

## AREA PLANS SUB-COMMITTEE 'EAST'

15 October 2014

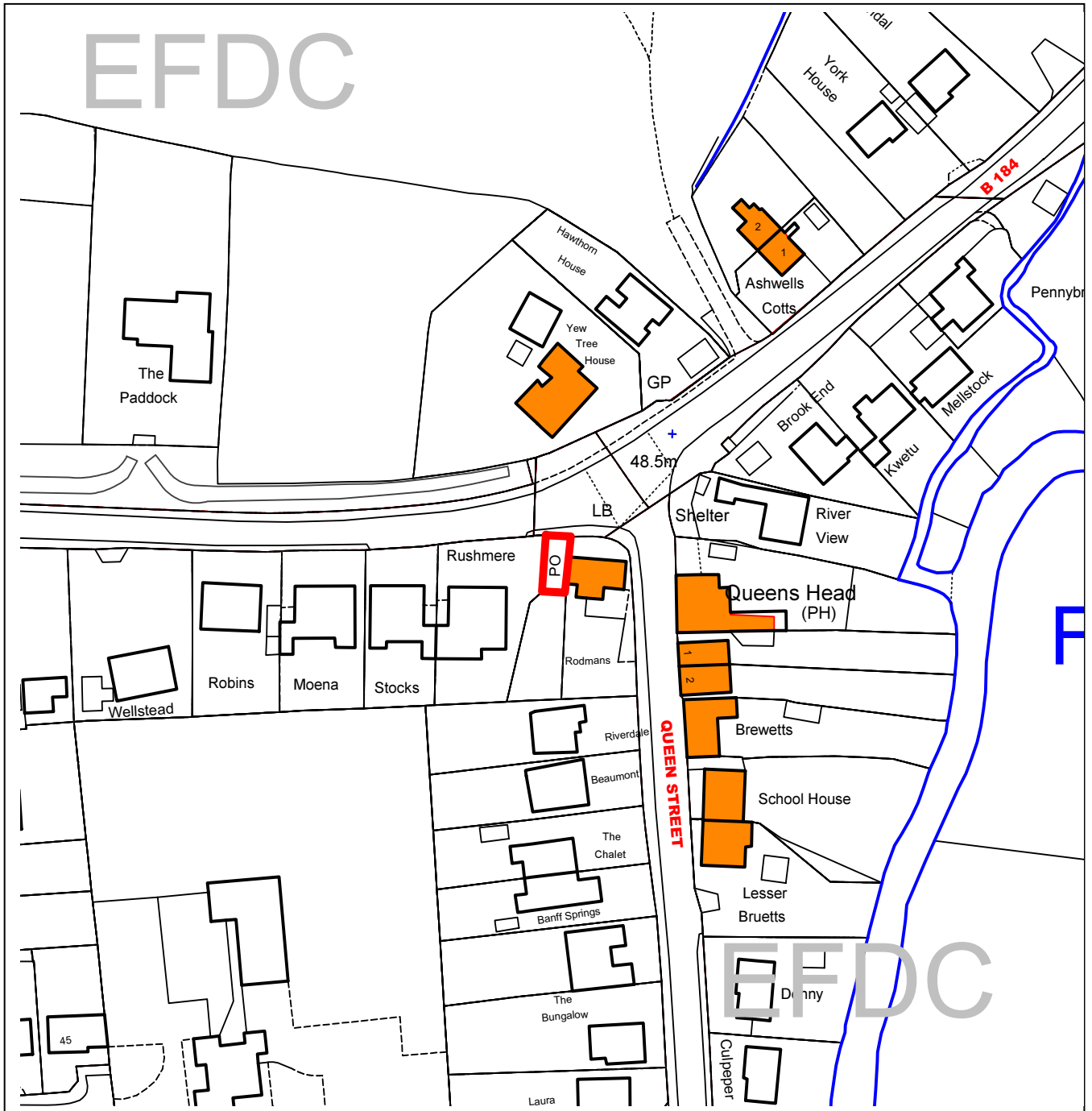
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# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/1094/14
Site Name:	Fyfield Post Office, Ongar Road Fyfield, CM5 0RB
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1094/14
<b>SITE ADDRESS:</b>	Fyfield Post Office Ongar Road Fyfield Ongar Essex CM5 0RB
<b>PARISH:</b>	Fyfield
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Nikhil Patel
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of security shutters.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=563194](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563194)

**REASON FOR REFUSAL**

- 1 The proposed development, by reason of the shutter box used to contain the grille, and its location on the exterior of the building would have a detrimental impact on the character of the immediate area and would fail to preserve or enhance the setting of nearby listed buildings contrary to policies DBE12 and HC12 of the adopted Local Plan and Alterations and national guidance in NPPF.

*This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))*

**Description of Site:**

Fyfield Post Office is located in the centre of this small village. This cluster of dwellings includes a number of listed buildings and indeed the Post Office is attached to a listed cottage, Rodmans. The existing shop is single storey with a pitched roof, but from the front elevation the roof is obscured by a large fascia.

**Description of Proposal**

This is a revised application following the refusal of consent for security shutters across the front window and doors of the premises in 2012 (EPF/1779/12). The proposed security shutter on this occasion is the same as last time and would have a solid top and bottom with an open grill middle section. This would be contained in a box shutter to the front of the grill. Some months ago a petition signed by circa 320 local residents in support of a security shutter was received by the Council.

### **Relevant History:**

EPF/1779/12 - New shop front and shutter. Refuse Permission - 21/12/2012.  
EPF/0194/13 New shop front with sliding door Approved 23/04/13

### **Policies Applied:**

DBE12 – Shopfronts  
HC12 - Development Affecting the Setting of a Listed Building

### **SUMMARY OF REPRESENTATIONS:**

5 neighbours consulted: 1 reply received.

CULPEPER HOUSE & PETITION SIGNED BY 320 RESIDENTS: Support. We cannot understand how a security shutter over the shop when it is closed would be detrimental to the character of the area even if there are Listed Buildings nearby. This shop is a vital local facility particularly for the elderly and infirm and this response shows the depth of local support for the applicant who has worked hard to transform this shop. We believe that this application should be put on the agenda for the next committee meeting owing to the clear support for the scheme.

Letter from Gold Command (security specialists): Concern about the amount of burglaries at the site and the need for greater security. There is no real natural surveillance and police response times to Fyfield take many minutes. I do appreciate that the security shutters are not the most appealing visually but they are the most effective means to prevent burglaries. The issue with internal grills is the inward opening door and grills would not protect the glass.

PARISH COUNCIL: No comments received.

### **Issues and Considerations:**

The main issue to consider is the design of the proposal and its impact on the character and appearance of the listed building.

The immediate area around this shop is sensitive to change and includes a number of listed buildings, as stated, including the adjacent cottage. The immediate area is aesthetically pleasing and is a good example of a small, rural Essex village.

The application was previously refused for the following reason;

*“The proposed development, by reason of the shutter box used to contain the grille, and its location on the exterior of the building would have a detrimental impact on the character of the immediate area and would fail to preserve or enhance the setting of nearby listed buildings contrary to policies DBE12 and HC12 of the adopted Local Plan and Alterations”.*

The Officer’s Report recorded the following concern;

*“Box shutters are generally discouraged in local, historic centres as they are modern features which tend to have an incongruous, jarring influence. This is considered the case here as the immediate area has a number of listed buildings and their setting and special character is worth preserving. The proposed replacement of the shopfront provides an opportunity to locate the shutter box internally or perhaps behind a remodelled fascia. An internal box shutter would render this proposal acceptable, however in its proposed, exposed position it is deemed to have a detrimental impact on the appearance of the area”.*

The Local Authority have previously advised an internal shutter may offer a compromise but the applicant has responded that this would not be practical and therefore the same scheme has been submitted for determination.

A new shop front design was approved in 2013 and it may have been possible at that stage to design a more secure shop front with internal shuttering. It is however clear that this would not prevent the shop window being damaged.

It is difficult to reverse the previous decision which, as with all applications, was determined in accordance with the Local Plan and there is policy support to refuse this scheme. There is no doubt that the proposed shutter, particularly its box housing, would detract from the character of the village. However the existing shop does not make much contribution visually and Members may feel that the addition of this shutter, which would serve the only shop in the village, would not significantly alter the existing situation. Officers are sympathetic to the plight of the applicant but it is rare that personal circumstances can be factored into the decision making process. However any consideration which relates to the development and use of land is capable of being a material planning consideration. Community safety and security by design are relevant. Members may feel that in this case any material harm to visual amenity is outweighed by other determining factors including the spate of burglaries at the premises.

**Conclusion:**

The proposed development, by reason of the projecting shutter box is deemed out of character and would have a detrimental impact on the appearance of the immediate area causing harm to the adjacent/nearby listed buildings. It is therefore, on balance, recommended for refusal as previously.

***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: 2**

<b>APPLICATION No:</b>	EPF/1241/14
<b>SITE ADDRESS:</b>	Stapleford Lodge Equestrian Centre Tysea Hill Stapleford Abbots Essex RM4 1JP
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Christine Port
<b>DESCRIPTION OF PROPOSAL:</b>	Convert part of an existing stable building into office and overnight staff accommodation.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=563830](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563830)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FBU-101
- 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 Classes A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The proposed development shall only be used as ancillary accommodation to the existing livery use at Stapleford Lodge Equestrian Centre, Tysea Hill.
- 6 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]

- 7 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]
- 8 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]
- 9 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.
- 10 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.

- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 13 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.

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

### **Description of Site:**

The application comprises a livery stables and yard, located off Tysea Hill.

The site is located within the Metropolitan Green Belt. A brook runs along the eastern boundary of the site.

### **Description of Proposal:**

This application seeks planning permission for the conversion of part of an existing barn for use as living accommodation for a stable manager. It is proposed that the residential accommodation would remain linked to the livery use.

The accommodation within the residential unit would comprise two en-suite double bedrooms, a lounge/dining areas, a kitchen and a utility room, office and WC. The office, utility room and WC would all be accessible from the remainder of the barn structure.

External alterations to the building would include its cladding with zinc and the insertion of windows and doors.

The Applicant explains that there is a need for overnight accommodation because of the need to provide security for the horses within the livery. The livery has not been associated with a dwelling since its previous owners, who were also the former owners of The Shrubbery, sold The Shrubbery.

### **Relevant History:**

EPF/0340/11. Application for removal of condition 1 'Consent solely for the benefit of the applicant and no other person or persons' of planning permission EPF/1621/97. (Permanent consent for the change of use of existing stables to livery use.) Approved 18/04/2011.

### **Policies Applied:**

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

CP2 – Protecting the Quality of the Rural and Built Environment  
DBE1 – Design of new Buildings  
DBE2 – Effect on neighbouring properties  
GB2A – Green Belt  
GB8A – Change of Use or Adaptation of Buildings

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

### **Summary of Representations:**

Notification of this application was sent to Stapleford Abbots Council and to 9 neighbouring properties. In addition, four site notices have been displayed adjacent to the site.

The application has attracted the following responses:

STAPLEFORD ABBOTTS PARISH COUNCIL. Objection. The Parish Council OBJECTED to this application as it was considered inappropriate development of green belt land. The Council was concerned the proposal appeared to be for a two-bedroomed complex with a relatively high standard of living accommodation to be provided, in contrast to the Design and Access Statement description of a "security watchman's flat". Members commented that CCTV cameras and security alarms were readily available as an alternative option that would not encroach on the green belt.

The Parish Council drew Essex County Council Highways' attention to the planting of a hedge and erection of steel posts by the roadside that appeared to be on highway land, as depicted in the photo on the front page of the Design and Access Statement, and only served to impede pedestrian use of the verge.

### **Issues and Considerations:**

#### **Principle of Development**

The livery was initially bound by a planning condition limiting it to operation by the occupiers of nearby dwelling 'The Shrubbery', to avoid the need for an additional dwelling within the site. However, that condition did not tie the two sites together and therefore became unreasonable and unnecessary once those named individuals had disposed of The Shrubbery. Consequently the

condition was removed in 2011 and the livery remains with no domestic accommodation.

Policy GB8A of the Local Plan requires that the proposed residential use would not have a materially greater impact than the present use on the Green Belt and the purpose of including land in it. The building exists at present and whilst the proposed fenestration detailing and cladding would alter its appearance and add residential character, it is not considered that this would impact upon the purposes of including land within the Green Belt (as set out at paragraph 80 of the NPPF). Whilst the occupation of the residential accommodation remains ancillary to the livery use, there would be no need for private amenity space and therefore no additional impact on the green belt in terms of the enclosure and domestication of land. It is therefore necessary to ensure that this ancillary relationship remains, by way of imposing a planning condition. Unlike the condition imposed in 1997, such a condition must tie the livery to the residential use in order that it remains effective. On this basis, it is considered that the principle of the development is not inappropriate within the Green Belt.

Concerns raised by the Parish Council regarding the high standard of development are noted. However, the scale of accommodation has been reduced from that shown originally at pre-application stage and as it is contained within an existing building, it is considered that there is no material harm caused.

### Design

The alterations to the building would involve the insertion of openings and the addition of new cladding. The insertion of new windows/doors would considerably alter the appearance of the dwelling, giving it a clearly domestic character. However, it is not considered that this change to its character would justify withholding planning permission. Furthermore the elevation facing the street would accommodate the smaller windows and would, therefore, appear less conspicuous.

### Neighbouring Amenity

Windows within the end elevation of the building will be facing towards the garden area of 'The Shrubbery', although there would be some screening by existing vegetation. This elevation would be separated from the shared boundary between the sites by approximately 11 metres. Whilst this distance is not considerable, having regard to the vegetation screening and also that the affected area of the garden would be situated a significant distance from the dwelling itself, it is considered on balance that this relationship would be acceptable.

Future occupiers of the proposed residential accommodation would benefit from good levels of light, outlook and privacy. However, they would not have any private amenity space in residential use. However, this is considered acceptable only because the dwelling is related to the livery use of the remainder of the site. For this reason, it is necessary to secure by condition that the residential use is not separated from the livery stables in the future.

### Other Matters

*Contaminated Land* - Due to its use as a Farmyard (cattle & pigs) and Stables (stud & livery) and the presence of made ground, there is the potential for contaminants to be present on site. As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

*Land Drainage* - The site lies within an Epping Forest District Council flood risk assessment zone. The proposed works will cause no increase in surface water runoff; therefore a Flood Risk Assessment is not required. The site does not lie within any Environment Agency (EA) Floodzones; therefore consultation with the EA is not required. The applicant is proposing to

dispose of foul sewage by septic tank. Further details are required and may be secured by condition. The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required and may also be secured by condition.

**Conclusion:**

In light of the above appraisal, it is considered that the proposal is acceptable, subject to the imposition of the planning conditions discussed within this report. It is, therefore recommended that consent be granted.

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

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

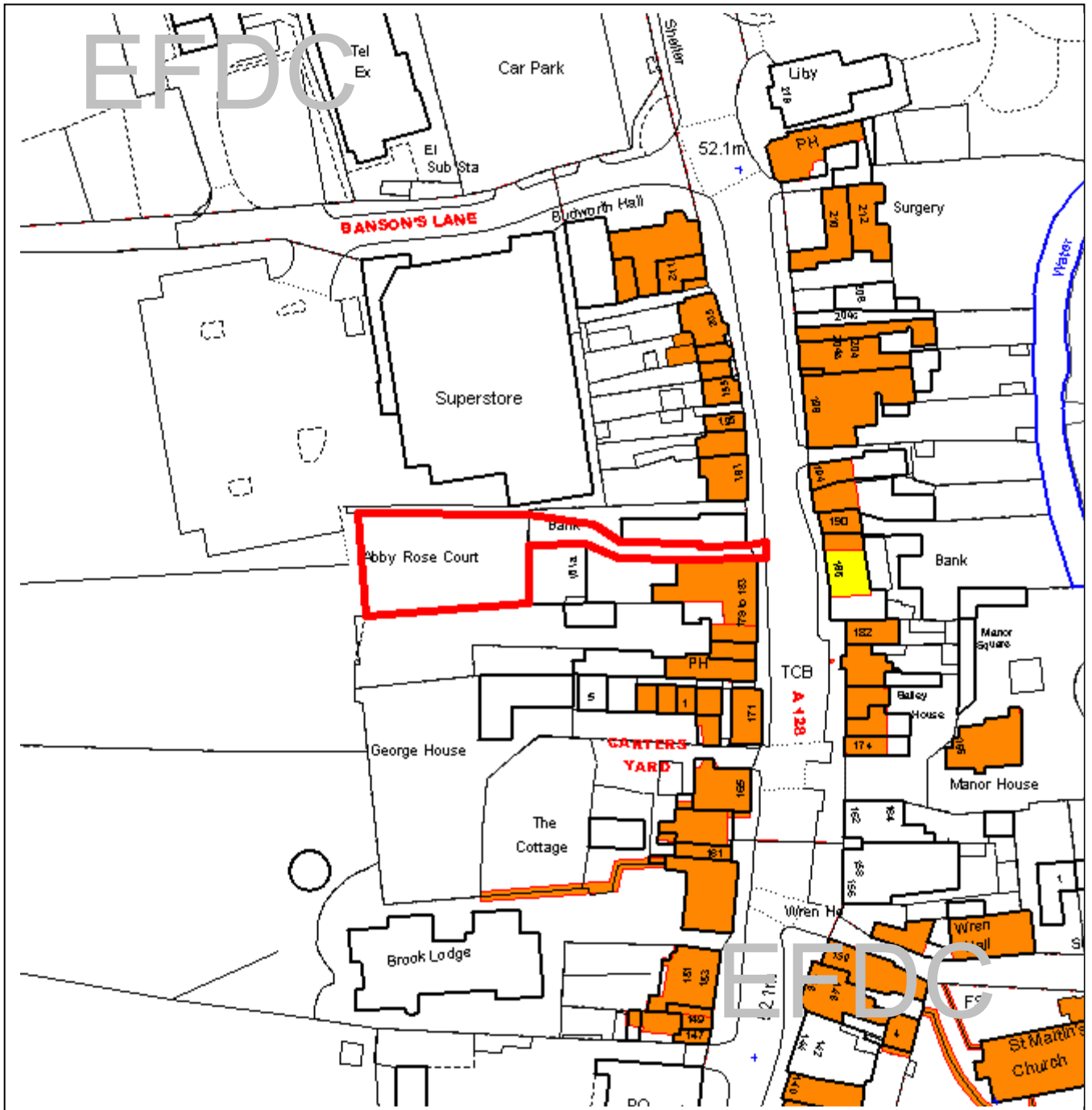
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	EPF/1441/14
Site Name:	185 High Street, Chipping Ongar CM5 9AA
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1441/14
<b>SITE ADDRESS:</b>	185 High Street Chipping Ongar Essex CM5 9AA
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Martin Brown
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a four bedroom dwelling with attached garage and associated works (Revised application to EPF/2441/13)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=564753](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564753)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
  
13126.01  
13126.02 Rev A  
13126.03 Rev B  
13126.04 Rev B  
13126.05 Rev A  
13126.06 Rev A  
13126.07 Rev A  
13126.08 Rev A  
13126.09 Rev A  
13126.10 Rev A
- 2 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 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 Additional drawings that show details of proposed new windows (including head, sill and window reveal details) and doors, 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.

5 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.

6 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.

7 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.

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

9 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.



- 10 Prior to first occupation of the proposed development, the Developer shall provide a Residential Travel Information Pack for sustainable transport. The 'pack' shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 11 No conversion/demolition or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

*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:**

Vacant area to rear of 185 High Street Ongar. 185 High Street is a two storey building, with relatively low pitched roof, extending rearwards significantly at two storeys with shallow pitch and flat roof areas. The site is adjacent to Sainsburys and the associated car parking area.

The rear of the site is presently a combination of hard and soft landscaping. The hard surfacing is informally used as parking area and there are a number of trees. The main area subject to this application has been fenced off to the rear of the existing parking area and left as scrub.

Access to the site is achieved alongside number 185 and a narrow, historic access.

The site is in the Town Centre and within the designated Conservation Area.

### **Description of Proposal:**

The application seeks consent to erect a 4 bedroom dwelling with associated basement and garage. Two of the bedrooms would be provided in the basement area.

The proposed property has been designed to appear as a bungalow, with loft development and a sunken floor in the basement. The design includes a ground floor garage and private rear garden.

The current scheme has been revised from that previously submitted. Changes include revision to the rear dormer, creating a narrow vertical dormer, clad in zinc as opposed to previous eternity weather boarding. The front roof lights have been reduced in scale, the first floor flank window has been removed and detailing to the front door and garage door has been improved. In addition the application was accompanied by further highway and tree information.

### **Relevant History:**

EPF/2441/13 – Erection of a four bedroom dwelling with an attached garage and basement – Refused for 3 reasons:

- 1) The design, scale and materials proposed for the new dwelling would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to policies HC6, HC7 and HC12 of the Adopted Local Plan and Alterations and the aims and objectives of the National Planning Policy Framework.
- 2) The proposed new dwelling would intensify the use of an existing access that fails to provide suitable width and visibility to users. The consequence being an increase in the number of vehicles making unsafe entry and egress from the site, to the detriment of highway and pedestrian safety, contrary to policy ST4 of the Adopted Local Plan and Alterations and the aims and objectives of the National Planning Policy Framework.
- 3) The development proposed results in the loss of protected trees and the applicant has failed to provide any information or justification to demonstrate that this is reasonable or that any protected trees may be retained, contrary to policy LL10 of the Adopted Local Plan and Alterations and the aims and objectives of the National Planning Policy Framework.

The applicants sought paid pre-application advice, however this did not include any car parking and advice contained within advised the applicants to approach the Conservation team regarding design.

The applicants have also applied simultaneously for work to the main building on the front of the site and this has been approved under delegated powers.

### **Policies Applied:**

CP2	Quality of Rural and Built Environment
CP3	New Development
HC6	Character, Appearance and setting of Conservation Areas
HC7	Development within Conservation Areas
HC12	Development affecting the Setting of Listed Buildings
DBE1	Design of new Buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE8	Private amenity space
LL8	Works to preserved trees
LL9	Felling of preserved trees
LL10	Adequacy of provision for landscape retention
ST1	Location of development
ST4	Road Safety
ST6	Vehicle parking

NPPF

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

Number of neighbours consulted. 16

Site notice posted: Yes

Responses received:

181A HIGH STREET ONGAR: Raises concerns regarding ecology and wildlife and seeks the retention of the site in a fallow state.

JOSEPH KING TRUST (OWNERS OF LISTED BUILDINGS ADJACENT): No objections provided sufficient measures are taken to ensure no damage to the structure and foundation of neighbouring Listed Buildings and also no loss of light to the first floor of 189 High Street ( a flat).

4 ABBEY ROSE COURT, 181A HIGH STREET: Object to the location of the development, the proposed site being unsuitable, access inadequate, overshadowing, loss of light, loss of privacy, noise and disturbance from other occupants. Proposals would be cramped. Also raises wildlife concerns.

ONGAR TOWN COUNCIL: Objects strongly to this application on highway safety grounds and does not feel that the objection contained in the decision notice for the failed application (EPF2441/13) has been addressed. The Council appreciates the revisions made since the original application and in the event of permission being considered would urge very strongly that the requirements of the landscaping, archaeological and trees officers should be implemented and that in view of the time the land has lain fallow and the known presence of protected or endangered species in the conservation area a wildlife survey could be appropriate. The Council repeats its former comment that prior to the last application being determined at least one tree appears to have been felled.

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

The main issues to be considered by Members are those raised in the previous grounds for refusal. Members should also consider whether the revisions to the scheme have introduced any new issues.

#### Principle:

The site is well located in relation to access to facilities and services and would make housing provision in the existing urban area in accordance with policies.

#### Design:

The revisions made to the scheme have not made significant alterations to the overall dwelling, but have made significant improvements to detailing. In a Conservation Area a high standard of design and finish is important in order to provide development that preserves or enhances the current character. The Conservation Officer has considered the revised scheme and the revisions made are such that the resultant property is now considered acceptable subject to conditions requiring even greater detailing of finishing around windows and provision of materials to ensure the finish is that which is expected.

#### Neighbouring amenity

The proposed new dwelling would have no significant adverse impact on neighbouring living conditions. Objections have been received, however these relate to construction issues or concerns regarding over development and construction to the rear of the High Street with associated issues around location and access. These matters in themselves would not result in significant adverse impacts to neighbouring living conditions.

### Amenity Provision

The proposals provide an acceptable size garden area for the proposals. Given the location is in a built up, urban area, to the rear of existing development and the proposed dwelling is notably lower in scale than neighbouring development, overlooking of the proposed garden area would arise. This would be apparent to any potential occupier prior to purchase and would not be to a degree that it would significantly detract from future amenities of occupiers, nor to an extent that is uncommon in urban areas, therefore this is noted, but not a significant concern.

### Landscaping

The developer indicates in this revised application that landscaping would be retained to the Tree Officer's satisfaction. As such subject to conditions, approval is recommended.

Subsequent to the last application, some vegetation removal and clearance has occurred, to allow access to permit the tree survey to take place. The site clearance was carried out in accordance with the Wildlife and Countryside Act and Officers are satisfied this raises no planning issues.

### Parking

The proposed development incorporates an integral garage and parking to the front. At the time of pre-application advice no parking was provided and this was considered acceptable in a Town Centre. The provision of parking is however, helpful in respect of making provision for occupants. The site is to the rear of the High Street and makes use of an existing narrow access between buildings.

Previously there was no demonstration of the number of vehicle movements associated with the proposals and no details of how the access would be achieved around existing parking to the rear of the High Street in this area. The additional details supplied have been considered by the Highway Authority and their previous objections have now been withdrawn. As a result of the consent for change of use of the office building to residential, with a change to the parking areas in connection with the new use, even with this development there will be a reduction in traffic movement over that which previously existed and even though the access is poor there are no grounds to refuse the proposal. The Highway Authority seek to secure travel packs for future occupiers by way of condition.

### Other matters

The Essex County Architectural services have advised that due to the historic nature of the settlement, the site may contain archaeological deposits or features and as such a condition for adequate monitoring should be applied.

### **Conclusion:**

The revised scheme has addressed the previous reasons for refusal, overcoming issues raised by consultees. The objection of the Local Council remains; however on the basis of policy, there appears no reason to withhold permission.

The design is now considered acceptable and the Conservation, Highway and Landscaping Officers have all withdrawn previous concerns. There is no significant loss to neighbouring living conditions and detailed matters for landscaping and parking are now considered acceptable.

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

**Planning Application Case Officer: Jenny Cordell  
Direct Line Telephone Number: 01992 574481**

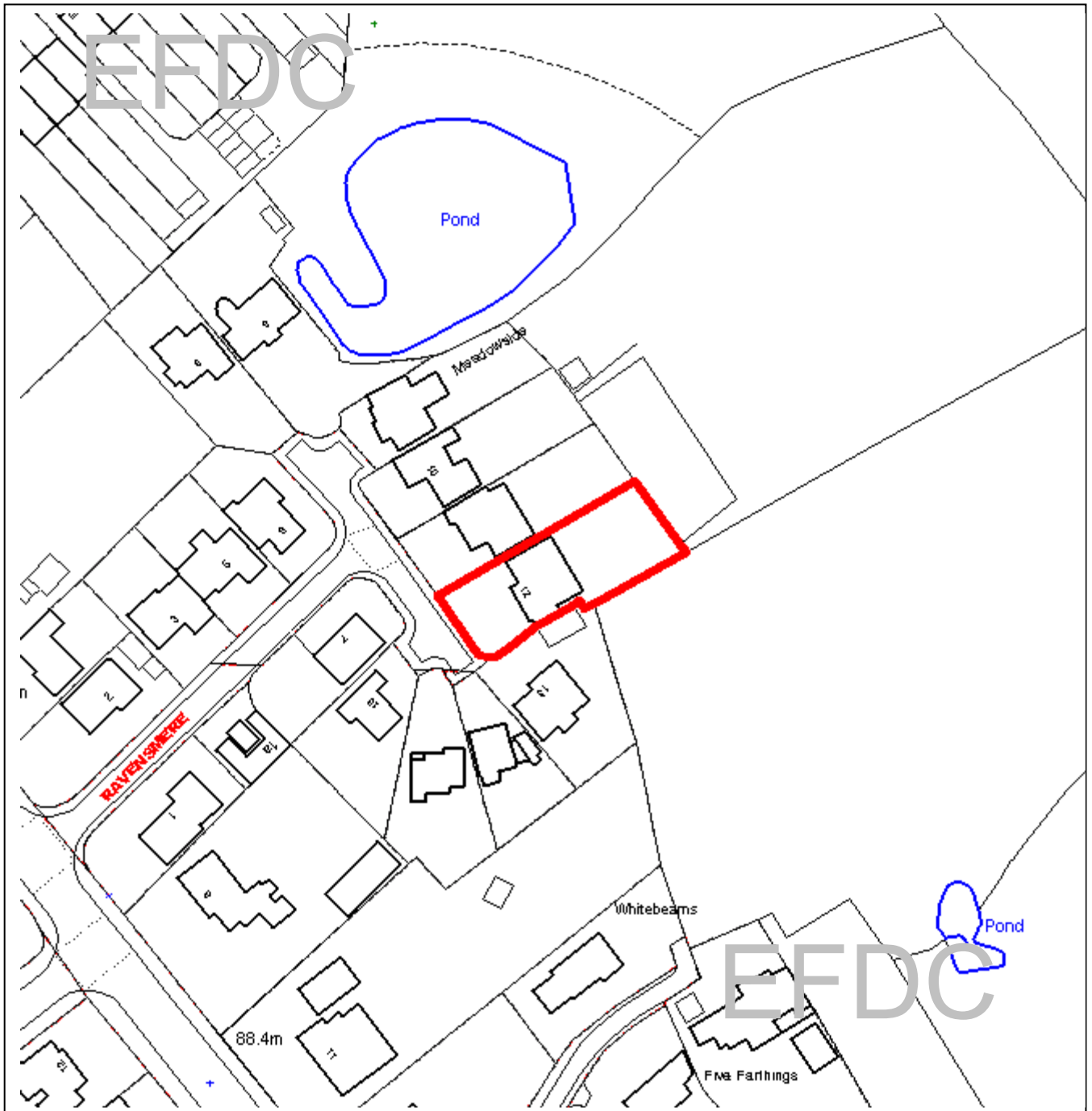
**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov](mailto:contactplanning@eppingforestdc.gov)**

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# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/1723/14
Site Name:	12 Ravensmere, Epping CM16 4PS
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1723/14
<b>SITE ADDRESS:</b>	12 Ravensmere Epping Essex CM16 4PS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mrs Melanie Eichhorn-Schurig
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed detached annexe building with habitable space on ground floor and swimming pool in basement level.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=566013](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=566013)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 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.
- 4 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 5 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

**Description of Site:**

12 Ravensmere is located in a cul-de-sac of dwellings off Kendal Avenue close to the town centre in Epping. The house on site is detached and set above the level of the road. The rear garden is fairly generous with the level of the garden above that of the ground floor level of the house and is reached up a set of steps from a small patio area. The property is separated from its neighbour to the north (No11) by a close boarded fence and beyond this on the neighbours plot is a hedge. There is a fall in land levels from No11 to the application site. The rear of the site abuts the Metropolitan Green Belt and there is a preserved tree close to the boundary.

**Description of Site:**

The applicant seeks consent to construct an outbuilding along the common boundary with No11. The building would be two storeys with one level located below ground level and the space used to provide a swimming pool. This would involve further excavation below the lower floor level to form the pool. The upper floor would include a guest bedroom, bathroom and a gym. The building would have a footprint measuring approximately 15.2m long x 4.75m wide and would retain a gap of approximately 1.0m to the boundary. The building would have a slanted roof which at its highest point would be 3.5m above the ground level. The plans indicate that the garden would be excavated down to approximately level with the base of the rear exit doors of the house. The building would be finished largely in render.

**Relevant History:**

EPF/0053/14 - Proposed annexe building, to provide ancillary accommodation. Withdrawn by the applicant - 19/02/2014.

**Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
DBE1 – Design of new Buildings  
DBE2 – Effect on neighbouring Properties  
DBE9 – Loss of Amenity  
GB7A – Conspicuous Development  
LL10 – Adequacy of Provision for Landscape Retention

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. Committee object to this application due to its size and scale, which would have a detrimental impact on the amenity of neighbours. Committee note and share the concerns of the Council's Trees and Drainage Officers. The absence of any plan to deal with the issue of sub ground drainage is an issue and needs further investigation. The scheme is therefore contrary to policies DBE1 and DBE2. Committee were of the opinion that a similar building along the rear boundary would have significantly less impact.



4 neighbours consulted – 4 replies received.

EPPING SOCIETY: Objection. The building is excessive in size and scale and would have a detrimental impact on the amenity of neighbours. The Society shares the concerns of the Council's Trees and Drainage Officers. The proposed building would have a detrimental impact on the amenity of neighbours and may also have a physical impact.

9A RAVENSMERE: Objection. The proposal is an overintensification of the site and unsympathetic to the surrounding area. The proposed use for the building is inappropriate to the area.

10 RAVENSMERE: Objection. The proposed levels submitted do not appear to represent the existing ground levels on site which will have the effect of raising the ground level making the structure more visible. The mass of the building is considered excessive and the building would be visibly conspicuous. The proposed building would encroach into the root spread of the protected tree and this could have a detrimental impact on its health.

11 RAVENSMERE: Objection. Concern that the development will be conspicuous from the Green Belt having a detrimental impact on openness. The size massing and form will lead to an intensification in the use of the site and could easily become a self contained property. The application represents an unsympathetic overdevelopment of the site which will cause light pollution. Concern that the development will result in interference with the natural groundwater flow increasing the risk of localised flooding. There are inaccuracies with regards to the drawings and particularly the proposed ridge relative to our boundary. The hedge is shown as continuous and this is not the case. Concern about how lorries will access the site during the construction phase. The Tree Report does not refer to our existing coniferous hedge, an established laurel tree or other nearby trees. We are concerned that the issue of a basement construction has not been fully assessed and that reports should be submitted addressing whether such a scheme could progress without having an impact on groundwater flow in the vicinity. Concern that an approved development of this nature could set a precedent for further inappropriate development.

### **Issues and Considerations:**

The main issues to consider are the impacts of the proposed extension on neighbour amenity, design and appearance, the preserved tree adjoining the site, issues with regards to land drainage and the basement construction and the comments of consultees.

Note: It is noted that the submitted plans suggest that the ground level falls away from the base of the rear doors to the end of the garden. In fact the level of the rear amenity space is above the level of the base of the door and accessed up a set of steps. Therefore the existing ground level plan submitted (999.06) is inaccurate. However this does not prevent an informed decision being made. It appears what is proposed is to excavate the garden area down to the level of the patio area adjacent to the rear doors. A finished level for the garden and as such the height of the building can therefore be determined.

### **Amenity**

The proposed building would run for some distance along the common boundary with the neighbour to the north, No11. Objections have been received from the occupants of this dwelling with regards to impact on amenity and that the structure would appear overbearing. There is no detailed guidance, either local or national, which refers to outbuildings and what is considered a suitable size. It is accepted that a property will be served by outbuildings and indeed the vast majority can be constructed as permitted development under Class E of the General Permitted Development Order (GDPO). This building would not qualify as it is effectively two storeys and also has a ridgeline higher than what is permitted. The building also contains primary living accommodation. However there is no reason why the proposed footprint could not be constructed as a permitted development building and its use would also be incidental to the main building and

as such would remain subsidiary. The overall footprint of the building is therefore acceptable in terms of what is suitable for an ancillary building and is not dissimilar to summerhouse structures which are routinely constructed under permitted development and do not fall under the control of Local Planning Authorities.

The issue with regards to impact on the amenity of occupants of No11 is whether the proposed structure would be overbearing when viewed from the rear garden area. As stated the proposed structure does run along the majority of the common boundary. However a gap is retained to the boundary and the rear amenity space of No11 is relatively generous which would significantly reduce any oppressive feeling. The adjoining neighbours state that the plans indicate a constant screen from an existing hedge when this is not the case. However it is evident that the existing hedge and fence would provide a fairly solid screen which would shield the proposed structure. Although the concerns of neighbours and the Town Council are noted it is difficult to accept that the building would be excessively injurious to the amenity of neighbouring residents. Some impact is recognised but is considered, on balance, acceptable.

### Design

In terms of design the proposed building raises no strong issues of concern. The bulk and scale of the building has been described as excessive but there are no policy restrictions which prevent large ancillary outbuildings. The use of appropriate materials would ensure a satisfactory design.

### Trees and Landscaping

Concern had initially been expressed that the submission had not made adequate provision for the preserved tree adjoining the site. However on receipt of further information the Trees and Landscaping section of the Council has removed their objection and have instead suggested that conditions relating to tree protection and the removal of excavated material are included. Whilst the applicant has provided a tree report, the tree protection condition does need to be included in full, and new reports will need to be submitted for approval prior to commencement. This is because at this stage, all the applicant is required to do is to show that the development is feasible without a detrimental impact on trees. As stated such details can be agreed by condition.

### Basement Development

Much concern has been expressed about the fact that a large section of this building will be subterranean. In that regard the Land Drainage Section of the Council has been consulted with regards to this development. This advice records that the site does not lie within an Epping Forest or Environment Agency Floodzone. Details of how foul and surface water is to be disposed is required and this can be agreed by condition.

With regards to the basement, neighbours have raised concern that supporting reports have not been submitted demonstrating the feasibility of this project without having a negative impact on groundwater flow. Such developments are not common in the district but from the viewpoint of the Local Planning Authority, advice is provided by the Land Drainage Section. This concludes that any approved scheme should include the following informative;

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

In light of this advice the construction of the basement area presents no clear grounds for refusal from a planning perspective. The floorspace will be entirely below ground and will have little to no impact on amenity or the character or appearance of the area. Any future issues with regards to subsidence or flooding would leave the applicant open to civil litigation and this is a matter they must consider and thoroughly investigate. However there are no planning grounds to refuse the basement element of this scheme, particularly as the professional advice from the Land Drainage section is not that consent should be withheld.

### Other Matters

The fact that this building would be visible from the Green Belt has been recorded as another factor weighing against an approval. However a domestic outbuilding within the curtilage of a dwelling which is located within a cul-de-sac of properties in a built up area would not seriously affect the open character of the Metropolitan Green Belt. It is also stated within comments received that the proposed use for the building is inappropriate. However ancillary living accommodation and covered swimming pools are common enough ancillary facilities provided at residential properties in this district. Swimming pools can, in fact, generally be created as permitted development.

Concern is expressed that the building could be used as a self contained and separate unit. It is considered that owing to the location of the building it could not be severed from the main house easily. In any case any such action would require planning consent and would fall under the control of the Local Planning Authority for consideration. The concern about lorry movements at the site is unfortunately a necessary by product of construction developments and a refusal of consent on these grounds would not be easily sustained. Similarly, any refusal of consent with regards to concern about setting a precedent requires caution and each application must be judged on its own merits. In any case Officers have found that this scheme is on balance acceptable and as such an appropriate form of development.

### Conclusion:

The proposed development is considered to have an acceptable level of impact on the amenity of adjoining residents and would not result in excessive loss of amenity. The proposed design is considered acceptable. It is considered that the preserved tree can be protected and its health ensured and suitable arrangements can be agreed by condition. It is not considered that the fact the development contains a basement warrants refusal but the applicant is advised that any hydrological and flooding implications are thoroughly investigated. In light of this appraisal 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:***

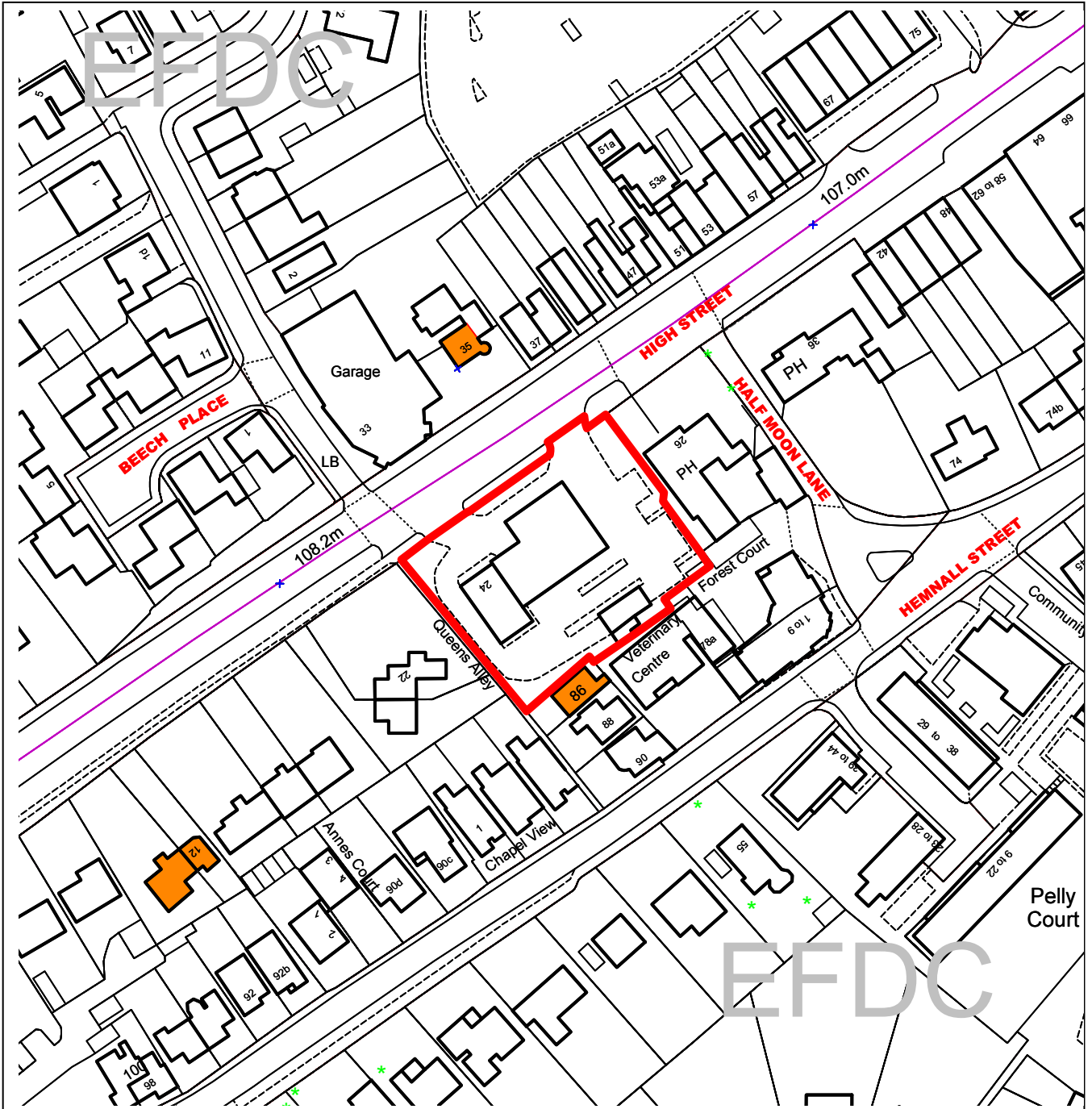
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/1785/14
Site Name:	Shell (UK) Ltd, 28 High Street Epping, CM16 4AE
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1785/14
<b>SITE ADDRESS:</b>	Shell (UK) Ltd 28 High Street Epping Essex CM16 4AE
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Shell UK Retail
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing sales building and car/jet wash and replacement with a new sales building and increased parking facilities.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=566239](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=566239)

**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 PLG01-PLG06, OSP.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 The premises hereby permitted shall not be open to customers outside the hours of 24:00 to 07:00 on Monday to Saturday and Sundays and Bank Holidays.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.
- 7 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]

- 8 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]
- 9 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]
- 10 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.

- 11 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.
- 12 The use of the equipment hereby permitted in reference to application EPF/1785/14 must cease during any period that the rating level of noise (as defined by BS4142:1997) emitted from the HVAC Units exceeds 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997(or such other standard which may supersede it).

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

**Description of Site:**

The application site is located within the identified Town Centre Boundary of Epping, on the southern side of the High Road. The site is occupied by a petrol station and includes a garage forecourt with a canopy above. On the western side of the site is a sales/goods area and towards the rear is a car wash structure. The site has in/out access points onto the High Road and there are residential properties on the western and southern boundaries. An alleyway runs along the western flank and a public house/nightclub is on the property's eastern flank.

**Description of Proposal:**

The applicant seeks consent to demolish the existing sales area and car wash and construct a new sales building. This would have a larger footprint than the existing building and would be closer to the rear/side boundary. The building would have a floor area measuring 11.0m wide x 25.5m deep. The building would be flat roofed with eaves to a height of 4.2m. A storage area to a height of 3.0m would be positioned on the rear section of the building. 23 parking spaces would be created on site. The existing canopy will remain with the section linking to the existing building removed. The plans indicate that some small shrubs and trees would be removed to facilitate the works.

The existing car wash, jet wash and vacuum facilities are to be removed.

**Relevant History:**

There is a long history of applications on the site but none relevant to this proposal.

**Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE3 - Design in Urban Areas

DBE6 – Parking in New Developments  
DBE9 – Excessive Loss of Amenity to Neighbouring Properties  
ST4 – Road Safety  
ST6 – Vehicle Parking  
RP4 – Contaminated Land

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

### **SUMMARY OF REPRESENTATIONS:**

EPPING TOWN COUNCIL: No comments received at the time of the report.

21 neighbours consulted and site notice displayed: 6 replies received.

3 CHAPEL VIEW: Objection. We would like to ask that the trees to the rear of the development on the Queen's Alley side are not taken away. They were planted originally as a screen to protect the nearby houses from noise and provide a more visually acceptable view. We are concerned that the proposed development will appear overbearing from our garden area. We feel the building would be better located on the opposite side of the site.

CHAPEL COTTAGE: Objection. The existing trees and shrubs to be removed are the only protection between myself and what is currently a quiet garage - they are clearly intending to increase footfall by increasing the number of parking spaces from 4 to 21 which will therefore increase noise - I would therefore strongly object to the removal of any of these trees and shrubs which act not only as a noise defence but also a security barrier. I also note there is no indication of opening hours - will these be remaining the same or is there an intention to extend these?

88 HEMNALL STREET: Objection. Concern about the loss of tree and the fact that the building will be closer to the boundary and could provide a security threat.

20 HIGH STREET: Objection. I have the following concerns: Opening hours are not specified, the cooling units back on to my garden/back of house. This would be extremely noisy. Light pollution - depending on opening hours my house could be lit all night long.

22 HIGH STREET: Objection. The proposed plans display a greatly enlarged retail area repositioned to within just 2 metres of our boundary and the installation of 6 industrial HVAC units, which presumably will be operating night and day to within just 7 metres from our dining room and main bedroom. If noisy refrigeration units are required then surely they should be placed to face the petrol station and as far away from adjoining residential properties as possible. The rear of the proposed retail area will now stretch to almost the entire rear boundaries of residential properties 22 and 20 High Street. Previously the smaller retail shop had been clad in brick which was perhaps more sympathetic to the area it was situated in. The proposed plan shows that the rear of the enlarged retail area which faces adjoining homes will be clad in Shell White wall panels. This corporate colour scheme has no commercial value as it only faces residential properties and will be an eyesore for residents who will have a wall of white cladding covering almost the entire views from the rear of their homes. Concern that the design of the new building will open up residential properties to noise and light disturbance and that the premises will open increased hours with increased lorry movements to and from the site.

EPPING SOCIETY: Objection. Concern about the loss of trees and shrubs on site and that these should be retained or replaced.



## **Issues and Considerations:**

The main issues that arise with this application relate to;

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

### *Principle of the Development*

The overall principle of the development is considered acceptable. Any development which increases the retail element of town centres and is a potential employment generator should be encouraged subject to all other material planning considerations.

### *Design Considerations*

The proposed building is bulkier and has a larger footprint than the existing building on site. However this site is of a size to comfortably facilitate a larger structure and its position along the flank provides more space for parking. From an aesthetic viewpoint the proposed design is not considered unacceptable and fairly typical of such buildings. Concern has been expressed about the proposed use of materials but the materials as detailed on plan No PLG6 raises no strong issues of contention and sample details can be agreed by condition.

### *Residential Amenity*

There are a number of residential properties in close proximity to the site and the new building would be positioned closer to the dwellings to the rear. Concern has been expressed that some of the existing planting would be lost at the rear corner of the site and that this would expose residential properties to view of the new structure. Whilst this is the case the new building would be set off the boundary and as the store area (3.0m in height) would be closest to the boundary it would not appear particularly overbearing or result in a material loss of amenity. Whilst the retention of all shrubs may be desirable this is not considered essential in order to make this development acceptable in planning terms. The position of the alleyway would further reduce impact on the rear garden area of 3 Chapel View. Similarly the new building retains a reasonable gap, and is located across an alleyway, from No's 20 & 22 High Street. It is not considered that any impact would be excessive.

With regards to Chapel Cottage it is not considered that the removal of some of the vegetation on the boundary would seriously impact on the amenity of residents of this property. The majority of the boundary is made up of the flank wall of the house and as stated the proposed built form is fairly low set at the boundary. Furthermore the existing wall around the garage will provide a fairly solid screen.

Concern has been expressed about the proposed positioning of air conditioning units to the rear of the sales building and their potential impact on amenity. This would replace an existing unit. The noise emitting from such units can be controlled by a suitably worded condition and furthermore if the units operate to a nuisance level, recourse is available through separate environmental legislation. The garage site and residential properties are to some extent conflicting land uses which have co-existed for some time and indeed the garage predates both 3 Chapel View and Chapel Cottage as residential properties. Some disturbance will be inevitable in such scenarios but the appropriate conditions will ensure that the impact does not become a serious issue for neighbours. Paragraph 123 of the National Planning Policy Framework states "...decisions should

aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established...”

Concern has been raised that there are no proposed opening hours with the proposed development. The opening hours on the original scheme stated that no part of the premises should operate between 24:00 and 07:00 each day and this seems a reasonable condition to carry over to this development.

The scheme includes the removal of the existing car wash, jet wash and vacuum from the site which will result in potentially less noise generation overall.

#### Parking and Highway Safety

There is no change proposed to the existing access and egress arrangement to the site; this arrangement provides good visibility and geometry from and onto the High Street. The proposal is also providing sufficient parking for the scale of development proposed. Consequently there are no highway safety, capacity or efficiency issues associated with this development.

#### Consultee Comments

Due to its use as a Refuelling and Repair Garage there is the potential for contaminants to be present on site. The standard land contamination conditions are therefore deemed necessary. Details of foul and surface water drainage are also necessary.

#### **Conclusion**

The proposed development would result in a site which would make a more positive impact on the retail provision within Epping and could generate some low scale employment. The design of the building is considered acceptable and further details can be agreed by condition. It is not considered that the amenity of neighbouring properties will be seriously infringed. It is therefore recommended that consent is granted subject to appropriate 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)***