



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 10001853.

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

<b>APPLICATION No:</b>	EPF/2670/14
<b>SITE ADDRESS:</b>	Former Carpenters Arms High Road Thornwood North Weald Essex CM16 6LS
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Des Rees
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of Restaurant. Erection of 3 town houses and 2 detached houses. Resubmission following withdrawn application EPF/1810/14.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=570910](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 21<sup>st</sup> 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 Teazle 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 neighbour's flank wall. As such the new front houses would be an improvement to the visual amenities of the neighbour's 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 80m<sup>2</sup> of private amenity space and the detached dwellings would be expected to provide 120m<sup>2</sup>. The properties all appear to achieve roughly this desired level (in some cases having around 77m<sup>2</sup> and 116m<sup>2</sup>). 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](mailto:contactplanning@eppingforestdc.gov.uk)***