

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 10th February, 2016**

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, 10th February, 2016  
at 7.00 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

M. Jenkins Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

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

#### **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.**

**If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.**

**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 - 24)**

To confirm the minutes of the last meeting of the Sub-Committee held on 13 January 2016.

**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 25 - 102)**

(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. EXCLUSION OF PUBLIC AND PRESS

### Exclusion

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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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](http://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 2015-16  
Members of the Committee and Wards:



**Cllr Jones**  
Theydon Bois

**Cllr Keska**  
Chipping Ongar,  
Greensted and  
Marden Ash

**Cllr Avey**  
Epping  
Hemnal

**Cllr Bedford**  
Shelley

**Cllr Boyce**  
Moreton and  
Fyfield



**Cllr Brady**  
Passingford

**Cllr Breare-Hall**  
Epping  
Lindsey and  
Thornwood  
Common

**Cllr Church**  
Epping  
Lindsey and  
Thornwood  
Common

**Cllr Grigg**  
North Weald  
Bassett

**Cllr McEwen**  
High Ongar,  
Willingale and  
the Rodings



**Cllr Morgan**  
Hastingwood,  
Matching and  
Sheering Village

**Cllr Philip**  
Theydon  
Bois

**Cllr Rolfe**  
Lambourne

**Cllr Stallan**  
North Weald  
Bassett

**Cllr Surtees**  
Chipping Ongar,  
Greensted and  
Marden Ash



**Cllr Waller**  
Lower  
Sheering

**Cllr  
Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr J H  
Whitehouse**  
Epping  
Page 7

**Cllr J M  
Whitehouse**  
Epping  
Hemnal

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 13 January 2016  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 9.31 pm  
High Street, Epping

**Members Present:** S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, H Brady, W Breare-Hall, T Church, A Grigg, M McEwen, R Morgan, J Philip, D Stallan, B Surtees, G Waller, J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** A Boyce, B Rolfe and C Whitbread

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

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### 59. 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.

### 60. 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.

### 61. MINUTES

#### RESOLVED:

(1) That the minutes of the meeting held on 9 December 2015 be taken as read and signed by the Chairman as a correct record.

(2) That the minutes of the meeting held on 16 December 2015 be taken and read and signed by the Chairman as a correct record.

The Sub-Committee noted that Cllr Stallan raised his concerns over the reporting of an objection in relation to Item 8, EPF/2438/15 after the application had been determined.

**62. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillors B Surtees and M McEwen declared non-pecuniary interests in the following item of the agenda by virtue of knowing the objector. The Councillors had determined that their interest was not prejudicial and that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2853/15 2 Great Lawn, Ongar.

(b) Pursuant to the Council's Code of Member Conduct, Councillor G Waller declared a non-pecuniary interest in the following item of the agenda with regard to the Section 106 contribution for Community Safety and by virtue of being the Portfolio Holder for Community Safety matters. The Councillor had determined that his interest was not prejudicial and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1349/15 Stone Hall Farm, Downhall Road, Matching Green.

**63. ANY OTHER BUSINESS**

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

**64. DEVELOPMENT CONTROL**

**RESOLVED:**

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

**CHAIRMAN**

**Report Item No:1**

<b>APPLICATION No:</b>	EPF/1349/15
<b>SITE ADDRESS:</b>	Stone Hall Farm Downhall Road Matching Green Essex CM17 0RA
<b>PARISH:</b>	Matching
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of 9 no. residential properties and associated car parking and new highway access.
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=576738](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576738)

**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: 276/P/006, 008A, 100B, 101A, 102, 103, 104A, 107A, 109, 110, 111.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B and E of Part of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 Prior to first occupation of the development, the access at its centre line shall be provided with clear to ground visibility splays with dimensions of 4.5 metres by 90 metres to the north and south, as measured from and along the nearside edge of the carriageway and retained free of any obstruction in perpetuity.
- 10 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out and shall be retained as such in perpetuity.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 12 There shall be no discharge of surface water onto the Highway.
- 13 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor

artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 14 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.
- 15 Prior to the commencement of any works a full survey for bats should be undertaken in accordance with guidelines from Natural England (or other relevant body). These should be submitted to EFDC for approval.  
Should the surveys reveal the presence of bats, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to EFDC for approval.  
The works shall then be undertaken in compliance with the approved details.
- 16 The recommendations in section 5.2 of the Extended Phase 1 Habitat Survey submitted by t4 Ecology should be adhered to, These recommendations are concerning bat-sensitive lighting, birds and habitat improvements.
- 17 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 18 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment

Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 19 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
- [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 20 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
- [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

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

- 22 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.

23 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

24 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved 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 within 1 month, of the date of this meeting to ensure that 1, 3 bed unit of affordable rented accommodation is provided on site and a contribution of £10,000 towards Community Safety infrastructure.**

**Report Item No:2**

<b>APPLICATION No:</b>	EPF/2338/15
<b>SITE ADDRESS:</b>	Land to rear of Copper Beech Harlow Common Essex CM17 9ND
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed dwelling in lieu of existing commercial/horticultural outbuildings.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=579100](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579100)

**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: R.L.1, 4, 5, 6, 6A,7.
- 3 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 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.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be



undertaken without the prior written permission of the Local Planning Authority.

- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
  
- 8 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.
  
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
  
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning

Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 14 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.

- 15 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 16 Notwithstanding the approved drawings, all window frames and doors shall be of painted timber only and permanently retained as such.
- 17 The first 6 metres of the access road shall be hard surfaced prior to the first occupation of the approved dwelling.

*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)) and,*

*since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

**Report Item No:3**

<b>APPLICATION No:</b>	EPF/2795/15
<b>SITE ADDRESS:</b>	287 - 291 High Street Epping Essex CM16 4DA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of upper floors from office to three flats
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=580335](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580335)

**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: EX(10)100, PL(10)100, (PL)1000
- 3 Any renovated or replaced windows shall match in design, material and colour those of the existing windows.

**Report Item No:4**

<b>APPLICATION No:</b>	EPF/2837/15
<b>SITE ADDRESS:</b>	The Orchard Queens Head Yard The Street Sheering Nr Bishops Stortford Herts CM22 7LN
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed replacement dwelling (Resubmission of application EPF/1456/15).
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=580398](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580398)

**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: D 357 001A, D 357 002D, D 357 008A
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A or B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets,

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

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

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

- 9 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.
- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 12 There shall be no discharge of surface water onto the Highway.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 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.
- 15 The existing building shall be demolished and all materials completely removed from the site prior to first occupation of new building.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2853/15
<b>SITE ADDRESS:</b>	2 Great Lawn Ongar Essex CM5 0AA
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a 1.2m high front boundary wall/railing with associated gates (resubmission of EPF/1473/15)
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=580417](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580417)

**Reason for Refusal**

1. The wall and railings, by reason of their height, design and location, close to the junction of Great Lawn with the High Street, would be a prominent and incongruous feature within this open plan estate, which would be harmful to the character, quality, local distinctiveness and visual amenity of the area and the street scene, contrary to policies CP2 and CP7 of the adopted Local Plan and Alterations and Para 64 of the NPPF.

Members considered the proposal and concluded that in this location where most frontages are open or have only hedging, the proposed wall and railings along the front boundary would be an alien feature in the street scene which would be prominent and out of character with the area. The design was also considered inappropriate as it was more suited to a main urban/suburban area rather than this small rural town.

Great Lawn was designed and laid out as an open plan development with open frontages and therefore has a distinctive character. The introduction of front boundary walls would compromise this and would be detrimental to the character and amenity of the area. In addition the location of this property very close to the entrance to the estate makes the wall particularly visually prominent.

Although there is a similar wall at number 5 Great Lawn; that wall has been erected without the benefit of planning permission and as such will be the subject of an enforcement investigation. It can not therefore be regarded as setting precedent.

Whilst members accepted that a wall of up to 1 metre in height would be permitted development, they considered that as the proposal did require planning permission it was appropriate to exercise control in the interests of maintaining the character and amenity of the area in accordance with the NPPF and the Adopted Local Plan.



## AREA PLANS SUB-COMMITTEE 'EAST'

10 February 2016

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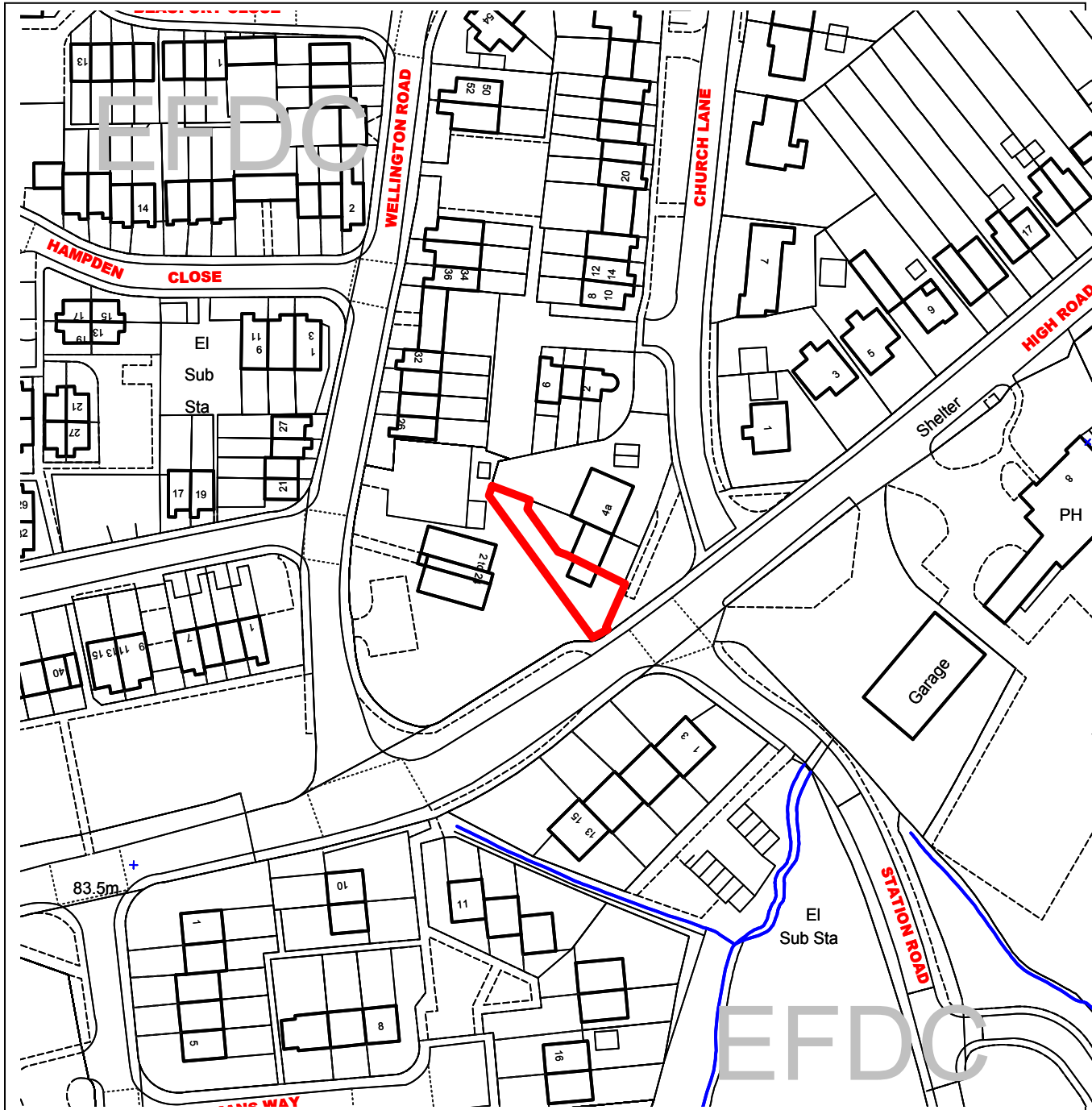
10	EPF/2905/15	5 Coopersale Common Coopersale Epping Essex CM16 7QS	Grant Permission (With Conditions)	80
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/1453/15
Site Name:	1A High Road, North Weald, CM16 6HN
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1453/15
<b>SITE ADDRESS:</b>	1A High Road North Weald Essex CM16 6HN
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Munzer Salmeh
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed single storey rear extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=576993](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576993)

**CONDITIONS**

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

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

**Description of Site**

The application site is located on the High Road within the built up area of North Weald. The existing building is a two storey end of terrace property situated within a relatively large plot. The application property and the adjoining neighbour have the same rear building line on the shared boundary. No 1A also owns a parcel of land to the north east which is an area of hardstanding used for parking. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

**Description of proposal**

The proposed development is for a single storey rear conservatory.

**Relevant History**

No Relevant history

## **Policies Applied**

CP2 – Protecting the Quality of the Rural and Built Environment  
DBE2 – Effect on Neighbouring Properties  
DBE9- Loss of Amenity  
DBE10 – Design

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

## **Consultation carried out and summary of representations received**

16 Neighbours consulted – NO COMMENTS RECEIVED

NORTH WEALD PARISH COUNCIL – OBJECTION – The proposed rear single storey extension represents an overdevelopment of this already narrow and limited site. The proposed double garage would have a significant protruding impact on the street scene and would result in zero left hand availability for vehicles exiting from the adjoining garage, resulting in vehicles having to cross the pavement without being able to assess how safe it is to do so. Concern is also expressed as to how the overhang of the proposed roof of the double garage would impact the accessibility neighbouring garage as the plans do not include any detail regarding this.

### Procedural matters

Originally the application proposed a double garage however the applicant has removed this and is now only applying for a single storey rear conservatory on this property. An objection is still recorded given that the Parish Council maintain their opposition to the rear extension.

## **Issues and considerations**

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

### Living conditions of neighbours

The proposed extension will be located on the shared boundary with no.1 High Road and will project 3.2m from the existing rear elevation. Its reasonable height and depth will ensure that there will be no excessive harm to the living conditions of no.1, which has a relatively long and wide rear garden.

### Design

The conservatory has a conventional design which will not appear harmful within a residential setting and will only be obliquely visible from public areas of the street scene. North Weald Parish Council has raised an objection to the supposed overdevelopment of the site. Whilst it is accepted that the garden area of no.1A is narrow it will retain about 100sqm of usable garden area for the occupiers and the proposal does not therefore amount to overdevelopment of the plot.

## **Conclusion**

The development will not harm the living conditions of the neighbours or the character and appearance of the locality. Therefore it is recommended that planning permission is granted.

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

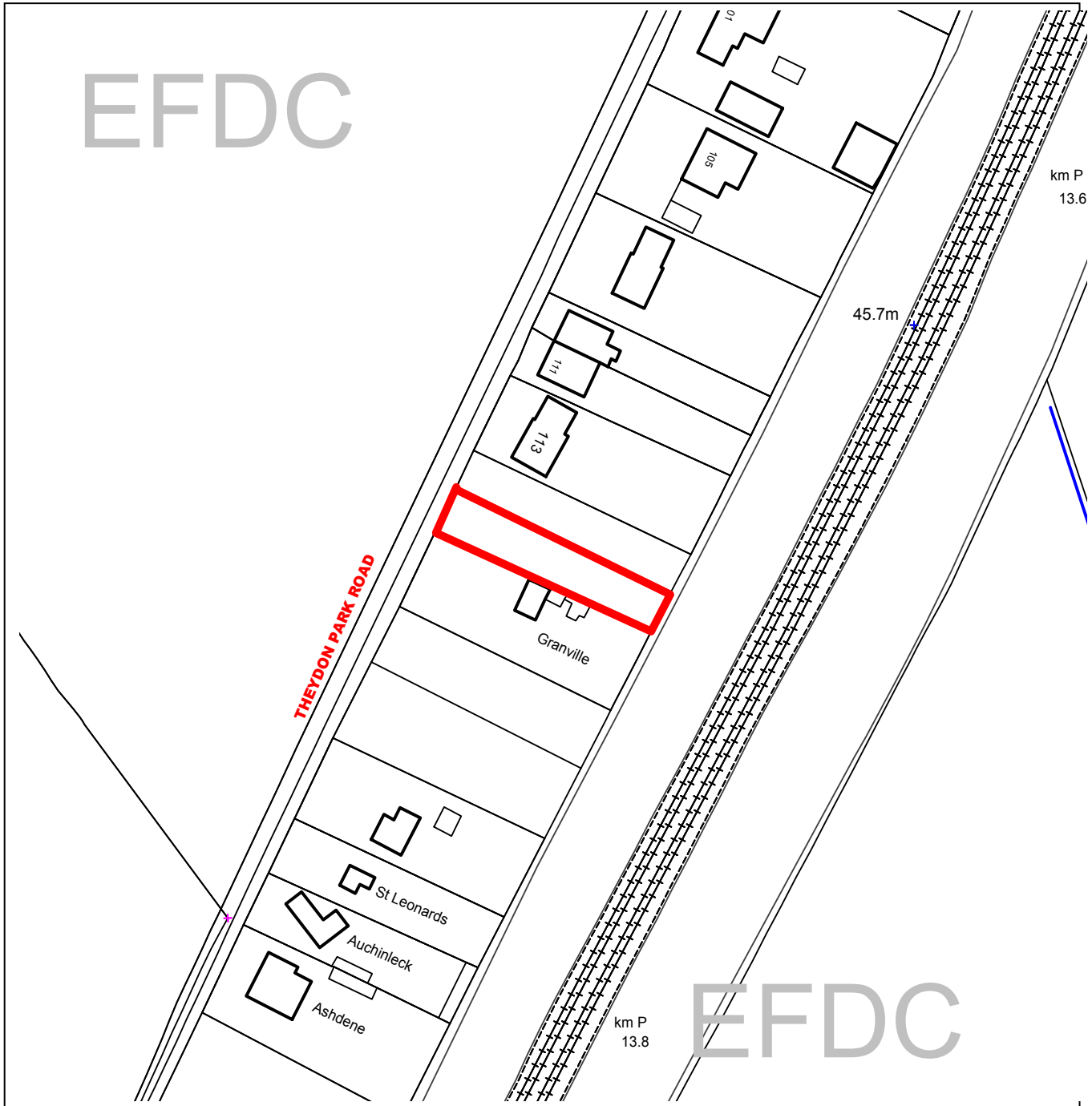
Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564 371

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



# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/2282/15
Site Name:	Braemar, Theydon Park Road, Theydon Bois
Scale of Plot:	1/1250



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2282/15
<b>SITE ADDRESS:</b>	Braemar Theydon Park Road Theydon Bois Epping Essex
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Miss Kim Bartley
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of planning condition 2 on EPF/0496/12 - so as to allow mobile home to be occupied 12 months of the year rather than the current 7 months (1st April to 31st October)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=578965](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578965)

**CONDITIONS**

- 1 Not more than one caravan or mobile home shall be stationed at the site at any one time.
- 2 The caravan or mobile home shall not at any time be located closer than 35m from the road frontage unless otherwise agreed by the Local Planning Authority.
- 3 Details of the provision of a car space and bin enclosure within the site shall be submitted to and approved by the Local Planning Authority before the 12 month occupation of the mobile home/caravan is commenced. Once approved these details shall be implemented in full.

*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 function, schedule 1, appendix A. (g))*

**Description of Proposal:**

Variation of planning condition 2 on EPF/0496/12 – in order to allow a mobile home to be occupied 12 months of the year rather than the current 7 months (1<sup>st</sup> April to 31<sup>st</sup> October).

### **Description of Site:**

The application site is largely covered with a significant number of trees. However, a caravan/mobile home is located at the rear of the site and is totally screened from view by trees when viewed from the road. The site lies in a Green Belt location just to the south of Theydon Bois. This southerly section of Theydon Park Road comprises a rough surfaced road which is presumably a private and unadopted road.

### **Relevant History:**

A caravan has been sited on this site since the 1950's. The current caravan/mobile home has stood at the rear of the site since 1976 and 13 three year temporary planning permissions for its retention were granted until 2012. All these approvals were subject to a condition restricting its occupation to 7 months in the spring and summer period from 1<sup>st</sup> April to 31<sup>st</sup> October. In 2012 a change to this sequence occurred when a permanent permission was granted (EPF/0496/12) for retention of the caravan – subject again to the 7 months occupancy condition

### **Policies Applied:**

GB2A – Development in the Green Belt  
RST11 – Theydon Park Road and Curtis Mill Lane Chalet Estates.  
NPPF

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – Object – the previous application EPF/0496/12 clearly defined the temporary nature of the occupation of the site for recreational purposes. The conditions applied ensured that there would be no serious impact on the openness of the Green Belt. The removal of condition 2, which would allow full time residential use of the mobile home, would clearly be contrary to Local Plan policies RST11 and GB2A, and also the Green Belt policies of the NPPF. This application should therefore be refused in the opinion of the Parish Council.

THEYDON BOIS ACTION GROUP – object – they also refer to the previous approval EPF/0496/12 and in particular the restriction to 7 months use for recreational purposes only. This condition was imposed for a very good reason - 'to safeguard the openness of the Green Belt and accord with the provisions of adopted Local Plan policy for the locality since the development is an exception to the Local Plan, which is not normally to grant planning permission for non permanent dwellings, particularly in the Metropolitan Green Belt.' In the Committee report on EPF/0496/15 it also stated that the permanent permission is only for 'restrictive leisure purposes' and 'that any proposal for a permanent building would be inappropriate development that is explicitly prohibited by policy RST11' – yet it is this very 'prohibition' which the applicant now seeks to overcome by asking for the removal of condition 2. The proposal is therefore contrary to local plan policies RST11, GB2A, and the Green belt policies of the NPPF.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – object on similar grounds as those received from the Theydon Bois Action Group.

### **Issues and Considerations:**

This southern section of Theydon Park Road – some 550m long - lies in the Green Belt to the immediate south of the settlement of Theydon Bois. The main issue raised by this application is whether, in the light of development changes to this section of Theydon Park Road over several decades, there are exceptional circumstances to justify the lifting of the 7 month occupational recreational restriction on this mobile home in favour of an all year round residential use.

This southern section of Theydon Park road, was historically used as timber chalet leisure plots for occupation for recreational use for 7 months in the year. However, with the demise of this type of leisure break/holiday, plots have slowly been turned into permanent dwellings over many decades, sometimes without planning permission. A similar process has occurred at the other leisure chalet estate referred to in policy RST11 that is at Curtis Mill Lane in Stapleford Abbots, where it is now accepted that each of the former chalets, most of them extended, can be used as all year round permanent dwellings.

Some 70 to 80% of this 550m Theydon Park Road frontage is in fact given over to permanent dwellings, many being two storey houses. There appears to be just one or two (extended) leisure chalets and some plots are unused. Many of the permanent dwellings lie to the south of Braemar and hence project more into the Green Belt than the application site. The properties either side of Braemar are a two storey house at number 113, and the property at 119, where recently a s.52 restriction was lifted to allow the dwelling on the site to be used for unrestricted residential use. Consequently, this site is sandwiched by residential dwellings. Furthermore, even if the mobile home has been occupied for 7 months it would have physically remained in position on the site for the whole 12 month period. Having regard to the above points it is difficult to argue that the residential occupation of the mobile home for an additional 5 months in the year would have anything more than a minimal impact on the openness and character of the Green Belt. For the above reasons therefore exceptional circumstances do exist to allow for a 12 month occupation. It should also be emphasised that any 12 month approval is restricted to occupation of a mobile home - which relates to a use of land – any future proposal for a permanent dwelling would require a further planning permission and would raise more clear cut issues regarding openness and compliance with Green Belt policies.

The fence enclosing the site on the road frontage is in poor repair. This is partly because the last occupant, the father of the current applicants, died some 2 years ago and the plot has been vacant since then. As mentioned above the mobile home on this site cannot be seen from the road owing to the trees on the site and its rearward position. A condition on the last approval, that the mobile home shall not be located within 35m from the road, is still a desirable one to use and would be repeated on any new consent. As the Theydon Bois Action Group point out the applicant proposes to create a car space and bin enclosure on the site. While this may result in some removal of trees/ greenery, these works can be accommodated without undermining the essentially green appearance of the site. A condition is to be imposed requiring details of these works to be submitted and approved before the 12 months occupation commences.

### **Conclusions and recommendations:**

Policy RST11 refers to a chalet estate that was to be occupied for seven months of the year for recreational purposes. However, in essence this chalet estate no longer exists and has been replaced, in the main, by permanent dwellings. For this reason, and the others outlined in this report, it would be unreasonable to continue to restrict occupation of the mobile home on this site to 7 months only. It is recommended therefore that condition 2 of the previous consent EPF/496/12 be deleted and a fresh conditional permission be granted which allows for 12 months occupation.

***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:***

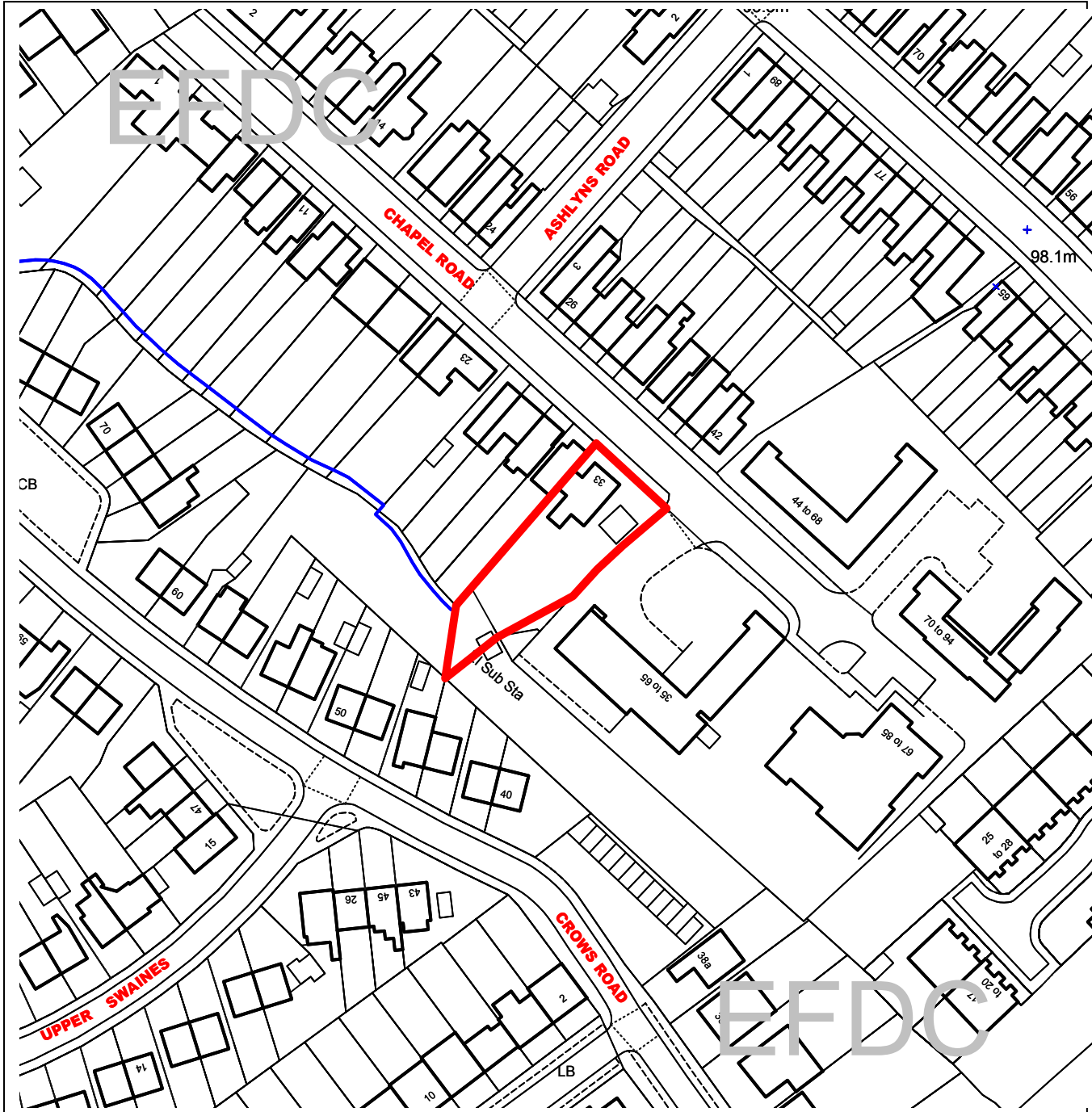
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

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



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/2484/15
Site Name:	33 Chapel Road, Epping, CM16 5DS
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2484/15
<b>SITE ADDRESS:</b>	33 Chapel Road Epping Essex CM16 5DS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Chris King
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing two storey dwellinghouse and garage, the construction of a new two storey residential building with loft and basement accommodation containing 3x1 bed and 4x2 bed apartments, with associated car, bicycle parking and refuse facilities.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=579499](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579499)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: P01 Rev B , P02 Rev B, P03 Rev B, P04 Rev B, P05 Rev B, P06 Rev B, A01 and the submitted location plan
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the north west flank elevation 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.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the

Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 9 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 10 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 11 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

- 12 There shall be no discharge of surface water onto the Highway.
- 13 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.
- 14 The refuse storage area shown on the approved plans shall be provided prior to first occupation and retained thereafter free of obstruction for the storage of refuse/recycling.

*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 function, Schedule 1, Appendix A. (g)) and:*

*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 Services – Delegation of Council functions, Schedule 1, Appendix A.(d)) and: since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

### **Description of site**

The application site is located at the end of a row of residential properties on Chapel Road. The road is accessed off Saint John's Road and is a short walk from Epping Town Centre. This is a fairly conventional residential street, with dwellings on either side, a good proportion of which are historic and dating from the Victorian/Edwardian period. There is no parking restrictions on the road and towards the top end are a group of flats/sheltered housing. The house on site is two storeys to the front with a basement that opens into the garden, with a detached garage and crossover to the side. The site itself falls steadily at the rear and slightly from east to west, and the house is served by a relatively large curtilage/rear garden, which is screened by hedging. There are no parking restrictions on the road.

### **Description of proposal**

The proposed development is to demolish the existing dwelling and to replace it with a new building which will accommodate seven new flats. The new units will be provided over four storeys, including one in the roof and two in the basement. Seven parking spaces will be provided to the rear as well as a shared communal garden area. The existing access will be utilised for access/egress. Four two bedroom and three one bedroom units will be provided. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Relevant History:**

EPF/0401/87 - First floor side extension. - Approved

EPF/0148/00 - Rear conservatory. – Approved

EPF/1211/15 - Demolition of existing two storey dwellinghouse and garage, the construction of a new two storey residential building with loft and basement accommodation containing 3x1b and 4x2b apartments, with associated car, bicycle parking and refuse facilities - Refused

**Policies Applied:**

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

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

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

11 CHAPEL ROAD – OBJECTION - I object to the redevelopment of this site as the proposal only allows 7 parking spaces for 7 dwellings. After many years of campaigning, chapel road has only just had residents parking implemented and the lack of parking facilities on this development will result in chapel road returning to its previous parking issues that have only just been solved.

25 CHAPEL ROAD – OBJECTION - I would like to object to the proposed plans based on the fact that the height of the roof is above the existing dwellings, thus not in keeping with the street. Furthermore, I do not feel that the plans provide sufficient parking for 7 flats and understand that these provisions do not meet the requirements of the Vehicle Parking Standards. Parking on Chapel Road is already an issue so I feel that this would only exacerbate the problem.

29 CHAPEL ROAD – OBJECTION – The development will be out of character with the existing street scene, there will be harm to existing parking arrangements, there will be harm to existing sewage and waste arrangements, It will cause harm to the living conditions of our property, there will be excessive noise, loss of light, harm to foundations.

30 CHAPEL ROAD – OBJECTION – The development will cause overshadowing to no.31.

31 CHAPEL ROAD – OBJECTION – The development will cause a significant loss of light, will appear overbearing, will cause a significant loss of privacy, there will be significant and excessive noise caused, there will be a loss of security, there will be harm to the enjoyment of the rear garden, the development will set an unwelcome precedent, will cause overdevelopment of the site, harm to existing infrastructure, the design is out of character with the street scene, the ridge



height is not in keeping with existing ridge heights, there will be significant parking issues, harm to highway safety, will harm an existing hedge, will harm bats, the site will be flooded by the stream at the bottom of the garden, there is a housing need in Epping Forest.

If planning permission is granted, please place the following conditions on the development

- Hours of construction to be restricted from 8am to 5pm
- All vehicles associated with the development to be parked on site and none on Chapel Road.
- Considerate behaviour from tradesmen e.g. no swearing
- Frequent damping down of any dust created by construction
- Any spillage of mud along the highway to be cleared
- Any damage to walls or planting should be repaired at developers expense
- Noise nuisance be kept to a minimum

34 CHAPEL ROAD – OBJECTION – overdevelopment of the site, there will be significant problems for parking in the area, poor turning facilities, significant overlooking and loss of light, sewage issues,

36 CHAPEL ROAD – OBJECTION – The development will be out of character, is of a poor design, excessive development, will cause significant loss of light, parking provision is entirely inadequate, poor sewage outlet, excessive noise,

38 CHAPEL ROAD – OBJECTION – the development will cause loss of light, a loss of privacy, there will be harm to parking on Chapel Road, it is against the character of the existing development.

40 CROWS ROAD – OBJECTION – The development will be excessively high and will appear harmful to the street scene. There will be drainage and sewage problems. Lighting in the car park and noise from cars will harm properties in the street scene. No security gate will cause security problems.

46 CROWS ROAD – OBJECTION – The development will cause a loss of privacy, is out of character with the surrounding area, it will appear overbearing, there will be drainage problems. The outdoor lighting will harm private amenity space by losing a secluded boundary, there will be significant sewage problems, subsidence.

63 ST JOHNS ROAD – OBJECTION - I object to this planning application. it represents overdevelopment of the site, parking provision is inadequate, it will entail the loss of a fine period building, and its replacement is of very poor design quality and is over scaled.

72 ST JOHNS ROAD – OBJECTION – The development is not in keeping with the existing pattern of development, is out of character and out of scale. The parking allocation is inadequate.

23 BURY ROAD – OBJECTION - A development of this size would have a negative impact on Chapel Road. The main concern would have to be the increase in traffic and potential increase in cars parking on the road. This will also have a knock on effect to St Johns Road. Although the proposal does include 7 parking spaces it is naive to think people in have one car per household, and there would still be visitors parking in the road. Chapel Road is made up predominantly of Victorian properties of a similar size and look. This development appears to be double the size of the average house currently there, and as such would seem to be out of keeping with the road and a totally inappropriate development. I also feel the disruption caused to residents during the building work would be considerable. This is a small, narrow, no through road, and it can be hard to navigate at the best of times. With large building lorries, deliveries, workman

vehicles etc, this would significantly impact on the safety of the road. I would be concerned that this is setting a precedent for future development, and the wonderful sense of community currently in this area would be changed by the increase in landlord owned properties.

UNSPECIFIED ADDRESS – The development will be detrimental to the life of existing residents. It will be harmful to the character of the existing street scene, against the existing pattern of development, there will be a significant loss of light, the parking offer is wholly inadequate, the new residents would put a strain on existing infrastructure, there will be sewage problems, excessive noise from new occupants.

UNSPECIFIED ADDRESS - – The development will be detrimental to the life of existing residents. It will be harmful to the character of the existing street scene, against the existing pattern of development, there will be a significant loss of light, the parking offer is wholly inadequate, the new residents would put a strain on existing infrastructure, there will be sewage problems, excessive noise from new occupants.

EPPING SOCIETY – OBJECTION – We note the small reduction in the height and profile. However the revised proposal is still completely out of keeping with the surrounding properties. The sheer bulk of its footprint and height will dominate the street scene. Nominally it has a late Victorian look but it is far too big. The building will have a major negative impact on the street scene and will result in a loss amenity for the whole street. Creating seven flats in the space of this late Victorian detached house is overdevelopment. Each household is likely to have two cars. The provision of only seven car parking spaces will add a least 7 other cars onto an area already congested with on street parking.

EPPING TOWN COUNCIL – OBJECTION - Whilst committee note the revised ridge height and roof line, the proposed building is still an overdevelopment of the site which will result in unsympathetic change and a loss of amenity for neighbouring properties in terms of visual impact, overlooking and loss of daylight. The increased scale and footprint would have a negative impact on the street scene. To knock down a desirable family home and replace it with seven flats would adversely affect the character of the area. National policy promotes a good standard of amenity for existing and future occupants, taking into account the character of different areas. The intensification of use would create an undesirable precedent and continual loss of large family homes to flats will adversely affect the mix of dwellings available in Epping. There is insufficient parking for the intensification of use which would result in additional pressures on a road and area which already suffer from parking problems. The additional traffic generated by this development will have an adverse effect on the urban quality of life. Local policy states that new development in all urban areas which results in overdevelopment, unsympathetic change or loss of amenity will not be permitted.  
Relevant policies: CP2(iv), CP7, DBE2, DBE9, DBE10, H4A, ST4(iv)

### **Issues and considerations**

This is a revised application following a refusal of planning permission under reference number EPF/1211/15 which also proposed seven new residential units and was refused for the following reason:

*The proposed development by reason of its bulk and scale would fail to respect its setting and would result in a building which would be out of character with the existing pattern of development resulting in a structure which would be excessively prominent in the street scene, particularly with reference to the adjoining dwelling which it would visually dominate. The proposal is therefore contrary to Policies DBE1, CP2 and CP3 of the adopted Local Plan and Alterations and national guidance contained in the NPPF.*

Given the similarity between this previous application and the one submitted in this application, the main issue to consider is whether the alterations made have overcome this previous reason for refusal.

### Design and character

The previous application proposed a fully gabled roof whose ridge would be approximately 9.2m high within 1.9m of the shared boundary with no.31; consequently it was considered that this would have caused significant harm to the character and appearance of Chapel Road.

This revised application has reduced the ridge height of the development to 8.3m and proposes a hipped roof which pitches away from no.31 so that the ridge is 6m from the shared boundary. Whilst the proposed ridge will still exceed that of no.31 which is approximately 6.7m high, given its hipped roof design and that there are a number of different roof heights and designs on Chapel Road, the proposal will not appear excessively prominent or harmful in the street scene. As a result the previous reason for refusal has been overcome by the revisions within this application.

### Principle of the Development

Paragraph 47 of the NPPF (Delivering a Wide Choice of Family Homes) outlines the aim of housing policy to be *“To boost significantly the supply of housing”* and that Local Planning Authorities should *“set out their own approach to housing density to reflect local circumstances”*. The more efficient use of brownfield land is a long standing objective of the planning system. Paragraph 53 of the NPPF states that *“Local Planning Authorities should consider the case for setting policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”*. Through the local plan process currently being undertaken it is generally accepted that sites within the Green Belt will have to be released to meet the housing need of the district.

The previous paragraph outlines some of the issues with regards to increasing housing supply in Epping Forest. The district is 93% Green Belt but will still need to boost significantly the local supply of housing and the release of Green Belt sites will be largely unpopular. Any opportunity to use more efficiently brownfield/previously developed sites should therefore be explored. However there is also a desire to safeguard the character of local areas.

Chapel Road is, to a certain degree, divided into two separate, distinct streetscenes. To the south east of the site are the blocks of flats arranged either side of the road. To the north east of the site are the more conventional, older style dwellings which give the streetscene some valuable character. The proposed flats have been designed as an Edwardian style townhouse, albeit used as a block of flats. Lightwells would provide light to the lower floor at the front. Concern has been expressed by some of the local residents that this proposal would appear out of character within the existing streetscene.

Central Government advice continues to promote the more efficient use of previously developed land and it is evident from changes to the Prior Notification system that increasingly novel ways are being used in an attempt to boost housing supply. With regards to this scheme it is not necessarily accepted that its design would appear out of character within this streetscene. The building has been designed to acknowledge the historic nature of adjoining buildings and is similar in appearance to a row of terrace properties on the opposite side of the road. In design terms this building would integrate successfully.

On the broader issue of the principle of this development, it is considered that it is difficult to discount what is proposed *“out of hand”*. Some objection letters have stated that the proposed scheme would result in an overdevelopment of the site and set an undesirable precedent.

However if parking standards are met and sufficient amenity space has been provided (later sections of this report) it is difficult to argue that there is an attempt to overdevelop the site. Policy CP7 (iv) encourages higher densities where compatible with the character of the area.

A further point of relevance is that developments such as this are sustainable in nature, and sustainable development is the “golden thread” running through planning policy. Local Planning Authorities are required through para. 15 of the NPPF to “*follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay*”. This site is within walking distance of the tube and bus network, the facilities that a large town centre provides and the more efficient use of a brownfield site is in itself a sustainable form of development. There are therefore clear policy objectives which support a development of this nature.

The overarching issue at hand therefore is that the reuse of this site would be a sustainable way to provide housing but only if the character of the amenity area was maintained. As previously discussed, the alterations within this revised application are such that there will not be any significant harm to the character or appearance of Chapel Road or its surrounding area and consequently key sustainability objectives have been met whilst ensuring the character of the area would not be eroded or materially changed.

The issue of “undesirable precedent” has also been raised. It is a long recognised principle of planning that precedent is not for the most part a valid reason to refuse consent. Although a Local Planning Authority may withhold consent if there are concerns about the cumulative impact of similar decisions this should not lead to refusal if there are sound planning grounds to allowing a development. In this case it does not necessarily follow that the granting of consent would result in further developments of this nature in the vicinity. Furthermore there is no clear evidence to suggest that the development of high quality apartments would set an undesirable precedent.

There are reasonable grounds to judge each case on their own merits. In this case, it is considered to be a well-designed building, providing apartments, conforming to the general character of this area. If further schemes were to follow it may not necessarily result in an erosion of the general character of the area whilst providing a more efficient use of a previously developed site at a sustainable location.

The Town Council has raised the issue that the removal of a perfectly desirable residential dwelling will affect the available dwelling mix in the town. It is not considered that the loss of one dwelling, if it results in a more efficient use of a brownfield site in a sustainable, policy compliant, manner, would seriously affect the supply of such housing.

#### Neighbouring Amenity

The site is bordered to the south east by a block of flats, which is set back significantly from the application site. The distance between is such that there will be no significant harm to the living conditions of these neighbours.

No.31 is located directly adjacent to the existing dwelling and the new development will project further into the site than the existing house on the site. However it is set away from the shared boundary to the rear to such an extent that it will not appear excessively harmful when viewed from the garden area or rear windows of no.31. The neighbour has a side facing window which is currently overshadowed by the existing building house on the site, which projects close to the shared boundary, in any event this window serves a hallway which is not a habitable room. Side facing windows on the new building can be conditioned to ensure that any side facing windows must have obscure glass, which will prevent any serious overlooking of neighbours.

There is a concern that the proposed parking area would be located adjacent to the rear amenity space of No31 and whilst there would undoubtedly be some disturbance from comings and goings, this will not be excessive or unusual within a built up urban area.

The development will not cause any significant harm to the living conditions of the neighbours and is compliant with both Local and National policy.

#### Parking/Highway Safety

The Highways Authority has no objection to this scheme and there would be no issues with highway safety.

One parking space per unit has been indicated on the plans and whilst it is accepted that this is a heavily parked area which suffers from commuter parking such a provision in a sustainable location is sufficient.

The Essex County Council Vehicle Parking Standards normally requires 1 space per 1 bedroom and 2 spaces per 2+ bedroom residential units (total of eleven in this instance) plus two visitor parking space but allows for less provision in main urban areas. Although concern has been expressed about the level of parking, 1 space per dwelling has been accepted as reasonable on sites with good transport links. Indeed one space per dwelling was accepted as a reasonable provision by committee at the site on the corner of Hemnall Street/Station Road (EPF/1924/13). At 24 Bower Vale, also close to Epping Tube Station, a Planning Inspector accepted the case for no parking owing to the sustainable attributes of the site (EPF/1300/08). Essex County Council parking standards accepts that in areas with good sustainable transport options a reduction in the standards can be accepted. No objection with regards to the number of parking spaces has been received from Essex County Council though they generally leave such discussions to the District Council. The concerns from neighbours about on street parking are noted, the provision of seven spaces is however considered acceptable in this case.

#### Trees and Landscaping

There are no trees and landscaping concerns with this development and a suitable landscaping scheme could be agreed by condition. Whilst the hedgerow would be lost it is not considered that this is a serious issue with what is proposed here.

#### Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is required and can be agreed by condition. The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required and can be agreed by condition.

The development includes a large basement area and whilst this is considered an acceptable element of the scheme the following informative should be attached to any approval;

*“In certain soil conditions, particularly in areas with known springs, subterranean development can impact on groundwater flows and levels. This form of development has been known to block or redirect natural groundwater flows, causing subsidence, instability, saturation and/or flooding where this was not previously occurring. If your proposed development leads to these effects on neighbouring property and structures, you could be liable for civil litigation. You are advised to thoroughly investigate the hydrological and flooding implications of your proposed development.”*

## **Conclusion**

The proposal contributes sustainable development for which there is a general presumption in favour of. There will not be excessive harm to the living conditions of the neighbours and no significant harm to the character or appearance of the street scene. Therefore, and having regard to all other material considerations, it is recommended that planning permission is granted.

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

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

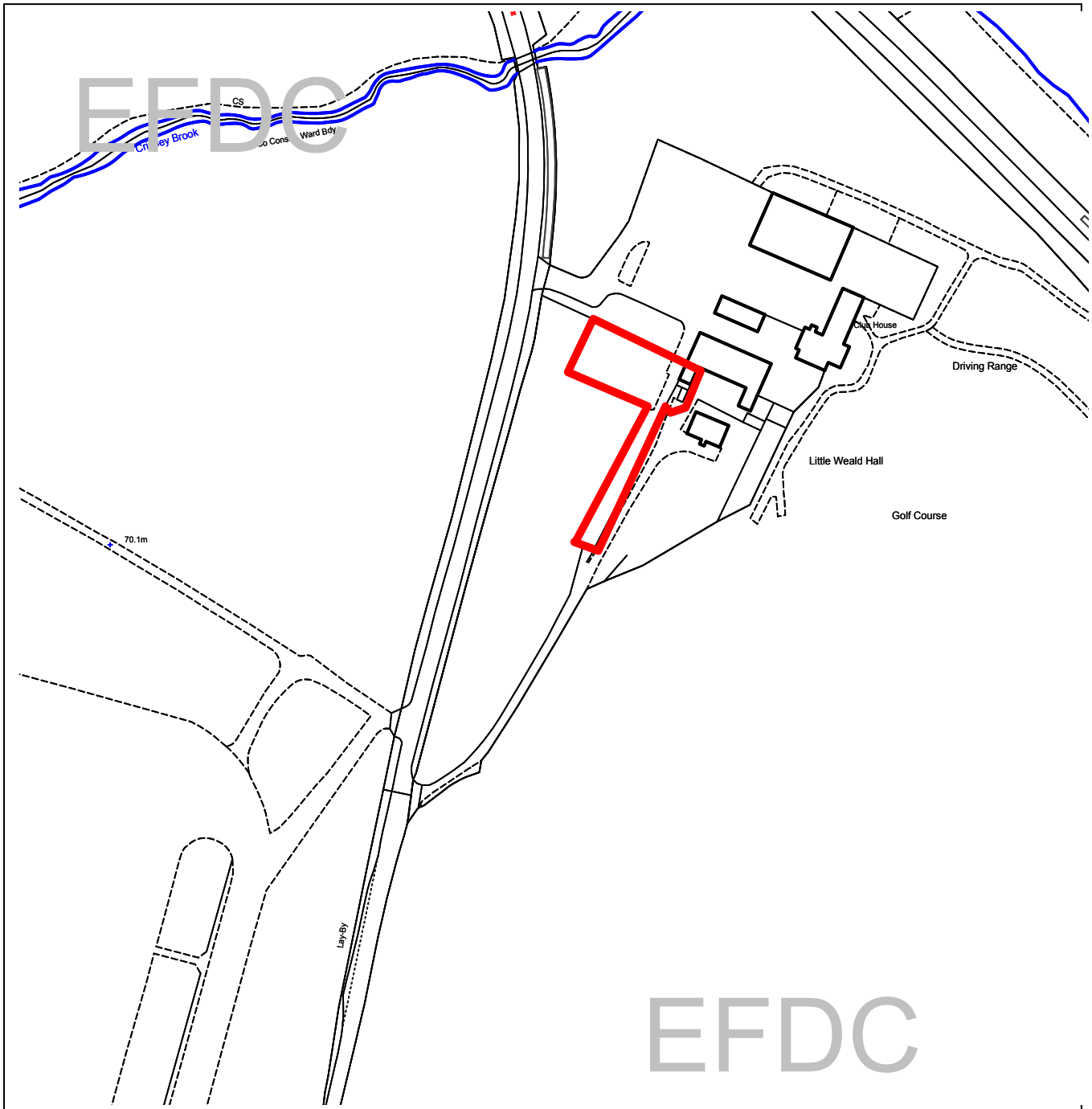
or if no direct contact can be made please email: [\*\*contactplanning@eppingforestdc.gov.uk\*\*](mailto:contactplanning@eppingforestdc.gov.uk)

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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/2537/15
Site Name:	Little Weald Hall, Rayley Lane, North Weald Bassett, CM16 4AE
Scale of Plot:	1/2500



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2537/15
<b>SITE ADDRESS:</b>	Little Weald Hall Rayley Lane North Weald Bassett Epping Essex CM16 6AR
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr & Mrs Tony and Karen Baker
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of ancillary accommodation into a single dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=579695](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579695)

**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) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

**Description of Site**

The application site is located on Rayley Lane within the settlement of North Weald. The site is large and contains various outbuildings and a Grade II listed building within its curtilage. The building which is the subject of this application is located to the north west of the site and is

currently used as ancillary residential accommodation. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of proposal**

The proposed development is to convert the ancillary accommodation into a separate dwelling.

### **Relevant History**

EPF/0813/91 - Change of use of redundant agricultural buildings to workshops, storage and ancillary offices. – Refused

EPF/1181/06 - Conversion of stables outbuilding to office use (B1). – Approved by Committee

EPF/1887/11 - Conversion of outbuilding to ancillary accommodation. – Approved

### **Policies Applied**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H2A – Previously developed land  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development

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

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

1 Neighbour consulted – NO COMMENTS RECEIVED

NORTH WEALD PARISH COUNCIL – OBJECTION – Based on non-compliance with the planning permission EPF/1887/11 – Conversion of outbuilding into ancillary accommodation – upon which a condition was attached (condition 4) which states that ‘the proposed development shall only be used as ancillary accommodation for the existing dwelling house and shall not be occupied as a unit separately from the dwelling known as Little Weald Hall, Rayley Lane, North Weald, for the reason that the site is situated within the Metropolitan Green Belt where the creation of new residential units is not normally permitted’.

Comments on representations made

A condition was placed on the planning consent which allowed the building to be converted into ancillary accommodation (EPF/1887/11), which indeed states that the building shall not be converted into a separate dwelling. This condition is however unnecessary as express planning permission is required for its conversion into a separate dwelling and this condition does not form suitable justification for a refusal of consent to change its use into a separate dwelling. Nevertheless, if express planning permission is given through this application it overrides the condition on the previous consent, the merits of which are discussed in the section below.

### **Issues and considerations**

The main issues to consider when assessing this application are the potential impacts on the openness of the Green Belt, the living conditions of neighbours, the character and appearance of the area, parking and access, land contamination and land drainage issues.

#### **Green Belt**

Paragraph 90 of the National Planning Policy Framework (NPPF, CLG, 2012) makes it clear that the reuse of existing buildings is not inappropriate in the Green Belt providing the building is of a permanent and substantial construction, preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

In this case the existing building is of a permanent and substantial construction and the proposal does not involve an increase in the size of the existing building. As a result the new use will not, of itself, harm the openness of the Green Belt. The building is currently used for residential purposes, albeit ancillary to Little Weald Hall, but one which nevertheless has a distinct residential character. Since parking will be on existing areas of hardstanding and the proposed curtilage will be donated from Little Weald Hall, which is currently used for such purposes, in this case there will be no harm to the character of the Green Belt and it does not conflict with the purposes of including land within it.

The proposal is therefore not inappropriate development in the Green Belt, however it is reasonable and necessary to impose a planning condition to restrict permitted development rights for extensions and outbuildings so that there will be no excessive harm to the open character of the Green Belt.

In 2011 when the ancillary use was permitted, policy GB9A of the Adopted Local Plan was relevant and stated that residential conversion will not be permitted unless the conversion is subordinate to a business use or required for agriculture. This policy is not compliant with the NPPF and therefore carries no weight in this application.

#### **Character and appearance**

The proposal involves no enlargement or alteration of the existing building on the site and therefore will not harm the character or appearance of the area.

#### **Living conditions**

The only neighbour within close proximity to the site is Little Weald Hall itself which is located to the south east of the outbuilding. No alterations are proposed to the building and therefore there will be no harm to the living conditions of this neighbour. If approved as a dwelling the building would have full permitted development rights and therefore alterations to the roof could create overlooking into the rear garden of Little Weald Hall. In order to safeguard their living conditions it is necessary to impose a planning condition restricting permitted development rights for alterations to the roof (loft conversions with dormer windows).

### Potential impact on the Grade II listed building

Little Weald Hall farmhouse is a 17<sup>th</sup> century timber framed and roughcast rendered house with a red clay tiled roof. The annexe is a building of poor quality design and materials which does not contribute to the significance of the listed building. However there are no alterations proposed to the building within this application and therefore no further harm will be caused to the setting of the Grade II listed building.

### Highway Safety and parking provision

The proposal has ample parking and will utilise a shared access with the donor property which is robust and will not cause any safety or efficiency issues.

### Contamination

Due to its Farmyard and Stables uses and the presence of a 1400m<sup>2</sup> infilled pond 36m to the east, there is the potential for contaminants to be present on site. Domestic dwellings with gardens are classified as a particularly sensitive proposed use. It will be necessary for the risks to be investigated, assessed and where necessary remediated by way of condition.

### Land drainage issues

The applicant is proposing to dispose of foul sewage by septic tank. Further details are required, which can be secured by way of condition.

The applicant is proposing to dispose of surface water by sustainable drainage system/soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required, which can also be secured through condition.

### **Conclusion**

In light of the above appraisal it is recommended to the committee that planning permission is granted subject to conditions.

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

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

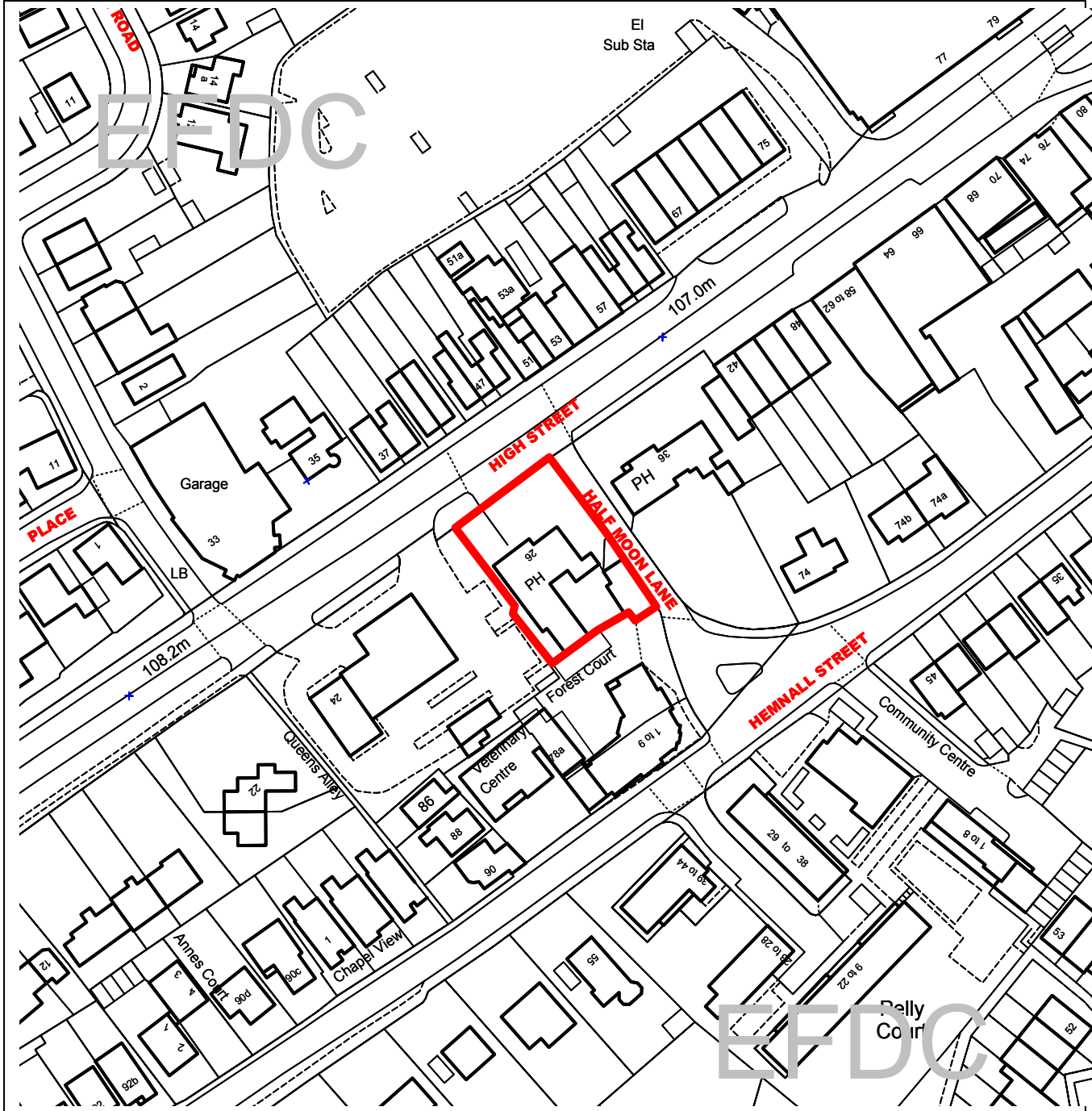
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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/2603/15
Site Name:	26 High Street, Epping, CM16 4AE
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2603/15
<b>SITE ADDRESS:</b>	26 High Street Epping Essex CM16 4AE
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Archco Developments
<b>DESCRIPTION OF PROPOSAL:</b>	Minor Material Amendment variation of condition 2 'plan numbers' on planning application EPF/2126/11 (Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (Classes A1 and A3) at ground level and 12 residential units at first and second floors together with 16 car parking spaces, access and landscaping). To enable increased parking to 19 spaces with introduction of a stacked parking system and; use of roof voids (s) to enable duplex flats; amendments to design and external appearance.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=579875](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579875)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 812-2768 PL101D, PL102C, PL103C, PL104C, PL111B and PL112B
- 2 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 The A1 and A3 uses hereby permitted shall not be open to customers / members outside the hours of [0700 to 2330 Monday to Saturday and 0800 to 2300 on Sundays and Bank Holidays.
- 7 No development shall take place, including works of demolition or site clearance, until an Arboricultural Implication Assessment and Tree Constraint plan, concurrently with the detailed site layout, has been submitted to and approved in writing by the Local Planning Authority. This should be drawn up in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations).
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 9 Within 3 months of this decision details shall be submitted to and approved in writing by the Local planning Authority for the permanent closure of the redundant vehicular access onto the High street and to include:
- The construction of a footway and kerbing to replace the redundant layby/vehicular access at the front of the site.
  - Position and type/design of bollards on the new footway.
  - The provision of two dropped kerb crossing points with tactile paving across Half Moon lane at its junction with the high Street.
- The approved details shall be implemented prior to the first occupation of the development.
- 10 There shall be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway of Half Moon lane. Such visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.
- 11 Prior to the first occupation of the proposed development the developer shall be responsible for the provision and implementation of a travel information and marketing scheme for sustainable transport.



- 12 Prior to the first occupation of the ground floor commercial use, details of the proposed class A1 and A3 uses shall be submitted to and approved in writing by the Local planning Authority. The approved Class Use(s) shall be implemented on the site thereafter.
- 13 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 14 No deliveries shall take place at the site outside the hours of 0700 to 2100 on Monday to Saturday and 0800 to 1800 on Sundays and bank Holidays.
- 15 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smells. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to and agreed in writing by the local Planning Authority and the equipment shall be fully installed and operational prior to the first use of any part of the Ground floor for A3 purposes.
- 16 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since 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 Services – Delegation of Council function, Schedule 1, Appendix A.(d))*

**Description of Site:**

This is the site of the former Billie Jeans bar/nightclub, which has been demolished. The site is currently boarded and construction has commenced on the approved scheme EPF/2126/11. It is for a mixed use development comprising A1 and A3 uses at ground floor with 12 residential units above, including provision of 16 car parking spaces.

The site is at the south-western end of the commercial High Street, within the defined town centre of Epping. The character of the area is a mix of commercial and residential properties. It is outside of the conservation area.

### **Description of Proposal:**

Consent is sought for minor material amendments to the extant consent to enable increased car parking within the site and the use of the roofspace as additional living accommodation. The overall scale of the development remains the same and the number of units remains at 12 but the external appearance is being amended, to a more contemporary design and the number of car parking spaces is being increased from 16 to 19 by utilising stacked car parking spaces.

The plans have been amended in the course of the application to amend the external appearance.

### **Relevant History:**

EPF/2126/11 - Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (Classes A1 and A3) at ground level and 12 residential units at first and second floors together with 16 car parking spaces, access and landscaping. – Approved subject to conditions and Legal Agreement with respect to education contributions, (which have been paid).

### **Policies Applied:**

The NPPF.

Adopted Saved Local Plan policies:-

TC1 - Vitality and viability of shopping centre.  
TC2 – Sequential Approach  
TC3 – Town Centre Function  
CP2 – Protecting the quality of the Rural and Built Environment  
CP3 – New development  
CF12 – Retention of Community facilities  
H2A – Re-use of Previously developed land  
H3A – Housing density  
H4A – Dwelling mix  
E4A – Protection of Employment Sites  
E4B – Alternative uses for Employment sites  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private Amenity Space  
DBE9 – Loss of amenity  
ST1 – Location of Development  
ST4 – Road safety  
ST6 – Vehicle Parking  
I1A – Planning Obligations

### **SUMMARY OF REPRESENTATIONS:**

A site notice was erected and 52 neighbours were consulted - no comments have been received.

TOWN COUNCIL – Committee have no objection to this application and would encourage an application that improves parking provision.

### **Issues and Considerations:**

The principle of the redevelopment of this site in this way has already been approved and the permission is extant as a start has been made on the development, therefore the only issues to be considered are whether the minor changes proposed accord with current adopted policies.

Taking each of the amendments in turn:

1. The introduction of 3 additional parking spaces via the use of stacked parking. This is an innovative way of achieving additional parking on site utilising mechanical stacking system. There is no adverse impact as a result of this system and the change is welcomed as reducing pressure for on street parking in the locality.
2. Changes to elevational detailing. The originally approved scheme was very traditional in design detailing, the revisions proposed have a more contemporary appearance with cleaner lines, removing brick ornamentation and balustrades, but retaining the overall shape, bulk and massing and traditional materials (brick and timber cladding) Following discussions the eaves detail has been re introduced and the submitted shopfront detailing which had floor to ceiling glass with no stall riser pilasters or fascia, has been amended to reintroduce these elements although in a simplified version to the original consent. The site is not within the conservation area and is in a position where a more modern design will be appropriate within the streetscene. It is considered that the amendments are appropriate and acceptable in line with the principles of good design set out in the Adopted Local plan and the NPPF, which requires that Local Planning Authorities, whilst maintaining good design, should not be excessively prescriptive.
3. Utilisation of the roof space - There is no change proposed to the height of the building or the number of units, but the use of the roof space enables the provision of some duplex flats and the provision of roof terraces (that will not be visible externally) which will give a better choice and greater amenity space. The original design resulted in large areas of unutilised roofspace and it makes sense to maximise the use of this area, when there is no external change. Again this makes the best use of urban land and is in accordance with adopted policies.
4. Internal alterations - to relocate the bin storage area and the cycle storage area. This is a small change which locates the cycle parking in a more convenient position for users of the flats, closer to the entrance lobby.

### **Conclusion**

The amendments proposed are minor in nature and are considered to be in accordance with the NPPF and the adopted Policies of the Local plan and Alterations. There will be no adverse impact on the street scene or on the amenities of neighbours as a result of the changes and the application is therefore recommended for approval. As the Legal agreement requiring education contributions has already been complied with no further legal agreement or deed of variation is required. However previous conditions do need to be reiterated.

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

**Planning Application Case Officer: Jill Shingler  
Direct Line Telephone Number: 01992 564 106**

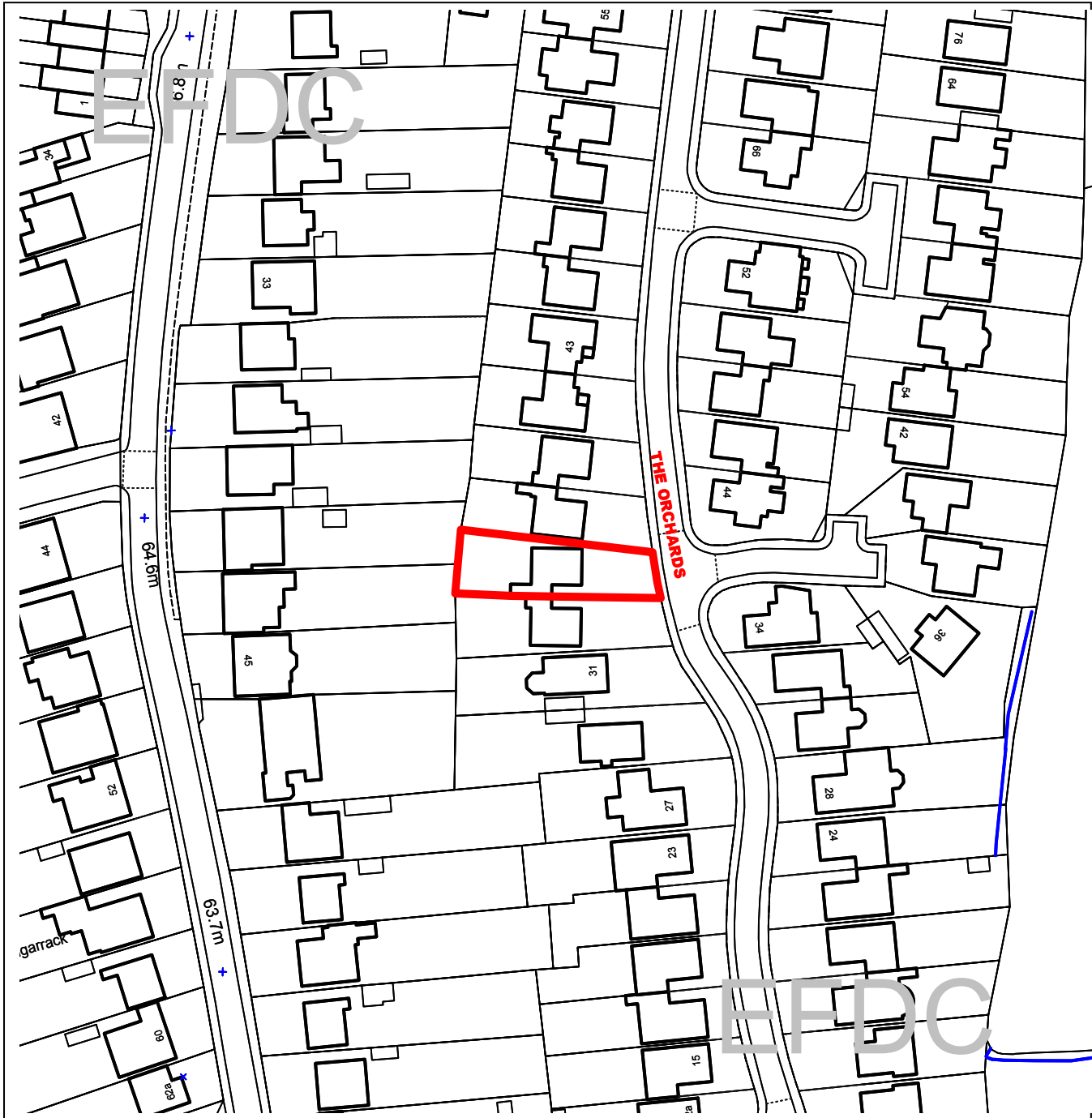
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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/2642/15
Site Name:	35 The Orchards, Epping, CM16 7AT
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2642/15
<b>SITE ADDRESS:</b>	35 The Orchards Epping Essex CM16 7AT
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Francis
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension with loft conversion and the erection of side facing dormer windows.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=580014](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580014)

**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 openings in the north and south flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

*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 function, Schedule 1, Appendix A. (g))*

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four 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).)*

### **Description of site**

The application site is located on the Orchards within the built up area of Epping. The existing building is a single storey detached dwelling. The neighbours are similarly designed dwellings with a relatively similar size and bulk to the application property. There are currently very few examples of properties on The Orchards which have alterations to their roofs. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of proposal**

The proposed development is for a single storey rear extension and a loft conversion which the erection of side dormer windows.

### **Relevant history**

EPF/2641/15 - Certificate of Lawful Development for proposed garden outbuilding - Lawful

### **Policies Applied**

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design

DBE9 – Impact on amenity

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

### **Consultation carried out and summary of representations received**

6 Neighbours consulted –

12A THE ORCHARDS – OBJECTION - The development will cause harm to the character of the street scene and will reduce the number of bungalows.

22 THE ORCHARDS – OBJECTION – The proposal will harm the character of the area.

23 THE ORCHARDS – OBJECTION – The development will cause harm to the neighbours and to the character and appearance of the street scene.

37 THE ORCHARDS – OBJECTION – The development will cause a significant loss of privacy and overshadow our property.



41 THE ORCHARDS – OBJECTION – The proposal is an overdevelopment which will significantly harm the character and appearance of the street scene and harm the neighbours privacy and will reduce the number of bungalows available.

49 THE ORCHARDS – OBJECTION – The proposal will overdevelop the site, cause significant harm to the character of the street scene and harm the living conditions of the neighbours.

51 THE ORCHARDS – OBJECTION – There will be harm to the street scene and will reduce the number of bungalows available in the locality.

52 THE ORCHARDS – OBJECTION – The proposal will overdevelop the site, remove a bungalow, will harm the neighbours and harm the character of the street scene.

55 THE ORCHARDS – OBJECTION – The development will cause harm to the character of the street scene and will reduce the number of bungalows available.

58 THE ORCHARDS – OBJECTION – The development will harm the character and appearance of the street scene and will reduce the number of bungalows available.

41 BOWER HILL – OBJECTION – The proposal will harm our living conditions by causing a significant loss of privacy and harm the character of the area.

UNKNOWN ADDRESS – OBJECTION – The development will spoil the outlook and appearance of the area.

THE EPPING SOCIETY – OBJECTION – The development will cause significant harm to the character and appearance of the street scene and will harm the living conditions of the neighbours.

EPPING TOWN COUNCIL – OBJECTION – The proposal is an overdevelopment of the site and would result in the loss of yet another bungalow and set an desirable precedent in this long established bungalow area. It does not protect the setting and character of this urban environment. The proposed development would result in unsympathetic change and loss of light, overlooking, noise and disturbance. The proposed design with its large dormer windows does not complement the building and would have a negative effect on the street scene

The supply of bungalows is reducing while there is a continual demand for this type of property amongst those wishing to downsize or who wish to live independently without stairs. Allowing these conversions has an adverse effect on local supply of this type of housing and is not sustainable as it reduces local choice, diversity and the mix of dwelling types available. Permission for extensions and conversions of existing dwellings where the result will adversely affect the range and mix of dwelling available should be refused. (Policy H4A)

National policy states that there is a supply of housing to meet the needs of the present and future generations. There should be a wide choice of high quality homes and decisions need to take local circumstances into account. This area has a very strong character and bungalow identity.

#### Comment on representations received

Many neighbours and indeed Epping Town Council have raised concern that the development will reduce the number of available bungalows. Council policy H4A does indeed require a suitable mix of dwellings are maintained in the district, however a single bungalow being converted into a chalet bungalow will not significantly harm the stock of bungalows. Furthermore permitted development rights allow for roof conversions and extensions without the need for planning

permission, as a result preventing the conversion of bungalows is beyond the control of the Council and withholding consent will not prevent its loss.

### **Issues and considerations**

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

#### Living conditions of neighbours

The extension will replace an existing 3m deep conservatory on the rear elevation and will project 5.2m, creating a net increase of 2.2m over the existing and will project across the whole of the existing dwelling. There will be a reasonable 2.2m gap to the shared boundary with no.37, which is orientated away from the application property and has screening on the boundary. Consequently the extension will not result in any harm to their living conditions.

The extension will project to the shared boundary with no.33 and will be approximately 4.2m past the existing rear elevation of this neighbour. This part of the extension has been designed with a flat roof to a height of 2.5m. Although the extension is relatively deep, its reasonable height combined with the fact that the main living area of no.33 is offset from the boundary and has a reasonably long and wide garden, there will not be significant harm caused to their living conditions.

The side facing dormer windows and roof lights will be set against the side elevation of no.37 and no.33. The windows closest to the rear of the property will serve a bathroom and a stairwell and are therefore designed to be fitted with obscure glass.

The dormer windows closest to the front elevation will serve a bedroom and are therefore not designed to be fitted with obscure glass. Whilst neither adjacent neighbour has any first floor windows or loft conversions, they could implement such schemes in the future. If this were the case, given the close proximity of either adjacent neighbour, were the dormers not fitted with obscure glass it would allow direct overlooking into private areas which would cause significant harm to the living conditions of these neighbours. Consequently it is reasonable and necessary to impose a planning condition ensuring that all first floor windows on the side elevation are obscure glazed.

#### Design

The extension has a conventional design which will be set at the rear of the property and will therefore not be visible from public areas of the street scene. As a result it will not harm its character or appearance.

There are examples of side dormer windows within the street scene, however they are very sporadic and the windows proposed in this application will certainly alter the character of the street scene, which does not currently have any side dormer windows within viewing distance. But the windows are relatively small, set well below the ridge height of the existing building, set back from the front elevation and will not have a significant impact on the street scene.

However significant weight must be given to the fact that the side dormer windows and roof lights fall within what is defined as permitted development and therefore by definition could lawfully be built without requiring planning permission. The application property has full permitted development rights and could therefore build these side dormer windows at any time. Consequently it would be futile to withhold planning consent for building works which the central Government consider acceptable and have effectively already given consent for.

## **Conclusion**

The development will not harm the character or appearance of the street scene nor the living conditions of the neighbours. Therefore it is recommended that planning permission is granted.

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

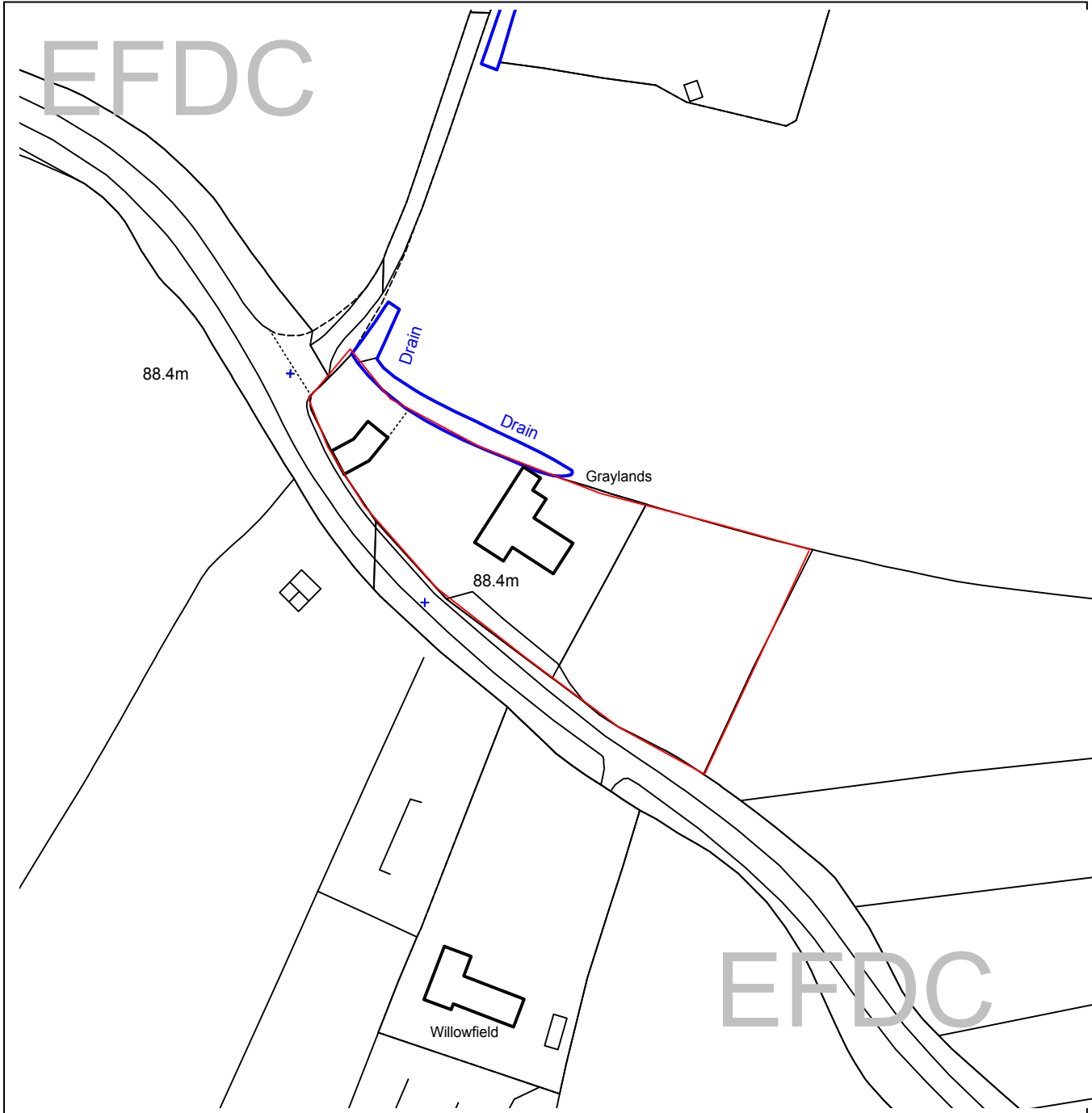
**Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564 371**

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# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/2751/15
Site Name:	Graylands, Threshers Bush, Matching, CM5 0EB
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2751/15
<b>SITE ADDRESS:</b>	Graylands Threshers Bush Matching Essex CM5 0EB
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Matthew Pantlin
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 3 'garage for parking motor vehicles' of planning permission EPF/1365/15 (Proposed outbuilding)
<b>RECOMMENDED DECISION:</b>	Grant Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=580236](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580236)

**CONDITIONS**

NONE.

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

**Description of site**

Graylands is located within a sporadic area of development within the boundaries of high Laver. The existing building is a relatively large two storey dwelling situated within a relatively large plot. The site has a garage outbuilding to the north and a swimming pool within its boundaries. The application site is located within the boundaries of the Metropolitan Green Belt and it is not within a conservation area.

**Description of proposal**

The proposal is to vary condition 3 on planning permission EPF/1365/15 which was added by Committee when the application was considered. The condition states that:

*The outbuilding hereby approved shall not be used for the parking of motor vehicles*

*Reason: In the interests of highway safety*

**Relevant History**

EPF/1365/15 – Erection of outbuilding – Approved by Committee East.

## **Policies Applied**

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

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

## **Consultation carried out and summary of representations received**

2 Neighbours consulted – NO COMMENTS RECEIVED

MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL – NO COMMENT

## **Issues and considerations**

Circular 11/95 “Use of Conditions in Planning Permission” outlines six tests which should be met in relation to the imposition of a condition. This requires that the condition should be

- i Necessary
- ii Relevant to planning
- iii Relevant to the development to be permitted
- iv Enforceable
- v Precise
- vi Reasonable in all other aspects

The condition imposed is clearly relevant to planning, relevant to the development in question, enforceable and precise and therefore the main issues to discuss are whether the condition is necessary or reasonable.

### **Necessary**

The generally accepted test as to whether a condition is necessary is, should planning permission be refused if the condition were not imposed.

The reason behind attaching this condition to the consent was to protect the interests of highway safety by preventing the building being used for the parking of vehicles. Were it to be used as such, the access to the site would offer good visual sight lines onto Tilegate Road, sufficient for this type of carriageway which by its nature does not have a significant amount of vehicular movements throughout the day. Tilegate Road is an unclassified road and therefore the creation of a new access does not require planning permission in its own right, the use of the building as a garage does not create additional traffic movements in itself. The access has good visual sight lines which will allow safe and efficient access onto the highway.

As a result it is considered that planning permission could be granted without this condition which serves no logical purpose. It is therefore not necessary to the consent already given.

### **Reasonable**

Within the context of this application, which was for an outbuilding which on the approved plans is described as a “gym/garage” the condition which prevents the use of the building as a garage is unreasonable. as it amounts to a refusal of what was applied for, by condition. In addition as

previously stated, the condition is not necessary and therefore nor is it reasonable to impose such a condition.

### **Conclusion**

The condition is not necessary or reasonable and therefore fails the tests set out in the planning legislation and it is recommended that it is removed.

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

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

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



# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/2764/15
Site Name:	8 Queens Road, North Weald Bassett, CM16 6JE
Scale of Plot:	1/1250



**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2764/15
<b>SITE ADDRESS:</b>	8 Queens Road North Weald Bassett Epping Essex CM16 6JE
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Baxter
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension, garage conversion and first floor rear extension (Revised application to EPF/1939/15).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=580274](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580274)

**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 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 4 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.
- 5 Prior to first occupation of the development hereby approved, the proposed window openings in the north and south flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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

### **Description of site**

The application site is located on Queens Road within the built up area of North Weald. The existing building is a two storey detached property situated within a relatively large plot. The house is front gabled and similar to a number of adjacent dwellings to the south. The immediate neighbour to the north has a different style, a semi detached dwelling with a hipped roof.

### **Description of proposal**

The proposed development is for a single storey rear extension, a garage conversion and a first floor rear extension.

### **Relevant History:**

EPF/0714/78 - Erection of ground floor rear extension. Approved.

EPF/1939/15 - First floor rear extension, ground floor rear infill extension and garage conversion. - Refused

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

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

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

6 QUEENS ROAD – OBJECTION – The development is out of proportion and will harm the character and appearance of the street scene. There will be excessive noise pollution, there will be loss of privacy.

10 QUEENS ROAD – OBJECTION – The extension will cause an excessive loss of light and appear overbearing

NORTH WEALD PARISH COUNCIL – OBJECTION The Parish Council Continues to *OBJECT* to the first floor element of this application on the basis of overdevelopment, as well as the installation of the Oriel window to the side of the property which would results in a loss of amenity and privacy for the adjacent property.

### **Issues and considerations**

This is a revised application from EPF/1939/15 which was refused earlier this year for the following reason:

*The design of the proposed flat roofed first floor extension, fails to either complement or enhance the simple design of the existing building and would be detrimental to the building and the setting of the building contrary to national guidance contained in the NPPF and local plan policy DBE10*

The main consideration of this application is whether this previous reason for refusal has been overcome.

### **Character and appearance**

The revised plans have altered the previously refused flat roof into a continuation of the first floor gable which appears conventional, has the same eaves and ridge height as the existing building and therefore respects its character and appearance. Furthermore the extension will not be visible from public areas of the street scene and therefore will not appear overly prominent or cause any other harm to its character or appearance. Therefore the previous reason for refusal has been overcome.

### **Living conditions of neighbours**

The ground floor extension is not excessively deep and would therefore have no significant impact on the living conditions of no.6. Whilst concern is expressed from neighbours that the conversion of the garage will bring noise pollution it is not considered that this would necessarily be the case and is not a reasonable ground to refuse consent.

Two new windows would be created at first floor level with one serving a bedroom. There would be a requirement for these windows to be obscure glazed to ensure there is no overlooking into neighbouring properties and whilst this is not ideal from an amenity point of view it can be accepted.

No10, to the north of the site, has bedroom window on its flank elevation which faces the side wall of the application building. Whilst this window would be further overshadowed suffering some loss of sunlight it would still receive a decent level of daylight being set off the boundary. Furthermore it is relatively unconventional for side windows to serve bedrooms and it does not seem reasonable to withhold consent for a neighbouring rear extension, which is a conventional form of residential development, as a result of this.

The first floor extension would be built above an existing single storey element, which will not project excessively past the existing rear elevation of no.10. As a result there would not be any significant harm to their living conditions.

### **Conclusion**

The proposal will not excessively harm the living conditions of the neighbours and the revised design has overcome the previous reason for refusal. Therefore it is recommended that planning permission is granted.

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

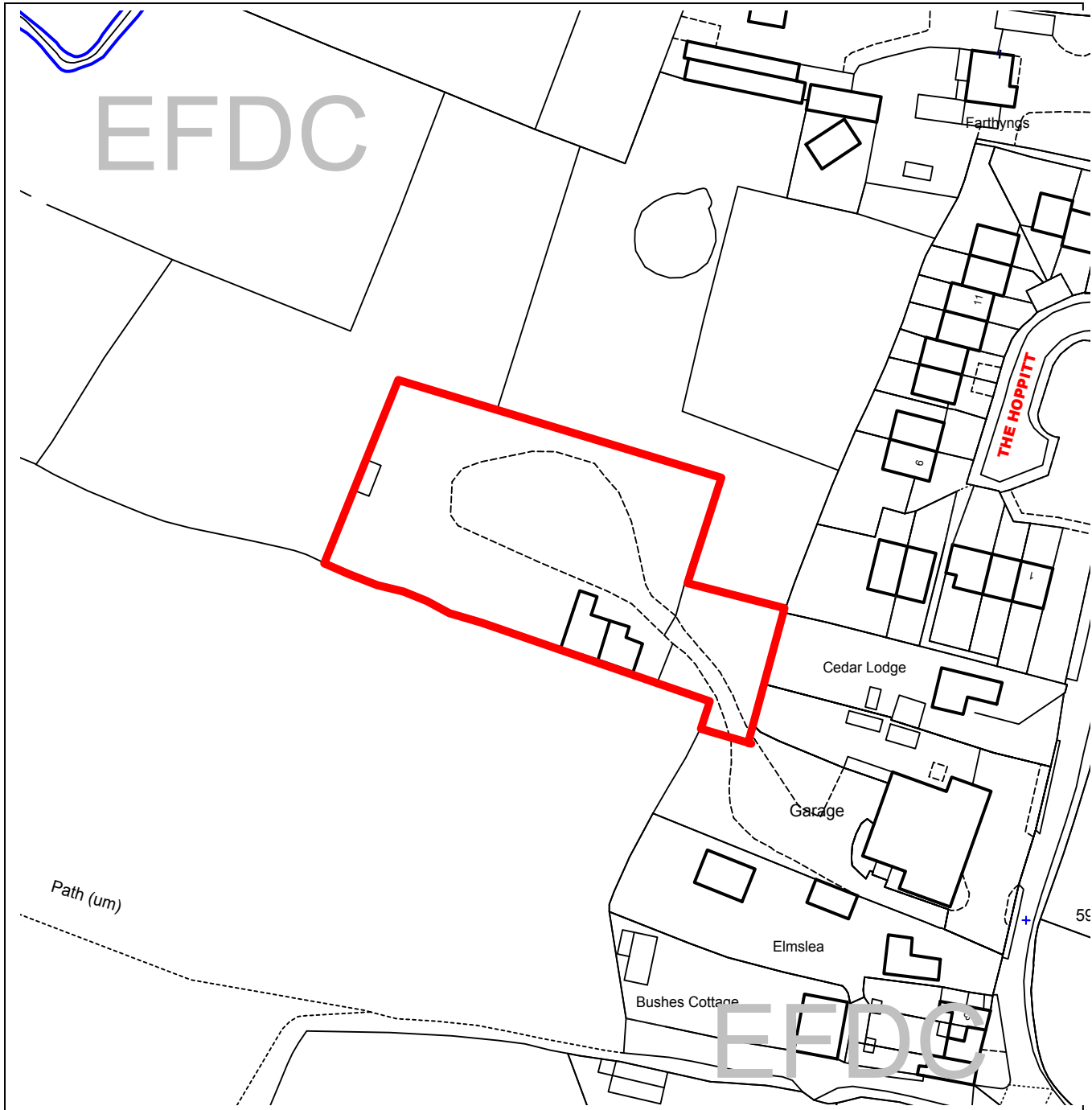
**Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564 371**

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



# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/2787/15
Site Name:	6 Matthews Court, Harlow Road, Moreton, Ongar, CM5 0LH
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2787/15
<b>SITE ADDRESS:</b>	6 Matthews Court Harlow Road Moreton Ongar Essex CM5 0LH
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Joe Lethbridge
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed store
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=580306](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580306)

**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: 1648/03 and 164802A
- 3 The building hereby approved shall be used solely for the storage of equipment required for the maintenance of the paddock and not for any other purpose.

*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 function, schedule 1, Appendix A.(g)).*

**Description of Site:**

The site is a field located at the end of Matthews Court in the village of Moreton, adjoining the garden boundary of number 6 and within the same ownership. The land is within the Green Belt, but not within a Conservation Area.

### **Description of Proposal:**

Erection of a storage building measuring 8m by 5m with an eaves height of 2.2m and a ridge height of 4.4m, for storage of mowing equipment and other equipment for the management of the land. The building is to be timber clad and have plain clay tiles

### **Relevant History:**

EPF/0504/10- Demolition of existing dwelling and commercial buildings and erection of 7 dwellings including surface water sewer to existing watercourse -.Granted subject to conditions and to Unilateral Undertaking

### **Policies Applied:**

The National Planning Policy Framework

Adopted Local Plan and Alterations.

CP2 Protecting the quality of the rural and built environment  
GB2A Development in the Green Belt  
DBE1 Design of buildings

The above policies are in accordance with the NPPF and are to be accorded full weight.

### **SUMMARY OF REPRESENTATIONS:**

Two neighbours were consulted and a site notice was erected.  
No responses were received

PARISH COUNCIL – Objects to this application on the basis that it is inappropriate development in the green belt and contrary to the unilateral Undertaking Reference EPF/0504/15 signed by the application which states that the removal of hardstanding and buildings on the land will be removed.

### **Issues and Considerations:**

The main concern is whether the proposed development is appropriate within the green Belt and accords with the unilateral undertaking which was part of the planning permission granted in 2010 for the development of the 7 houses now known as Matthews Court on a site which had historically been used as a transport depot and yard.

The Unilateral undertaking required the cessation of the use of this land as a haulage yard, removal of buildings and hardstanding from this field, and that the field thereafter be used for no purpose other than a paddock.

The land has been remediated and laid to grass in accordance with the agreement and is currently not being used for any purpose, but is within the ownership of the applicant who also owns number 6. Whilst the field is not currently being used as a paddock as the owner has no horses, it is being appropriately maintained with mown grass and is capable of being used as a paddock, so there is no breach of the unilateral undertaking.

The proposed building is small and is intended according to the applicant for the storage of equipment for the maintenance of the field. This is not unusual nor in officer's opinion

unreasonable. The adjacent property has only limited storage space and a small garden and would not necessitate much gardening equipment, whereas the field at 0.4 of a hectare is of sufficient size to need at least a large mower and other equipment to ensure its appropriate maintenance.

The NPPF states that the construction of new buildings in the Green belt should be considered inappropriate, but sets out exceptions. These include, buildings for agriculture and forestry and appropriate facilities for outdoor sport and recreation. It is considered that this small building which enables the maintenance of the land for recreational use is not inappropriate.

The building is well designed, of appropriate materials and sited behind a substantial hedge such that it will not be readily visible from surrounding properties.

There will be no adverse impact on neighbours or on the visual amenity of the area.

The proposal is therefore considered acceptable subject to a condition that it is only used for the storage of equipment required for the maintenance of the land.

The land remains only paddock land and can not be used for any other purpose without contravening the unilateral undertaking.

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

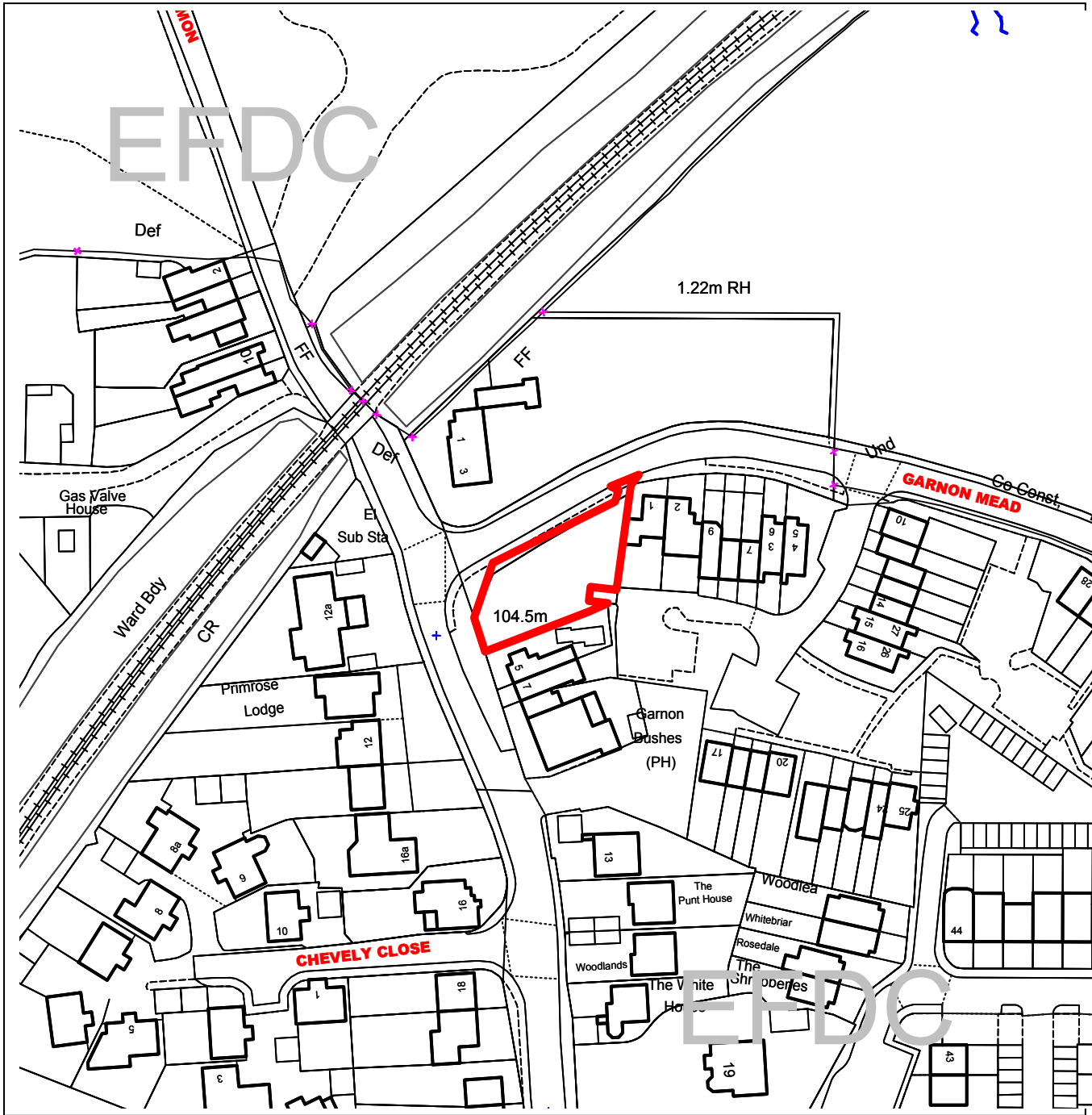
**Planning Application Case Officer: Jill Shingler  
Direct Line Telephone Number: 01992 564 106**

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



# Epping Forest District Council

## Agenda Item Number 10



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Application Number:	EPF/2905/15
Site Name:	5 Coopersale Common, Coopersale, Epping, CM16 7QS
Scale of Plot:	1/1250



**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2905/15
<b>SITE ADDRESS:</b>	5 Coopersale Common Coopersale Epping Essex CM16 7QS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	The Chisenhale-Marsh Estate Company Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed dwelling adjacent to existing and construction of new access off Garnon Mead
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=580533](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580533)

**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 Prior to first occupation of the development hereby approved, the proposed window openings in the northeastern flank elevation facing 1 Garnon Mead 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.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

6 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

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

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

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

8 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

9 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.

- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 11 Prior to the first occupation of the development the width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 12 There shall be no discharge of surface water onto the Highway.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.
- 15 In the event that any bats are found to be present during tree works, then works must cease until a licence is obtained from Natural England to permit the works to progress further. Such a licence should be also sent to the Local Planning Authority.
- 16 Prior to commencement of any works a Bat Enhancement plan (including two bat boxes on retained trees T002 or T003), should be written and submitted to EFDC for approval. More details can be found in 5.1.3 of "Aerial Bat Roost Survey" by agb Environmental Ltd dated 9/11/15. And the development shall be implemented in accordance with the approved plan.
- 17 Should more than two years elapse between the date of the bat survey and commencement of works then the survey should be updated and resubmitted to the Local Planning Authority.
- 18 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 19 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1202.P.01 rev A, 1202.P.10 rev C, 1202.P.11 rev C, 1202.P.12 rev E, 1202.P.13 rev D, 1202.P.14 rev D.

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

**Description of Site:**

The site is the garden area to the side of 5 Coopersale Common located within the built up area of Coopersale. The area is typified by a range of dwellings of varying age and design. The site has a return frontage onto both Coopersale Common and Garnon Mead. There is a significant level rise from north to south from the Garnon Mead side up to the existing dwelling. The northern side of the site is both hedge and tree lined with four trees subject to a Tree Protection Order.

**Description of Proposal:**

Planning permission is sought for the erection of a detached dwelling which would be within the garden of 5 Coopersale Common, adjacent to the existing. The access to the property would be off Garnon Mead, adjacent to No 1.

The dwelling would be two storey 2/3 bed with small gabled front wing facing towards 1 Garnon Mead. It would be set away from that dwelling at its closest by approximately 9m. Parking would be to the front between the boundary of No.1 and the front wing.

The dwelling's southern flank would be set off the revised boundary with 5 Coopersale Common by approximately 500mm and would be single storey at this point. The rear of the dwelling would face towards the main road but set approximately 20m from the back edge of the pavement.

Due to a combination of changes in ground level, siting of the dwelling and the high hedge and preserved trees around the perimeter of the site, the dwelling would not be highly visible when viewed from within the streetscene.

Materials proposed would be a mix of oak cladding from the walls and plain clay tiles for the roof.

**Relevant History:**

EPF/1777/04 - Outline planning application for a pair of semi-detached dwellings (means of access to be determined) – Refused and dismissed on appeal

**Policies Applied:**

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- ST1 – Location of development
- ST4 – Road safety
- ST6 – Vehicle parking

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

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

The Town Council and 29 neighbours were consulted on the application. A site notice was also erected on the 15<sup>th</sup> December 2015 to the front of the site.

TOWN COUNCIL – Objection – The design does not respect its setting in terms of materials. External materials should be sympathetic in colour and texture to the vernacular range of materials and this does not respect adjacent cottages, contrary to policy DBE1. National Policy would not support the inappropriate development of gardens (NPPF para 53.)

#### 7 COOPERSALE COMMON – Objection

- Proximity of dwelling to our garage and our ability to carry out works to the garage – should be a gap to exercise our right.
- Also in order to erect the dwelling scaffolding would have to be erected on our land and we have not given permission.
- Impact of proposed driveway – poor visibility splay made worse by cars parked along Garnon Mead
- Introduction of off street parking here would reduce availability of parking along Garnon Mead
- Dwelling will negatively impact on the character of this corner if the dwelling is allowed to be too big and dominant in comparison to the Victorian properties at 1,5 and 7 Coopersale Common.

### **Issues and Considerations:**

The main issues to consider relate to the

1. Principle of the development
2. Design
3. Amenity
4. Highway safety and parking
5. Trees/landscaping
6. Ecology
7. Land Drainage
8. Land Contamination

#### *Principle of Development*

The proposed development is to construct a detached dwelling in the rear garden area of No.16. National planning policy outlines, at Paragraph 53, how Local Authorities should set policies which resist the inappropriate development of residential gardens.

However, there are no policies within the Local Plan that precludes this form of development and the key word within that paragraph is “inappropriate”.

The garden extends to the side of the existing property and a new dwelling in this location would not appear at odds with the prevailing pattern of development.

There is a need for additional housing in the district and the siting of a dwelling in this location would be in keeping with the surrounding area and could not be described as inappropriate.

### *Design*

In terms of design the proposed dwelling, as an individual property, is considered acceptable. A suitably designed house can be achieved on site given the lack of uniformity in the area. The two storey elements are set well away from the plot boundaries and as such would not appear cramped on the plot.

An objection has been raised by the Town Council that the materials would not respect their setting.

Whilst the use of timber cladding would not match many of the dwellings in the vicinity, the use of wood is not exclusive to this dwelling. The rears of the first floors of adjacent cottages are timber clad, as is an extension to the rear of a property along Garnon Mead. In addition both Primrose Lodge 12B and 16a Coopersale Common opposite the side are a mix of brick timber cladding.

Whilst it is accepted that most of the properties are brick built, the use of timber here need not appear incongruous especially as it would respect the sylvan nature of the area and the highly vegetated site that it would be located within. Furthermore, the dwelling would be well screened by the existing vegetation which restricts full views into the site dissimilar to other houses in the area.

There is sufficient private amenity space provided and retained at 5 Coopersale Common.

The proposal is considered to comply with policies CP1, CP2, DBE1 and DBE8 of the adopted Local Plan and Alterations (1998 and 2006) and the NPPF which requiring good design in keeping with the locality, also requires that Local planning Authorities are not too prescriptive.

### *Amenity*

Concern has been raised with the applicant over the potential harm the proposal would cause to the living conditions of the neighbours sharing their boundaries with the application site namely at 5 Coopersale Common and 1 Garnon Mead.

In order to overcome concerns of overlooking and enclosure, the southern element of the dwelling has been reduced to single storey. The nearest first floor windows are approximately 13m away from the rear first floor window of 5 Coopersale Common and is sited to the northeast so the views would not be direct.

With regards to 1 Garnon Mead, the dwelling at its nearest point would be 9m away and the front gable has been brought down off the main ridge in order to soften its impact. Windows are proposed facing this dwelling, with two being shown as obscured. However it is felt that although the rectangular window serving the lightwell is not shown to be obscured, to ensure direct views back towards the first floor rear window are not had, this also can be fitted with fixed frames and obscured.

With regards to the proposed parking arrangements, although the Planning Inspector, as part of the appeal decision in 2006 relating to two dwellings on the site being proposed, had concerns that parking adjacent to 1 Garnon Mead would result excessive noise and disturbance and exhaust fumes, the modest number of vehicle movements associated with one dwelling is not considered material enough to justify a refusal here.

### *Highways and Parking*

A reasonable level of parking could be achieved on site and Essex County Council Highways Division has no objection to a new access being provided onto Garnon Mead subject to suitable conditions.

The neighbour at 7 Coopersale Common has raised concerns that the access could be dangerous given the existing situation along Garnon Mead and that the proposal would result in less on street parking.

The Highways Engineer at Essex County Council has been made aware of the comments and has arguing that ad-hoc parking along an unclassified residential road would not be considered as being detrimental to highway safety. Garnon Mead is a slow speed lightly trafficked non-through residential road and parked cars actual help keep vehicle speeds lower. The proposal of one dwelling will generate an insignificant amount of movements on the network and consequently there would be no detriment to safety or efficiency at this location.

It is noted that the proposed arrangements are no different to the two existing neighbouring properties.

Further to this the accident data has been interrogated and there are no recorded accidents at the Coopersale Common/Garnon Mead junction or along Garnon Mead in the last 5 years.

In terms of a loss of on-street parking, there are no restrictions along Garnon Mead and a loss of one space is not considered to materially impact on the existing situation.

### *Trees and Landscaping*

A submitted Tree Survey has confirmed that the development could proceed whilst ensuring the preserved trees and landscaped features could be retained. No objections have been raised by the Council's Tree Officer subject to suitable conditions.

### *Ecology*

No objections have been received from the Council's Countryside Manager subject to suitable conditions.

### *Land Drainage*

The Land Drainage section of the Council has no objection to the proposed development subject to the imposition of suitable conditions.

### *Land Contamination*

All readily available Council held desk study information for this site has been screened and no evidence can be found of any potentially significant contaminating activities having taking place historically on the site (records indicate that the site formed part of a field until it was left as a green when the Garnon Mead Estate houses were built on the rest of the field in the 1970s, and it later became incorporated in the garden of 5 Coopersale Common).

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is

encountered should suffice.

*Response to objections received*

The issues regarding design and vehicle movements have been addressed above.

With regards to the maintenance of the garage to the eastern side of the site, this is a matter for agreement between the applicant and the neighbour and is not a material planning consideration.

**Conclusion**

In light of the above, the proposal is considered acceptable and is recommended for approval.

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

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

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

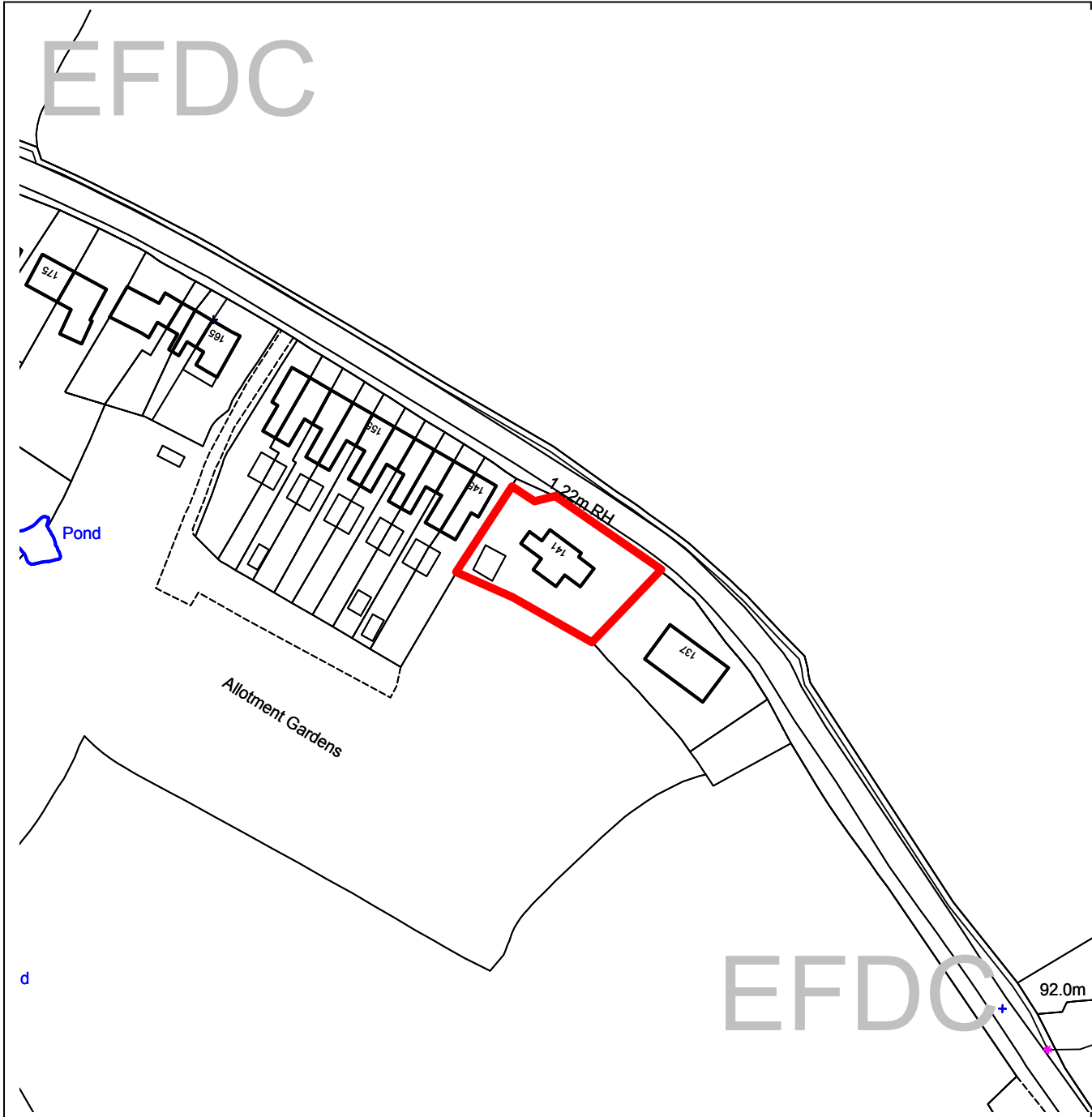


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# Epping Forest District Council

## Agenda Item Number 11



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Application Number:	EPF/2981/15
Site Name:	141 Lindsey Street, Epping, CM16 6RF
Scale of Plot:	1/1250

Report Item No: 11

<b>APPLICATION No:</b>	EPF/2981/15
<b>SITE ADDRESS:</b>	141 Lindsey Street Epping Essex CM16 6RF
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mrs Zoe Clarke
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garage and construction of new garage with open bay, with office and study. A single storey rear extension to the kitchen and internal works. Re-submission of refused application: EPF/1028/15
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=580773](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580773)

## 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 proposed in section 11 of the submitted application form or shall match the existing building unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the bay of the garage hereby approved shall be retained so that it is capable of allowing the parking of cars together with any storage use in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

### **Description of Proposal:**

Planning permission is sought for the demolition of existing garage and construction of new garage with open bay, with office and study. A single storey rear extension to the kitchen is also proposed along with some internal works.

This is a re-submission of a previously refused application for a larger garage with a first floor served by dormer windows.

NB: Whilst the description of the development is for a garage with office and study, the plans indicate that part of the outbuilding would be used as a gym. Whilst this contradicts the description, the proposal is for an ancillary use incidental to the residential use of the dwelling and whether it is shown as a gym or a study is largely irrelevant.

### **Description of Site:**

The site is regular in shape and contains a two storey detached dwelling which has been extended in the past. In the southwest corner of the site is a single storey double garage. Development in the immediate vicinity forms a ribbon along the western side of the road within the boundaries of the Metropolitan Green Belt.

### **Relevant History:**

EPF/1028/15 - Demolition of garage and construction of new outbuilding with open parking bay, gym and study/playroom above. A single storey extension to the rear extending on the kitchen/dining area with bifold doors – Refused on the following grounds:

*1. The application site is located within the Metropolitan Green Belt and the proposed enlarged outbuilding, by reason of its size and siting and when combined with the existing extensions, would result in disproportionate additions over and above the original dwellinghouse and therefore constitutes inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweigh this harm and as such the proposal is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.*

*2. The proposed replacement outbuilding, due to its height, bulk and design, would fail to respect and complement the appearance of the dwellinghouse and would be detrimental to the character of the street scene and the surrounding area, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, DBE1 and DBE4 of the adopted Local Plan and Alterations.*

*3. The proposed outbuilding, by reason of its increased size, bulk and siting in close proximity of the boundary with the neighbouring occupier at 145 Lindsey Street would appear as an overbearing structure resulting in a sense of enclosure leading to material loss of outlook when viewed from this neighbouring property. This would be contrary to policy DBE9 of the adopted Local Plan and Alterations.*

EPF/0427/12 - Part two-storey and part single storey rear extensions – Approved

EPF/0266/83 - Two storey side extension - Approved

EPF/0674/78 - Proposed erection of two storey side extension - Approved

EPU/0045/73 – 3 Dwellings – Refused  
EPU/0160/68 – Garage – Approved  
EPU/0003/51 – Vehicular Access - Approved

**Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
GB2A – Development in the Green belt  
GB7A – Conspicuous Development  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
DBE9 – Loss of Amenity  
DBE10 – Residential Extensions

**Summary of Representations:**

Notification of this application was sent to Epping Town Council and to 3 neighbouring properties. A site notice was erected on the 24.12.2015

TOWN COUNCIL: Objection – Whilst Committee note the reduction from a double to single storey garage, the proposal is still overdevelopment of the site. The garage is disproportionately high in relation to the main dwelling and will have a detrimental effect on both the existing street scene and openness of the Green Belt. Its proximity to the boundary would result in unsympathetic change for the neighbouring property.

Relevant policies: CP2, CP7, DBE1(i), DBE2, DBE4, DBE9(i), DBE10, GB2A.

Committee have no objection to the single storey rear extension to the kitchen

EPPING SOCIETY: Objection - Unfortunately the revised proposal still remains very large relative to the size of the main house. It will still have a negative impact on the surrounding Green Belt. These issues will adversely impact the street scene and affect the amenity of the neighbouring properties.

**Issues and Considerations:**

The main issues to determine relate to the sites location within the Green Belt, neighbours living conditions and character and appearance

*Green Belt*

Background

The site is located within the boundaries of the Metropolitan Green Belt where limited extensions to dwellings are permitted by national and local policy. The original building was approximately 101.5sqm with previous additions totalling 42sqm or an approximate 41% increase over and above the original dwelling.

A permission was granted for a part two-storey and part single storey rear extension under EPF/0427/12 which would have added a further 17sqm resulting in an approximate 58% increase over the original building. However this has not been implemented and the permission has now expired.

### Single storey rear extension

The single storey extension would only add a minimal amount of additional floorspace so it is considered that this element of the proposal can be accommodated on site without unduly harming the openness of the green belt.

### Replacement Garage

The existing garage appears to have been constructed back in the late 1960's/early 1970's under a previous planning permission and has an overall volume of approximately 120cum.

There are no policies that relate to domestic outbuildings and the hard line could be that they are inappropriate development as they are not specifically identified as appropriate in the green belt by national guidance within the NPPF or by GB2A.

However officers accept that it is reasonable for a dwelling to have a garage or a small outside storage area. The scale of what is acceptable is largely based on the scale of the dwelling and the size of the garden.

An average 3-4 bed detached house in the green belt could likely accommodate a double garage and small store however as a rule the roof height is normally kept low to minimise volume and visual impact.

The proposed garage is now single storey and would have an approximate volume of 175cum.

The increase is not considered so material as to justify a refusal on green belt terms. The Council approves garages similar in size to this within the green belt relatively regularly.

Therefore, given the buildings size, materials proposed and siting within the rear garden of a dwelling with other buildings nearby it is not considered that the outbuilding would have an excessive adverse impact on the openness, rural character or visual amenities of the Green Belt.

Therefore the proposal would comply with policy DBE4, GB2A and GB7A of the adopted Local Plan (1998) and Alterations (2006)

### *Living Conditions*

The nearest affected neighbour at 145 Lindsey Street has not objected to the proposal. Notwithstanding this, the outbuilding would be sited closer to the shared boundary than the existing garage. In addition, there would be a slight increase in overall height to 4.9m

The neighbour benefits from a deep garden but has a two rear windows close to this boundary, one at ground and one at first floor level. The application site is on a higher ground level. The outlook from these existing windows is constrained by the existing garage.

Although the garage would be closer to the boundary and slightly higher than the existing garage, the revisions made to the proposal ensure that the garage would not appear overbearing which in turn would now not result in a material sense of enclosure and excessive loss of outlook to the occupier of 145 Lindsey Street. Therefore, this would overcome the previous reason for refusal based on amenity.

The single storey extension would not materially impact on neighbours living conditions.

The proposal would comply with policies DBE2 and DBE9 of the adopted Local Plan and Alterations (1998 and 2006)

### *Character and Appearance*

Policy DBE1 requires new buildings to respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing.

The dimensions of the garage have been increased from 7m x 5.3m with an approximate ridge height of 4.2m to 7.35m x 6.75m with a ridge height of 4.85m

The proposed building, given its reduced height and overall appearance, would now respect the overall appearance of the main dwellinghouse and would not appear at odds with the character of the surrounding area. It is not considered that the new garage would appear noticeably larger than the existing when viewed from within the streetscene. The proposed materials of black cladding and material roof tiles are in keeping with host dwelling and surrounding area.

The rear extension would complement the character of the existing dwelling.

Therefore the proposal would overcome the previous reason for refusal and now complies with Local Plan policies CP2, DBE1, DBE4 and DBE10.

### **Conclusion:**

In light of the above appraisal, it is considered that the proposal would be an acceptable form of development that would not harm either the openness of the Green Belt, the amenities enjoyed by the occupiers of neighbouring dwellings and the character and appearance of the area. Accordingly, it is 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:***

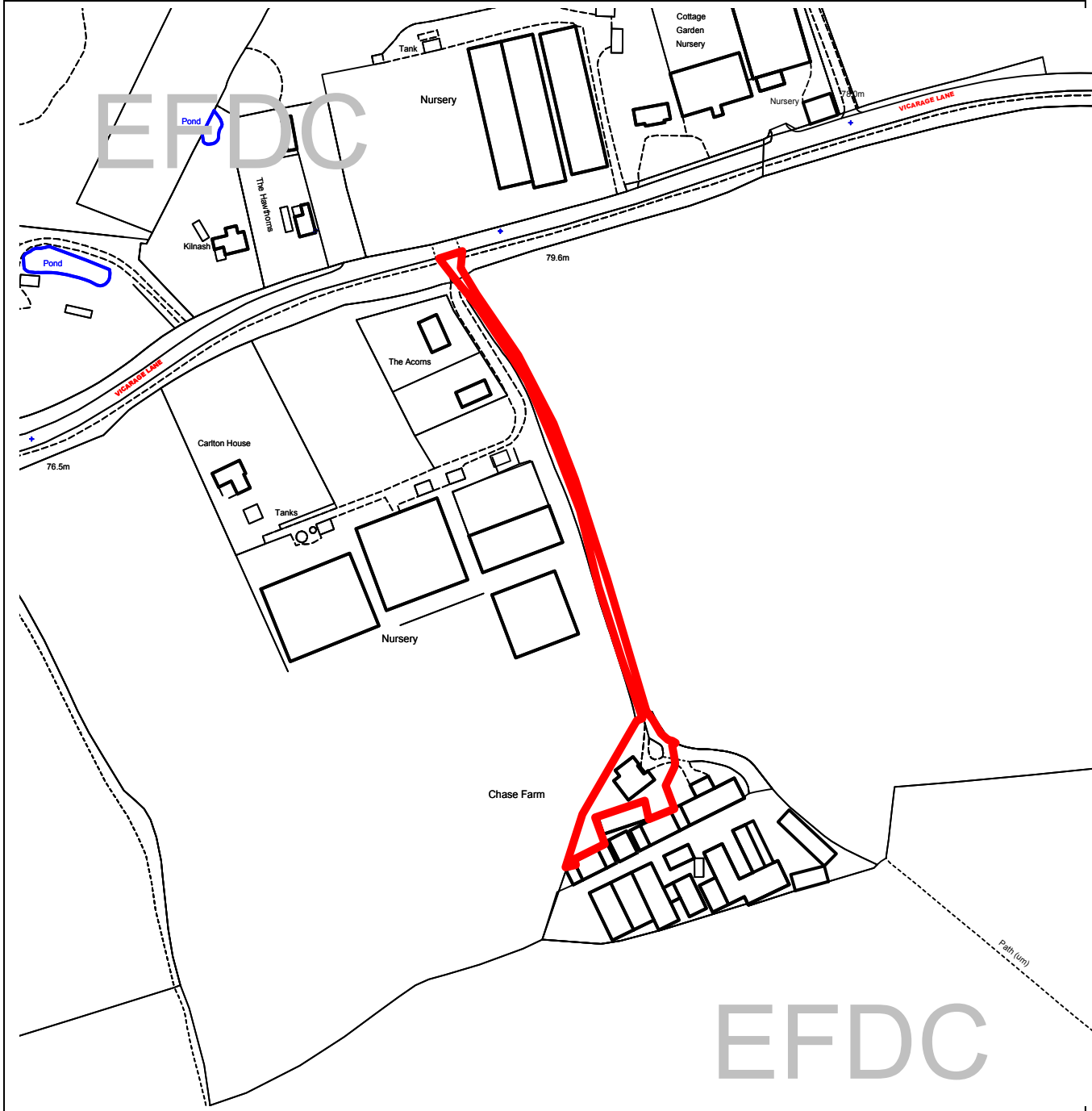
***Planning Application Case Officer: Steve Andrews  
Direct Line Telephone Number: 01992 564337***

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



# Epping Forest District Council

## Agenda Item Number 12



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Application Number:	EPF/3086/15
Site Name:	Chase Farm, Vicarage Lane, North Weald, CM16 6AL
Scale of Plot:	1/1250



**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/3086/15
<b>SITE ADDRESS:</b>	Chase Farm Vicarage Lane North Weald Essex CM16 6AL
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr David Malyan
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of bungalow to Class B1(a) office use and change of use of adjoining land for parking and access associated with units 42 & 44.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=581114](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581114)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3547/10, 3547/11
- 2 Prior to occupation of the office building a satisfactory ground gas investigation and risk assessment shall be carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building in lieu of any ground gas investigation.
- 3 Prior to occupation of the office building either a Land Contamination investigation of any exposed soil areas and risk assessment shall be carried out and submitted to the Local Planning Authority for approval, in order to determine what if any contamination remediation measures may be required, or details of appropriate land contamination mitigation measures to be undertaken in lieu of any Land Contamination investigation shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority. 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.

- 4 The public's rights and ease of passage over public footpath no.38 North Weald shall be maintained free and unobstructed at all times.

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

**Description of Proposal:**

Consent is being sought for the change of use of the existing bungalow to Class B1(a) office use and the retrospective change of use of the adjoining land for parking and access associated with units 42 & 44.

**Description of Site:**

Chase Farm is an isolated cluster of units accessed from Vicarage Lane in relatively close proximity to an area of glasshouse/nursery developments. The site is well established, is within the Green Belt, and has relatively good vehicular access.

The site comprised an assortment of units along with a vacant residential dwelling. The site has a number of consented B1 and B8 uses and Essex County Council have granted consent for a waste disposal service to operate from the site. As a result of the previous applications, and enforcement notice served, the B2 uses and car repairs on site have ceased and some of the unlawful buildings have been removed. However some of the buildings subject to the enforcement notice are still on site.

The area of former curtilage that is now being used as parking and access for units 42 & 44 is subject to an extant enforcement notice with regards to this unlawful use and this notice requires that the use be reverted back to residential curtilage.

**Relevant History:**

Wider Site:

EPF/0478/06 – Change of use of redundant agricultural building for B8 storage with ancillary B1 purposes – Approved

ESS/47/08/EPF and EPF/2222/08 – County Council application for retrospective consent for use of land for temporary storage and distribution of wastes from house clearance – Approved

EPF/2107/09 – Retrospective application for change of use of buildings to B1, B2, B8 and car repairers – refused 09/12/10 (appeal dismissed 08/06/11)

EPF/1933/11 - Retention of building on site of former agricultural buildings for small scale storage (Units 15A-D) (Units 16A-G) and as a workshop (Unit 15E) (B8 storage and B1 light industrial uses only) – refused 11/11/11 (dismissed on appeal 23/08/12)

EPF/1934/11 - Continued use of former agricultural buildings for small scale storage (Units 6A-C); (Units 7A and B); (Units 21-28); (Units 30-32); (Unit 44); (Unit 43 storage yard) and workshops (Unit 14); (Units 40-42) and parking areas (B8 storage and B1 light industrial uses only) – approved/conditions 11/11/11

EPF/2562/11 - Retention of building on site of former agricultural buildings for small scale B1 use (unit 50) and the demolition of Unit 7A to provide access to rear – approved/conditions 22/02/12

EPF/2030/12 - Removal of condition 5 'Demolition of Unit 7A' of planning permission EPF/2562/11 – refused 09/01/13 (appeal dismissed 06/05/15)

EPF/2218/15 - Retention of workshops and storage units in buildings 15 & 16 – refused 13/11/15  
EPF/2219/15 - Change of use of unit 6D to B1 workshop use – approved/conditions 21/12/15

Dwelling:

EPF/1463/06 - Removal of agricultural occupancy condition associated with EPF/30/68 – refused 19/09/06  
EPF/1458/09 - Removal of agricultural occupancy condition – refused 29/09/09  
EPF/1896/10 - Removal of agricultural occupancy condition (resubmitted application) – withdrawn 29/10/10  
EPF/0041/11 - Removal of agricultural occupancy condition on EPO/0030/68 allowed on appeal – refused 28/02/11  
EPF/2056/12 - Retain change of use from residential to vehicular access to and parking for small scale B1 use in connection with business centre – refused 09/01/13 (appeal dismissed 06/05/14)  
EPF/2220/15 - Change of use of bungalow to Class B1(A) office use – Withdrawn 25/11/15  
EPF/2221/15 - Retention of use of land for parking and access associated with units 42 & 44 – withdrawn 25/11/15

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and urban environment  
GB2A – Development in the Green Belt  
GB8A – Change of use or adaptation of buildings  
DBE9 – Loss of amenity  
RP5A – Adverse environmental impacts  
ST1 – Location of development  
ST2 – Accessibility of development  
ST4 – Road safety  
ST6 – Vehicle parking

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

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

5 neighbouring properties were consulted and a Site Notice was displayed on 18/12/15.

PARISH COUNCIL – Object. There should be no change of use for the bungalow to B1(a) use. This would take out a dwelling from the housing stock of North Weald especially as it is a bungalow. It will enable the whole face of the site to become industrial. By removing the only house on the site it will mean that there is nothing there to keep the residential status of the site. Neither should there be a change of use for the land for associated parking.

It is relevant to all Councillors and to the Parish Council that the whole of the Chase Farm site has and still is being developed on a piece meal basis to create yet another new industrial site within North Weald by wearing down what was an agricultural and green field farming site into a very busy and industrious site, by obtaining retrospective planning approvals.

**Issues and Considerations:**

There is a long and complicated history to this site that has resulted in the approval of some of the retrospective changes of use and an Enforcement Notice being served requiring the cessation of

other uses and the demolition of unlawful buildings. This is an ongoing matter being dealt with by Planning Enforcement.

One of the outstanding matters is the cessation of use of the area currently being used as access and parking to units 44 & 45 and the reversion back into residential curtilage. The retrospective change of use of this has previously been applied for and was recently refused and dismissed on appeal in May 2014. However this only proposed the retrospective change of use of the land rather than the change of use of both the existing bungalow and the curtilage, as proposed here.

Due to the above the main consideration in this application is therefore whether the change of use of the bungalow to office use is acceptable on this site and whether it would materially alter the decision previously reached with regards to the change of use of the curtilage.

### Green Belt:

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

The existing bungalow was originally erected as an agricultural workers dwelling and is still subject to a restrictive ownership condition. Therefore it can only be occupied by somebody working in agriculture, however there is no agricultural use remaining on the site. Given the industrial uses taking place on the wider site the only suitable occupant for this bungalow would be somebody who works within the Chase Farm site, however any such occupation would be contrary to the condition. It is unlikely that the dwelling would be desirable to any other residents unconnected with the industrial site and therefore it would continue to remain vacant.

The proposed change of use to B1(a) office use would not require any external or significant internal alterations and would be far more compatible with the wider industrial site than the existing residential dwelling. The building is clearly of substantial construction and therefore this aspect of the proposed development would not constitute inappropriate development harmful to the Green Belt.

With regards to the change of use of the residential curtilage to a parking and access area in connection with the adjacent industrial site, the previous appeal decision on this concluded that the development constitutes inappropriate development in the Green Belt and harms the living conditions for occupants of the bungalow. This latter issue was concluded as follows:

*“... the front, side and majority of the rear garden of the dwelling have been removed. As a result there is little outdoor amenity space at the back of the bungalow, and none at the front. The outlook from the front is essentially onto a commercial parking area, and at the back is onto a timber fence at very close range, with the caravan visible above it. The outlook from the bungalow is very poor indeed. Furthermore, with vehicles using the access to the side of the bungalow, and parking and manoeuvring in such close proximity to the front and back, occupants will be subject to levels of noise and general disturbance that are highly intrusive”.*

Whilst it is clear that just the change of use of the residential garden, combined with the surrounding uses and access/parking for the wider site, does detrimentally impact on the living conditions of occupants of the bungalow, the proposed change of use of the bungalow to offices would remove this concern. As a commercial business premises it is not considered that the use of the curtilage in association with the adjacent industrial estate would cause any significant loss of amenity to employees in the adjacent building and therefore, when considered as a single planning application, this issue is no longer considered relevant.

Whilst the Planning Inspectorate previously highlighted that the change of use of the land does not fall within one of the exceptions as laid out within the NPPF, and therefore would constitute inappropriate development that is, by definition, harmful to the Green Belt, the change of use of the bungalow would make the area of residential garden redundant for its lawful use. Paragraph 89 of the NPPF does highlight that one of the exceptions to inappropriate development in the Green Belt is *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*. Although in and of itself the change of use of just the area of curtilage would not fall within this exception (as previously concluded by the Council and Planning Inspectorate), the application as proposed is for the change of use of the existing bungalow and its curtilage. As can be seen in the wider site both the open areas of the former agricultural complex as well as the buildings have been permitted for commercial use. Given this, it is no longer considered that the retention of the use of the residential curtilage as an associated access and parking area would be detrimental to the openness of the Green Belt or the purpose of including land within it.

#### Neighbouring Amenity:

With the exception of the bungalow proposed for a change of use the closest residential dwelling is over 150m from the application site. Since there is already a large amount of commercial and industrial activity taking place in the wider site, and as the proposed use is B1(a), which by definition is capable of taking place within a residential area, there would be no detrimental impact on neighbouring residents as a result of the proposed change of use.

#### Access and Parking:

Given the uses permitted within the wider site the change of use of the bungalow to offices and the retention of garden as an associated parking and access area would have no additional impact on highway safety, the free flow of traffic, or parking provision in the wider area.

#### Contamination:

Due to its former use as piggeries, a military gun emplacement site and industrial uses, along with the presence of 235m<sup>2</sup> and 185m<sup>2</sup> infilled ponds and a household waste landfill site 40m to the southwest of Chase Farm there is the potential for contaminants to be present over all or part of the site.

Although this application involves no intrusive ground works it is understood that exposed soils in the garden are to be retained which will present potential inhalation/ingestion/dermal contact risks to site users and that unspecified minor alterations are proposed, which could include making the original 1960s building more airtight by upgrading windows and removing/blocking up air bricks/chimney flues and permitting the potential accumulation of ground gases from infilled ponds and piggery wastes and landfill gases. As such land contamination investigations would be required, which can be dealt with by way of conditions.

#### Parish Council Comments:

The Parish Council have objected to the proposal since they consider that the change of use of the bungalow *“would take out a dwelling from the housing stock of North Weald”*, however since the existing bungalow is subject to an agricultural tie this does not form part of the general housing stock to the area. Furthermore, as highlighted above, the dwelling is not particularly desirable due to the surrounding land use and proximity of lawful parking and access arrangements.

It is also stated that “*by removing the only house on the site it will mean that there is nothing there to keep the residential status of the site*” and concern is raised that “*it will enable the whole face of the site to become industrial*”. There is no requirement, necessity or indeed desire to ‘retain a residential presence’ on this location and, given the intensive use and presence of the lawful industrial use of the wider site and length of the access road, no particular benefit from keeping a ‘residential face’ to the site.

**Conclusions:**

The change of use of the existing bungalow to B1(a) offices and retention of the garden area as a parking/access area would not constitute inappropriate development harmful to the Green Belt. Given the wider industrial use of the site and the undesirable and restricted nature of the dwelling there would be no benefit in retaining the existing residential dwelling on the site and as such the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies. Therefore the application is recommended for approval.

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

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

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