

## AREA PLANS SUB-COMMITTEE 'WEST'

30 July 2014

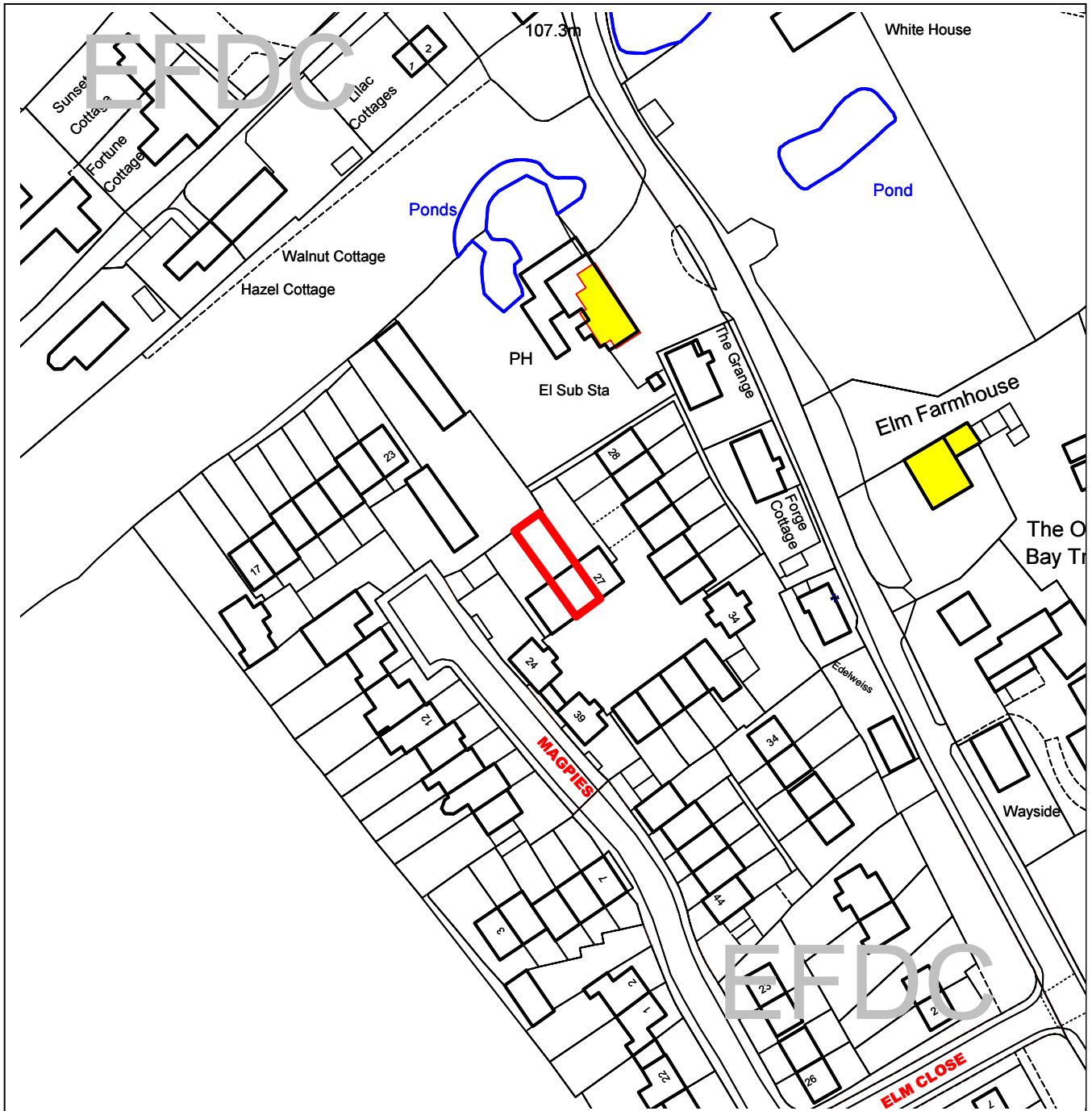
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# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/0664/14
Site Name:	26 The Magpies, Epping Upland CM16 6QG
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0664/14
<b>SITE ADDRESS:</b>	26 The Magpies Epping Upland Epping Essex CM16 6QG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr Christian Charles
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application to convert garage to residential accommodation (internal works only - no external works)
<b>RECOMMENDED DECISION:</b>	Grant Permission

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=561497](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=561497)

**CONDITIONS**

NONE

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

**Description of Site:**

The Magpies is a development of houses situated in the hamlet of Epping Green and accessed off the B181. The houses are arranged within a cul de sac and No26 is situated in a courtyard setting accessed through a carriage style arch. The site is the middle property in a terrace of three and the house is two storeys with an integral garage served by a set of double doors. There is a forecourt area to the front of the house providing pedestrian access to the dwelling and there is also parking space for one vehicle.

**Description of Proposal:**

The applicant seeks consent to retain the use of the integral garage for additional residential accommodation. The description provided outlines how there has been no external works to accommodate the conversion.

**Relevant History:**

EPF/0348/06 - Retention of rear conservatory. Grant Permission – 24/03/06.

### **Policies Applied:**

Policy CP2- Protecting the Quality of the Rural and Built Environment  
Policy DBE9- Loss of Amenity  
Policy DBE10 – Residential Extensions  
Policy ST4- Road Safety  
Policy ST6- Vehicle Parking

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

### **Summary of Representations:**

11 neighbours consulted: 2 replies received.

24 THE MAGPIES: Objection. Concern that the proper planning procedure has not been followed and this must not result in a carte blanche approval. We believe that if this application is approved it should “stand on its own”.

34 THE MAGPIES: Comment. Only comment is that the works should have no impact on the external appearance of the dwelling to satisfy deed requirements.

PARISH COUNCIL: Objection. Concern about loss of garage and parking amenity. External changes have been made to the garage door. Contrary to covenants on the development and it could set a precedent. There appears to be no ventilation in the room.

### **Issues and Considerations:**

The main issues to consider relate to parking and amenity and the comments of consultees.

The conversion of integral garages to additional living accommodation is in the majority of cases not development requiring consent. One type of residential use within the same planning unit is simply replacing another. In addition, Section 55(2)(d) of the 1990 Act specifically allows the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

However in this case a condition on the original consent for the development of houses required that the garages should be retained for the parking of vehicles (EPF/0604a/75). The reason for the condition was to ensure that the future characteristics of the scheme did not prejudice the amenity of the areas with regards to noise and disturbance. Therefore planning consent is required.

The Parish Council have raised concern about the development contravening covenants on the development and that external changes have been made to the garage doors. Such changes, if existing at all, are inconspicuous and covenants are not a consideration which fall under the list of matters material to a planning application. If a covenant is in place then a planning consent will not override it and the resolution of the issue is largely a civil matter.

It is also stated that there appears to be no ventilation to the room but such concerns would be addressed under current Building Regulations requirements and it is noted that Building Regulation Approval for the conversion has been granted in March 2014.

Concern is also expressed that the proposed development will result in the loss of a parking space. It is the case that the garage has been lost for parking purposes. However the proposed

development was approved in the mid 1970's when average cars were generally smaller and in terms of providing a valid parking space the existing garage, which is approximately 2.3m wide, would struggle to meet modern parking standards adopted by the Council. This requires a garage width of 3.0m in order to be designated a useable parking space. Thus the garage would not be considered a useable parking space by current adopted standards and in effect there is no loss of a parking space in this instance. Furthermore a useable parking space exists to the front of the dwelling and further parking spaces are available in a shared parking area to the rear of the house. On street parking also exists, if needed, within the wider development.

It is not therefore considered that the loss of the garage would lead to a position whereby unsuitable parking resulted within The Magpies such as to be an issue of highway safety or harmful to the character or appearance of the area. The Parish Council has raised further concern that the granting of consent could set a precedent for further such development. It may be the case that few garages are still used, or capable of being used, to park vehicles and although each application is judged on its own merits the cumulative impact of similar developments may not be injurious to the overall functioning of the area.

### **Conclusion:**

The proposed retention of this garage space for use as additional living accommodation is considered acceptable. It is therefore recommended that consent is granted.

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

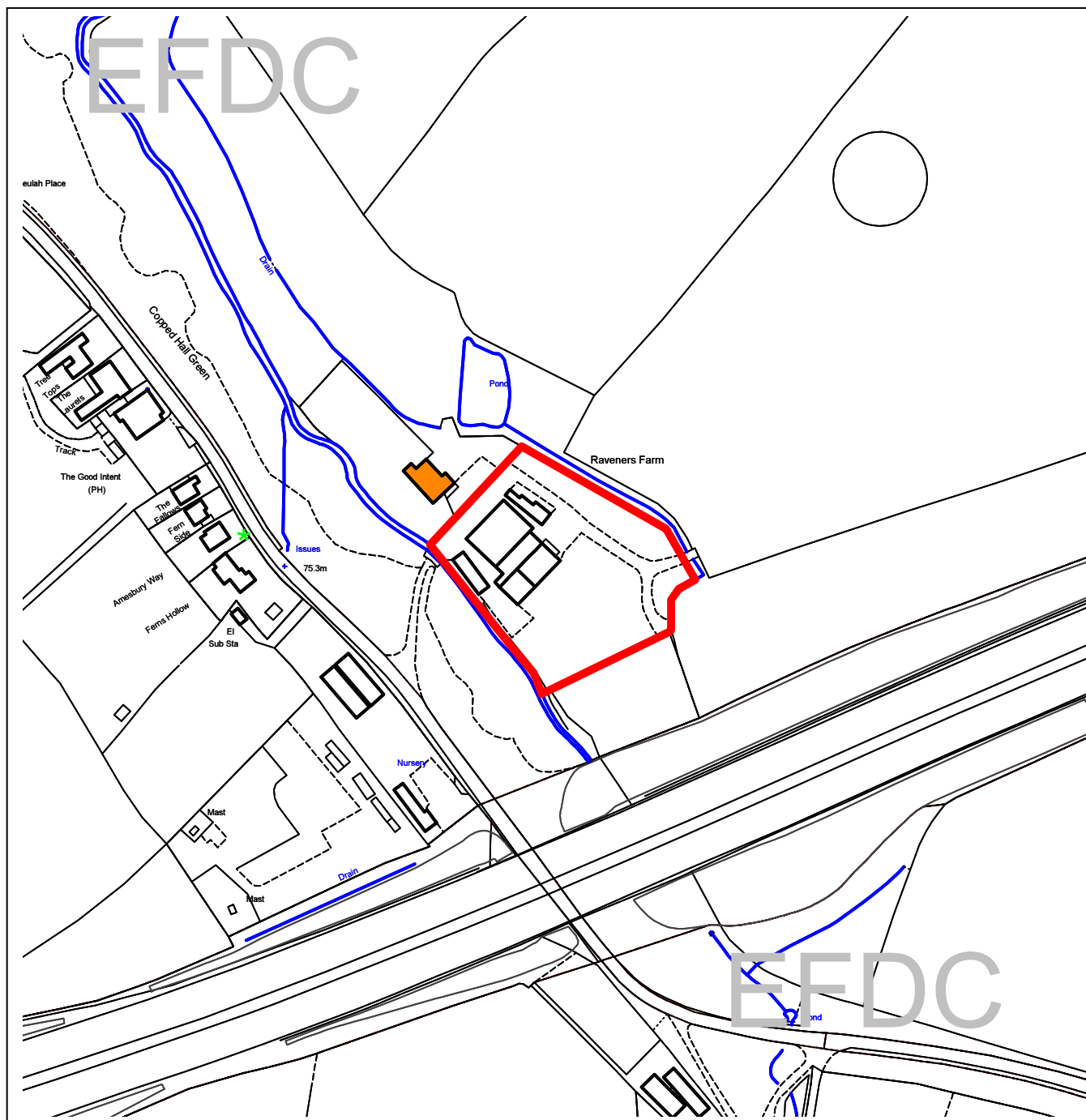
***Planning Application Case Officer: Mr Dominic Duffin***  
***Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## AGENDA ITEM NUMBERS 2 & 3



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Application Number:	EPF/0996/14 & EPF/1031/14
Site Name:	Ravensers Farm, Crown Hill Upshire, EN9 3TF
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0996/14
<b>SITE ADDRESS:</b>	Raveners Farm Crown Hill Upshire Essex EN9 3TF
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr Mark Wallace
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use and conversion of main brick barn and adjoining hay barn to form two dwelling houses; conversion and extension of existing stable block to form third dwelling house: formation of private gardens with boundary fencing and landscaping; demolition of modern cattle shed; demolition of former milking shed; and construction of replacement outbuilding incorporating four carports, bin store and bike store.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=562731](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562731)

**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 736/50-60.
- 3 No development shall have taken place until samples of the types and colours of the external finishes, including details of the car port and fencing, have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 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 A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 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 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.

- 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 Prior to commencement of development details of a scheme to secure ecological benefits along the south western boundary of the site shall be submitted to the Local Planning Authority for approval. The scheme shall include details of appropriate ecological mitigation and include a marked area of land to remain free from development as private residential garden.
- 8 Prior to the commencement of development a Great Crested Newt Survey and Bat Survey shall be submitted to the Local Planning Authority for approval. If the surveys find Bats or Great Crested Newts to be present on site a scheme of mitigation, including a timetable for the work, shall be further submitted as part of this condition for approval and the agreed mitigation shall be carried out in accordance with the agreed timetable unless otherwise agreed in writing.
- 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 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion

of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 15 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.
- 16 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 17 Prior to the occupation of the new dwellings the cattle shed indicated on drawing number 736/50 shall be demolished and all materials shall be removed from the land.

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

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

The application site consists of the former farm buildings once used in connection with Ravener's Farm and includes a large historic brick barn and adjoining hay barn, stable block, milking shed, and more modern cattle shed. Ravener's Farm is a Grade II Listed structure dating from the 18<sup>th</sup> Century and as some of the agricultural buildings are pre-1948 structures they are curtilage listed.

All of the farm buildings are currently vacant and the farmhouse no longer relates to any agricultural land. The site is accessed by a small track across the Copped Hall Green, which is a public green area, to the north east of Crown Hill Road. To the south of the site is the M25, which is built up on embankments. There are no substantial trees within the site, however several along the site boundaries and a brook runs along the south west boundary. To the south east of the group of buildings is an open grassland area.

The site is located within the Metropolitan Green Belt, the Copped Hall Conservation Area, and a Flood Risk Assessment zone.

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

Consent is sought to convert the brick barn and hay barn to create two separate residential units. The stable block would be converted and extended to form a third residential dwelling, with approximately 63 sq m of floorspace added. The extension would follow the form and design of the existing building. The more modern milking shed would be demolished and replaced by a four bay car port with bin/bicycle store on a similar footprint to the milking shed. This building would be timber clad and constructed on a brick plinth.

Three garden areas would extend to the side and rear of the buildings and an access track adjacent to the stable block would be realigned. The large, utilitarian cattle shed would be demolished. A central, gated entrance would be created and the separate properties would be demarcated by close boarded fencing and an access track within the site would be realigned.

### **Relevant History:**

EPF/0282/09 - Change of use and conversion of main brick barn and adjoining hay barn to single dwellinghouse; formation of private garden with boundary fencing and landscaping; demolition of modern cattle shed; demolition of former milking shed; construction of replacement outbuilding for use as garage and for ancillary residential purposes by new dwelling; and minor alterations to former stables building for use as garage and for ancillary residential purposes by existing farmhouse. Grant permission with conditions - 14/04/2009.

EPF/0324/09 - Grade II listed building application for change of use and conversion of main brick barn and adjoining hay barn to single dwellinghouse; formation of private garden with boundary fencing and landscaping; demolition of modern cattle shed; demolition of former milking shed; construction of replacement outbuilding for use as garage and for ancillary residential purposes by new dwelling; and minor alterations to former stables building for use as garage and for ancillary residential purposes by existing farmhouse. Grant permission with conditions – 14/04/09.

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
GB8A – Change of use or adaptation of buildings  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE4 – Design in the Green Belt  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
HC6 – Character, appearance and setting of Conservation Areas  
HC7 – Development within Conservation Area  
HC10 – Works to a Listed Building  
HC12 – Development affecting the setting of Listed Buildings  
NC4 – Protection of established habitat  
ST4 – Road safety  
ST6 – Vehicle parking  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
U2A – Development in flood risk areas  
U2B – Flood Risk Assessment zones  
RP4 – Contaminated Land

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

### **Summary of Representations:**

TOWN COUNCIL – Objection. Concerns were raised by committee that this was a listed building, and also considered this to be an overdevelopment in the Green Belt.

5 neighbours consulted and site notice displayed – 1 reply received.

FERNside: Objection. Upshire Village is a small community with long standing historical ties. Ravener's Farm is situated within ancient fields and any future construction would alter or destroy

part of these fields. These proposed dwellings would put a strain on already weak overhead cabled electricity supplies. The fields, walkways and local areas are used by locals and visitors alike for recreation; hiking, dog walking, jogging, horse riding and sightseeing etc. The village and surrounding countryside needs to be protected for future generations. Furthermore, the wildlife living in Upshire needs protecting too. I have newts in my little pond, these could be the rare crested ones and if they are in my pond they could be in Ravener's ponds too. There is enough building being done eating away at the countryside if planning permission is granted, it would open the flood gates for further applications.

CONSERVATOR'S OF EPPING FOREST: Objection. The proposed development is contrary to Green Belt and conservation policy requiring very special circumstances. Concern that the access track is being realigned and we have a right to pass along this track to tend to land under our ownership. Concern that the barns are not capable of conversion and that the new car port is contrary to Green Belt policy.

ENVIRONMENT AGENCY: Objection. Concern that the proposed development does not retain an 8 metre buffer zone along the brook.

### **Issues and Considerations:**

The main considerations in relation to the proposal are the suitability of the buildings to be converted and the impact on the Green Belt, the overall design and impact on the Conservation Area and setting of the Listed Building, amenity considerations, landscaping issues, highway safety/access and the comments of all consultees including the Environment Agency and the Conservator's of Epping Forest.

#### **Green Belt**

As alluded to in the Supporting Statement a scheme for redevelopment was the subject of preliminary discussions as part of the Council's Pre-application Service and consent was also granted in 2009 for a residential scheme at this site.

The majority of this scheme involves the reuse of existing buildings and as such is not an inappropriate development having regard to Paragraph 90 of the NPPF. This Council also has long standing policies which recognise the reuse of redundant buildings as a potentially appropriate form of development. Such policies are only relevant where they are compliant with guidance in the NPPF and in that regard this document requires that the building for reuse is of permanent and substantial construction, preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

The two larger barns are clearly of substantial construction and capable of conversion without what major reconstruction would constitute. In line with the long standing local policy on conversions this element of the scheme is considered acceptable.

The stable building consists of a three sectioned building which gets progressively larger. The largest of the sections would be replicated by the addition of an extension to the building of a similar size and form. This can be justified as the large agricultural building in the centre of the group would be demolished and removed from site. This would bring clear visual benefits to the area and as compensation much more built form would be removed. Furthermore the NPPF does recognise the extension of buildings in the Green Belt as appropriate (Para. 89) and in volume terms what is proposed is not excessive. Likewise in Green Belt terms the new car port and storage building can be justified as it is of a similar bulk and scale to a visually poor building that will be removed.

Separate curtilages will be created for each unit which would have some impact on open character. However there are clear benefits to finding a beneficial use for the buildings on this site and the purposes of maintaining Green Belt land would not be seriously offended. Therefore the conversion to residential of the barns, extension and conversion to residential of the stable block, construction of a new car port in lieu of buildings to be removed and the creation of separate curtilages is considered acceptable and generally in compliance with local and national Green Belt policy.

#### Design/Listed Building/Conservation Area

As the scheme is development requiring Listed Building Consent design and layout is of some importance. Under present conditions the proposal buildings detract from the Green Belt, the special character of the Conservation Area and setting of the Listed Buildings. A suitable redevelopment scheme must therefore be the preferred option for this site. These historic curtilage buildings are in need of repair and require a new use in order to maintain them in good condition in the long term. It is believed that this proposal will enhance this area generally and retain these buildings in good condition; however the choice of materials is key to the success of the scheme. As such a condition requiring submission of further details of external finishes is required.

Furthermore, the demolition of the large and unsightly cattle shed would significantly improve the setting of the listed farmhouse and the curtilage listed buildings. The existing milking shed is dilapidated and in a poor state of repair. It is considered to be of no architectural merit within the farm complex and currently detracts from the historic setting of the listed farmhouse due to this. As such the removal of this small building and replacement with a similar sized, but considerably more attractive and traditionally designed, garage/ancillary building would significantly improve the overall character of the area.

It is considered that the proposed conversion and works to the barns and stable building, removal of the cattle shed and milking shed, and the erection of a garage/ancillary outbuilding would significantly enhance the character, appearance and historic interest of the Listed Building and its setting. Although the proposal would introduce more residential paraphernalia and subdivision of the site, including new boundary fencing, it is not considered that this would outweigh the overall benefits from this scheme.

#### Amenity

The proposed development is well separated from Ravener's Farmhouse and would have no material impact on the amenity of residents. The next nearest neighbours to the development are on Copthall Green and again the amenity of residents of these properties would not be seriously infringed.

The site's proposed layout allows for sufficient amenity space and an insurance that there would be no serious issues of amenity for future occupants.

#### Trees/Landscaping

The applicant has submitted a Tree Report which confirms that the development is feasible from a trees perspective. Conditions requiring further details of tree protection measures and a landscaping scheme are necessary.

#### Highways

The Highways Authority has been consulted and has no objection to the scheme. The access is existing and would have vehicle movement associated with it;

Furthermore the access onto Crown Hill provides good visibility and geometry. It is stated that the access into the site is not shown as being under the control or ownership of the applicant and whether they have a right of access across it. The access track to the site is private and whether the applicant has a right of access across is largely a civil matter and not something that can be a material planning consideration.

#### Conservators of Epping Forest Comments

The Conservators of Epping Forest have stated that the application is contrary to Green Belt policy and as such should be refused. As has been stated in the Green Belt section of this report a clear case for this application can be made which is in compliance with Green Belt policy.

It is also stated that an access track which skirts around the stable block will be realigned and that the Conservators have access rights across it. As has been previously stated private access rights are not a matter for consideration under a planning application. There is nothing to suggest that the granting of planning permission or the realignment of the track will interfere with any private rights that exist and planning consent could not override those rights.

#### Environment Agency/Countrycare Comments

Both the Environment Agency and the Council's Countrycare Section have provided comments on the submitted Ecology Surveys and general particulars of this proposal. Bat and Great Crested Newt surveys have been submitted as supporting information for this scheme and the surveys were carried out in 2009. The Great Crested Newt Survey concludes that the species is not present on site. The Bat Survey concludes that although the species seems to forage on the site, local bats do not seem to inhabit any of the affected buildings and the scheme could proceed without any serious impact on the bat population of the locality. No further studies were therefore deemed necessary in 2009.

A further Phase I Ecological Survey was conducted in February 2014 by Naturally Wild. This has been assessed by the Council's Ecologist. The conclusions are that as the initial surveys were carried out some time ago, further Great Crested Newt and Bat Surveys should be undertaken. This is considered a reasonable requirement and the application will therefore be conditioned accordingly.

The Environment Agency has raised objection to the scheme as the new car port would not retain an 8.0m "buffer zone" for local wildlife measured from the top of the bank of the brook that runs along the south west boundary of the site. The proposed building would be in a similar position to the cattle shed which is to be demolished. Although the creation of a strip free from development is desirable, this is one of a number of considerations to be weighed up. With reference to the listed building and curtilage listed buildings it is desirable to retain a courtyard style setting and to maintain a clear relationship between these buildings. It is also perfectly reasonable to expect covered parking at the site for future occupants.

The Supporting Statement with the application advises that the applicant is willing to undertake ecological enhancements along the brook, in accordance with a scheme to be submitted as part of a condition. Further correspondence details how the applicant would be willing to fence off an 8.0m buffer zone which would be removed from the cultivated garden area. It is accepted that the car port would breach this buffer zone but such a scheme would result in ecological enhancements at the site and appears a suitable compromise. It is accepted that Government guidance which advises setting development back from river banks is more a flood defence measure and not an ecological measure. The proposed scheme with a condition agreeing details of the proposed ecological enhancement zone is considered a suitable way to enhance the ecology at the site and as such this element of the scheme is considered acceptable.

### Contaminated Land

Owing to previous uses at the site the standard contaminated land conditions are deemed necessary.

### Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is therefore required. Further details of disposal of foul and surface water are also necessary. A separate Land Drainage Consent would also be required.

### **Conclusion:**

The proposed development is considered acceptable when judged against local and national Green Belt policy. From a design perspective the reuse of these buildings and a redevelopment of the site is the preferred option. Furthermore the removal of the very dominant cattle shed and the milking shed will bring clear visual benefits, bearing in mind the presence of listed/curtilage listed buildings and the fact the site is within a local conservation area. There are no concerns with regard to amenity, highway safety or trees and landscaping. The concerns of the Conservator's of Epping Forest are duly noted and addressed. Further Bat and Great Crested Newt surveys are deemed a reasonable requirement and can be agreed by condition. The comments from the Environment Agency with regards to the retention of an 8.0m buffer zone are also noted. However a condition requiring details of an ecological enhancement zone removed from the residential garden areas is considered a reasonable compromise which would bring a net gain of ecological benefits at this site.

In conclusion the proposed scheme is considered a suitable form of development, compliant with policy, and it is recommended that consent is granted subject to conditions.

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

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

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

**Report Item No:3**

<b>APPLICATION No:</b>	EPF/1031/14
<b>SITE ADDRESS:</b>	Raveners Farm Crown Hill Upshire Essex EN9 3TF
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr Mark Wallace
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building application for change of use and conversion of main brick barn and adjoining hay barn to form two dwelling houses; conversion and extension of existing stable block to form third dwelling house: formation of private gardens with boundary fencing and landscaping; demolition of modern cattle shed; demolition of former milking shed; and construction of replacement outbuilding incorporating four carports, bin store and bike store.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=562870](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562870)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

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

### **Description of Site:**

The application site consists of the former farm buildings once used in connection with Ravener's Farm and includes a large historic brick barn and adjoining hay barn, stable block, milking shed, and more modern cattle shed. Ravener's Farm is a Grade II Listed structure dating from the 18<sup>th</sup> Century and as some of the agricultural buildings are pre-1948 structures they are curtilage listed.

All of the farm buildings are currently vacant and the farmhouse no longer relates to any agricultural land. The site is accessed by a small track across the Copped Hall Green, which is a public green area, to the north east of Crown Hill Road. To the south of the site is the M25, which is built up on embankments. There are no substantial trees within the site, however several along the site boundaries and a brook runs along the south west boundary. To the south east of the group of buildings is an open grassland area.

The site is located within the Metropolitan Green Belt, the Copped Hall Conservation Area, and a Flood Risk Assessment zone.

### **Description of Proposal:**

Grade II Listed Building Consent is sought to convert the brick barn and hay barn to create two separate residential units. The stable block would be converted and extended to form a third residential dwelling, with approximately 63 sq m of floorspace added. The extension would follow the form and design of the existing building.

### **Relevant History:**

EPF/0282/09 - Change of use and conversion of main brick barn and adjoining hay barn to single dwellinghouse; formation of private garden with boundary fencing and landscaping; demolition of modern cattle shed; demolition of former milking shed; construction of replacement outbuilding for use as garage and for ancillary residential purposes by new dwelling; and minor alterations to former stables building for use as garage and for ancillary residential purposes by existing farmhouse. Grant permission with conditions - 14/04/2009.

EPF/0324/09 - Grade II listed building application for change of use and conversion of main brick barn and adjoining hay barn to single dwellinghouse; formation of private garden with boundary fencing and landscaping; demolition of modern cattle shed; demolition of former milking shed; construction of replacement outbuilding for use as garage and for ancillary residential purposes by new dwelling; and minor alterations to former stables building for use as garage and for ancillary residential purposes by existing farmhouse. Grant permission with conditions – 14/04/09.

### **Policies Applied:**

HC10 – Works to a Listed Building

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

### **Summary of Representations:**

TOWN COUNCIL – Objection. Concerns were raised by committee that this was a listed building, and also considered this to be an overdevelopment in the Green Belt.

5 neighbours consulted and site notice displayed – 1 reply received.

FERNside: Objection. Upshire Village is a small community with long standing historical ties. Ravener's Farm is situated within ancient fields and any future construction would alter or destroy part of these fields. These proposed dwellings would put a strain on already weak overhead cabled electricity supplies. The fields, walkways and local areas are used by locals and visitors alike for recreation; hiking, dog walking, jogging, horse riding and sightseeing etc. The village and surrounding countryside needs to be protected for future generations. Furthermore, the wildlife living in Upshire needs protecting too. I have newts in my little pond, these could be the rare crested ones and if they are in my pond they could be in Ravener's ponds too. There is enough building being done eating away at the countryside if planning permission is granted, it would open the flood gates for further applications.

### **Issues and Considerations:**

The main consideration is whether the proposed development would preserve or enhance the setting of the listed building/curtilage listed buildings.

As has been alluded to in the planning application report a redevelopment of the site is in the interests of preserving and enhancing the setting of this group of buildings. These historic curtilage buildings are in need of repair and require a new use in order to maintain them in good condition in the long term. It is considered that this scheme would achieve this aim without detracting from the group's special character. Furthermore the removal of the dilapidated structures will bring clear visual benefits.

It is therefore considered that the proposed conversion and works to the barns and stable building, removal of the cattle shed and milking shed, and the erection of a garage/ancillary outbuilding would significantly enhance the character, appearance and historic interest of the Listed Building and its setting.

Although concern has been expressed about the extension of the stable block it is considered that the overarching benefits of bringing the site back into use and the visual benefits that the removal of the cattle shed and milking shed would bring, the proposed extension is justified.

### **Conclusion:**

The proposed development is considered acceptable from the perspective of preserving the character of this group of buildings. It is therefore recommended that consent is granted subject to conditions.

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

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

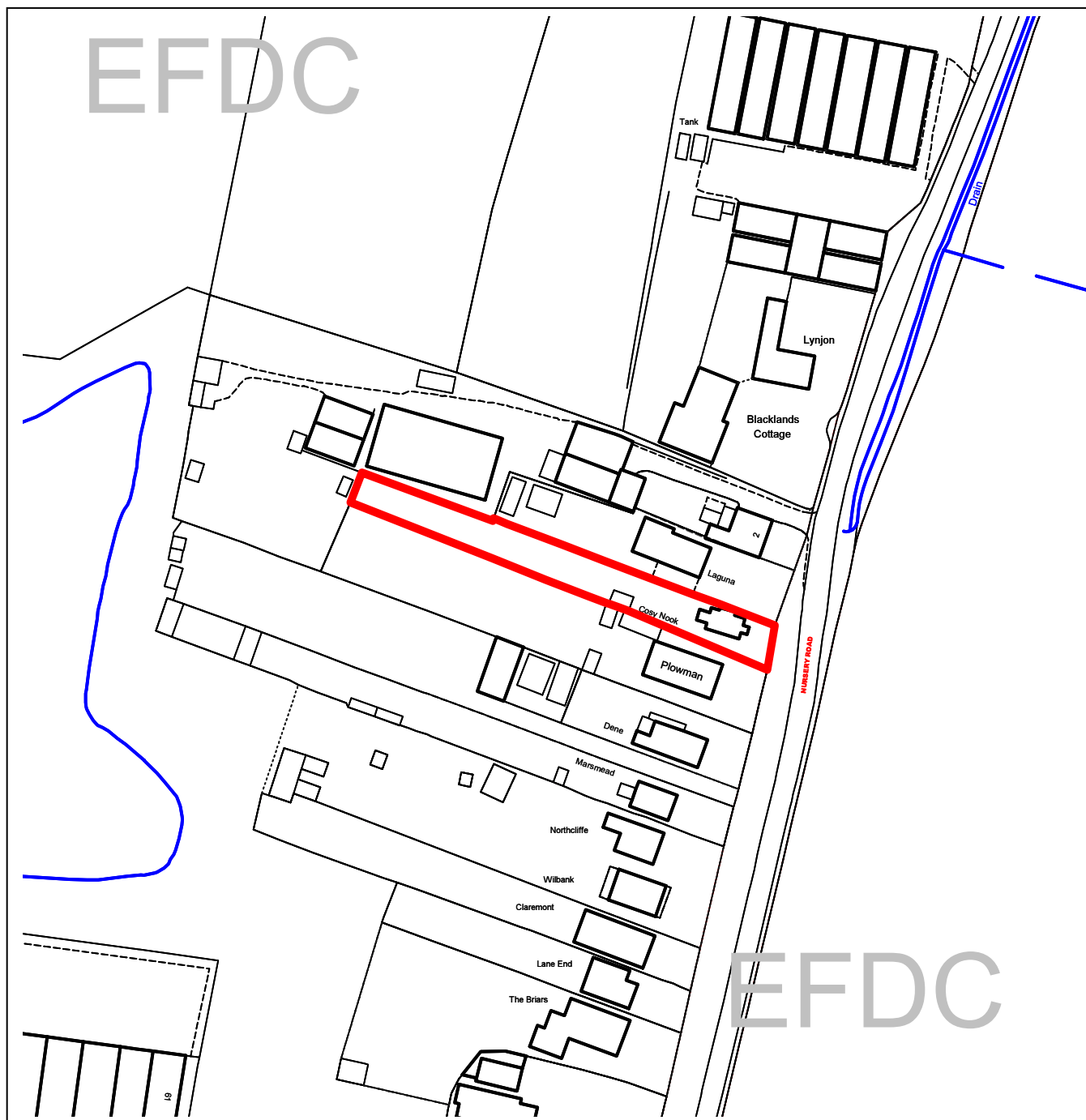
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/1039/14
Site Name:	Cosy Nook, Nursery Road Nazeing, EN9 2JE
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1039/14
<b>SITE ADDRESS:</b>	Cosy Nook Nursery Road Nazeing Essex EN9 2JE
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mrs Amanda Tadgell
<b>DESCRIPTION OF PROPOSAL:</b>	The use of two outbuildings for storage and one for packing, to create a mixed use at the site of C3/B8 storage.
<b>RECOMMENDED DECISION:</b>	Grant Permission - Time Limited Use (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=562930](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562930)

**CONDITIONS**

- 1 The use hereby permitted shall cease on or before the date one calendar year from the date on this decision notice.
- 2 The use hereby permitted shall not operate outside the hours of 09:00 to 17:00 on Monday to Friday 09:00 to 13:00 on Saturday and not at all on Sundays and Bank Holidays.
- 3 This consent shall inure solely for the benefit of the applicants Mr and Mrs Tadgell, residing at Cosy Nook, and the business shall employ no other persons or retain unpaid helpers to carry out the use at the site.
- 4 The use hereby permitted shall be for the storage, packing and distribution of crockery/china and for no other commercial practices unless otherwise agreed by the Local Planning Authority.

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

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

### **Description of Site:**

Nursery Road is located close to the centre of the village in Nazeing and is accessed down a single track off Nazeing Road. The road is largely residential with a row of houses along its western side but there are also some commercial premises including some nursery businesses. The entire site is within the boundaries of the Metropolitan Green Belt and properties are served by long, rear gardens. The application site contains a detached dwelling which is served by three outbuildings in the rear garden area.

### **Description of Proposal:**

The applicant seeks consent to use the three outbuildings for what is essentially a storage and distribution business. The application forms state that two of the buildings would be used for storage and one for packing. The supporting letter outlines how china/crockery would be stored and packed before being distributed from the site to customers for hire. It is stated that as the company is mail order this is achieved by van collections three days a week.

### **Relevant History:**

ENF/0018/10 - 3 buildings erected for use as packing & storage associated with light industrial use. Breach Ceased – 13/05/10.

### **Policies Applied:**

Policy CP2- Protecting the Quality of the Rural and Built Environment  
Policy GB2A- Development in the Green Belt  
Policy DBE2- Effect on Neighbouring Properties  
Policy DBE9- Loss of Amenity  
Policy RP5A – Potentially Adverse Environmental Impacts  
Policy ST4- Road Safety  
Policy ST6- Vehicle Parking  
Policy RST24 – Location of Development in the Lea Valley Regional Park

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

### **Summary of Representations:**

3 neighbours consulted and site notice displayed: 2 replies received.

LAGUNA: Objection. This is the re-emergence of an issue for which we had to contact the Planning Department in 2010. Concern that the shed used for packing is nowhere near adequate and the activity takes place outside in the open where the noise is unbearable. This includes the clanking of crockery, the noise from the wrapping machine and the movement of goods from one place to another. Often this carries on late into the evening and at weekends and bank holidays. When this use at the site was last in operation (2010) it led to a deterioration in my health and this has surfaced again with this new application. Concern there is no proper access to the sheds.

Concern that the conditions on site are not suitable for such a use or to have people working there. Concern that the business will have a number of employees and threat here will be a lack of parking to meet the need. The site is impractical for such a use and leads to the parking of delivery lorries on the road. Concern that the granting of consent will set a precedent and result in the

spread of commercial activities in residential areas of Nazeing, including Nursery Road. Concern about impact on the value of our property and our ability to sell it.

CIRCULATED PETITION: Signed by approximately 107 residential properties with approximately 125 separate signatures - Objection. Concern about the commercial spread of business in the village and that the use will have a detrimental impact on the amenity of neighbours. The proposed use is for B8 storage and distribution and there are enough empty units to meet the need in the local area. The proposed use will change the peaceful character of the area. Concern that large delivery vehicles will cause a nuisance and block the road. The proposed use cannot provide the required parking. Concern that this use, if granted, could set a precedent for other developments in the area of a similar nature.

PARISH COUNCIL: Objection. Inappropriate development in this area.

LEA VALLEY REGIONAL PARK: No Objection.

### **Issues and Considerations:**

The main issues to consider relate to impact on amenity with reference to noise and disturbance, the movements of vehicles to and from the site and the comments received from consultees.

#### **Amenity/Consultee Comments**

A brief history of this application is that in 2010 the outbuildings on site were being used to operate a business distributing crockery. Following a planning enforcement investigation the use ceased and it appears that the business relocated to a unit where it continued to operate. The Council therefore closed the case as the use of the site for this purpose had ceased. Therefore the planning merits of the activity were never fully assessed. The applicant now wishes the business to once again operate from Cosy Nook and as such is applying for planning permission.

It is evident that what is proposed has raised some local concern and a circulated petition has received a large number of signatures, some from quite a distance from the property. This may be as the description on the circulated petition refers to wholesale warehouses, distribution centres and repositories. Such uses are included within the broad "B8" Use Class but in reality what is proposed is a fairly low scale use to distribute a product from a residential address and the existing outbuildings are really small garden sheds. Indeed many uses of such a nature continue without the need for any planning consent qualifying under Section 55 2 (d) of the Town and Country Planning Act 1990 as "*a use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse*" and as such not being development requiring consent.

Therefore many small business operations are based in residential properties and do not involve development requiring consent. Typical examples may include a businessman using part of the property as an office or a low level production use from the B1 class. Indeed the entire B1 class is qualified by stating that it is a use suitable to operate in a residential area. The starting point is therefore that business uses at a residential property need not be inappropriate and such developments can be highly sustainable ways to contribute to a strong, competitive economy. The Government actively encourages such uses; Paragraph 21 of national guidance contained in the NPPF seeks Local Authorities to "*facilitate flexible working practices such as the integration of residential uses and commercial uses within the same unit*".

The question of whether another use within a dwelling is ancillary or not is a common source of contention. In this case the applicant has indicated the movement of delivery vehicles to and from the site and there is also a level of activity in the preparation of the goods for distribution. The Council is satisfied that in this instance what is proposed is on a level to require planning consent

and that the resulting outcome would be a mixed use at the site of C3 (Dwellinghouse)/B8 (Storage & Distribution).

#### Impact on neighbours

Turning to the planning merits of what is proposed. Although such mixed uses are encouraged by Central Government this should not be at all costs and any schemes should conform to the Local Development Plan. There is clearly local concern that what is proposed will lead to an excessive impact on the amenity of local residents and other concerns.

It is firstly stated that the use would have an excessive impact on the amenity of immediate neighbours through noise and disturbance. It is evident that the packing of crockery in the buildings at the rear would involve some level of movement and disturbance. However if, as the applicant states, the employees on site would be limited to the couple residing in the property such activity may be no worse than noise and disturbance from normal household activities such as gardening or various hobbies which generate noise. It is accepted that the proposed use would potentially continue for greater lengths of time but it is not clearly the case that there would be a significantly adverse impact on amenity. Conditions limiting employees on the site to the applicant and his wife and the hours of operation should reduce disturbance to an acceptable level. As stated there would be some impact on amenity but this could be reasonably controlled by conditions.

The adjacent neighbour has raised concern that the proposed development would spill out into the open air and that this would seriously detract from the amenity of the area. A requirement that the development is contained within the buildings would be difficult to pass the test of reasonableness not to say largely impossible to enforce. It may suit, particularly in hot weather, for this use to continue in the rear garden area. It must therefore be judged if this would significantly increase nuisance levels such to seriously detract from the amenity of the area. As stated Nursery Road is home to other business uses with the premises to the north of Laguna being a working nursery and it can be expected that some level of general nuisance exists. This is not to say that the mix of uses on the lane justify this development. However it is determined that the proposed use if limited to the applicants and hours of operation could exist without seriously impacting on amenity. As stated many hobbies or uses not requiring consent could generate noise and disturbance to a similar level.

#### Vehicle Movements

Concern has also been expressed that the proposed use would result in excessive movements to and from the site. It is stated in the Supporting Letter that the use will generate three van movements a week to distribute the goods. As the business is mail order there will be no need for customers to call at the property.

The size of the outbuildings does not suggest a major distribution operation requiring excessive amounts of vehicle movements. Objection letters state that large vehicles will block the lane but the applicant does have a driveway for parking on with access shared by his parent's property next door. In any case collections would not be a lengthy exercise. It is not considered that a limited number of van movements to this site for collections would seriously detract from the amenity of the area or impact on road safety. This is a road which will already attract commercial traffic to existing uses and a minor increase will have minimal material impact.

Objections have also recorded how this site would provide unsuitable facilities for vehicle parking. As stated the use will be made personal to the applicants and as such adequate parking should be available.

#### Temporary Permission

Officers are reasonably content that this use could operate without seriously detracting from the amenity of the area or having any demonstrable harm on the village of Nazeing. However the

concerns are noted and well documented within the submissions. In such case where an application is made for a permanent permission which may be “potentially detrimental” to existing uses nearby but there is insufficient evidence for an authority to definitively quantify its character or effect, it can be appropriate to give the development a trial run. In this case the development would relocate from a business unit to the applicant’s home and as such there would be no serious capital expenditure needed to carry out the approved use. In this case until the development is up and running, its impact is really a matter of supposition. Although this use is low key and in line with Government objectives there is at least the potential for nuisance to immediate neighbours. A condition granting permission for one year as a trial run is considered reasonable and necessary and a reassessment can be carried out at the end of this period where a permanent permission can be considered.

### Precedent

The issue of precedent has been raised by objectors to the scheme. What is proposed is a low level mixed use which, as previously stated, is actively encouraged by planning policy. Although each application is judged on its own merits, low level employment uses at residential properties can make healthy contributions to the local economy and in the internet age it is a practice that will continue to become more prevalent.

### Further Consultee Comments

Residents have raised the issue of how the granting of consent will result in the spread of commercial activities in the Nazeing area. As stated, it is unclear if the nature of this development was apparent to signatories of the petition but subject to a planning assessment concluding no serious impacts from the development such uses are appropriate. In most respects what is proposed is a “cottage industry” as opposed to large scale commercial practices.

The adjacent neighbour has expressed concern that the granting of consent could lead to health issues and excessive anxiety and worry. Although there can be some sympathy with the objector in this case the planning system exists to regulate the development and use of land in the public interest, but not to protect the personal circumstances of one person from the activities of another. It is also stated that the proposed use could affect the value of the neighbouring property or the ability for it to be sold. Similarly this is not a matter considered material in making decisions on planning issues. The suggested conditions would provide necessary control to limit the impact of the use on this neighbour.

### **Conclusion:**

The proposed development is considered a potentially acceptable form of land use at this location. The concerns of residents are duly noted and have been given material weight in the decision making process. It is considered that amenity concerns can be reduced to an acceptable level by the use of appropriate conditions. However on the available evidence it is difficult to be certain of the developments nature or effect and in that regard a temporary permission for two years as a trial run is considered justifiable. It is therefore recommended that consent is granted subject to conditions and agreeing the temporary trial period.

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

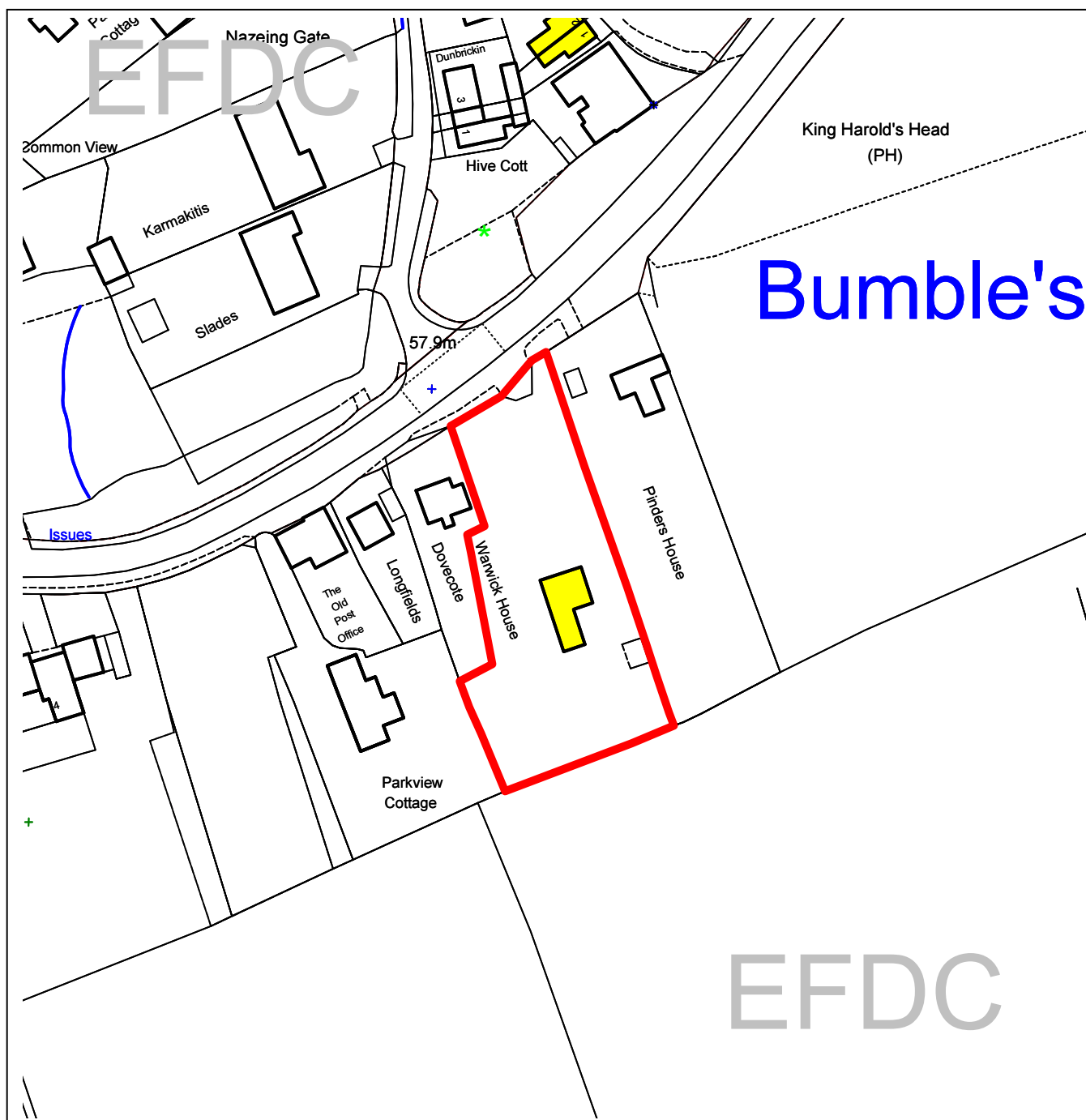
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/1188/14
Site Name:	Warwick House, Nazeing Common Bumbles Green, EN9 2SD
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1188/14
<b>SITE ADDRESS:</b>	Warwick House Nazeing Common Bumbles Green Nazeing Essex EN9 2SD
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr T Smith
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of new dwelling with link to original house
<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=563650](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563650)

**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: 11390-S001-A and 11390-P002-C.
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 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 Class 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 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 10 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 11 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

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

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

- 12 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.
- 13 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.

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

### **Description of Site:**

The application site is located on the southern side of Nazeing Common virtually opposite the public house known as 'King Harold's Head' within the settlement of Bumbles Green. The site itself is relatively level, irregular in shape and is just over half an acre in size.

Setback approximately 45m from the highway towards the rear of the site is a double storey detached building that is used as a private residence. The building is Georgian in style that is externally finished from facing brickwork and slate roof tiles and it is classified as a locally listed building. A detached outbuilding is located to the rear of the dwelling. A vehicle crossover along Nazeing Common provides access to the site with off street parking located towards the front of the dwelling on the hard paved area. A large private garden area surrounds the dwelling house along with mature vegetation and hedging.

The site is situated within a small enclave of detached residential buildings that vary in size and style. Open fields used for agriculture are located to the rear of the site. The site and the surrounding area are located within the Metropolitan Green Belt and the South Roydon and Nazeing conservation area.

### **Description of Proposal:**

Planning permission is sought for the construction of a new dwelling that would be linked via a passage way to the western elevation of the existing dwelling house.

The dwelling would be single storey although it would comprise of living accommodation within its roof space and a basement. It would measure 8.9m wide by a depth of 18m and would have a hipped roof form with a maximum height of 6.5 to its ridge. The dwelling would be externally finished from horizontal timber boarding and clay roof tiles.

The dwelling would be sited just behind the front façade of the existing dwelling, 6.1m from the northern boundary shared with adjoining property known as Dovecote and 6.3m from the western side boundary.

The new dwelling would share the existing vehicle access into the site and four off street parking bays would be provided just inside the front boundary on a new hard paved surface area.

### **Relevant History:**

EPF/0408/02 - Two storey rear extension and detached double garage (refused)

EPF/2438/02 - New conference/meeting room and new entrance and canopy (refused)

EPF/2296/04 - Erection of pitched roof over existing ground floor level flat roof at side of property (approved)

EPF/1117/07 - Replacement of existing extension and conservatory with new single storey rear extension, single storey outbuilding for swimming pool and linking basement (refused and dismissed at appeal)

EPF/1114/07 - Conservation area consent for the demolition of an existing single storey extension and conservatory (approved)

EPF/0638/08 - Single storey rear extension with basement under (approved)

### **Policies Applied:**

Local Plan policies relevant to this application are:

CP1 Achieving sustainable development objectives  
CP2 Protecting the quality of the rural and built environment  
CP3 New development  
CP5 Sustainable Buildings  
H1A Housing provision  
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  
LL1 Rural Landscapes  
LL2 Inappropriate rural development  
LL10 Protecting existing landscaping features  
LL11 Landscaping scheme  
ST1 Location of development  
ST2 Accessibility of development  
ST4 Highway safety  
ST6 Vehicle parking  
HC6 Character, appearance and setting of conservation areas  
HC7 Development within conservation areas  
NC4 Protection of established habitat  
RP4 Contaminated land  
U3B Sustainable drainage systems

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**

NAZEING PARISH COUNCIL:

No objection.

NEIGHBOURS:

Five adjoining neighbours notified by mail and a site noticed displayed. Three representations have been received from the following properties:

THE OLD POST OFFICE, BUMBLES GREEN – Object

- The area is green belt
- We think the roof lights could overlook adjacent properties
- The property has already undergone construction works
- What will happen to the property if the need for disabled accommodation changes
- The proposal may devalue our property

PARKVIEW COTTAGE, BUMBLES GREEN – Object

- It is within a green belt and conservation area
- The site is already overdeveloped
- The proposed roof lights would overlook adjoining properties
- The proposal would devalue our property
- The development would create noise, pollution and disturbance during construction if allowed
- What will happen to the property if it is no longer required to be used for disabled accommodation.

DOVECOTE, BUMBLES GREEN – Object

- The proposal would be an overdevelopment of the site
- It would devalue our property
- The proposal would be visually intrusive
- Cause harm to a heritage property

### **Issues and Considerations:**

The main issues to be addressed are:

- Green Belt
- Design and layout
- Neighbouring amenities

### **Green Belt:**

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment.

The Framework defines inappropriate development as being harmful to the Green Belt and further defines exceptions which would not be inappropriate development. Consequently, if the scheme does not comply with the list of exceptions, the scheme would be inappropriate development in

which paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The Framework explains that the construction of new buildings such as a new dwelling as inappropriate development within the Green Belt. Policy GB2A of the Epping Forest Adopted Local Plan is broadly in accordance with these objectives.

Paragraph 89 of the Framework explains what constitutes as exceptions in relation to the above. Particularly, it states that limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the green belt and the purposes of including land within it than the existing development.

The site is not a previously developed site, as private residential gardens are excluded from government definition of previously developed land. The principle of the development is therefore dependent on whether it constitutes as limited infilling within a village.

The site is surrounded on three of the four sides by existing development with only the rear boundary being open to large exposed fields used for agriculture. The site also appears to be within the village envelope of the boundaries of Bumbles Green. This indicates to officers that the proposal may reasonably be regarded as infilling. It follows that the proposed development would not constitute inappropriate development in the Green Belt in accordance with the National Planning Policy Framework.

In other respects, the site is large enough to accommodate the proposed dwelling in a manner that would be consistent with the spatial characteristics of the surrounding locality whilst the design would be appropriate to the tradition form and character of existing development. The proposal would not cause an increase in the general residential paraphernalia that is associated with a new dwelling and the relative built form of the development is such that it would not represent an obvious encroachment into the countryside. It is considered that there would be no significant harm either to the open character of the green belt or conflict with the purposes of including land within the green belt.

#### Design and layout:

Warwick House is a 19<sup>th</sup> century building of local architectural interest and, as such, has been designated as a locally listed building. This site is also within the Nazeing and South Roydon conservation area.

Paragraph 58 of The Framework states that development proposals should respond to local character, reflect the identity of their surroundings, and optimise the potential of sites to accommodate development. Local policies DBE1 and CP2 are broadly in accordance with the above, requiring that a new development should be satisfactorily located and is of a high standard in terms of its design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

The proposal would be in accordance with Local and National policy in that it would achieve a sustainable form of development. In particular, it would make the most efficient use of available land by virtue of its location and optimise the garden area to the side of the existing dwelling. Although garden land does not fall within the definition of previously developed land, the Framework does not preclude its development provided that the character and appearance is respected.

Although there is nothing particularly architecturally outstanding regarding the appearance of the development, the building has been traditionally designed to complement the surrounding locality incorporating local features and materials to complement the existing street scene. The size and proportions are appropriate and the juxtaposition of the front façade provides articulation and visual interest.

There are no objections in principle to the erection of a new dwelling with a link to the original house. The overall height of the proposed building and its slightly lower position within the site helps to make it subservient to the main house.

The proposed orangery and simple glazed link raise no objections as they are in keeping with the appearance of the main house and provide a visual break allowing the existing and proposed to be viewed, to some degree, as separate entities.

Although the proposed building impedes on the setting of the house, it will not cause undue harm to its overall appearance or character. Also, in terms of the conservation area, the proposed building will be viewed as part of a cluster of other buildings and will not appear incongruous within the area given its traditional form.

The proposal would not result in detrimental harm to the character and appearance of the street scene and the surrounding locality.

#### Neighbouring amenities:

Due consideration in relation to the potential harm the development might cause to the amenities enjoyed by adjoining property occupiers have been taken into account.

Given the single storey form of the proposal and the relative position, orientation and the position of the proposal in relation to adjoining properties, it is considered that there would be no excessive harm to the living conditions of adjoining property occupiers in relation to loss of light, loss of privacy and visual blight.

It is noted that concerns were raised by neighbours regarding overlooking from the roof lights. However it should be noted that the roof lights have been inserted into the slope of the roof at an appropriate height where excessive overlooking would not occur. Furthermore the separation distance to adjoining dwellings along with screening on the boundaries would limit the potential to overlook into adjoining properties.

In addition to the above, other concerns raised by adjoining occupiers such as the development would de-value their own properties is not a valid planning material consideration to be taken into account regarding the assessment of the proposal.

#### Other issues:

The proposal would be in accordance with the Adopted Parking Standards in that it has provided more than enough off street parking to meet the needs of future residents.

It is noted that the new dwelling house would share the existing vehicle access onto Nazeing Common. The proposal would not result in a significant intensification of vehicle traffic entering and exiting the site that would lead to harm upon highway safety.

The application was referred to Council's landscape officer who stated that all the trees on the site are protected as the site is covered by a conservation area. The officer had no objections to the proposal subject to conditions requiring tree protection measures and further details regarding hard and soft landscaping.

The application was also referred to Council's drainage officer who stated that the development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. As such it is necessary that a condition requesting a flood risk assessment is submitted and approved by the Local Authority before any works commence on site.

In addition, it is also necessary for further details by way of a planning condition regarding foul drainage and surface water details be submitted before any works commence on site.

**Conclusion:**

The proposal is appropriate in terms of its design and appearance and it would not result in excessive harm to the openness of the green belt or to the amenities enjoyed by adjoining property occupiers. The proposal is in accordance with the policies contained within the Adopted Local Plan and the National Planning Policy Framework. It is therefore recommended by officers that planning permission be granted subject to conditions.

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

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

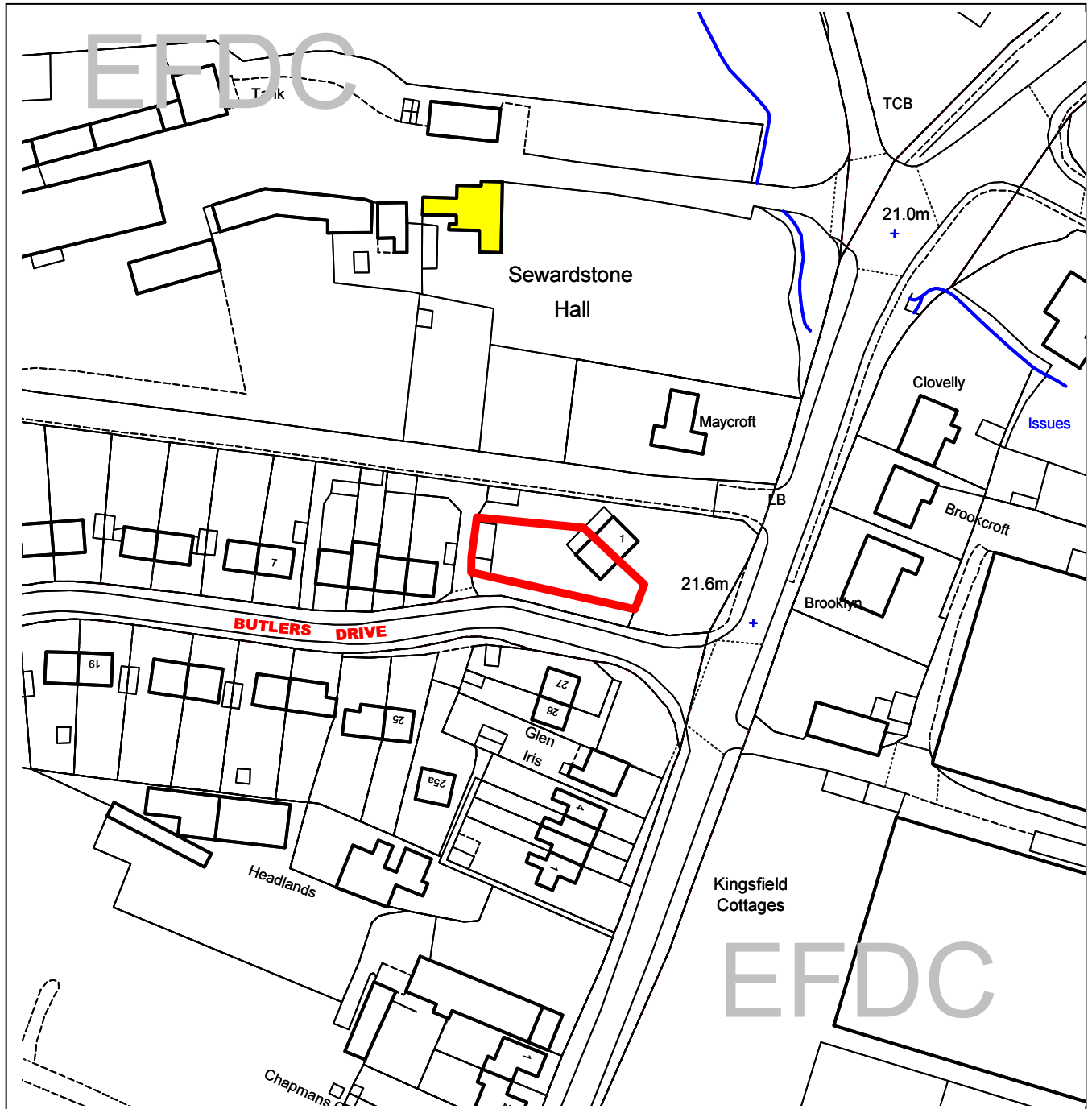
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 6



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Application Number:	EPF/1223/14
Site Name:	2 Butlers Drive, Waltham Abbey E4 7RL
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1223/14
<b>SITE ADDRESS:</b>	2 Butlers Drive Waltham Abbey Essex E4 7RL
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr Saleem Bashir
<b>DESCRIPTION OF PROPOSAL:</b>	Replace existing fencing with 6 foot brick wall with railings on top and metal gate in front of driveway (previously fencing and wooden gate)
<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=563770](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563770)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes, including details of the proposed gates and railings, have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

*This application is before this Committee since it is for a Certificate of Lawfulness in respect of existing use where the recommendation is that the development is lawful contrary to an objection from a local council (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site is occupied by a semi detached dwelling which is located close to the corner of the entrance to Butler's Drive and Sewardstone Road. The layout of this pair of houses is slightly unconventional in that the curtilage of the adjoining house wraps around the front of the front curtilage of the application site. The side boundary of the site runs for approximately 18.0m along the roadway of Butler's Drive and continues for 8.0m along a back alley. The boundary is currently demarcated by a close boarded fence approximately 1.6m in height which has obviously been in place for some time. The site is within the boundaries of the Metropolitan Green Belt and Butler's Drive forms a built up enclave in a cul-de-sac style with a turning area to the rear. .

### **Description of Site:**

The applicant seeks consent to remove the existing fence and replace it with a brick wall with a side and rear gated entrance. The wall would have piers measuring 2.1m in height with central bricked sections measuring 1.85m in height. The gates would be the same height as the piers. The structure would be finished with a railing at the same level as the piers.

### **Relevant History:**

No relevant history.

### **Policies Applied:**

GB2A – Green Belt Restraint  
GB7A – Conspicuous Development  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
DBE9 – Neighbour Amenity

### **Summary of Representations:**

5 properties consulted – 0 replies received.

TOWN COUNCIL: Objection. Committee considered this wall to be overbearing and have an adverse effect on the street scene.

### **Issues and Considerations:**

The proposed development would have no impact on neighbour amenity and the Highways Authority have no concern with regards to road safety. Impact on the open character of the Green Belt would be minimal. Therefore the main issues to consider are the appearance of the structure and its impact on the existing streetscene.

#### **Design/Streetscene**

The Town Council has raised concern that the proposed development would be overbearing and would have a detrimental impact on the streetscene. It can generally be accepted that the existing fence, which runs the length of the boundary with the road, is in a tired, dilapidated state and its removal and replacement is something that should be encouraged. It is important that the replacement is aesthetically acceptable.

The applicant is in the slightly awkward position in that his flank boundary is adjacent to a highway and under permitted development such structures cannot be any higher than 1.0m. However the convention for boundaries to rear amenity space under permitted development is 2.0m. The obvious reason for this is to afford occupants a reasonable level of privacy for the enjoyment of such space. At present the rear amenity space enjoys little privacy and is adjacent to a public road. Therefore the desire to increase its height can be understood. The indicative plans outline that the bricked section would be 1.85m in height which is not significantly higher than the average sized person. The piers and railings do increase the height but not significantly. It is the case that the structure will run for some distance along this boundary but a well designed wall could bring visual benefits and form a clearly defined entry point to the cul-de-sac. The issue of walls fronting highways can be difficult to address as there is a balancing act between trying to achieve suitable privacy for the applicant and being mindful that this is not to the detriment of the streetscene. In this instance the generally open feel further into the cul-de-sac would be preserved.

The scheme has been given some thought and is considered balanced. In this instance the assessment is that if suitable materials were agreed by condition the proposed development could afford suitable privacy for the applicants whilst not resulting in a structure that would appear totally out of keeping. The option of requesting revisions which reduce the pillars to the height of the main wall (1.85m) and remove the railings has been considered. However on balance the recommendation to Members is that this scheme should be granted consent subject to a condition agreeing details of the finish, including the gates and railings.

**Conclusion:**

The proposed development is considered, on balance, acceptable and as such recommended for approval with conditions.

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

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

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