

AREA PLANS SUB-COMMITTEE 'EAST'

12 November 2014

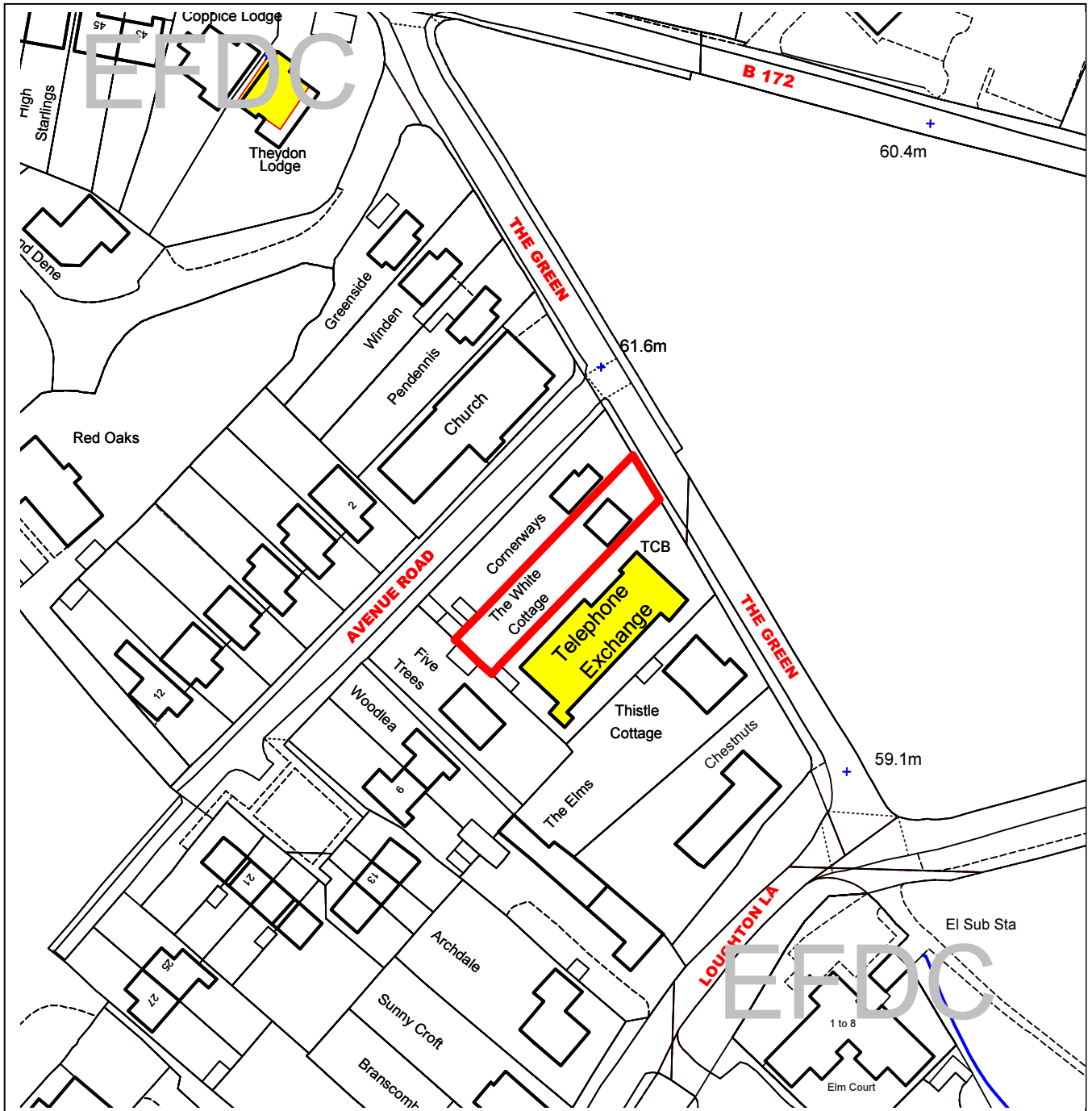
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/1958/14
Site Name:	The White Cottage, The Green Theydon Bois, CM16 7JH
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/1958/14
SITE ADDRESS:	The White Cottage The Green Theydon Bois Epping Essex CM16 7JH
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mrs Eleanor Laing
DESCRIPTION OF PROPOSAL:	Retention of fence near rear boundary, proposed erection of 0.5m trellis over existing side fence.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567111

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

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 is a detached two storey house known as The White Cottage fronting The Green in Theydon Bois.

The property is located between the Telephone Exchange a locally listed building and a detached dwelling known as Cornerways.

The property is an 'L' shaped plot that extends to the rear of Cornerways and benefits from a garage fronting The Avenue. The pavement in The Avenue is elevated higher than the properties fronting the Green, meaning ground level drops to Cornerways and continues to slope gently towards the Telephone Exchange.

The site is located within the main village and is not within the Green Belt.

Description of Proposal:

The application seeks permission to retain an existing screen fence towards the rear of the plot, across the width from one side boundary to the other. This fence was constructed as part of a raised deck area and serves to provide a visual divide within the applicant's garden, screening outbuildings behind it. The screen fence contains a large circular opening providing access to the buildings at the rear. This screen reaches 3.3m in height measured from the ground level and is equal in height approximately to the ridge of the outbuilding at Cornerways. Only small sections of the screen fence are erected on the side boundaries. Any fence greater in height than 2m requires permission.

The application originally included a request for permission for the retention of the raised platform/decking area some 0.8m in height under the screen fencing. Following advice from Officers the surface of this platform has been removed and there is clear intention to reduce the height of this platform to 30cm, whereby permission is not required. As a result this no longer forms part of this application.

The application also seeks permission for the erection of a trellis 0.5m in height above the existing 2 metre close boarded fence along the side boundary with Cornerways to a maximum height of 2.5m.

Relevant History:

There is no relevant history.

Policies Applied:

Epping Forest District Local Plan and Alterations

All of the policies listed below are compliant with the aims, objectives and policies contained within the NPPF.

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

The policies contained within the NPPF should be considered.

Summary of Representations:

2 neighbouring properties were consulted and a site notice was erected initially on receipt of the application and again following reconsultation for revisions to the scheme.

Responses were received as follows:

CORNERWAYS: Submitted a number of letters to the Council in the duration of this application, expressing a number of procedural concerns or issues in relation to decking on site. These issues have no bearing on the merits of the application which now relates to the screen fencing and proposed trellis along the side boundary only.

Issues raised that may be considered include;

The impact of the existing screening on the garden of Cornerways, namely in terms of loss of outlook and overshadowing. Also the proposed trellis in terms of overshadowing/loss of light and loss of outlook and the impact of both structures on the street when viewed from The Avenue. Concerns are also raised that the proposed and existing boundary treatments would be dominant and overbearing.

105 GOODS STATION ROAD, KENT: A frequent visitor to Cornerways. The scale of the work at the White Cottage is completely out of proportion to both the property itself and the neighbouring properties, and the materials used are unsightly. Also object to the lack of detail supplied. Fencing and boundaries are unacceptably high.

THEYDON BOIS PARISH COUNCIL:

Object. We are pleased to note that the platform/decking area will be reduced. Our views remain unchanged with regards to the negative impact that it will have on the neighbouring property, with the fencing being 2.7 meters high. For clarity we repeat our original view for loss of amenity.

The Parish feels that the proposed and existing fencing of 2.5 – 3 meters high fence, which would have a visual impact from the footpath, as well as the neighbouring property. The neighbouring property would also suffer from loss of daylight / sunlight.

The Parish feel that the development would compromise Policy DBE9 – Loss of amenity

It should be noted that this property is next to a listed building and a proposed conservation area and could set precedent.

Issues and Considerations:

Issues relating to the procedure when registering and processing the application have no bearing on the merits of the application. Officers are satisfied that minimum registration requirements have been met and that the impacts of the proposed development can be assessed.

With regard to revisions made during the course of the application, it is good practice to seek revision to a development if it results in improvement or enhancement. The decking has been removed from the application and will be reduced in scale. Officers considered this to be an improvement. Neighbours were reconsulted following this revision, again following best practice.

The main issues that arise with this application are;

- Design and impact on street scene
- Impact on Neighbouring Amenity

Design

The development will be viewed primarily in the rear garden, where close boarded fences with trellis above are not uncommon. The trellis would not raise any design issues and as such no concerns are raised.

Considering impact to street scene, the screen fencing and trellis would be visible from The Avenue due to the slope of the land. The visibility of a trellis as a boundary treatment would not be unduly prominent or overbearing when viewed from the street and would be separated from the street by the width of the property known as Cornerways. The proposed trellis and fencing screen would also be viewed in the context of the Telephone Exchange and its associated structures which form the dominant visual context in this area. As a result Officers consider the proposed boundary trellis and the existing screen fence would not have significant adverse impact on the character of the area when viewed from the street. The structures would be visible to a limited degree, but would appear in keeping with the wider locality and the higher structures maintained at the Telephone Exchange. Mindful of the surrounding context, Officers are of the opinion the proposed boundary treatments would not appear out of character and would compliment the existing property and rear gardens when viewed from the street scene.

Neighbouring Amenity

The orientation of the application site is such that The White Cottage sits to the southeast of Cornerways. A boundary in this orientation would result in some overshadowing to a shallow depth (relative to the height of the boundary) until just after midday. However, Officers have considered this orientation, and the proposed trellis in this location, which by its nature allows for light to pass through. As such there is no significant adverse impact identified in respect to overshadowing or loss of light. With regards to loss of outlook, the proposals would increase the height of the boundary by only 0.5m, albeit for the length of the boundary. Considering similar structures throughout the District, the relative height of planting that is common place and the visually permeable nature of a trellis structure, Officers are unable to reach the view that harm to outlook would be significant. Views from Cornerways towards the Telephone Exchange would remain broadly unchanged.

In terms of the rear screen fencing that is already in place, Officers were able to see how this was located towards the end of the garden area, immediately adjacent to an outbuilding maintained at Cornerways. Whilst a small area of fencing projects forward of this outbuilding, having visited the garden at Cornerways and carefully considered the structure. Officers conclude that the impacts of the retention of the screen fencing would not result in significant adverse impact sufficient to justify refusal. Loss of outlook is negligible and overshadowing relates to a small area directly to the front of an outbuilding, well away from the house.

Officers have reached these views considering the requirements of policy DBE9, which seeks to ensure new development does not result in excessive loss of amenity for neighbouring properties, and includes consideration of visual impact and loss of daylight/sunlight. Whilst Officers do not suggest there would be no impact, that which may arise could not be considered excessive.

Other matters

Finally, the neighbouring Telephone Exchange is a Locally Listed Building. The proposed fencing would have no direct impact on the Telephone Exchange and the impact to its setting would be negligible, therefore no concerns are raised.

Conclusion:

The proposal is considered to be acceptable when assessed against planning policy. Officers consider the proposed trellis and retention of the screen fence results in no significant adverse impacts to neighbouring amenity or the character of the surrounding area and approval is recommended.

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

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

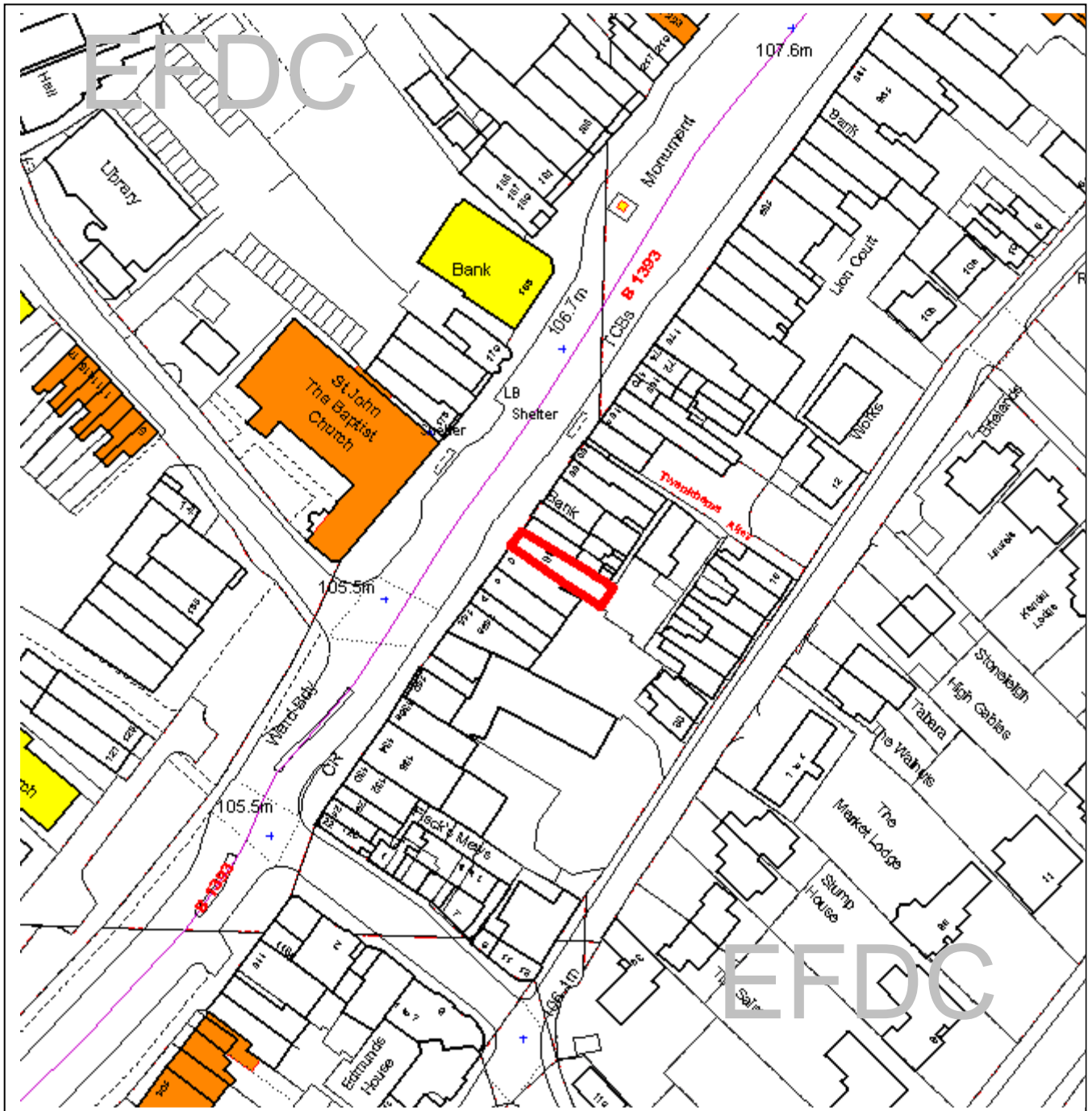
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AGENDA ITEM NUMBER 2



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Application Number:	EPF/1992/14
Site Name:	148 High Street, Epping CM16 4AG
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1992/14
SITE ADDRESS:	148 High Street Epping Essex CM16 4AG
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Ross Berndes
DESCRIPTION OF PROPOSAL:	Conversion of retail shop and first floor office/showroom to retail unit (to High Street) and two flats (Resubmission of EPF/1136/14)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567274

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: 1438/02d and 1438/04b
- 3 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.
- 4 The refuse storage area shown on the approved plans shall be created prior to the first residential use of the building and retained thereafter, free of obstruction, for its stated use.
- 5 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.

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:

Two storey retail unit located on the southern side of Epping High Street within the identified key retail frontage and within the Conservation Area. The building has a pitched roof over most of the frontage with a small flat roofed element to the side, adjacent to more modern two storey development. To the rear is a large flat roofed red brick two storey extension. Pedestrian access to the rear can be taken from Twankhams Alley and vehicular access (for deliveries) is from a service yard and parking area that serves a number of units accessed off Hemnall Street

Description of Proposal:

The application is for the conversion of the rear part of the ground floor and the whole of the first floor to create two residential units, whilst retaining the front part of the ground floor in retail use. The shop area to be retained amounts to approx. 40 sq. metres of retail area with toilet and small kitchenette area at the rear.

The rear of the ground floor is to be converted to a bathroom and kitchen for a split level 1 bedroom flat for which the bedroom and living room will be at first floor. A second 1 bed flat will be located above the shop unit at first floor.

There will be access to the two flats and to the shop unit, from the rear, via a common hallway accessed from the existing service yard.

The proposal includes the provision of a pitched roof over the existing flat roofed element to the High Street frontage of the building, to match the existing and alterations to the rear side elevations to provide access, bin storage and additional fenestration.

Relevant History:

EPF/1136/14 Conversion of retail shop/office/showroom to retail and two flats. Withdrawn by applicant following concerns over the amenity of future residents.

SUMMARY OF REPRESENTATIONS

A site notice was displayed and 13 neighbours were notified.

PARISH COUNCIL- Object. It is clear that the applicant has addressed some of the objections this council raised by rearranging the configuration of the rooms etc. However, in seeking to resolve some of the compromises of the units of accommodation, the applicant has now compromised the proposed retail unit such that it ceases to be viable. The original objection to this scheme was that it was unsatisfactory to have residential accommodation at ground floor level next to an operating business unit which would be loading and unloading and storing waste immediately next to a residential space. The new scheme removes the ability for the shop unit to receive deliveries through the rear or have any facility for the storage of waste other than inside the premises. Given the location of the shop front, receiving deliveries into the premises from the front will cause traffic problems as it is on the high street in close proximity to a very busy double junction. Committee still considers that this location would be better suited to a single residential space at first floor level with a commercial premises at ground floor, both of which would be sustainable and would not compromise each other. If EFDC is minded to grant this application, there would need to be conditions applied to prevent the use of the "fire escape" in the shop unit for loading and unloading and storage of waste to protect the amenities of the residential accommodation. Relevant policies CP7, DBE8 and NPPF Chapter 7.

NB- Following these comments received the applicant submitted revised plans which amend the rear access and provide additional refuse storage space to allow deliveries from the rear and removed the ground floor kitchen window which was adjacent to the refuse area in order to improve the amenity of occupants. The Town Council have been reconsulted on the amended plans and the following comments were received:

"Committee **object** to this application. This is the third set of plans submitted proposing conversion of this unit into 2 residential units and a lock up shop. Committee has stated in response to each previous submission that it is not opposed to the creation of a residential unit above a shop on the ground floor, however in each of the previous applications, Committee felt that either the rear unit of accommodation or the shop unit were compromised.

This Committee felt that the operation of the shop would compromise the quality of the residential accommodation in the original proposal and the applicant must have agreed, because they submitted new plans which would have removed all but emergency access to the shop from the rear. This proposal compromised the shop unit to an extent where it would have been unsustainable.

The current set of plans would reinstate the access to the shop unit through the rear and seeks to address the issue of the impact this would have on the rear unit of accommodation by removing the main kitchen window from this unit. This would create a dark, inhospitable living space with only a small window onto a back alley for natural light. The juliet balcony from the bedroom would be above a new bin store presumably to be shared with the commercial premises.

Policy CP6 seeks to accommodate sustainable urban development by improving the quality of life in urban areas and encouraging mixed use development. However Policy CP7 is quite clear that overdevelopment will not be permitted and that the use of higher densities will be permitted only where it is compatible with the area.

This premises would be perfect for conversion into a shop unit with a flat above. The attempt to squeeze a second unit of accommodation into the scheme is overdevelopment which will result in either a poor quality unit of accommodation or a poor quality shop unit, depending on the configuration."

EPPING SOCIETY – Object. The proposed shop will be too small to be viable, with no storage space and the High Street risks having another empty unit. It would be more appropriate to have a single flat on the upper floor.

Policies Applied:

CP7 Urban form and quality
HC7 Development within the Conservation Area
TC3 Town Centre Function
DBE2 Effect on neighbouring properties
DBE3 Design
DBE8 Private Amenity Space
DBE9 Loss of amenity

Issues and Considerations:

The main issues to consider are the design of the alterations and impact of the development on the Conservation area, impact on Town Centre/Key retail frontage, living conditions for future occupants of the proposed flats and any adverse impact on adjacent neighbours.

Design

The proposed addition of a pitched roof at the front of the building over an existing flat roofed element will be a visual improvement within the conservation area, subject to matching materials. The minor alterations at the back of the unit will be visible in the context of an existing service yard and parking area and will have no adverse impact on the character of the building or the conservation area.

Town Centre

The site is within the identified Town Centre and Policy TC3 of the Local Plan states that the Council will permit residential accommodation in Town Centres, in appropriate locations but not at ground floor level. In addition it states that the Council will refuse any proposals that could have a detrimental impact on the vitality and viability of town centres. Whilst this proposal includes a small element of residential floorspace at ground floor, the retail frontage is maintained and the residential element at ground floor will not adversely impact on the town centre. Concern has been raised by the Epping Society that the retained retail unit is too small to be practical as a shop and that it is likely to result in the shop being left empty. Although the unit is small it is not considered that it is too small to be viable and in any case the existing large unit is currently standing empty to the detriment of the retail frontage, it may be that a smaller unit will actually be easier to let.

The revised plans show that rear servicing of the unit can still take place and an area for refuse storage for the shop unit is provided.

Residential use

Residential use within the town centre is appropriate as it is a sustainable location with good access to facilities. The two flats proposed are 1 bed units and neither have any private amenity space or parking, but this is not an unusual situation in such locations to the rear and above shops and would not be grounds to refuse the application. The revised application has removed the previously proposed ground floor bedroom, which would have provided poor living conditions for the occupants of the unit. This area is now a kitchen with a window facing away from the refuse storage area and this is considered to provide suitable living conditions. All the habitable rooms are now at first floor level and adequate privacy and amenity is achieved.

Impact on neighbours

The proposal includes the provision of ground and first floor side facing windows, but these do not cause direct overlooking of neighbouring properties and will not have a significantly adverse impact on neighbouring residential amenity.

Conclusion

In conclusion it is considered that the revised proposal will have no adverse impact on the vitality and viability of the town centre and will make good use of an existing building, providing two small residential units within a sustainable location. The alterations to the buildings are appropriate within the conservation area and will enhance the high street frontage.

The application is therefore recommended for approval 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.

***Application Case officer: Jill Shingler
Direct line Telephone Number: 01992 564106***

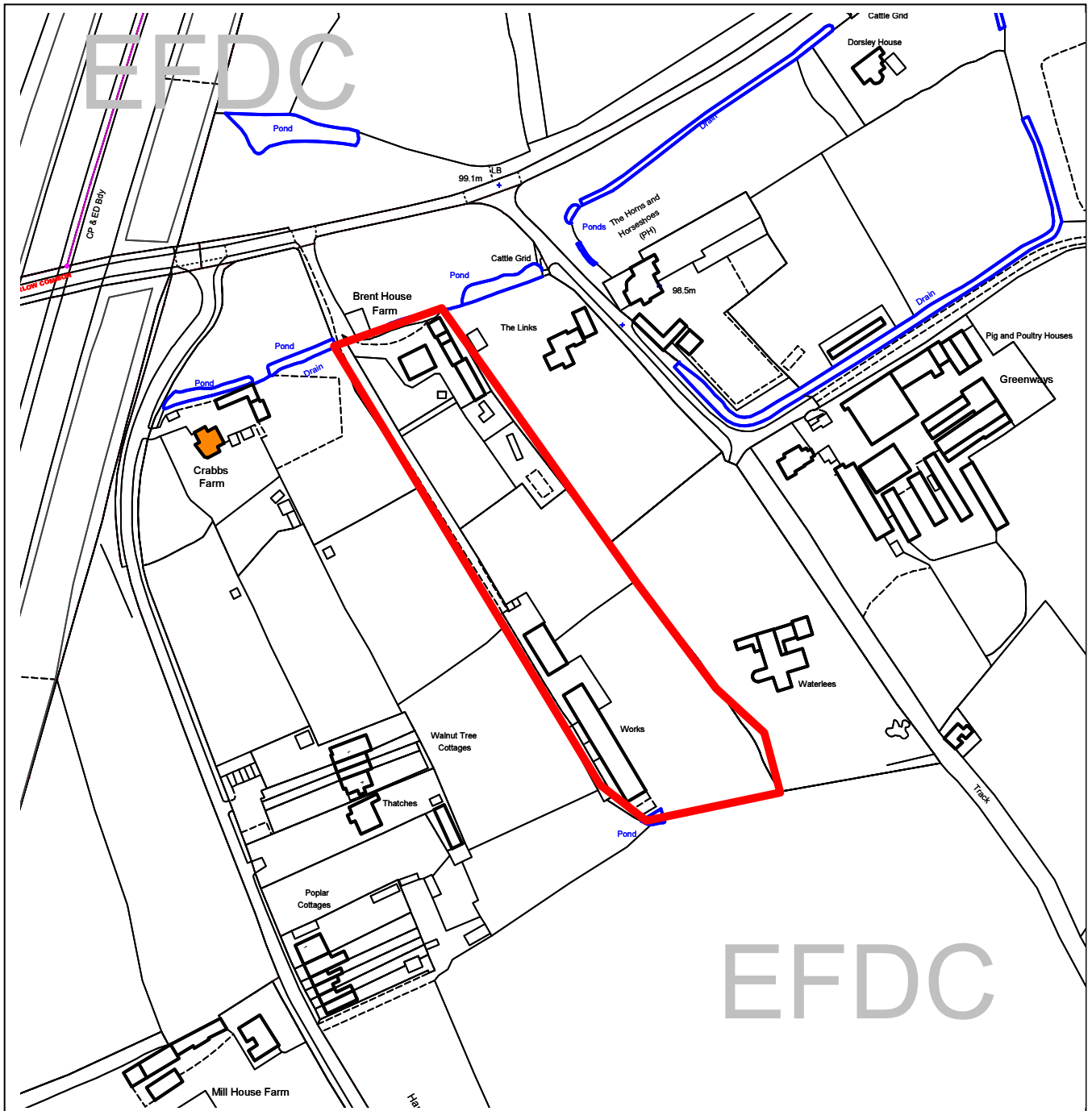
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AGENDA ITEM NUMBER 3



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Application Number:	EPF/2027/14
Site Name:	Land At Brent House Farm, Harlow Common CM17 9ND
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2027/14
SITE ADDRESS:	Land at Brent House Farm Harlow Common North Weald Essex CM17 9ND
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Kirk Pickering
DESCRIPTION OF PROPOSAL:	Demolition and reconstruction of the Farm House together with the erection of 10. no. additional dwellings, served off the existing approved vehicular access on Harlow Common/Foster Street together with internal road layout, parking, and a scheme of landscaping and tree planting. (Alterations to EPF/1285/11 and EPF/1370/10).
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567490

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 shall take place until details of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 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.
- 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 All recommendations set out in section 5, table 5 and table 6 of the Phase 1 Habitat Survey, section 4 of the bat emergence survey and section 4 of the Reptile Survey produced by Peakecology Ltd. are followed. If more than a year has elapsed between the bat survey being conducted and the works commencing a further emergence survey shall be undertaken to ensure no bats have colonised the buildings or trees on the site.
- 7 The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (Glanville, Ref: CV8140628/JR/DW/004, 15 August 2014) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 8 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.
- 9 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.
- 10 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 11 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 12 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 13 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 15 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: A TP(00)003, 004, 005, 005, AGA(10)00 001, 002, 003, 004, 005,006, 007, 008, 009, 171L01, L02, L03, L04.

And subject to the applicant entering into a legal agreement under section 106 to provide £50,000 towards the provision of local community facilities before the 26th of November 2014, or such longer period as may be agreed in writing by the Local Planning Authority before that date.

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

Description of Site:

The application site is located to the south of Harlow Common, accessed via an existing access road. The plot is set back from Harlow Common and is a long rectilinear site

The site boundary is heavily vegetated with trees and shrubs. It is in a rural Green Belt location where there are a scattering of residential dwellings. It is just east of the M11 motorway, set further east, but parallel, with a group of houses in Mill Street. South of the site, beyond the vegetation, are open fields. To the east of the site there is a large house in substantial grounds, known as Waterlees.

At the entrance to the site is the original 20th century farmhouse building, which is vacant and boarded up. The remainder of the site which was previously in intensive commercial use has been cleared of buildings.

The site is previously developed land within the Metropolitan Green Belt.

Description of Proposal:

The proposal is essentially to amalgamate two existing consents (for 8 houses and two houses plus retention of an existing farmhouse) into a single coherent development of 11 houses in total (10 additional and 1 replacement) the proposed floorspace will be marginally smaller than the approved development.

The proposed dwellings are all detached two storey properties in three basic house types. The proposal is for 9 four bed units and 2 five bed units and they are set in a broadly linear layout along an access track which ends in a turning head around a green which will incorporate landscaping. Each property has an integral double garage and space within curtilage for additional parking. The proposed houses are of modern design and take their reference from traditional barn style buildings.

Relevant History:

This site is an amalgam of two planning sites which have the following relevant history.

1958 - buildings built for agricultural purposes.

1969 - appeal against the serving of an enforcement notice in respect of unauthorised car repair, storage at the site - vehicle related use had continued since 1963 and had become "established" - appeal quashed.

EPF/2212/09 - Lawful Development Certificate – Use of existing units and adjoining land for the service, repair, maintenance and storage of motor vehicles, plant and machinery and/or parts of motor vehicles, plant and machinery – Agreed use to be lawful, December 2009

EPF/1370/10 Demolition of industrial buildings and associated structures, removal of authorised use of site for car repair, storage and related uses, and replacement with construction of eight residential dwellings, together with associated parking and landscaping. Approved 02/09/10

EPF/1285/11 Demolition of two residential units and outbuildings and replacement with construction of two new dwellings, together with associated parking and landscaping, and retention of existing dwelling house. Approved 15/08/11

Policies Applied:

Local Plan Policies:

DBE1 Design of New Buildings

DBE2 Detrimental Effect on Existing Surrounding Properties

DBE4 Development in the Green Belt

DBE6 Car Parking

DBE8 Private Amenity Space

DBE9 Loss of Amenity for Neighbouring Properties

LL10 Adequacy of Provision for Retention of Landscaping

LL11 Landscaping Schemes

CP1 Sustainable Development

CP2 Protecting the Quality of the Rural and Built Environment

CP3 New Development

H1A Housing Land Availability

GB2A Development in Green Belt

GB7A Conspicuous Development

GB16A Affordable Housing

I1 Planning Obligations

The above policies are considered to be in accord with the NPPF and are to be accorded due weight.

SUMMARY OF REPRESENTATIONS:

29 Neighbouring properties were notified and site notices were erected on the 18th September. The following responses were received.

PARISH COUNCIL – Originally objected but following clarification responded as follows: Members were reminded that they had asked for the Planning application in relation to the above site to be placed on the Plans East Committee as there had been no written confirmation in relation to queries regarding the Legal Agreement and the S.106 contribution. The Clerk advised that she had attended a meeting with Jill Shingler – Senior Planner at EFDC who had now confirmed that the remaining S106 contribution would be honoured and the Clerk had also received written confirmation from the developers. Members **RESOLVED** to withdraw their objection and their request for this matter to go on to the Plans East Committee.

MULBERRY FARMHOUSE, MILL STREET – Concerned that the proposals appear to show works to trees within our land. (NB this matter has now been resolved)

An Email was received from a neighbour complaining that letters to neighbours were received late. (just a few days before the deadline for response). The case officer checked and confirmed that the letters had been sent out on the correct day with the correct response dates however agreed that a further period was available for any comments to be submitted, and any responses received would be reported to committee. No further comments were received.

Issues and Considerations:

The principle of the development of 11 houses on this site is already agreed and the previous consents are extant and could still be implemented, on this basis the main considerations relate to whether the change in the layout and design of the scheme is acceptable

Green Belt

The site is within the Metropolitan Green Belt but is previously developed land, with consent for a similar level of development and the proposed development will not have a greater impact on openness or the purposes of including land within the Green Belt than the existing consent. The quantum of built development is similar but the spacing of the dwellings has changed to create more space between the units and a larger area of communal green space. The site remains well screened by existing trees and vegetation and ridge heights have been reduced so that the development will if anything be less conspicuous from outwith the site.

Design and Visual Amenity

As explained above the development will be self contained and is not viewed as part of the existing street scene. This offers the opportunity for a development of distinct design that will create its own sense of place. The three proposed house types sit well together and utilise glass and natural materials which fit well within the rural landscape. Plenty of space is retained for meaningful landscaping and it is considered that the development will present a contemporary and attractive development.

Impact on neighbouring amenity

The proposal has been designed to ensure that there is no overlooking of adjacent properties and that there is adequate distance between the new buildings and existing dwellings to ensure that there is no adverse impact on amenity.

Highway Issues

The highway impacts were fully considered for the previous applications and the Highway Authority have no objection to the current proposals. There will be no increase in traffic over the previous use or the previously approved development.

The layout of the internal access road is appropriate and suitable parking provision is made.

Sustainability

The site is not a particularly sustainable location for new development, in that any residents are likely to be heavily reliant on the private car for their everyday needs, but the previous lawful use as a car repair/ breakers yard related business was similarly unsustainable and the scheme now under consideration has been designed to achieve a minimum of code Level 4 of the code for

sustainable homes. They have been designed to maximise natural daylight and minimise use of artificial lighting green roofs are incorporated on some of the proposed garages.

There are bus stops about 0.6 miles walk distance with links to the main town centre.

Trees and Landscaping

The application was accompanied by a tree report and arboricultural method statement and has shown that the development can be achieved without a detrimental impact on trees, and that suitable landscaping can be achieved; subject to conditions therefore the Tree and Landscape officer has no objection to the proposal.

Flood Risk

The site does not lie within an Epping Forest District Council Flood Risk Assessment Zone. 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 required;

The applicant has provided such an assessment with the application and the Land Drainage team agree with the findings in principle and therefore have no objection to the proposal subject to conditions.

Ecology

A phase one Extended Habitat Survey was submitted with the application together with a phase 2 reptile survey. And bat emergence survey. The phase one report sets out how the site can contribute to enhancements in biodiversity and the submitted scheme includes provision of a "bug hotel", bat and bird boxes, native landscape species and green roofs to some garages. These aspects which are welcomed can be required by condition.

Contamination

The site, given its previous uses, is potentially contaminated and there is a need for additional surveys to be carried out and potential remediation work, but this can be adequately controlled by condition.

Affordable Housing

The proposal like the approved development does not include any provision for affordable housing on site. Given that there are extant consents for the same number of units on the site with no affordable housing it is not considered reasonable or appropriate to try and introduce a requirement for affordable housing now. The relevant affordable housing policies have not changed since the previous consents, so there is no justification for a change in stance at this time.

For the previous application it was not considered by the Parish Council that this was an appropriate location for affordable housing and in lieu of a contribution towards affordable housing the Parish Council considered that a suggested contribution of £100,000 would be better spent in the local community, and have identified where this would have benefits locally. This was accepted by the District Council at committee previously and it is appropriate that this requirement is carried over for this replacement application.

In fact half the agreed sum has already been paid (as work commenced on the previously approved scheme) and the new applicant has committed to paying the outstanding £50,000. This will need to be subject to a new legal agreement or a deed of variation.

Education Contribution

As this application is for 11 houses, it technically triggers the need for an education contribution (10 or more houses) and such a contribution has been requested by Essex County Council. However, there are two extant consents, which result in the same number of dwellings but which were each individually below the threshold, so no contribution was previously required. It is not therefore considered appropriate or reasonable to request a contribution now as the development would not result in any increase in the likely number of children that could occupy the site.

Conclusion:

The principle of 11 houses on this site, without affordable housing but with a contribution towards the provision of local facilities has already been established. This revised scheme provides an alternative high quality design and layout which will sit well within the landscape without harm to the green belt or to neighbouring amenity and is in accordance with the NPPF and Local Plan Policy. The application is therefore recommended for approval subject to the payment of the remaining £50,000 contribution to local community facilities that was previously negotiated.

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.

***Application Case officer: Jill Shingler
Direct line Telephone Number: 01992 564106***

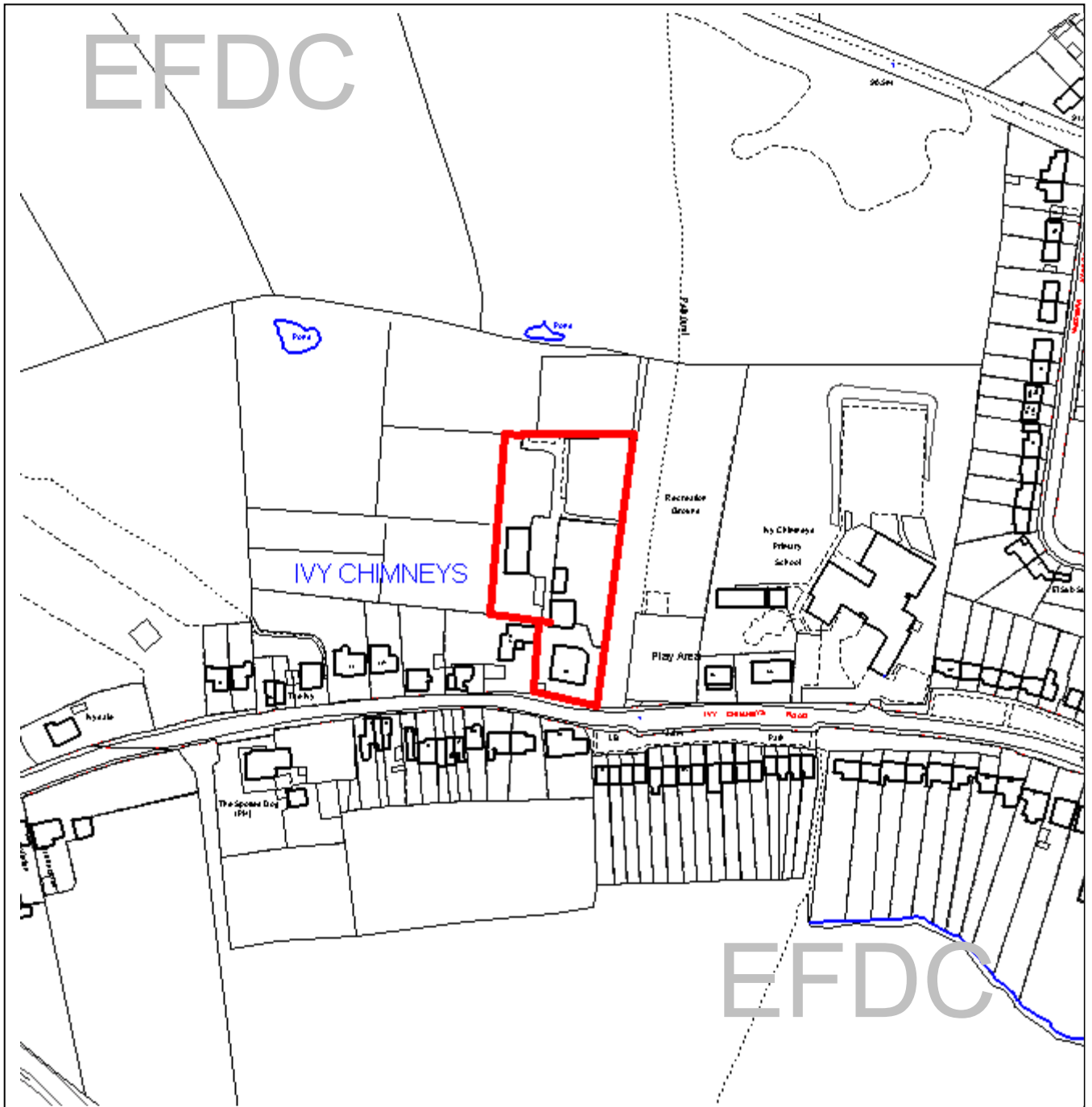
or if no contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/2056/14
Site Name:	Broadbanks, Ivy Chimneys Epping, CM16 4EL
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/2056/14
SITE ADDRESS:	Broadbanks Ivy Chimneys Epping Essex CM16 4EL
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Michael Payne
DESCRIPTION OF PROPOSAL:	Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of five detached dwellings with garages and car spaces including ancillary works and landscaping.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567612

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance;
 - (iv) access; and
 - (v) landscaping.
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and the existing site plan.
- 4 Prior to first occupation of development the private drive serving the dwellings shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway.
- 5 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 7 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 8 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 9 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.

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

Description of Site:

The application site consists of a residential dwelling (Broadbanks, No. 23 Ivy Chimneys Road) and its curtilage along with a 0.39 hectare equestrian site containing stables, barns, a manege and various other areas of hardstanding. The fields beyond and to the west of the site are also within the applicant's ownership.

The application site is located on the northern side of Ivy Chimneys and doglegs around the rear of No. 21a Ivy Chimneys Road. Whilst the existing residential property, which is to remain, is located outside of the Green Belt the equestrian site is located within the designated Metropolitan Green Belt. To the east of the site is a recreational ground with Ivy Chimneys Primary School beyond this.

Description of Proposal:

Outline consent is being sought for the demolition and removal of the stables and hardstanding and the erection of five detached dwellings and garages with all associated works.

Whilst indicative plans have been submitted all matters are reserved and therefore these are purely for illustrative purposes to show how such a scheme could be achieved on the site.

Relevant History:

EPF/1430/85 – Outline application for the erection of a dwelling house with garage in garden of 'Broadbanks' – refused 27/01/86

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Quality of rural and built environment
CP3 - New development
GB2A - Development in the Green Belt
H3A - Housing density
H4A - Dwelling mix
DBE2 - Effect on neighbouring properties
DBE8 - Private amenity space
DBE9 - Loss of amenity
ST1 - Location of development
ST4 - Road safety
ST6 - Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

All immediately adjoining neighbouring properties were consulted in compliance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. Unfortunately no Site Notice was displayed on site at the beginning of the application process, however a Site Notice was displayed on 28/10/14 requesting comments to be submitted within 14 days of the notice. Any additional comments received as a result of this Site Notice will be verbally reported to Members.

TOWN COUNCIL – Do not object to the principle of the number or type of houses proposed to be built on the land. They are concerned about the access from the proposed development to Ivy Chimneys Road, in particular, whether there will be room for oncoming traffic to pass within the new cul-de-sac that will be created by the proposed development. Ivy Chimneys Road is incredibly busy and road safety and site access are a concern. If the criteria specified by Essex County Council Highways for access within their response can be met then Committee do not object.

EPPING SOCIETY – Object as this is Green Belt and not suitable for development. There are road safety issues with increased traffic emerging into Ivy Chimneys Road.

CITY OF LONDON – Object since the application site is located within the Green Belt and is less than 35m from the edge of Epping Forest. This development is considered to contribute to an undesirable creeping urbanisation of the fringes of the Forest that will have the effect of permanently eroding its environmental quality and damaging its long term amenity and character.

Main Issues and Considerations:

This application is for outline consent with all matters reserved and therefore the only consideration is the principle of erecting five dwellings with garages on this site. Whilst indicative plans have been provided showing an example of two dwellings on the site, these are not actually proposed.

Green Belt:

Whilst located within the Green Belt the site is on the edge of the urban area of Ivy Chimneys, which itself forms part of the larger town of Epping. The erection of buildings within the Green Belt are considered inappropriate development unless they meet one of the exceptions as laid out within the National Planning Policy Framework (NPPF) or where the harm is clearly outweighed by very special circumstances. These exceptions include the following:

- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The definition of previously developed land is laid out within Annex 2 of the NPPF and reads:

Land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The existing use of the site is for the stabling of horses and associated equestrian purposes. This use has been continuing on site since at least 2005 as recorded by photographs taken by Planning Enforcement as a result of investigations. The site would not fall into any of the exclusions of previously developed land as specified within the definition and therefore this site would constitute brownfield land.

Notwithstanding the above designation of the site, the redevelopment of brownfield land is only considered as an exception from inappropriate development if "*it would not have a greater impact on the openness of the Green Belt*".

Calculations have been submitted by the applicant stating that the volume of the existing buildings would total 2570m³. Whilst the submitted plans are purely indicative, based on these drawings the proposed dwellings would have a combined volume of 2780m³. Although this indicative volume is higher than the existing buildings, and some of the proposed indicative one-and-a-half storey dwellings would likely be higher than the existing single storey stables, the estimated volume would not be 'significantly larger' than the buildings that they replace. Furthermore the proposed development would allow for the removal of the large expanses of hardstanding and the replacement of these with green and landscaped gardens, which would be an improvement to both the openness and character of the Green Belt.

Irrespective of the above estimated volumes, since all matters are reserved a condition could be imposed limiting the proposed housing to 2570m³ to ensure that there would be no increase in volume over the existing buildings.

Due to the above it is considered that the principle of redeveloping this site for five houses would not constitute inappropriate development harmful to the Green Belt.

Sustainability:

There are a number of local facilities within walking distance of the site and adequate public transport facilities. As such it is considered that the proposed reuse of this brownfield land would conform to the 'presumption in favour of sustainable development' as outlined within the NPPF.

Amenity concerns:

Given that the application is for outline consent with all matters reserved the layout and design of the dwellings is to be determined within any subsequent Reserved Matters application. However, given the size of the site five dwellings could easily be positioned and designed to ensure that there is no detrimental loss of amenity to neighbouring properties or between future occupants. Landscaping can also be used to assist in this matter.

The required levels of private amenity space for the proposed dwellings would be dictated by the final size/internal layout of the dwellings, however it is likely that there would be more than sufficient land available to provide adequate private amenity space to the future occupants and the donor property.

Access and Parking:

The parking requirements for the site would depend on the size of the proposed dwellings, however it is likely that the development would require two off-street parking spaces per dwelling plus two visitor parking spaces to serve the entire site. The indicative plans show each dwelling being served by a detached garage with an additional parking space to the front, and there would be adequate space within the site for visitors to park. Notwithstanding the indicative layout, there is adequate space on site to allow for the required parking spaces should the layout change from the indicative plans.

The proposed development would be served by the existing driveway onto Ivy Chimneys. There is no objection from ECC Highways subject to conditions regarding the following:

- The proposed private drive should be to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway. This should not be finished in any form of unbound material to avoid the displacement of loose material onto the highway;
- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway;
- Details showing the means to prevent the discharge of surface water from the development onto the highway shall be approved prior to the commencement of works; and
- Residential Travel Information Pack for sustainable transport should be provided to the future occupants.

The existing access is 5.5m for at least the first 6m from the back edge of the highway and benefits from existing gates set back approximately 8m from the highway. Therefore the proposed development will be able to comply with ECC Highways requirements and as such would not be detrimental to highway safety.

Other Concerns:

Given that the site lies within the town of Epping, which constitutes a settlement with a population greater than 3,000, no affordable housing provision would be required for the proposed development.

Due to the site's current use as a stable yard there is the potential for contaminants to be present on site. Since domestic dwellings with gardens are classified as particularly sensitive uses contaminated land investigations and, where required, remediation will be necessary. This can be dealt with by way of conditions.

The Conservators of Epping Forest (City of London) have objected to the proposal since they consider that the development would contribute to “*an undesirable creeping urbanisation of the fringes of the Forest that will have the effect of permanently eroding its environmental quality and damaging its long term amenity and character*”. The edge of Epping Forest is some 35m from the application site which itself is located on the edge of Ivy Chimneys/Epping. The application site currently contains a number of stables and other equestrian buildings and does not provide any form of ‘open edge’ to the surrounding town. Furthermore, since the site constitutes previously developed (brownfield) land to the north of Ivy Chimneys that is effectively located between the built up town of Epping and the linked built up village of Ivy Chimneys, the redevelopment of the site would not result in creeping urbanisation nor would it erode or damage the amenity and character of the Forest.

Conclusion

The introduction of the NPPF and subsequent exceptions to inappropriate development enables the principle of developing this brownfield site and, given the similar volume between the existing building and the proposed indicative dwellings, the proposed redevelopment would not result in any greater harm to the openness of the Green Belt. Whilst the application is only for outline consent with all matters reserved, given the size of the site there would be scope to erect five dwellings with adequate parking and amenity space without any detrimental impact on neighbour’s amenities. Furthermore, the existing access meets the requirements of Essex County Council Highways. As such the principle of this development complies with the relevant Local Plan policies and outline consent is therefore recommended for approval.

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

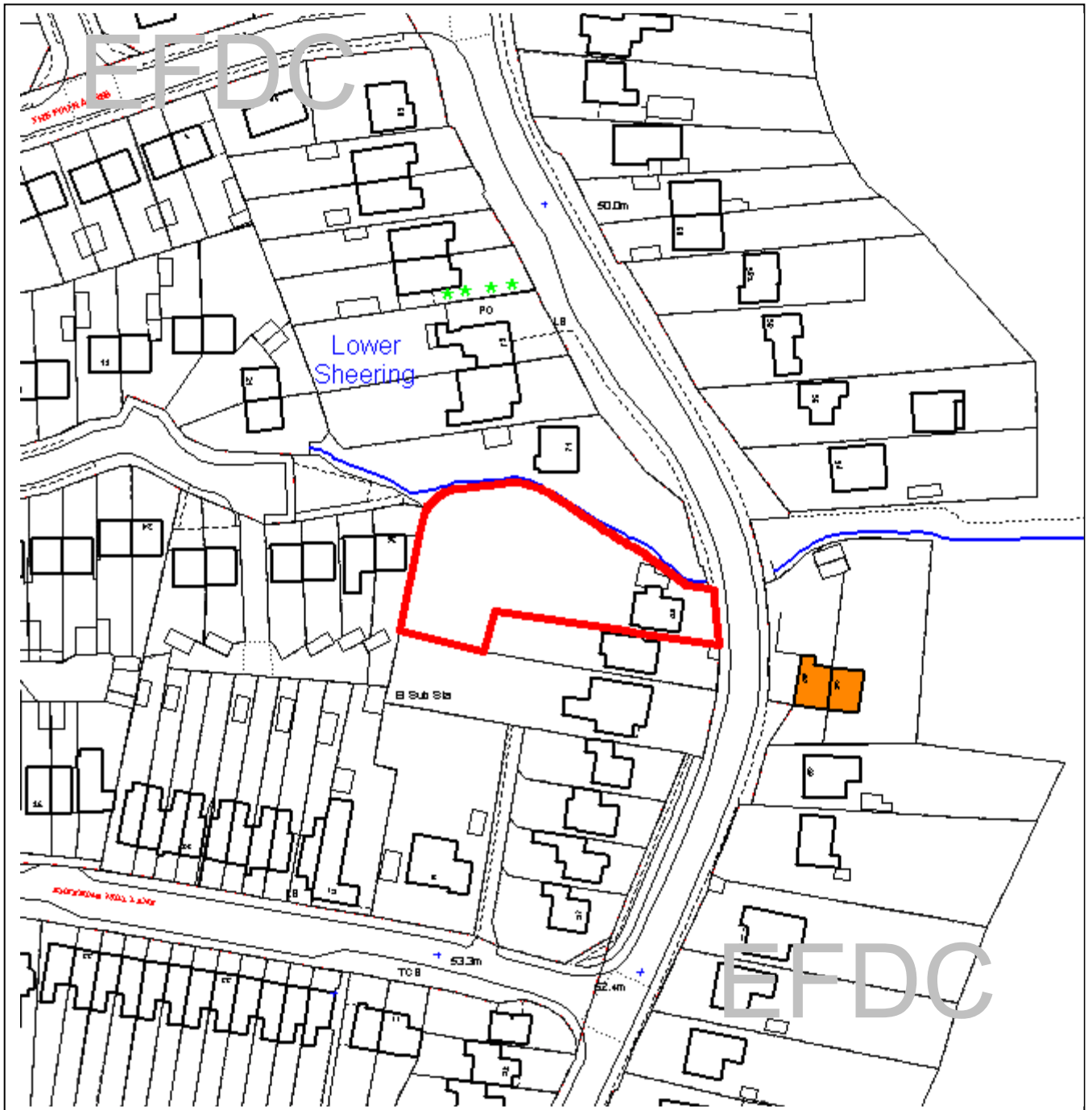
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/2099/14
Site Name:	69 Sheering Lower Road, Sheering CM21 9LG
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2099/14
SITE ADDRESS:	69 Sheering Lower Road Sheering Sawbridgeworth Hertfordshire CM21 9LG
PARISH:	Sheering
WARD:	Lower Sheering
APPLICANT:	Mr Ian Paveley
DESCRIPTION OF PROPOSAL:	Erection of one dwelling and two double garages (amendments to internal floor plans and elevation to house approved under EPF/0697/11).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567830

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings No's: Location Plan, Elevations Rev A, Proposed First Floor Plan Rev A, Proposed Ground Floor Rev A, Proposed Sections Sheets 1 & 2, Garage Plan, OS 781-14.2 & 14.3 Revisions A.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 The proposed window openings in the eastern elevation and the window serving bedroom 3 on the western elevation shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place, 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 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 8 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 9 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 and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 11 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 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.

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

Description of Site:

69 Sheering Lower Road is a detached two storey property situated on the west side of Sheering Lower Road at a slight bend in the road within the built up area of Lower Sheering. Due to a ditch/brook running along the side boundary of this property, the garden is wider than the immediate neighbours and is also 'L' shaped extending to the rear of the garden for No. 67, creating a larger plot than those surrounding it. The property is not within a Conservation Area or the Metropolitan Green Belt.

Description of Proposal:

This is an amended application following the granting of consent in 2011 for a detached dwelling and two detached garages in the rear section of the garden (EPF/0697/11). As with the previous application the proposed dwelling would be a chalet style structure on broadly the same footprint. The main body of the house would be 11.0m x 7.6m deep with a single storey projection on the northern side measuring 3.5m x 4.3m. The house would have an eaves level measuring 4.0m and a ridge level of 8.2m. The key difference with the previous application is the addition/reposition of first floor windows. A dormer on the front elevation would be moved slightly west on the roof and three skylights added. Two dormer windows as opposed to one dormer and one skylight would be constructed on the rear roof slope. Two sets of doors would be added to the rear elevation. The garages would be as previously approved.

Relevant History:

EPF/2435/10 – Proposed new dwelling and 2 no. double garages - Withdrawn
EPF/0697/11 - Proposed new dwelling and 2 no double garages. Grant Permission (With Conditions) - 23/06/2011.

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
H2A – Previously developed land
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood Risk Assessment zones

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:

SHEERING PARISH COUNCIL: No comments received.

69 SHEERING LOWER ROAD: Objection. I do not agree with this second application until the garage on my boundary is repositioned and the east facing windows are agreed as obscure glazed.

53 CRANMER ROAD, FOREST GATE, LONDON: Objection. We would like it confirmed that windows would be obscure glazed and that trees along the rear boundary of No67 would be retained.

36 MEADOW WAY: Objection. Concern about overlooking from the proposed bedroom window into our garden, bedroom and conservatory.

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Location of the development
- Overall design
- Amenity considerations for both neighbouring residents and future occupiers
- Potential flood risk.

Location

As stated, an extant permission to construct a dwelling on this site exists and any relevant conditions have been cleared. In that respect works have commenced on site with some site clearance having taken place and foundations dug. Therefore a lot of the planning considerations are as before and have been agreed in principle. With regards to the general principle of the scheme the report pertaining to EPF/0697/11 stated

“Local Plan policy H2A encourages the use of previously developed land for residential development. PPS3 previously included existing residential curtilage as previously developed land, this was amended in June of last year to exclude existing residential curtilages. However, although no longer classed as previously developed land there is no specific policy that prevents the use of residential gardens for new developments.

Each application therefore can only be assessed on its individual merits and with this proposal, the site clearly appears large enough to split into two. Whilst the proposal is to the rear of No. 69 and 67 and a new access way is required to serve the dwelling it is not considered that this form of backland development is inappropriate in this location. It is not considered that there is a specific building line to the properties on Sheering Lower Road given the bend in the road. There are existing properties to the rear within Meadow Way and Four Acres and therefore it is not considered that an additional property to the rear of Sheering Lower Road would in principle constitute an unacceptable form of development.

Policies CP3 and ST1 also encourage developments situated in sustainable locations that are well served by public transport. Lower Sheering is a small urban area which benefits from a railway station serving Central London and there is a bus stop some 50m from the site. Whilst not ideal in locational terms due to the lack of nearby facilities, it is not an isolated location where all trips would need to be by car”.

The intervening period has brought to light no new policy or on site changes which would warrant a differing analysis to that undertaken in 2011. Therefore the principle is still acceptable.

Design

In design terms the overall appearance will not significantly alter and as a stand-alone property is considered acceptable.

Amenity Considerations

A number of neighbours have raised concern that the new scheme would impact excessively on their amenity. The house is located adjacent to the rear boundary of No67 Sheering Lower Road and will also look towards the rear garden of the host property. The elevated windows in this elevation would serve bathrooms and the stairwell. These can be reasonably conditioned as obscure glazed and this is also considered a necessary proviso. There are a number of trees between the application site and the rear garden area of No 67. The submitted information relating to trees does not indicate that the specimens on the rear boundary would be removed. This would undoubtedly provide a good screen between the properties. However a condition ensuring that the screen remains in perpetuity is not considered reasonable. It is not considered that it is fundamental that the trees remain and with no screen in place this element of the scheme is still acceptable. Conditions relating to tree protection measures and landscaping were submitted in relation to the 2011 scheme. Both are considered necessary once again.

Concern has also been expressed from the occupants of No36 Meadow Way with regards to overlooking. The scheme has been altered on this elevation in that two dormer windows would replace the previous arrangement of one dormer/one skylight. Both dormer windows would serve bedrooms. The position of the building retains a reasonable gap to the boundary which would avoid any potential for an overbearing impact. Both windows would serve bedrooms and the bedroom on the north-west corner would also be served by a side facing window. This dormer window would face towards the flank wall of the house and it is not considered necessary that it should be obscure glazed. However the other proposed dormer window would be positioned in line with the rear corner of the house and there is the potential for material overlooking. Views would exist from the window into the rear conservatory and garden area. Although some screening exists at the boundary views into the neighbouring property are clearly possible. Although obscure glazing such windows is not an ideal arrangement it is considered necessary in this instance.

The garages are located close to the north-west and south boundary. The garage to the north is considered a suitable distance from 36 Meadow Way and the eaves height is kept low at 2m and therefore not considered to result in an unacceptable impact on the amenity of the occupiers of this property. The garage to serve the host property is located on the boundary with No 67 and again given the eaves height although it is located right on the boundary it is some 10m from the rear wall of this property and therefore not considered to result in an excessive loss of amenity.

Given the size of the proposed dwelling this property would require 120m² of private amenity space and the host property a similar amount to meet the requirements of DBE8. The proposal exceeds this minimum requirement for both host and proposed dwelling creating sufficient private amenity space for both properties.

A condition can also be added restricting permitted development rights to ensure future building does not impact excessively on neighbouring amenity.

Flood risk

The application site lies within an Epping Forest District Council Flood Risk Assessment zone. As this development is of a size where it is necessary to avoid generating additional runoff a flood risk assessment should be sought by condition to comply with policy U2B. It is noted that a condition relating to an FRA was discharged in relation to the previous application but is deemed necessary again.

Highway Safety/Parking

There is a sufficient level of parking proposed and access to the site is considered acceptable.

Conclusion:

The proposed alterations to the previously approved scheme are considered acceptable subject to conditions including a condition with regards to the obscure glazing of first floor windows. 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

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Epping Forest District Council

AGENDA ITEM NUMBER 6



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Application Number:	EPF/2124/14
Site Name:	Allotment Ground to rear of 1-11 Rodney Road and 2-22 Fairfield Road Ongar, CM5 9HJ
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2124/14
SITE ADDRESS:	Allotment Ground to rear of 1-11 Rodney Road and 2-22 Fairfield Road Ongar Essex CM5 9HJ
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr David Kaktovics
DESCRIPTION OF PROPOSAL:	Proposed 2 new four bedroom detached houses, with associated parking and gardens with access from Rodney Road (Revised application to EPF/2571/13)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=567914

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:
MP/RR/01
1399x03C
1399/05B
1399/06B
1399/07A
- 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 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 5 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.
- 6 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 7 Any site clearance work should be undertaken between October and February inclusive so as to avoid bird breeding season. In addition Brown Long Eared bats and Pipistrelle bats are active in Ongar. These animals are protected species. Should any bats or roosts be encountered during site clearance than works should cease immediately until a qualified licenced person has assessed the situation and provided a way forward.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 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 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority.
- 15 The proposed development shall not be occupied until such time as the vehicle parking and turning area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays and retained in this form at all times. The vehicle parking shall not be

used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

- 16 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 17 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.
- 18 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 or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of site

The application site is a largely vacant allotment area to the rear of Rodney Road, Fairfield Road and Glebe Road.

The application site backs onto a number of neighbouring properties, uses part of the area designated as allotments. The site is accessed alongside 1 Rodney Road, a slim carriageway area 3.7m wide. The remainder of the allotment area appears to be in private ownership as garden areas.

The surrounding development is characterised by two storey properties, generally semi-detached pairs that front the highway.

The site is presently screened from the surrounding area by mature tree screens many of which are coniferous.

Description of proposal

The proposal seeks planning permission for 2 new detached dwellings, each with four bedrooms and two parking spaces, with a turning head.

This is a resubmission following a refusal for four dwellings on site earlier this year.

Representations Received

45 neighbouring properties were notified and a site notice was erected in four locations in the streets surrounding the site.

14 Responses have been received as follows:

12, 14 GLEBE ROAD

8, 10, 14, 20, 22, 26, 28 FAIRFIELD ROAD

1, 3, 4, 15, 29 RODNEY ROAD

Strong objections received included: Objections to the proposed access, being narrow of inadequate width to allow two cars to pass and having poor sight lines at the entrance, causing dangerous and difficult access and issues with pedestrian safety. Also concerns with access for construction and emergency vehicles and means of maintenance of services in road after occupation as this would block access. Objection to increased traffic associated with the construction and occupancy of the new dwellings. Concern that whilst the parking meets policy standards, this is still not sufficient for family needs and visitor parking is inadequate and blocks access to site beyond. Also parked cars may result in fumes invading neighbouring gardens and there is a right of access through the site alleged by a neighbour.

Issues raised also include loss of outlook, overlooking, interlooking to the rear of other properties, namely number 10 Fairfield Road, loss of light to neighbouring properties, the overbearing impact of the proposed new dwellings that would be out of character with the area and security issues arising from the removal of landscaping.

Objections on flooding and drainage, loss of wildlife habitat and green space, refuse collection, potential light pollution, covenants on the land, property value and the Human Rights Act have also been raised.

ONGAR TOWN COUNCIL:

Objected to the original application for this site principally because of the serious concerns members felt about road safety, parking, access and emergency access together with land drainage and sewerage problems which are known to be considerable in this area. The Town Council notes the responses of agencies concerned with these matters, but is not re-assured. It is not felt by the Town Council that the revised design and layout of the development materially reduces the likely impact on the road safety, drainage and sewerage deficits that nearby residents already endure and which will be exacerbated if this development is permitted. The Town Council feel that the assessment by the Highway Authority is inadequate and have taken the unusual step as requesting that it be reconsidered in the light of local experience and the difficulty of accessing the development site by a narrow entry at right angles to the highway. The Town Council has received representations from residents about other matters including massing, overlooking, wildlife and denial of light. These are matters which this Council is sure the planning officers will assess carefully, and bases its decision to object most strongly to this application on the safety, parking, sewerage and drainage issues which are all of considerable concern to the local community.

In the event of permission being granted for this development Ongar Town Council would ask that the wildlife protection condition proposed by Countrycare be extended to include reptiles and amphibians which are known to be present in the area. The Council is also concerned about waste collection and would like an assurance that if permission is granted the collection point will not be at the junction of the access road and Rodney Road.

Relevant History

EPF/2571/13 – 4 New semi-detached houses made up of 3x3-bedroom houses with garages and 1x2-bedroom house – Refused.

Policies Applied

CP1 – Achieving Sustainability Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 – Design in Urban Areas
DBE4 – Design in the Green Belt
DBE6 – Parking for new residential developments
DBE8 – Private Amenity Space
DBE9 – Neighbouring Amenity
LL1 – Rural Landscape
LL2 – Inappropriate Rural Development
LL3 – Edge of Settlement Development
LL10 – Adequacy of Provision for Landscape Retention
LL11 – Landscaping Schemes
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H3A – Housing Density
H4A – Dwelling Mix
H6A – Site Thresholds for Affordable Housing
RST13 – Allotment provision protection

Issues and Considerations

The main issues to be considered in this application are the principle/location of development, design and layout of the proposals, impact to neighbouring properties, parking and amenity provision for potential occupiers.

In addition particular emphasis must be given to the reasons for refusal of the previous scheme, as follows;

1) The proposed 4 dwellings represent an unacceptably cramped, overdevelopment of the site, with inadequate setting provided for the new buildings contrary to policies CP3, CP7, DBE1, DBE2, DBE3 and DBE9 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.

2) The proposed new properties by way of their scale and proximity to the site boundaries and loss of landscaping, would appear dominant and overbearing when viewed from the rear and garden areas of neighbouring properties. In particular numbers 3 and 5 Rodney Road and 18 and 20 Fairfield Road. The proposals would result in a significant loss of outlook to these properties to the detriment of amenity and

contrary to policies DBE2 and DBE9 of the Adopted Local Plan and alterations and the aims and objectives of the NPPF.

3) The proposed development fails to make adequate provision for the retention of landscaping, namely the group vegetation to the rear of properties in Rodney Road, the group of vegetation to the rear of Fairfield Road, the group of vegetation to the rear of Glebe Road and the Silver Birch identified as T2. The result being an unacceptable loss of screening and landscaping contrary to policies LL10 and LL11 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.

4) The proposed garden area for unit 1 is of insufficient size and nature to enable reasonable use, contrary to policy DBE8 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.

Principle of Development

The proposed site is registered as allotments and is situated outside of the Green Belt. In the urban area previously undeveloped land rarely comes forward, however, in principle, development is acceptable and new housing in an urban area is generally encouraged due to the good access to facilities and services.

The allotments have clearly been subdivided into a number of ownerships and some areas are clearly being used as private gardens/allotments in association with adjacent properties. The allotments were assessed as part of the evidence base for the next Local Plan (The Open Spaces, Sport and Recreation Assessment, 2012) and the site was considered in the allotment provision for the local area. Ongar was identified as having 4 allotment sites (one of which was in High Ongar) and the quantity of allotment provision was identified as being higher than that in the District than comparable Districts, however accessibility was a recognised issue in need of improvement. Therefore the loss of allotments, particularly when they are not clearly in current use, does not in itself raise a concern with others available locally.

Policy RST13 seeks to retain allotment provision, however in light of the above recent appraisal, where allotments are not in active use, their loss in favour of much needed housing in the District and in the context of the presumption in favour of development introduced by the NPPF, the loss of the proposed allotment sites is not unacceptable with other allotments available locally.

A number of neighbouring properties have raised comments regarding the loss of local green space and regarding restrictive covenants on the land. Planning can not consider covenants as these fall outside of the powers provided by the Town and Country Planning Act and instead are enforceable under separate law. The allotment areas are not considered by policy to make provision towards urban green space. Allotments provide an outlook but do not make a meaningful contribution towards amenity provision for recreation in the same manner as for instance a playing field or public green.

Design and Layout

The application site does not comprise the entirety of the allotment area. Some of the remaining allotment areas are clearly in ownership by adjacent properties and are being used as a garden, however not all sites have a clear property associated with them. In these instances it is possible the only access is via that proposed as part of the application. Should this be the case and the application be permitted, access has been retained in part as part of this revised scheme behind the visitor parking. Whilst it is not a policy requirement to provide this access, it is good practice. Future access would however require agreement from the future property owners and revision of boundaries, but the revised layout would permit access between buildings.

A neighbouring property has commented regarding a right of access over the application site in covenants. Covenants imposed on a Title Deed for a property would be enforced by the parties

which entered into the agreement. Such agreements are private matters and not for planning or indeed the Council to consider.

In respect of the particulars of the layout, the revised scheme has been reduced to provide a lesser number of units from that previously considered. Two properties, whilst larger, sit better in the plot, have improved frontage and access arrangements and would more comfortably suit the site layout. Concerns have been raised as the properties have a gabled roof. The ridge of the properties would run front to back, resulting in a roof that hips away from neighbouring properties. The two new dwellings would be located off a private driveway, viewed in a separate context to the properties on the surrounding streets. A gabled roof design is not unacceptable and would not have a significant impact on street scene in the surrounding area.

The revised design now permits adequate garden areas for each property, provides new landscaping and has improved the position of the footprints of the buildings in relation to the site boundaries.

Mindful of the above, Officers are satisfied reasons for refusal 1, 3 and 5 of the previous refusal have been overcome.

Impact to neighbouring properties

The application site backs onto a number of neighbouring properties in the surrounding streets, predominantly Rodney Road, Fairfield Road and Glebe Road. The proposals would result in new buildings in the rear garden, which would result in a change to view, however seeks to prevent significant impacts from loss of outlook or amenity rather than views.

The revised scheme has offset the properties significantly from the site boundaries. To the rear of Rodney Road, the side elevation of plot 1 would be offset by 5.6m from the boundary and plot 2 would be offset by 7.9m from the rear of properties in Fairfield Road. The result being separation distances of more than 20m to the side walls of the new dwellings from the rear elevation of neighbouring properties. Lesser side to rear distances are commonplace in the District. For comparison the side elevation of number 2 Glebe Road is separated by 16m from the rear of number 28 Fairfield Road. Officers are satisfied that this relationship is acceptable, particularly as the first floor side windows serve only bathroom and landing areas and the roofline has been designed to hip away from the neighbouring properties.

Concerns regarding interlocking are thus noted, but unfounded, back to back properties commonly exist and whilst the back-to-back relationship will be new to existing residents, the extent of overlooking will be minimal and comparable to other residential areas, but in this instance, with the benefit of extensive mature landscaping.

Parking and amenity provision

The proposed properties make sufficient provision for parking and access. Essex County Council Highways officers have considered the scheme and have no objections but have requested conditions. They are satisfied with the width of the access and that it meets adopted policies. Despite not being sufficiently wide for 2 vehicles to pass, it is straight and allows good visibility along its length.

The previous application for 4 dwellings was also considered acceptable in highway terms and there was no highway reason for refusal. It should also be borne in mind that it can lawfully be used for access to allotments with potentially significant traffic movement.

Emergency services have been consulted and the fire and rescue service has no objections.

Landscaping

The proposals suggest the retention of boundary landscaping and have now revised the layout to ensure this is possible. New planting is also proposed in locations where this would be visible from the public areas of the driveway and access. The Council's Tree Officer is satisfied with the revised proposals subject to conditions.

Other matters

Water providers have been notified and there are no infrastructure objections in respect of supply or foul drainage. In terms of flooding, no concerns are raised by Land Drainage subject to submission of details regarding surface water run off.

The site may be contaminated, therefore conditions are requested.

The proposals are beneath the threshold for affordable housing, thus none is required.

In respect of biodiversity, Country Care has considered the site and the proposals and raises no objections subject to conditions.

Construction concerns are noted, and whilst disruptive, construction is possible and hours of use and access could be mitigated by condition. Issues raised regarding covenants, private agreements for right of way, property value and security arising from loss of boundary treatments are all beyond planning control.

Refuse storage is proposed at the boundary of each property and it has been confirmed that as this is a private drive refuse will be collected from here without the need for lorry access.

Conclusion

The revised scheme is now considered acceptable having overcome the previous reasons for refusal without the introduction of new issues, therefore approval is recommended.

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

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

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