

AREA PLANS SUB-COMMITTEE 'EAST'

Date 18 February 2015

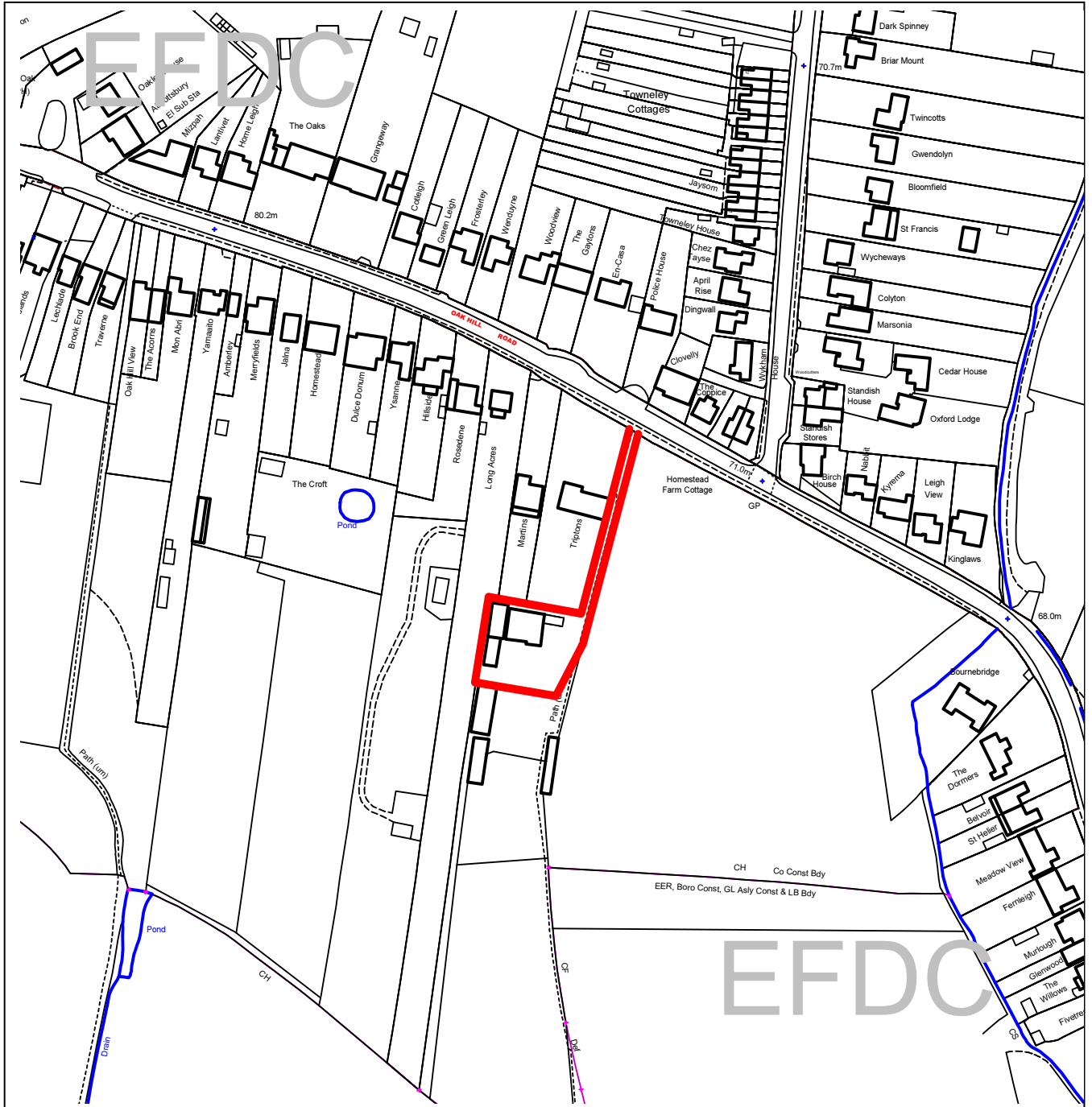
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/2640/14
Site Name:	Land to the rear of Triptons, Oak Hill Road, Stapleford Abbots, RM4 1JJ
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/2640/14
SITE ADDRESS:	Land to the rear of Triptons Oak Hill Road Stapleford Abbots Essex RM4 1JJ
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mr Collin Hunt
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings, erection of two bungalows
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/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=570732

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 public's rights and ease of passage over public footpath no.26 Stapleford Abbots shall be maintained free and unobstructed at all times.
- 3 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.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 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.
- 6 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and

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

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

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

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

Members deferred this item at the meeting on 21 January 2015 in order that a site visit could take place. The site visit is scheduled to take place on a date prior to this agenda meeting. They also requested that details of the enforcement history of the site are included in the officer's report and the site visit photographs are included in the next presentation to the Committee. The report below has been updated to include the relevant history and photos of the buildings on site will be in the powerpoint presentation to committee.

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

Triptons is located within the settlement of Stapleford Abbots. The application site is located to the rear of the existing dwelling and currently has three outbuildings which have been used previously as workshops, sheds and garages. The outbuildings are directly to the rear of the property known as 'Martins'. Access to the outbuildings is via a private access from Oakhill Road, which runs directly adjacent to Triptons. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

Description of proposal

The proposed development is to demolish all three outbuildings and to replace them with two bungalows.

Relevant History

EPF/1114/13 - Certificate of lawful development for existing use of building as residential. – granted certificate of lawfulness - This application relates to another outbuilding located to the rear of the application site.

ENF/0536/12 - Mobile home placed on site – Enforcement investigation carried out, the result of which was that the mobile home was not being used for residential purposes and therefore no breach of planning control had taken place.

2012 complaint regarding portable buildings on rear of the site investigated but immune from action due to length of time they had been present.

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment

CP7 – Urban Form and Quality
H2A – Previously developed land
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in Urban areas
DBE6 – Car Parking in New Development
DBE8 – Private amenity Space
DBE9 – Impact on amenity
ST6 – Vehicle Parking
GB2A – Development in the Green Belt
GB7A – Conspicuous Development

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

Consultation carried out and summary of representations received

9 Neighbours consulted – NO COMMENTS RECEIVED

STAPLEFORD ABBOTTS PARISH COUNCIL – OBJECTION – It is considered to be an overdevelopment of Green Belt land. There are also highway safety concerns as this site is located opposite the busy Tysea Hill T-junction with Oakhill Road, which has a restricted view at this location. Members were also concerned for the public right of way footpath which passes through the site parallel to the access road.

Comments on Stapleford Abbots Parish Council representation

The public right of way does indeed run through the existing access into Triptons and the outbuildings to the rear. The erection of two dwellings will not cause excessive vehicle movements which could compromise the safety or functionality of the public footpath.

Issues and Considerations

The new dwellings provide a good standard of living accommodation, suitable amenity space and adequate car parking. Therefore the main issues to consider when assessing this application are the effects of the proposal on the openness of the Green Belt, the living conditions of neighbours, the design of the proposal in regards to the existing building and its setting, highway concerns, any land drainage issues and contaminated land.

Principle of development

The site is located within the boundaries of the Metropolitan Green Belt. Currently the site has three outbuildings towards the rear; the applicant states that the outbuildings are either entirely redundant or no longer required. The National Planning Policy Framework (The Framework) seeks to promote the effective use of land by reusing that which has been previously developed (brownfield land), provided that it is not of high environmental value. The Framework identifies that development in the Green Belt is inappropriate and should be refused unless very special circumstances can be demonstrated. However The Framework also gives certain exceptions which are by definition not inappropriate. This includes the limited infilling or the partial or complete redevelopment of brownfield land, whether redundant or in continuing use 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 proposed new dwellings will replace the now disused outbuildings, which are of a permanent and substantial construction. Given that it is on previously developed land the development is not inappropriate. Furthermore the dwellings will be reasonably similar in size to the current outbuildings and therefore will not cause any further harm to the openness of the Green Belt. Given that it is sited away from public areas of the Oak Hill Road, it will not be visible from most public viewpoints. In addition there is a further lawful dwelling on land immediately to the rear of the application site (within the same ownership) and there is not therefore a further intrusion or expansion of residential character into the green belt. As such the harm to the Green Belt is limited.

It is acknowledged that with residential use, there will be an expected amount of vehicle movements and garden paraphernalia. However this is not uncommon in this locality and it will not cause excessive harm to the character of the Green Belt.

The location of the proposed dwellings to the rear of Triptons is a back land development which is somewhat against the wider pattern of development in the locality. However the need for housing in the district is high and there is a pressing need to maximise the potential of sustainable brownfield sites. Furthermore, given that the outbuildings already exist to the rear of Triptons, and an existing dwelling is already in existence to the rear, the harm caused in the context of the wider locality will be minimal.

Living conditions of neighbours

The dwellings are sited approximately 4.6m apart and have different orientations. As such neither property will appear significantly overbearing to the other, there will also be no potential overlooking into private areas of either dwelling. Therefore the living conditions of both dwellings will be of a good standard.

The access to the proposed dwellings will be via the existing private road which runs adjacent and in close proximity to Triptons. It is acknowledged that vehicular movements will most likely be audible to the occupiers of Triptons, however the vehicular movements associated with two new dwellings will not be excessive. As such there will be no significant harm to their living conditions.

The proposed dwellings are sited a significant distance from both Triptons and its adjacent neighbour 'Martins'. As such they will not appear overbearing or cause any loss of light.

Design

The bungalows are of a conventional design and have relatively low ridge heights in the context of other properties in the locality. Indeed, the new dwellings will not appear overtly visible when viewed from public areas of Oakhill Road. As such they will not appear overly bulky or prominent in the context of the street scene.

Highway issues

The Council's highway specialist has been consulted as part of this application and responded with the following observations:

The proposed development will not generate any more traffic than the existing uses of the outbuildings currently on the site. Consequently there is no highway safety or capacity issues associated with this development as such from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

The public's rights and ease of passage over public footpath no.26 Stapleford Abbots shall be maintained free and unobstructed at all times. This will ensure the continued safe passage of the

public on the definitive right of way and accessibility. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan.

Land Drainage

The site is located within an Epping Forest Flood zone and therefore it will be necessary for the applicant to provide a Flood Risk Assessment, which can be secured through the use of a planning condition. Land Drainage consent will also be required before the works are undertaken.

Contaminated Land

Its historic use as a stables and a builders yard and the presence of made ground means there is the potential for contaminants to be present on site, domestic dwellings with gardens are classified as a particularly sensitive proposed use. As it should be feasible to remediate potential worst case remediation, land contamination risks can be dealt with by way of conditions.

Conclusion

The proposed dwellings do not constitute inappropriate development in the Green Belt and do not harm its openness. They provide an acceptable level of parking, a good standard of accommodation, there will be no harm to the interests of highway safety or function, There will be no harm to the living conditions of neighbours and the design is conventional. Therefore it is recommended that members of the Planning Committee grant planning permission.

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

***Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371***

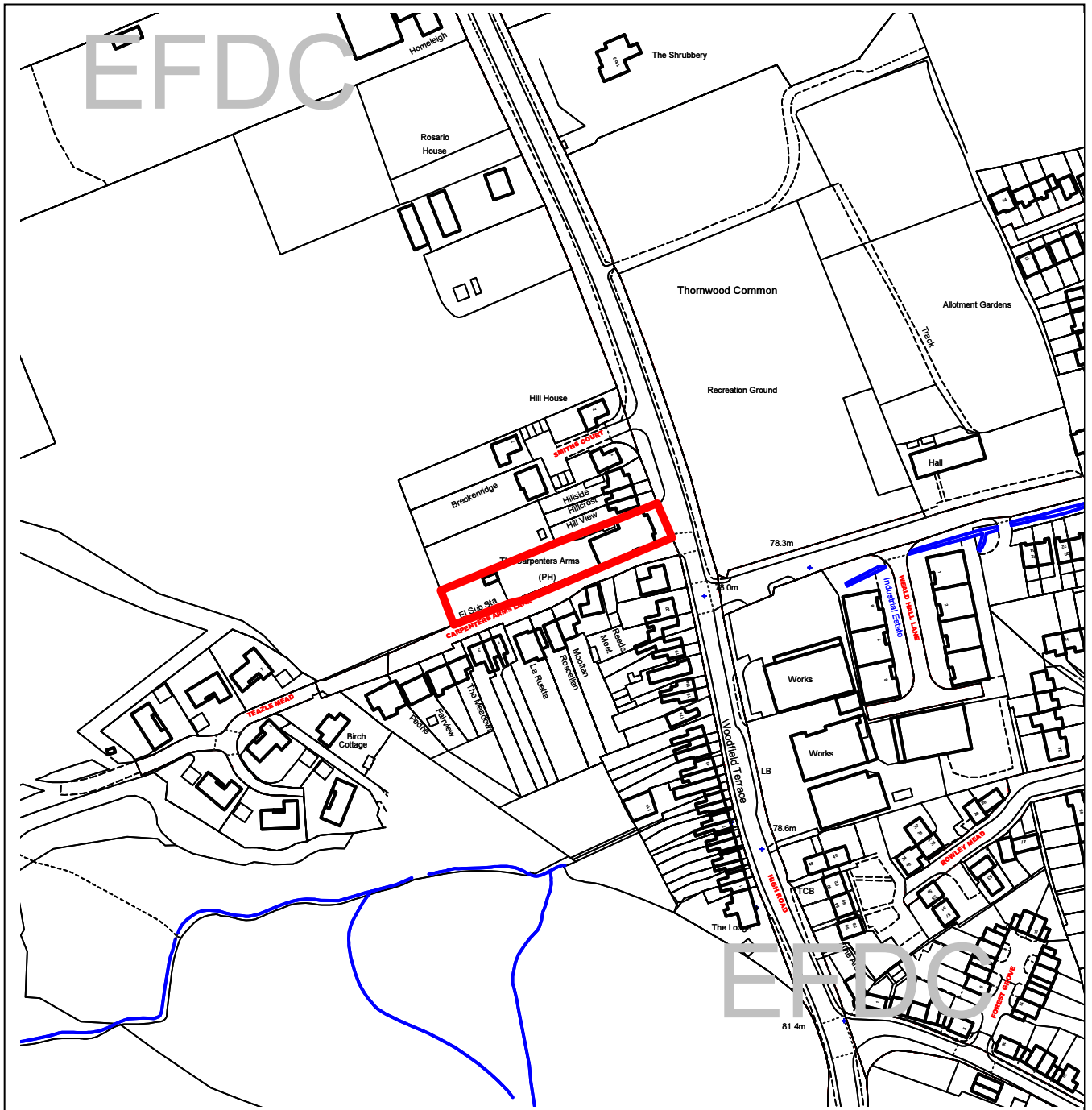
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/2670/14
Site Name:	Carpenters Arms, High Road Thornwood, North Weald, CM16 6LS
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/2670/14
SITE ADDRESS:	Former Carpenters Arms High Road Thornwood North Weald Essex CM16 6LS
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Des Rees
DESCRIPTION OF PROPOSAL:	Demolition of Restaurant. Erection of 3 town houses and 2 detached houses. Resubmission following withdrawn application EPF/1810/14.
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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=570910

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: DR/CA/01, CA SCH 4 06a, L 6033, CA 11, /P/01, /P1/02, /P1/03, /P1/04, /P2/02, /P2/03, /P2/04, /P3/02, /P3/03, /P3/04
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 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.

- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 The parking area shown on plan no's: CA SCH 4 06a, CA SCH 4 7, and CA SCH 4 8 shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 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 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.

- 16 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.
- 17 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 18 Prior to the commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, for the provision of a footway with a maximum width of 2 metres across the site frontage from the Carpenters Arms Lane junction to the existing footway to the north of the site. This shall include some radius kerbing, dropped kerbs for pedestrians and the provision of dropped kerbs for the 3 vehicular accesses to the development. The approved scheme of works shall be implemented prior to first occupation.
- 19 Prior to the first occupation of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- 20 Prior to 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.
- 21 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.
- 22 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council

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

ADDITIONAL INFORMATION:

The application was deferred from the Area Plans Sub Committee East meeting dated 21st January 2015 for further information to be obtained and so that a Members site visit could take place.

At the previous meeting Members wanted confirmation from Essex County Council that a site visit had been undertaken by the Highways Officer and requested information regarding road traffic accidents along this stretch of highway.

The Highways Officer has confirmed in writing (via email) and verbally that he has visited the site several times as a result of the four recent applications to redevelop the site and has provided photographs that he has taken. Furthermore he has confirmed that he frequently drives past the site on the way to the Civic Offices (which he visits weekly), so is aware of the nature of the area and the traffic flow through Thornwood.

ECC Highways have also confirmed that four accidents have occurred within the vicinity of the site within the last 5 years and are as follows:

- 1 fatal accident involving a motorcycle on the wrong side of the road being struck by an oncoming vehicle;
- 2 accidents at the junction of Weald Hall Lane involving right turning vehicles;
- 1 accident to the south of Weald Hall Lane involving a pedestrian and vehicle.

:

It is worth noting that there have been no reported accidents in the vicinity for over 2 years and that the accidents above have nothing to do with the site or any existing residential movements along this section of the road. Furthermore the 4 accidents would not meet the criteria for Essex Highways, Road Safety Team to investigate implementing any safety measures at this location. The fatality would have undergone its own investigation at the time and if any recommendations were made as a result, these would have been implemented.

Further to the Highway issues raised, as set out in the report the proposal results in the removal of the existing layby at the front of the restaurant, which when used can result in obstruction of the view north when exiting Carpenters Arms Lane. The conditions suggested by the Highway officer, which are clearly tailored to this site, and the current application, will result in the provision of a pavement in front of the 3 fronting properties, where currently there is none. This will both improve pedestrian safety and deter parking in this area to the benefit of sight lines. The original Highways response is attached at the end of this report for information.

MAIN REPORT (amended 28/01/15):

Description of Site:

The application site is a relatively large, part two storey part single storey detached building that was previously a public house, however was last used as an Indian restaurant (now closed). To

the rear of the building is an associated car park. The building itself is located outside of the Metropolitan Green Belt however the remainder of the site is within the Green Belt.

To the immediate north of the site are residential properties fronting the High Road and within Smiths Court, and on the opposite side of Carpenters Arms Lane to the south are a row of residential properties leading down to Teazle Mead to the west of the site. To the west and east (on the opposite side of the High Road) are open fields. The site is located within an EFDC flood risk assessment zone and partially within an Environment Agency Flood Zone 2.

Description of Proposal:

Consent is being sought for the demolition of the existing building and construction of five houses. The existing building was the former public house, which was last used as an Indian restaurant but is now vacant. The proposal would consist of a terrace of three houses fronting onto the High Road and two detached dwellings fronting Carpenters Arms Lane.

The three terrace dwellings would all be 4.5m in width and 9.5m in depth (with the central dwelling being 10.25m deep) with ridged roofs reaching a height of 8.7m and habitable roof areas served by rooflights (with the exception of the central dwelling that would benefit from a rear dormer window). The detached dwelling at the western end of the site (Plot 1) would be 10m in width and a maximum of 8.7m in depth with a ridged roof to a height of 8.2m. This would benefit from a gable ended front projection. The second detached house (Plot 2) would be 7.5m in width and a maximum of 9.2m in depth with a ridged roof to a height of 8.4m. This would also benefit from a gabled front projection with a bay window.

The proposed terrace properties would all be three bed houses and the two detached properties would be four bed houses. The terrace properties would benefit from one parking space per unit within the front garden areas (accessed from the High Road) and the detached houses would each have two parking spaces to the side of the dwellings accessed from Carpenters Arms Lane. There are also five additional spaces proposed at the western end of the site within a small car park accessed from Carpenters Arms Lane.

Relevant History:

EPF/1708/12 – Proposed demolition of existing building and construction of six houses – withdrawn 05/11/12

EPF/0340/13 – Demolition of existing building and the construction of five houses – refused 11/04/13

EPF/1810/14 – Demolition of existing public house and erection of 12 no. flats – withdrawn 12/11/14

Policies Applied:

CF12 – Retention of community facilities

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

CP6 – Achieving sustainable urban development patterns

GB2A – Development within the Green Belt

GB7A – Conspicuous development

H2A – Previously developed land

H3A – Housing density

H4A – Dwelling mix

U2B – Flood risk assessment zones

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
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

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:

41 neighbouring properties were consulted and a Site Notice was displayed on 01/12/14.

PARISH COUNCIL – Objects to this application on the following grounds:

Concern at the boundary line indicating properties being built over the boundary line, there are inconsistencies on the plans, no full details of the street scene included with the plans, plan detail approximate heights only, whilst the area is not in a flood zone it is within 20m of a watercourse.

There is a concern at the height, overdevelopment, or the proposal. Totally out of keeping with the area. There are flooding concerns, there are highway issues with the egress and ingress to the site, concern at the parking to the front of the site, and the site lines. Concern at parking concerns along Carpenters Arms Lane. The proposal would be prominent in the street scene. There is concern as to the density of the proposal, there is concern as it is the last public house in the village of Thornwood Common and is a community facility – has a study been carried out to see if it can run as a 'going concern', if so can details of this be provided. Overlooking into adjacent properties. It would have a detrimental effect on the visual amenities of the residents in the area. The style of the development is out of character and out of keeping with the area.

Members would like to ascertain what studies have been undertaken in relation to the loss of a community facility. Has a survey of the residents of Thornwood Common been undertaken. The Carpenters Arms Pub is listed by the Parish Council as an Asset of Community Value (sic).

EPPING SOCIETY – Object. Whilst in principle the site should be redeveloped the bulk of the town houses that front onto the High Road would be overbearing and have a negative impact on the street scene.

ROSTELLAN, CARPENTERS ARMS LANE – Object as five houses represents overdevelopment, due to the impact on the Green Belt, since town houses would be inappropriate for the village, the highway safety issues with the High Road, highway concerns revolving around Carpenters Arms Lane, loss of light and privacy to neighbours, and due to possible flooding issues.

BRECKENRIDGE, SMITHS COURT – Object to the erosion of the Green Belt, due to highway safety concerns about cars reversing onto the High Road, the loss of the existing trees on Carpenters Arms Lane, overlooking of neighbouring properties, since the existing car park is used by workers on the nearby industrial site, and since it would be preferable to see the site returned to its original state of some 15 years ago.

HILLVIEW, HIGH ROAD – Not objecting in principle but concerns that the previous application for six houses was preferable since only two would have fronted the High Road and there would have been less impact on their property, the existing landscaping does not adequately shield the site from view, there may be inadequate parking provision, the front houses will be just five foot from their house and would result in a loss of light to the bathroom window, concerned about what will happen regarding the shared boundary, there is an asbestos roof on the outbuilding that is to be demolished, and it is considered that the demise of the former Carpenters Arms was down to ignorance towards the rights of neighbours and villagers.

MOOLTAN, CARPENTERS ARMS LANE – Object as this is overdevelopment of the site and detrimental to the visual amenities of surrounding residents. The town houses and development on this side of Carpenters Arms Lane would be out of character with the area. There would be a loss of existing parking. This would set a precedent for further development in the Green Belt that would further increase traffic, noise and flooding. There would be a loss of existing vegetation and possible flooding effects. The new houses would result in a loss of light, outlook and privacy to neighbouring residents. Concerns over land ownership. There would be an increase in traffic and highway safety concerns. There are insufficient facilities for residents of the village as it is without introducing more houses.

3 CARPENTERS ARMS LANE – Object as the increased residential density and car usage would have a detrimental effect upon the quality of life of local residents and would put an increased strain on the infrastructure of the village.

HILLHOUSE, 1 SMITHS COURT, HIGH ROAD – Object due to highway safety concerns, the loss of the existing trees, loss of privacy to neighbours, the impact on the Green Belt, and since this would remove the existing parking area used by employees at the nearby industrial estate.

FLAT 1, NEW HOUSE, CARPENTERS ARMS LANE – Object as this is inappropriate development and would cause parking and access problems, there would be a loss of privacy to neighbours, highway safety concerns, and the application site includes Green Belt land.

LA RUETTE, CARPENTERS ARMS LANE – Object since the development is out of scale with the plot, would result in increased traffic and parking, involves the loss of trees and hedges, potential flooding issues, highway safety concerns and due to problems during construction, and regarding damage to Carpenters Arms Lane.

2 MIDDLEFIELD, HALSTEAD – Object to the loss of the public house.

20 HIGH MEADOWS, CHIGWELL – Strongly object.

62 EPPING WAY – Object to the loss of the community building.

29 THORNHILL, NORTH WEALD – Object to the loss of the public house.

48 BLACKBUSH SPRING, HARLOW – Object as the development would cause congestion and road safety problems, there is inadequate parking provision, and due to the loss of the public house.

154 PETERSWOOD – Object as this is overdevelopment of the site, it would not be in keeping with the local area, and due to the loss of the public house.

13 CRANSTON GARDENS – Object as the development would not be in keeping with the area and would result in parking and access problems.

61 MARLBOROUGH ROAD – Object as the development is not in keeping with the local area and due to the loss of the public house/restaurant.

21 OAK HILL – Object as it would appear out of place in the area and would result in parking problems.

Issues and Considerations:

The main issues here relate to the suitability of the site, the impact on the Green Belt, the loss of the community use, the character of the area, the neighbours amenities, impact on existing landscaping, and with regards to highway and parking issues.

Suitability of the site:

The application site consists of a former public house within the village of Thornwood Common. The National Planning Policy Framework (NPPF) puts forward a presumption in favour of sustainable development and contains guidance within its Core Planning Principles as to what this seeks to achieve. Within this, the NPPF states that (amongst other principles) planning should:

- *Encourage the effective use of land by reusing land that has been previously developed (brownfield land);*
- *Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; and*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

Although the application site would constitute previously developed land it is not considered to be within a sustainable location. Although there is a bus service which runs into Epping and Harlow the village does not have essential facilities and services and is not within walking distance of any such facilities. Whilst it would be possible to cycle from Thornwood Common into Epping there are very narrow pavements along this busy road (High Road – B1393) which make walking and/or cycling extremely difficult. The village at present contains one restaurant (the application site), an OAP social club, a small farm shop, and a petrol station located outside of the village envelope. The unsustainable nature of this site weighs against the development.

Concern has been raised by neighbouring residents that the proposal would result in an overdevelopment of the site, however the proposal would equate to a density of approximately 45 dwellings per hectare, which falls within the recommended site density of 30-50 dwellings per hectare as stated within Local Plan policy H3A.

Green Belt:

Whilst the existing building is located outside of the Metropolitan Green Belt the car park to the rear is within the designated Green Belt. The previous application to erect five houses on this site (EPF/0340/13) was refused planning consent in part for the following reason:

The 2 proposed detached dwellings are within the Green Belt and would constitute inappropriate development within the Green Belt and would be harmful to the openness and character of this area. No very special circumstances exist to outweigh this, or any other identified, harm and therefore the development fails to comply with Government guidance in the form of the National Planning Policy Framework and policies GB2A and GB7A of the adopted Local Plan and Alterations.

This application has altered the layout of the proposed development over that previously submitted so that the dwelling on Plot 2 is located closer to the boundary of the designated Green Belt (although still appears to fall within the Green Belt) and the dwelling on Plot 1 would be moved further east on the site to reduce the spread of built form and incursion into the Green Belt. Whilst the NPPF does allow for *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use”* this is on the proviso that the development *“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”*. As the parts of the site located within the Green Belt are currently open areas of hardstanding or vegetated land the erection of two dwellings within this area would clearly have a greater impact on the openness of the Green Belt than the existing development. As such this exemption would not apply and the detached dwellings would therefore constitute inappropriate development in the Green Belt.

The NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”* and that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.

In terms of the potential benefits of the proposal, the NPPF encourages the reuse of previously developed land as one of its core Planning Principles, as does Local Plan policy H2A that states *“the re-use of previously developed land will be encouraged when considering residential and mixed use (including residential) development schemes”*. Whilst the loss of the community facility will be covered in more detail below the site does constitute previously developed land and has been vacant for a number of years and a large section of this is located outside of the Green Belt. Therefore in principle the redevelopment of this site is acceptable.

Whilst the proposed new detached dwellings would introduce built form into the Green Belt that does not currently exist the entire scheme would result in an overall reduction in built footprint across the entire site (both the section within and outside of the Green Belt). The proposed development would reduce the footprint of building across the entire site by 25% and would result in a reduction in the level of hardstanding by approximately 57%. Therefore the proposal would result in an increase in the level of openness generally across the site, albeit not specifically within the designated Green Belt.

Further to the above, the application site is partially located outside of the Green Belt and the dwelling on Plot 2 appears to be immediately adjacent to Green Belt boundary surrounding the village of Thornwood and there are residential properties to the east (along the High Road), to the north (in terms of Smiths Court), to the south (along Carpenters Arms Lane), and, although detached, to the west by way of Teazole Mead. Therefore the proposed detached dwellings within the designated Green Belt in this location would be viewed within the context of the village and would have relatively limited harm in terms of openness.

Lastly, Central Government is currently putting great weight on the need to provide additional housing in suitable location and Eric Pickles recognised in a statement made in March 2011 that *“every new home built will create jobs in the UK building industry”*. Whilst the site is not particularly sustainable (see above) there are economic benefits that would result from the reuse of this brownfield site that is currently vacant and offering no benefit to anybody (including local residents).

Although two new dwellings within the Green Belt were previously refused on this site (EPF/0340/13) it is considered that the relocation of the detached dwellings (which reduces the spread of buildings and incursion into the Green Belt), along with the overall reduction in built form and hardstanding and the redevelopment of this brownfield site on the edge of Thornwood

(surrounded by residential properties), is sufficient enough to outweigh the harm from this inappropriate development.

Loss of community/employment use:

Much concern has been raised that the development would result in the loss of a community facility. Local Plan policy CF12 states that:

Permission will only be granted for proposals which will entail the loss of a community facility where it is conclusively shown that:

- (i) the use is either no longer needed or no longer viable in its current location; and**
- (ii) the service, if it is still needed, is already, or is to be, provided elsewhere and accessible within the locality to existing and potential users.**

Where planning permission is granted for proposals that will entail the loss of a community facility, the Council will consider favourably alternative uses which fulfil other community needs and which satisfy other policies of the plan. Where there is an identified need for another facility, the Council will have to be satisfied that the site is unsuitable for that use prior to considering the site for open market housing or other commercial proposals.

Throughout the previous applications details of the history and trading of the site have been submitted. With EPF/0340/13 evidence was provided stating the following:

- The site was purchased in 2002 and around £350,000 was invested into the business.
- Between 2002 and 2008 several complaints were received from neighbours that resulted in three convictions of the owner costing in excess of £12,000 in fines and costs.
- In 2006 there was a loss of £93,464.
- In 2007 there was a loss of £78,425.
- In 2008 there was a loss of £10,761.
- In 2009 there was a loss of £3,122.
- In 2008 a 25 year lease was sold to the restaurant owner, who went missing in 2012 and has indicated that he is insolvent.

With the previous application to redevelop the site into 12 flats (EPF/1810/14) the submitted Supporting Statement claims the following:

The current owner purchased the property in 2002. Soon after it was extended to provide a 56 cover restaurant. This was named 'Ridgeways' with the then Carpenters Arms being retained as a public house. Meanwhile the other public house (in Thornwood), the Blacksmiths Arms, was de-licensed and ceased trading due to lack of use.

Trading at Ridgeways continued until September 2008. Financial losses in three years (2006 to 2008) amounted to some £183,000. From 2002 to 2008 the restaurant owner was beset by noise nuisance complaints resulting in three convictions with fines and costs in excess of £12,000.

In 2008, amid growing losses and complaints, the present owner decided to sell the business. The property was marketed for a year as a leasehold and there was but one applicant who undertook a 25 year leasehold. The entire ground floor premises became an Indian restaurant and was renamed. It is understood that, when the restaurant was again trading, there were numerous complaints regarding odours.

The leaseholder remained for two years and then left, whereabouts unknown, but by way of an email message has indicated insolvency.

The sequence of events since 2002 have, therefore, shown that the facility is no longer viable or needed, if indeed it ever was. Nor does there appear to be a need for any other community facility. Apparently a Parish Council survey in 2011 indicated that the building of a new village hall would not be sustainable. Not that the site of the Carpenters Arms would have been a suitable one.

There are understandable concerns with regards to the loss of this community facility since this is one of the last facilities within the village of Thornwood. Furthermore the above information does not constitute a viability assessment and is unsupported by any financial information. The original investment in the business in 2002 is given little weight, as these investment costs may have been offset by the purchase price of the site. Similarly the £12,000 costs as a result of the applicant's convictions are not considered to be relevant to a financial assessment of the business.

The fact that the current owner has not been able to make a viable business of the site (although it appears that they were making headway on this since the stated losses were dramatically decreasing year by year) does not mean that another owner/manager could not successfully run a business in this property, particularly if the use were to be combined with another facility required in this location (such as a shop or post office). Furthermore, although there are other pubs within Epping, Coopersale and North Weald, all of which are within 2 miles of the application site, these are still some distance from Thornwood Common and are not easily reached by sustainable means of transport. As such it is not considered that these would meet the criteria of being "*accessible within the locality to existing and potential users*".

In addition to the above North Weald Parish Council claim that the site is on their list of Assets of Community Value (ACV). The designation of land or buildings as ACV is provided under the Localism Act 2011. Nominations for community assets can be made by parish councils or by groups with a connection with the community to the District Council. If the nomination is accepted, the group will be given time to come up with a bid for the asset when it is sold. The right to bid only applies when an asset's owner decides to dispose of it. There is no compulsion on the owner of that asset to sell it. The scheme does not give first refusal to the community group and it is not a community right to buy the asset, just to bid. This means that the local community bid may not be the successful one.

It is the remit of the Local Authority to designate a site as an ACV however this site has not been submitted to the Council for designation. Therefore this property **is not** on any list as an Asset of Community Value. Whilst it may be the intention of the Parish Council to put this forward for designation they have not submitted this at the time of writing this report nor is there any guarantee that the site would be designated. If a site has an ACV designation this can be a material planning consideration if a change of use or redevelopment application is submitted. However if ACV status is designated it does not prevent a planning permission being granted (nor would the grant of a planning permission override the nominating body's right to bid). In a reported planning decision in Farnborough, Rushmoor Borough Council granted planning permission for the conversion of a historic public house to a McDonald's drive through restaurant despite the building having been listed as an ACV (in February 2013) on the basis of the conclusion that limited weight should be applied to the ACV designation in determining the application as it did not appear that there was an immediate prospect of the community buying the property. Conversely, Wiltshire Council refused consent for the conversion of a public house that had been designated an ACV in June 2013 to a single dwelling on the basis that the proposal would result in the detrimental loss of a local service with a realistic prospect of community use.

Whilst there are clear concerns from local residents regarding the loss of this building this does not alter the fact that the site has not been used as a public house since 2008 (with the last use being a restaurant, which would rarely be classified as a 'community facility') and has been vacant since 2012. Due to this factor alone it could be reasonably argued that the 'community facility' has already been lost on this site and therefore the redevelopment of the site would now not be

contrary to Local Plan policy CF12. Furthermore under Classes A, AA and C of Part 3 of the Town and Country Planning (General Permitted Development) Order the former public house (or current restaurant) could be converted into an A1 (retail) or A2 (financial and professional services) use without the need for planning consent. Planning permission would however be required for change of use back to a public house. Therefore this further weakens the case for protecting the (now no longer lawful) A4 use of the former public house.

Due to the above, whilst the loss of the former public house is regrettable it is not considered that there are sufficient grounds to refuse planning consent for the redevelopment of the site since there is an argument that the community facility is no longer present on site and therefore has already been lost.

Design/character of the area:

The two proposed detached dwellings would be two storey houses with ridged roofs and would front onto Carpenters Arms Lane. Whilst this element of the proposed development would introduce housing along the currently undeveloped northern side of Carpenters Arms Lane, given the presence of the existing dwellings on this lane, along with those at Teazle Mead, it is not considered that this would be unduly detrimental to the character of the area. The existing properties within Carpenters Arms Lane are predominantly two storey dwellings that vary in size and design and as such it is considered that the proposed detached houses would not be unduly harmful to the overall appearance of this lane.

The front three dwellings would continue the existing linear development along the western side of the High Road and whilst described as 'town houses' are actually two storey houses with additional rooms in the roof slope (as opposed to traditional three storey town houses with roofs above the second floor). The dwellings along this stretch of the High Road are all two storey houses varying in size and style. Although not many of the surrounding houses appear to have extended into the roof area the exception to this appears to be the property known as Thornwood House, which is located on the opposite corner of the High Road and Carpenters Arms Lane that contains front and rear rooflights. The second floor (habitable roof space) of the proposed terrace of houses would be served predominantly by rooflights, with just a single rear dormer window located on the central dwelling. The houses would have a traditional appearance with a central 'feature' terrace benefiting from a front gabled projection and it is considered that these would be wholly in keeping with the existing street scene.

The height of the proposed terrace of properties would be 8.7m which, due to the change in land level, would be 200mm below the ridge height of Hill View to the north of the site. As such the proposed dwellings would continue the existing pattern of roof heights that generally decrease (primarily due to the change in land levels) from north to south.

The existing building benefits from several unsympathetic additions, including a flat roofed front extension and extremely large rear addition, and is of no architectural merit. As such the removal of the existing building could be viewed as a positive impact on the overall character and appearance of the area.

Amenities:

The proposed development would remove the existing restaurant building, which has a far greater footprint and depth than the proposed houses. The proposed front dwellings would not significantly extend beyond the rear wall of the adjacent neighbour (approximately 600mm) and would be 1.6m/2.5m from the neighbours flank wall. As such the new front houses would be an improvement to the visual amenities of the neighbours than the existing public house.

The detached house on Plot 2 would be located some 5m from the northern boundary of the site and would only contain a single rear first floor window serving a bedroom that would face onto the neighbouring land. The dwelling on Plot 1 would have three rear first floor windows (two serving bedrooms and one serving a bathroom) located some 6.5m from the shared boundary. Whilst these are closer to the shared boundary than would normally be desired the sections of neighbouring garden that would be affected would be towards the ends of the neighbour's amenity space and therefore the impact would be less significant. Furthermore any overlooking would be partially mitigated by existing planting.

The proposed new dwellings would be located at least 7m from the front boundaries of the properties on the opposite side of Carpenters Arms Lane, who themselves have front garden areas. Due to these distances there would be no unduly detrimental loss of light, outlook or privacy to neighbouring residents as a result of the proposed rear houses.

Whilst the detached dwelling on Plot 2 proposes a first floor flank window facing the proposed terrace properties this would be located some 16m from the rear of the terrace houses and, given that this forms one development, such an impact would be considered 'buyer beware'.

The proposed terrace dwellings would be expected to provide at least 80m² of private amenity space and the detached dwellings would be expected to provide 120m². The properties all appear to achieve roughly this desired level (in some cases having around 77m² and 116m²). Therefore it is considered that the level of private amenity space proposed is acceptable.

Landscaping:

Local Plan policy LL10 states that "*the Council will refuse to grant planning permission for any development which it considers makes inadequate provision for the retention of: (i) trees; or (ii) natural features, particularly wildlife habitats such as woodlands, hedgerows, ponds and watercourses*". Policy LL11 states that "*The Council will (i) refuse planning permission for any development which makes inadequate provision for landscaping*".

The proposed development would involve the removal of the existing trees along the boundary of the existing car park and Carpenters Arms Lane. These trees have been assessed by the Council's Tree & Landscape Officer and are not considered to be of significant amenity value to warrant protecting or retention. Therefore the removal of these is considered acceptable.

Details of how the trees along the northern boundary will be protected during construction would be required, however can be dealt with by way of a condition, and it would also be necessary to approve details of hard and soft landscaping by way of a condition.

Highways/parking:

The Essex County Council Vehicle Parking Standards requires two parking spaces for each of the dwellings plus two visitor parking spaces (0.25 spaces per dwelling rounded up). The proposed development meets these requirements since it proposes twelve off-street parking spaces to serve the five dwellings, which would be laid out so that each of the three terrace properties would have a single parking space within the front garden and the two detached dwellings would have two spaces within their side gardens. The remaining five spaces would be arranged within a small car park at the western end of the site. Whilst this is a somewhat unusual layout, in that the second space of each of the terrace houses would be some distance from the houses, this allows for more flexible parking arrangements (i.e. some residents may only own one car and therefore would only use their front space, whereby others may own three cars and therefore could make use of a free space within the car park – either by way of the parking being unallocated or by private agreement).

Essex County Council raised no objection to the level of parking provision proposed or its location/layout. Whilst the dwellings at the front of the site would all be served by a parking space accessed directly off of the High Road, which would result in cars either entering or leaving the site in reverse, there are several other examples of this within the village and it is not considered that this would further impact on highway safety or the free flow of traffic. Furthermore the removal of the existing lay-by at the front of the site would remove an existing highway hazard since cars parked within this lay-by currently block sight lines to the north of the Carpenters Arms Lane junction. The proposed off-street parking to the front of the terrace properties would be further back from the edge of the highway and therefore would improve sight lines over the existing situation.

An objection has been received regarding the loss of the existing car park and the impact that this would have on on-street parking within the area, particularly since it is stated that workers of the nearby industrial estate use this area to park in. As the car park is private property and access is only granted for public parking out of goodwill the loss of this car park cannot be given any weight as the area could be closed off from public use without the need for planning permission.

Other issues:

The application site is located within an EFDC flood risk assessment zone and is partially within an EA Flood Zone 2 and is of a size where it is necessary to avoid generating additional runoff. As such a flood risk assessment should be agreed for the development, however this can be done by way of a condition.

Due to the electrical substation and previous development on this site there is the potential for contaminants to be present on site. As domestic dwellings and gardens are classified as a particularly sensitive use contaminated land investigations and possible mitigation measures will need to take place on site. These can be controlled by the imposition of conditions.

Conclusion:

Whilst the proposed development would not be located in a sustainable location and would involve the erection of two new dwellings within the Metropolitan Green Belt it is considered that the harm from this (particularly since the development is located on the edge of the village of Thornwood and surrounded by residential development) would be limited and would be suitably outweighed by other matters, including the benefits of redeveloping this brownfield site and the general economic and visual benefits the development would bring.

Whilst there is much concern that the proposal would result in the loss of a community facility the building has not been a community facility (a public house) for a number of years and the change of use from the former A4 use, or the current A3 use, to alternative uses does not require planning permission. As such it is considered that the community facility previously offered on this site has already been lost.

The proposed development meets the required off-street parking provision as laid out within the Essex County Council Vehicle Parking Standards, would provide sufficient private amenity space for future residents, complies with the recommended site density requirements of Policy H3A, and would not be unduly detrimental to the amenities of surrounding residents (and may have some benefit through the removal of the restaurant that often drew complaints from nearby residents). The loss of the existing car park is not given much weight since this is private land that could be made unavailable without consent, and the concerns regarding the impact on Carpenters Arms Lane (and any potential encroachment onto this) are not material to the planning considerations since this is a private road and therefore maintenance and upkeep issues (as well as those of ownership) are civil matters.

There has been no objection to the development from Essex County Council Highways with regards to highway safety or capacity concerns, and no objection from the Tree & Landscape Officer regarding the loss of existing trees.

As a result of the above it is considered that, on balance, the application complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

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

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

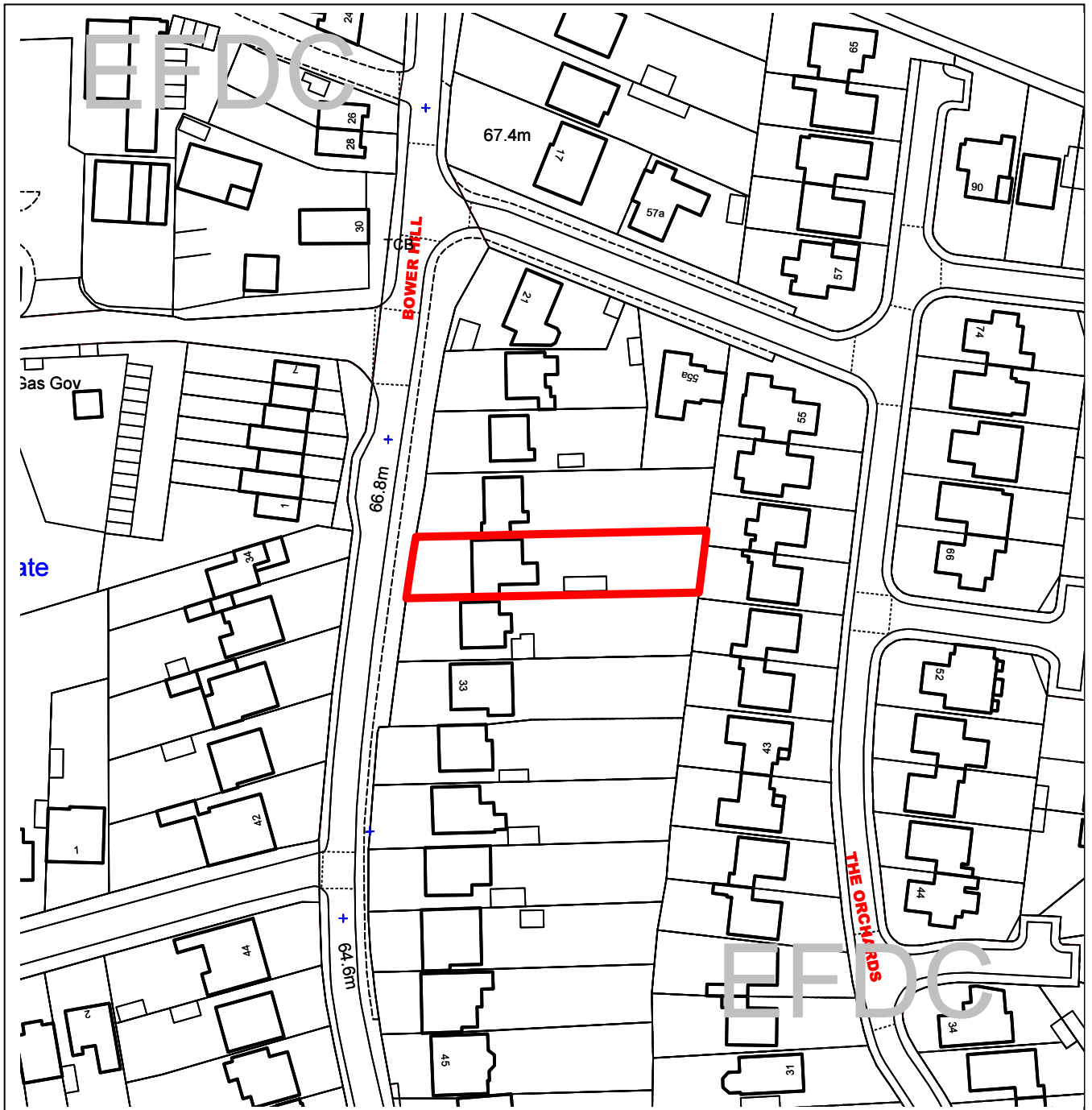
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 3



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Application Number:	EPF/2716/14
Site Name:	29 Bower Hill Epping CM16 7AL
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2716/14
SITE ADDRESS:	29 Bower Hill Epping Essex CM16 7AL
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Tom Jenkins
DESCRIPTION OF PROPOSAL:	Two storey rear extension and loft conversion with raising of ridge level and front and side dormer windows.
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/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=571194

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed window openings in the flank elevations at first floor level 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.

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:

29 Bower Hill is occupied by a bungalow with a hipped roof and long flat roofed projection to the rear. Bungalow dwellings are the dominant style along the road but many have been extended, or are in the process of being extended in the roof. Gardens in the area are relatively long and generous.

Description of Proposal:

The applicant seeks consent to extend the dwelling by converting the roof to form a chalet style bungalow. This would involve a remodelling of the roof, with the insertion of two front dormers and two dormer windows on each side to form a flat topped roof. The roof would be hipped with a half hip on the rear elevation. The proposed rear extension would project further into the site. The ridge level would raise by approximately 0.70cm.

Relevant History:

EPF/1200/76 - Details of garage and rear extension. Grant Permission - 18/10/1976.
EPF/0156/87 - Single storey rear extension. Grant Permission - 23/04/1987.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
DBE9 – Excessive Loss of Amenity to Neighbouring Properties
DBE10 – Design of Residential Extensions

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:

6 neighbours consulted: 2 replies received.

27 BOWER HILL: Objection. Concern that the proposed development will extend excessively beyond our rear boundary and will result in overshadowing of our garden area. The extension will result in a loss of light to our kitchen/family room. The dwelling on No29 already extends approximately 3-4m in front of our house and the extension at the back appears to be up to 6.0m in places. We feel the rear extension needs to be reduced by approximately 3.0m.

EPPING SOCIETY: Objection. Concern that the side facing dormers will result in the overlooking of neighbouring properties.

EPPING TOWN COUNCIL: Objection. Concern that the proposed extension does not enhance the existing building and what is proposed is not as sympathetic as other similar extensions nearby. Concern that the dormers are an unneighbourly development that will result in overlooking of neighbouring properties, particularly as one of the houses is already served by a side facing window.

Issues and Considerations:

The key considerations in this application relate to any potential impact on neighbouring amenity and design.

Design

In recent years quite a number of dwellings on Bower Hill have been given consent to convert to chalet bungalows. It is apparent that the applicant in this instance has referenced developments which have been constructed nearby, or are currently in the process of being constructed. These involve the insertion of dormer windows in the roof slope and the creation of a flat roofed top. In that respect the proposed scheme would not be out of character and would conform to the

emerging pattern of development along the road. The new ridge level would not be excessively high.

The recently adopted NPPF requires that newly designed development responds to local character. It is considered that this scheme successfully strikes the balance and would not excessively dominate the streetscene. The proposed design, bulk and scale of this submission is considered an acceptable way to extend this dwelling which as stated responds to the evolving character of the road as evident at the nearby recently extended No51 and No47 which is currently being extended.

The rear of the building would retain a half hip and this is considered an appropriate design and has previously been agreed as acceptable at No11 Bower Hill which is also in the process of being constructed (EPF/ 0891/13).

Amenity

Concern has been expressed that side facing windows would result in overlooking of neighbouring properties. However as the windows are serving a bathroom and are secondary bedroom windows they can be reasonably conditioned as obscure glazed. An objection letter has been received from the occupants of No27 who have raised concern about loss of amenity. The block plan submitted is in error and does not show that the adjacent dwelling has been extended. The proposed development at the application site would project by approximately 3.0m beyond a utility room close to the boundary. However it would be set slightly off the boundary and 3.0m is a reasonable distance for an extension to project beyond a rear flank corner, particularly when the room at this location is a utility/bathroom served by obscure glazed windows. It is not considered there would be serious loss of light to this room. The proposed extension would project broadly the same depth as the main rear wall of No27, serving the kitchen/family room, and therefore there would be no material impact. There would be an increased overshadowing of the garden area adjacent to the new built form from about midday. However the property has the benefit of a relatively spacious, deep garden and it is not considered that the impact would be excessive. A utility room on the boundary which is set further back from the kitchen and is served by obscure glazed windows would not be seriously affected.

The proposed building would project for some distance beyond the rear building line of No31. This addition would undoubtedly have some material impact on the amenity of occupants of this dwelling despite the presence of a solid screen on the boundary. However, again occupants benefit from a generous garden area and the extension is single storey with a gabled roof that would project away from the boundary. The garden is east facing and there would be some overshadowing of the area close to the rear wall which is occupied by a conservatory. This conservatory is already overshadowed by the existing fence and single storey rear extension which would reduce overall material impact. As stated there will be some impact, and this is a very balanced point, but on balance it is not considered that there would be excessive harm to residential amenity.

Conclusion:

The proposed extensions to the house would not result in an excessively dominant dwelling in the streetscene and it would not be out of character. Impact on neighbour amenity is not considered to be on a level to refuse consent. It is therefore recommended that the application is approved with conditions.

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

Planning Application Case Officer: Mr Dominic Duffin

Direct Line Telephone Number: (01992) 564336

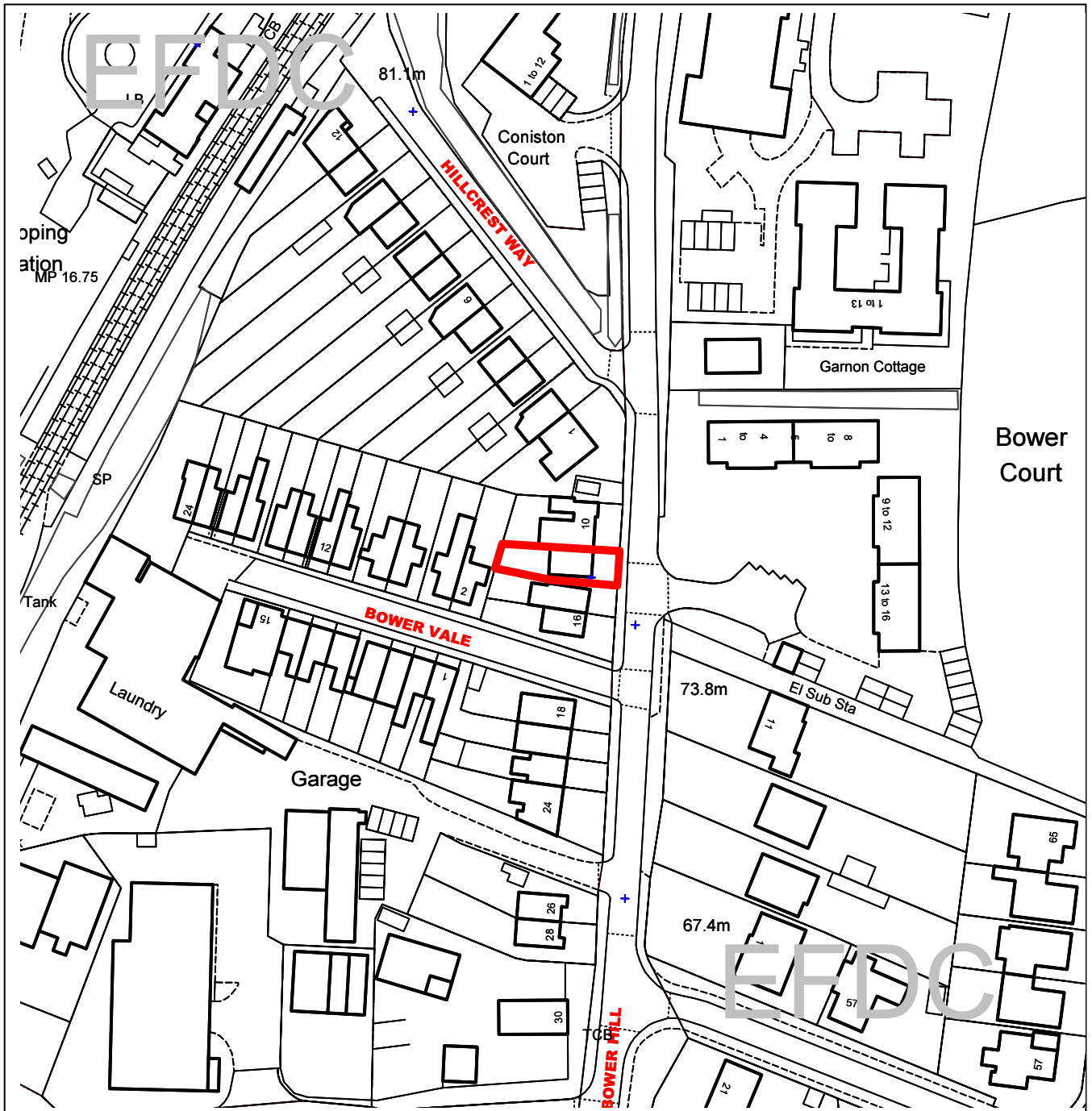
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Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/2789/14
Site Name:	12 Bower Hill Epping CM16 7AD
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2789/14
SITE ADDRESS:	12 Bower Hill Epping Essex CM16 7AD
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Carlo Henrich
DESCRIPTION OF PROPOSAL:	Proposed vehicle crossover and hardstand driveway. Resubmission following refusal of EPF/1577/14.
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/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=571590

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 vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway of no more than 4.5m in length.
- 3 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.

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 located on the western side of Bower Hill approximately 20 metres north of Bower Vale within the town of Epping. The site itself is rectangular in shape and it has a modest slope that falls across it from north to south. Located towards the front of the site is a double storey semi detached dwelling with a small private garden area to the rear. There is no off street parking or vehicle access to the site. The front boundary treatment consists of iron railings which are locally listed.

The site is located within a built up residential area that comprises of terrace style and semi detached buildings. The site is not located within the green belt or in a conservation area and is not within the setting of any listed buildings.

Description of Proposal:

This is a revised application following the refusal of consent for a similar scheme in 2014 (EPF/1577/14). Planning permission is once again sought for the construction of a new dropped kerb to the front boundary along Bower Hill to provide vehicle access into the site on a new hard paved area. This would involve the removal of the iron railings.

Relevant History:

EPF/1577/14 - Proposed vehicle crossover and hardstand driveway. Refuse Permission – 28/08/14.

Policies Applied:

Local Policies:

CP2 Protecting the quality of the rural and built environment
ST4 Road safety
ST6 Vehicle parking
L11 Landscape schemes
U3B Sustainable drainage systems
DBE1 Design
DBE9 Loss of amenity
HC13A – Local List of Buildings

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

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL: Objection. Committee object to this as the railings are an historic feature and should be retained. The new application, in trying to achieve a greater depth of forecourt, is now having a detrimental impact on the visual amenity of the house as well as the frontage. The application appears to do nothing to address the principle previous reason for refusal i.e. highway safety. The Committee felt that the house is a good example of a Victorian Villa with its own street and that this is worth retaining.

3 neighbours consulted; 1 reply received.

EPPING SOCIETY: Objection. There seems no difference from the previous application and there is still a concern that this development would lead to road safety concerns. The existing railings are one of the last remaining examples of work by “Cottis of Epping” and are worth retaining.

Issues and Considerations:

The main issues to consider related to road safety/parking, the loss of locally Listed railings and the comments of consultees.

Road Safety/Parking

A similar application was refused consent in 2014 for the following reasons;

1. The proposed new vehicle crossover would result in poor sight splay lines resulting in an unacceptable degree of hazard to all road users to the detriment of highway safety. This is further compounded by the slowing and turning of vehicles associated with the use of the access which would lead to the conflict and interference with passage of through vehicles along this stretch of a Secondary Distributor Highway. Therefore the vehicle crossover is contrary to policy ST4 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
2. The proposal does not accord with the Parking Standards September 2009 in terms of providing sufficient space (depth) on the hard standing area in front of the dwelling house for parking of vehicles. This would therefore lead to inappropriate kerbside parking and unusable parking spaces that would be detrimental to highway safety contrary to policies ST4 and ST6 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

The first issue is to therefore determine whether these previous concerns have been overcome and whether the revised layout results in other issues

As with the previous application Essex County Council has been consulted but on this occasion do not object to the development. As the previous application was refused on highway and parking related reasons, the removal of this objection is of some material weight. With regards to the first reason for refusal the Highways Authority state that accident data for this stretch of road demonstrates that the other driveways nearby with similar characteristics are operating safely and in that respect there appears no good reason to refuse consent for this development. The lack of any boundary treatment would help maintain suitable visibility for pedestrians and motorists and the Highways Authority are now content that reasonable visibility exists and that the site splays are adequate.

With regards to reason No2, the depth of the area of hardstanding has been increased to 5.0m such that a car could be parked clear of the pavement in line with policy requirements. Therefore the issue of inappropriate kerbside parking has been addressed. It is considered that in light of this revised advice the previous reasons to refuse planning permission have been overcome.

Locally Listed Railings/Design

The railings in front of No12 Bower Hill are of local interest and have been added to the local list which recognises buildings/structures of local architectural or historic importance. They date from the late 19th century and, according to the Epping Society, were manufactured by the prominent local iron foundry, Cottis Iron Works. The firm was established in the 1850s and became the largest employer in Epping at its height. The foundry stood on what is now Cottis Lane in Epping and manufactured agricultural machinery as well as domestic/decorative ironmongery. The railings are a rare surviving example of domestic railings in Epping by the Cottis Iron Works and, as such, every effort should be made to retain and maintain them in accordance with policy HC13A. However the policy only encourages the maintenance of such buildings/structures and that they will receive special consideration in the exercise of the development control process. In reality this only provides limited protection, unlike in the case of a Listed Building/structure which can bring to bear the force of legislative protection. For example Locally Listed Buildings/Structures are not exempt from the entitlements such as the General Permitted Development Order and in that respect the applicant is legally entitled to remove the railings without the need for any planning consent. Therefore given that the railings could be removed without the need for planning permission, it is considered that their removal can not form grounds for refusal of the application.

Concern has been expressed that the increase in the size of the parking space would result in a detrimental impact on the setting of this dwelling, a Victorian Villa of some architectural merit. It is recognised that this dwelling has a setting worth preserving but again there is no mechanism within the planning regulations to prevent the increase in the area of hardstanding in order to provide a parking space which meets the policy requirements. Furthermore it is not considered that this increase in size would be seriously detrimental to the character of the dwelling/road and a number of dwellings nearby of a similar style are served by similar parking spaces. The provision of an off street parking space will also have the advantage of reducing on street parking in the locality.

Conclusion:

In light of the above appraisal it is considered that previous concerns have been addressed and that no new issues have been created which would justify refusal. 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***

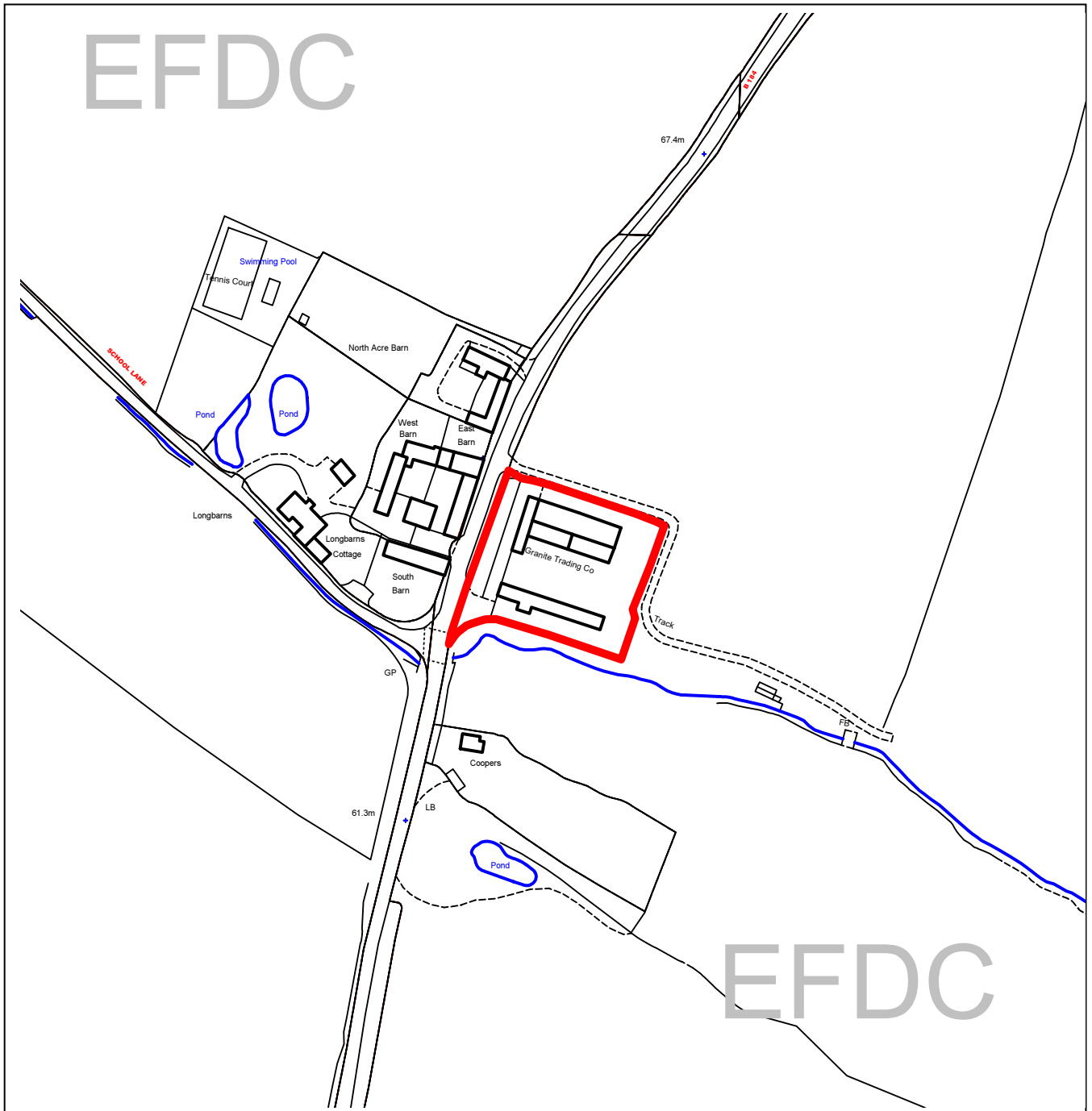
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Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/2817/14
Site Name:	The Old Corn Barn, Dunmow Road Abbes Beauchamp and Berners Roding, Ongar CM5 0PF
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/2817/14
SITE ADDRESS:	The Old Corn Barn Dunmow Road Abbess Beauchamp and Berners Roding Ongar Essex CM5 0PF
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr Paul Breedan and Mr Steven Pasquini
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings, removal of hardstanding areas and the erection of six dwellings with parking and landscaping. Resubmission following refusal of EPF/1808/14.
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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=571697

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: 1872-01, REVO 2040A, 2041B, 2042.
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The proposed window openings in the flank elevations at first floor level shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

- 6 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.
- 7 Prior to first occupation of the proposed development the access, parking and turning arrangements, as shown in principle on drawing no.REVO/2041 Rev B, shall be fully implemented and retained as such thereafter.
- 8 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.
- 9 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.
- 10 Before any works commence on the demolition of buildings on site a full Bat Survey to ascertain if bats are present on site and, if appropriate, a further Mitigation Strategy shall be submitted to the Local Planning Authority for agreement in writing with a working methodology to minimise impact on bats if present in the building. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 11 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 12 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]

- 13 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]
- 14 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]
- 15 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.
- 16 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.

- 17 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.
- 18 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.
- 19 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(d))

Description of Site:

The application site is located at an isolated location within the boundaries of the Metropolitan Green Belt and on the Dunmow Road. The site is occupied by a large former agricultural barn and a smaller single storey brick built building. The site area is approximately 0.4 hectares. The site has a lawful use for business and is currently occupied by a company manufacturing kitchen worktops. An accessway onto the highway is located at the south west corner of the site. A number of listed barns, which have been converted to residential, are located on the opposite side of the road.

Description of Proposal:

This is a revised application following the refusal of consent for a similar six dwelling scheme in October 2014 (EPF/1808/14). This application amends the design but has the same layout with the same access being utilised off Dunmow Road to serve a communal internal road to the front of the houses. Amenity space would be provided by way of rear garden areas. The houses would be semi detached with deep roofs and accommodation provided over three floors. The dwellings would have projecting front and rear gables in a cross wing style with a dormer window on the front roof slope.

Relevant History:

EPF/1475/97 - Refurbishment and change of use of existing barn to office and general industrial B2 use and ancillary works. Grant Permission - 22/06/1998.

EPF/1404/99 - Change of use of former agricultural building without compliance with condition 4 of EPF/1475/99 (personal to applicant condition). Grant Permission – 02/08/00.

EPF/1808/14 - Demolition of existing buildings, removal of hardstanding areas and the erection of six dwellings with parking and landscaping. Refuse Permission – 08/10/14

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment.
GB2A – Development in Green Belt
GB7A – Conspicuous Development
DBE1 – New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE9 – Neighbour Amenity
ST4 – Road Safety
ST6 – Vehicle Parking
LL11 – Landscaping Schemes
RP4 – Contaminated Land
U3A – Catchment Effects
U3B – Sustainable Drainage Systems
NC4 – Protection of Established Habitat
H2A – Previously Developed Land
H5A – Provision for Affordable Housing
H6A – Site Thresholds for Affordable Housing
H7A – Levels of Affordable Housing
HC12 – Setting of Listed Buildings
I1A – Planning Obligations

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:

PARISH COUNCIL: No comment received at the time of the report (Objection to application EPF/1808/14).

8 neighbours consulted and Site Notice Displayed: 1 reply received.

COOPERS: Objection. Concern about road safety and the fact that Dunmow Road is a dangerous road and young children could venture from the houses onto the roadway. The development provides an under provision of parking as these are four bedroom houses and will likely have more than two occupants that are drivers. This application could open the floodgates for other similar developments.

Issues and Considerations:

The main issues to consider are the general principle of the development, whether the proposal is appropriate within the Green Belt and issues relating to design and neighbour amenity. The comments of consultees are another material consideration as is the planning history of the site. The previous application was refused for two reasons and it is important to assess if these previous concerns have been overcome with this submission.

Principle of the Development/Green Belt

The site was granted consent to change use to industrial in the late 1990's having previously been in agricultural use. A number of the representations received make the point that the redevelopment of the site would result in the loss of a local employment provider. This is undoubtedly the case and until recently the Council had local policy support which required an applicant to demonstrate that the site was no longer suitable for employment purposes before other uses was considered (E4A & E4B). However recently adopted national guidance in the NPPF has resulted in a policy shift on how a lot of issues are addressed and this has included the recognition of sites such as this as being brownfield and suitable for other uses in the Green Belt. Paragraph 89 of the NPPF recognises the partial or complete redevelopment of brownfield sites which do not have a materially greater impact on the open character of the Green Belt as being potentially acceptable. The legal advice the Council has received suggests that policies that encourage the long term protection of employment sites are no longer compliant with national policy.

The site does appear to be in operation as a fully functioning business at present and the change of use will potentially lead to displacement. Therefore it is not a case of this site being redundant and the need to find an alternative use being pressing. The NPPF does promote the support of rural enterprise and this would not be achieved with this redevelopment (Para 28). Furthermore the site is at an unsustainable location for housing and would encourage the increased use of motor vehicles. However in terms of the location of business it is also not a particularly sustainable site, although it is important to encourage rural business and to make provision for rural employment opportunities.

It is considered a defensible case could be made to refuse this application on the loss of this site to residential. However the planning system continues to move towards greater flexibility with regards to meeting housing needs. This has included changes to the Prior Approval system which permit the change of use from office and agricultural buildings to residential. Under this "fast track" system the Government has recently gone out to consultation on proposed changes from B1 industrial to residential. It is clear the intention is greater flexibility with regards to future land uses and in truth six dwellings could be provided in the Green Belt where the provision of housing has always been greatly restricted.

The application did follow pre-application negotiations with the Council and this has resulted in a redrafting of the scheme from four large detached dwellings to the proposed six semi-detached houses. The proposed design will be considered later in this report but it is generally considered that the scheme would not have a materially greater impact on the open character of the Green Belt. The existing buildings include a, by nature, large bulky storage building. It is not necessarily considered that existing volume can be used to justify the same amount of residential building. However some low set buildings would also be removed. Cultivated gardens would have an impact on open character but as they would replace a concrete yard area this is acceptable. On balance the proposed scheme is considered in compliance with paragraph 89 of the NPPF. The overall volume of built form on site would reduce. The principle of redevelopment for residential use is therefore agreed as being an acceptable form of development. The Parish Council have previously made the point that this site's development was only ever acceptable because it provided rural employment. This may be the case but the planning system has undergone significant change of late and this must form the starting point for a lot of proposed schemes. With regards to national policy this scheme has been found acceptable and not in conflict with the purposes of maintaining a Green Belt.

Affordable Housing

The lack of provision for affordable housing on site formed one of two reasons to refuse the previous scheme. The reason stated;

“The proposed development would result in the provision of six new residential properties in the Metropolitan Green Belt. Local plan policies indicate that such developments require a provision of 50% affordable housing and no provision has been put forward. No case has been presented that such a provision would render the development unviable and therefore in conflict with Paragraph 173 of the NPPF. In the absence of such a case it is considered that affordable housing provision, in line with local and national policy, is necessary to make this development acceptable in planning terms. The proposed development is therefore contrary to national policy contained in the NPPF and local plan policies H5A, H6A and H7”A.

As stated the redevelopment of the site had involved discussions at pre-application stage. One issue of contention has been the provision of affordable housing. The Council has been consistent in the view that having regard to local plan policies this site triggers a requirement for on site provision of 50% affordable housing. The Council are of the view that the local policies are generally compliant with the sections of the NPPF which relate to affordable housing. No evidence was provided that demonstrated that the burden of providing affordable housing would render the development unviable and therefore a request for affordable housing would be in conflict with Paragraph 173 of the NPPF. This section of the NPPF outlines how careful consideration should be given to scheme viability and that the requirements for affordable housing should ensure that any scheme retains a “willing landowner and developer to enable the development to be deliverable”. In essence, the costs of the development should not make it unviable. As it could not be clearly demonstrated that either affordable housing on site or a payment in lieu would render the development unviable a refusal on this ground was considered sound.

In the period between the previous application and this new submission the Government has, through the national Planning Policy Guidance (PPG) document amended guidance on affordable housing provision. This details how on sites which are located in an area with a population which is less than 3,000 and the applicant is providing less than 10 dwellings or the houses have a floor area of <1,000 sq m then affordable housing contributions cannot be sought. This is the case in this instance (floor area 990 sq m) and therefore this site and development is, under new guidance which came into force on 01/12/14, exempt from such contributions. This reason to refuse consent has therefore been addressed.

Design and Layout

The applicant proposes three pairs of semi detached dwellings which would be a duplicate design. The Parish Council had raised the concern that the design is not suitable in a rural area and that some variation in the design should be incorporated. Although there are Listed Buildings on the opposite side of the road this new development would really create its own streetscene and there would be no impact on the special setting of this group of buildings. It is not considered that the replication of design is particularly out of character in a rural area and rural cottages often form short runs of the same design.

The second reason to refuse the previously submitted scheme was on design grounds as follows;

“The proposed design by reason of the slack roof pitch, wide gable span and excessive ridge height results in a squat appearance which would have a suburbanising effect which would be out of character at a rural location. The proposed development is therefore considered contrary to national guidance in the NPPF and local plan policies CP2, DBE1 and DBE2”.

The applicant had been advised that if brownfield sites in rural locations are to be considered appropriate forms of development the finished scheme should be traditionally rural in character. In order to address design concerns the resubmitted scheme has been altered in the following ways;

1) The pitch of the roof has been increased to 50 degrees and the span of the front gable reduced.

- 2) The eaves height of the gables has been reduced.
- 3) The eaves of the central section have been brought down to ground floor height. This gives a one and half rather than two storey appearance.
- 4) Dormer windows are introduced to serve the first floor at the front.
- 5) Chimneys are now shown.
- 6) Small feature window on the side elevations.

The proposed design is considered to be more rural in nature and more suitable for this site. As stated, it is crucial that if brownfield sites are to be redeveloped as housing within rural areas that they are rural in character and, as much as can be achieved, assimilate into their surroundings. This has been achieved in this instance. Details of the finished materials are of high importance and can be agreed by condition.

With regards to the proposed layout this is relatively conventional with a slip road access to the front and garden areas to the rear. The plans indicate close boarded fencing on the rear and flank boundaries which are not particularly traditional in rural areas. However there is the consideration of affording future occupants a reasonable level of privacy. There would be quite a bit of parking to the front and no garages are proposed. This, to some degree, would lead to a car dominated appearance but on a short run of dwellings this can be, on balance, accepted.

Amenity

The proposed properties would provide a reasonable amount of amenity space for future occupants. Furthermore there is open countryside to the rear of the site. Side facing windows at first floor level can be reasonably conditioned as obscure glazed.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

With regards to highway safety the proposed scheme is acceptable and not likely to lead to hazardous conditions. A neighbour has raised concern about the speed of vehicles which travel along Dunmow Road and whether this can be addressed. This is not strictly a planning matter and as has been stated the proposed development is not considered to contribute to hazardous highway conditions and an existing access would be used to exit the highway.

Two parking spaces are proposed for each dwelling plus two off street spaces and this is considered a reasonable provision and in compliance with policy requirements.

Trees and Landscaping

There are no significant trees on site, although there is an established hedge along the roadside. Any development will require a robust and sympathetic landscaping scheme, consisting of native species to ensure the houses sit appropriately with the surrounding landscape.

Ecology

The building is potentially suitable for bats. Therefore a bat survey and any further mitigation that survey recommends needs to be carried out before demolition of the buildings commences.

Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is therefore required. The applicant is proposing to dispose of foul sewage main sewer. However the main sewer is a considerable distance from the site therefore further details are required. A condition requiring approval by the Local Planning Authority of foul drainage details prior to development commencing is therefore necessary. The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required. A condition requiring approval by the Local Planning Authority of surface water drainage details prior to development commencing is also necessary.

Contaminated Land

Due to its use as an Agricultural Farmyard and Industrial Works and the presence of infilled gravel pits in the surrounding area, there is the potential for contaminants to be present on site. This issue can be addressed with appropriate conditions.

National Grid

Owing to the presence of National Grid apparatus in the vicinity of the site the applicant is advised to contact National Grid prior to commencement of any development.

Conclusion:

The proposed development is considered to be acceptable in principle. Furthermore amendments to the scheme and revised government guidance on affordable housing contributions have addressed previous issues of concern. 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