

## AREA PLANS SUB-COMMITTEE 'EAST'

Date 14 May 2014

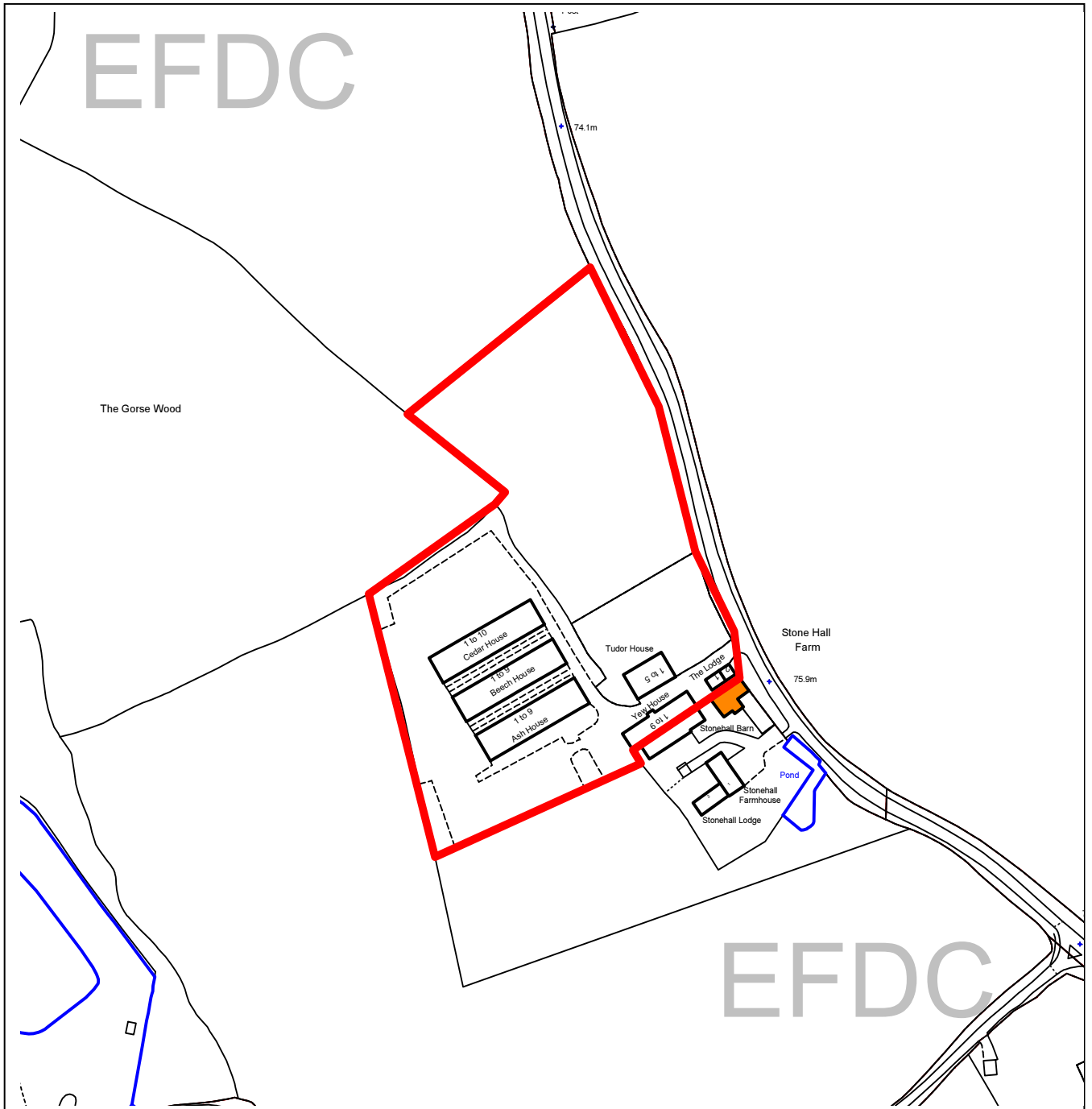
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# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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

**Report Item No: 1**

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

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:211/S/100, S/101, P/11B, P/012A, P/013A, P/014A, P/015A, P/016A, P/017A, P/018A, P/025, P/026, 354.12.3C, 03/002A, 03/001A, 03/004, 03/005.
- 3 The materials used shall be those set out in the application (letter dated 17 February 2014 from 3Square Design Ltd) unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of foul disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing facilities for vehicles leaving the site during construction works have been installed in accordance with drawing No. 211/P/026. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order the B1 units hereby approved shall be used only

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

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

- 16 Prior to commencement of development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 17 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 18 Prior to commencement of development details of phasing of the development including timing of demolition of the existing buildings, and erection of the replacement units and housing, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed phasing plan unless alternative phasing is agreed in writing by the Local Planning Authority.
- 19 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 20 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 21 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

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

And subject to the applicant first entering into a legal agreement under section 106 of the Town and Country Planning Act before 27<sup>th</sup> May 2014 (unless a longer period for the determination of the application is agreed with the applicant prior to that date) to secure three of the proposed residential units as affordable rented accommodation.

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

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

### **Description of Site:**

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

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

### **Description of Proposal:**

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

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

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

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

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

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

### **Relevant History:**

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

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

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

### **Summary of Representations**

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

No responses have been received.

PARISH COUNCIL – No response.

### **Policies Applied:**

The NPPF

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

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



## **Issues and Considerations:**

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

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

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

### Trees and Landscaping

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

### Highway Safety

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

### Character and Amenity

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

## **Conclusion**

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

## **The original report is reproduced below for information**

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

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

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

## **Original Report for EPF/2343/12**

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

### **Description of Site:**

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

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

### **Description of Proposal:**

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

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

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

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

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

### **Relevant History:**

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

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

### **Summary of Representations**

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

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

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

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

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

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

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

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

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

**Policies Applied:**

The NPPF

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

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

**Issues and Considerations:**

Green Belt

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

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

#### Impact on Residential Amenity

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

#### Design and impact on setting of listed building.

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

The Councils Conservation Officer commented:

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

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

#### Impact on Street Scene and Rural Character

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

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

#### Traffic.

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

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

#### Trees and landscaping

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

#### Sustainability.

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

#### Ecology

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

#### Affordable Housing.

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

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

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

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

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

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

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

#### Very special circumstances

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

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

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

#### **Conclusion**

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

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

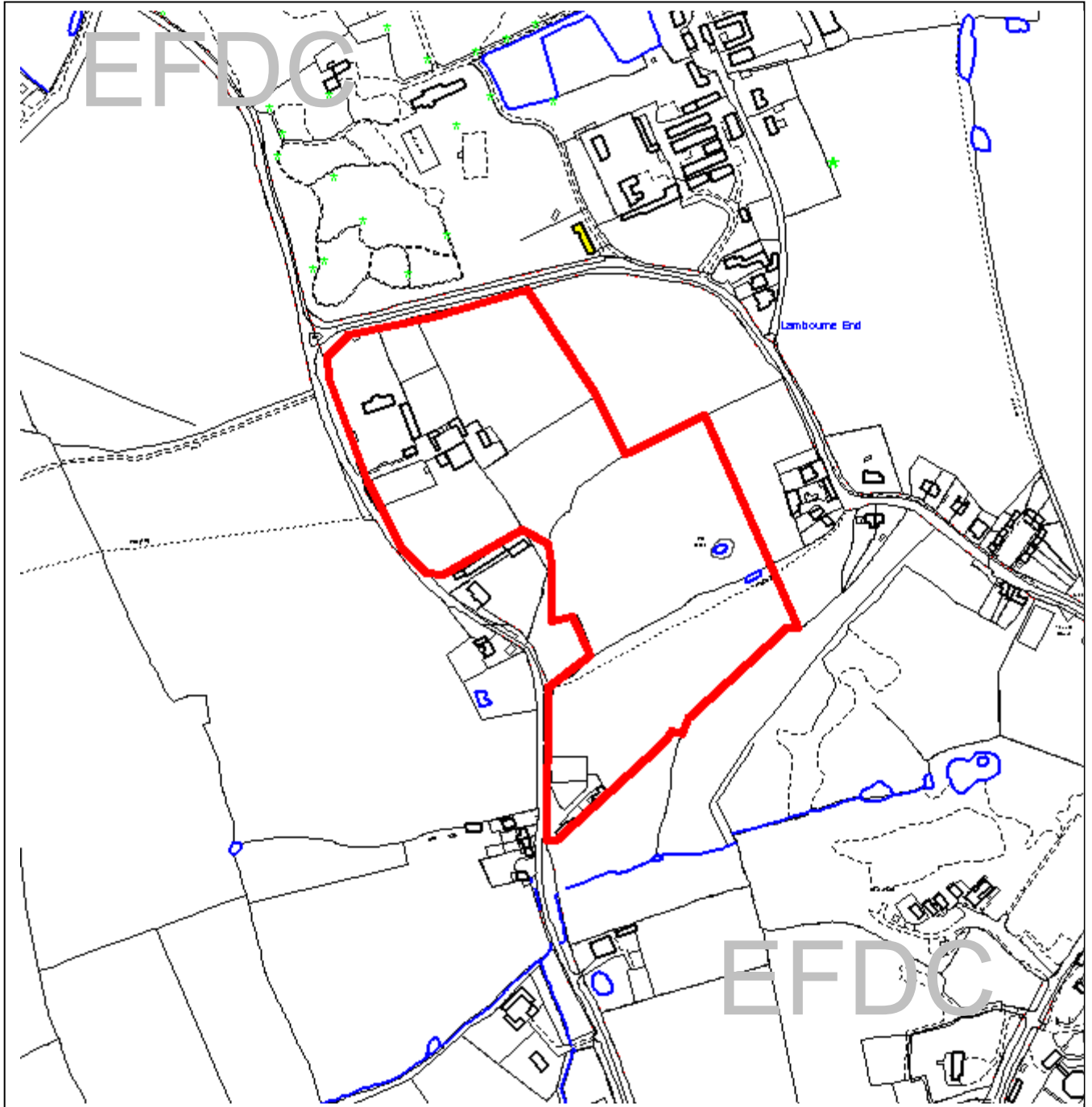
***Planning Application Case Officer: Mrs Jill Shingler  
Direct Line Telephone Number 01992 564106***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2693/13
<b>SITE ADDRESS:</b>	191 Hoe Lane Lambourne End Essex RM4 1NP
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr A Greenhalf
<b>DESCRIPTION OF PROPOSAL:</b>	Agricultural barn building.
<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=558130](http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=558130)

**CONDITIONS**

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

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

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

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

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

### **Description of Site:**

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

The site is within the Green Belt.

### **Description of Proposal:**

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

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

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

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

### **Relevant History:**

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

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

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

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

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

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

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

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

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

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

### **Policies Applied:**

#### **Adopted Local Plan and Alterations**

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

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

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

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

### **Summary of Representations:**

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

#### **LAMBOURNE PARISH COUNCIL: Object.**

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

### **Issues and Considerations:**

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

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

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

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

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

#### **Development in the green belt**

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

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

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

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

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

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

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

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

### **Conclusion:**

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

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

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

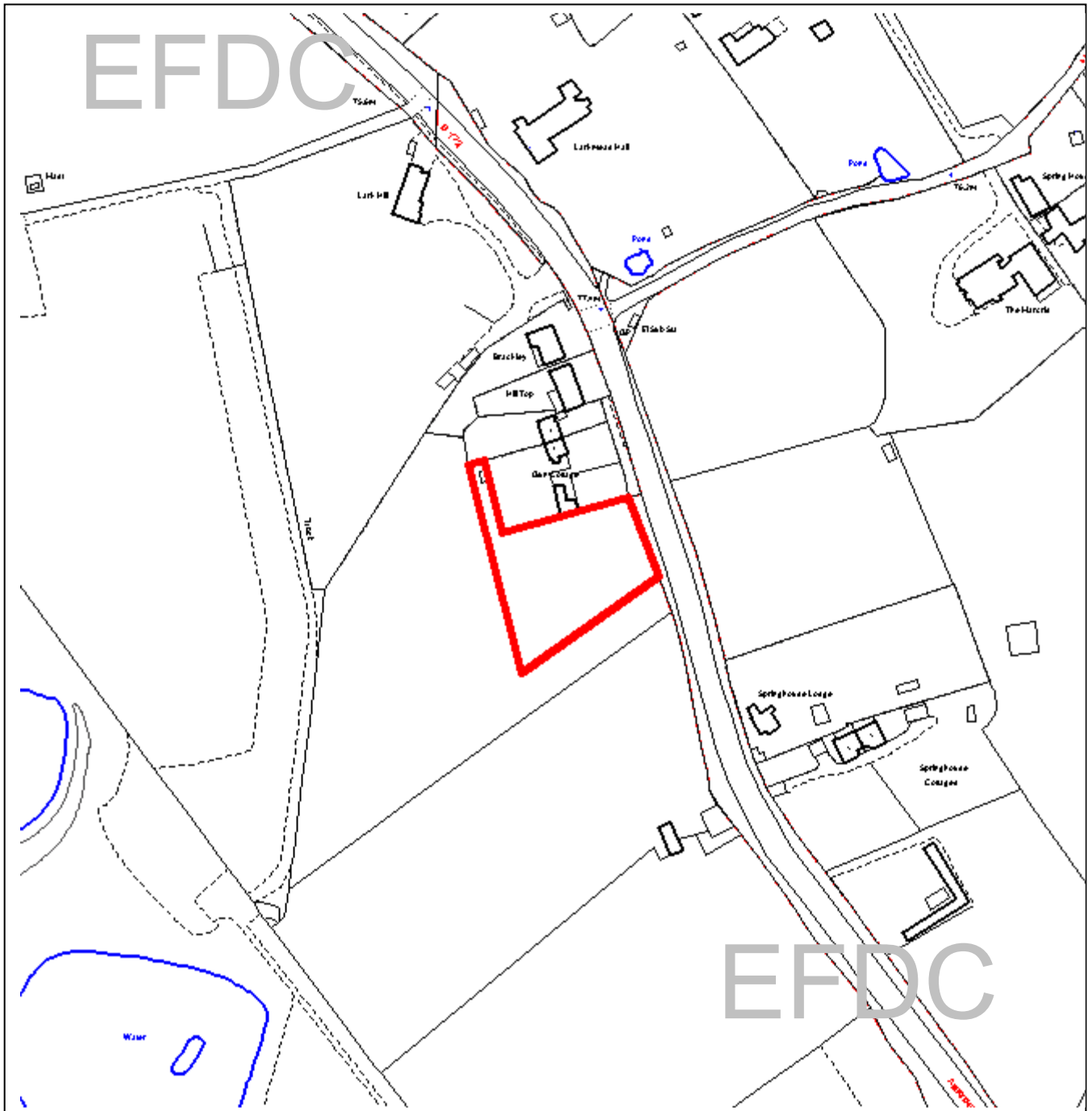
**Planning Application Case Officer: Jenny Cordell  
Direct Line Telephone Number: 01992 564481**

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0255/14
<b>SITE ADDRESS:</b>	Land Adjacent 1 Gun Cottage Abridge Road Theydon Bois Epping Essex CM16 7NN
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Graham Skinner
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed conversion of stable block to a 2 bed single storey 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=559594](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559594)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or additions generally permitted by virtue of Classes A and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 3 Prior to the commencement of the development hereby approved, details of the extent of the proposed curtilage for the dwelling shall be submitted to the Council for approval in writing.
- 4 The curtilage of the proposed dwelling shall be limited to that which is approved in relation to the details submitted under condition 3.
- 5 Prior to the first occupation of the stable building as a dwelling, details of the means of enclosure shall be submitted to the local planning authority for approval in writing. the development shall proceed in accordance with the agreed detail.

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

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

**Description of Site:**

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

**Description of Proposal:**

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

**Relevant History:**

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

**Policies Applied:**

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

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

**Summary of Representations:**

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

The following representations have been received:

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



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

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

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

### **Issues and Considerations:**

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

#### *Principle of Residential Use*

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

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

#### *Residential Amenity*

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

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

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

### Design and Appearance

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

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

### Highway Safety

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

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

Furthermore adequate space is provided within the site for parking.

### Other Matters

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

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

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

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

### **Conclusion:**

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

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

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

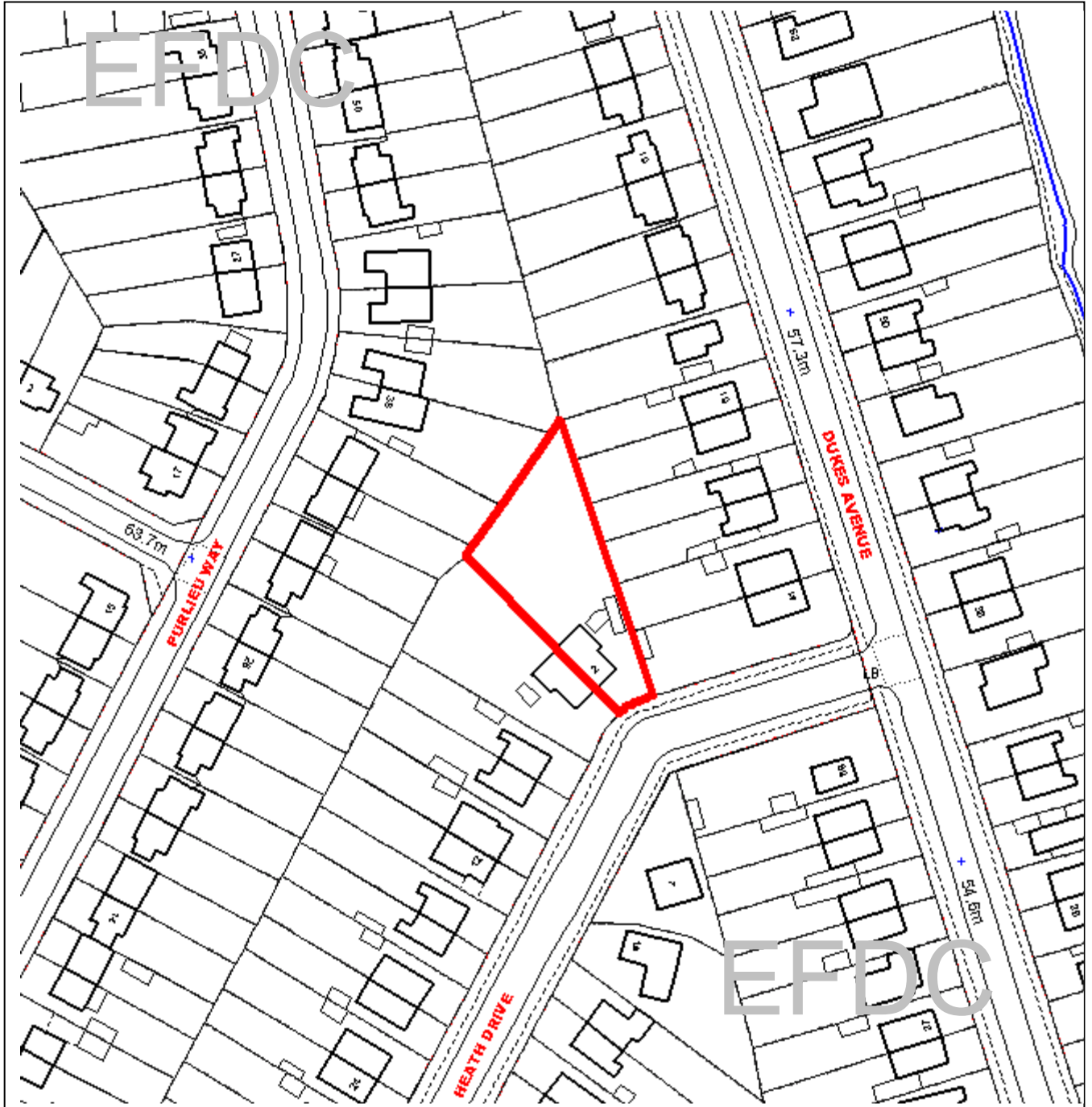
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564103***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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

**Report Item No: 4**

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

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=560177](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=560177)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening in the flank elevation serving the bathroom shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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

**Description of Site:**

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

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

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

### **Description of Proposal:**

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

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

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

### **Relevant History:**

The application site at 2 Heath Drive

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

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

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

The attached neighbour at 4 Heath Drive

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

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

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

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

### **Policies Applied:**

CP2 Quality of Rural and Built Environment

DBE9 Loss of Amenity

DBE10 Residential Extensions

NPPF

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

Number of neighbours consulted. 10

Site notice posted. No, not required

Responses received:

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

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

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

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

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

#### **Summary of details:**

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

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

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

#### **Impact to street scene:**

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

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

#### **Impact to neighbours:**

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

### **Conclusion:**

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

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

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

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