site adjacent to the detached house known as Hawthorns and agricultural land to the rear of that dwelling. The neighbour has raised concern regarding the ownership of the land the mobile home is sited on, however that is a civil legal matter between the two property owners and is not relevant to the determination of the application. Planning permission does not override any other legal requirements.

The mobile home is visible from Hawthorns and the occupant has raised concern regarding loss of privacy to the garden and to the bathroom and bedroom windows. Whilst it is appreciated that the introduction of these mobile homes has changed the outlook from this dwelling, given that the

mobile homes are single storey and are located in excess of 25m from the rear elevation of his dwelling it is not considered that they have resulted in an excessive level of overlooking or loss of privacy. .

This caravan has no doubt resulted in additional activity and noise adjacent to the boundary with Hawthorns, but the use is residential and should not therefore be excessive or harmful to the adjacent residents. Once again the units have been sited a significant distance from the actual dwelling and bearing in mind that the authorised use of the site is as a nursery, which would be likely to generate a certain level of noise, the residential occupation is not considered harmful in that respect.

No information has been provided with regard to the disposal of domestic waste, but there is ample room within the nursery for the provision of waste and recycling bins without harm to amenity of neighbours and this could be conditioned should the application be approved.

Visual Amenity.

Whilst the provision of caravans within the rural area can have an adverse impact on the character and amenity of an area, these caravans are set well back from the road and are viewed in the context of the nursery and nursery buildings including large glasshouses and as such it is not considered that they have a particularly harmful impact on the character and visual amenity of the area.

Highway Issues.

Paynes Lane is a private road which serves a number of residential properties and nurseries, it is not considered that the introduction of residential caravans at the site will result in a significant increase in traffic, particularly as the occupation is intended to be by persons working on the nursery, which could be restricted by condition. The Highway Authority has no concerns with the application.

Housing need

The Epping Forest Local Plan (Submission Version) 2017 has identified sites for new housing development; however at the moment the plan has not been examined in public, nor adopted. Whilst significant weight is attributed to the policies therein, it does not alter the existing housing supply until it is formally adopted. As a consequence the Council can currently only demonstrate a 1.35 year supply of land for housing purposes, a significant shortfall from the required 5 year supply.

The lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. It is also recognised that recent appeal decisions have made it clear that policies for the supply of housing should not be considered 'up-to-date' if the LPA cannot demonstrate a five-year supply of deliverable housing sites. Substantial weight should be attached to this.

Epping Forest SAC

There must be a screening assessment by the competent authority (generally the LPA) as to whether a project is likely to have "a significant effect" on a European Site (providing that the application is not directly connected with or necessary to the Site's management) whether in combination with other plans or projects or alone. The screening is carried out on a precautionary basis. The trigger for subsequent assessment via a Habitats Regulation Assessment (HRA) does not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is

required if there is a probability or risk that the plan or project will have an effect on the site concerned [reg 63 and Art. 6(3)]

In this instance it is entirely possible that the proposal will cause in combination impacts on the integrity of the SAC. At the very least, the application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017. This carries substantial weight in the decision.

Overall planning balance

The proposed development would cause harm to the Green Belt by reason of inappropriateness and would cause encroachment into the countryside, thus undermining the fundamental purpose of the Green Belt of keeping land permanently open. In these respects the proposal conflicts with policy GB2A of the Adopted Local Plan, with policy DM4 of the Epping Forest Local Plan (Submission Version) and with the Green Belt objectives of the NPPF. In accordance with paragraph 88 of the NPPF, substantial weight should be attributed to all of these harms to the Green Belt.

Substantial weight is also attributed to the potential impact on the Epping Forest SAC where it has not been demonstrated beyond reasonable scientific doubt that there would not be harm caused to its integrity.

Substantial weight should also be attributed to the risk of flooding on the site, where it has not been demonstrated that the Exceptions Test has been passed.

The lack of harm to the character and appearance of the area, highway considerations and the living conditions of neighbours carries neutral weight since it is a policy expectation that development would not cause such harm.

The applicants assertion that a 24hour presence is required on the site for the purposes of security should be attributed very limited weight since, firstly this has not been demonstrated to be necessary for the continued viability of the business and secondly since it appears there are other avenues to achieve this.

Officers acknowledge that there is need for agricultural workers dwellings in the District and the Epping Forest Local Plan (Submission Version) 2017 seeks to address this issue. However since policy E3 can only be afforded limited weight, it follows that this can also only be attributed limited weight.

The lack of a five year housing supply should be attributed significant weight in this decision, however it is clear that the circumstances put forward to not outweigh, never mind clearly outweigh the harm caused by reason of inappropriate development and the additional harms identified and therefore very special circumstances do not exist.

Temporary planning permission:

Given the current lack of a 5-year supply of land temporary planning permission should be considered to enable a settled base for a temporary period whilst suitable alternative sites can be identified by way of the Local Plan process. Whilst it is not uncommon for such temporary use to be granted consent, and it is accepted that such a temporary consent would have more limited

harm on the Green Belt as opposed to the more substantial harm that would result from a permanent consent, it is nonetheless considered that the information submitted by the applicant would not clearly outweigh the harm to the Green Belt that would result from a temporary consent on the site.

Conclusion

The proposal is inappropriate development in the Green Belt, will cause encroachment into the countryside, could cause significant harm to the SAC and is at risk of flooding. There are insufficient very special circumstances to clearly outweigh the identified harm and therefore the proposal is contrary to the Development Plan and planning permission should be refused.

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**

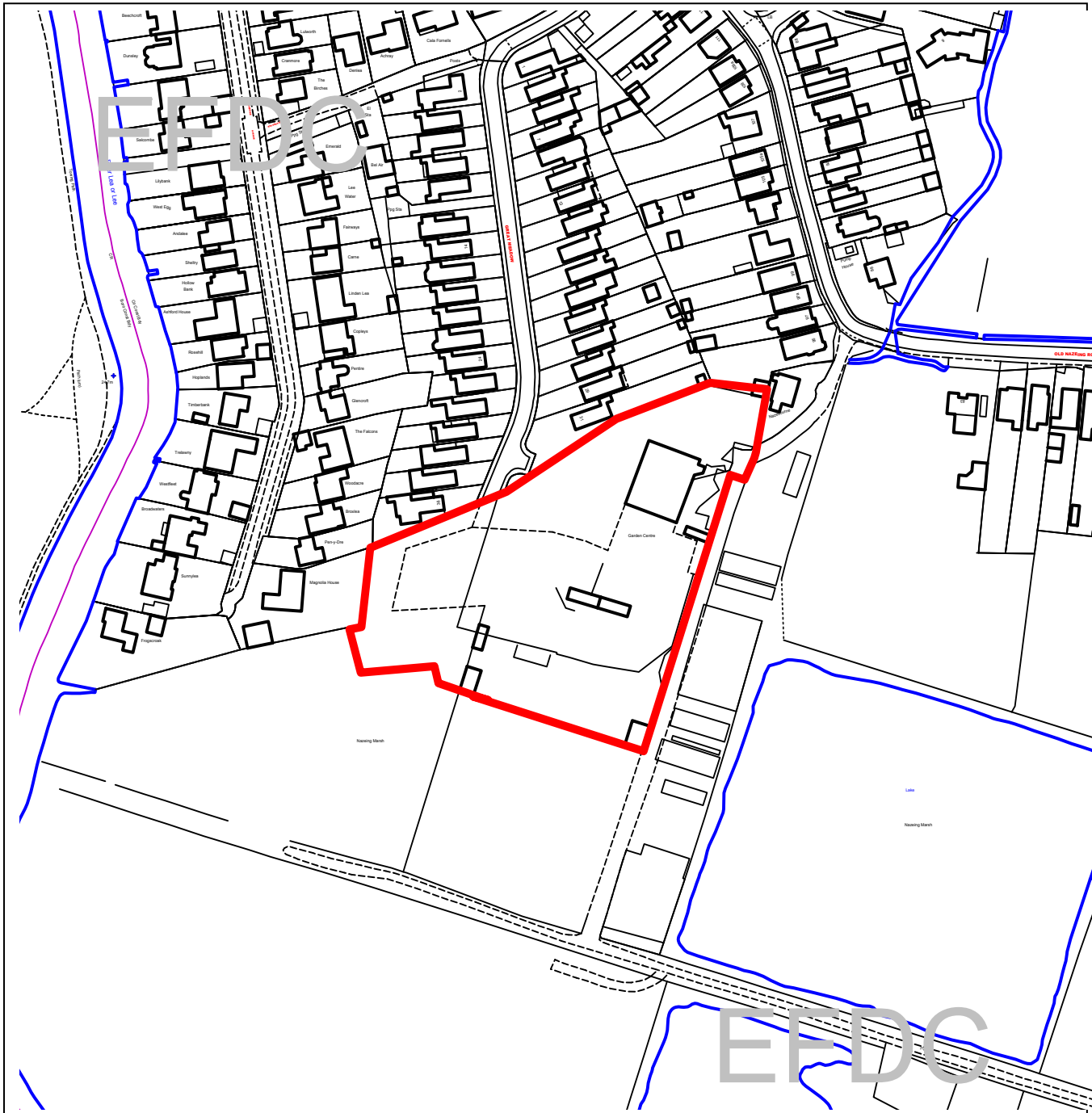
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Epping Forest District Council

Agenda Item Number 8



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Application Number:	EPF/1769/18
Site Name:	Chimes Garden Centre, Old Nazeing Road, Nazeing, EN10 6RJ
Scale of Plot:	1/2500

Report Item No: 8

APPLICATION No:	EPF/1769/18
SITE ADDRESS:	Chimes Garden Centre Old Nazeing Road Nazeing Essex EN10 6RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	BDG Parstners Limited
DESCRIPTION OF PROPOSAL:	Variation of planning conditions 4,5,6,7,9,10,12,13,14,15,16,17,18,19,20,21,24, 25 & 26 on planning permission EPF/0570/15 (Demolition of existing garden centre/commercial buildings and erection of 26 dwellings with associated parking and landscaping).To enable specific demolition works to take place before the conditions are discharged.
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=611375

CONDITIONS

- 1 The development hereby permitted must be begun not later than 02/10/18
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PL/101 A, 102, 103, 104, 105, 106, 107,108, 109, 110, 111, 112, 113
- 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 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 5 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall commence until a survey by a competent person has been carried out to establish the presence or otherwise of Japanese Knotweed and submitted to the Local Planning Authority. The survey should also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control programme suitable for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the substantial completion of the development hereby approved.
- 7 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 9 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 10 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 11 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(s) 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.
- 12 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 13 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no construction works shall commence on site, until full ecological surveys and a mitigation strategy for the site have been submitted to the Local Planning Authority for agreement in writing with a working methodology for site construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 14 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall take place until details of the proposed surface materials for the driveways and parking area have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

- 15 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, 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]
- 16 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 other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, 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]
- 17 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, 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]

- 18 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.
- 19 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.
- 20 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.
- 21 Prior to any excavation or dewatering works taking place on site and prior to details of land contamination remediation being submitted, a report by suitably qualified and experienced groundwater and land stability engineers providing a full survey and assessment of risks both on and off site from the proposed contamination remediation works shall be submitted to and agreed in writing by the Local Planning Authority.
- 22 Prior to first occupation of the development the vehicular turning facilities, as shown in principle on drawing no.PL101 Rev A, shall be constructed, surfaced and maintained free from obstruction within the site at all times and shall be retained as such in perpetuity.

- 23 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 24 Prior to any works on other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, the existing gated access to the site from Great Meadow, shall be closed by the erection of wall, details of which are to be submitted to and agreed in writing by the Local planning Authority. The approved wall shall thereafter be retained and no access or egress into the site from/to Great Meadow shall take place at any time. Prior to construction of the wall the access from Great Meadow shall not be used by any vehicles, plant or machinery required in connection with the demolition works on site.
- 25 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall take place until a detailed surface water drainage scheme for the site has been submitted. It shall be based on sustainable drainage principles as outlined in the approved Flood Risk Assessment (FRA) 1333 - FRA 26 Dwellings - March 2015 and additional documentation 1333-let-15-04-2015-T-Simpson and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year + 30% climate Change critical storm so that it will not exceed the 1 in 1 year greenfield run off rate to be 4.1 litres per second from the proposed impermeable area of 6630m² and not increase the risk of flooding off-site.
2. Provide a storage volume of 365 m³ to contain the 1 in 100 year event inclusive of climate change.
3. Ensured that the appropriate level of treatment, in line with table 3.3 of the CIRIA SuDS guide, is applied to all runoff leaving the site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 26 Other than the specific above ground level demolition works identified in the demolition plan number 17104-D-001 rev. A, no development shall take place until a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime, shall be submitted to and agreed in writing by the Local planning Authority. The agreed management and maintenance plan shall then be implemented in accordance with the agreed details thereafter unless alternate arrangements are agreed in writing.

And Subject to the applicant first entering into deed of variation within 2 months of this committee resolution to link the existing legal agreement under section 106 (to provide £500,000 towards the provision of affordable housing elsewhere within the district and to provide £98,593 (index linked) towards provision of secondary education and £22,640 index linked towards school transport cost) to this approval.

This application is before this Committee since it is an application for residential development of 10 dwellings or more and is recommended for approval.

Description of Site:

The application site is an irregularly shaped area of land roughly triangular. It is predominantly hard surfaced and contains a number of buildings including a glasshouse. The site is located to the south of the residential area comprising Riverside Avenue and Great Meadow. The northern boundary of the site is bounded by flank garden boundaries of residential properties. To the east and south is open land. The site is accessed from Old Nazeing Road. In addition there is currently a gated access from the end of Great Meadow.

The site lies wholly within the Metropolitan Green Belt and is within the Lea Valley Regional Park. (LVRP) It is not within a conservation area.

Description of Proposal:

Planning permission was granted in 2015 to remove all the existing buildings and hard standing from the site and to redevelop the whole of the site with 26 two and two and a half storey detached houses (8 x 4 bed and 18 x 5 bed) in a simple layout around a central estate road accessed via the existing access from Old Nazeing Road. The current application is to amend the wording of several of the conditions attached to the extant approval, in order to enable limited above ground demolition works to take place at the site prior to the approval of details.

The conditions it is proposed to change in this way relate to:

Wheel Washing details

Landscaping details

Japanese Knotweed eradication details

Construction method statement

Details of levels

Foul and Surface Water details

Biodiversity enhancement details

Ecological Surveys

Details of driveway materials

Land Contamination Phase 1, phase 2 and remediation details

Gas investigation and risk assessment

Land stability and groundwater details

Sustainable Drainage Details

Details of management and maintenance of the sustainable drainage system

Details of wall to close off Great meadow Access

The proposed change to these conditions is to change the wording of them, from: *“No development shall take place until details have been submitted to and agreed in writing by the Local Planning Authority”*,

to:

“Other than the specific above ground level demolition works identified in the demolition Plan number 17104 –D-001 rev A, no development shall take place until details have been submitted to and agreed in writing by the Local Planning Authority.

Relevant History:

EPF/0570/15 Demolition of Garden Centre/Commercial Buildings and Erection of 26 Dwellings with associated parking and landscaping - Approved 2nd of October 2015 subject to conditions and subject to a legal agreement

SUMMARY OF REPRESENTATIONS

160 addresses were written to no responses were received at time of writing this report.

PARISH COUNCIL- No objection-

Policies Applied:

Local Plan Policies

RP3 Water quality
RP4 Contaminated Land
U2A Development in Flood Risk Areas
U2B Flood Risk assessment Zone
U3A catchment effects
U3B Sustainable Drainage Systems
LL10 Adequacy of provision for landscape retention
I1A Planning Obligations
I4 Enforcement procedures
DM2- Epping Forest SAC
DM22 Air quality

The above policies are in accordance with the National Planning Policy Framework (NPPF) and are therefore to be afforded due weight

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved

objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure
DM1 – Habitat protection and improving Biodiversity
DM2 – Epping Forest SAC and the Lee Valley SPA
DM3 – Landscape character, ancient Landscapes and Geodiversity
DM10 – Housing design and quality
DM15 – Managing and reducing flood risk
DM19 – Sustainable water usage
DM21 - Local Environmental Impacts, Pollution and Land Contamination
DM22 – Air Quality

Issues and Considerations:

The planning permission for 26 houses is extant and the only issue involved here is whether the change to the wording of the conditions is likely to result in any material harm.

The Government is seeking to stop unnecessary delay in development taking place and from September 2018 planning officers will be required on new applications to seek agreement from developers for the imposition of any pre commencement conditions. Where there is no sound planning reason for the details to be required before works start on site, then the wording should reflect that.

In this instance, as demolition is included in the description of development, the developer is unable to demolish the existing dilapidated buildings until all the details required by the conditions have been submitted and approved, and this is now considered unreasonable.

Given that the demolition works proposed are to take place wholly within an area that is completely covered with hardstanding, these works are most unlikely to have any adverse impact on groundwater, ground gasses, contamination, flood risk etc. nor result in the need for wheel washing.

With regard to ecology a previous survey indicated that the buildings were not used by bats, which are in any case protected by other legislation. And there are other controls over the spread of Japanese Knotweed.

It is not necessary to have details of landscaping, and surfacing materials before demolition takes place and there are no trees to be protected.

On the basis of the above it is accepted that the original wording of the conditions does not meet the tests for conditions and that the revised wording proposed is more appropriate.

The proposed changes to the conditions do not result in a change to the time limit for development to take place and there is no change in the nature of the development. It therefore is not considered that the proposals would have any greater potential impact on the Epping Forest Special Area of Conservation (SAC) than the current permission and as such there is no requirement to provide mitigation measures.

Conclusion

In conclusion the proposed changes to the wording of the conditions is in line with government advice and will not result in any material harm. As such the application is recommended for approval subject to the applicant completing a deed of variation to ensure that the Section 106 obligations attached to the original consent are also attached to this new consent.

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