

AREA PLANS SUB-COMMITTEE 'WEST'

23 April 2014

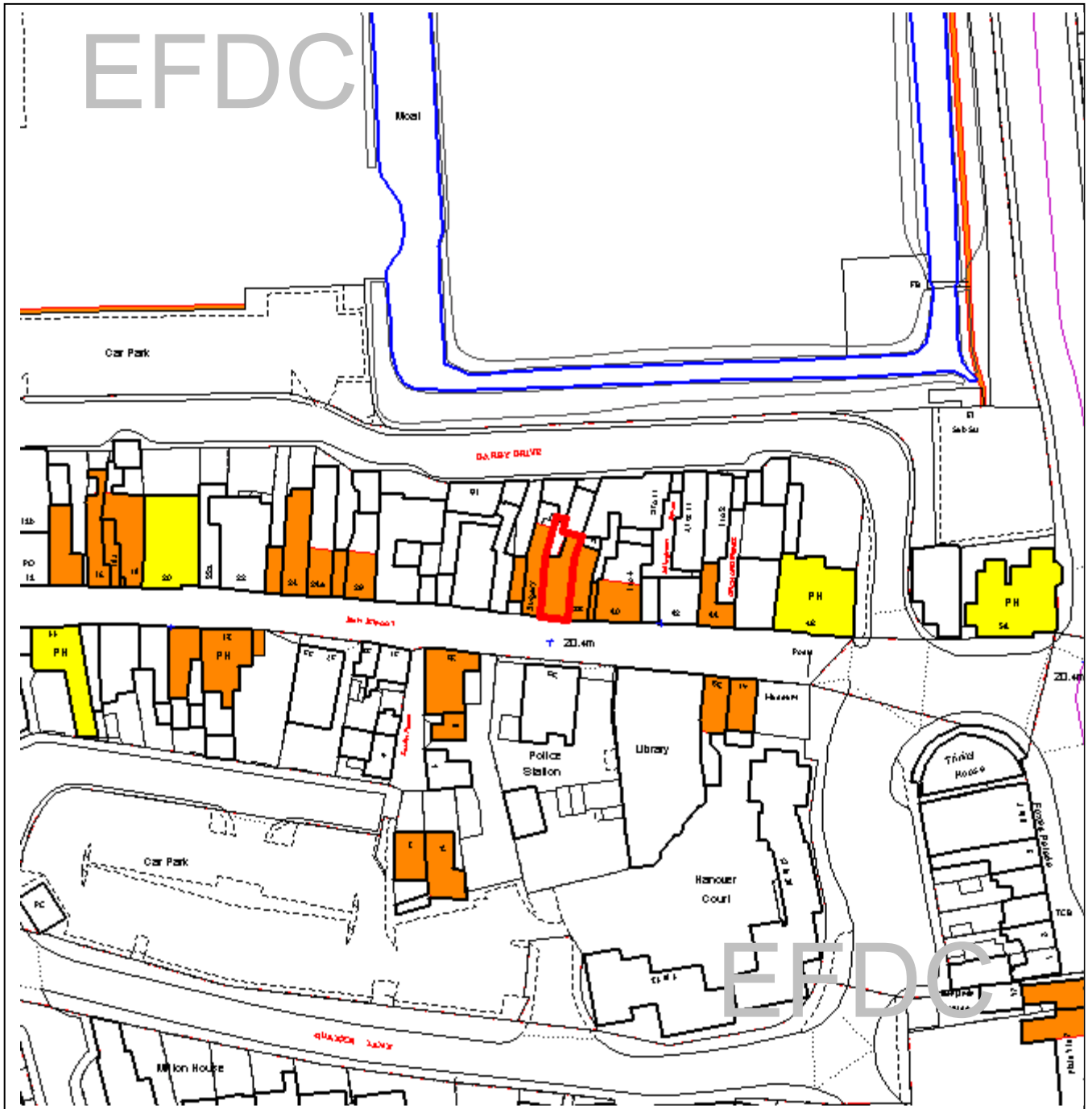
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/0026/14 and EPF/0041/14
Site Name:	36 Sun Street, Waltham Abbey EN9 1EJ
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/0026/14
SITE ADDRESS:	36 Sun Street Waltham Abbey Essex EN9 1EJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Hidir Bolat
DESCRIPTION OF PROPOSAL:	Conversion of an existing shop (Class A1) use to a restaurant (Class A3) use with internal alterations.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=558490

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 Location Plan and drawings nos: KA/TP/SS36/01A, KA/TP/SS36/02A
- 3 The premises shall be used solely for A3 use and for no other purpose (including any other purpose in 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.
- 4 Prior to the occupation of the use hereby approved, equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. Full details of the equipment shall be submitted to and approved in writing by the Local Planning Authority and shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. The equipment shall be effectively operated and maintained for so long as the use continues. The equipment shall be fixed to the single storey rear projection only and the final discharge should be vertically upwards, unimpeded by flue terminals. The number of bends in the ducting should be minimised and the ducting should have a smooth internal surface.
- 5 Prior to the occupation of the use hereby approved, the odour suppression and dispersal equipment shall be fitted with an appropriate noise mitigation device. Details of the noise mitigation device shall be submitted to and agreed in writing with the Local Planning Authority for comment and should be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

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: Governance Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is an A1 (retail) unit within Sun Street and is Grade II listed. The site is within the key frontage of Waltham Abbey Town Centre and the Waltham Abbey Conservation Area. There are residential properties above and a garage/store building to the rear, which is outside of the applicant's ownership.

Description of Proposal:

Consent is being sought for a change of use from A1 (retail) to A3 (restaurant) use, with some internal alterations. Whilst the originally submitted application proposed alterations to the shop front and a single storey extension to the rear, subsequent amended plans have removed these aspects of the development.

Relevant History:

EPF/0261/03 - Conversion of existing offices to 2 no. residential flats – approved/conditions 06/06/03

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenity
RP5A – Adverse environmental impacts
HC6 – Character and appearance and setting of conservation areas
HC7 – Development within conservation areas
HC10 – Works to listed buildings
HC13 – Change of use of listed buildings
TC1 – Town centre hierarchy
TC3 – Town centre function
TC4 – Non-retail frontage

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:

15 Neighbouring properties were consulted and a Site Notice was displayed on 14/02/14.

TOWN COUNCIL – No objection. Whilst committee had no objection in principle to this application, they would like to see further details with regard to waste disposal, fan extractors, etc. and the positioning of same.

MARKET KEBAB, 19 MARKET SQUARE – Object as the proposed extension would have a detrimental impact on the area and the development would be harmful to the vitality and viability of the town centre.

STAR FISH, 16 MARKET SQUARE – Object as the proposed extension would have a detrimental impact on the historic town and would be harmful to the vitality and viability of the town centre.

APOLLO CAFÉ, 42 SUN STREET – Object as an extended restaurant would be detrimental to the character of the area and the vitality of the town centre, and if a rear access is permitted then this could cause highway safety issues.

SIR MAXIMA COFFEE LOUNGE, 33 SUN STREET – Object due to the impact this would have on other A3 businesses within the town centre.

Issues and Considerations:

The main issues to consider are the impact on the vitality and viability of the retail centre, on the listed building and conservation area, and with regards to the impact on surrounding neighbours.

Town Centre:

The site is within the Key Frontage of Waltham Abbey Town Centre and as such policy TC4 is relevant to the proposal. This policy aims to protect primary shopping areas from excessive amounts of non-retail uses and states that a fall below 70% retail or more than two adjacent units in non-retail use is considered undesirable. The most recent Town Centre Survey figures (February 2013) for non-retail uses in the Key Frontage in Waltham Abbey indicate that 31% of the frontage is in non-retail. Whilst at present Waltham Abbey Town Centre is only marginally over this, the proposed change of use of No. 36 would nonetheless further increase this level of non-retail use within the key frontage.

Whilst the comments received with regards to the proposed development are all from other eateries within Waltham Abbey town centre, and as such there are clearly personal financial concerns, only one of these objections specifically raises concerns about competition with existing businesses, which is not a material planning consideration. The remainder of the objections received were regarding the general impact on the vitality and viability of the town centre. This is a material planning consideration and needs to be assessed as part of this application.

The Government recently changed the permitted development regulations with one of the aims being to facilitate the conversion of units to alternative uses. This is in the most part for a limited period; lasting two years from the date the use was taken up. The clear aim is to ensure the planning system plays a part in kick-starting growth and aiding the emergence of the British economy from recession. It is generally accepted locally that Waltham Abbey Town Centre, for various local, national and socio-economic reasons, is in a state of decline. The historic town centre has struggled to maintain its vitality and viability as can also be seen within the February 2013 Town Centre Survey figures, which indicates that 17.4% of the Key Frontage is currently vacant, with vacancies for the entire frontage at 13.8%. Both these figures are above the district and UK single figure averages.

Paragraph 23 of the NPPF still suggests that Local Authorities should set policies which identify primary shopping areas and which recognise town centres as the heart of the community, which suggests that policies such as this should remain, albeit possibly in a more flexible way than the current prescribed percentages. However countless reports point to the fact that in the near future “*retail will have a diminished role in town centre activity*” and that town centres “*should become community hubs with housing, education, entertainment and leisure facilities*” (The Planner November 2013). The recent changes to permitted development allow switches from retail to residential and more flexible changes from A1, A2, A3, A5, B1, D1 and D2 to A1, A2, A3 and B1, which points to a trend continuing in the direction of a much more multi-faceted town centre. In a recent appeal decision in Warrington for a change of use from A1 to A3 an Inspector described the local key Frontage policy as “*an aspiration in the face of current realities*”

(APP/M0655/A/13/2198097). He determined that a use which secured an active presence in the Key Frontage and encouraged footfall should be promoted.

Given the Government's recent changes to the planning system, and the weight given to sustainable uses and increased business opportunities, it is considered that the reuse of the currently vacant unit would be more beneficial to the overall vitality and viability of the town centre, irrespective of the proposal being non-retail, than leaving another vacant unit within this struggling town centre.

Historic impact:

The original submission included alterations to the shop front, a single storey rear extension, and a number of internal alterations, most of which were considered unacceptable by the Essex County Council Historic Buildings Advisor due to the impact on the Grade II listed building. Due to this the plans have subsequently been amended with the alterations to the shop front and rear extension being removed entirely from the scheme, and the internal and external works reduced to a minimal amount.

The proposed physical changes now simply relate to an external rear door opening being changed to a window, two rear windows (within the modern single storey rear addition) being replaced and one window (within the listed building) being 'made good', along with a new opening between the existing shop (proposed restaurant) and the existing store (proposed kitchen). These proposed changes are considered to be more sensitive to the Grade II listed building and would not affect any significant historic fabric. As such, subject to further details being agreed by way of a condition, the proposal would not be detrimental to the character, appearance or historic interest of the listed building or the wider conservation area.

Amenities:

The application site currently has residential flats on the upper storeys that could suffer from additional nuisance from an A3 restaurant rather than an A1 shop. Environmental Health have been consulted on the proposed development and consider that the change of use would not be unduly detrimental to surrounding residents provided adequate odour abatement and noise attenuation equipment is installed prior to the use of the site as a restaurant. In principle it is accepted by ECC Historic Buildings that an acceptable system could be installed on site, provided it is only attached to the later single storey rear addition (which is the most likely location as this addition would contain the kitchen) rather than the Listed Building and that it is suitably designed. A condition can be imposed to control the installation of this equipment.

No opening hours have been proposed by the applicant with regards to the proposed restaurant. Whilst the hours of use of the unit can be controlled by way of a condition, the site is located within a designated town centre that contains a number of cafes, restaurants and public houses. As such, it may be considered acceptable to not impose specific opening hours by way of a planning condition but instead leave this matter to Environmental Services.

Other matters:

The Town Council have commented that they would wish to see details of extractors (dealt with above) and waste disposal. As the proposed rear extension has now been removed from the proposed scheme the existing yard area would remain and could adequately cater for bin storage. Notwithstanding this, details of the waste storage can be agreed and controlled by way of a condition.

Conclusion:

Whilst concerns have been raised with regards to the number of A3 uses within the town centre and the impact that this has on the overall vitality and viability of Waltham Abbey, current Government guidance is pushing for more flexible town centre uses and encouraging Councils to promote local business growth. Despite the concerns of other A3 operators, the use of the unit as a restaurant would be more beneficial to the vitality and viability of the town centre than another vacant unit. The development would not be detrimental to the character, appearance and historic significance of the listed building and conservation area and, subject to the installation of a suitable extraction system, would not be unduly detrimental to the amenities of neighbouring residents. As such, the proposal generally complies with the relevant Local Plan policies and the current aims of Central Government 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

Report Item No: 2

APPLICATION No:	EPF/0041/14
SITE ADDRESS:	36 Sun Street Waltham Abbey Essex EN9 1EJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Hidir Bolat
DESCRIPTION OF PROPOSAL:	Grade II listed building application for conversion of an existing shop (Class A1) use to a restaurant (Class A3) use and internal alterations.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=558570

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and drawings nos: KA/TP/SS36/01A, KA/TP/SS36/02A
- 3 Additional drawings that show details of proposed new windows, doors, cills and structural openings, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 4 Notwithstanding the details shown on the approved plans, the size and position of the new door opening shall be agreed in writing by the Local Planning Authority, following on site investigation. The contractors are to given at least 7 days notice to the Council in order to arrange for this inspection to be carried out.
- 5 No additional extract ducts, terminals, flues, ducting, meter cupboards, soil and vent pipes shall be fixed to the fabric of the building unless agreed otherwise in writing by the Local Planning Authority.

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: Governance Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is an A1 (retail) unit within Sun Street and is Grade II listed. The site is within the key frontage of Waltham Abbey Town Centre and the Waltham Abbey Conservation Area. There are residential properties above and a garage/store building to the rear, which is outside of the applicant's ownership.

Description of Proposal:

Listed Building consent is being sought for a change of use from A1 (retail) to A3 (restaurant) use, with some internal alterations. Whilst the originally submitted application proposed alterations to the shop front and a single storey extension to the rear, subsequent amended plans have removed these aspects of the development.

Relevant History:

LB/EPF/0053/91 - Listed Building application for internal alterations – approved/conditions 06/01/92

LB/EPF/0262/03 - Grade II listed building application for internal alterations for conversion of existing offices to 2 no. residential flats – approved/conditions 06/06/03

Policies Applied:

HC6 – Character and appearance and setting of conservation areas

HC7 – Development within conservation areas

HC10 – Works to listed buildings

HC13 – Change of use of listed buildings

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:

A Site Notice was displayed on 14/02/14.

TOWN COUNCIL – No objection. Whilst committee had no objection in principle to this application, they would like to see further details with regard to waste disposal, fan extractors, etc. and the positioning of same.

MARKET KEBAB, 19 MARKET SQUARE – Object as the proposed extension would have a detrimental impact on the area and the development would be harmful to the vitality and viability of the town centre.

STAR FISH, 16 MARKET SQUARE – Object as the proposed extension would have a detrimental impact on the historic town and would be harmful to the vitality and viability of the town centre.

APOLLO CAFÉ, 42 SUN STREET – Object as an extended restaurant would be detrimental to the character of the area and the vitality of the town centre, and if a rear access is permitted then this could cause highway safety issues.

SIR MAXIMA COFFEE LOUNGE, 33 SUN STREET – Object due to the impact this would have on other A3 businesses within the town centre.

Issues and Considerations:

The main issue to consider is the impact on the listed building and conservation area.

The original submission included alterations to the shop front, a single storey rear extension, and a number of internal alterations, most of which were considered unacceptable by the Essex County Council Historic Buildings Advisor due to the impact on the Grade II listed building. Due to this the plans have subsequently been amended with the alterations to the shop front and rear extension being removed entirely from the scheme, and the internal and external works reduced to a minimal amount.

The proposed physical changes now simply relate to an external rear door opening being changed to a window, two rear windows (within the modern single storey rear addition) being replaced and one window (within the listed building) being 'made good', along with a new opening between the existing shop (proposed restaurant) and the existing store (proposed kitchen). These proposed changes are considered to be more sensitive to the Grade II listed building and would not affect any significant historic fabric. As such, subject to further details being agreed by way of a condition, the proposal would not be detrimental to the character, appearance or historic interest of the listed building or the wider conservation area.

Whilst adequate odour abatement and noise attenuation equipment is required to be installed prior to the use of the site as a restaurant, in principle it is accepted that an acceptable system could be installed on site, provided it is only attached to the later single storey rear addition (which is the most likely location as this addition would contain the kitchen) rather than the Listed Building and that it is suitably designed.

Conclusion:

The development would not be detrimental to the character, appearance and historic significance of the listed building and conservation area and as such the proposal generally complies with the relevant Local Plan policies and the current aims of Central Government 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***

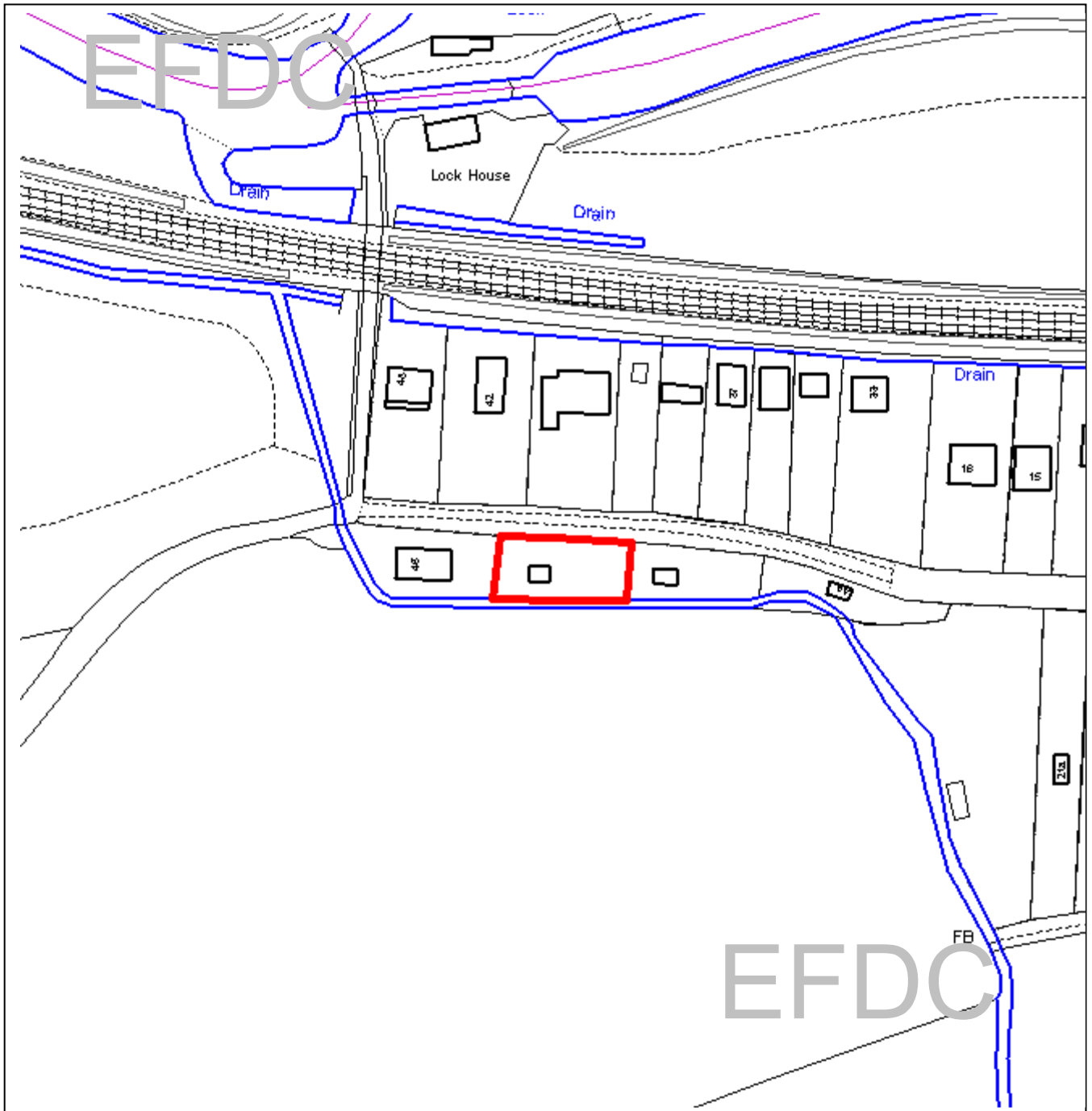
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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AGENDA ITEM NUMBER 3



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Application Number:	EPF/0186/14
Site Name:	47 Roydon Lodge Estate, High Street Roydon, CM19 5EF
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0186/14
SITE ADDRESS:	47 Roydon Lodge Estate High Street Roydon Harlow Essex CM19 5EF
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Gary Keys
DESCRIPTION OF PROPOSAL:	Demolition and replacement of existing log cabin.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559270

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: ELA/1, ELA/2, ELA/3 Rev: A, ELA/6 Rev: A
- 3 Materials to be used for the external finishes of the proposed development, shall be as detailed on the submitted application forms unless otherwise agreed in writing by the Local Planning Authority.
- 4 The chalet hereby approved shall be used solely for recreational purposes during the months of April to October inclusive, and shall not be used at any time for permanent residential accommodation. During the months of November to March inclusive the chalet shall be used solely for the storage of domestic items and household effects.
- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development 1995 Order or any Order revoking or re-enacting that Order, no extensions, outbuildings, replacement fencing or further hardstanding generally permitted by parts 1 and 2 shall be erected within the curtilage unless otherwise agreed in writing by the Local Planning Authority.
- 6 Prior to commencement of the development details of the means of construction of the replacement chalet shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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: Governance Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The Roydon Chalet Estate is located on the outskirts of the village. The estate was originally developed as holiday homes for over the summer months. The application site contains a dilapidated structure located in the centre of the plot. The rear boundary of the site abuts the Roydon Brook. The site is within floodzone 2 as identified by the Environment Agency, and the Metropolitan Green Belt. Access to the estate is by a narrow unmade track from the village through open countryside. The buildings on the estate primarily consist of chalets and mobile homes of a modest size set in well-landscaped plots, although there are some larger, more substantial buildings in evidence.

Description of Proposal:

Consent is being sought to remove the existing structure and replace it with a new log cabin for holiday use. The proposed building would measure the same as that which it replaces at 8m x 5m to a height of 4m.

Relevant History:

EW/EPR/09/52 – Reconstruction of weekend chalet – approved/conditions 23/12/52

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB5 – Residential Moorings and Non-permanent Dwellings

GB7A – Conspicuous Development

DBE1 – Design of New Buildings

DBE4 – Design in the Green Belt

U2A – Developments in Flood Risk Areas

U2B – Flood Risk Assessment Zones

U3A – Catchment Areas

RST10A – Roydon Chalet Lodge Estate

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:

3 neighbouring properties were consulted and a Site Notice was displayed on 13/02/14.

PARISH COUNCIL – Object. Metropolitan Green Belt, flood risk. The flood risk assessment is not an assessment but a document stating that an assessment is not required! The document states that flooding is a one in a 1000 year event but the estate floods regularly.

Issues and Considerations:

The main issues are whether the proposed chalet is appropriate in this area, whether it is of an acceptable design, and whether there would be any impact on flooding.

Green Belt:

Policy GB5 allows the replacement of existing chalets on recognised sites such as Roydon Lodge Chalet Estate. Furthermore, the building is of a small scale and no larger than that which it replaces, in line with the exceptions to inappropriate development as outlined in the NPPF and the Council's adopted Roydon Lodge Supplementary Planning Guidance (SPG). As such this development is an appropriate use in the Green Belt.

Policy RST10A deals specifically with Roydon Lodge Chalet Estate and states that the Council will "allow the construction of leisure chalets" provided they are "in accordance with the adopted SPG" and are restricted to be used "weekends and holidays during the months of April to October inclusive". Subject to relevant conditions the proposal would comply with this policy.

Design:

The footprint of the building would be 40 sq. m. which is not excessive and complies with the adopted SPG. The low pitched roof, its single storey nature and timber finish would be in keeping with the estate. Furthermore there are clear benefits to the overall character of the estate and the Green Belt by the removal of the existing, somewhat dilapidated, structure that adds nothing in visual amenity terms to the area and detracts from its general appearance.

Flood Risk:

The site is located within floodzone 2 and as such the Environment Agency has been consulted and comments as follows;

The proposed development is unacceptable because it involves building within 1.5 metres of the Roydon Brook. Under the terms of the Water Resources Act 1991 and Thames Land Drainage Byelaws 1981, development within eight metres of this watercourse requires our consent, irrespective of planning permission. These proposals would be unlikely to receive our consent as they would:

- *Restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works.*
- *Result in an unacceptable obstruction to flood flows could potentially increase the risk of flooding to the surrounding area.*
- *Building so close to a watercourse would be likely to adversely affect the construction and stability of river bank which will compromise its function.*
- *The building/ structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.*

The Environment Agency suggests that this issue can be overcome through the relocation of the chalet to ensure that a 4m buffer zone is provided. Whilst this could be achieved on site the plot is very narrow and it would involve the proposed chalet being considerably closer to the access road than the existing chalet.

Although the concerns of the EA (and the Parish Council) are appreciated, the proposed development is a like for like replacement of an existing chalet. As such, the replacement of the

chalet in this location would have no greater impact on Roydon Brook or overall flood risk than the current situation. An identical objection was received for a recent application to replace the adjacent chalet at No. 48 (EPF/1207/13), which was nonetheless granted consent in August 2013 despite not having the 4m buffer zone.

Given its proximity to the brook a condition could be imposed with regards to details on how the chalet will be constructed without having a detrimental impact on the stability of the bank.

Other matters:

As with other developments in the estate a condition would be necessary to ensure that the chalet is only used for recreational purpose between April to October. Permitted development rights for extensions and further hardstanding and fencing will also be necessary to remove.

Conclusion:

The proposed scheme is considered to be an acceptable form of development within this plot. Whilst the Environment Agency are requesting a buffer zone of 4m to the brook bank, the proposal is a like for like replacement that would have no further impact than the current situation. As such, in this particular instance, it is considered that the lack of a buffer zone is acceptable. Due to this the application is considered to generally comply with the relevant Local Plan policies and National Planning Policy guidance 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***

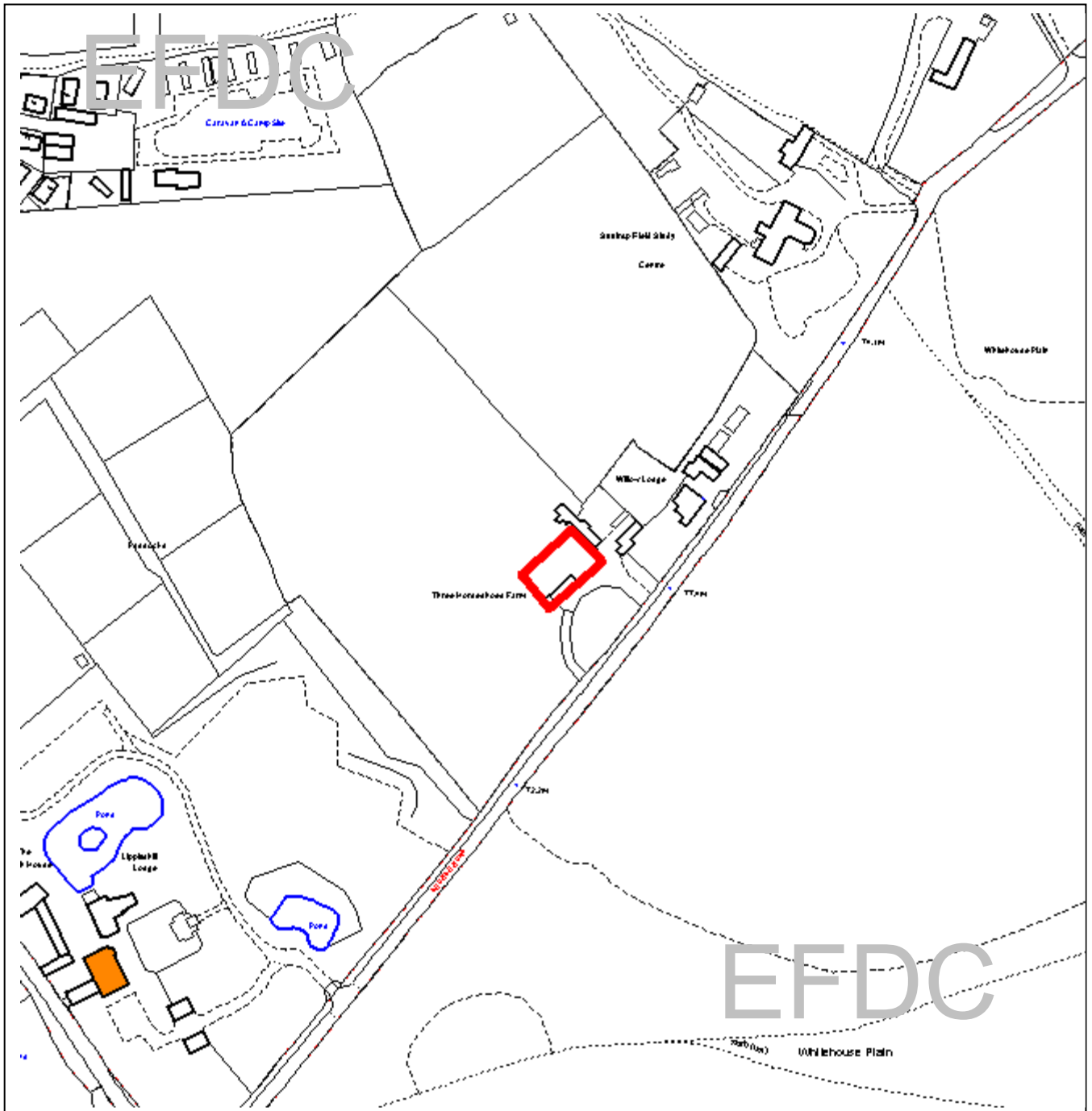
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Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/0275/14
Site Name:	Three Horseshoes Farm, Lippitts Hill Loughton, IG10 4AW
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0275/14
SITE ADDRESS:	Three Horseshoes Farm Lippitts Hill Loughton Essex IG10 4AW
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Joe Hutton
DESCRIPTION OF PROPOSAL:	Refurbishment and modifications of existing barn to create one dwelling house with incorporated garage.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559795

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 location plan approved drawings nos: 1167-100F, 1167-101F, 1167-110F, 1167-111F, 1167-112F, 1167-113F, 1167-200H, 1167-201G, 1167-202G, 1167-210H, 1167-211H, 1167-212H, 1167-213H, 1167-220G, 1167-221G and 1167-J.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 7 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 8 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 10 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 11 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline

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

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

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

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

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

- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 15 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

- 16 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 17 Prior to the commencement of the development hereby approved, details of fences or such other similar structures shall be agreed in writing by the Local Planning Authority and erected before the occupation of the of the dwelling.

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

Description of Site:

The application site is located on the north western side of Church Road approximately 900 metres south east of the hamlet of Lippitts Hill and 3km south of the village of High Beech. The site itself is almost 4 hectares in size and consists of undulating levels with it predominately sloping from the rear towards the front. Mature vegetation consisting of large trees and hedgerows are located around the perimeter of the site.

The site contains large open fields used for agriculture with associated buildings. The main building which forms the principle of this application is located towards the front of the site which is set back approximately 22 metres from Church Road. An in-out driveway towards the front of the building provides vehicle access to the site.

The site is located within a semi rural area with Epping Forest immediately opposite it. A linear row of residential dwellings are located to the north of the site. The site and the surrounding area are located within the Green Belt but not within a conservation area or within the setting of any listed buildings.

Description of Proposal:

Planning permission is sought for conversion and modifications of the existing agricultural building to create one dwelling house.

The large expansive flat roof section of the existing building would be removed leaving just the dual pitch section of the building to be converted into the dwelling house. In addition the smaller outbuildings to the side of the building would also be removed.

The new dwelling house would be rectangular in shape with a small single storey wing and would measure 18m by 16m. It would maintain its dual pitch roof form and have a maximum height of 6.1 m to its ridge above the existing ground level.

Modifications to the remaining part of the building are necessary in order to make the building adequate for habitable accommodation. These include changes to the existing fenestration by providing new window and door openings and changing the external finishing materials. In addition it is proposed to lower part of the existing ground floor slab by cutting into the ground and provide a mezzanine floor in order to provide split levels within the new dwelling house effectively making it a two storey building. The extent of the cut would also extend to the side of the building in order to provide an enclosed outdoor patio area.

The existing vehicle crossovers would be utilised to provide access to the dwelling and the surrounding agricultural fields fall within the same ownership of the applicant. The area outlined in red on the submitted block plan highlights the extent of the proposed residential curtilage that surrounds the proposed dwelling house.

Relevant History:

EPF/0451/84 - Mobile home in connection with agricultural unit (refused)

EPF/0450/84 - Dwelling house in connection with livery stables (refused)

EPF/1130/83 - Erection of farm house and agricultural buildings (refused)

EPF/1456/80 - O/A for agricultural dwelling for occupation of stockman/manager of beef herd (refused)

Policies Applied:

CP1 Achieving sustainable development objectives

CP2 Protecting the quality of the rural and built environment

CP3 New development

DBE1 Design of new buildings

DBE2 Detrimental effect on existing surrounding properties

DBE4 Development within the Green Belt

DBE6 Car parking in new development

DBE8 Private amenity space

DBE9 Loss of Amenity

GB2A Development within the Green Belt

GB7A Conspicuous Development

GB8A Change of use or adaptation of buildings

GB9A Residential Conversions

LL1 Rural Landscapes

LL2 Inappropriate rural development

LL10 Protecting existing landscaping features

LL11 Landscaping scheme

ST4 Highway safety

ST6 Vehicle parking

NC1 Site of Special Scientific Interest

NC5 Promotion of nature conservation schemes

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.

Summary of Representations

WALTHAM ABBEY TOWN COUNCIL: Objection: Committee were of the opinion that no special circumstance had been put forward to justify this refurbishment which is within the greenbelt.

Neighbours:

The proposal was notified to one adjoining occupier and a site noticed placed on site. No representations have been received at the time of writing this report.

CITY OF LONDON: Objects to the proposal as the site is located within the Green Belt and the proposal represents an inappropriate development that would be harmful to the openness and character of the Green Belt. No very special circumstances have been demonstrated to outweigh this harm. In addition the design does not represent a traditional building found within a rural setting.

Issues and Considerations:

The main issues to be addressed are:

- Sustainability
- Design and appearance
- Green Belt
- Neighbouring amenities

Sustainability:

The proposal to accommodate a residential development in this location is not particularly very sustainable due to its remoteness in a rural locality. The site is not in close proximity to public transport links or local facilities and as a result future residents would have to rely heavily on private vehicles.

However the adaption or conversion of the building in order to restore it rather than leaving it to deteriorate over time is considered to outweigh the concerns of sustainability. In addition it is regarded that the re-use of an existing building is more sustainable overall than the creation of a new dwelling or building.

The applicant has explored sustainable construction methods with the proposal to incorporate a ground source heat pump.

Design and appearance:

The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture and appropriate landscaping. In addition local policies require that new developments should sustain and enhance the rural environment and to respect the wider landscape setting of the site.

The external appearance of the building has been given a face lift to give it a more contemporary and modern appearance through the use of a mixture of different materials ranging from lime

render and dark stained wooden cladding for the walls and zinc sheeting with rib details for the roof. The use of these materials, along with the large double glazed window and door openings, help break up the elevations of the building, making it appear more domestic in scale and visually interesting. Although the building would not appear to be what is generally considered a stereotypical dwelling house within a rural setting, it is concluded that it would be an improvement upon the appearance of the existing building which has deteriorated over time.

Although of a contemporary design, the form of the building would remain very much rural due to its rectangular shape and narrow roof line. The overall size, scale and proportions of the proposal are acceptable in that it would not be excessive in terms of its massing and bulk.

The design and appearance of the proposal on balance is appropriate in that it would not cause an adverse effect upon the character of the surrounding locality and the street scene.

The proposal would also be consistent with the objective of 'The Framework' in that it would ensure a good standard of amenity for future occupants of the land and the building.

Green Belt:

The National Planning Policy Framework indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. A purpose of the Green Belt is to assist in safeguarding the countryside from encroachment.

The Framework states that there are many exceptions to what is considered to be appropriate development within the Green Belt and policy GB2A is broadly in accordance with this. Paragraph 90 of 'The Framework' states that the re-use of buildings, provided that the building is of a permanent and substantial construction, is deemed to be appropriate provided that it would preserve the openness of the Green Belt and the purposes of including land within it.

A Structural Feasibility Report prepared by Davies Maguire & Whitby dated February 2014 was submitted as part of the planning application. Although this report did not conclude that the existing building was of a permanent and substantial construction, it did however demonstrate that the conversion of the building was feasible as a result of the modifications and engineering works.

Following on from the above, it was relatively clear from the officer's site inspection that the existing building would be capable of conversion with or without the modifications and associated works.

It is therefore considered that the proposal to convert the existing building along with its modifications would by definition not be inappropriate development in the Green Belt and, as such accord with 'The Framework' and local polies.

In terms of visual impact, the existing building is not inappropriate in the Green Belt and in its context, is not visually intrusive. The proposal involves a significant proportion of the existing building being removed in order to achieve the desired conversion. Given that the existing building is appropriate, the partial removal of the building should be given very little weight. Nevertheless, the amount of built form that would be removed is deemed to be relevant in this circumstance as it would considerably reduce the size of the building by over half. Some positive weight has been given in that the conversion would reduce the amount of built form on the site.

By reason of its appropriate size and scale, the proposal would not result in an overdevelopment of the plot but would maintain the appearance of a substantial detached dwelling situated on a large verdant plot. Accordingly, it is concluded that there would be no unacceptable harm caused

to the visual amenity and openness of the Green Belt and therefore no conflict with 'The Framework' or local policies would arise.

In addition, it is concluded that the size and position of the residential curtilage along with the normal residential paraphernalia that is associated with it would not be excessive and it would not have an adverse effect upon the open character of the landscape.

Neighbouring amenities:

Due consideration has been given in relation to the potential harm the development might have upon the amenities of adjoining property occupiers.

It is concluded that the relative position, orientation and separation of the proposal in relation to adjoining dwellings are such that no significant harm would be caused to living conditions of adjoining occupiers particularly in relation to a loss of light, privacy and visual blight.

Other Issues:

The site does not lie within an Epping Forest District Council flood risk assessment zone or any of the Environment Agency (EA) flood zones. Therefore a flood risk assessment is not required. However Council's land drainage officer has requested by way of a planning condition that further details are required regarding foul and surface water disposal prior to the works commencing on site.

Due to its use as agriculture and stables, there is the potential for contaminants to be present on site. Domestic dwellings with gardens are classified as a particularly sensitive proposed use. As such Council's land contamination officer has requested standard planning conditions to mitigate the potential harm of land contamination.

The site is located opposite a SSSI and therefore Council's countryside officer has requested by way of condition that a phase 1 habitat survey be submitted before any works commence on site.

Standard landscape conditions requiring further details of hard and soft landscaping and tree protection measure are necessary before works commence on site in order to protect and enhance the visual amenity of the surrounding area.

Appropriate provision would be made for car parking and it is concluded that the development, given its small scale, should not have any significant adverse effect on traffic conditions locally.

Conclusion:

In conclusion, on balance it is considered that the proposal is appropriate in terms of its design and appearance and it would not cause any significant harm to the Green Belt and adjoining living conditions. The proposal is in accordance with 'The Framework' and local policies and therefore it is 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***

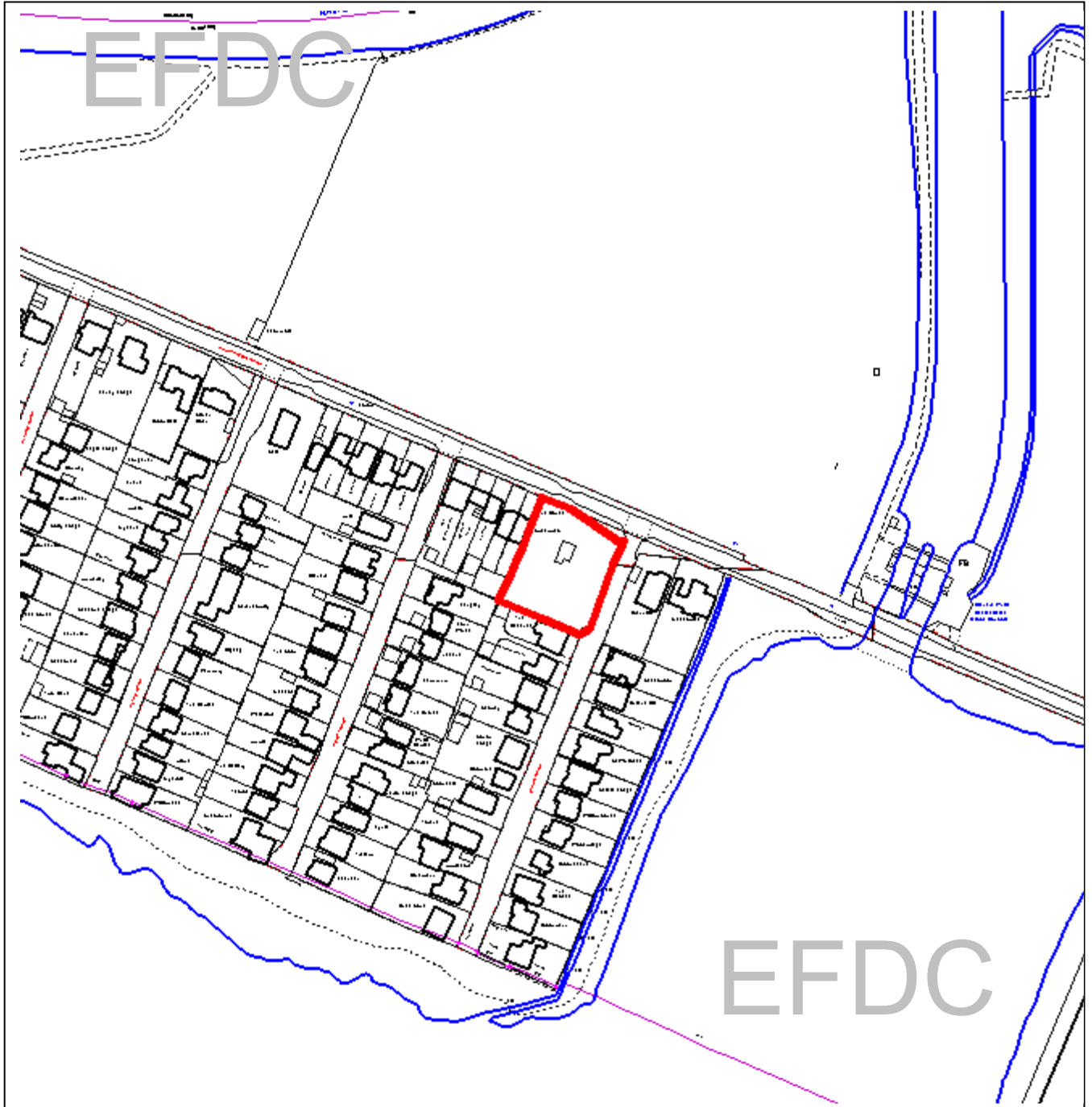
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/0449/14
Site Name:	Picardy, Dobbs Weir Road Roydon, EN11 0BQ
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/0449/14
SITE ADDRESS:	Picardy Dobbs Weir Road Roydon Essex EN11 0BQ
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Lee Williamson
DESCRIPTION OF PROPOSAL:	Erection of 5 no. new dwellings with an access road from Eldon Road.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=560459

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: 14_205 PL01, 14_205 PL02, 14_205 PL03, 14_205 PL04 A, 14_205 PL05, 14_205 PL06, 14_205 PL07, 14_205 PL08, 14_205 PL09, 14_205 PL10, 14_205 PL11, 14_205 PL12, 14_205 PL13, 14_205 PL14
- 3 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 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 Class B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place, 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.

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 The parking area shown on the plan ref: 14_205 PL04 A 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 Prior to commencement of the development hereby approved, a detailed flood plain compensation scheme shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be

conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more and is recommended for approval (Pursuant to The Constitution, Part Three: Governance Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))

Description of Site:

The application site is a corner plot on the junction of Dobbs Weir Road and Eldon Road. The site is on the edge, but outside of, the Green Belt and Lee Valley Regional Park but is within an Environment Agency Flood Zone 3. Dobbs Weir Road is a busy route with traffic calming measures in place immediately adjacent to the site. Eldon Road is a private unmade road.

The site currently contains a derelict detached bungalow, an air raid shelter and a Willow Tree subject to a Tree Preservation Order, along with other unprotected vegetation. The site is currently enclosed by a close boarded fence.

Description of Proposal:

Consent is being sought for the demolition of the existing dwelling and the erection of five new dwellings laid out as two pairs of semi-detached houses and a single detached dwelling.

The semi-detached properties would each measure 5.7m in width and 8.9m in depth with ridged roofs containing habitable space to a ridge height of 9.6m. The roofs would be served by a single front and rear dormer window along with a gable window. The detached house would measure 7m in width and 9m in depth with a matching height ridged roof that would contain two front and rear dormer windows and a single gable window in the eastern flank wall.

Each property would benefit from two parking spaces to the front of the dwelling that would be served by a driveway running adjacent to Dobbs Weir Road. Additional visitor parking would also be provided at the north western end of the site. Whilst some of the submitted plans (including the 3D images) include parking spaces to the rear of house 1 the scheme was amended upon submission and it has been confirmed that the parking shown on drawing ref: 14_205 PL04A is the correct layout.

Relevant History:

EPO/ 0523/64 - Outline application for rebuilding of bungalow – approved/conditions 02/03/65

EPO/0523A/64 - Bungalow – approved/conditions 09/05/72

EPF/1175/10 - Outline application for the erection of four detached dwellings – refused 28/10/10

EPF/2279/13 - Demolition of existing structures and the proposed re-development of 6 no. 4 bedroom semi-detached dwellings, with associated private amenity space/gardens, parking provision and landscaping – withdrawn 20/12/13

EPF/2732/13 - Demolition of existing structures and the proposed revised re-development of 4 no. 4 bedroom semi-detached dwellings, with associated private amenity space/gardens, parking provision and landscaping – withdrawn 10/02/14

Policies Applied:

CP1 - Achieving sustainable development objectives

CP2 - Quality of Rural and Built Environment

CP3 - New Development

GB7A - Conspicuous Development

H3A - Housing Density

H4A - Dwelling mix

U2A - Development in flood risk areas

DBE1 - Design of new buildings

DBE2 - Effect on neighbouring properties

DBE8 - Private amenity space

DBE9 - Loss of amenity

LL11 - Landscaping schemes

ST1 - Location of development
ST4 - Road Safety
ST6 - Vehicle parking

The above policies form part of the 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 neighbouring properties have been consulted and a site notice was displayed on 21/03/14. This report has been produced prior to the 21 day consultation period stated on the Site Notice and therefore any further comments received will be verbally reported to Members at Committee.

PARISH COUNCIL – None received at time of writing the report.

THE BEACHES, ELDON ROAD – In favour of the development of the site, however concerned about the depth of the proposed gardens and any resulting overlooking, the dominance of the buildings, as the houses would be very tall and thin, and due to parking provision. Consider that four houses would be enough on the site.

SWEETBRIAR, DOBBS WEIR ROAD – No objection.

BRANDESS HOUSE & EARLSWOOD, ELDON ROAD – Object as this is overdevelopment as four houses would be enough on the site, there should be no access from Eldon Road, due to inadequate parking provision as there would be at least three cars per dwelling, and as the proposed dwellings are too far back from the building line in Dobbs Weir Road.

BROOKDENE, ELDON ROAD – Support the application and confirm that access to Picardy has always been via Eldon Road.

MAYBROOK, ELDON ROAD – Object as this is overdevelopment of the site and hold ECC Highways responsible for access not being available from Dobbs Weir Road.

WAYSIDE, DOBBS WEIR ROAD – Support the application as it is an appropriate development of the site and a visual improvement plus this is a preferable scheme to those previously submitted.

Main Issues and Considerations:

The key considerations are the principle of redeveloping the site, the design and impact on the street scene, the impact on amenities, access and parking provision, impact on landscaping, and with regards to possible flooding issues.

The two previous applications were withdrawn to address concerns raised by both the LPA and surrounding residents, and the current application has been subject to public consultation by the applicant. The 2010 outline application was refused for a variety of reasons, which included the inadequacy of the then submitted Flood Risk Assessment and the creation of an access onto Dobbs Weir Road.

Principle of development:

The application site currently contains a residential dwelling, which would be removed to accommodate the proposed houses. As such this site would comply with the definition of Previously Developed Land as outlined in Annex 2 of the NPPF as it is "*land which is or was*

occupied by a permanent structure, including the curtilage of the developed land", although the definition does state that *"it should not be assumed that the whole of the curtilage should be development"*. The application site is located outside of the Green Belt and the Lee Valley Regional Park and, whilst not particularly sustainable in its location, is within the built up area of Dobbs Weir that already contains a number of dwellings. The main concern with the application site is that it lies within an Environment Agency Flood Zone 3, where development such as this is not encouraged. Notwithstanding this, a Sequential Test has been submitted that identifies alternative available sites and justifies why these would not be suitable for the proposed development. This Sequential Test has been agreed and as such it is considered that, in principle, the development would be acceptable in this location.

Design:

The proposed dwellings would be arranged as two pairs of semi-detached houses and a single detached house set in a staggered line fronting Dobbs Weir Road. The western houses would be stepped back approximately 3.5m from the front of the adjacent property (Sweetbriar), with the centre pair of dwellings being a further 2.5m back, and the detached house being a further 1m stepped back from the road. This reflects the angled front boundary of the site and allows for a landscaping strip, shared driveway and parking area. The houses would all be three storeys (inclusive of the rooms in the roof) with front and rear dormer windows (one for each of the semi-detached houses and two for the detached dwelling) and would comply with the general design principles of the Essex Design Guide.

The surrounding residential area comprises a varied mix of type, size and style of dwellings. Whilst Eldon Road consists entirely of detached dwellings, Dobbs Weir Road contains a number of semi-detached houses, including the immediately adjacent pair of dwellings known as Sweetbriar and The Ronze. The proposed dwellings would have eaves heights matching the adjacent pair of dwellings, although they would have ridge heights approximately 600mm higher. Given the varied mix of properties within the street scene and surrounding area it is considered that this slightly increased height would be acceptable. There is no strong building line within Dobbs Weir Road, with The Ronze & Sweetbriar being set approximately 2.7m further back from the adjacent dwellings to the west, and as such the staggered building line of the proposed development would continue this and would not be detrimental to the character of the area. The design of the proposed dwellings would conform to the general design principles as laid out within the Essex Design Guide with 45 degree roof pitches, narrow roof spans and small pitched roof dormers and as such would not be harmful to the overall appearance of the area.

Whilst some neighbouring residents have commented that five houses is an overdevelopment of the site and that just four dwellings should be erected, the assessment of whether a proposal constitutes 'overdevelopment' is largely based on all requirements being met. The proposed dwellings would be 5.7m (for each semi-detached dwelling) and 7m (for the detached house) in width, which is an acceptable size that is larger than The Ronze and Sweetbriar. The proposed development would retain a 1m gap between the flank wall of house 1 and the western site boundary, a 2m gap between house 2 and 3, a 1m gap between house 4 and 5 and a 2.1m gap between house 5 and the eastern site boundary. These distances would provide sufficient visual gaps between the houses to retain an acceptable level of openness between the buildings on the junction with Eldon Road and therefore would not appear as a cramped or overdeveloped site.

Amenity concerns:

Given the staggered layout of the proposed dwellings the houses to the east of the site (house 1 and 2) would have gardens 19m deep (as measured from the back wall of the single storey rear projection), the central houses (3 and 4) would have gardens 16.3m deep, and the western house (no. 5) would have a garden 15m in depth. Given the location of the site and layout of the houses the back of these gardens form the side boundary of the property to the rear known as The

Beaches, Eldon Road.

The Essex Design Guide recommends that where houses are situated back to back a distance of 15m between first floor rear windows and shared boundaries should be retained, although it does allow for this distance to be reduced when new houses face side-on to neighbouring dwellings. Notwithstanding this, the first floor windows of the proposed new houses would be a distance of 18.4m (house 1), 19.9m (houses 3 and 4), and 22.5m (houses 1 and 2) which is in excess of the recommended distances. Furthermore any overlooking resulting from the proposed new dwellings would be similar to, or less than, examples seen within the locality. These distances would also ensure that the houses would not be overly dominant or imposing to the residents of The Beaches, not would there be any undue loss of light.

Although house 1 would extend approximately 2.5m beyond the rear wall of Sweetbriar there would be a distance of 2m between the flank walls of these houses, which would be sufficient to ensure that there is no undue loss of amenity as a result of the proposal.

The recommended levels of private amenity space for the proposed dwellings, as laid out within the Essex Design Guide and Local Plan policy DBE8, are 120 sq. m. per house. The proposed houses would be served by rear gardens measuring in excess of 120 sq. m., 140 sq. m. and 150 sq. m., and therefore would exceed the recommended level of private amenity space. Given the staggered layout of the dwellings the proposed flank windows would look directly at the neighbours flank brick walls (with the exception of house 5, which would overlook Eldon Road) and therefore these would not result in any undue loss of privacy to future occupants of the site.

Access and Parking:

The ECC Parking standards require two off-street parking spaces per dwelling for houses of this size, plus visitor parking to serve the site. These requirements have been complied with. The parking spaces would be served by a new proposed driveway accessed from Eldon Road. The previous 2010 outline consent was refused permission in part due to the proposed access directly on to Dobbs Weir Road, which ECC Highways considered to be unacceptable. The proposed driveway running adjacent to Dobbs Weir Road is proposed as a solution to this concern whilst still enabling the dwellings to front on to Dobbs Weir Road (which was encouraged by the residents in Eldon Road who were against the houses fronting onto Eldon Road). There is no objection from ECC Highways to the proposed parking layout and access. As external access is available to the rear gardens of all proposed dwellings, secure cycle parking can be accommodated within each site.

A number of residents raise concerns regarding the addition of the access onto Eldon Road as this is a private road, although comments have also been received stating that access to Picardy has always been from Eldon Road. Irrespective of this, the ownership of the road and legal right of use is not a material planning consideration and the Council cannot be drawn into civil matters relating to such issues.

Landscaping:

There is a protected Willow Tree located at the front of the site that has high public amenity value. Unlike the previously withdrawn scheme this tree is now proposed for retention and the design of the proposed development has taken into account this tree to ensure that it can be retained and preserved. The submitted tree reports and discussions with the Council's Tree & Landscape Officer conclude that it is possible to retain the tree and improve its environment by removing the air raid shelter and existing hardstanding. Additional details would need to be provided with regards to the protection of this tree during construction, which can be dealt with by condition, however it is considered that the development can be carried out without harm to or loss of this preserved tree.

Whilst the development would result in the loss of a Sycamore Tree this is in poor health and not worthy of retention. As such the removal of this tree is considered acceptable. A hard and soft landscaping condition should be imposed to ensure adequate landscaping is provided, which would provide adequate greening to replace that lost.

Flood issues:

The application site lies within Flood Zone 3 and accordingly the development has passed a Sequential Test and the application includes a Flood Risk Assessment. At the time of compiling this report there was no specific response from the Environment Agency with regards to this scheme, however it has been agreed in principle that the development can be undertaken without undue risk of increased flooding (subject to conditions).

Other Concerns:

Adequate bin storage is available within the rear gardens of each dwelling, which is externally accessible.

Due to the site's former use as a horticultural nursery, the presence of two landfill sites within 250m, and the presence of peat beds in the underlying geology, there is the potential for contaminants to be present on site. As domestic dwellings with gardens are classified as particularly sensitive uses contaminated land investigations and, where required, remediation will be necessary. This can be dealt with by way of conditions.

Conclusion

The proposed redevelopment of this site can be achieved without detrimental impact to neighbours amenities, the character and appearance of the area, or flood risk. Adequate parking provision and amenity space is provided to meet the needs of future occupants, and the proposed driveway off of Eldon Road would not be detrimental to highway safety. As such, the proposed development would comply with the guidance contained within the NPPF and the relevant Local Plan Policies and, subject to conditions, is recommended for approval.

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

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

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