

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1880/12
<b>SITE ADDRESS:</b>	Bumble Bee Barn Woodend Abness Roding Ongar Essex CM5 0JJ
<b>PARISH:</b>	The Rodings - Abness, Beauchamp and Berners
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr John Devereux
<b>DESCRIPTION OF PROPOSAL:</b>	Use of land and buildings for construction and agricultural vehicle driver training.
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=541992](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=541992)

**CONDITIONS**

- 1 The use hereby permitted shall inure for a temporary period only ending on or before 20/02/2014, at which time all machinery and equipment brought on the site in connection with the use shall be removed together with the portable buildings that are shown as office and classroom facilities on the approved plan.
- 2 The premises shall be used solely for training in the use of agricultural and construction vehicles and machinery. and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 3 No training of any kind shall take place at the site outside the hours of 09.00 and 17.00 hours Monday to Saturday. No training shall take place at the site at any time on a Sunday or a Bank or Public Holiday.
- 4 No more than 6 students shall be present at the site at any one time.
- 5 No more than one item of machinery or vehicle shall be operated at the site at any one time.
- 6 There shall be no external storage at the site at any time, and vehicles and machinery used for training shall be stored within the barn when not in use.

- 7 There shall be no plant, vehicle or machinery hire or sale from the site at any time.
- 8 At no time shall any excavations be undertaken within 10m of any boundary hedge or tree.
- 9 Full specifications of all vehicles and machinery to be used on the training courses shall be submitted to and agreed in writing by the Local Planning Authority prior to their use. The agreed vehicles, plant and machinery shall be kept on site and used only for training purposes and no other vehicles, plant or machinery shall be kept, stored or used at the site.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than 2 objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f.)) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site comprises 0.8 of a hectare of agricultural land located on the northern side of Woodend Abbess Roding. The land is bounded to the east by a post and rail fence and to the north and south by hedgerows. There is an existing 240m<sup>2</sup> metal storage barn located towards the western side of the site with 3 connected portable buildings and a hard surfaced yard area to the rear of the building. The barn is the first building on Woodend when approaching from the junction with Fyfield Road some 500m to the east. Woodend is a single track road which serves only a few properties. The nearest residential property lies approximately 45m from the site's western boundary.

### **Description of Proposal:**

The proposal is to change the use of the barn and land from agriculture and agricultural storage to a training facility for training in the use of agricultural and construction plant. The machinery quoted in the application comprises a mini digger, a forward tipping dumper (max 6 tonnes) telehandler/forklift, ride on roller (max 1m wide) and tractor; and training in slinging and signalling for the movement of loads using lifting equipment.

The application states that no more than six courses would operate per week with a maximum of six students and a tutor on site at any one time and that only one item of machinery would be in operation at any one time. The machinery would be stored in the large barn and the cabins would be used as classroom, office and toilet facilities. The yard area would be used for some elements of training and the field area is needed for training in the use of digging equipment.

### **Relevant History:**

The barn and yard have no planning permission for any use other than agriculture and appears to have been used for many years for storage and repair of agricultural machinery in connection with Scales Farm. There are existing enforcement notices dating from 1976 which required the cessation of use of the buildings and land for the purposes of storing builder's materials or demolition materials or timber.

Aerial Photos show that the yard area at the rear of the site has been intensively used for open agricultural storage for many years,

The current application follows an enforcement investigation into the use of the land and buildings for Plant Hire. Such a use which would generate significant heavy vehicle movements in this narrow rural lane would clearly be unacceptable. The applicant and owner of the land, being aware that the use he was operating would not be considered favourably, is seeking an alternative use for the land, hence the current application.

### **Summary Of Representations:**

3 Neighbouring properties were notified of the application and a site notice was erected. The following responses were received:

PARISH COUNCIL - The Parish Council are of the opinion that this application is inappropriate for the rural environs of Wood End Lane. Running heavy machinery courses 6 days a week on the site will create unacceptable noise levels to the neighbouring properties. The previous uses of the site have involved occasional use of machinery not 4-5 hours continuous noise 6 days a week. The applicant states there will be up to 7 people on each course however they only require parking for 4 vehicles, as there is no public transport this may prove difficult. The application refers to native species planting, it is noted the road side or southern boundary appears to have a recently planted leylandii or similar tree planted as hedging, which the Parish Council does not accept as native planting.

WOOD END BARN, WOODEND - My property sits right next to Bumble Bee Barn I believe the purpose is construction training with no intention of agricultural training. This is not in keeping with the existing planning consent. I have made an offer for the property which has been accepted subject to contract.

LITTLE WOODEND FARM, WOODEND - Concerned about increased traffic in narrow lane that serves only 6 houses. Land is within the Green Belt. Large vehicles will be needed to bring the machinery to site there are blind bends and no passing places. The access and egress to the lane from the Dunmow Road is on a blind bend and large vehicles slowing to turn here will cause danger to other road users. The area is used by walkers who detour to view the historic Beauchamp Roding Church and increased large vehicular traffic will cause danger. The rural character of the area will be adversely affected by the commercial operation. The proximity of the 3 Forests Way should preclude non agricultural developments. The business is already operating without consent. The site is already extremely unsightly addition in this residential lane and will only deteriorate if allowed to proceed to full commercial use.

WOOD HOUSE, WOODEND – The Heavy Goods business is already operating and causing great consternation with giant cranes, tower scaffolding and earthmoving equipment working in the small confines of the site. The huge vehicles block the lane as they are moved into place causing delay. The use is out of keeping with the quiet rural character of the area. The building is unsightly. The entrance to the lane (from Dunmow Road) is blind and narrow and on a bend in the fast moving road, the use of it by large/long vehicles causes highway danger. The site is therefore unsuitable for the use. Woodend is a narrow farmer's track and is not coping well with the increase in modern day traffic such as delivery vans and lorries. If the site is closed and a large vehicle (over 5 tonnes) attempts to go to it, it will be stuck unable to turn or reverse, blocking the lane to all users. Recently a JCB was forced to go the full length of the lane through the bridleway, leaving the lane in a terrible mess. The lane surface, foliage and trees are unable to cope with any more vehicles.

## **Policies Applied:**

Local Plan and Local Plan Alterations:

CP2 Quality of environment  
GB2A Development in the Green Belt  
GB8A Change of use and adaptation of buildings  
LL2 Inappropriate rural development  
LL10 Landscape retention  
LL11 landscaping schemes  
ST1 1 Location of development  
ST4 Road Safety  
ST6 Vehicle parking

The above policies form part of the Councils 1998 Local Plan and Local Plan Alterations, 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 are therefore afforded full weight.

## **Issues and Considerations:**

This is a relatively remote rural site within the Metropolitan Green Belt. The main considerations are the impact of the proposals on the Green Belt and on the character and amenity of the rural area and in addition the impact on residential amenity and on highway safety.

### *Green Belt and character and amenity of the rural area*

The reuse of existing buildings in the Green Belt can be acceptable, provided amongst other things that the proposed use does not have a greater impact on the Green Belt than the present use, the use and associated traffic generation would not have a significant detrimental impact on the character and amenities of the countryside, a significant adverse impact on the vitality and viability of a town centre, district centre local centre or village shop.

In this instance the proposal does not include any new building, although the portable cabins on the site have been there less than 4 years and are not in use in connection with agricultural use. The vehicles and machinery that are required in connection with the use will be stored within the building so there is no external storage proposed at the site. This results in a general improvement in openness over the existing authorised use of the site which has included significant open storage of farm equipment, as evidenced by the council's aerial photos of the area.

Parking in connection with the use will be a maximum of 7 cars at any one time and these can easily be accommodated within the existing parking area at the site and will not be prominent. The main issue therefore in green belt terms is whether the proposed use of the yard and field area during the day for training in the use of the specified machinery will have an adverse impact on the character and visual amenity of the area.

It is considered that the level of use proposed, with only one item of machinery or vehicle being operated at the site at any one time will have minimal impact on the character and amenities of the rural area. Whilst the use of for instance a digger within the field area may result in some unsightly mounding, such works will be by their nature temporary and will not have a lasting impact on the visual amenity of the area, in addition it is not unusual to see tractors and large machinery of this sort at work within the rural area.

As the machinery proposed to be used will be kept at the site and not brought in for the classes proposed, there will be no movements of large vehicles, low loaders or machinery, along the rural

road network in connection with the use, other than the initial delivery of these items to the site. As such the proposal is likely to result in fewer such vehicle movements than the agricultural storage use.

The Council's landscape officer has considered the proposals and subject to suitable planting of a native species hedge with trees and prevention of any excavation taking place within 10 m of the boundary hedging (to prevent harm to the hedgerow, she raises no objection to the proposal).

' It is considered therefore that the use as set out in the application would be in accordance with policy GB8A and would not adversely affect the green belt or the character and amenity of the rural area.'

### Residential Amenity

The site is some 45m from the nearest residential property and as has been explained the proposed use is relatively low key. The applicant's supporting statement says that the site will be open only between 9 and 5 and that following an hour's tuition there will be 4-5 hours of practical tuition. Whilst it is accepted that the practical element of the course will result in some vehicle noise, such noise is similar to that which one would associate with a farm storage use and farm vehicle repair use that have operated from the site in the past. Conditions can be applied to ensure that only one item of machinery/vehicle is operated at any one time and to restrict hours of use and it is therefore considered that there is unlikely to be excessive harm to residential amenity. However, until such a use is in operation it is not clear what the full impact will be and as such in Officer's opinion should permission be granted it should be on a temporary 12 month basis so that the impact on amenity can be properly assessed. However if granted for such a short period it would not be reasonable at this stage to insist on the landscaping that has been suggested. Should the 12 month period show that the use is not harmful then a further application for permanent consent could be considered and the suggested landscaping could then be required.

### Highway Issues

It is accepted that the unauthorised use of the site for plant hire, which was investigated by enforcement, would result in unacceptable traffic movements. As explained by neighbours to the site, movements of large vehicles in this narrow rural lane have caused considerable concern and this use would not have been considered acceptable in highway safety terms and the location is entirely unsuitable for such a use. The proposed use however, is different in character and as explained above will not result in movements of heavy vehicles. The highway officer is content that the level of use proposed, which will entail a maximum of 7 vehicles visiting the site and remaining on site most of the day will not cause harm to highway safety.

### Sustainability

Whilst this site is not well located with regard to public transport or areas of population and anyone visiting the site will be reliant on car transport, it is considered that the use is one which it is difficult to carry out within an urban area, as it requires access to both a hard surfaced yard and soft ground, which is not usually available within, for instance, an industrial estate. The use enables the reuse of an existing building, which in itself is more sustainable than requiring the construction of a new building and the use will not generate significant additional traffic movements due to the limited class size proposed. It is therefore considered that the development is not unsustainable.

### Conclusion

In conclusion, subject to strict conditions to ensure that the use is restricted to that which is set out in the supporting statement, it is considered that the development is unlikely to result in harm to the green belt, the character of the area, or highway safety. The full impact of the use on residential amenity is however difficult to fully assess and dependant on the specifics of the machinery involved and the way it is operated. It is therefore recommended that permission be

granted for a temporary period of 12 months to enable a full assessment of the impacts to take place.

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

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

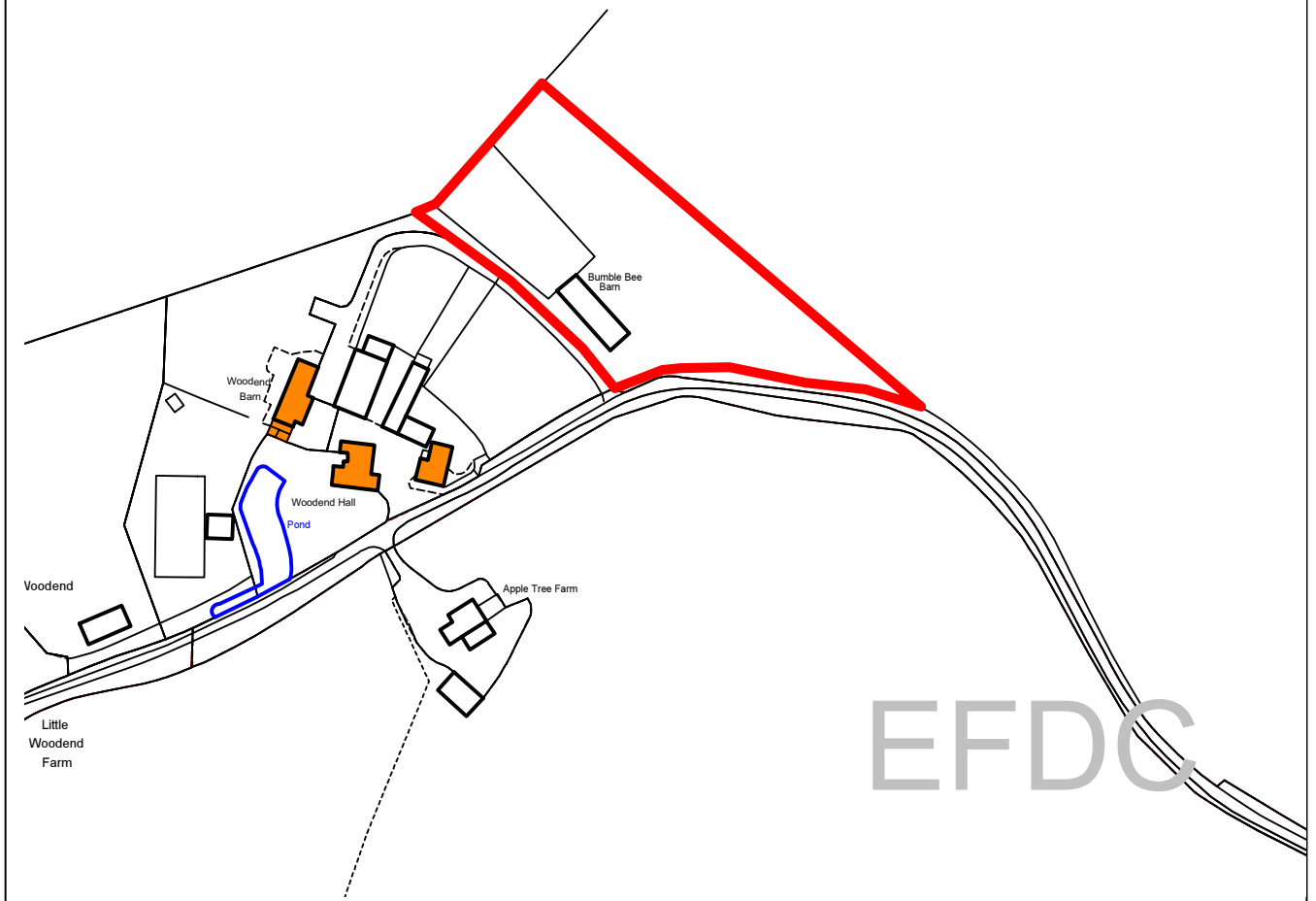
***Or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East

EFDC



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/1880/12
Site Name:	Bumble Bee Barn, Woodend Abbes Roding, CM5 0JJ
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2208/12
<b>SITE ADDRESS:</b>	16 The Yard Sheering Lower Road Sawbridgeworth Hertfordshire CM21 9LF
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>APPLICANT:</b>	Mr & Mrs J Jones
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use to residential garden land.
<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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543360](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543360)

**CONDITIONS**

- 1 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes E and F 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 Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site is a small area of land located immediately to the rear of a small bungalow within the property known as the Yard. The land is largely paved and there is a brick built pergola within it. Surrounding the site is agricultural land and to the west lies the rear boundaries of semi detached properties in Sheering Lower Road,

**Description of Proposal:**

This is a retrospective application for use of this area of agricultural land as residential garden land in connection with the adjacent property.



### **Relevant History:**

The wider site of which the application site forms a small part, has a complicated planning history but the most relevant factor is that the existing bungalow was approved in 2006 (EPF/0199/06) as a replacement dwelling following a certificate of lawful development for use of an agricultural building as a residential unit. When permission was granted a condition restricted the garden area of the property to prevent further inappropriate development and encroachment into the green belt as the original "lawful " dwelling had no clear garden area.

### **Summary Of Representations**

6 neighbouring properties were consulted and a site notice was erected.  
No responses were received.

PARISH COUNCIL – Object on the following grounds. Insufficient drawings and aerial shot. No access available to view. Fencing around the property is more than 1 metre high. Contrary to the application there has never been a planning consent granted. There was an enforcement order by EFDC to remove a caravan from the site due to the land being agricultural. Reference to paragraph 'other considerations' the property is now up for sale.

### **Policies Applied:**

Local Plan and Local Plan Alterations:  
GB2 Green Belt  
GB4 Extension to residential curtilage

### **Issues and Considerations:**

The pergola that has been constructed and the block paving appear to have been completed in excess of 4 years ago, no enforcement complaints were received in that time and they are immune from any enforcement action and are therefore lawful. Planning permission is not needed for fencing of the area.

The site is within the Metropolitan Green Belt and the main issue is whether the use of the land as garden causes harm to the purposes of including land within the Green Belt.

Policy GB4 of the adopted Local Plan allows for extensions to residential curtilages in the Green Belt where it will not have an adverse impact on the landscape, it will relate well to adjoining properties and is not of excessive size.

It is considered that this proposal meets all three criteria. It is unfortunate that the paving and pergola have already been constructed, and are immune from action, as these do have an impact on the character and open nature of the area. The use of this small area as rear garden however does not in itself cause harm to openness. A condition can be added to remove permitted development rights for any further buildings or structures within this extended garden area. The garden is adjacent to other residential garden areas and is not of excessive size. It is therefore considered that the proposal is in accordance with policy GB4.

### **The Parish Council's concerns.**

The plans are clear and sufficient for the determination of the application and officers have visited and viewed the site. The site is well hidden behind existing 2m fences, which do not form part of this application and did not require consent. The bungalow on the site does have consent. Reference to enforcement action regarding a caravan is not relevant to this application which is only for use of agricultural land as garden. Whilst the applicant has suggested in the supporting statement that he intends to enjoy his retirement here, in planning terms the ownership of the land

is not relevant to the acceptability of the use proposed and whether the site is up for sale or not is therefore not relevant to the decision.

### **Conclusion**

The proposal has no adverse impact on the character or amenity of the area and is in accordance with the policies of the Local Plan and the NPPF and is recommended for approval.

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

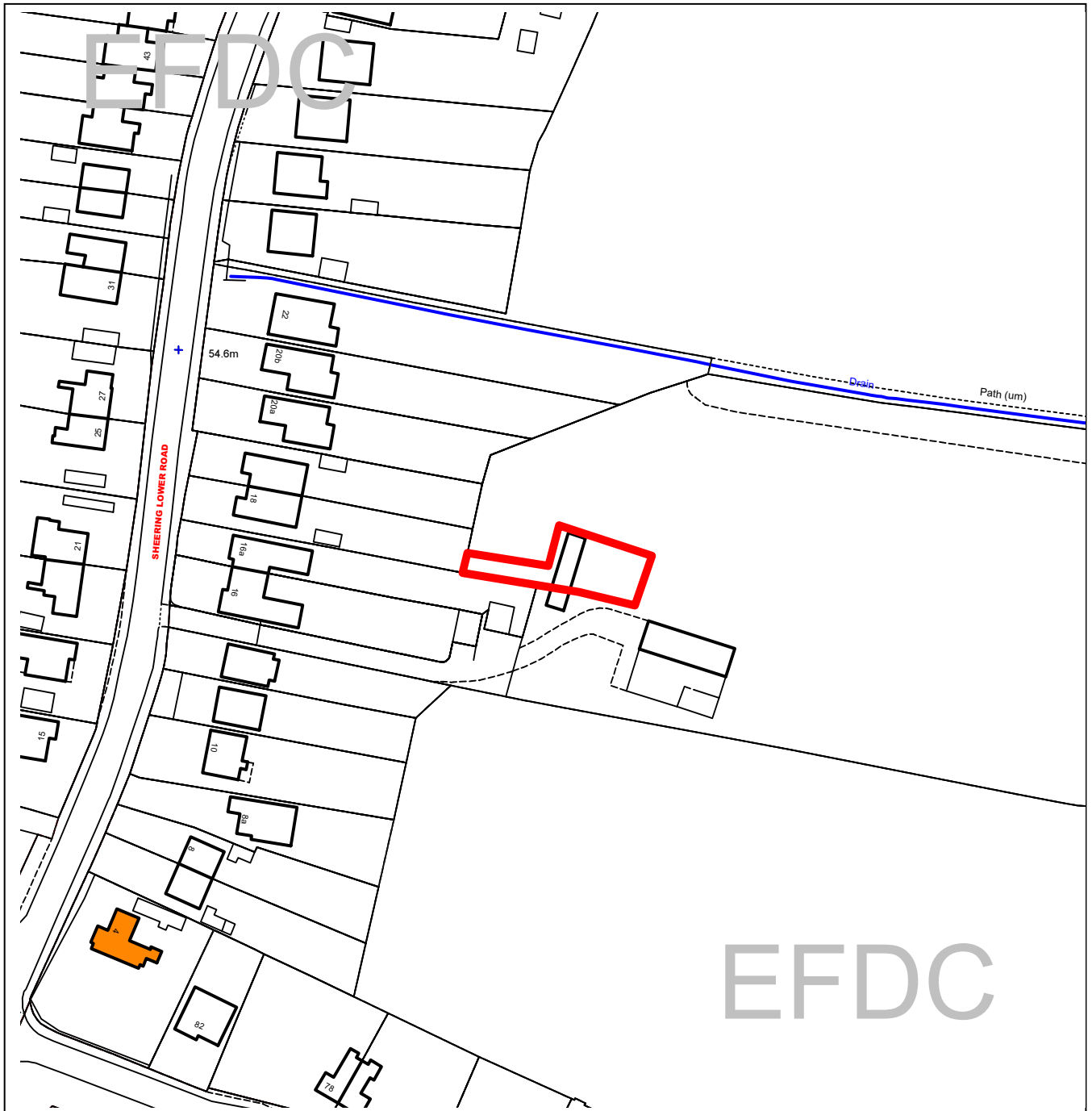
***Planning Application Case Officer: Mrs Jill Shingler  
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***Or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/2208/12
Site Name:	16 The Yard, Sheering Lower Road Sawbridgeworth, CM21 9LF
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2256/12
<b>SITE ADDRESS:</b>	The Railway Arms Station Approach Theydon Bois Epping Essex CM16 7HR
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Paul Warner
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the Railway Arms Public House to be replaced by 4 No. 1 bed flats and 6 No. 2 bed flats with associated parking.
<b>RECOMMENDED 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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543541](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543541)

**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: 745-PL-01D, 745-PL-02A and, in respect of tree removal only, drawing no DFC1375\_TPP.
- 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 in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 There should be no obstruction above 600mm within a 2m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 5 Prior to first occupation of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

- 6 Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 7 Prior to first occupation of the development details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the permanent closure of the existing redundant vehicular access incorporating the reinstatement to full height of the kerbing and footway. The approved details shall be implemented within 3 months of the proposed new access being brought into use.
- 8 Prior to 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.
- 9 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 11 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.
- 12 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.
- 13 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.

- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Subject to the completion, by 29 March 2013, of an agreement under S106 of the Town and Country Planning Act 1990 in respect of a contribution of £42,838.25 towards the provision of community facilities within the Parish of Theydon Bois. Should the S106 agreement not be completed by the end of that day Officers are instructed to reassess the merits of the proposal and are given authority to refuse to grant planning permission under their delegated powers.**

*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 Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))*

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

#### **Description of Site:**

The application site comprises a redundant public house and associated car park situated on the south side of Station Approach opposite its junction with Slade End. The eastern site boundary is enclosed by a lleylandii hedge and immediately beyond the southern site boundary within a garage court is a pair of poor sycamores. Existing pub buildings enclose the western site boundary.

The site is at the eastern edge of the Theydon Bois local centre, as defined in the Local Plan Alterations, less than 100m from the entrance to Theydon Bois Underground Station and a similar distance from the open space at Theydon Green, which is designated as part of Epping Forest in the Local Plan proposals map.

Immediately to the east of the site is a three-storey block of 8 flats, Octave House, beyond which is a block of 18 flats, Willingale Court. A private drive leading to a group of garages immediately south of the site bounds its western boundary. South of the garages Abridge Road is elevated above the site level. Beyond the drive bounding the western site boundary is a modern two-storey terrace of 4 houses and beyond them is the Bull public house. Local shops are concentrated on Station Approach, Forest Drive and Coppice Row, all within approximately 100m of the site. A further pub, The Queen Victoria, is situated off Coppice Row within 200m of the application site.

#### **Description of Proposal:**

It is proposed to redevelop the application site to provide 10 flats within a building of varying heights that would be built around the site boundaries. The mix of dwellings would be 4 one bedroom and 6 two bedroom flats. Ten parking spaces, cycle parking and bin storage would be provided within the enclosed courtyard area/undercroft.

The building would be 2 ½ storeys high where it fronts Station Approach and at the southern end of the site and 2 storeys on the western site boundary. The building would be of traditional design with generally steeply pitched roofs, predominantly gabled in design. The 2 storey element would

have very low eaves on its western flank abutting the private drive such that first floor windows would be rooflights in a relatively shallow pitched roof. There would be no west facing ground floor windows in that part of the building, which would provide undercroft parking.

The access to the courtyard would be via a short driveway through the centre of the northern part of the building. Ground floor flats either side of the driveway would be accessed via front doors facing the street. A narrow landscaped area would separate the front elevation from the street.

The applicant offers to pay a sum of £42,838.25 towards the provision of community facilities within the Parish of Theydon Bois and at the time of preparing this report is preparing a Unilateral Undertaking which would secure the payment.

### **Relevant History:**

None

### **Policies Applied:**

CP2	Quality of Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
H2A	Previously Developed Land
CF12	Retention of Community Facilities
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

NPPF

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

Number of neighbours consulted. 19  
Site notice posted: Yes  
Responses received: 3 from neighbours.

#### **6 OCTAVE HOUSE, STATION APPROACH, THEYDON BOIS**

I am the owner of 6 Octave House, but live at 23 Hill Road, Theydon Bois. I am concerned that sufficient parking is allocated to this development, more than one space per owner, as traffic congestion can be severe and dangerous at certain times of the day. Also, that the line of enormous conifers bordering Octave House be removed.

#### **20 CHURCH LANE, LOUGHTON**

1. The conifers adjoining Octave House, next to the Railway Arms should be removed.
2. Adequate parking should be provided for residents of all the flats proposed

THEYDON BOIS PARISH COUNCIL: No objection

## **Main Issues and Considerations:**

This application follows pre-application consultation by the applicants with Officers, Theydon Bois Parish Council and local residents. The proposed development would be an appropriate reuse of previously developed land within an urban area. Although within part of the designated local centre the proposal would not result in any loss of a retail unit. Since the site is bounded by existing housing and flats, the residential use of the site would complement the existing pattern of uses in the locality.

Having regard to its location, within 100m of an Underground Station and local shops with easy access by foot to amenities the application site is found to be in a highly sustainable location. The level of parking provision at 1 space per flat is therefore found to be appropriate. The Highway Authority concurs and comments "The proposed development will not generate any additional vehicle movements over what the lawful use of the site could, if anything there will be a reduction in movements. The parking provision is considered appropriate given the accessible location of the proposal."

The proposal does not include the amount of private amenity space that would normally be required for flats within a residential area, but is not uncommon for a town centre location such as this. In this case the shortfall is adequately mitigated by the very close proximity of the site to publicly accessible green open space at Theydon Green.

The loss to the leylandii hedge on the eastern site boundary and two poor sycamores south of the proposed building is found to be acceptable by the Council's Tree and Landscape Team.

In terms of general design, the proposal would relate well to the street while its height and massing would be an appropriate transition between the blocks of flats to the east and terrace of houses to the west. The design would keep vehicles hidden from the street and incorporate appropriate refuse storage facilities. The detailed design of the proposal is traditional with an appropriate mix of external materials including, black weatherboard, red facing brickwork and red tiles. As a whole the proposal would make a positive contribution to the street scene and enhance the character and appearance of the locality. Nonetheless, it is necessary to require subsequent approval of actual materials by way of a condition.

The proposal was revised following pre-application consultation to safeguard the amenities of the nearest adjacent house, 16 Station Approach, by reducing the bulk of that part of the building on the western site boundary projecting beyond its rear elevation. In particular, the eaves level was dropped significantly to reduce the visual bulk of that element. As a consequence the proposal is found to safeguard the living conditions of all neighbouring dwellings. In order to safeguard the amenities of neighbours during construction, a limitation on demolition and construction hours in accordance with an approved construction method statement is necessary.

Given the proximity of other public houses to the site and information from representatives of the former owner of the site, Enterprise Inns, there is no doubt the public house is not viable as a business. However, the loss of the public house, even though it has been vacant for some time, amounts to the loss of a community facility and adopted Local Plan policy seeks either the provision of alternative community facilities for which there is an identified need at the site or an appropriate commuted sum to achieve off-site provision. There is no identified community facility required in the locality that could appropriately be located at the application site, however, informal advice from the Parish Council is that existing leisure facilities within Theydon Bois require enhancement. The financial contribution offered by the developer to assist such provision within the Parish is appropriate to mitigate the loss of the public house in these circumstances.



Essex County Council has in addition identified a need for a financial contribution towards education provision in the locality arising from the development. It advises the development will add to the existing forecast need to provide for additional primary school places at Theydon Bois Primary School. It advises the school has capacity for 315 pupils and on present forecasts one additional place will be required by 2017. In relation to secondary school provision, advice is that there should be sufficient places at St Johns CE School to meet the needs of the development, but since the school is over 3 miles from the application site the County Council is obliged to provide transport to the school. The County requests its additional costs in providing education arising from the development for a 5 year period be met by the developer through a S106 agreement. The total cost is calculated to be £11,885.

The applicant was requested to agree to make the contribution to education provision requested by County. While the applicant agrees to do so, he finds the viability of the development would be affected and in order to avoid that he would have to reduce the level of contribution towards the provision of community facilities by the level of education contribution. Furthermore, the applicant points out the need to make the education contribution was not identified by Officers in pre-application discussions.

Some consideration has been given to the applicant's position. Although no viability assessment is submitted with the application Officers are aware the matter of an appropriate level of contribution for community facilities was the matter of considerable negotiation between the developer and Theydon Bois Parish Council prior to the submission of the application. It appears the Parish has secured the maximum level of contribution the developer is willing to give. Moreover, the application is accompanied by robust evidence from the applicant concerning the need for a contribution for community facilities and it is a fact that the weight that can be given to Local Plan and Alteration policy is determined by the extent to which it is consistent with the National Planning Policy Framework. On that basis Officers agree the only reasonable way to secure the education contribution is by reducing the level of contribution for community facilities by a corresponding amount.

The matter of reasonableness has also been considered in the context of the relatively recent decisions to give planning permission for a development of a similar number of flats at Darlington, Coppice Row. That development, which was for predominantly two bedroom flats, was given on 24 November 2011 and was subject to a S106 agreement. That agreement was only in respect of a contribution for community facilities. That decision is a material consideration when assessing this application and weighs in favour of not pursuing the request for an education contribution.

In the circumstances, Officers have no difficulty with a planning consent given with a requirement to only secure the level of contribution to community facilities offered by the applicant following negotiation with Theydon Bois Parish Council. Should Members also find it necessary for the development to include a contribution towards education provision that would also be a reasonable position to take. If Members wish to pursue the education contribution, the developer is agreeable provided the contribution to community facilities is reduced by a corresponding amount. Having regard to the negotiation regarding the level of community contribution prior to the submission of this application, that is found to be acceptable.

### **Conclusion:**

The proposed development would make good use of previously developed land in a sustainable location. It is well designed and would make a positive contribution to the character and appearance of the locality while safeguarding the living conditions of neighbours.

The offer of a contribution of £42,838.25 towards off-site provision of community facilities within Theydon Bois is in accordance with adopted planning policy and would offset the loss of the site

for a public house. It is therefore recommended that conditional planning permission for the development subject to a S106 agreement be granted.

The request by the County Council for a contribution towards education provision is, of itself, reasonable. However, the relatively recent grant of planning permission to redevelop Darlington's for a similar number of flats did not depend on securing such a contribution. That consent only secured a contribution for community facilities and is a material consideration that weighs against securing an education contribution in this case. Nonetheless, should Members wish to secure the requested contribution for the County Council, the applicant is agreeable subject to the contribution to community facilities is reduced by a corresponding amount. That would necessitate a decision to give planning permission subject to a S106 agreement securing an education contribution of £11,885 and a contribution to community facilities of £30,953.25.

***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:***

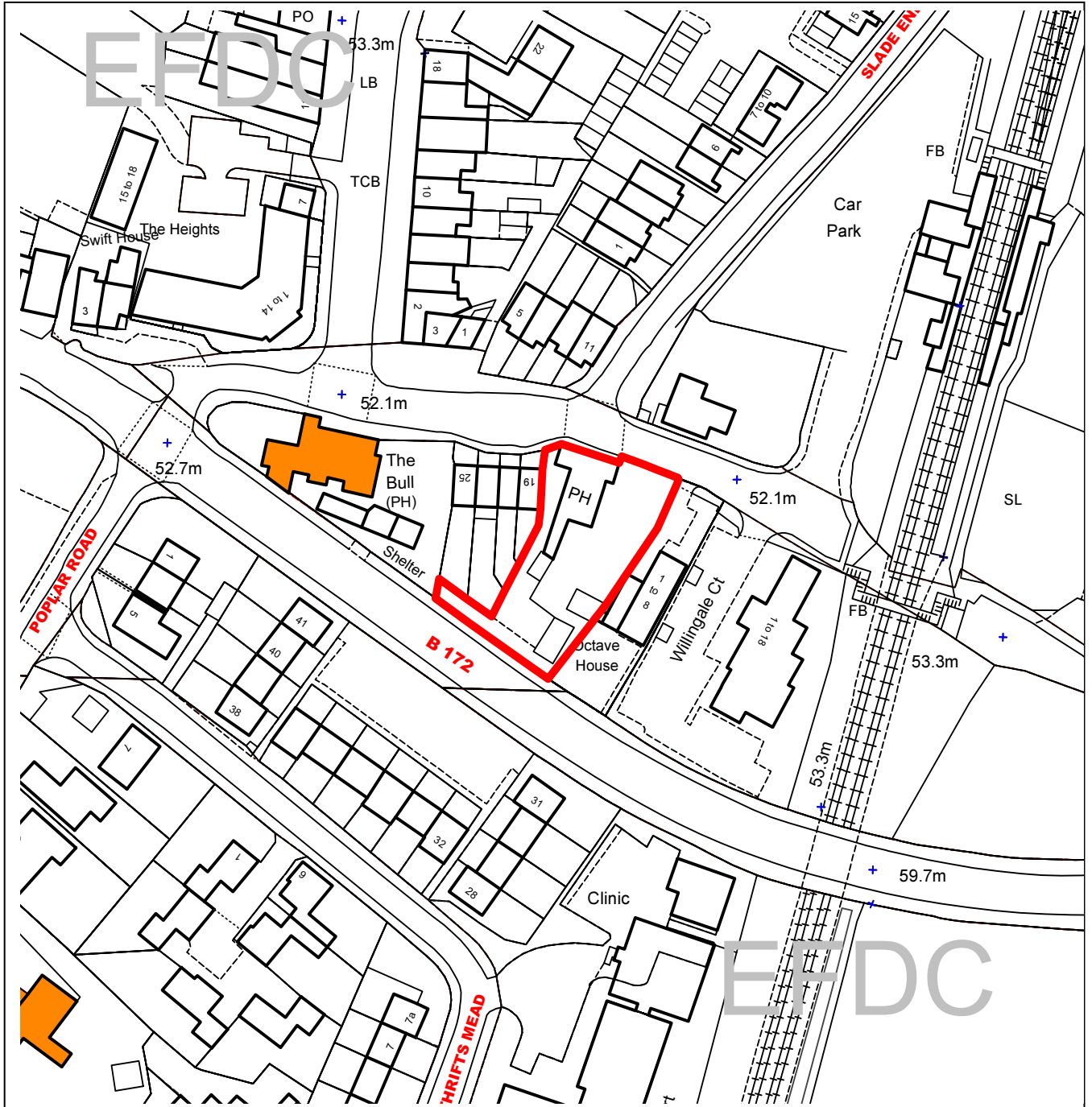
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/2256/12
Site Name:	The Railway Arms, Station Approach Theydon Bois, CM16 7HR
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2270/12
<b>SITE ADDRESS:</b>	23 Chapel Road Epping Essex CM16 5DS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Terry Newland
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of two storey side extension and erection of a single 3 bedroom dwelling. (Revised application)
<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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543643](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543643)

**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 No's 1252:001A, 002B.
- 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 in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 The proposed window openings in the 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.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B and D shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

8 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.

9 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 if appropriate. The development shall be carried out in accordance with those approved details.

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

11 No windows other than those shown on the submitted plans shall be inserted in the rear or flank elevation walls without the prior written approval 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 Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Site:**

Chapel Road contains a mix of dwelling styles including two storey semi detached dwellings and short runs of terraces. There are some modern buildings, particularly to the south west of the road, but largely the dwellings date from the Victorian/ Edwardian era and this is certainly the case in the immediate vicinity around the proposal site. A lot of the houses retain features such as canted bay windows with decorative gabled roofs above, front recessed doors with arched entrances and wrought iron railings, typical of houses from this era. This provides a relatively charming setting.

The application site also contains a dwelling dating from this era which retains some original features but has been unsympathetically extended to the side by a two storey extension dating

from the 1970's. The site slopes steadily from front to rear and as such includes a basement area with access to the rear garden. Plots in the area are uniform however No23 is effectively a "double width" in comparison to adjacent sites. There is a heavy screen of vegetation on the rear boundary of the site.

### **Description of Proposal:**

The proposal is a revised application following the withdrawal of a recent application (EPF/1425/12). This proposal is to demolish the two storey side extension and replace it with a two storey house. The dwelling would have a deep roof, hipped at the front and gabled at the rear. The scheme would be largely two-storey with a single storey projection at basement level. The two storey element would measure 5.5m wide x 11.2m deep. The single storey element would project for another 5.0m into the site and would have a flat roof with lantern style feature. Owing to the fall in ground level the eaves height would measure 5.2m to the front and 7.0m to the rear. The ridge level would be 8.5m to the front and 9.7m to the rear. The rear garden area would be subdivided to create two separate amenity spaces. One parking space would be created within the site by way of an internal garage.

This application differs from the original in that the ridge level and eaves of the dwelling have been reduced, the accommodation in the roof has been omitted and an undercroft parking space has been replaced by an internal garage. The front porch has been reconfigured to a design similar to the host dwelling and nearby houses.

### **Relevant History:**

EPF/0608/78 - Details of alterations and two-storey side extension (garage, lounge, bedroom and bathroom). Grant permission - 02/06/1978.

EPF/1425/12 - Demolition of two storey side extension and erection of a single 3 bedroom dwelling. Withdrawn Decision – 15/11/12.

### **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
CP6 – Achieving Sustainable Urban Development Patterns  
CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE3 - Design in Urban Areas  
DBE6 – Parking in New Developments  
DBE8 – Private Amenity Space  
DBE9 – Excessive Loss of Amenity to Neighbouring Properties  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H2A – Previously Developed Land  
H4A – Dwelling Mix

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 relevant policies in existing plans

according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **SUMMARY OF REPRESENTATIONS:**

EPPING TOWN COUNCIL: Objection. Despite the addition of a garage committee object to this application for the same reasons as application EPF/1425/12, believing that the proposal, if approved, would lead to the overdevelopment of an already crowded streetscene. Committee also queried the application for a three bedroom house when the plans show four bedrooms.

11 neighbours were consulted and a site notice displayed adjacent to the property – 2 replies were received.

25 CHAPEL ROAD: Objection. Further to our comments on the last application (EPF/1425/12) we again wish to register our strong objection and do not feel the proposal has been sufficiently modified to mitigate harm. We have concern that such an overbearing structure will result in an excessive loss of daylight to windows serving our main living areas. The important main living areas in our house face west, directly towards the proposed development. We are concerned that an approval of this scheme would impinge seriously on our living conditions. We believe this will be contrary to local policy DBE9. Due to the orientation of our property and the height of this construction we feel there will be significant overshadowing. There will be serious overshadowing of our garden area which faces south. We believe this conflicts with local policy DBE2. We feel that the proposal will result in overlooking of our property and of properties in Crows Road to the rear of the site. We also have concern about side facing windows facing our property. We believe another dwelling would result in an overdevelopment of the site contrary to Policy DBE1. The current dismal parking situation in Chapel Road will be exacerbated by this proposal. We have concern about disruption and issues around road safety during the construction.

27 CHAPEL ROAD: Objection. Although the revised drawings show that the roof height has been reduced by a metre we still feel the front aspect of the houses will be bulky, dominant and overpowering in regards to the surrounding buildings. The proposed plans show the property extending down the garden. This in combination with the bay windows will mean that there is virtually no part of our garden that won't be overlooked. We will have a total loss of privacy if the plans are accepted. This proposal will exacerbate the parking situation on Chapel Road which also has to deal with an overspill of parking from St John's Road.

### **Issues and Considerations:**

The main issues that arise with this application relate to;

- Principle of the Development
- Design Considerations/Streetscene
- Residential Amenity
- Highway Matters/Parking

#### **Principle of the Development**

It can be generally accepted that the existing side extension is an addition to the dwelling which did little to enhance the property and its removal would raise no objection. The plot of No23 is also double width in comparison to adjacent neighbouring plots and it is conceivable that a residential unit could be accommodated on the site. Government guidance recognises the appropriateness of such development if it conforms to the character of the area. As the general character of this area is small residential properties this proposal has the potential to do this. Therefore the proposal could make some small contribution to meeting the housing needs within the district whilst

complying with both national and local planning policy. It is therefore considered that, notwithstanding other material planning considerations, the principle of residential development on the site is acceptable. The Town Council have concerns that the proposal represents an overdevelopment of the site but as the plot is "double width" this argument is not accepted in this case. Indeed the proposal represents a more efficient use of previously developed land in line with policy.

### Design Considerations/Streetscene

There was a concern with the previous proposal that the ridge and eaves height and the use of the roof area for accommodation was resulting in a development which would have an over dominant impact on the streetscene. The proposed changes are aimed at addressing this concern. The character of the immediate area has a good degree of charm owing to the proliferation of period dwellings in the immediate vicinity around the development site. This is a character which is worth preserving. This proposal does reference some of the neighbouring buildings with the use of brick quoins and decorative brickwork around the openings. Furthermore, the design of the porch has been altered to imitate the original porch design of the host dwelling and other examples nearby which is in keeping with the surrounds and a positive attribute of this scheme. This is a design feature worth preserving and as such it is reasonable to remove Part D permitted development rights which allows the construction of porches. The under croft parking space proposed on the previous scheme has also been removed and a full internal garage is therefore proposed similar to other examples nearby. A front bay window feature would have been more in keeping, however it is appreciated that there is a need to be conscious of parking issues in the immediate vicinity. As a design feature it raises no strong issues of concern and perhaps the parking issue should take precedence at this location. A condition ensuring the garage remains for the parking of vehicles is deemed necessary in this instance.

As stated, the excessive height of the eaves and ridge and the use of the roof area for accommodation were resulting in a dwelling which would appear visually prominent in the streetscene, particularly the issue with the eaves and ridge. These have been reduced significantly and the second floor windows in the front and rear elevation have been omitted. This reduces the dominance of the proposed construction and what results is a dwelling which would generally blend well into the existing streetscene and would be a marked improvement over the existing side extension. The use of suitable materials should ensure a development which could make a positive contribution to the streetscene.

The proposed single storey element of the scheme is relatively deep. However it is largely below the level of the roadway and a lantern feature is proposed to break up the depth. It is an acceptable element of the scheme.

Windows and a Juliette Balcony which were in the apex of the rear elevation on the original submission have been removed which reduces the vertical emphasis of this section of the building. It is deemed reasonable to remove permitted development rights for Class A and B extensions to prevent excessive further encroachment into the rear garden. It is not deemed reasonable to remove Class C for rooflights as such a feature on the side or rear roof slopes would not add to the vertical nature of the dwelling which has previously been a concern.

A further attribute of the scheme is that the proposed development would result in a return to the original form of the pair of semi detached dwellings (No21 and 23) which have some degree of architectural merit. This would have benefits with regards to the general ambiance of Chapel Road.



### Amenity

The proposed development would extend the built form much further into the site than the existing extension. The adjacent neighbour (No25) has raised concerns with regards to loss of light to windows on the side elevation. This elevation of the dwelling is north west facing and would therefore only receive sunlight in the later part of the day. This dwelling is served by a number of side facing windows. These serve a dining area, kitchen, upstairs bedroom and landing area. The kitchen window is located well to the rear of the site and this area is also served by a rear facing window, there would therefore be no significant impact. The dining area would suffer some loss of natural light but in the later part of the day. This would not have a serious impact on amenity. The upstairs landing window does not serve a habitable room and therefore loss of light is not a significant issue. The upstairs window serving the bedroom would be overshadowed. This is the only window serving the room. However the built form would retain a reasonable gap to the side elevation of this property. The outlook from this window would also be slightly compromised. However existing outlook from this window is not one of the positive characteristics of this dwelling. There would however be some impact on the amenity of the neighbouring occupants and this is recognised, but it is considered on balance this is not excessive in terms of harm and is not sufficient to warrant refusal.

The adjacent neighbour has also expressed concern about the proposed side facing windows on the proposed dwelling. The windows at first floor level can be reasonably conditioned as obscure glazed. It is not the normal practice to condition ground floor windows as obscure glazed. There is a fall from the proposed dwelling to the adjacent neighbours and as such the window would be on a slightly higher level than the dining room window. It does serve an entrance hall which would not be in constant use. However it is considered that the fall in levels could give rise to overlooking and a condition requiring this window to also be obscure glazed is deemed necessary. Generally the proposal will result in the removal of first floor side facing windows at No23 which look directly towards the side facing windows at No25 and result in mutual overlooking. Therefore concerns about overlooking would to some degree be alleviated with this development.

The neighbours at No25 and No27 have expressed concerns that the proposed development would result in a loss of privacy to rear garden/patio areas. All windows on the rear elevation face down the proposed garden area. This is the conventional arrangement with housing development, and in urban areas some level of mutual overlooking is to be expected. The windows at first floor on the proposed dwelling replace existing windows in the extension albeit further into the site. It is therefore considered that the overlooking of private amenity space is not a serious concern with this development.

The host dwelling will generally be unaffected by the development. The single storey rear extension would be quite deep at the boundary but as it is adjacent to a cellar window there would be no serious impact.

### Parking

One parking space is proposed with this development and this would be located to the front of the dwelling. As stated, a suitable condition can at least ensure it remains available for this use. In an urban area with good transport links this is an adequate provision for the new dwelling. Local plan policies, such as CP3 and ST1 encourage developments in sustainable locations that are well served by public transport and promote the reduction in private car use. This is supported by the recently adopted National Planning Policy Framework (NPPF) which among its core policies includes a desire that Local Planning Authorities “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made more sustainable”. The site is in close proximity to local shops and services and is a short walk from public transport including bus routes and the tube station. Although a moderate/high level of on street parking is recognised in the immediate area it is

considered that an additional dwelling would not excessively increase this scenario and the drive both nationally and locally for more sustainable forms of development should take precedence. Therefore one parking space is deemed a reasonable provision. It is not considered that there would be issues with regards to road safety and a crossover to provide access to the garage would not require planning consent.

#### Land Drainage

A condition requiring approval of surface water drainage details is deemed necessary in this instance.

#### Contaminated Land

A condition requiring the applicant to stop works if contaminants are found on site is deemed necessary.

#### **Conclusion**

The proposed development would result in the more efficient use of brownfield land which is in compliance with both local and national policy objectives. The design has been modified from the original submission and this proposal would not appear out of place within the existing streetscene and would aesthetically improve the surroundings by replacing a poorly designed extension with a modern replacement. Some impact on the amenity of the adjacent neighbour is recognised but this is not deemed excessive. Suitable conditions controlling materials and future development at the site are deemed necessary and such provisos would render this development acceptable in planning terms. It is therefore recommended that the application is approved with 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:***

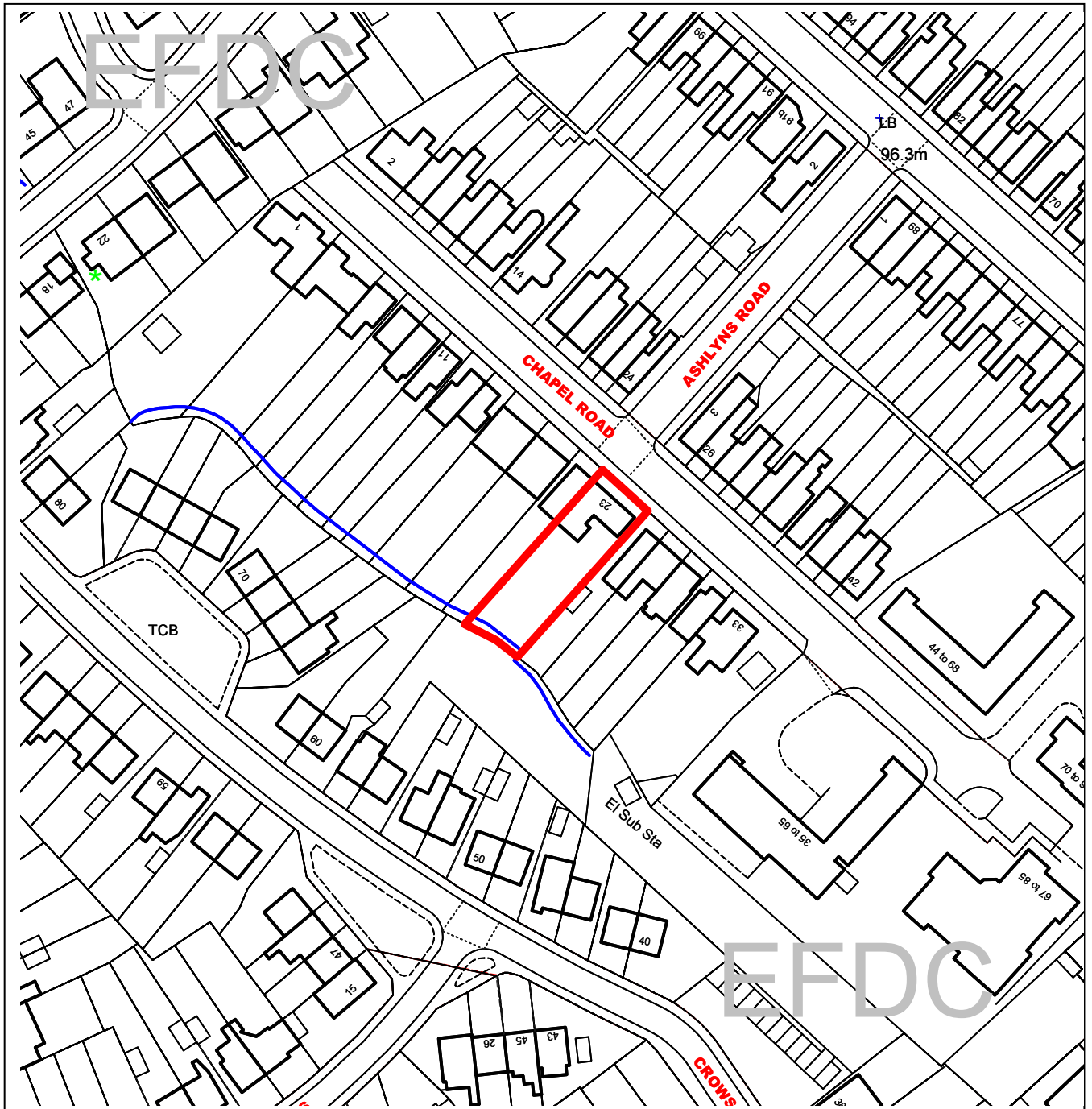
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/2270/12
Site Name:	23 Chapel Road, Epping CM16 5DS
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2298/12
<b>SITE ADDRESS:</b>	20 St. Peters Avenue Ongar Essex CM5 0BT
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>APPLICANT:</b>	Mr Craig Pope
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use to allow the premises to be used as a take away (Class A5). (Revised Application)
<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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543780](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543780)

**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: Site Location PAn licence no. 100047474, 002/DRW01B, 002/DRW02B, 002/DRW03B
- 3 Prior to the use of the site by the public, the extraction equipment as approved shall be installed and retained thereafter in good working order. The equipment shall be maintained and checked in accordance with the manufacturers recommendations or as otherwise deemed appropriate by the Local Planning Authority.
- 4 The use hereby permitted shall not be open to customers outside the hours of 11:00 to 21:00 on Monday to Saturday and at no time on Sundays and Bank/Public Holidays.

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

### **Description of Site:**

The application site is an existing A2 (Financial and Professional) unit located within the local centre of St Peter's Avenue, Ongar. The unit is one of four units within this small retail area and contains residential flats above. The surrounding area is predominantly residential, however to the immediate rear of the site is a residential garage area and to the immediate west is a playground. The majority of the surrounding area, including the shop units themselves, are still Council owned.

### **Description of Proposal:**

Consent is being sought for the change of use from A2 (Financial and Professional Services) to A5 (Takeaway).

### **Relevant History:**

*With regard to this specific property the following application is relevant:*

EPF/1560/12 - Change of use to allow the premises to be used as a takeaway (Class A5) and installation of canopy and extraction system – refused 02/10/12

*The following planning applications for No. 32 St. Peters Avenue (which lies at the other end of the block of 4 units) are considered relevant:*

EPF/0824/05 - Change of use to A5 Chinese take-away – refused 24/08/05

EPF/0861/05 - Change of use from A1 (carpet shop) to A5 (take-away food shop) Installation of new extraction flue at rear – refused 24/08/05

EPF/0452/06 - Change of use to allow premise to be used as a take-away (use class A5) and installation of new extraction flue at rear – refused 27/04/06

EPF/0267/08 - Change of use from A1 to A3 cafe/tea shop – approved/conditions 13/05/08

*Along with the following relevant planning application for No. 26 Fyfield Road (approx. 300m away):*

EPF/1341/05 - Change of use from shop (A1) to takeaway (A5) – refused 19/09/05

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment

TC1 – Town centre hierarchy

TC6 – Local centres and corner and village shops

DBE1 – Design of new buildings

DBE9 – Loss of amenity

RP5A – Adverse environmental impacts

ST4 – Road safety

ST6 – Vehicle parking

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

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

26 neighbouring properties were consulted.

TOWN COUNCIL – The Council maintains its strong objection to this proposal and feels the revisions do not substantially mitigate the concern it feels about intrusion, parking difficulties and nuisance to neighbours that are of concern to members of the public who have made representations to the Council. In addition the provision of a low level extractor outlet appears to carry a very significant risk of odour impacting on the upper residential area of the building, especially if at any time the filtration system failed or was not properly maintained.

PETITION SIGNED BY 25 PEOPLE FROM ST PETERS AVENUE – Object due to additional traffic and the impact on road safety and parking, increased litter and vermin as a result, odours and noise nuisance to surrounding residents, and as there is no need for such a facility within this location.

17 ST PETERS AVENUE – Object as this would worsen the existing anti-social behaviour problems in the area and it would result in increased noise and litter.

SHELLEY FISHERIES, 3 MORETON ROAD – Object as it will restrict their sales and there is no need for another facility such as this within the area.

### **Issues and Considerations:**

The main issues with this application relate to the principle of changing the use of this unit and its effect on the shopping parade, surrounding residents and the area, and regarding parking/highway issues. The previous application was refused planning permission for the following reasons:

**The proposed use is considered to be out of character within this predominantly residential area and is likely to result in disturbance to neighbours, seriously and adversely affecting their amenities, contrary to policies DBE9 and RP5A of the Adopted Local Plan and Alterations.**

**Inadequate information has been provided to ensure that the proposed extraction equipment would not result in undue odour and noise nuisance to neighbouring residents or create a visually incongruous feature out of keeping with the appearance and character of the area, contrary to policies CP2, DBE1, DBE9 and RP5A of the adopted Local Plan and Alterations.**

The differences within this revised application over that previously refused are as follows:

- The proposed opening hours have changed from 12:00 to 23:00 Monday to Saturday to 11:00 to 21:00 Monday to Saturday (no Sundays or Bank Holidays)
- The proposed extraction equipment has been altered as a result of discussions with the Council's Environmental Health Officer.
- The applicant has submitted photographs of the level of on-street parking available within the immediate vicinity of the site. The photographs were taken on Wednesday 14<sup>th</sup> November at 10:45, Thursday 15<sup>th</sup> November at 15:30, Thursday 22 November at 12:05 and 15:23, Friday 23 November at 09:44, and Thursday 29<sup>th</sup> November at 15:00 and 19:00. At these times there is an abundance of on-street parking available.
- The applicant has submitted the following response to the concerns previously raised by neighbours:
  - a) *With reference to the concerns on anti-social behaviour that already exists in the area, we will ensure that the CCTV that we have installed in the property remains and continues to be accessible to the police and other relevant parties. We support the efforts to reduce the anti-social behaviour and will continue to participate to help improve the area.*
  - b) *In respect to the anti-social behaviour we have introduced restricted opening hours 11am-9pm to avoid the tak away being a magnet for groups of youths. It has been*

*noted by the neighbours that groups of youths and anti-social behaviour already exists, therefore the introduction of a takeaway cannot be accountable for such behaviour and we will continue to liaise with police and the parish council to help reduce such behaviour.*

- c) The takeaway will be offering a free delivery service that ultimately reduces the need to drive and collect. The neighbours concerns on traffic and parking shouldn't be an issue. Most residents within the Queensway and surrounding areas are likely to collect on foot or will simply utilise the free delivery service.*
- d) The delivery vehicle will be parked at the rear of the premises therefore not taking up any resident parking.*
- e) Also in relation to the concerns on parking we are undertaking our own case study and taken photographs of the parking conditions at various times of the day. Please refer to our photo sheets numbered 002/PH02-06 for the analysis on parking that highlight the fact that there are available parking spaces on the main road throughout most of the day and night and the neighbours stating 'spaces are always filled' is proven inaccurate.*
- f) After each trading day any litter outside the premises relevant to the takeaway will be collected by the employees and disposed of in the waste bins provided.*
- g) The kitchen extraction system will be fitted with a carbon filtration system that eliminates any odour that may be present. Careful consideration of the shop layout and positioning of the extraction has enabled us to locate the external flue at the very rear of the property... which is away from the windows of the residents above the premises therefore minimising any impact on them and the surrounding area. The position of the flue means there is no need to have the flue running up the external walls of the premises above subsequently reducing the eyesore that this would be.*

#### Impact on the shopping parade:

The most relevant policy for the change of use of units within local shopping parades is TC6, which states:

**The Council will not grant planning permission for the change of use to any non-retail use of shop premises which are in the local centres identified on the Proposals Map, corner shops and village shops unless it can be demonstrated that:**

- (i) there is no market demand for a retail use; or**
- (ii) the service provided is to be continued in another location in the village or locality; or**
- (iii) the new use would meet an identified community need.**

As the existing unit is in A2 use this is already a 'non-retail use' and as such the above policy would be somewhat redundant in this instance. Therefore, the main issue in terms of the proposed change of use is as stated within policy TC1, which is that "*the Council will, in principle, permit proposals which should sustain or improve the vitality and viability of any of the centres*". The St. Peter's Avenue shopping parade contains four units consisting of a café (A3), an office (A2) (the application site), a local shop (A1) and a hairdresser (A1).

The proposed change of use would not result in the loss of a retail unit, and a takeaway would be a common unit to find in a small shopping parade such as this. Objections have been received stating that there is no need for a takeaway in this location, including by the nearby Fish & Chip shop within Moreton Road. Whilst it is unfortunate that the intended user of this site would also be a Fish & Chip shop, which would result in an element of competition to the existing unit some 320m distant, such competition is not a material planning consideration. Furthermore, the proposed use would be for A5 Takeaway and would not be specific to a Fish & Chip shop, and

therefore whilst the present intended user is a Fish & Chip shop any other takeaway could occupy the unit if permission is granted for A5.

Residential amenity:

A relatively high number of objections have been received with regards to the potential impact the proposed change of use would have on the amenities of surrounding residents. The main concerns with this are due to noise and odour nuisance, increased litter and related health issues, parking and highways concerns (dealt with separately below), and with regards to anti-social behaviour.

Formal and informal consultation has taken place with Environmental Health and the Council's Safer Communities Officer. With regards to any potential odour nuisance, the revised extraction system was designed in discussion with the Council's Environmental Health Officer and is now considered to be adequate. A condition can be added to ensure that this system is installed and maintained. Should the system fail or not be maintained to the required standard, then action could be taken by Planning Enforcement against non-compliance with a planning condition and/or by Environment Health for odour nuisance.

In terms of potential noise nuisance, the proposed opening hours of the takeaway have been reduced from 12:00 to 23:00 Monday to Saturday to 11:00 to 21:00 Monday to Saturday and at no time on Sundays and Bank Holidays. Whilst the previous application for change of use to A5 at No. 32 St Peter's Avenue which was refused in 2006 did not specify opening hours, the Officer's report to Committee recommended a restriction of 17:00 to 22:30 Monday to Saturday and 17:00 to 22:00 on Sundays and Bank Holidays, Members however, considered this would adversely affect the amenities of surrounding residents, and in particular those residing above the shops. The opening hours of the units within this row appear to be:

- No. 24 (Hairdressers) - until 18:00 Monday to Wednesday, closed on Thursday and Sunday, until 19:00 on Friday, and until 18:00 on Saturday.
- No. 28 (Convenience Store including Off Licence) – Licence Hours until 23:00 Monday to Saturday and 22:30 on Sunday.
- No. 32 (Café) – Until 18:00 Monday to Friday, until 13:00 on Saturday and closed on Sunday.

The revised suggested opening hours of 21:00 are considered more acceptable and appropriate within this largely residential area, particularly when considering that the adjacent convenience store is licensed to sell alcohol until 23:00.

In terms of anti-social behaviour, the previous application was considered by the Council's Safer Communities Officer, who did not consider that this proposal would result in an increase in anti-social behaviour. The level of anti-social behaviour within this location has dropped over the last year and none of the complaints received have been related to the shops (although some have related to the communal areas of the residential flats above the shops). The area is covered by CCTV and there are currently no live cases for this location. The Fish & Chip shop located on Moreton Road have no reports of attracting anti-social behaviour, and it is therefore not expected that this proposal would either. No evidence has been provided to justify or corroborate the claims of anti-social behaviour and, as such, the objections on these grounds are given little weight.

Issues with regards to litter and potential health issues (such as vermin) are dealt with by separate legislation/services and therefore do not form a material planning consideration.

Whilst the applicant has stated that certain measures will be undertaken to overcome/reduce the impact on neighbours, such as the retention of the CCTV system, free deliveries, and the clearing of litter by employees, these measures cannot be controlled by way of a condition and therefore are given little weight in this application. However, notwithstanding this, the revised application



(due to the reduced opening hours) is not considered to be unduly detrimental to neighbours amenities.

Parking/Highways:

Objections have been received with regards to inadequate parking provision to serve the proposed change of use, and the associated highway safety concerns that would result from this. The existing shops are located adjacent to two car park areas and there is on-street parking available within the surrounding roads. Given the location of this parade of shops within a somewhat enclosed residential area, it is envisioned that the predominant customer catchment would be the local residents who are within walking distance of the unit. The application site is not located on a through road that benefits from passing traffic, and as such the level of vehicles at the site at any one time would likely be fairly low. Furthermore, the previous application and the proposed change of use of No. 32 St. Peter's Avenue to A5 in 2006, which was a committee decision, were not refused due to any lack of vehicle parking or highway safety concerns. As such, it is not considered that this issue would be a sufficient reason for refusal.

**Conclusion:**

The revised application has reduced the opening hours of the takeaway from 23:00 to 21:00, which would reduce the harm to neighbours amenities. The proposed extraction equipment has been designed in discussion with the Council's Environmental Health Officer and would not result in any undue harm to nearby residents (including those above the shops). As such, the proposed development complies with the relevant Local Plan policies and is therefore recommended for approval.

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

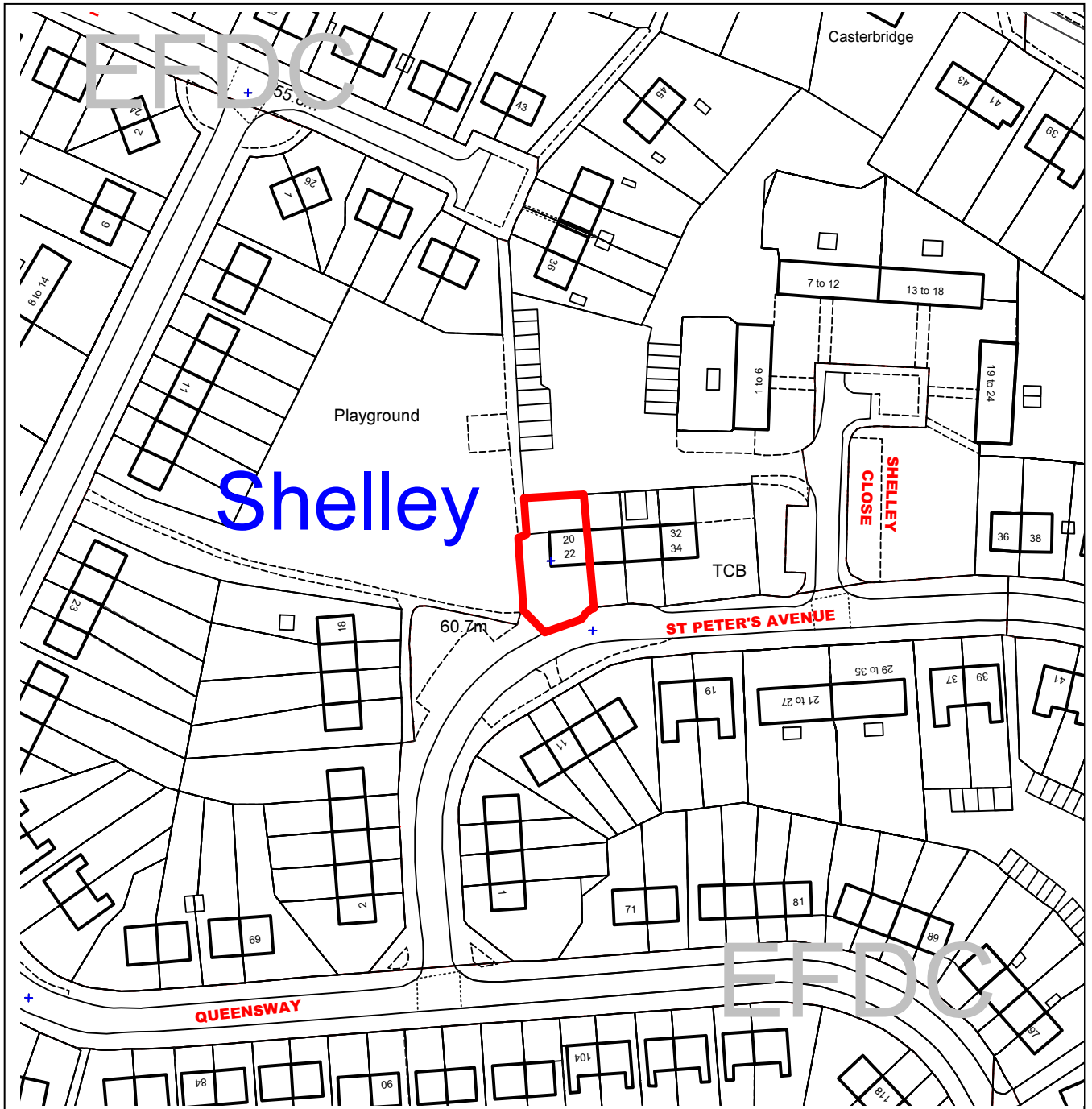
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/2298/12
Site Name:	20 St. Peters Avenue, Ongar CM5 0BT
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2320/12
<b>SITE ADDRESS:</b>	11 School Green Lane North Weald Epping Essex CM16 6EH
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mrs S Cooke
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garage, erection of detached three bedroomed dwelling and formation of new vehicular access off School Green Lane.
<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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543881](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543881)

**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: BRD/11/052/001, BRD/11/052/002, BRD/11/052/003
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application forms, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The access and parking areas shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 5 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.
- 6 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Site:**

The application site is located on the western side of School Green Lane on the junction with Queens Road. The site contains a semi detached dwelling with a relatively large side garden. The rear part of the garden has been sold off and developed through the erection of a single detached bungalow. The site is located within a residential area containing a mix of property types and designs. The site is located within an EFDC flood risk assessment zone.

**Description of Proposal:**

Consent is being sought for the demolition of the existing single storey attached garage and the erection of a single detached three bed dwelling to the side of No. 11 School Green Lane. The proposed dwelling would be a maximum width of 8.6m and maximum depth of 12.1m with a varied ridged roof reaching a maximum ridge height of 8.1m. The development would involve the subdivision of the front and rear garden to provide parking and amenity space to serve each individual property and the installation of a second vehicle access.

**Relevant History:**

EPF/1832/87 - Erection of single storey dwelling within the curtilage of the property (rear of) – approved 15/02/88

EPF/0104/91 - Renewal of outline consent for single storey dwelling – approved/conditions 15/03/91

EPF/0197/94 - Renewal of outline application to erect one single storey dwelling – approved/conditions 29/03/94

EPF/1872/04 - Outline application for the erection of a single storey bungalow – refused 26/11/04

**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  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U2B – Flood Risk Assessment zones

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

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

18 neighbours were consulted on this application.

PARISH COUNCIL – Object:

- It represents garden grabbing, by the use of the garden to build a new house.
- It would be a visual intrusion in to the area.
- The (parish) council is concerned at the additional strain that an additional house would put on the water and sewerage services in the area.

### **Issues and Considerations:**

The key issues in this application are the location of the development, the overall design and impact on the street scene, the potential loss of amenity to neighbouring residents and future occupiers, highways and parking considerations, and with regards to potential flood risk.

A previous application was refused in 2004 for the erection of a detached bungalow within this side garden. The reasons for refusal for this were as follows:

**The development would form a poor contrast with the existing pattern of development in the locality and consequently be harmful to the character of the locality. It is therefore contrary to policies CS4, BE1, H2 and H3 of the Essex and Southend on Sea Replacement Structure Plan (April 2001).**

**The proposed development, unsupported by a character assessment, tree survey or landscape impact assessment, is likely to result in the indiscriminate loss of a number of trees, adversely affecting the character and landscaped setting of the surrounding dwellings and their gardens contrary to policies BE1 of the Essex & Southend on Sea Replacement Structure Plan (April 2001) and policies DBE2 and LL10 of the Epping Forest District Local Plan (January 1998).**

**The application site is overlooked from neighbouring properties and this relationship would result in harm being caused to the amenities enjoyed by future occupants of the bungalow. As a consequence, it would not be possible to provide private amenity space for the bungalow that could achieve privacy on a continuing basis therefore the proposal is contrary to policy DBE8 of the Epping Forest District Local Plan (January 1998).**

### **Location**

Policies CP3 and ST1 encourage developments in sustainable urban locations that are well served by public transport and local facilities. Whilst residential curtilages no longer constitute 'Previously Developed Land' as designated within the NPPF, this does not preclude all residential curtilage from further development provided it complies with all other Local Development policies. North Weald is an existing built up urban area with local facilities and amenities within walking distance and, whilst not particularly frequent, there is a bus service that runs along the High Road. Several other single infill developments have recently taken place within North Weald such as the erection of single attached dwellings at No's. 1 High Road (2011) and 14 Harrison Drive (2012), subdivision of No. 69 High Road into two properties (2010) and erection of a new bungalow within the rear

garden (2009), along with the larger scale development of 126 houses at the Parade Ground. As such, the principle of additional residential development within North Weald is considered acceptable.

### Design

Whilst the properties within Princes Close are fairly uniform semi-detached dwellings, and the houses in Queens Road are uniform terrace properties, the dwellings within School Green Lane and the High Road vary greatly in size, type and overall design. Although the parent property is one of a pair of semi-detached dwellings, the property to the south of these (No. 7 School Green Lane) and the property opposite (No. 2 School Green Lane) are both detached two storey houses. To the rear of the site (within the former rear garden of No. 11) is a detached bungalow, and other detached dwellings are in evidence within the surrounding locality. The proposed dwelling would have a varied ridge roof that would incorporate cat slide roofs at the side and rear and jettied first floor projections. Whilst the overall appearance and success of the finished design of the dwelling would not be to everybody's tastes, design is a subjective issue. The proposed dwelling is not poorly designed and could be easily incorporated into the location without detrimental harm to the overall character and appearance of the street scene. Therefore, on balance, the design of the dwelling is considered acceptable.

The proposed dwelling would retain a gap of 2m between the proposed new dwelling and the parent dwelling, whilst also obtaining 1m minimum set back from the side boundary along Queens Road. The previous application (refused in 2004) was for a detached bungalow located to the rear of No. 11 School Green Lane adjacent to the new bungalow on Queens Road. This would have fronted onto Queens Road and would have had its private amenity space along the area of side garden to the immediate north of the parent dwelling. This would therefore have been sited the opposite way to the existing properties within School Green Lane and was a poor contrast to the existing pattern of development in the area. This proposed new dwelling however would be located adjacent to No. 11 and would front on to School Green Lane. The private amenity space would be formed through the subdivision of the existing rear garden of the parent property, and therefore would mirror the existing pattern of development within this location.

### Amenity considerations

The proposed dwelling would not extend beyond the rear wall of No. 11 School Green Lane and, whilst extending beyond the front, would be separated from the parent property by a 2m gap. The proposed flank windows to the north would overlook the public highway and the fronts of the properties in Queens Road, which do not require protection against overlooking as they face onto public areas, and the first floor windows within the southern flank would serve a bathroom and hallway so could be conditioned to be obscure glazed. The rear windows within the proposed dwelling would face onto the flank wall of No. 208 Queens Road at a distance of 13m at their closest point. As such, there would be no detrimental loss of amenity to the existing neighbours.

The previous application for a new bungalow on this site was refused in part due to the loss of amenity to future occupants. However this was due to the property sitting at odds with the character of the built form of the area. As such, this would have resulted in the 'private amenity space' of the new bungalow being overlooked by the parent dwelling and other surrounding neighbours. No such overlooking would occur with this proposal.

In terms of private amenity space, the proposed development would be expected to provide 100 sq. m. of private amenity space to serve this three bed dwelling. The rear section of the site (excluding any side garden) would be in excess of 100 sq. m. and as such the requirements of Local Plan policy DBE8 and the Essex Design Guide are clearly met. The remaining garden for use by No. 11 School Green Lane would also be in excess of 100 sq. m., so would equally meet the needs of the residents of the parent property.

### Highways/parking

The proposed development would provide at least two off-street parking spaces for the new dwelling and two spaces for No. 11 School Green Lane with adequate room for manoeuvrability and visitor parking when required. As such this proposal complies with the requirements of the Essex County Council Vehicle Parking Standards. The new dwelling would utilise the existing vehicle access to the site, with a new access proposed for the parent dwelling to the south of this. The new access would be located further away from the junction of Queens Road and would not be detrimental to highway safety.

### Landscaping

The previous application for a bungalow was refused due to the loss of a number of trees. Despite this reason for refusal, no trees were protected by way of a Tree Preservation Order and some of the trees have subsequently been removed from the site. The trees that are remaining on site are of little amenity value, however could be retained on site if the new dwelling is built. Whilst no condition to retain/protect these trees is suggested by Planning Officers, such conditions could easily be added if necessary.

### Flood risk

The application site lies within a flood risk assessment zone and the development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing runoff. As such, a flood risk assessment is required for the development, which can be agreed by way of a condition.

### **Conclusion:**

The proposed development would be located within a reasonably sustainable, urban location; would not detrimentally impact on neighbouring or future residents; proposes sufficient off-street parking provision; and would not be unduly detrimental to the character and appearance of the area. Due to this the proposal complies with the relevant Local Plan policies and is therefore recommended for approval.

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

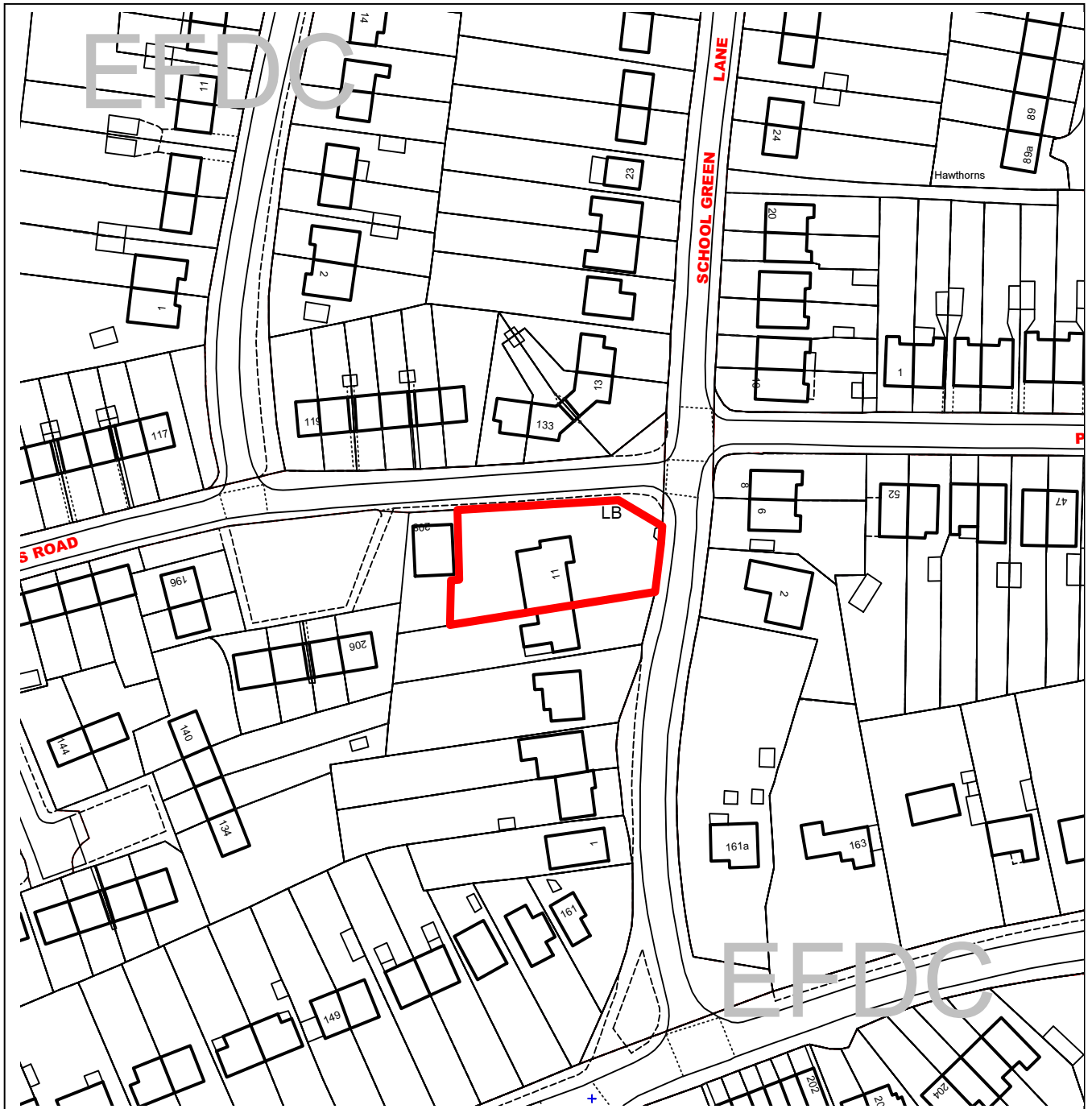
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/2320/12
Site Name:	11 School Green Lane, North Weald CM16 6EH
Scale of Plot:	1/1250



**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2347/12
<b>SITE ADDRESS:</b>	47 Moreton Road Ongar Essex CM5 0AP
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>APPLICANT:</b>	Moody Homes Ltd - Mr Colin Crawley
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow and erection of 3 no. replacement detached two storey houses including formation of new vehicular access.
<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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543986](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543986)

**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 in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening(s) on the first floor on both flank elevations of all three dwellings 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 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 and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.

- 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 and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 8 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 9 Prior to the commencement of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out entirely prior to the access becoming operational and shall be retained at all times.
- 10 No development shall take place until details of the proposed surface materials for the hard standing area towards the front of the dwellings have been submitted and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 11 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 12 Prior to the first occupation of the development, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of the carriageway and be provided with an appropriate dropped kerb crossing of the footway.

- 13 Prior to the 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.

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

### **Description of Site:**

The subject site is located on the southern side of Moreton Road approximately 160 metres west of Coles Close within the town of Ongar. The site itself is mainly regular in shape although the frontage of the site is wider than the rear and the western side boundary kicks into the site slightly. Apart from the large bank that steps up from the highway into the site, the rest of the site is mainly level with just a slight slope falling across the site from east to west.

Currently located towards the front of the site is a detached bungalow. There is no vehicle access to the site or off street parking. A mixture of vegetation is scattered throughout the site including a hedge along the front boundary that consists of shrubs and small trees.

The site is located within a well established residential area that mainly consists of double storey semi detached houses. With the exception of the existing bungalow, dwellings have consistent set backs from the highway.

### **Description of Proposal:**

The applicant seeks planning permission for the demolition of an existing bungalow and replacing it with three detached dwelling houses to be served by the formation of a new crossover.

Plots 1 and 2 would be two-storey detached 4 bed dwellings linked together via integral garages providing one undercover vehicle space for each dwelling.

The dwellings would be a mirror image to one another in terms of design and layout. The double storey element of the dwellings would measure 11.7 metres by 6.1 metres with a further single storey element (garage) projecting a further 2.4 metres from the principle elevation. The dwellings would have a gable roof form with an overall height of 7.4 metres to the ridge.

Plot 3 would be a detached two-storey dwelling 3 bed house measuring 11.4 metres by 5.6 metres with a small porch to the front façade instead of an integral garage.

The houses would be set further into the site than the existing bungalow. They would be set back approximately 16 to 18 metres from the highway and would be virtually in line with the front facades of the adjoining properties of number 43 and 49 Moreton Road to continue the established building line.

Each dwelling would have two off street vehicle spaces and own private garden area to the rear ranging from 90sqm to 136sqm.

The proposed vehicle crossover/driveway is shown to have a width of 4 metres for the first 7 metres into the site before it joins an extensive hard paved area that is to be constructed from permeable materials.

### **Relevant History:**

EPF/1555/02 - Detached house (refused 3/10/02).

EPF/2347/12 - Demolition of existing bungalow and erection of 3 no replacement detached three storey houses including formation of new vehicular access (refused and dismissed at appeal 23/8/12)

### **Policies Applied:**

Local Policies:

CP1 Achieving Sustainable Development Objectives  
CP2 Protecting the Quality of the Rural and Built Environment  
CP7 Urban Form and Quality  
DBE1 Design of New Buildings  
DBE2 Detrimental Effect on Existing Surrounding Properties  
DBE6 Car Parking  
DBE8 Private Amenity Space  
DBE9 Loss of amenity  
ST4 Road Safety  
ST6 Vehicle Parking  
LL10 Adequacy of Provision for Retention  
LL11 Landscaping Schemes

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

### **Summary of Representations**

HIGH ONGAR PARISH COUNCIL: Objects

Whilst appreciating the quality of the design which addresses most of Council's disquiet about the previous application, considerable concern remains about access and the known difficulties both on Moreton Road itself and at the site in its existing form when there is snow or ice. Additional vehicle traffic at the entrance when there are bad conditions together with the possibility of additional parking on Moreton Road, if the entrance is inaccessible means that this Council feels it has to maintain its objection until such time that safe access arrangements are provided.

Because of the levels of the site Ongar Town Council believe that in the event of permission being granted consideration should be given to applying conditions to ensure that there is no disturbance of the ground at neighbouring properties if excavation takes place at the site.

NEIGHBOURS:

Letters were sent to adjoining and adjacent property occupiers. No representations were received at the time of writing this report.

### **Issues and Considerations:**

It should be noted that this is a revised application of a previous application for 3 houses (ref: EPF/2417/11) that was refused for the following reason:

*The proposed development, due to the size, bulk, design and siting of the properties would result in a cramped and overdominant form of development, out of keeping with the character and amenity of the area and contrary to policies CP3, CP7 and DBE1 of the Adopted Local Plan and Alterations.*

The applicant appealed Council's decision but the appeal was dismissed. Within the appeal decision, the planning inspector stated that the plot is of a sufficient size to comfortably accommodate more than one dwelling on the site and was satisfied that the design and scale of the proposed dwellings were appropriate in this location given the variety of house types found locally. He also went on to say that the proposed development would not result in a harmful impact to the amenities of adjoining property occupiers and shared the same view as County Council's Highways Officer in that the development would not lead to an adverse impact upon highway safety along Moreton Road.

However the Inspector had concerns regarding the siting of the proposed development. In particular, the Inspector stated that the arrangement of the dwellings, specifically plot 3, would be at odds with the established pattern of other houses within the row, which sit consistently parallel to the highway. As such the visual harm would be unacceptable and it would be highly visible from the public domain given the elevated nature of the site and hence would be contrary to policies CP3, CP7 and DBE1 of the Local Plan.

The revised application has been amended to rectify this issue. The design, form and size of the dwellings are very similar to the previous application, although plot 3 is distinctly smaller in terms of its building footprint and it would be 3 bedrooms instead of 4. Although the layout of the hard paved area and the landscaping towards the front of the site has slightly changed, the proposed vehicle access and amount of off street parking has remained the same as previously. The main noticeable difference is that the siting of the dwelling for plot 3 has been modified so that it is no longer set at an angle to the highway, which was the main concern of the appeal inspector.

Due to the proposed re-alignment and siting of plot 3, it is officer's opinion that the proposed development as a whole has overcome the previous concern raised by the Planning Inspector. Now that the house on plot 3 faces the highway and is consistent to the front setbacks of adjoining dwellings, the development would now be more sympathetic to the established character and patterns found within the street scene.

Given that there is not a significant difference in relation to the size and scale of the proposed dwellings from the previous application, and that the Planning Inspector had no concerns previously with their size and form, it is officer opinion that the dwellings themselves are appropriate in terms of their form, size and scale.

The Planning Inspector came to the conclusion that the previous development would not lead to an excessive impact upon the amenities of adjoining property occupiers. It is officer opinion that the proposed development would not result in a greater material detriment upon the amenities of adjoining occupiers compared to that of the previous application. The development would not lead to a loss of privacy (subject to appropriate conditions), result in a loss of light and it would not be visually intrusive or overbearing.

The Parish Council have raised concerns regarding highway safety and potential traffic congestion particularly in poor weather conditions. The County Council's Highways officer once again raised no issues to the construction of the proposed vehicle crossover subject to conditions to ensure that it is of adequate width and suitable construction. Adequate off street parking has been provided for each dwelling house. In addition, given that the Planning Inspector agreed with the highways officer's comments previously and that there is no significant change to the vehicle access, it is considered that the proposed development would not lead to a detrimental impact upon highway safety or result in traffic congestion. Whilst concern about access in snow and ice is understood, it

is not considered that this is sufficient to warrant refusal, nor was there a highway safety reason for refusal on the last application.

The site does not lie within an Epping Forest flood risk assessment zone. However the development is of a size where it is necessary to avoid generating additional runoff and the opportunity of a new development should be taken to improve existing surface water runoff and therefore Council's drainage officer has requested that a condition be placed on any permission to show how surface water is to be discharged from the site.

A significant amount of vegetation would be required to be removed from the site, including the hedge towards the front of the site. The application was referred to Council's landscape officer who had no objections to the proposed development as the only significant tree on the site had already been removed. Nevertheless, a condition can be placed on any permission for the applicant to provide a landscape scheme to ensure hard and soft landscaping of the site.

**Conclusion:**

In conclusion, it is considered that the revised application has overcome the reasons of refusal under the previous application. The design and appearance of the development and in particular the siting of plot 3 is now appropriate in that it would reflect the patterns and characteristics of the street scene and the surrounding locality whilst making the best use of urban land. It would not result in a detrimental impact to the amenities of adjoining occupiers and it would not result in harm to highway safety.

The development is therefore considered to be in accordance with the policies contained within the Adopted Local Plan and Alterations which are consistent with the National Planning Policy Framework. It is therefore recommended that the application be approved 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:***

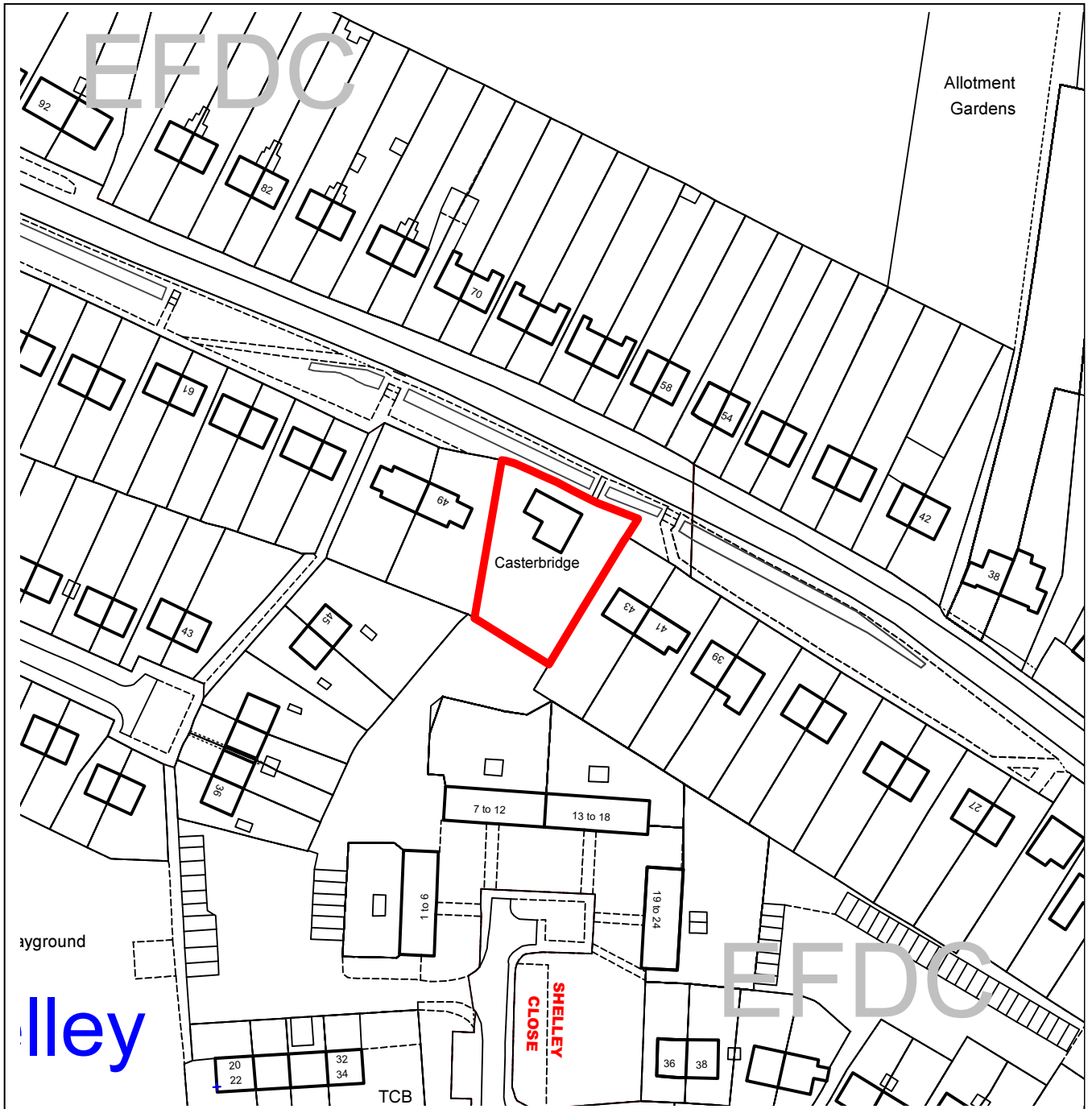
***Planning Application Case Officer: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	7
<b>Application Number:</b>	EPF/2347/12
<b>Site Name:</b>	47 Moreton Road, Ongar CM5 0AP
<b>Scale of Plot:</b>	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2392/12
<b>SITE ADDRESS:</b>	3 Crown Close Sheering Essex CM22 7ND
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mrs Jane Sweet
<b>DESCRIPTION OF PROPOSAL:</b>	Partial demolition of existing bungalow and erection of new detached 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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=544146](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544146)

**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: 651.01, 651.02, 651.04, 651.11, 651.12 Rev: A, 651.13, 651.20 Rev: A, 651.21 Rev: A, 651.22 Rev: A, 651.23 Rev: A, 651.24 Rev: A
- 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 in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevations and second floor roofslope shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 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.
- 6 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.



- 7 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 8 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.

- 9 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 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.
- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

### **Description of Site:**

Detached bungalow and garage building located on the southern side of Crown Close, within the small built-up village of Sheering. The site backs on to the side boundary of No. 3 Orchard Close to the south and is located within a residential estate containing a mix of detached, semi-detached and terrace properties that include bungalows, chalet-bungalows and two storey dwellings. To the front of the site is a large grass highway verge.

The application site lies within a Flood Risk Assessment zone but is not located within a designated conservation area or the Metropolitan Green Belt, and the property is not listed.

### **Description of Proposal:**

Consent is being sought for the partial demolition of the existing bungalow and the erection of a new detached dwelling. This application should be considered in tandem with EPF/2393/12, which is for the partial demolition of the bungalow and erection of a first floor extension with a new vehicle access.

The proposed new dwelling would be 7.4m wide and 8.2m deep with a single ridged roof to a height of 8.5m. This would be a four bed dwelling set within the side garden of the existing bungalow in place of the garage (and part of the existing bungalow that is to be demolished). The new dwelling would be set at a slight angle to follow the western boundary line of the site and would be set in 1m from the side boundary and set back approximately 7m from the front of the site and 11.5m from the edge of the road. The new dwelling would be served by the existing vehicle crossover and area of hardstanding.

### **Relevant History:**

EPF/1822/10 - Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage – refused 05/11/10

EPF/0940/11 - Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage (Revised application) – withdrawn 17/08/11

EPF/1975/11 - Alteration of existing bungalow to form 2 no. two storey semi-detached cottages and construction of a single two storey detached cottage – refused 09/12/11 (dismissed on appeal 25/09/12)

EPF/2393/12 - Partial demolition of bungalow and erection of first floor extension with pitched roof with habitable loft. New vehicle access to highway with crossover. Subdivision of site for proposed new dwelling under separate application – currently under consideration.

### **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  
CP7 – Urban form and quality  
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  
DBE10 – Residential extensions  
LL10 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U2B – Flood Risk Assessment zones

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:**

10 neighbours were consulted. No Site Notice was required.

PARISH COUNCIL – Object. Overdevelopment. Not in keeping with the street scene. Previously refused similar reasons as before (sic).

3 ORCHARD CLOSE – Object due to overlooking and loss of light, overdevelopment of the site, insufficient parking provision, and due to the visual impact and precedent this would set.

ON BEHALF OF NO'S 1 and 3 ORCHARD CLOSE, NO 9 CROWN CLOSE AND FARRAGO, THE STREET – Object as the development would be out of character with the southern side of Crown Close, the inappropriate design, and insufficient parking.

#### **Issues and Considerations:**

The key issues within this application are the suitability of the site for such a development, amenity considerations, design, highway and parking concerns, and with regards to impact on landscaping. The previous application (EPF/1975/11) was refused for the following reasons:

*The proposal, due to the bulk, design and location of the dwellings and over-dominance of car parking, would result in an incongruous and unacceptable development, detrimental to the character and appearance of the street scene, contrary to policies CP2, CP7, DBE1, DBE6, DBE10, and ST6 of the adopted Local Plan and Alterations.*

*The proposal, due to the inability to provide adequate parking, convenient cycle and bin storage, manoeuvring space and front landscaping, amounts to overdevelopment of the site contrary to policies CP7 and DBE3 of the adopted Local Plan and Alterations.*

This application was subsequently dismissed on appeal by the Planning Inspectorate.

This application (in connection with EPF/2393/12) would result in two single detached houses being located on the site, rather than the previously refused pair of semi-detached dwellings and single detached dwelling. This would allow for two larger properties on larger sites than previously proposed, which would be more in keeping with the character of the southern side of Crown Close,

and would require less car parking provision than previously. This allows for better laid out front gardens to incorporate parking, access, and areas of soft landscaping.

#### Suitability of site:

The application site is located within the village of Sheering, which is outside of the designated Green Belt, on a site currently occupied by a detached bungalow. The village of Sheering is a relatively small built up area with limited local amenities and public transport and is located approximately 1.1 mile from Sawbridgeworth and 2 miles from Harlow. Whilst the site is not particularly sustainable it is within an existing urban area and as such it is not considered that the principle of intensifying the use of this site would be unacceptable on sustainability grounds.

Although the NPPF states that a residential curtilage does not constitute 'Previously Developed Land', the Planning Inspector in dealing with the previous application for three dwellings stated that "*this could conceivably be regarded as development of a brownfield site – particularly since the semi-detached pair of houses would effectively be a new building – rather than being seen as use of part of the garden land that would be excluded from the definition of previously developed land set out in the Framework*". These current applications could be viewed in a similar manner. Notwithstanding this, building within residential gardens is not necessarily inappropriate for further development provided it meets all the necessary requirements. Due to this, the key considerations in developments such as this are whether the site can accommodate the number of proposed dwellings whilst meeting all other requirements (i.e. amenity space, distance from neighbouring properties, parking provision, etc.).

#### Amenity considerations:

The proposed dwelling would be located 1m to the shared boundary with No. 5 Crown Close, however the neighbouring house is separated from the proposed dwelling by a large detached garage and is some 12m from the flank wall of the new dwelling. As such, whilst there would be some impact on this neighbour it is considered that this would not be detrimental enough to warrant refusal. The only flank window facing this neighbour would be a rooflight located within the roof plane over the stairwell. This could be conditioned to be obscure glazed to protect against any loss of privacy to this neighbouring property. The new dwelling also proposes a first floor window overlooking the parent property, however this would serve a bathroom and therefore would equally be obscure glazed to protect against any overlooking.

The proposed dwelling would be located well above 15m from the shared boundary with No. 3 Orchard Close at its closest point, which exceeds the requirements of the Essex Design Guide. As such, any resulting overlooking to the properties at the rear would be to an acceptable level. Similarly, the distances involved would ensure that there would be minimal visual impact to this neighbouring resident as a result of this development.

Both the proposed and parent dwellings would have private amenity space exceeding the required 120 sq. m. in accordance with DBE8 and the Essex Design Guide. These would be located to the rear of the dwellings and would benefit from the same level of privacy enjoyed by the surrounding properties.

#### Design:

To the north of the application site are large areas of residential estates, where there is a dominant design to the dwellings, however the southern section of Crown Close where the site is located, contains detached properties in a mix of style and sizes. The neighbours to the west consist of two-storey detached houses, the adjacent neighbour to the east is a chalet bungalow, with a two storey detached house beyond this. To the south is a mix of detached and semi-detached two storey houses, and to the north are semi-detached and terrace two storey houses.

The proposed development has reduced the number of dwellings proposed on site over that which was previously considered to be over-development of the site. As a result there are now two detached dwellings proposed on reasonably sized plots, which are more in keeping with the overall character and appearance of the southern side of Crown Close. Whilst objection has been received about these dwellings being out of character with the area, with reference made to the overall size of the dwellings, it is considered that the size of the proposed dwelling (and the extended bungalow being assessed under a separate application) match those of the surrounding properties. Comparatively, the proposed new dwelling would have a footprint of 60.7 sq. m. and frontage width of 7.4m. The adjacent neighbour to the west has a footprint of approximately 92 sq. m. and frontage width of 6.8m. Beyond this, No. 9 Crown Close, is approximately 84 sq. m. in footprint. To the east, the adjacent chalet bungalow has a footprint of approximately 73 sq. m. and a frontage width of 8.7m. The next dwelling to the east known as Hollycroft has a footprint in excess of 72 sq. m. and a frontage stretching beyond 9.8m. Whilst the dwellings to the rear in Orchard Close are smaller, the adjacent neighbour is still some 51 sq. m. in footprint and 6.5m in width. As such, it is considered that the proposed new dwelling would be similar to the built form within the immediate locality.

Although the proposed dwelling has accommodation on 3 floors, the top floor is located within the roof area and is no different from a two storey dwelling with a converted loft. The height of the dwelling is higher than Hollycroft and Coppers to the east (by between 200mm and 1m) but is lower than No. 5 Crown Close (by approximately 500mm) and has a ridged roof with the gable facing the highway. Therefore, this dwelling would not appear out of place or overly bulky within this street scene.

The proposed dwelling would be of a fairly uncomplicated design that, whilst not architecturally innovative, would not be visually harmful to the area. Unlike the previous scheme the properties have been designed with the entrances facing towards the highway and would not result in any “*bland and featureless*” walls fronting onto public viewpoint, which was one of the Inspector’s criticisms of the previous scheme.

#### Highways and parking issues:

The proposed dwelling would be served by the existing area of hardstanding, which is large enough to accommodate at least two residents cars for each dwelling (with manoeuvrability space) and informal space for visitor parking (without manoeuvrability space) in accordance with the requirements of the Essex County Council Vehicle Parking Standards (2009).

The introduction of an additional house on this site is not considered sufficient to result in an unacceptable increase in traffic generation, nor would its use be detrimental to neighbouring amenities due to increased noise or activity.

Plenty of space is available for bike storage and for refuse storage.

#### Landscaping:

As the development has been reduced down from three dwellings to two dwellings, this has allowed for adequate space to be provided within the front garden for landscaping, which would help to soften the impact from this development. Such landscaping can be controlled by condition.

#### Other matters:

The application site lies within a designated Flood Risk Assessment zone and is of a size where it is necessary to avoid generating additional runoff and to improve existing surface water runoff. As such, a Flood Risk Assessment is required, which can be secured by condition.

**Conclusion:**

In light of the above, the reduction in the number of properties to two and alteration to the design and layout is considered to have overcome the previous concerns with regards to overdevelopment of the site. There would be no detrimental impact on neighbouring residents in terms of loss of light, privacy or visual amenity, and adequate parking provision can be provided. The design is more in keeping with the street scene than the previous scheme and is not considered harmful to the overall character or appearance of the area. As such the proposed development complies with the relevant Local Plan policies and is therefore recommended for approval.

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

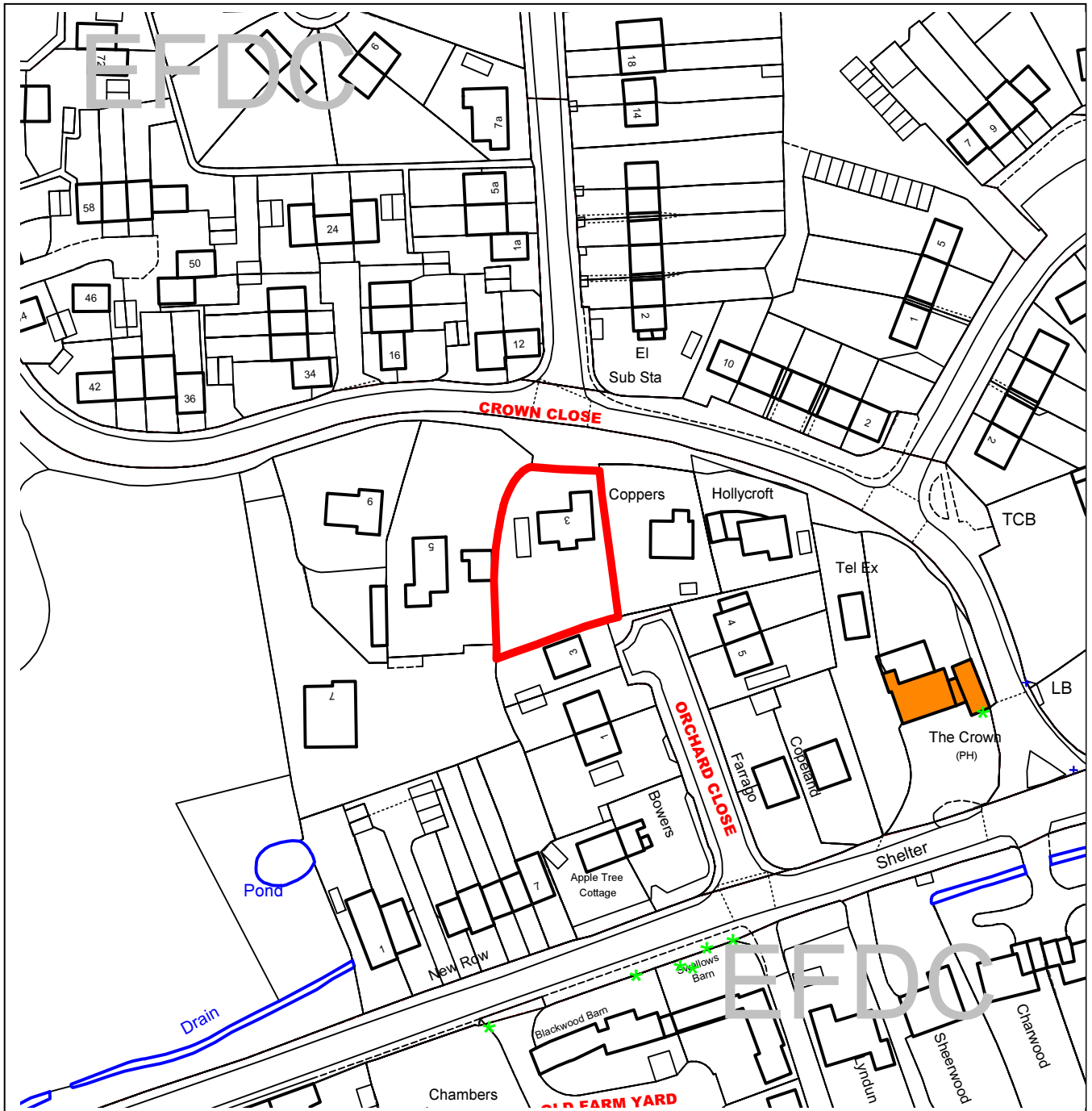
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>8 &amp; 9</b>
Application Number:	EPF/2392/12 & EPF/2393/12
Site Name:	3 Crown Close, Sheering CM22 7ND
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2393/12
<b>SITE ADDRESS:</b>	3 Crown Close Sheering Essex CM22 7ND
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mrs Jane Sweet
<b>DESCRIPTION OF PROPOSAL:</b>	Partial demolition of bungalow and erection of first floor extension with pitched roof with habitable loft. New vehicle access to highway with crossover. Subdivision of site for proposed new dwelling under separate application.
<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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=544147](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544147)

**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 works shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. 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 first floor flank elevations and second floor roofslope 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, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or



establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

#### **Description of Site:**

Detached bungalow and garage building located on the southern side of Crown Close, within the small built-up village of Sheering. The site backs on to the side boundary of No. 3 Orchard Close to the south and is located within a residential estate containing a mix of detached, semi-detached and terrace properties that includes bungalows, chalet-bungalows and two storey dwellings. To the front of the site is a large grass highway verge.

The application site lies within a Flood Risk Assessment zone but is not located within a designated conservation area or the Metropolitan Green Belt, and the property is not listed.

#### **Description of Proposal:**

Consent is being sought for the partial demolition of the bungalow and the erection of a first floor extension with a pitched roof and rooms within the roof space. This application should be considered in tandem with EPF/2392/12, which is for the partial demolition of the existing bungalow and erection of a new detached dwelling.

The proposed development would involve the demolition of the existing kitchen, dining room and lean to 'lobby', along with the detached garage and the erection of a new first floor with rooms in the roof. The resulting dwelling would be 7.5m wide and a maximum of 11.5m deep (taking into account both front and rear projections that stretch part of the width of the house). The extended dwelling would have a ridged roof to a height of 8.7m, with lower ridge roofs extending over the front and rear projections. The resulting (extended) dwelling would be a four bed dwelling and would be served by a new access and parking area to the front of the site.

#### **Relevant History:**

EPF/1822/10 - Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage – refused 05/11/10

EPF/0940/11 - Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage (Revised application) – withdrawn 17/08/11

EPF/1975/11 - Alteration of existing bungalow to form 2 no. two storey semi-detached cottages and construction of a single two storey detached cottage – refused 09/12/11 (dismissed on appeal 25/09/12)

EPF/2392/12 - Partial demolition of existing bungalow and erection of new detached dwelling – currently under consideration.

### **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  
CP7 – Urban form and quality  
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  
DBE10 – Residential extensions  
LL10 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U2B – Flood Risk Assessment zones

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:**

10 neighbours were consulted. No Site Notice was required.

PARISH COUNCIL – Object. Overdevelopment. Not in keeping with the street scene. Previously refused similar reasons as before (sic).

3 ORCHARD CLOSE – Object due to overlooking and loss of light, overdevelopment of the site, insufficient parking provision, and due to the visual impact and precedent this would set.

ON BEHALF OF NO'S 1 and 3 ORCHARD CLOSE, NO 9 CROWN CLOSE AND FARRAGO, THE STREET – Object as the development would be out of character with the southern side of Crown Close, the inappropriate design, and insufficient parking.

### **Issues and Considerations:**

The key issues within this application are amenity considerations, design, highway and parking concerns, and with regards to impact on landscaping. The previous application (EPF/1975/11) for the extension of the bungalow to create two semi-detached dwellings, along with a new detached dwelling to replace the garage, was refused for the following reasons:

*The proposal, due to the bulk, design and location of the dwellings and over-dominance of car parking, would result in an incongruous and unacceptable development, detrimental to the character and appearance of the street scene, contrary to policies CP2, CP7, DBE1, DBE6, DBE10, and ST6 of the adopted Local Plan and Alterations.*

*The proposal, due to the inability to provide adequate parking, convenient cycle and bin storage, manoeuvring space and front landscaping, amounts to overdevelopment of the site contrary to policies CP7 and DBE3 of the adopted Local Plan and Alterations.*

This application was subsequently dismissed on appeal by the Planning Inspectorate.

This application (in connection with EPF/2392/12) would result in two single detached houses being located on the site, rather than the previously refused pair of semi-detached dwellings and single detached dwelling. This would allow for two larger properties on larger sites than previously proposed, which would be more in keeping with the character of the southern side of Crown Close, and would require less car parking provision than previously. This allows for better laid out front gardens to incorporate parking, access, and areas of soft landscaping.

#### Amenity considerations:

The existing (and therefore extended) property is located 2.8m from the shared boundary with Coppers, Crown Close, and some 11.9m from the flank wall of the neighbouring dwelling itself. Whilst Coppers is a chalet bungalow style property some 1m lower in height than the proposal it is considered that, given the distances involved, the proposed development would not result in an unduly detrimental loss of light or visual impact to this neighbour. The only flank window facing this neighbour would be a rooflight located within the roof plane over the stairwell. This could be conditioned to be obscure glazed to protect against any loss of privacy to this neighbouring property. The extension also proposes a first floor window overlooking the proposed new property to the west, however this would serve an en-suite and therefore would equally be obscure glazed to protect against any overlooking.

The first floor and roof extension would be located well above 15m from the shared boundary with No. 3 Orchard Close at its closest point, which exceeds the requirements of the Essex Design Guide. As such, any resulting overlooking to the properties at the rear would be to an acceptable level. Similarly, the distances involved would ensure that there would be minimal visual impact to this neighbouring resident as a result of this development.

#### Design:

To the north of the application site are large areas of residential estates, where there is a dominant design to the dwellings, however the southern section of Crown Close, where the site is located, contains detached properties in a mix of style and sizes. The neighbours to the west consist of two storey detached houses, the adjacent neighbour to the east is a chalet bungalow, with a two storey detached house beyond this. To the south is a mix of detached and semi-detached two storey houses, and to the north are semi-detached and terrace two storey houses.

The proposed extension results in a dwelling that is in keeping with the overall character and appearance of the southern side of Crown Close. Whilst objection has been received about these dwellings being out of character with the area, with reference made to the overall size of the dwellings, it is considered that the size of the extended dwelling (and the proposed new dwelling being assessed under a separate application) match those of the surrounding properties.

Although the proposed extension would result in the bungalow becoming a three storey property, the top floor is located within the roof area and is no different from a two storey dwelling with a converted loft. The height of the dwelling will be higher than Hollycroft and Coppers to the east (by

between 200mm and 1m) but lower than No. 5 Crown Close (by approximately 500mm), therefore, the extended dwelling would not appear out of place or overly bulky within this street scene.

The extended dwelling would be of a fairly uncomplicated design that, whilst not architecturally innovative, would not be visually harmful to the area.

Highways and parking issues:

The extended dwelling would be served by a new vehicle access and area of hardstanding, which is large enough to accommodate at least two residents cars and informal space for visitor parking in accordance with the requirements of the Essex County Council Vehicle Parking Standards (2009).

Landscaping:

Adequate space is retained for landscaping and the frontage of the extended dwelling would not be dominated by parking.

Other matters:

The application site lies within a designated Flood Risk Assessment zone however it will only cause a negligible increase in surface water runoff. As such, no Flood Risk Assessment is required.

**Conclusion:**

In light of the above, the proposed alteration and extensions to the bungalow are considered appropriate. There would be no detrimental impact on neighbouring residents in terms of loss of light, privacy or visual amenity, and adequate parking provision can be provided. It is considered that as a stand alone proposal, or in association with the proposed new dwelling (EPF/2393/12), the development complies with the relevant Local Plan policies and is therefore recommended for approval.

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

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

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

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2433/12
<b>SITE ADDRESS:</b>	19B Forest Drive Theydon Bois Epping Essex CM16 7EX
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr B Khorsandyon
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from purposes within Use Class A1 (shops) to use as a restaurant (Use Class A3) and non-material amendment to planning permission EPF/1792/12 (Addition of second floor flat above existing first floor, together with rear first floor extension, provision of side entrance to Buxton Road and alterations to elevations) comprising of the insertion of an additional ground floor window to the Buxton Road elevation.
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=544320](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544320)

**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: 2, 5 and submitted block and location plan
- 3 The use hereby permitted shall not be open to customers outside the hours of 08:00 and 23:00.
- 4 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment, including full details of extract ducting, shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.
- 5 The rating level of noise (as defined by BS4142:1997) emitted from mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.

- 6 The ceiling/party floor insulation between the commercial and residential premises should be checked to ensure it complies with the current Approved Document E of the Building Regulations 1984 and, to ensure that the occupiers are provided with reasonable resting/sleeping conditions with reference to British Standard BS8233: 1999 - Sound insulation and noise reduction for buildings - Code of practice.

If it is found that the partition does not comply with the regulations, it should be upgraded to comply with the regulations, as a minimum. The details of any works should be submitted and approved in writing by the Local Authority before the premises are occupied.

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

### **Description of Site:**

The application site is a two-storey building located at the junction of Buxton Road and Forest Drive. It comprises of a shop at ground floor and flat above. Planning permission has been given to carry out alterations to the building to provide a further flat in an enlarged roof space, but that has not been implemented.

The building is within the Theydon Bois Local Centre as designated in the Local Plan Alterations. It is at the end of a short parade of 6 shop premises, which include one restaurant and one take-away. The adjacent two shops are a beauty salon and a newsagent. Flats are above the shops.

To the east and north on Buxton Road are a mix of flats and houses, the immediate neighbour being flats at Buxton Court. Entrances to the flats are in the flank elevations, one of which looks to the application site. Opposite the site on Forest Drive is a further parade of shops, while to the north on Forest Drive are houses.

### **Description of Proposal:**

Change of use from purposes within Use Class A1 (shops) to use as a restaurant (Use Class A3) and non-material amendment to planning permission EPF/1792/12 (Addition of second floor flat above existing first floor, together with rear first floor extension, provision of side entrance to Buxton Road and alterations to elevations) comprising of the insertion of an additional ground floor window to the Buxton Road elevation.

The proposed development includes minor enlargement of the building on its west facing flank at ground floor. The addition would allow for an enlarged kitchen area and facilitate the provision of a refuse store within the existing building. Indicative extract ducting is shown on the southern elevation of the building adjacent to its south-west corner.

The application is submitted by the landlord of the property and no details of any intended occupier are provided. The applicant advises there is presently no intended occupier, indicating the shop would only be marketed if planning permission be given.

### **Relevant History:**

EPF/1792/12 Addition of second floor flat above existing first floor, together with rear first floor extension, provision of side entrance to Buxton Road, and alterations to elevations.  
Approved

### **Policies Applied:**

CP2 Quality of Rural and Built Environment  
TC6 Local Centres and Village Shops  
DBE1 Design of New Buildings  
DBE9 Loss of Amenity

NPPF

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

Number of neighbours consulted. 37  
Site notice posted: Yes  
Responses received:

The occupants of 5 neighbouring properties have raised objection to the proposal. The grounds are summarised below.

2 BUXTON COURT, BUXTON ROAD, THEYDON BOIS: *Object.*

1. Odour nuisance.
2. Noise nuisance.

6 BUXTON ROAD, THEYDON BOIS *Object.*

1. The shop has been vacant on numerous occasions over the past 10 years and it is uncertain as to what outlet could be successful at the site.
2. No need for a further eating place.
3. Exacerbate existing parking problems.
4. Customers who presently visit shops in the locality park on pavements and grass verges.
5. Unpleasant odours

31 BUXTON ROAD, THEYDON BOIS: *Object.*

1. No need for a further eating place.
2. Exacerbate existing parking problems.
3. Disturbance from the normal activity of customers e.g. banging of car doors and loud voices

19A FOREST DRIVE, THEYDON BOIS: *Strongly object.*

1. Accessing 19A will involve passing a potentially crowded restaurant. Privacy will be harmed by customers in the restaurant looking out and observing people walking by the access 19A.
2. Noise transmitted through the building will harm the amenities of 19A.
3. Light from associated signage fixed to the building will harm the amenities of 19A and other neighbouring dwellings.
4. The use would attract youths with anti-social behaviour who would congregate outside the premises.

5. Odour nuisance would be caused.
6. The use would be a fire risk.
7. Customers who smoke would congregate outside causing litter and disturbance. They would also cause the occupants of 19A to inhale passive smoke, which is an invasion of human rights and could cause health problems.
8. The use would result in an increase in insurance costs for 19A
9. The use would cause blockage of drains, causing further potential for odour nuisance.
10. There is no suitable area within the premises to store waste, therefore the use will attract vermin.
11. Exacerbate existing parking problems.
12. No need for a further eating place.

28 FOREST DRIVE, THEYDON BOIS:      *Object.*

1. The loss of a retail unit to a hot food outlet will contribute to a detrimental change to the village atmosphere.
2. The use would cause and unsociable behaviour.
3. Exacerbate existing parking problems.

THEYDON BOIS PARISH COUNCIL:      No Objection

We have no objection to the proposal for change of use to a 'sit down' restaurant i.e. primarily for the sale of food for consumption on the premises. We would not however wish to see a takeaway enterprise being run from the premises. This was made clear to the Applicant's Architect who attended our Committee meeting and it was confirmed that the intention is indeed to facilitate a good quality 'sit down' restaurant. We would stress that it was on this basis that no objection is being made. For the avoidance of any doubt in the future, we recommend that a suitable condition be applied to any planning permission which may be granted in this respect.

**Main Issues and Considerations:**

The proposal would result in a loss of a retail unit within a designated local centre. Planning policy allows for such changes of use in circumstances where there is no market demand for a retail use. In this case the premises have been marketed by a local estate agent from June 2012. The estate agent, Brian Dadd Commercial, advises that no acceptable offers have been received for the property and the company consider it will not be let for retail purposes in the foreseeable future. It advises it has received a number of enquiries for catering uses and consider the proposal would help to facilitate a letting.

Additional detailed information from the applicant states that the previous tenants marketed the business through a national commercial property company between November 2009 and February 2010 with no interest shown. Subsequently the tenant's business failed and the landlord, who is the applicant in this case, has received no rent since August 2010. The shop closed in October 2011. The landlord says from June 2012 he has independently approached major retailers, Sainsburys, M & S, Waitrose and Nisa, with details of the shop but was told the shop is not large enough to be of interest.

Having regard to the information received it would appear very unlikely that there is, presently, any market demand for a retail use. That appears to be confirmed by one of the objectors. The proposal therefore accords with adopted shopping policy. Indeed, should the proposal achieve the long term occupation of the unit that would be in the interests of the vitality and viability of the Local Centre.

Parking issues in the locality are recognised. The proposed use is likely to generate a different pattern of demand for on-street parking, concentrated in the evenings when restaurants tend to



carry out more business. Such parking would be for a number of hours, consistent with the time required to enjoy a meal, rather than a frequent turn over of parking spaces. The existing shop, like others in the locality, has no-off street parking provision and would not be required to have any. It is not clear whether a thriving retail use would generate a materially different demand for on street parking in terms of numbers but it would be concentrated in busier trading times. The pattern and character of demand for on-street parking arising from the proposal would be of no consequence for the interests of highway safety. It would not be harmful to the living conditions of neighbours. Limited competition for on-street spaces in the evenings is the most significant outcome, but that is not grounds for withholding planning permission. The Highway Authority makes clear it has no objections to the proposal.

The potential for the proposal to cause harm to the living conditions of neighbours primarily arises as a consequence of odours from cooking and noise from late night use. Planning conditions can deal with those matters and it is necessary to impose such conditions. The Council's Directorate of Environmental Services has recommended appropriate conditions. A separate Express Consent is required for the display of illuminated signage. Members are advised the 2009 planning permission for 13 Forest Road to be used as a restaurant permitted opening up to 23:00 (EPF/0261/09).

The proposed use is as a restaurant (Use Class A3) and not as a takeaway (Use Class A5) or even as a mixed use encompassing both classes of use. The potential for the proposal to attract youths to loiter, as feared by objectors, is perhaps more closely associated with uses that have a high turnover of customers such as a takeaway. The Parish Council is clearly concerned to ensure the grant of planning permission could not result in the premises subsequently being used as a takeaway without the need for planning permission. It is a fact of law that planning permission is required to make a material change of use from a restaurant to a takeaway or any mixed use. Should planning permission be granted therefore, planning controls over further changes of use described already exist. It is not necessary to repeat them in a planning condition.

The provision of an additional shop window on the Buxton Road elevation, in the context of the overall works to the building approved under planning permission EPF/1792/12, is not material. However, if Members find it is a material change to the approved development, since the proposed shop window would look onto a wide area of pavement adjacent to the junction of Buxton Road and Forest Drive with a surgery fronting Forest Road opposite, it would not cause harm to amenity. It would complement the design of the building. On that basis consent could be given for the additional window.

### **Conclusion:**

The proposal complies with relevant planning policy and would assist the future vitality and viability of the Theydon Bois Local Centre. It is therefore recommended that conditional 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: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>10</b>
Application Number:	EPF/2433/12
Site Name:	19B Forest Drive, Theydon Bois Epping, CM16 7EX
Scale of Plot:	1/1250