

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 14th May, 2014

You are invited to attend the next meeting of **Area Planning Sub-Committee East**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 14th May, 2014
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Jackie Leither - The Office of the Chief Executive
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564756

Members:

Councillors Mrs S Jones (Chairman), P Keska (Vice-Chairman), K Avey, W Breare-Hall, A Boyce, Mrs H Brady, T Church, P Gode, Mrs A Grigg, D Jacobs, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND
APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN
COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.**

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

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| <p>If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.</p> |
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1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 18)

To confirm the minutes of the last meeting of the Sub-Committee, held on 9 April 2014 (attached).

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. DEVELOPMENT CONTROL (Pages 19 - 50)

(Director of Governance) To consider planning applications as set out in the attached schedule

Background Papers:

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. DELEGATED DECISIONS

(Director of Planning & Economic Development) Schedules of planning applications determined by the Head of Planning & Economic Development under delegated powers since the last meeting of the Sub-Committee could be inspected in the Members' Room or on the Planning & Economic Development Information Desk at the Civic Offices in Epping.

9. PROBITY IN PLANNING - APPEAL DECISIONS, 1 OCTOBER 2013 TO 31 MARCH 2014 (Pages 51 - 72)

(Director of Governance) To consider the attached report.

10. EXCLUSION OF PUBLIC AND PRESSExclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

| Agenda Item No | Subject | Exempt Information Paragraph Number |
|-----------------------|----------------|--|
| Nil | Nil | Nil |

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Subcommittee before leaving.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the

Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

Area Planning Subcommittee East 2013-14
Members of the Committee:



| | | | | |
|------------|------------|-----------|-------------|------------|
| Cllr Jones | Cllr Keska | Cllr Avey | Cllr Boycel | Cllr Brady |
|------------|------------|-----------|-------------|------------|



| | | | | |
|------------------|-------------|-----------|------------|-------------|
| Cllr Breare-Hall | Cllr Church | Cllr Gode | Cllr Grigg | Cllr Jacobs |
|------------------|-------------|-----------|------------|-------------|



| | | | | |
|-------------|-------------|-------------|------------|--------------|
| Cllr McEwen | Cllr Morgan | Cllr Philip | Cllr Rolfe | Cllr Stellan |
|-------------|-------------|-------------|------------|--------------|



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| Cllr Waller | Cllr Whitbread | Cllr Janet Whitehouse | Cllr Jon Whitehouse |
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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 9 April 2014

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.12 pm

Members Present: P Keska (Chairman), R Morgan (Vice-Chairman), W Breare-Hall, A Boyce, T Church, P Gode, Mrs A Grigg, Mrs M McEwen, J Philip, B Rolfe, D Stallan, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

Other Councillors:

Apologies: Mrs S Jones and K Avey

Officers Present: J Shingler (Principal Planning Officer), P Seager (Chairman's Secretary) and R Perrin (Democratic Services Assistant)

96. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

97. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

98. MINUTES

RESOLVED:

That the minutes of the meeting held on 12 March 2014 be taken as read and signed by the Chairman as a correct record.

99. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal non pecuniary interest in the following item of the agenda by virtue of the being present at the meeting of the Theydon Bois Parish Council where the planning applications had been discussed. He had played no part in the discussion or decision and therefore determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2610/13 Theydon Bois Lawn Tennis Club, Sidney Road, Theydon Bois.
- b) Pursuant to the Council's Code of Member Conduct, Councillors J H Whitehouse and J M Whitehouse declared a personal non-pecuniary interest in the following item of the agenda by virtue of being members of the Epping Society. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/0025/14 47 Bower Hill, Epping

100. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

101. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 5 be determined as set out in the schedule attached to these minutes.

102. DELEGATED DECISIONS

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

CHAIRMAN

Report Item No: 1

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2610/13 |
| SITE ADDRESS: | Theydon Bois Lawn Tennis Club Sidney Road Theydon Bois Essex CM16 7DT |
| PARISH: | Theydon Bois |
| WARD: | Theydon Bois |
| DESCRIPTION OF PROPOSAL: | Installation of lights to Court 3 incorporating a total of 4 Columns and 4 Lamps - lights to be used 3 nights a week till 9.30pm. |
| DECISION: | Refuse Permission |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557770

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2611/13 |
| SITE ADDRESS: | Theydon Bois Lawn Tennis Club Sidney Road Theydon Bois Essex CM16 7DT |
| PARISH: | Theydon Bois |
| WARD: | Theydon Bois |
| DESCRIPTION OF PROPOSAL: | Installation of lights to Courts 3 and 4 incorporating a total of 8 Columns and 8 Lamps - lights to be used 3 nights a week till 9.30pm. (Revised application to EPF/1075/13) |
| DECISION: | Application withdrawn by applicant prior to meeting |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557771

REASONS FOR REFUSAL

- 1 Due to their height and proximity to adjoining houses, the lighting columns would cause light pollution that would significantly detract from the amenity and outlook of nearby residents. The proposal is therefore contrary to policies CP2, GB2A, GB7A, and DBE2 of the adopted Local Plan and Alterations, and contrary to the National Planning Policy Framework. In addition the lighting columns will be visually intrusive in an area that is otherwise dark, contrary to the Theydon Bois Village Design Statement Dark Skies Policy.

- 2 The floodlights will facilitate more use of the club on winter evenings. However, the club car park is inadequate to cater for increased use in the evenings, including dropping off and picking up of young tennis players. Given that the site lies at the end of a residential cul-de-sac with few on street parking spaces, increased use will give rise to on street parking difficulties, and cars reversing and manoeuvring at the end of the cul-de-sac. The proposal would therefore create a road safety hazard, and also cause noise and disturbance to residents, contrary to policies ST4, ST6, and DBE2 of the adopted Local Plan and Alterations, and contrary to the National Planning Policy Framework.

Report Item No: 2

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2693/13 |
| SITE ADDRESS: | 191 Hoe Lane Lambourne End Essex RM4 1NP |
| PARISH: | Lambourne |
| WARD: | Lambourne |
| DESCRIPTION OF PROPOSAL: | Agricultural barn building. |
| DECISION: | Deferred |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=558130

Members deferred this item for a site visit and details of curtilage.

Report Item No: 3

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/0025/14 |
| SITE ADDRESS: | 47 Bower Hill Epping Essex CM16 7AN |
| PARISH: | Epping |
| WARD: | Epping Hemnall |
| DESCRIPTION OF PROPOSAL: | A proposed enlarged first floor extension with a new hipped roof to include 2x front dormers and 2x rear dormers, small single storey ground floor side extension to the existing kitchen. (Revised application to EPF/1040/13) |
| DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=558476

CONDITIONS

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

Report Item No: 4

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0177/14 |
| SITE ADDRESS: | Land at Berners Hall Farm Ongar Road Beauchamp Roding Nr Fyfield Essex CM5 0PN |
| PARISH: | The Rodings - Abbess, Beauchamp and Berners |
| WARD: | High Ongar, Willingale and the Rodings |
| DESCRIPTION OF PROPOSAL: | Formation of fishing lake and stock ponds with associated landscaping and construction of small ancillary building with parking for 12 cars. |
| DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559210

The Officer reported one additional letter of objection from 2 The Bungalows, Berners Roding.

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 Site Location Plan and drawings nos: 3222/1, 3222/2, EW-300-D, EW-301-D, SK02 Rev: D, SK05 Rev: F
- 3 No construction works on the approved ancillary building 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 All recommendations and mitigation strategies outlined in the Ecological Report by Tim Moya Associates Ref: 220612-ED-01, the Bat Tree Assessment, Habitat Suitability Index Assessment for Fisheries Pond 1, Habitat Suitability Index Assessment for Fisheries Pond 2, and Reptile Avoidance Mitigation Strategy by Naturally Wild shall be undertaken and adhered to.
- 5 The development shall be carried out in accordance with the approved Flood Risk Assessment "Level 1, Flood Risk Assessment, May 2013, Saker Estate, Final 2" and the associated plans.
- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition

and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 7 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 8 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 9 The development shall take place in accordance with the cut and fill volumes and re-profiling details shown on EW-300-D, EW-301-D and SK02 Rev:D, unless otherwise approved in writing by the Local Planning Authority.
- 10 No development shall take place until details of the proposed surface materials for the access road and car park 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.
- 11 The parking area shown on the approved plan shall be provided prior to the first use of the development and shall be retained free of obstruction for the parking of customers, staff and visitors vehicles.
- 12 No development shall take place 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. Access to the site for construction traffic, site operatives and visitors (which must be only from the east.)
 3. Loading and unloading of plant and materials
 4. Storage of plant and materials used in constructing the development
 5. Wheel and underbody washing facilities.
- 13 The public's rights and ease of passage over public footpath no's. 27, 29, 50 and 74 Abbess Beauchamp & Berners Roding shall be maintained free and unobstructed at all times.

- 14 There shall be no vehicle access to the site for customers or visitors from the West (School Lane).
- 15 The site and facilities shall only be used for the purposes of angling and there shall be no external lighting or amplified music at any time.
- 16 There shall be no temporary buildings, structures or marquees placed or erected at the site at any time.
- 17 Prior to commencement of development, details of the means by which visitor and construction vehicular traffic will be prevented from accessing the site, shall be submitted to the Local Planning Authority and agreed in writing. The agreed details shall be implemented in full prior to commencement of works on site and shall be maintained thereafter.

Report Item No: 5

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/0195/14 |
| SITE ADDRESS: | Alderwood (to the rear of Alderwood Barns) New Farm Drive Lambourne Romford Essex |
| PARISH: | Lambourne |
| WARD: | Lambourne |
| DESCRIPTION OF PROPOSAL: | Replacement of two existing barn buildings with a new dwelling. (Revised application) |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559312

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 garden curtilage of the dwelling hereby approved shall be restricted to the red line area shown on the approved plan number AK/10/01.
- 4 Before any works commence on site details of the removal of hard surface areas, and of rubble, waste, containers, and other foreign materials, in the wider area around the proposed dwelling, shall be submitted to and approved by the local planning authority, and these details shall include how the cleared areas will be landscaped. Once approved these details shall be implemented in full before the dwelling hereby approved is first occupied.
- 5 The development hereby permitted will be completed strictly in accordance with 5 approved drawings numbered AK/10/P/01 to /05, plus a 1/1250 site location plan.
- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, C, and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

AREA PLANS SUB-COMMITTEE 'EAST'

Date 14 May 2014

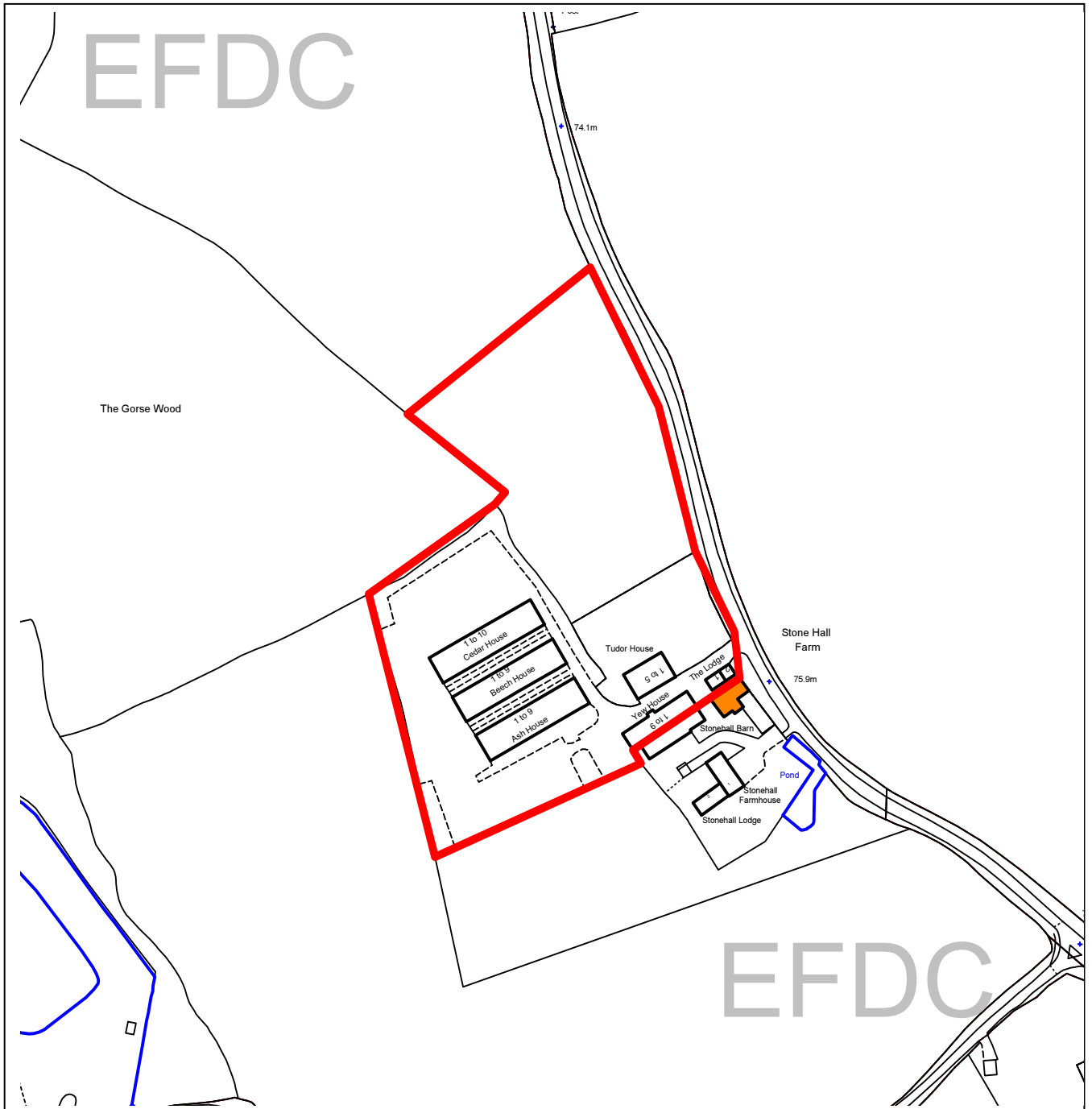
INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

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| 1 | EPF/2494/13 | Stone Hall Downhall Road Matching Green Harlow Essex CM17 0RA | Grant Permission (Subject to Legal Agreement) | 20 |
| 2 | EPF/2693/13 | 191 Hoe Lane Lambourne End Essex RM4 1NP | Grant Permission (With Conditions) | 34 |
| 3 | EPF/0255/14 | Land Adjacent 1 Gun Cottage Abridge Road Theydon Bois Epping Essex CM16 7NN | Grant Permission (With Conditions) | 40 |
| 4 | EPF/0371/14 | 2 Heath Drive Theydon Bois Epping Essex CM16 7HL | Grant Permission (With Conditions) | 46 |



Epping Forest District Council

AGENDA ITEM NUMBER 1



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| | |
|---------------------|---|
| Application Number: | EPF/2494/13 |
| Site Name: | Stone Hall, Downhall Road Matching Green, CM17 0RA |
| Scale of Plot: | 1/2500 |

Report Item No: 1

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/2494/13 |
| SITE ADDRESS: | Stone Hall Downhall Road Matching Green Harlow Essex CM17 0RA |
| PARISH: | Matching |
| WARD: | Hastingwood, Matching and Sheering Village |
| APPLICANT: | Mr Phil Roberts |
| DESCRIPTION OF PROPOSAL: | Demolition of existing timber construction Use Class B1 units and replace with new Use Class B1 units and 6 no. 3 bedroom cottages including 3 affordable units. Amended proposal with revised access arrangements (EPF/2343/12) |
| 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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557190

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:211/S/100, S/101, P/11B, P/012A, P/013A, P/014A, P/015A, P/016A, P/017A, P/018A, P/025, P/026, 354.12.3C, 03/002A, 03/001A, 03/004, 03/005.
- 3 The materials used shall be those set out in the application (letter dated 17 February 2014 from 3Square Design Ltd) unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of foul disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing facilities for vehicles leaving the site during construction works have been installed in accordance with drawing No. 211/P/026. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order the B1 units hereby approved shall be used only

for uses falling within the B1 use and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.

- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The B1 use hereby permitted shall not operate outside the hours of 0.800 to 20.00 on Monday to Saturday and 10.00 to 16.00 on Sundays and Bank/Public Holidays.
- 9 The development shall be carried out in accordance with the submitted Tree Protection Plan and Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 10 No development shall take place, including site clearance or other preparatory work, until a landscape method statement and schedule of timing of landscape works has been submitted to and approved in writing by the Local Planning Authority for the implementation of the approved landscape scheme (drawing no. 354.12.3C). The scheme shall be implemented in accordance with the approved details of method statement and timetable. 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.
- 11 There shall be no external storage in connection with the approved B1 business use.
- 12 The parking areas for the B1 uses, shown on the approved plans shall be provided prior to the first use of any of the B1 units hereby approved and shall be maintained free of obstruction for the parking of vehicles in connection with the approved B1 uses thereafter and shall not at any time be used for the storage or parking of vehicles unconnected with the businesses operating at the site.
- 13 Prior to first occupation of the development, the access arrangements, as shown on Create Consultants Engineers Ltd drawing no. 03/001/ Rev A, shall be agreed with the Highway Authority and the shown visibility splays shall be retained in perpetuity. The approved details shall be implemented prior to first occupation of the development.
- 14 Prior to the first occupation of the development, the existing vehicular access to the south of the site shall be permanently closed off with the highway verge being fully reinstated.
- 15 No unbound material shall be used in the surface treatment of the vehicular access within 10m of the highway boundary.

- 16 Prior to commencement of development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 17 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 18 Prior to commencement of development details of phasing of the development including timing of demolition of the existing buildings, and erection of the replacement units and housing, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed phasing plan unless alternative phasing is agreed in writing by the Local Planning Authority.
- 19 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 20 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 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]
- 21 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing 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]

- 22 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 in writing 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]
- 23 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 in writing. The approved monitoring and maintenance programme shall be implemented.
- 24 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.
- 25 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 08.00 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 applicant first entering into a legal agreement under section 106 of the Town and Country Planning Act before 27th May 2014 (unless a longer period for the determination of the application is agreed with the applicant prior to that date) to secure three of the proposed residential units as affordable rented accommodation.

This application is before this Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c))and since it is an application for residential

development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))

Description of Site:

The application site is located on the western side of Downhall Road to the north of Matching Green. The site comprises approximately 2.15 hectares in an L shape with a road frontage of approximately 180m. The site has two distinct elements, an undeveloped rectangular field of about 0.75 of a hectare with a road frontage of about 125m and a depth of between about 50 and 75metres, and an L shaped hard surfaced area with 5 single storey agricultural buildings which has been used as a business park for many years and also has a significant open storage element including the storage of large lorry containers. The site backs on to agricultural land and is adjacent to woodland to the North West. Immediately to the east is a group of dwellings, including the Grade II listed Stonehall Barn which immediately abuts the boundary of the site close to the road frontage.

The site is within the Metropolitan Green Belt, but not within a conservation area.

Description of Proposal:

The application is for the redevelopment of the business park, by the removal of all the existing buildings, containers and open storage and their replacement with purpose built two storey business units with associated landscaping and car parking. This area is to be located to the rear of the site, taking up part of the area that currently has business use.

In addition the scheme proposes the erection of a terrace of 6 three bedroom cottages to be located within the front section of the site in an area that is currently part of the business park. The existing undeveloped field, although outlined in red as part of the site, is shown to be retained as an undeveloped grassed area.

The proposed cottages are traditional in design and true cottage style with the first floor accommodation within the roof, served by pitched roofed dormer windows to the front and rear. Each property has a rear garden of approximately 15m depth and there is a residential parking area including a car port and one space for each unit and additional visitor parking spaces. An open communal space is proposed to the front of the dwellings.

The business park is set to the rear of this residential development and contains 14 business units and marked out parking for 50 cars and an additional overspill car park.

The layout indicates provision for cycle and powered two wheeler parking and also for refuse storage.

Please note that this is a revised application following approval last year of EPF/2343/12 for the development. The only change to the scheme over that previously approved is that the access to the site has changed. The approved scheme utilised the existing access to the site, the current proposal closes up the existing access and creates a new access drive approximately 20 metres further north.

Relevant History:

The site was originally a poultry farm, use of the three larger buildings for business use was allowed on appeal back in 1989 and since then the uses have diversified and intensified and storage use has also taken place.

In 2011 a Certificate of Lawfulness was granted for the open storage use as the applicants had proven on the balance of probability that the use had continued for in excess of 10 years.

EPF/2343/12 Demolition of existing timber construction B1 units and replacement with new use class B1 units and 6 three bedroom cottages including 3 affordable units – Approved 19/09/13 subject to a legal agreement under section 106 to secure 3 of the dwellings as affordable units.

Summary of Representations

65 neighbours (residential and existing business units) including those who responded to the previous application were consulted and a site notice was erected,

No responses have been received.

PARISH COUNCIL – No response.

Policies Applied:

The NPPF

The following policies of the adopted Local Plan and Local Plan Alterations are considered to be in accordance with the NPPF and therefore are to be accorded due weight.

CP2 Quality of environment
CP3 New Development
CP5 Sustainable building
CP8 Sustainable economic development
GB2 A Development in the Green Belt
GB7A Conspicuous development
HC12 development affecting setting of listed building
RP4 Contaminated Land
RP5A Adverse environmental impacts
H5A affordable Housing
H6A Thresholds for affordable housing
H7A Levels of affordable housing
H8A Availability of affordable housing in Perpetuity
DBE1 Design of ne buildings
DBE2 Effect on neighbouring properties
DBE4 design in the Green Belt
DBE5 Design and layout of new development
DBE6 Car parking in new development
DBE8 Private Amenity space
DBE9 Loss of amenity
LL2 Inappropriate rural development
LL7 Planting and protection of trees
LL10 Adequacy of landscape retention
LL11 landscaping Schemes
ST1 Location of development
ST2 Accessibility of development
ST4 Road safety
ST6 Vehicle parking
I1A Planning obligations

Issues and Considerations:

This is a revised application following approval by this Committee last year of a similar scheme. The only change proposed is to the position and layout of the access to the site. Given that there has been no material change in planning policy or in circumstances since the previous decision, this report concentrates only on the changes to the access, and the impact of this change: for a full explanation of all the issues that led to the original recommendation for approval of this scheme please see the original officer's report that is appended at the end of this report.

The existing access to the site, which was agreed as acceptable to serve the new development enters the site just north of the Stonehall Barn, (which is a Grade II listed building that has been converted to residential use) and curves round in front of the proposed new dwellings. The revised access now proposed is located some 36 metres from the barn and provides a straight road into the site. The new access requires the removal of one ash tree and the removal of some hedging, but there will be some new planting to close off the existing access.

Both the Council's tree officer and the County Council's Highways Officer were consulted on the proposal.

Trees and Landscaping

The application was accompanied by an arboricultural report and the tree that is to be removed is identified as a poor quality tree and subject to conditions regarding tree protection and landscaping the Tree Officer has no objection to the scheme.

Highway Safety

The County Council Highways officer considers that the revised access is actually better than the existing access and that there are no safety issues associated with it. He has therefore raised no objection to the proposed scheme subject to conditions.

Character and Amenity

The change in the position of the access and the closing of the existing access with planting will help further improve the setting of the listed barn and will in addition improve the residential amenity enjoyed by residents of the proposed new dwellings as they will not have commercial vehicles entering the site in front of their properties, it also improves the setting of these houses, enabling the communal green to the front to be a more attractive and usable space.

Conclusion

This is a relatively small change to the original consent, which brings with it some benefits to highway safety, visual amenity and residential amenity, as such the revised scheme is in accordance with the policies of the Local Plan and the Local Plan Alterations and with the NPPF and the scheme is, as before, recommended for approval subject to conditions and to a legal agreement under section 106 to ensure that 3 of the proposed houses will be available for affordable rented accommodation in perpetuity.

The original report is reproduced below for information

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: Mrs Jill Shingler
Direct Line Telephone Number 01992 564106***

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

Original Report for EPF/2343/12

This application is before this Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c)) and since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))

Description of Site:

The application site is located on the western side of Downhall Road to the north of Matching Green. The site comprises approximately 2.15 hectares in an L shape with a road frontage of approximately 180m. The site has two distinct elements, an undeveloped rectangular field of about 0.75 of a hectare with a road frontage of about 125m and a depth of between about 50 and 75metres, and an L shaped hard surfaced area with 5 single storey agricultural buildings which has been used as a business park for many years and also has a significant open storage element including the storage of large lorry containers. The site backs on to agricultural land and is adjacent to woodland to the North West. Immediately to the east is a group of dwellings, including the grade II listed Stonehall Barn which immediately abuts the boundary of the site close to the road frontage.

The site is within the Metropolitan Green Belt, but not within a conservation area.

Description of Proposal:

The application is for the redevelopment of the business park, by the removal of all the existing buildings, containers and open storage and their replacement with purpose built two storey business units with associated landscaping and car parking. This area is to be located to the rear of the site, taking up part of the area that currently has business use.

In addition the scheme proposes the erection of a terrace of 6 three bedroom cottages to be located within the front section of the site in an area that is currently part of the business park. The existing undeveloped field, although outlined in red as part of the site, is shown to be retained as an undeveloped grassed area.

The intention is to retain the existing access point to the site to serve both the business park and the residential units, but to swing the access track north, away from the existing residential uses. The proposed layout creates a separation of the built development from the adjacent listed barn.

The proposed cottages are traditional in design and true cottage style with the first floor accommodation within the roof, served by pitched roofed dormer windows to the front and rear. Each property has a rear garden of approximately 15m depth and there is a residential parking area including a car port and one space for each unit and additional visitor parking spaces. An open communal space is proposed to the front of the dwellings together with a small green area. The business park is set to the rear of this residential development and contains 14 business units and marked out parking for 50 cars and an additional overspill car park.

The layout indicates provision for cycle and powered two wheeler parking and also for refuse storage.

Relevant History:

The site was originally a poultry farm, use of the three larger buildings for business use was allowed on appeal back in 1989 and since then the uses have diversified and intensified and storage use has also taken place.

In 2011 a certificate of Lawfulness was granted for the open storage use as the applicants had proven on the balance of probability that the use had continued for in excess of 10 years.

Summary of Representations

35 neighbours (residential and existing business units) were consulted and a site notice was erected, the following responses were received.

UNIT 2 BEECH HOUSE, STONEHALL BUSINESS PARK – The development is very much needed – The current workshops are easily broken into, maintenance of the buildings leads to high service charges, the road conditions are poor resulting in regular punctures, there are poor bathroom facilities so work days can be very uncomfortable, the site is in poor shape and attracts crime. A modern revamp means 24/7 security from the neighbouring cottages and provide a much warmer safer environment to work in.

UNIT 3 BEECH HOUSE – Support, as long term tenant I am aware of current problems in trying to run business from these units. They are in poor condition, vehicle access is difficult and there are limited toilet facilities that freeze in the winter. The electricity supply is unreliable and there have been thefts and criminal damage. If the cottages went ahead security would improve. Only concern is possible increase in costs to tenants although I have been assured that this will not be the case.

UNIT 6/7 BEECH HOUSE – The proposals would be beneficial as we could purchase our own unit and expand the business which at present is not an option due to the amount of break-ins in the last 2 years. The site needs tidying up forever and the houses to the front are probably the key to the development happening. This would add much needed security.

UNIT 8 BEECH HOUSE – Fully support the proposals. The present structures are dilapidated and out dated with insufficient facilities, no insulation and no hot water or heating. There is inadequate parking. We have security concerns and the 6 cottages would eradicate this. Currently also suffer a rodent problem. Problems are all due to the age and design of the units.

UNIT 5 YEW HOUSE, STONEHALL BUSINESS PARK – Support the application. Having been a tenant for over a year and a half I feel that the units are past their best. The redevelopment would certainly increase security and amenities for the current tenants.

STONEHALL BARN, DOWNHALL ROAD – Support the proposed redevelopment. The proposed development would have a positive effect on the listed building and is a sympathetic design that will minimise impact from the new domestic neighbours as well as the business park traffic. There will be a reduction in noise; the green area will provide an attractive open space adjacent to the listed barn. The cottages will enhance security and improve the use of this area of land adjacent to my property. There will be more green space. The units will be for sale which will encourage occupiers to look after the estate. Residential properties and purpose built units will make the site more secure and deter criminals. The balance between business use and residential use is correct. We would oppose any of the adjacent green area being a children's play area as the barn has very thin walls. Building works must take into account the proximity of the listed barn as it is not a robust structure. It would be sensible to put weight restrictions on Down Hall Road which is unsuitable for HGV's. We understand that the angle of the development means that Stonehall Barn or its garden will not be easily overlooked.

STONEHALL HOUSE, DOWNHALL ROAD- We would welcome development that will take noise and light pollution further from our property. The six cottages would improve the appearance and add security to the area, it is understood that the developer would include our property in the new septic tank arrangements. I have no objection to the proposal and feel it can only be an improvement on the current situation.

UNITS 1, 4 and 5 TUDOR HOUSE-, STONEHALL BUSINESS PARK – Support the development. I have been here 7 years and have enjoyed working here but I now have 9 staff and the units and facilities for staff are limited, there is little insulation and the buildings are easy to break into. The development would provide a better working environment for the staff and being able to buy a freehold would be a great opportunity. The added benefit of homes being built in the vicinity would help security and improve the environment. I support the proposal because if I continue to grow my business I would probably have to move off the business park for the reasons set out above.

Policies Applied:

The NPPF

The following policies of the adopted Local Plan and Local Plan Alterations are considered to be in accordance with the NPPF and therefore are to be accorded due weight.

CP2 Quality of environment
CP3 New Development
CP5 Sustainable building
CP8 Sustainable economic development
GB2 A Development in the Green Belt
GB7A Conspicuous development
HC12 development affecting setting of listed building
RP4 Contaminated Land
RP5A Adverse environmental impacts
H5A affordable Housing
H6A Thresholds for affordable housing
H7A Levels of affordable housing
H8A Availability of affordable housing in Perpetuity
DBE1 Design of ne buildings
DBE2 Effect on neighbouring properties
DBE4 design in the Green Belt
DBE5 Design and layout of new development
DBE6 Car parking in new development
DBE8 Private Amenity space
DBE9 Loss of amenity
LL2 Inappropriate rural development
LL7 Planting and protection of trees
LL10 Adequacy of landscape retention
LL11 landscaping Schemes
ST1 Location of development
ST2 Accessibility of development
ST4 Road safety
ST6 Vehicle parking
I1A Planning obligations

Issues and Considerations:

Green Belt

The site is within the Metropolitan Green Belt. The NPPF states that the construction of most new buildings in the Green Belt should be regarded as inappropriate, exceptions to this include: the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plans and limited infilling or partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The area of land that is affected by this proposal (which excludes the greenfield area to the front of the site which is to remain undeveloped), is accepted as being previously developed land, that is land on which there is lawful non agricultural use. The main consideration is therefore whether the proposed redevelopment will have a greater impact on openness and the purposes of including land in the Green Belt, than the existing development. The proposed redevelopment will not spread the built development outside the areas already developed, and despite the increase in the height of buildings and the introduction of residential as well as business uses, it is considered that the proposed redevelopment is sited and designed in such a way that it will have only a relatively minor increased impact on openness. However although this increased impact is relatively minor, this does make the development inappropriate, by definition and to be acceptable there need to be very special circumstances sufficient to outweigh this and any other harm. This will be assessed at the end of the report

Impact on Residential Amenity

The existing use of the site includes uses very close to the residential properties Stonehall Barn and Stonehall House and there is currently no control over hours of use of the site. The proposed redevelopment of the site moves the business uses further from the residential properties and provides an opportunity to impose conditions on the use of the buildings and the land to prevent late night working, and this will improve the residential amenity enjoyed by neighbouring residents. The new buildings although taller than any currently on site are sited such that there will be no overshadowing or overlooking of existing properties.

Design and impact on setting of listed building.

The proposals are the result of pre-application discussions and the proposed 6 cottages at the front of the site are well designed and appropriate in form and detailing to the rural area. In addition they are set away from the listed barn and would appear perhaps as estate cottages, and would not adversely impact on the setting of the listed barn.

The Councils Conservation Officer commented:

“The site lies within the setting of Stonehall Barn, a grade II listed building dating from the late 16th century. I have no objections to the proposed redevelopment of the site. The removal of the buildings next to the barn (The Lodge, Yew House and Tudor House) will enhance its setting and the sympathetic, traditional design of the proposed cottages preserves the setting and ensures the barn remains the central feature on the site. In addition, the proposed business units are not overly dominant in views to and from the barn due to their low height, screening by planting and the natural dip in ground level. The location of the parking areas away from the barn and the creation of open green spaces next to the barn also contribute to the enhancement of the barn’s setting. If the application is approved, the details and types of external finishes for the proposed buildings, boundary treatments and signage should be covered by condition.”

This is supported by policy HC12 of our Local Plan and Alterations (1998 and 2006)”.

Impact on Street Scene and Rural Character

The proposals include retaining the existing access and also retaining the fronting trees and hedgerows, the impact when viewed from the road will be minimal. What will be glimpsed through the access is the proposed row of cottages and as stated above these are considered appropriate

to the rural location in design. The business units will be largely obscured from view and it is not considered that there will be a significant impact on the rural character of the area.

Traffic.

The proposal does have the potential to result in some increased traffic movements, as a result of the increased floor area of business use and the introduction of 6 houses, however the site is busy at the moment and has a history of being used for container storage, which would be much larger vehicles than one would expect for the new development. Essex County Council has raised no objection to the proposed scheme and it does provide the opportunity to bring the existing access up to a higher standard. The proposals provide ample parking within the site for both the housing development and the business units, with potential for overflow parking if necessary.

Subject therefore to conditions it is not considered that there will be harm to highway safety.

Trees and landscaping

The application was supported by a good quality tree report and landscaping proposals which demonstrate to the satisfaction of our landscape officer that the development is feasible without a detrimental impact on the trees on and around the site. Subject therefore to conditions the development is considered acceptable in landscape terms.

Sustainability.

One of the main tenets of the NPPF is sustainability. This site is not in a sustainable location, it is remote from centres of population and anyone living or working at the site will be heavily reliant on motorised transport. In addition it is a complete redevelopment, with no reused buildings or materials, which may be regarded as unsustainable. However offsetting this to some extent is that the new business units will meet current building regulation standards preventing excessive heat loss and reducing energy consumption compared to the clearly substandard existing units on the site.

Ecology

An extended phase one habitat survey was submitted with the application and this concluded that no protected species were likely to be impacted by the development due to the nature of the site and the existing land use/management. Although bats may forage along the existing tree corridors around the site, these are to be retained so there will be no adverse impact.

Affordable Housing.

As the application site is within the rural area and on previously developed land the policies of the Local Plan and Local Plan alterations require that where four or more dwellings are proposed 50% of the properties must be "affordable" housing.

The application was submitted with an economic viability assessment that concluded that the inclusion of affordable housing, or an affordable housing contribution would render the scheme unviable and delay the provision of replacement business units and housing.

As part of the assessment of the application therefore an independent review of this economic viability assessment was commissioned, (paid for by the applicant) and this concluded that many of the cost assumptions in the original appraisal were set unrealistically high and that in fact the development would still provide a reasonable return. Essentially it concludes that both the B1 use **and** the residential properties (with affordable housing) can be provided, whilst still providing a land value for the existing landowner, that is well in excess of the Existing Use Value - and, at the same time, with a reasonable and healthy profit (of 17.5%) being returned to the developer even if the required 50% affordable housing is included.

The Director of Housing has confirmed that the provision of 50% of the houses as affordable units on this site, in line with current planning policy, is appropriate and indeed such on site provision is

generally preferable to a contribution towards provision elsewhere due to the shortage of developable sites in the District.

Following discussion, although sceptical with regard to the conclusions of the independent assessment, the applicant has agreed to enter into a legal agreement to ensure that 3 of the 6 houses proposed will be affordable rented units.

Without this agreement the residential element of the development would be clearly contrary to current adopted policies and the scheme would be recommended for refusal. With the agreement, the proposals are in compliance with the affordable housing policy.

Very special circumstances

From the above assessment it is considered that the proposed redevelopment has several advantages that taken together do amount to very special circumstances sufficient to outweigh the relatively limited harm to the green belt from the increased volume of built form and the harm from poor location.

1. The development will create a separation between the existing Listed Stonehall Barn and remove dilapidated buildings from its setting. The conservation Officer agrees that the proposals do improve the setting of the listed building.
2. The proposals move the employment uses further from the existing residential properties and enable the introduction of conditions to prevent late working which will protect the amenities of neighbours.
3. The proposals enable the introduction of conditions to prevent open storage on the site, which will improve the visual amenity of the area.
4. The proposals provide modern adaptable buildings for business use, to replace the existing dilapidated sheds which provide very poor working conditions. This will enable longer term leases which will benefit local business and secure rural jobs in accordance with the economic strand of the NPPF.
5. The proposed housing will provide security to the employment site with an on site presence in the evenings and at weekends.

As such the proposal is considered on balance to comply with Green Belt policy.

Conclusion

In conclusion therefore it is considered that subject to conditions and to a legal agreement under section 106 to ensure that 3 of the proposed houses will be available for affordable rented accommodation in perpetuity, the development is in accordance with the NPPF and the adopted policies of the Local Plan and Local Plan Alterations and is recommended for approval.

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

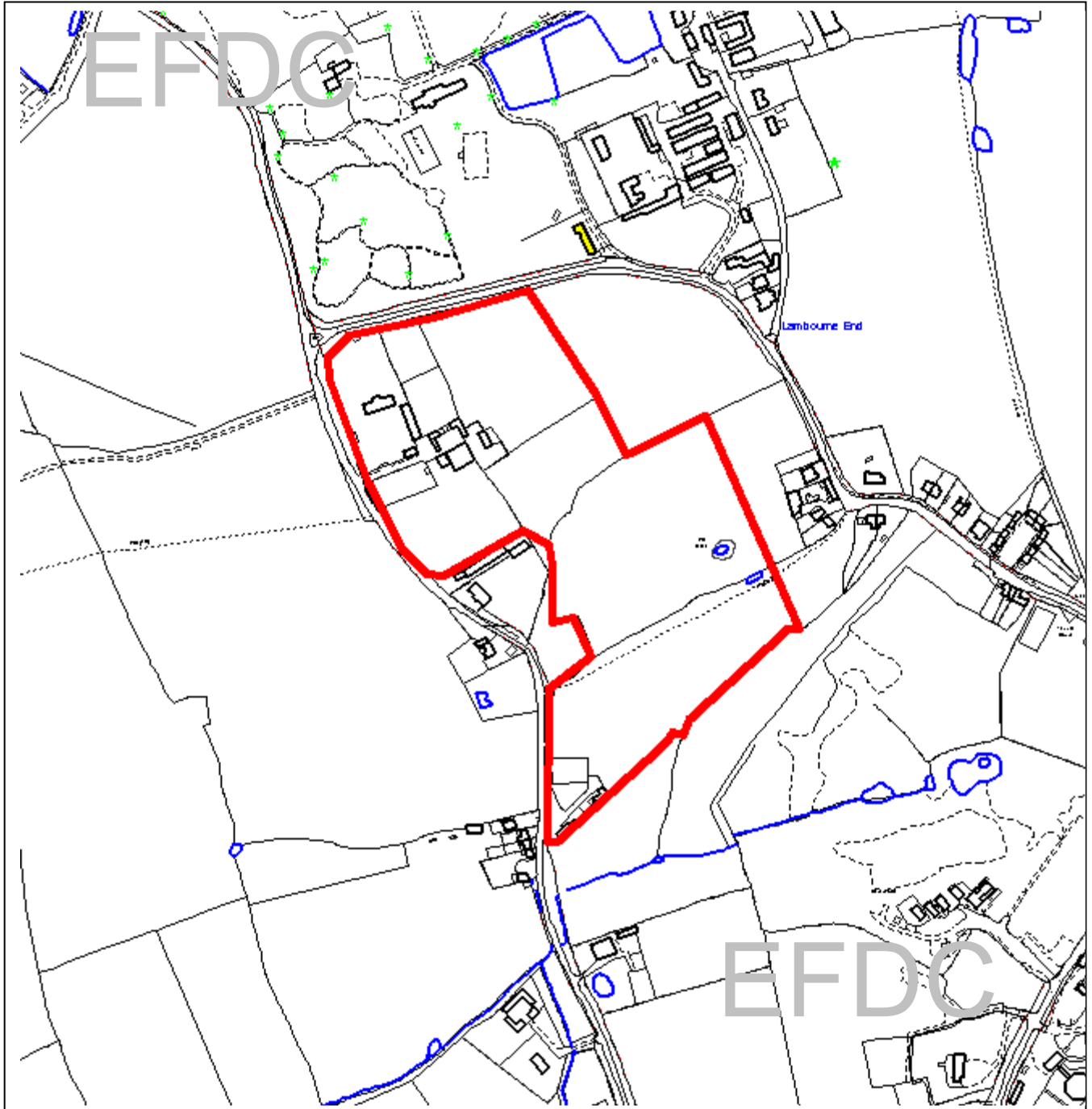
***Planning Application Case Officer: Mrs Jill Shingler
Direct Line Telephone Number 01992 564106***

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/2693/13 |
| Site Name: | 191 Hoe Lane, Lambourne End RM4 1NP |
| Scale of Plot: | 1/5000 |

Report Item No: 2

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2693/13 |
| SITE ADDRESS: | 191 Hoe Lane Lambourne End Essex RM4 1NP |
| PARISH: | Lambourne |
| WARD: | Lambourne |
| APPLICANT: | Mr A Greenhalf |
| DESCRIPTION OF PROPOSAL: | Agricultural barn building. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=558130

CONDITIONS

- 1 The development hereby permitted will be maintained strictly in accordance with the approved drawings nos:
VGAS/673/1
VGAS/673/2
VGAS/673/3
VGAS/673/4
VGAS/673/5
3403/1
- 2 The Agricultural barn building hereby approved shall be used solely for the storage of goods and machinery used in association with the agricultural use on the wider unit known as Lambourne Park Farm and for associated staff refreshment and changing facilities only.
- 3 The building hereby approved shall not be used for overnight accommodation at any time whatsoever.

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

This application was deferred from the last Plans East Sub Committee to enable a Members site visit, and to clarify the residential curtilage of the house. The site visit was carried out on Saturday 26th April.

From the planning records it appears that the development is actually within the residential curtilage of the dwelling, but as the justification that has been put forward for the

development is agricultural and the description of the development is agricultural, the considerations set out in the original report below, remain unchanged.

Description of Site:

The site is on the eastern side of Hoe Lane at the junction with New Road and within the Green Belt. The application building is situated near the access off New Road to the front of the Lambourne Park Farm site in the front of the curtilage of the dwelling. 191 Hoe Lane is an agriculturally tied dwelling permitted in 1993 in place of a caravan that had been on site for an elongated period in association with the enterprise on site.

The site is within the Green Belt.

Description of Proposal:

This application seeks planning permission to retain an existing barn building that is used for machinery storage and by staff onsite. The building is 8.7m long and 4.9m deep reaching a height of 4.7m. The building has one main room at ground floor with two smaller rooms off and a single high level opening in the loft space.

The applicant indicates the building was erected as it was believed to be permitted development. However the height, scale and location mean this is not the case. The building is used as storage for machinery, timber and an area where workers may take breaks away from the elements and change out of wet clothing.

The applicant has indicated that the building was located here due to the proximity to the main house providing surveillance and security and the screening available along the boundary.

This application is a resubmission accompanied by a planning supporting statement and a statement of need that also explains the uses of the other buildings onsite.

Relevant History:

The property has an extensive history dating back to 1948, most relevant is:

EPO/013/62 – Continue to station caravan - Approved

ENF/EPF/0001/90 – Planning Permission allowed on enforcement appeal re: mobile home.

EPF/0540/93 – Detached bungalow with detached garage – Approved

EPF/0777/94 – Single storey garage and farm shop with basement under – approved

EPF/0666/99 – Retention of livery use and horse grazing in connection with agriculture - Approved

EPF/2015/01 – Use of barns a and b for agriculture, livery and storage of fodder - Approved

EPF/1008/03 – Erection of two polytunnels – Approved

EPF/1095/05 – Retention of farm shop - Approved

EPF/1058/13 – Retrospective application for agricultural barn building used for storage and staff refreshments – Refused

Policies Applied:

Adopted Local Plan and Alterations

The following policies have been found to be compliant with the NPPF. Policy GB2A is generally compliant with the NPPF except we should now consider impact to the openness of the Green Belt when assessing agricultural buildings in addition to the usual criteria.

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB11 – Agricultural Buildings
DBE1 – Design of New Buildings
ST4 – Highways Considerations
LL11 – Landscaping Schemes

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

3 neighbouring properties were notified and a site notice was erected. No responses have been received.

LAMBOURNE PARISH COUNCIL: **Object.**

There are currently a large number of buildings on this small agricultural site and in our opinion there does not appear to be any justifiable need for an additional one. This design is more in the appearance of a bungalow than a barn. There is no supporting document to justify the need for this barn. There are no special circumstances demonstrated to require building in the greenbelt.

Issues and Considerations:

This application was put before Members on 9th April 2014. Members deferred a decision to allow a Members site visit. This visit took place on 26th April 2014.

The main issue to be considered in this application is whether the submission has overcome the previous reason for refusal outlined below:

The applicant has failed to demonstrate that the proposed building is necessary for the purposes of agriculture within the unit. There is insufficient information supplied regarding the nature of the agricultural enterprise taking place, the number of employees required and the uses of other buildings onsite. Therefore the Council is not satisfied that the retention of the existing building is necessary, that no other structure could be used in lieu or that the building is truly intended for an agricultural function. In the absence of such the development is considered inappropriate and harmful to the openness of the Green Belt. This is contrary to policies GB2A and GB11 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.

Impacts to street scene, neighbouring amenity and the donor dwelling are unchanged from the previous submission and will not be discussed further as they have been established as acceptable.

The current application is accompanied by a Planning Statement, statement of need, schedule of existing buildings and two declarations from employees. This information has been submitted in an effort to demonstrate the structure is appropriate in the Green Belt for agricultural purposes and that the building is necessary and to establish why no existing onsite buildings are suitable.

Development in the green belt

The Supporting statement surmises that the wider holding comprises around 8 fields enclosed by hedgerows and trees. Much of the land is sloping and subdivided into paddocks. The land is described as unsuitable for arable farming and instead is used as paddocks and grazed by horses, with remaining fields left to grass which is cut for hay. Historically, the site was used for livestock grazing. Remaining land is used for planting trees which are cut for logs, some of which are used in connection with fencing.

The site does include a number of stables. The equestrian/livery functions onsite benefit from permission and the grazing of the land by horses is considered lawful. The wider agricultural functions also benefit from consent. The building proposed for retention would be used in association with the lawful use of the site, thus Officers are satisfied the proposals would be appropriate in the Green Belt subject to the tests set out in policy GB11.

The building proposed to be retained is a single storey building of domestic appearance in the front of the main dwelling house within the front curtilage. The building is used for storage of high value small machinery and for workers' facilities. Certain workers' facilities are a requirement under Health and Safety legislation. The applicant has indicated the appearance of the building as domestic is due to its location on the plot. A more functional structure would detract from the outlook of the property. The applicant has set out that the location of the building was selected to allow passive surveillance from the dwelling to reduce thefts. Whilst not a typical location or appearance, the siting and design have no adverse impact on the dwelling or street scene.

In the last application Officers were aware there were a number of other buildings on site and there was no evidence to suggest these would not be more appropriate for the proposed use. For this reason Officers considered the structure was not demonstrably necessary as required by policy GB11 i). The applicant has now supplied information relating to the 10 other structures on site and the 11th building, the dwelling. These structures vary in size, the largest of which has a floor space of 203sqm and the smallest of which is 6sqm. The dwelling is 345sqm. The use of each building is detailed and summarised as follows:

1x dwelling, 1 x garden shed, 1x derelict poly tunnel, 3 x stable buildings, 1 stable/hay store, 4x storage buildings for farm equipment, fencing and equestrian items.

With the exception of the derelict poly tunnel which would not be suitable for storage uses or indeed a workers respite area, all existing structures onsite are in use, accounted for and photos have been supplied that indicate, whilst not best organised, the buildings are clearly in use and at or near capacity. With this in mind there is no building available to serve as workers facilities and indeed very limited space available for further storage. The information now supplied has demonstrated that the use of the unit remains for mixed stabling and forestry purposes as historically permitted and that the building is reasonably necessary.

In terms of the remainder of policy GB11, the appearance of the building is considered acceptable, a more functional structure in this location may have had adverse impacts, but at the scale and form constructed, the building appears akin to a cart lodge or domestic outbuilding and does not detract from local character or neighbouring amenities. There are no highway, water or nature conservation impacts, thus the criteria of GB11 are satisfied.

With regards to appearance, there has been concern expressed historically that the building could serve as residential accommodation. Whilst the design provides an upper window, the height of the building negates the provision of a first floor. The size and location of the building is such that it would be difficult to split the building from the main property and the overnight occupation of the building may be prevented by condition. For these reasons there is no policy reason to maintain this concern.

Conclusion:

On the basis of the information above, the applicant has now demonstrated the main purposes of the unit, the need for a building in respect of its function for workers facilities and storage in connection with the lawful use of the site and has provided information detailing why other buildings onsite can not be used for this purpose. On this basis Officers are now able to recommend approval, subject to conditions preventing overnight stays in the building and ensuring

the use of the building is restricted to storage and staff facilities in association with the main site only.

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:

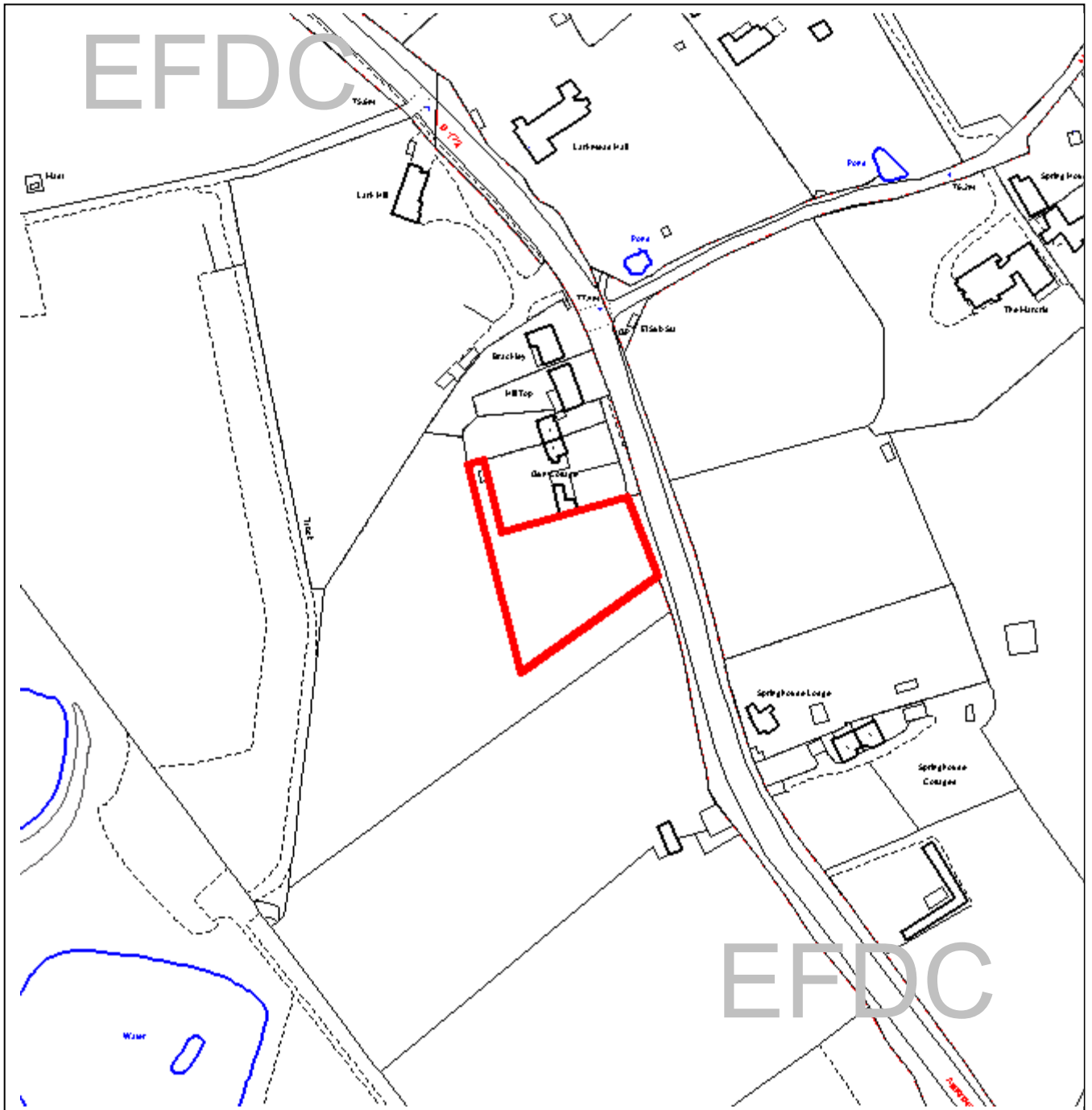
**Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: 01992 564481**

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/0255/14 |
| Site Name: | Land Adjacent 1 Gun Cottage, Abridge Road, Theydon Bois, CM16 7NN |
| Scale of Plot: | 1/1250 |

Report Item No: 3

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0255/14 |
| SITE ADDRESS: | Land Adjacent 1 Gun Cottage Abridge Road Theydon Bois Epping Essex CM16 7NN |
| PARISH: | Theydon Bois |
| WARD: | Theydon Bois |
| APPLICANT: | Mr Graham Skinner |
| DESCRIPTION OF PROPOSAL: | Proposed conversion of stable block to a 2 bed single storey dwelling. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559594

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 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or additions generally permitted by virtue of Classes A and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 3 Prior to the commencement of the development hereby approved, details of the extent of the proposed curtilage for the dwelling shall be submitted to the Council for approval in writing.
- 4 The curtilage of the proposed dwelling shall be limited to that which is approved in relation to the details submitted under condition 3.
- 5 Prior to the first occupation of the stable building as a dwelling, details of the means of enclosure shall be submitted to the local planning authority for approval in writing. the development shall proceed in accordance with the agreed detail.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the

proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)).

Description of Site:

The application site comprises an 'L' shaped stable building set back approximately 10m from Abridge Road and set within a field. The site area is approximately 0.3m.

Description of Proposal:

This application seeks planning permission for the change of use of the building and part of the site for use as a two bed dwelling and alterations to windows and doors.

Relevant History:

EPF/0908/06. Erection of private stables and hardstanding. (Revised application). Approved 29/06/2006.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB8A – Change of Use and Adaptation of Buildings
H2A – Previously Developed Land
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
DBE1 – Design of New Buildings
DBE 2, 9 – Amenity
DBE4 - Development in the Green Belt.
DBE6 – Car Parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight. Where elements/individual criterion within the policies do not accord with the NPPF, weight will not be attached to those elements when determining the planning application.

Summary of Representations:

Notification of this application was sent to Theydon Bois Parish Council and to 2 neighbouring premises.

The following representations have been received:

THEYDON BOIS PARISH COUNCIL. Objection. This proposal constitutes inappropriate development in the Green Belt (a new dwelling) in respect of which very special circumstances have not been demonstrated. It would therefore be contrary to the Local Plan and the NPPF. We do appreciate the desire of the applicant to care for his brother and to move him close to hand and we empathise with the applicant's personal situation. However, personal circumstances do not constitute valid planning reasons whereby clear planning policies can be overridden and sadly therefore these personal matters are irrelevant to the application at hand. When planning

permission was granted for the stable block, specific conditions were imposed. Specifically, condition 3 stated that the stabling was to be used exclusively as private stables and not for any commercial or business activity including horses at livery. By the applicant's own admission, this condition has been breached in that the building has been used not for his own horses but for storage purposes since 2010. It is our understanding that this use would constitute a change of use for which planning permission would be needed. It is very clear that this proposal should be rejected on Green Belt grounds and a way forward would be for the building to revert to the permitted use of private stabling for the applicant as originally intended. If the authorised use is no longer required and the building is surplus to the applicant's personal requirements for its original purpose then there is an argument that the building should be removed.

THEYDON BOIS ACTION GROUP. Objection. When planning permission was given for the stables (2006) it was subject to a condition requiring that they were used only for private stabling purposes and not for any commercial or business activity, including livery. The application states that the equine use ceased in 2010 and the building has since been used for storage. Our recollection is that the stables were rarely, if ever, used for horses prior to 2010. The building appears to have been unlawfully used since at least 2010 and therefore it should be demolished and the land returned to its former state. Whatever the personal circumstance of the Applicant and his family, these are not material considerations in relation to Green Belt policy.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY. Objection. When planning permission was given for the stables (2006) it was subject to a condition requiring that they were used only for private stabling purposes and not for any commercial or business activity, including livery. The application states that the equine use ceased in 2010 and the building has since been used for storage. Our recollection is that the stables were rarely, if ever, used for horses prior to 2010. The building appears to have been unlawfully used since at least 2010 and therefore it should be demolished and the land returned to its former state. Whilst the society has sympathy with the Applicant's needs, this does not outweigh the material consideration in relation to Green Belt policy.

Issues and Considerations:

The issues for consideration are the acceptability of the principle of the proposed residential use within the Green Belt and also any impacts of the proposed development on residential amenity, the character and appearance of the area and highway safety.

Principle of Residential Use

The proposed development would constitute a reuse of an existing building within the Green Belt. Such development is identified as being not inappropriate within the Green Belt by para. 90 of the NPPF.

Consideration must be given to other material considerations and also to the impact of associated development (for example the creation of a residential curtilage, means of enclosure etc) when determining whether or not the development is acceptable.

Residential Amenity

The position of the stable block is such that its use for residential purposes would not impact upon the amenities presently enjoyed by the occupiers of existing neighbouring dwellings.

The windows arrangement and layout of the converted stable block would be such that future occupiers of the dwelling would benefit from good levels of amenity.

The area of the curtilage of the dwelling would be very limited, which although a positive in limiting the impact of the development on the openness of the Green Belt, would impinge on the level of amenity that could be enjoyed by the future occupiers of the dwelling. However, this may be dealt with by a planning condition requiring further details of the extent of the curtilage to be submitted for approval. An additional condition should then be imposed to limit the extent of the curtilage to that approved under the previous condition, to avoid it spreading into the wider agricultural/equine land that comprises the remainder of the application site.

Design and Appearance

The main alterations to the building would be the addition of windows and doors. These would not cause any significant harm to either the rural character and appearance of the stables or the wider openness of the Green Belt.

Subject to a planning condition requiring the submission of suitable means of enclosure, the erection of boundary treatment should not adversely impact upon the appearance of the area.

Highway Safety

County Highways have been consulted on this application and have commented as follows:

The site has an existing access which has good visibility onto the Abridge Road and the site also provides turning so all vehicles can exit in a forward gear. Consequently the proposal will not be detrimental to highway safety or efficiency at this location.

Furthermore adequate space is provided within the site for parking.

Other Matters

The Applicant has presented a case of personal circumstances for allowing this development within the Green Belt. However, because the development is not inappropriate there is no need to consider any very special circumstances. Accordingly, no weight has been given to those personal circumstances in providing the officer's appraisal and recommendation.

The applicant has indicated that they would be willing to accept a condition ensuring that the dwelling is not separated from Gunn Cottage. However, as it has been assessed as a development which is not inappropriate within the Green Belt, does not have any ancillary link to Gunn Cottage and no weight has been given to its proposed occupancy by a dependant relative, it is not considered to be either reasonable or necessary to impose such a condition.

Objecting parties have proposed that because the building is no longer required for the purpose for which it was erected (i.e. for the stabling of horses) it should be demolished. However, no such requirement exists within the original planning permission for the building and such action is not required by either local or national planning policies.

Given the potential for large extensions to be erected to the dwelling without the need for express planning permission and the potential harm that these could cause to the open character of the green belt, it is necessary to remove permitted development rights for both extensions and outbuildings.

Conclusion:

It is considered that the proposed development accords with local and national planning policies and would not cause any material harm to either residential amenity or to the character and

appearance of the site, which is located within the Green Belt. It is, therefore, recommended that planning permission be 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:

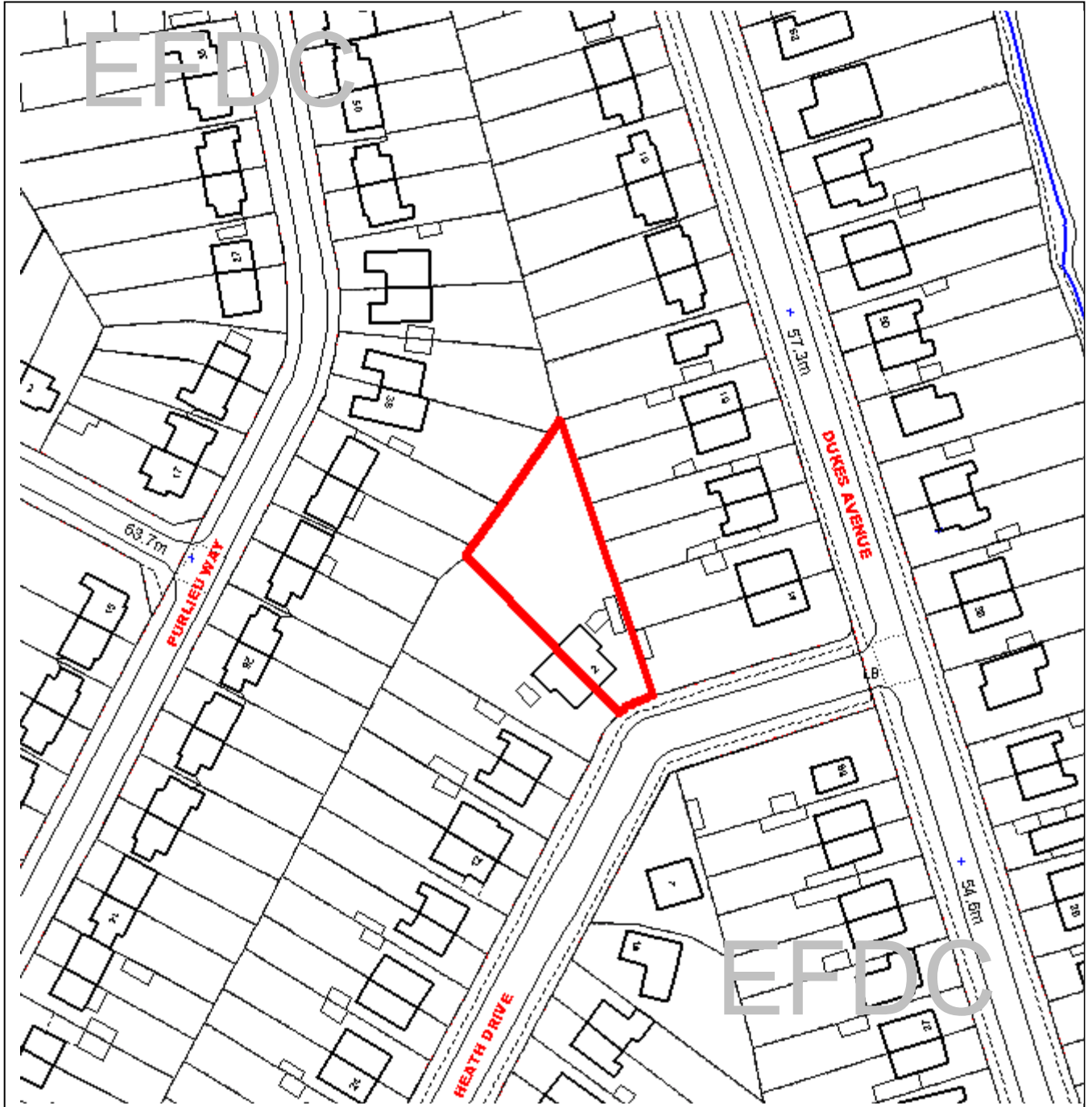
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564103***

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



Epping Forest District Council

AGENDA ITEM NUMBER 4



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| | |
|---------------------|---|
| Application Number: | EPF/0371/14 |
| Site Name: | 2 Heath Drive, Theydon Bois CM16 7HL |
| Scale of Plot: | 1/1250 |

Report Item No: 4

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0371/14 |
| SITE ADDRESS: | 2 Heath Drive Theydon Bois Epping Essex CM16 7HL |
| PARISH: | Theydon Bois |
| WARD: | Theydon Bois |
| APPLICANT: | Mr C Madge |
| DESCRIPTION OF PROPOSAL: | Two storey side/rear extension and single storey rear extension. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=560177

CONDITIONS

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

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

Description of Site:

Two-storey semi-detached house that, together with the attached neighbour, no 4 Heath Drive, has a strong gable feature to front elevation. Property has a side facing dormer.

The property is the last dwelling on Heath Drive before the junction with Dukes Avenue. The neighbouring properties in Dukes Avenue have gardens backing onto the side of the site.

The property is not Listed nor in Conservation Area or the Green Belt.

Description of Proposal:

It is proposed to erect a two storey side/rear extension set back from the main front wall by approx. 6.2m. The side extension would project from 0.2m below the main ridge height and maintain a 3.2m gap to the side boundary.

In addition a single storey rear extension (5.5metres deep adjacent to the boundary with number 4 Heath Drive) is proposed.

The extensions would provide two bedrooms and a bathroom at first floor, a new kitchen and a conservatory at ground floor.

Relevant History:

The application site at 2 Heath Drive

EPF/1438/09 - Single storey rear extension and two storey side extension – Refused

EPF/0603/10 - Single storey rear extension and two storey side extension and side dormer window (revised) – Refused. Appeal Dismissed.

EPF/2130/10 – Single storey rear extension and two storey side extension and side dormer window – Refused. Allowed at appeal.

The attached neighbour at 4 Heath Drive

EPF/0055/11 Two storey side and rear extension - Withdrawn

EPF/0424/12 Demolish detached garage and rear attached single storey extension, erect two storey rear extension, front porch and two storey (part stepped roof) side extension. Refused on design grounds and subsequent appeal dismissed.

EPF/1732/12 Proposed side/rear extension with front dormer - Approved

EPF/0224/13 NMA to EPF/1732/12 - Approved

Policies Applied:

CP2 Quality of Rural and Built Environment

DBE9 Loss of Amenity

DBE10 Residential Extensions

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 10

Site notice posted. No, not required

Responses received:

4 HEATH DRIVE: Object to the design of the proposals as it does not extend the roof of the dwelling and incorporate a front dormer as has been carried out at number 4 Heath Drive and 41 Dukes Avenue. The width of the side extension is greater than that built at number 4 and will detract from visual appearance.

43 DUKES AVENUE: Object to the proposals due to ground level differences making Heath Drive higher than Dukes Avenue, thus increasing the prominence of the proposals. The proposals are bulkier than that permitted previously and do not adhere to the Planning Inspector's previous decision which sought to decrease massing at first floor level. The proposals detract from the

appearance of the original property and with the proposed depth, results in an unacceptable impact. The attached neighbour was encouraged to bring the side extension forward to reduce the depth and provide a chalet design. The garage indicated is shown incorrectly on the drawings.

THEYDON BOIS PARISH COUNCIL: Our objection to this application is due to the excessive size of the two storey element to the rear of the property. The proposal which involves the addition of a two storey structure of some 4metres to the rear, would give rise to a side elevation which would be unduly bulky and lacking in architectural merit.

Main Issues and Considerations:

Summary of details:

The proposal is a redesign of EPF/2130/10 which was allowed at appeal. This permission allows a side extension staggered at 3.5m and 6m in width at first and ground floor for the depth of the property at two-storey and with a ground floor wrap around extension. Following the approval of a similar extension next door, the applicant now wishes to revise the scheme to incorporate a rear projection at first floor and to revise the side elevation to omit the staggered width.

The revisions keep the original two storey extended design allowed at appeal, retain the 6m set back from the main front wall, but revise the side projection to 4.6m wide, roughly central between the ground and two-storey projection historically allowed.

In addition the proposals seek to extend to the rear of the property, on the side, for a depth of 5.5m. The attached neighbour benefits from consent for a 3m deep projection of a similar nature.

Impact to street scene:

From the street the proposals would retain the pronounced central gable feature and would appear similar to the scheme approved by the Planning Inspector under EPF/2130/10. The proposals retain a generous space to the side of the property, and the previously approved two storey design and the previously approved set back.

Whilst the design of the extension proposed differs from that of the attached neighbour, policy does not require that developments replicate that which currently exists. Rather, policies require that the character of the street and original property is retained. The proposals would retain the separation from the boundary, and a design and width akin to that previously approved. For this reason Officers can see no impact to the appearance of the property or the street beyond that already considered under EPF/2130/10 and allowed on appeal. The side extension maintains a significant set back from the main front elevation, which differs from the approval on the attached property, and negates impact to the appearance of the pair.

Impact to neighbours:

There would be a significant degree of separation of the two-storey elements of the proposal from neighbours and the degree of rear projection, albeit greater than the attached neighbour, would not result in significant adverse impact to outlook or overshadowing to neighbours. No loss of light would be caused and the first floor flank window would serve a bathroom therefore can reasonably be required to be obscure glazed. That is necessary to safeguard the privacy of 41 and 43 Dukes Avenue.

Conclusion:

The proposals comply with relevant policies listed above and recommendation is to grant planning permission.

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: Jenny Cordell
Direct Line Telephone Number: 01992 564481**

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

Report to Area Plans Sub-Committee

Date of meeting: East – 14 May 2014



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, 1 October 2013 to 31 March 2014

Officer contact for further information: Nigel Richardson (01992 564110)
Democratic Services: Jackie Leither (01992 564756)

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Governance) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

Performance

4. Over the six-month period between 1 October 2013 and 31 March 2014, the Council received 48 decisions on appeals (46 of which were planning related appeals, the other 2 were enforcement related).
5. KPI 54 and 55 measure planning application decisions and out of a total of 46, 18 were allowed (37%). Broken down further, KPI 54 performance was 4 out of 23 allowed (17%) and KPI 55 performance was 13 out of 22 (59%). One other case was allowed, but it was recommended for approval by officers and supported by Area Plans Committee East but unusually an appeal was lodged against non-determination, despite District Development Control Committee supporting an approval (Application EPF/2404/12).

Planning Appeals

6. Out of the 22 planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following 13 cases:

Area Committee South

| | | |
|-------------|---|---|
| EPF/1042/13 | Erection of two storey detached dwelling in connection with the use of church and formation of four car parking spaces to front of premises | Loughton Baptist Church High Road, Loughton |
| EPF/2225/13 | Single storey rear extension. | 2 Chigwell Park Chigwell |

Area Committee East

| | | |
|-------------|--|---|
| EPF/1924/12 | Conversion of office space (disused) into 3 no. self contained flats and alterations to existing bedsits into a single self contained flat. | 261 High Street Epping |
| EPF/2298/12 | Change of use to allow the premises to be used as a take away (Class A5). (Revised Application) | 20 St. Peters Avenue Ongar |
| EPF/2451/12 | Proposed replacement dwelling. | 32 Piercing Hill Theydon Bois |
| EPF/0528/13 | Additional grain storage facilities and extension to existing area of hardstanding.. | Land adjacent to Horseshoes Farm London Road North Weald |
| EPF/0891/13 | Demolition of existing bungalow and erection of a new chalet bungalow and alterations to existing crossover. (Revised application) | 11 Bower Hill Epping |
| EPF/1558/09 | Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings (Resubmitted application) | North Barn New Farm Drive, Abridge |
| EPF/1577/13 | New signage both illuminated and non-illuminated on around the existing building. | Tesco Stores Ltd 77 High Street, Epping |

Area Committee West

| | | |
|-------------|--|-------------------------|
| EPF/0363/13 | Proposed new 2 bedroom bungalow dwelling with rear terrace area. | 1 Banes Down Nazeing |
|-------------|--|-------------------------|

District Development Control Committee

| | | |
|-------------|---|--|
| EPF/2214/12 | Two storey and single storey side extension. | 5 Roding View Buckhurst Hill |
| EPF/2405/12 | Change of use of units 3B, 3C, 6, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use. | New House Farm Little Laver Road Moreton |
| EPF/2406/12 | Proposed grain storage building. | New House Farm Little Laver Road Moreton |

7. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where

members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision.

8. Out of 2 enforcement notice appeals decided, 1 was part allowed and 1 was dismissed. These are as follows:

Part Allowed:

| | | | |
|---|-------------|--|---|
| 1 | ENF/0652/11 | Without planning permission the recreational use of motor vehicles on the land and the ancillary stationing of a shipping container on the land together with retention of works to form a track facilitating such use | Land on the North side of School Road Ongar Essex |
|---|-------------|--|---|

Dismissed:

| | | | |
|---|-------------|--|------------------------------------|
| 2 | ENF/0022/11 | Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of sheds | Sunnyside Carthagen Estate Nazeing |
|---|-------------|--|------------------------------------|

Costs

9. During this period, there was no award of costs made against the Council.

10. Members attention is brought to the fact recent appeal changes allows Planning Inspectors to award costs against a party that has behaved unreasonably even if neither the Council or the appellant has applied for costs.

Conclusions

11. Whilst performance in defending appeals has improved during the last couple of years, Members are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of the relevant issues to balance out in order to understand the merits of the particular development being applied for.

12. Finally, at a previous request from Planning Services Scrutiny Standing Panel, appended to this report are the 22 appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 13 of which were allowed and granted planning permission.

13. A full list of appeal decisions over this six month period appears below.

Appeal Decisions October 2013 to March 2014

Allowed With Conditions

Buckhurst Hill

1 EPF/2214/12 Two storey and single storey side extension.

5 Roding View

Epping

- | | | | |
|---|-------------|--|------------------------------------|
| 2 | EPF/1924/12 | Conversion of office space (disused) into 3 no. self contained flats and alterations to existing bedsits into a single self contained flat. | 261 High Street |
| 3 | EPF/1970/12 | Change of use of first floor office space to residential, erection of residential space at second floor level (136 High Street) and extension at first floor level (rear of no. 136 High Street) to create a total of 6 new flats Replacement of escape/parking | 134 - 136 High Street |
| 4 | EPF/0891/13 | Demolition of existing bungalow and erection of a new chalet bungalow and alterations to existing crossover. (Revised application) | 11 Bower Hill |
| 5 | EPF/1577/13 | New signage both illuminated and non illuminated on and around the existing building. | Tesco Stores Ltd 77 High Street |

Loughton

- | | | | |
|---|-------------|---|--------------------------------------|
| 6 | EPF/0931/13 | Part one and part two storey rear extensions. | 4 Habgood Road |
| 7 | EPF/1042/13 | Erection of two storey detached dwelling in connection with the use of church and formation of four car parking spaces to front of premises | Loughton Baptist Church High Road |
| 8 | EPF/1766/13 | Two storey rear extension (Revised application) | 84 Spring Grove |

Moreton, Bobbingworth and the Lavers

- | | | | |
|----|-------------|---|--|
| 9 | EPF/2404/12 | Change of use of units 2a, 3a and 7c1 to Class B2 use and alterations to previously approved lean-to extensions (EPF/0359/08) to facilitate the change of use. | New House Farm Little Laver Road Moreton |
| 10 | EPF/2405/12 | Change of use of units 3B, 3C, 6, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use. | New House Farm Little Laver Road Moreton |
| 11 | EPF/2406/12 | Proposed grain storage building. | New House Farm Little Laver Road Moreton |

Nazeing

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|----|-------------|--|--------------|
| 12 | EPF/0363/13 | Proposed new 2 bedroom bungalow dwelling with rear terrace area. | 1 Banes Down |
|----|-------------|--|--------------|

North Weald Bassett

- | | | | |
|----|-------------|--|--|
| 13 | EPF/0528/13 | Additional grain storage facilities and extension to existing area of hardstanding.. | Land adjacent to Horseshoes Farm London Road |
|----|-------------|--|--|

Theydon Bois

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|----|-------------|--------------------------------|------------------|
| 14 | EPF/2451/12 | Proposed replacement dwelling. | 32 Piercing Hill |
|----|-------------|--------------------------------|------------------|

Waltham Abbey

| | | | |
|----|-------------|---|-------------------------|
| 15 | EPF/0447/13 | Conversion of existing dwelling house and pool house into six self contained flats. Extension of existing roof of dwelling by the addition of front and rear dormer windows and a rear roof terrace area. | Green View Bury Road |
|----|-------------|---|-------------------------|

Allowed Without Conditions

Chigwell

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|----|-------------|-------------------------------|-----------------|
| 16 | EPF/2225/13 | Single storey rear extension. | 2 Chigwell Park |
|----|-------------|-------------------------------|-----------------|

Lambourne

| | | | |
|----|-------------|--|------------------------------|
| 17 | EPF/1558/09 | Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings (Resubmitted application) | North Barn New Farm Drive |
|----|-------------|--|------------------------------|

Ongar

| | | | |
|----|-------------|---|----------------------|
| 18 | EPF/2298/12 | Change of use to allow the premises to be used as a take away (Class A5). (Revised Application) | 20 St. Peters Avenue |
|----|-------------|---|----------------------|

Dismissed

Buckhurst Hill

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| 19 | EPF/1751/13 | Hip to gable roof extension with window in side gable, together with erection of rear dormer with high level fixed obscured windows (note: duplicate application of previously refused PL/EPF/2210/12) | 19 Westbury Road |
|----|-------------|--|------------------|

Chigwell

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| 20 | EPF/0777/13 | Erection of a single storey garage structure. | Bryn Miskin Pudding Lane |
|----|-------------|---|-----------------------------|

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| 21 | EPF/0829/13 | Single storey rear extension, first floor side extensions, and loft conversion with roof light windows. | 69 Grange Crescent |
|----|-------------|---|--------------------|

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|----|-------------|--|--------------------|
| 22 | EPF/1877/13 | Single storey rear extension, first floor side extensions, and loft conversion with raised and roof light windows. (Revised application) | 69 Grange Crescent |
|----|-------------|--|--------------------|

Epping

| | | | |
|----|-------------|--|-------------------------------|
| 23 | EPF/1468/12 | Grade II listed building consent for retrospective application for signage:- 1 set of non illuminated fascia text to front elevation reading PREZZO 1 set of non illuminated fascia text to right elevation reading PREZZO 1 x hanging sign non illuminated to | Prezzo PLC 236 High Street |
|----|-------------|--|-------------------------------|

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|----|-------------|--|----------------|
| 24 | EPF/1918/13 | Two storey side extension. (Revised application) | 23 Bell Common |
|----|-------------|--|----------------|

Lambourne

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|----|-------------|---|------------------------------------|
| 25 | EPF/2389/12 | Erection of cattle barn (20m x 12m) and construction of associated hard standing. | Land to rear of 42 -62 Hoe Lane |
|----|-------------|---|------------------------------------|

Loughton

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|----|-------------|---|--------------------|
| 26 | EPF/1925/12 | Removal of condition 2 of planning permission EPF/0206/12 (Ground floor rear side infill extension to both 49 and 51 Lower Park Road) to allow works to commence independently. | 49 Lower Park Road |
|----|-------------|---|--------------------|

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|----------------------------|-------------|---|--|
| 27 | EPF/1986/12 | Proposed three bedroom, detached chalet bungalow with vehicular access (Revised application) | Rear of 71 & 71A Stonards Hill |
| 28 | EPF/0233/13 | Proposed replacement of redundant former garages with one single storey, 1 bed bungalow. | 44 Kenilworth Gardens |
| 29 | EPF/0740/13 | Two storey rear extension to provide 3 no. self contained flats (Revised application) | 146 High Road |
| 30 | EPF/0856/13 | Proposed two bedroom detached house. | Rear of 71 & 71a Stonards Hill |
| 31 | EPF/1500/13 | Proposed double storey rear extension and loft conversion. | 95 High Road |
| 32 | EPF/1544/13 | Replacement garden wall. (Revised application) | 56 Hill Top |
| Matching | | | |
| 33 | EPF/0356/13 | Use of site for stationing of a caravan for a temporary period of 2 years. | Former Moor Hall Stables Moor Hall Road North |
| Nazeing | | | |
| 34 | EPF/0529/12 | Use of land for the stationing of caravans for residential purposes for 2 no. gypsy pitches together with the formation of additional hard standing. | Land at Sunnyside Carthagena Estate Meadgate |
| North Weald Bassett | | | |
| 35 | EPF/0082/13 | Outline application for demolition of existing buildings and erection of three dwellings and associated garages. | The Poplars (Pretloves) Epping Road |
| 36 | EPF/0741/13 | Proposed detached house with garage. (Revised application) | Rear of 9 & 10 Vicarage Lane East |
| 37 | EPF/2076/13 | Two bedroom dwelling. (Resubmission of EPF/1197/12) | Land adjacent to 5 Bluemans |
| Roydon | | | |
| 38 | EPF/0638/13 | Variation of occupancy condition '2' on EPF/0553/87 to allow use of chalet for eleven months of the year for weekend and holiday lets | Plot 44 Roydon Lodge Chalet Estate High Street |
| 39 | EPF/1291/13 | Vehicle crossover. | The Tudors Epping Road |
| Stanford Rivers | | | |
| 40 | EPF/1037/12 | Continuance of use of land for the private recreational use of motor vehicles and the ancillary stationing of one portable building/shipping container together with the retention of works to form a track facilitating the use. | Land near Stewarts Farm School Road |
| Stapleford Abbotts | | | |
| 41 | EPF/2334/12 | Outline application for 3 no. new dwellings. (Revised Application) | Kensington Park Oak Hill Road |

Theydon Bois

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|----------------------|-------------|---|--------------------------------|
| 42 | EPF/0457/12 | Demolition of existing buildings and erection of single dwelling, including change of use of part of site to residential garden. (Revised application) | Coppice Farm Coppice Row |
| 43 | EPF/2201/12 | Erection of single storey side extension and 1.2m front boundary wall - amended plans omitting car port and side walls to front garden. | 40 Forest Drive |
| 44 | EPF/2468/12 | Demolition of existing buildings comprising a dwelling house and agricultural / commercial buildings and the partial demolition of agricultural / commercial buildings, removal of areas of hard standing and the erection of four dwelling houses, access work | Blunts Farm Coopersale Lane |
| Waltham Abbey | | | |
| 45 | EPF/1059/13 | Proposed end of terrace dwelling house on land at 17 Conybury Close (Revised application) | 17 Conybury Close |
| 46 | EPF/1425/13 | Extension of existing dwelling to create assisted living facility | 7 Patmore Road |

Enforcement Appeal: Part Allowed with Conditions

| | | | |
|---|------------|--|---|
| 1 | ENF0652/11 | Without planning permission the recreational use of motor vehicles on the land and the ancillary stationing of a shipping container on the land together with retention of works to form a track facilitating such use | Land on the North side of School Road Ongar Essex |
|---|------------|--|---|

Enforcement Appeal Dismissed

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|---|------------|--|--|
| 2 | ENF0022/11 | Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of sheds | Sunnyside Carthagen Estate Nazeing |
|---|------------|--|--|

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Appeal Decision

Site visit made on 11 March 2014

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2014

Appeal Ref: APP/J1535/A/13/2205296

Loughton Baptist Church, High Road, Loughton, Essex IG10 4QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Rev Wayne Dulson against the decision of Epping Forest District Council.
- The application Ref EPF/1042/13, dated 23 May 2013, was refused by notice dated 7 August 2013.
- The development proposed is change of use of part of site from D1 to C3(a). Proposed two storey detached manse (Dwelling) and four car parking spaces to front of premises.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of the site from D1 to C3(a). Proposed two storey detached manse (Dwelling) and four car parking spaces to front of premises in accordance with the terms of the application EPF/1042/13, dated 23 May 2013, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 13001_001, 13001_002 and 13001_003.
 3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 4. Prior to first occupation of the development hereby approved, the proposed first floor window opening in the north eastern flank elevation shall be fitted with obscure glass and shall be permanently retained as such.
 5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The hard landscape details shall include means of enclosure and hard surfacing materials. The soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and

proposed numbers/densities where appropriate; and an implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation of the development or in accordance with the programme agreed with the local planning authority.

6. No development shall take place until a Tree Protection Plan, Arboricultural Method Statement and Site Monitoring Schedule in accordance with BS5837: 2012 (Trees in relation to design, demolition and construction – Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

7. No development shall take place until additional details of levels have been submitted to and approved in writing by the Local Planning Authority showing cross sections and elevations of the levels of the site prior to development and the proposed level of the ground floor slab of the building, access ways and landscaped areas. The development shall be carried out in accordance with the approved details.

8. All construction/demolition works and ancillary operations, including vehicle movements on the site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08:00 to 18:30 Monday to Friday and 08:00 to 13:00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

9. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during the construction works have been installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site on commencement of development.

Main Issues

2. The main issues in this appeal are the effect of the appeal proposal upon:

- i) the character and appearance of the area; ii) the living conditions of occupants of neighbouring residential properties, with specific reference to outlook; and iii) the living conditions of future occupants of the proposed dwelling with regard to private garden provision.

Reasons

Character and Appearance

3. The appeal site is situated within the northern corner of the church grounds, it is set well back from High Road, partly behind the large church building which has mature trees situated along the north eastern boundary to its frontage. The proposed dwelling, designed in an unimposing architectural style, would have an almost square plan form and a pyramidal hipped roof. It would be situated close to the rear garden boundaries of 12 and 14 Ollards Grove to the north

east, and would be on lower ground than these neighbouring properties by a minimum of approximately 1.2 metres.

4. Views of the appeal site from the public realm are limited to casual glimpses from High Road and down from the cul-de-sac of Park Hill which is on much higher ground. As demonstrated within the sectional elevations submitted with the proposals, the new dwelling would make use of the existing contours of the surrounding land, so that it would not render it an imposing feature within the street scene or the wider area. I consider that the resultant height and bulk of the proposed dwelling, being quite modest in form, would not result in poor design, with the proposed roof form minimising its overall bulk.
5. Consequently, I consider that the proposal would not have a detrimental impact upon the character and appearance of the area. It complies with Epping Forest District Local Plan (adopted January 1998) (LP) Policy DBE1 which requires new buildings to respect their setting in terms of scale, proportion, siting, massing, height, orientation, roofline and detailing. The proposals also comply with Policy CP2 of the Epping Forest District Local Plan Alterations (adopted July 2006) (LPA) which seeks to safeguard and enhance the setting, character and townscape of the urban environment. In addition, and leading on to the next issue, I find that the proposal complies with one of the core planning principles of the National Planning Policy Framework (the 'Framework') which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Living Conditions – Occupants of Neighbouring Residential Properties

7. The Council's view is that the proposed development would have an adverse impact on the visual amenities and outlook of 12 Ollards Grove (not no.2 as cited in the decision notice), in addition to 14 and 16 Ollards Grove. I have concluded above that the proposed development would not have a detrimental impact upon the character and appearance of the area and consequently I find that the visual amenities currently enjoyed by the occupants of these neighbouring properties would not be materially harmed either.
8. In terms of outlook, I note that the proposed dwelling would be in relative close proximity to the boundary that is shared with no.s 12 and 14, with the latter property being most affected by the proposals. I have not been provided with evidence as to the extent of public consultation to which the Essex Design Guide has been subjected to, or as to whether it has been formally adopted by the Council, therefore I can only give it limited weight. However, I note that as a guide, and with regard to the separation between dwellings it states that where the backs of houses are at more than 30° to one another, a separation of 15m from the nearest corner can be acceptable. I have not been provided with the precise distance between the rear elevations of no.s 12, 14 and 16 to the flank elevation of the proposed dwelling, but the Council's committee report states that the rear gardens of these neighbouring properties are in excess of 22m.
9. Having regard to the lower site levels of the proposed dwelling in comparison to these neighbouring properties, the first floor of the proposed dwelling would be approximately level with the ground floor of 14 Ollards Grove. Furthermore, notwithstanding the depth of the proposed dwelling and the fact that the new

dwelling would be visible above the existing rear boundary fences, I consider that it would not be an unduly prominent feature within the rear garden scene. I therefore conclude, on balance, that the proposals would not have a material detrimental impact upon the outlook enjoyed by their occupants of the Ollards Grove properties. Taking into account that there is no right to a view within planning legislation, I find the proposal complies with LP Policy DBE2 which states that planning permission will not be granted for new buildings which have a detrimental effect upon existing neighbouring or surrounding properties in either amenity or functional terms.

10. In conclusion on this matter, I find that the proposed development would not have an adverse impact on the visual amenities and outlook of 12, 14 and 16 Ollards Grove.

Living Conditions – Future Occupants

11. There has been some confusion between the main parties as to the amount of private rear garden to be provided for the new dwelling. I note that LP Policy DBE8 states that new residential developments will be expected to provide private amenity space which will usually be at the rear of dwellings and, amongst other things, be of a size, shape and nature which enables reasonable use. The supporting text to this policy in LP paragraph 15.52 states that the sizes of private gardens are for the most part matters for the marketing judgement of developers, but that the District Council will expect rear gardens of new dwellings to have a minimum area of 20sqm for each habitable room.
12. In this case the Council states that to fully comply with this policy the proposal should have a minimum private amenity space of 140sqm. It appears from the subsequent correspondence between the main parties that the submitted proposed site plan from with the Council took its measurements, should have been scaled at 1:200 as opposed to 1:100. Consequently the garden would be at least double the 60sqm cited within the Council's statement.
13. Taking into account the fact that the 20sqm per habitable room (for all rooms where the floor area exceeds 13sqm) the appellant states that they would be providing a minimum of 128sqm of amenity space against the requirement of 120sqm, as they had discounted both the study and dining room as they are under 13sqm. Whilst the Council has not provided a direct response to these calculations, I am of the view that pursuant to the third criterion of LP Policy DBE8 that the proposed development would provide private amenity space which is of a size, shape and nature that would enable reasonable use. The proposal would therefore provide adequate private rear garden provision in compliance with this policy.

Other Matters

14. I note the concerns of local residents that mature trees that are situated behind the rear boundaries of nos 12 and 14 will need to be removed as a result of the proposal. However, I note that these are not protected by a Tree Preservation Order and that the Council's Tree and Landscape Officer raise no objection to the proposal. Furthermore, whilst I acknowledge that the removal of any trees may render the rear gardens of the Ollards Grove properties as more exposed, by virtue of the building-to-building distances, not only between these properties and the proposed dwelling, but also those houses situated

within Park Hill, I consider that the proposal would respect its built context. As the site provides adequate private garden space, I am of the view that it would not result in overdevelopment of the site and further does not amount to 'garden grabbing'. Each case must be assessed on its own merits, granting planning permission in this instance does not set a precedent for other proposals in the future. In addition, by virtue of the siting of the proposed dwelling at 90° to its immediate neighbours, any views over their rear gardens would be oblique. However, as set out within the list of conditions above, it is necessary to ensure that the first floor window facing towards the rear garden of no. 14 is obscurely glazed.

15. I also note the concerns with regard to parking provision on the site, however, the Local Highway Authority (LHA) has not raised an objection to the proposal. The LHA state that the parking for the proposed house meets the Essex Parking Standards and that the proposed relocation of the four Church parking spaces within the site, is considered acceptable. I have no reason to disagree with this view. I acknowledge the comments made with regard to other options to accommodate the Church Minister, however, I can only determine the appeal before me on its own merits. Furthermore, what may or may not happen to the dwelling in the future is not a determining factor in this appeal, particularly as on its merits, I have found a new dwelling in the location proposed to be acceptable.
16. Issues raised with regard to the removal of earth from the site and the altering of levels are matters that can be controlled by way of planning condition, and further I have not been provided with any evidence that the site provides a habitat for any endangered wildlife species. Finally, I understand the concern of local residents that there could be unmarked graves within the extent of the appeal site, however, no conclusive evidence proving such existence has been provided and it is not a determining matter in the appeal.

Conclusion and Conditions

17. For the above reasons and having regard to all other matters raised I conclude that the appeal should succeed.
18. In addition to suggesting a condition that the development be completed strictly in accordance with the approved plans, the Council also suggest conditions requiring details of external finishes to the building, hard and soft landscape works, tree protection measures and details of site levels to be submitted. In the interests of the character and appearance of the area, I consider that conditions covering these areas to be necessary. Details of levels is also important to protect the living conditions of the occupants of neighbouring residential properties, along with a condition that requires the first floor window opening in the north east flank of the proposed dwelling to be obscurely glazed. The Council also suggest conditions controlling the hours within which construction works take place, in addition to ensuring wheel washing facilities for construction vehicles are provided. In the interests of protecting the living conditions of neighbouring residents and highway safety, I also consider these conditions to be necessary.
19. The Council has suggested that all material excavated from the below ground works be removed from the site in order to control any alteration to levels or

spreading material not indicated in the approved plans. However, I do not consider this necessary as the condition controlling finished ground and floor levels will ensure a satisfactory outcome for all interests of acknowledged importance. Finally, the Council suggest that the occupation of the dwelling should be limited to a Minister solely working in connection with the Baptist Church, as specific circumstances of the site make the dwelling unsuitable for a person not employed by the adjacent Church. I have not been made aware from the Council's representations of the necessity for this and taking into account my findings above, which centre upon the principle of a new dwelling in the location proposed, I do not consider such a condition to be reasonable.

C J Tivey

INSPECTOR

Costs Decision

Site visit made on 11 March 2014

by **Mr C J Tivey BSc (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2014

Costs Application in Relation to Appeal Ref: APP/J1535/A/13/2205296 Loughton Baptist Church, High Road, Loughton, Essex IG10 4QU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The appeal is made by Rev Wayne Dulson for a full award of costs against Epping Forest District Council.
 - The appeal was made against the refusal of planning permission for change of use of part of site from D1 to C3(a). Proposed two storey detached manse (Dwelling) and four car parking spaces to front of premises.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Since the application for costs was made, Circular 03/2009 has been deleted by the launch of the Planning Practice Guidance (PPG). The PPG states that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary and wasted expense in the appeal process, they may be subject to an award of costs.
3. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include: Preventing or delaying developments which should clearly be permitted, having regard to its accordance with the Development Plan, National Policy and any other material considerations; failing to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. With regard to the first reason for refusal, whilst the applicant states that the proposal complies with the Essex Design Guide, as I set out within my appeal decision, it has not been demonstrated as to what form of public consultation process this has been subjected to, or its status as a Supplementary Planning Document or otherwise. Taking into account the fact that I could only give it limited weight, and that it does not form part of the Development Plan, it is just one of a number of material considerations to be taken into account within the determination process. Within their statement, the Council has evidenced why,

in its opinion, the proposal was unacceptable with regard to the impact that it would have upon the living conditions of the occupants of adjacent residential properties, and had regard to the Development Plan and other material considerations.

5. Concerning the second reason for refusal it appears that the confusion surrounding the amount of private garden space to be provided for the proposed dwelling was the result of an incorrect scale annotated on the submitted site plan. The applicant, in their appeal statement themselves, did not question the Council's assessment of garden area, it was only the result of subsequent correspondence between the applicant and the Council that the discrepancy between actual proposed provision and that interpreted by the Council came to light. However, the Council did produce evidence to substantiate this reason for refusal based upon the information that was before it.
6. With regard to the final reason for refusal, I am of the view that it does not repeat the first reason for refusal, as it deals with matters of character and appearance as opposed to living conditions. The impact of a proposal upon the character and appearance of an area does not have to be limited to views of the site from public vantage points, and whilst the Council's response in its statement is rather generalised, I cannot state that it is unsupported by **any** (my emphasis) objective analysis.
7. Therefore, notwithstanding my findings, in allowing the appeal, I conclude that the Council has not behaved unreasonably; and consequently has not directly caused the applicant to incur unnecessary or wasted expense in the appeal process.

C J Tivey

INSPECTOR

Appeal Decision

Site visit made on 11 March 2014

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2014

Appeal Ref: APP/J1535/D/14/2213251
2 Chigwell Park, Chigwell, Essex IG7 5BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sivanesan Subramanaim against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2225/13, dated 22 October 2013, was refused by notice dated 8 January 2014.
 - The development proposed is for a single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 2 Chigwell Park, Chigwell, Essex IG7 5BE in accordance with the terms of the application Ref PL/EPF/2225/13, dated 22 October 2013, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three year years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: chi/plan/13_1 and chi/plan/13_2.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupants of neighbouring residential properties, with specific reference to outlook.

Reasons

3. The appeal property comprises a detached, two storey house set close to the junction of Chigwell Park with High Road. The front elevation of no.2 is broadly in line with that of 4 Chigwell Park adjacent and to the north west, but with a quite significant two storey projection beyond its rear elevation. It is agreed between both main parties that the main rear wall of no.2 is 4.5m beyond the rear of elevation of no.4. Ground levels also fall gently in a north westerly

direction, from 197 High Road to the south east towards no.4. However, the boundary treatments to both sides of the rear garden of the appeal site comprise relatively high close boarded fencing, with sporadic trees and shrubs situated along them. The south eastern boundary fence shared with no. 197 also has timber trellis panels over it and a number of mature conifer trees are situated within the grounds of this neighbouring property.

4. Notwithstanding the projection of the rear elevation of the appeal building beyond the rear elevation of no.4, I find that by virtue of the flat roofed single storey nature of the proposed extension, its scale and mass would be limited. Whilst undoubtedly the top of the roof would be viewed over the fence, by virtue of the width of the rear garden of no.4, I consider that this would not have an excessively overbearing effect upon the occupants of this property, and consequently would not have a material impact upon its outlook.
5. With regard to the impact of the proposal upon no.197, whilst that dwelling is orientated approximately at a right angle to the appeal property, and its garden depth is relatively shallow, by virtue of the fact that it is situated on higher ground, whilst taking into account the existing boundary treatments, I consider that the proposals would not be overbearing or be materially detrimental to the outlook from this property either.
6. With regard to other matters raised, I note that reference has been made to a refused scheme at 10 Chigwell Park, however, I have not been provided with details of that proposal and in any case each proposal must be assessed on its own merits. References have also been made to the proposal not respecting a 45° rule, but whilst I am aware that a notional 'rule of thumb' test is often applied by local planning authorities, I have not been provided with a policy basis for such a test in this instance. By virtue of the single storey form of the extension, with a predominantly flat roof the impact upon sunlight and any resultant overshadowing would not be significant, particularly bearing in mind the orientation of the appeal property and its proposed extension in relation to its immediate neighbours. I acknowledge other concerns with regard to the potential for light pollution from the roof lanterns and a loss of mutual privacy through them, however, any potential light pollution would unlikely give rise to a significant impact upon the night sky, and by its very nature would not give rise to material overlooking; bearing their position above ceiling level.
7. I therefore find that the proposal would not give rise to material harm to the living conditions of the occupants of neighbouring residential properties, with their current levels of outlook being protected. The proposals comply with Policy DBE9 of the Epping Forest District Local Plan adopted January 1998 which requires that an extension does not result in an excessive loss of amenity for neighbouring properties. I also find that the proposal complies with one of the core planning principles of the National Planning Policy Framework which is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion and Conditions

8. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should succeed. The Council has suggested a condition requiring the external materials to be used in the construction of the

extension to match those of the existing building and for the avoidance of doubt and in the interests of proper planning, I impose a condition requiring the development is carried out in accordance with the approved plans.

C J Tivey

INSPECTOR

Appeal Decision

Site visit made on 18 October 2013

by Terry G Phillimore MA MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 November 2013

Appeal Ref: APP/J1535/A/13/2192628
261 High Street, Epping CM16 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Di Piazza against the decision of Epping Forest District Council.
 - The application Ref EPF/1924/12, dated 28 August 2012, was refused by notice dated 23 January 2013.
 - The development proposed is conversion of office space (disused) into 3 self contained flats and alterations to existing bedsits into a single self contained flat.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of office space (disused) into 3 self contained flats and alterations to existing bedsits into a single self contained flat at 261 High Street, Epping CM16 4BP in accordance with the terms of the application, Ref EPF/1924/12, dated 28 August 2012, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 08003.SP, 08003.002 Rev:P1, 08003.003 Rev:P1, 08003.004 Rev:P1.

Main Issue

2. The main issue is the effect the proposal would have on highway conditions in the vicinity.

Reasons

3. The proposal relates to first floor accommodation which currently comprises 3 bedsits and vacant offices. The Council raises no objection to the principle of conversion to all residential use, with evidence submitted to show a lack of demand for the office space.
4. Policy ST6 of the Epping Forest District Local Plan 2006 expects all development proposals to provide of-site parking in accordance with its standards. The current relevant standards are set out in the Essex County Council Parking Standards Design and Good Practice 2009.

5. No off-street parking is associated with the proposal. According to the appellant's undisputed calculations, under the standards there would be a requirement for 5 spaces for the existing uses and 6 for the proposal. The parking standards document identifies that the standards can be reduced in town centre locations with good access to public transport.
6. The site is located within Epping Town centre. This is agreed to be a sustainable location with ready access to facilities. Notwithstanding that the existing uses are long-established, the parking demand generated by the proposal is unlikely to be significantly greater than that resulting from these uses. In this context the application of a relaxation from the normal standards would favour allowing the proposal, and there is no material conflict with the development plan in this respect.
7. In addition, the proposal would be a sustainable development which warrants support according to the National Planning Policy Framework. This advises that development should only be refused on transport grounds where the residual cumulative impacts are severe. There is no evidence to suggest that there would be such an impact in this case.
8. The Council refers to another appeal decision (ref APP/J1535/A/11/2160122) in support of the refusal, but that related to a proposal largely involving new build accommodation in a different town centre (Waltham Abbey), and therefore differed materially from the current scheme.
9. Listed building consent has been granted by the Council for the proposed works (ref EPF/1938/12) and the conversion would preserve the character and appearance of the Epping Conservation Area.
10. A condition specifying the approved plans is needed for the avoidance of doubt and in the interests of proper planning. The appellant suggests that provision for cycle parking within the site could be made. While this would be welcome, in the circumstances it is not necessary for the proposal to be acceptable, and therefore a planning condition requiring such provision is not warranted.
11. For the reasons given above I conclude that the appeal should be allowed.

T G Phillimore

INSPECTOR

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