

AREA PLANS SUB-COMMITTEE 'EAST'

15 April 2015

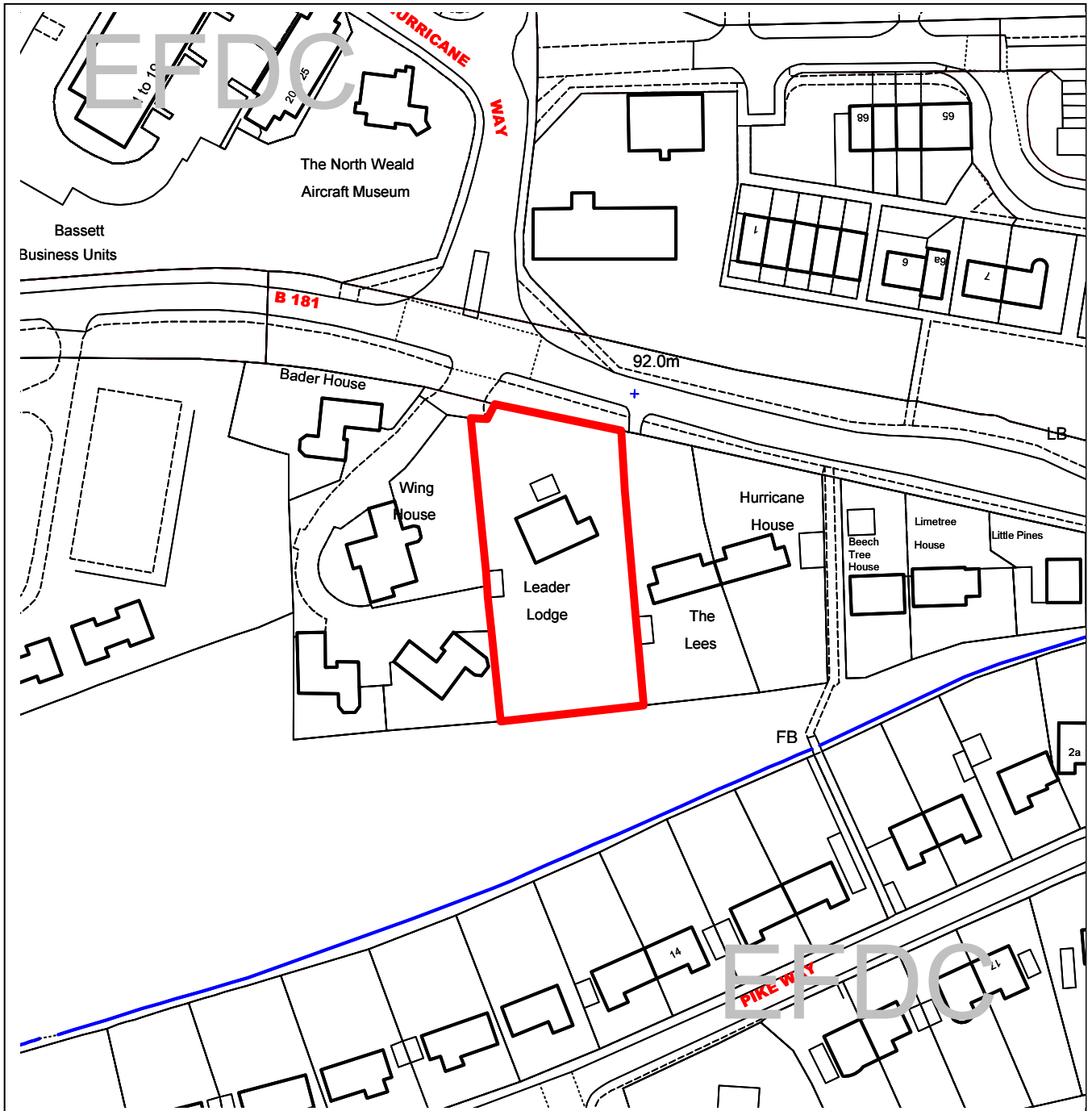
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/2814/14
Site Name:	Leader Lodge, Epping Road North Weald, CM16 6AA
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/2814/14
SITE ADDRESS:	Leader Lodge Epping Road North Weald Epping Essex CM16 6AA
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	De Vere Homes Ltd
DESCRIPTION OF PROPOSAL:	Alteration and refurbishment of existing building, ground floor extension to rear including change of internal layout from two flats to one house, new garden walls and gates, demolition of existing garage and erection of replacement.
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=571694

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 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.
- 4 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.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 6 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 16, 17, 19B,

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

Description of Site:

Originally a house built in connection with the RAF at North Weald Airfield, Leader Lodge was converted to two flats in 1977 and was used by the Council to house homeless families. The property has been disused for several years and is in need of major refurbishment. The building is located on the southern side of Epping Road and has residential properties on either side. The site backs on to Roughtally wood. There are preserved trees to the front, sides and rear of the property. The red lined application site consists only of the front two thirds of the existing plot. The rear of the site which is within the same ownership would be divided from the fronting house by a 1.8m high brick wall although access would be maintained.

The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The proposal is to convert the existing building back to a 4 bed single family dwelling and to add a single storey extension to provide a family kitchen/dining area. In addition three new ground floor windows are proposed. The application also includes the erection of new 1.8m high walls. The application initially included the erection of a detached garage to the eastern side of the house, but this element of the proposal has been removed, following concerns over the impact of the building on the roots of preserved trees.

Relevant History:

EPF/0977/77 - Conversion of house into 2 flats – Approved

EPF/0847/04 - Outline application for demolition of existing building and erection of new purpose built building for temporary use by homeless - ten self-contained units. (Design, external appearance and landscaping reserved for future consideration). Withdrawn

EPF/0268/06 - Outline application for demolition of existing building and erection of new purpose built building for temporary use by homeless - ten self-contained units. (Design, external appearance and landscaping reserved for future consideration). Refused

Following this refusal the site, which is Council owned, was the subject of a "Planning for Real" exercise whereby local people were consulted on the future of the site. The conclusion was that the site should not be used to provide accommodation for homeless people or to provide affordable units but should be sold for private housing. It was felt that there was scope for potentially more than one dwelling on the site and there was some support for the retention/refurbishment of the existing building due to its links with the RAF and the airfield.

The site was sold by the Council

EPF/0088/15 – Erection of two dwellings to the rear of Leader Lodge – Withdrawn

SUMMARY OF REPRESENTATIONS

7 neighbouring properties were notified, no site notice was required.
The following responses were received:

PARISH COUNCIL- No Objection

THE LEES EPPING ROAD – Concerned about drainage issues as the garage, parking and turning area are on higher land and the hard surfacing may drain onto my site. If approved, hope that sufficient drainage will be provided.

SJK PLANNING On behalf of : 12, 14, 16, 18 Pike Way, The Lees, and 1,2,3 and 4 Wing Close. A single letter objecting to this application and to EPF/0088/14 (for 2 dwellings in the rear garden) which has been withdrawn. The main concerns expressed are with the backland development EPF/0088/15, but the objections relating to this application are that in splitting the plot Leader Lodge would lose its private back garden, and create an unsatisfactory enclosed area at the front of the house. It would also suffer from the creation of an access between its flank wall and boundary with Wing Close. Parking provision for Leader Lodge will be reduced.

Policies Applied:

Local Plan Policies
CP7 Urban form and quality
DBE3 Design in urban area
DBE6 Car parking in new development
DBE8 Private amenity space
DBE9 Loss of amenity
LL7 Planting, protection and care of trees.
LL10 Adequacy of provision for landscape retention
ST4 Road safety
ST6 vehicle parking

The above policies are considered to be in compliance with the NPPF and are therefore to be accorded full weight.

Issues and Considerations:

Principle of the use as a single dwelling

This is a residential property within the residential area, the return of the building to a single residential unit rather than 2 flats is considered entirely appropriate and the refurbishment of the building to enable this is welcomed as it will bring a currently dilapidated and unused building into use.

Design and impact on street scene

The existing property has its rear facing the road and its attractive frontage with bay windows faces into the site. There is an existing single storey outbuilding between the building and the road. The proposed development continues this historic emphasis. The outbuilding is to be removed and a single storey "rear" extension is proposed facing towards the road. Access is as existing, off the Epping Road at the western boundary of the site. It is proposed to create greater privacy to the rear garden area by the provision of a 1.8m high boundary wall along the road frontage and adjacent to the access. Given the set back of the building from the road and the screening along the road frontage the rear addition will not have any adverse impact on the street scene. The extension is appropriately designed and will enhance the currently somewhat unattractive rear elevation of the building.

The provision of the front wall, similar in height to that at the front boundary fencing of the adjacent Wing House development, is considered appropriate to the street scene. The remaining proposed walling within the site can be erected without the need for planning permission as it is lower than 2 metres and not adjacent to a highway.

Subdivision of the site

The main issue of concern to neighbours relates to the subdivision of the site into 2 separate parcels. Again, as the wall through the middle of the site does not require planning permission and the owner of the site could choose not to utilise the rear of the site it is not considered that this would be grounds to refuse this current application. The house retains more than adequate private amenity space and there is sufficient space for parking of several cars and for turning within the red lined application site.

The impact of possible development of the remainder of the site is separate from this application and is not part of the current considerations. The application EPF/0088/15, for two dwellings on the rear parcel of land has been withdrawn following advice from officers that the suggested two dwellings would have an adverse impact on protected trees, and would not provide adequate usable amenity space. It is expected that a revised application for 1 dwelling to the rear will be submitted in due course, and this will need to be considered in its own merits.

Impact on neighbours

The proposal results in a reduced number of residential units on site and no new first floor windows that could cause overlooking. The proposed extension is set well away from any shared boundary and will have no impact on neighbours. There should be a reduced number of traffic movements as a result of the reduction in units and although concern has been raised regarding the position of the drive adjacent to the boundaries of neighbouring gardens, it is not considered that this will result in significant harm to amenity.

Impact on trees

The initial application included the provision of a detached garage, but the position of the garage was within the root protection area of a protected tree and it was considered that it would cause harm to the long term retention of the tree. The garage was therefore removed from the plan. Suitable protection measures are proposed to ensure that the other proposed works will not adversely impact on trees and the tree officer now has no objection to the proposal subject to conditions.

Drainage

Concern has been raised by a neighbour with regard to surface water drainage, and given the proposed increase in hard surfacing within the site it is considered that a condition requiring details of surface water drainage to be submitted is required to ensure that permeable surfacing is achieved and adequate drainage prevent run off onto neighbouring land.

Conclusion

In conclusion it is considered that the proposed development which will bring back into use a building of local interest, which is in an uninhabitable state, will have positive impacts without harm to the amenities of neighbours, or to the character and amenity of the area. The proposal is in accordance with the adopted policies of the Local Plan and the NPPF and is recommended for approval subject to conditions.

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

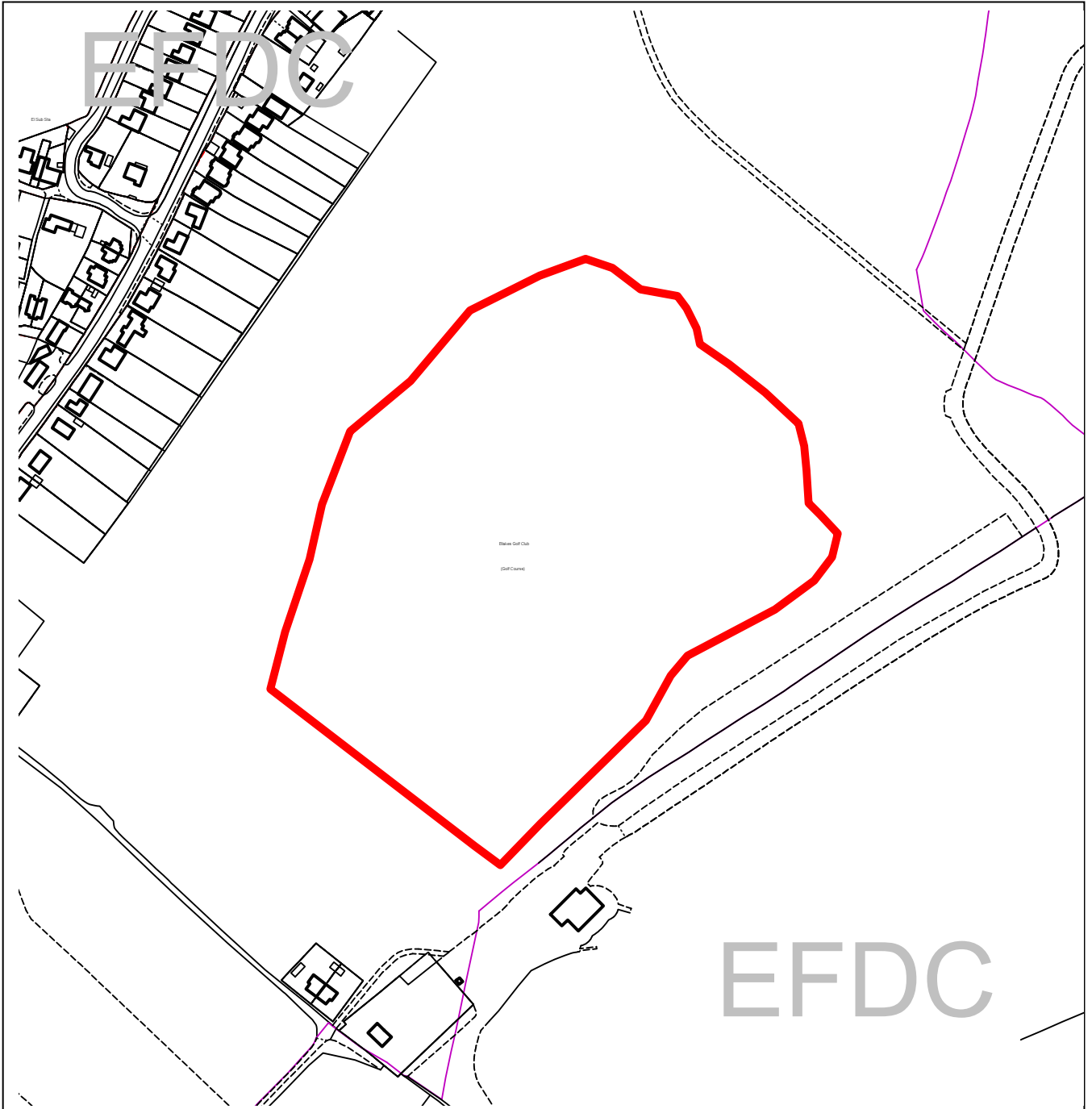
***Planning Application Case Officer: Mrs Jill Shingler
Direct Line Telephone Number: 01992 564106***

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



Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/2880/14
Site Name:	Blakes Golf Club, Epping Road North Weald, Epping CM16 6RZ
Scale of Plot:	1/3500

Report Item No: 2

APPLICATION No:	EPF/2880/14
SITE ADDRESS:	Blakes Golf Club Epping Road North Weald Epping Essex CM16 6RZ
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Blakes Leisure Ltd
DESCRIPTION OF PROPOSAL:	Application for the importation of topsoil and compost to improve the land quality of the existing driving range and for the use of the land as a driving range and for the purposes of foot golf.
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=572011

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: WEAL.607B, 0621 03, 0621 02
- 3 Prior to the commencement of development a timetable of works shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the agreed timetable and any deviation agreed in writing.
- 4 The amount of material brought in for the purposes of this development shall not exceed 8000 cubic metres in volume, all of which shall be used for the development hereby approved.
- 5 Prior to commencement of development details of the routing of lorries to and from the site shall be submitted to and agreed in writing by the Local Planning Authority. This routing shall ensure that all access is from the A414 only, and not through North Weald. All lorries exiting the site shall be required to turn left onto the A414. The agreed lorry routing shall be strictly adhered to.
- 6 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to

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

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

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

- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 11 No external lighting shall be installed in connection with the development hereby approved unless agreed in writing by the Local Planning Authority prior to its installation. Full details of any external lighting shall be submitted to the Local Planning Authority for approval and shall thereafter be carried out in accordance with the approved details.
- 12 Not more than 591 lorry loads of material shall be brought into the site in connection with the development hereby approved.

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))

ADDITIONAL INFORMATION:

The application was deferred from the Area Plans Sub Committee East meeting dated 18th March 2015 for further information to be obtained.

At the previous meeting Members requested the following information:

1. Exact vehicle movements for the proposed works.
2. An explanation on how the proposed engineering clay is going to be used for drainage purposes.
3. Better/clearer plans showing the existing and proposed land levels.

The applicant was contacted with regards to the above request and provided the following response:

1. Vehicle movements:

“The top soil is coming from Harlow and will travel via the A414 from the Harlow roundabout, Clay will come via the M11 and along the A414 and compost from across the road. Maps and routing can be provided if required”.

“Total loads of top soil will be 209 as I have taken the 14 off all ready on site. Total loads of compost 213 from across the road. Total loads of clay 169”.

Therefore there would be **213** lorry movements from opposite the site (compost from Ashlyns Farm site), which would not cause any significant impact on traffic or the amenities of the surrounding area, and **378** from further afield. This totals **591 lorry movements** overall.

2. Proposed new drainage:

“The clay will be used to line the tees and greens, we will cut out before we lay the clay as to not raise the level of the land and this will allow us to cut the correct drainage in them to which will connect directly into the current approved course drainage system”.

It is therefore understood that the proposed engineering clay will be laid under the proposed tees and greens with drainage ‘channels’ cut into these to create impermeable areas with specifically created drainage channels to direct the runoff to the existing course drainage system. This would prevent the tees and greens from becoming saturated with water and would ensure that these remain relatively dry playing areas.

3. Proposed land levels:

An A1 copy of the land level plan previously submitted in A4, and subsequently unreadable, is to be provided prior to the Committee Meeting which will also contain area calculations. This will allow for better understanding of the plan to ensure that the existing and proposed site levels are adhered to.

Other comments:

Within the applicants response to the above questions they have also stated the following:

“Blakes is a pay and play course open to the public unlike many courses, we offer a good venue for golf, food and functions for the local community and surrounding areas to which many use all year around and we are looking to increase this use and facility we offer with the fastest growing sport by just improving the soils to which it is being played on.

I would also like to make a point that we employ over 40 part and full time staff to which we want to maintain and look to increase all from the local areas”.

Concern was raised at the previous Committee meeting that this application has been submitted as a result of Enforcement Investigations. Whilst there have been some recent investigations at Blakes Golf Course regarding the importation of material it was concluded that the material that had been brought on to site did not constitute development since it either related to the previous approvals or was for the continued running of the golf course (i.e. the importation of compost). Similarly, whilst there are currently 14 lorry loads of compost already on site that would be used for the proposed development, in and of themselves this level of imported compost would not constitute development requiring planning consent since it is for the continued maintenance of the established golf course.

The level of importation proposed in this application and the intended additional, albeit ancillary, use of the site means that planning consent is required for this application, however there are currently no outstanding Enforcement Investigations on the site and Planning Officers are satisfied that all works that have taken place on site up until now are lawful.

ORIGINAL MAIN REPORT:

Description of Proposal:

Consent is being sought for the importation of topsoil and compost to improve the land quality for the driving range area for a maintainable grass coverage. The intention is to thereafter use the driving range as a multi-purpose area consisting of driving range, a new ‘footgolf’ course, and a par 3 course. The proposed development would involve the importation of 5800m³ of top soil and compost and 2200m³ of engineering clay.

Description of Site:

The application site is an established golf course located to the northeast of North Weald accessed from the A414 and is within the Metropolitan Green Belt. This application relates to the existing driving range located to the north of the club house within the western portion of the golf course.

Relevant History:

EPF/0863/96 - (1) Change of use of 45 hectares of agricultural land to a pay and play golf course and for the change of use of 5.7ha of agricultural land to a pocket park; (2) Outline application for the construction of residential development on 3.6 hectares of agricultural land and for the construction of a clubhouse associated with the golf course – approved/conditions 28/07/98
EPF/1310/05 - Provision of surfaced maintenance tracks as an integral part of the existing golf course – approved/conditions 08/03/06
EPF/0095/07 - Construction of 3 irrigation ponds within existing golf course 'rough' – refused 28/02/07
EPF/1050/07 - Construction of an irrigation pond (below existing ground level) within existing golf course 'rough' (revised application) – approved/conditions 05/07/07
EPF/2570/13 - Importation of clay in order to line existing irrigation ponds – approved/conditions 14/02/14
CLD/EPF/2340/14 - Certificate of Lawful Development for the importation of topsoil and compost to improve the land quality for the driving range area for a maintainable grass coverage – Not lawful 28/10/14

Policies Applied:

CP1 – Achieving sustainable development objectives
CP5 – Sustainable building
GB2A – Development in the Green Belt
RP5A – Adverse environmental impacts
RST1 – Recreational, sporting and tourist facilities
U3A – Catchment effects
ST4 – Road safety

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

Consultation Carried Out and Summary of Representations received:

30 neighbouring properties were consulted and a Site Notice was displayed on 17th January 2015

NORTH WEALD PARISH COUNCIL – Objects on the following grounds:

- The vehicle movements associated with the importation of topsoil would be detrimental to local residents.
- The application has no supporting documentation confirming that an assessment has been made to assess the impact this importation will/may have in terms of drainage, and any negative impact on the nearby Flood Alleviation Scheme.
- Application does not indicate that the site could be contaminated, and as such the necessary contamination assessments have not been considered.

MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL – Object. Councillors expressed their concern at the history surrounding this site, and the fact that resources are not available to monitor the type of material being imported. The Parish Council object to this application on the following grounds:

- Inadequate information has been submitted to show that there will be no detrimental impact on any surrounding areas of water/water courses which could lead to land drainage issues and/or contamination.
- The application did not indicate that the site could be contaminated, and as such the necessary assessments have not been completed.

If EFDC are minded to grant permission for this application, this Council hereby requests that a strict regime of scrutiny in terms of the material being imported is put in place as a condition of the permission, and that this is monitored by EFDC.

248 HIGH ROAD – Object to the importation of more soil onto the course however if allows then request that sufficient supervision takes place to ensure that only topsoil and compost are imported.

Main Issues and Considerations:

Blakes Golf Course has a fairly complex history with regards to importation of material, however the existing course is now completed and well established. The driving range subject to this application is already in existence, however it is stated by the applicant that *“when the golf course was originally constructed the driving range was finished with minimal topsoil which in turn has made the land unmanageable and unusable for its existing use”*. It is clear when viewed on site that the driving range is being utilised however the area is not as well managed and the grass not as closely cut as other parts of the golf course.

The applicant wishes to now raise the quality of this land to that of the remainder of the golf course and to utilise this site as a multi-purpose area for the continued use as a driving range as well as for a ‘footgolf’ course and a par 3 course. In order to improve the quality of the land it is stated that there would need to be 5800m³ of topsoil and compost imported and laid to achieve this. Furthermore approximately 2200m³ of engineering clay would be required to provide drainage for the greens.

One of the key aims for the proposed development is to enable the established golf course to provide a ‘footgolf’ course. Footgolf appears to be a new form of golf that is being provided on several courses throughout the country and is essentially similar to golf (in that the aim is to place the ball in the hole using the lowest amount of shots possible) however uses a size 5 football and your feet (rather than a club). An article in The Telegraph in October 2014 highlights that *“established in 2009 and already booming in South America and the US, footgolf has begun to gain traction in Britain over the past two years”*. Given the simplicity of the game and, since it doesn’t take as long as or require costly equipment as regular golf, this new sport is *“rapidly growing in size and, in the process, saving many of the clubs which were previously struggling to keep their heads above water”*. It also appears that footgolf is far more accessible to younger clientele and is more ‘family friendly’

Since the applicant estimates that the main use of the site for footgolf would be weekends, holiday periods and after school it is proposed to use the site as a par 3 golf course mid-week during school hours since the larger holes would be better for beginners. Any time outside of its use for footgolf or as a par 3 golf course it would remain in use as a driving range as existing.

The additional uses proposed would assist in the long term economic viability of the existing golf club and would provide additional recreational facilities for the general public.

Green Belt:

The proposed additional use of this parcel of land as a multi-functional area would be ancillary to the established lawful use of the golf course and would provide additional open sport/recreation, which is permitted within the Metropolitan Green Belt. Therefore the main consideration with regards to the impact is as a result of the proposed importation.

It is accepted that compost and other materials can be imported onto Golf Courses as 'repair and maintenance' and as such a certain level of importation would be expected on an established golf course without requiring planning consent, it has been considered (under the certificate of lawful development application EPF/2340/14) that the level of importation proposed would constitute an operational development requiring planning consent.

The proposed importation would consist of approximately 5,800m³ of top soil and compost to be imported along with some 2200m³ of engineering clay. This would result in an average 100mm additional layer across the entire 14 acre site. This is estimated to take approximately 4 weeks to topsoil, compost, prepare and seed. Whilst the area of land would be raised by between 50-100mm the site would not require re-levelling or the diversion of drain runs. The existing, relatively shallow, contours of the land would predominantly remain and the main difference in areas (i.e. to indicate the greens, etc.) would be achieved through the cutting of the grass. This is primarily since both footgolf and the driving range would not require heavily contoured land and the 3 par golf course would be used by beginners.

Given the relatively minor increase in land levels and since the resultant multi-purpose area would be similar in appearance to the existing and would continue to retain the openness of this site it is not considered that the proposed engineering operation would be harmful to the openness or character of the Green Belt. Furthermore, since the works are for the purposes of outdoor sport and recreation the proposal would not constitute inappropriate development that is, by definition, harmful to the Green Belt. Therefore the proposal would comply with the relevant Green Belt guidance and policies as laid out within the National Planning Policy Framework and the Local Plan.

Highways:

The proposed development would require the importation of a total of 8000m³ of materials, which is broken down to the following:

- 5800m³ of topsoil and compost
- 2200m³ of engineering clay

The applicant states that the proposed development would take no longer than 4 weeks to import, lay and seed the materials. Given the relatively low level of vehicle movements and very short time duration for completion it is not considered that the level of vehicle movements would have a detrimental effect on highway safety, efficiency or capacity at this location. As such there has been no objection from Essex County Council Highways.

On the previous application regarding the importation of engineering clay in order to line the three existing ponds on site (EPF/2570/13) several restrictive conditions were imposed in order to suitably control the level of importation. This included conditions that required a timetable of works and the routing of lorries to be agreed and complied with, one controlling the number of lorry movements to the site, and one limited the amount of material imported.

The applicant followed the previous conditions and provided the Council with routing information and a timetable of works prior to commencement of the development. When various situations arose that altered the submitted timetable (such as weather conditions and the sickness of

workers) the Council was informed of these changes and revised timetables were provided. As such it is considered that similar conditions regarding routing and a timetable of works could be imposed for this proposal.

Unlike the previous proposal this application includes a plan of the existing and proposed land levels, which assists in controlling the development and ensuring that the works comply with that agreed. It is considered that these plans would override the need to put on conditions regarding the number of lorries movements, although it may still be appropriate for the sake of clarity to condition the total amount of materials that can be imported by way of this consent.

Flood risk:

Since the proposed works would be within 8m of an open or piped watercourse Land Drainage consent is required, which is a separate matter to planning consent. Subject to this being agreed Land Drainage Officers have no objection to the proposed works as this would not result in any detrimental impact on ground water flooding.

Amenities:

Since the proposed works would only raise the level of the land by a maximum of 100mm there would be no visual impact as a result of the development. Whilst the multi-use of this area of land would increase the level of activity in this particular location the application site is a sufficient distance from surrounding residential properties and would be experienced within the wider context of the golf course, and therefore it would not have any detrimental impact as a result of noise nuisance or any other disturbance. A condition requiring details of external lighting (if required) can be imposed to ensure that there is no resulting light pollution to surrounding residents.

Given the level of importation and the relatively short duration for completion of the works it is not considered that the proposed development would result in any detrimental impact to surrounding residents. The access to the Golf Course is from the A414, which carries heavy vehicle traffic, including large lorries. As such the additional lorry loads resulting from these works would not result in an excessive increase in vehicle traffic that would have a detrimental effect on local residents.

A timetable of works can be agreed by way of a condition to ensure that the development is undertaken within a short time period as proposed and also to suitably control the level of importation relating to the proposal.

Land contamination:

Large quantities of non-hazardous waste were imported to raise site levels when the golf course was originally constructed. The previous Waste Exemption Certificate permitted the importation of wastes containing ash, clinker, slag, demolition waste and other sources of contamination, which may have resulted in widespread contamination of the site. It is understood that the applicant is proposing to use a registered waste carrier/waste transfer station and that the imported topsoil and compost would be mixed with the top 200mm of the underlying waste.

Since the site would be used by families, schools, football clubs and children's parties these are sensitive receptors particularly vulnerable to the presence of contamination. As it is proposed to mix the imported soils with the underlying waste soils, the requirement that only the imported soils are verified would not exclude risks from the existing waste soils. As such a full contaminated land investigation would be required, which can be dealt with by conditions.

Conclusion:

The proposed importation to introduce a 9-hole golf and footgolf course would not be unduly detrimental to the surrounding residents and would have little visual impact within the landscape. Whilst the importation of material would result in a number of lorry movements to the site this can be suitable controlled by condition and monitored by Planning Enforcement, and the use of the site as a multi-use facility would have wider economic and recreational benefits. As such, the development complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and therefore the application is recommended for approval.

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

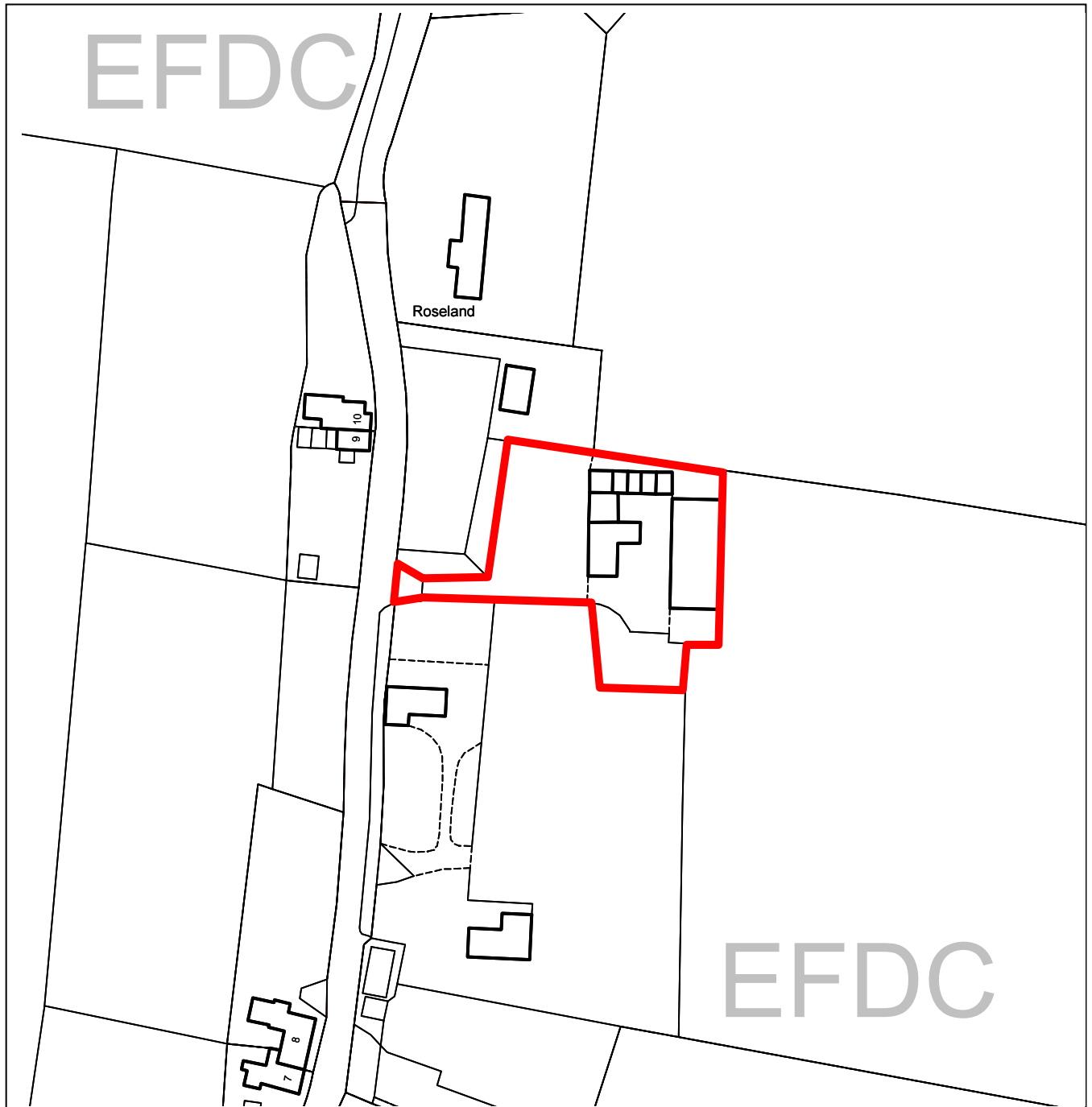
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

AGENDA ITEM NUMBER 3



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Application Number:	EPF/3005/14
Site Name:	Barkers Farm, Mount End Road Theydon Mount, Epping CM16 7PS
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/3005/14
SITE ADDRESS:	Barkers Farm Mount End Road Theydon Mount Epping Essex CM16 7PS
PARISH:	Theydon Mount
WARD:	Passingford
APPLICANT:	Mr L Barker
DESCRIPTION OF PROPOSAL:	Change of use of former farm office and dairy building and barn to create one live/work unit.
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=572597

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: Site Plan, 09-189/01, 09-189/02, 09-189/03, 09-189/04, 09-189/05, 09-189/06
- 3 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, roof enlargements or outbuildings generally permitted by virtue of Classes 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.
- 4 The premises shall be used solely for mixed use comprising use for purposes within Use Classes C3, B1(b), B1(c) and B8. and for no other purpose (including any other purpose in Use Class B1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 5 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by

another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

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 comprises land that is the farm yard of a former farm. It is situated off the east side of Mount End Road within Mount End. Land rises east of the site and somewhat less steeply to the north. It is within the Green Belt.

The site comprises a substantial two-storey brick built building originally constructed as a dairy building and farm office. It is referred to as the dairy building in this report. A single storey wing projects to the rearwards from the main bulk of the building adjacent to the northern site boundary. It extends up to a substantial modern barn, a former stock building that is now divided into 4 units.

The site also includes a large tarmac surfaced parking area between the former dairy and the highway from which the site is accessed. A grassed area immediately south of the former dairy and barn, approximately 22m by 22m, is included within the application site.

Description of Proposal:

Change of use of former farm office and dairy building and barn to create one live/work unit. Submitted plans show the dairy building would be wholly laid out as a dwellinghouse with the single-storey projection used as storage. The barn would be used for mixed purposes within Use Classes B1 and B8, with such use being carried out by the occupants of the new dwellinghouse.

The proposal includes works to infill an undercroft area between the parking area to the front of the building and a yard area to the rear between it and the barn. The infilled part of the building would form a living room. Its front elevation would be enclosed by glazed bi-fold doors.

No other alterations to the exterior of the building are proposed.

Relevant History:

EPF/0542/95 Retention of existing barn of approx 250m² and retention of mobile home for 2 years. Refused 11/10/1995, appeal T/APP/J1535/A/95/261010/P7 allowed 11/12/1997. The mobile home was given a temporary consent restricting its occupation to ensure a justification for its retention in connection with the purpose of agriculture on the holding remained. The mobile home is no longer on site.

EPF/0167/96 Retention of mobile home and dairy unit. Refused 24/04/1996, appeal T/APP/J1535/A/95/269395/P7 allowed 11/12/1997. The mobile home is no longer on site.

CLD/EPF/0600/02 Certificate of lawful development for construction of existing parking area in front of dairy building. Granted 20/05/2002 on the basis that the parking area had existed for more than four years.

- EPF/1482/03 Change of use of milking parlour and dairy to office use and conversion of part of stock building to light industrial use. Refused 25/02/2004, appeal APP/J1535/A/04/1143629 allowed 06/09/2004.
- EPF/0395/05 Insertion of two new dormer windows to front and side to front building. Approved 29/04/2005
- EPF/2342/07 Change of use from farm office and ice cream parlour to a one bedroom supervisory unit of accommodation for existing goat farm. Refused 12/12/2007, appeal APP/J1535/A/08/2065857 dismissed 15/09/2008.
- CLD/EPF/2311/09 Certificate of lawful development in respect of residential use of part of former dairy building. Appeal against non-determination dismissed 08/02/2012 (PINS ref APP/J1535/X/11/2152045).
- CLD/EPF/1066/11 Certificate of lawful development for works of alteration to the exterior and interior of former farm office. Refused 25/08/2011 on the basis that the claim was unclear and appeared to amount to a claim in respect of the use of the building as a dwellinghouse that was the subject of the Appeal in respect of application CLD/EPF/2311/09.
- EPF/2390/13 Application for a determination as to whether prior approval of the LPA is required for the use of part of the former dairy building as a dwellinghouse. Refused 24/12/2012 on the basis that proposed use was not Permitted Development since the building was not in lawful use as an office immediately before 30 May 2013 or prior to that date and, even if it were, insufficient information had been submitted to deal with the matter of potential land contamination.
- ENF/0062/11 Enforcement notices issued 06/07/11 alleging change of use of part of dairy building from B1 Office Use and use of summerhouse to residential purposes as a separate dwellinghouses. Notices found to be invalid and quashed at appeal on 08/02/2012 (PINS ref APP/J1535/C/11/2157758).

Subsequent enforcement notice issued 02/08/2013 alleging change of use of the whole of Barkers Farm to a mixed use including residential purposes. Subsequent appeal dismissed and Notice upheld on 01/07/2014 with variations (PINS ref APP/J1535/C/13/2204446). The requirements of the Notice include cessation of the residential use of the dairy building.

NOTE: None of the above enforcement notices were appealed on the ground that planning permission should be granted. The planning merits of the alleged uses were therefore never considered by the Planning Inspectors who heard the appeals.

Policies Applied:

The National Planning Policy Framework (NPPF) sets the policy context for assessing the development proposals. The policies of the District Councils Local Plan and Alterations are given weight in accordance with their conformity with the NPPF. The following saved Local Plan and Alteration Policies are compliant with the NPPF and are therefore given significant weight.

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
GB2A	Development in the Green Belt
GB8A	Change of Use or Adaptation of Buildings

ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
RP4	Contaminated Land
RP5A	Adverse Environmental Impacts
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes

In addition to the above policies, the Essex County Council Parking Standards 2009 are a material consideration of significant weight.

NOTE: - Local Plan and Alteration policy GB9A – Residential Conversions, is not compliant with the NPPF and therefore is not a material consideration

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 9

Site notice posted.

Responses received:

11 MOUNT END: - Objection

Reference made to appeal APP/J1535/C/13/2204446 pointing out a requirement of the notice is the cessation of residential use of the site and maintaining that it is not clear whether all the requirements of the notice had been complied with. It is pointed out the Appellant had an award of costs made against him and it is questioned whether those costs were paid to the Council.

There is a presumption against residential use in the Green Belt, especially where the applicant seeks to achieve such use by deception. The applicant should not be allowed to benefit from his deception.

THEYDON MOUNT PARISH COUNCIL: Objection

Theydon Mount Parish Council objects to this proposal. The Parish Council is of the opinion that the applicant's activities over many years have been nothing more than a blatant attempt to achieve a dwelling in the Green Belt. The Parish Council further notes the Inspector, in his dismissal of an earlier appeal in relation to the site [Appeal Decision APP/J1535/C/13/2204446] states, among other things, that "...Mr Barker has carried out a deliberate campaign to confuse and obscure facts in relation to residential use of the Farm Office, making whatever assertions served him best at different times" [p.10 para 56].

The applicant has a long history of attempting to establish a dwelling on this Green Belt site and the Parish Council requests that this application be refused.

Main Issues and Considerations:

The application site is not within any flood risk zone and is not known to have any interest for biodiversity or to be likely to include contaminated land. In relation to the matter of biodiversity, the site does not contain any traditional timber framed building or traditional farm building. The site is not in a conservation area, does not contain any listed buildings and is not adjacent to any such building. There are no preserved trees on the application site.

The proposal would not have any adverse impact on the safe and free flow of traffic on the adjacent highway. It would also result in a good standard of accommodation with no significant change to the layout of the site or the appearance of existing buildings. Accordingly, the main matter to assess when considering the merits of this proposal is whether it is inappropriate development in the Green Belt. Other matters to consider are sustainability and consequence for living conditions.

Appropriateness in the Green Belt, and comments on representations received:

The planning history set out above is a material consideration, but it is not of significant weight when assessing compliance with planning policy. A previous planning application proposing residential use of part of the dairy building (EPF/2342/07) was put forward on the basis that the use was required in connection with agriculture. Planning permission was refused and a subsequent appeal dismissed on the basis that there was no evidence of agricultural need for the proposed dwelling. In this case the proposal is not put forward on the basis of agricultural need, but on the basis that it is not inappropriate development of itself. Furthermore, the National Planning Policy Framework has created a different planning policy context within which this proposal should be assessed.

The Council's first enforcement notices attacking residential use of buildings as dwellinghouses (issued in July 2011) together with the subsequent appeal decision that the notices were invalid (February 2012) both preceded the NPPF. The effective notice (issued in August 2013), attacked a mixed use of the whole of Barkers Farm on the basis that the use as a whole results in an intensification of the use of the site that is harmful to the openness of the Green Belt and consequently amounts to inappropriate development. In making that assessment the officer report recommending enforcement action gave very significant weight to Local Plan and Alteration Policy GB9A. Policy GB9A only permitted the reuse of buildings in the Green Belt for residential purposes if they are worthy of retention and either the building is not appropriate for re-use for business purposes, is a subordinate part of a scheme for business reuse or is required in connection with agriculture. That policy has since been found to be not compliant with the policies of the NPPF. It therefore cannot be applied to this application. Moreover, the current proposal does not relate to Barkers Farm as a whole, but only the most intensely developed part of it.

The primary policy against which the matter of appropriateness in the Green Belt must be assessed is that set out in paragraphs 79 to 92 of the National Planning Policy Framework. That has been the policy position since March 2012. Moreover, as pointed out above, the appeals against the enforcement notices issued in 2011 and 2013 were not made on the ground that planning permission should be granted therefore it did not fall to the Planning Inspectors to consider this matter. Consequently, the decisions on those appeals are of very limited weight when considering the merits of this proposal. No significant weight can be given to the previous behaviour of the applicant when assessing whether or not this proposal is inappropriate development in the Green Belt. Equally, no weight can be given to whether or not the requirements of the effective enforcement notice have been complied with or whether or not the Council's successful costs claim has been paid. The concern of the Parish Council, while focusing on the planning history and applicant's behaviour, does stem from its concern regarding the Green Belt which this report is primarily concerned with.

Paragraph 90 of the NPPF makes clear the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction, and that the new use preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

There is no doubt the dairy building and barn are permanent and substantial buildings. They have been inspected by planning officers and planning enforcement officers in connection with the most

recent appeals. They were also previously inspected by Council Building Inspectors in connection with internal works carried out in 2006.

The new use would not result in any additional structures being built since it is entirely dependant on existing buildings and hard surfacing. The proposed alterations to the dairy building would not increase its size. At most, fencing in some form would be erected to enclose the grassed area south of the building to give reasonable privacy to a private garden, and planning conditions can be used to control its appearance and secure appropriate landscaping at the site. Furthermore, the size of the proposed garden is very modest in relation to the size of the dairy building. Activity generated by the mixed use would be no more, and probably less, than that likely to arise if the buildings were used for agriculture or for light industrial and office purposes as previously permitted under planning permission reference EPF/1482/03. In the circumstances it is concluded the proposed use would not have any greater impact on the openness of the Green Belt than the lawful or previously permitted uses. Should planning permission be granted, however, it is necessary to impose a planning condition removing permitted development rights for extensions and roof enlargements to the dwelling and for the erection of outbuildings within its curtilage. Since the application site defines the curtilage of the dwellinghouse, it is not necessary to include a condition restricting the size of the curtilage of the dwellinghouse to the application site. That is because, as a matter of law, planning permission would be required to enlarge it.

Given the lack of harm to openness, the reuse of the application site as proposed would not adversely affect the first three of the five purposes of including land in the Green Belt (para 80 of the NPPF) – i.e. checking unrestricted sprawl, preventing neighbouring towns merging and safeguarding the countryside from encroachment. The other two purposes (preserving the special character of historic towns, and assisting in urban regeneration) are not relevant in this context.

Conclusion on Appropriateness:

Having regard to the above analysis it is concluded the buildings to be re-used are of permanent and substantial construction, the proposed new use would preserve the openness of the Green Belt and it would not conflict with the purposes of including land in Green Belt. It is therefore concluded the proposal is not inappropriate development in the Green Belt.

Sustainability:

The reuse of redundant buildings is of itself a sustainable form of development. The location of the site within the centre of a small hamlet not served by shops and other services is such that the new use will be car dependent. However, it would be no more dependant on the private car than any other dwelling within the hamlet and most probably less so. That is because the dwelling would be linked to the business use of the barn, potentially reducing the need for the occupants of the dwelling to travel elsewhere for employment.

Living Conditions:

It is not clear from the application what precise activities would take place within the barn. In order to ensure such activities do not result in poor living conditions for neighbouring dwellings, or indeed the proposed dwelling, it is necessary to restrict the uses within Use Class B1 to Use Classes B1(b) and (c) [research and development of products and any industrial process which can be carried out in any residential area without detriment to the amenity of the area]. Use Class B1(a) [offices] of the barn as a whole is undesirable since it would be likely to result in a significant number of people who do not live at the new dwelling accessing the barn via the more private areas of the dwelling, with the potential to cause excessive harm to its privacy.

Conclusion:

The proposal complies with relevant planning policy and it is recommended that planning permission be granted. The planning history of the site and the behaviour of the applicant in particular are recognised but they do not attract significant weight when assessing the planning merits of the proposal. The applicant's previous behaviour cannot reasonably form the basis for withholding consent.

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:

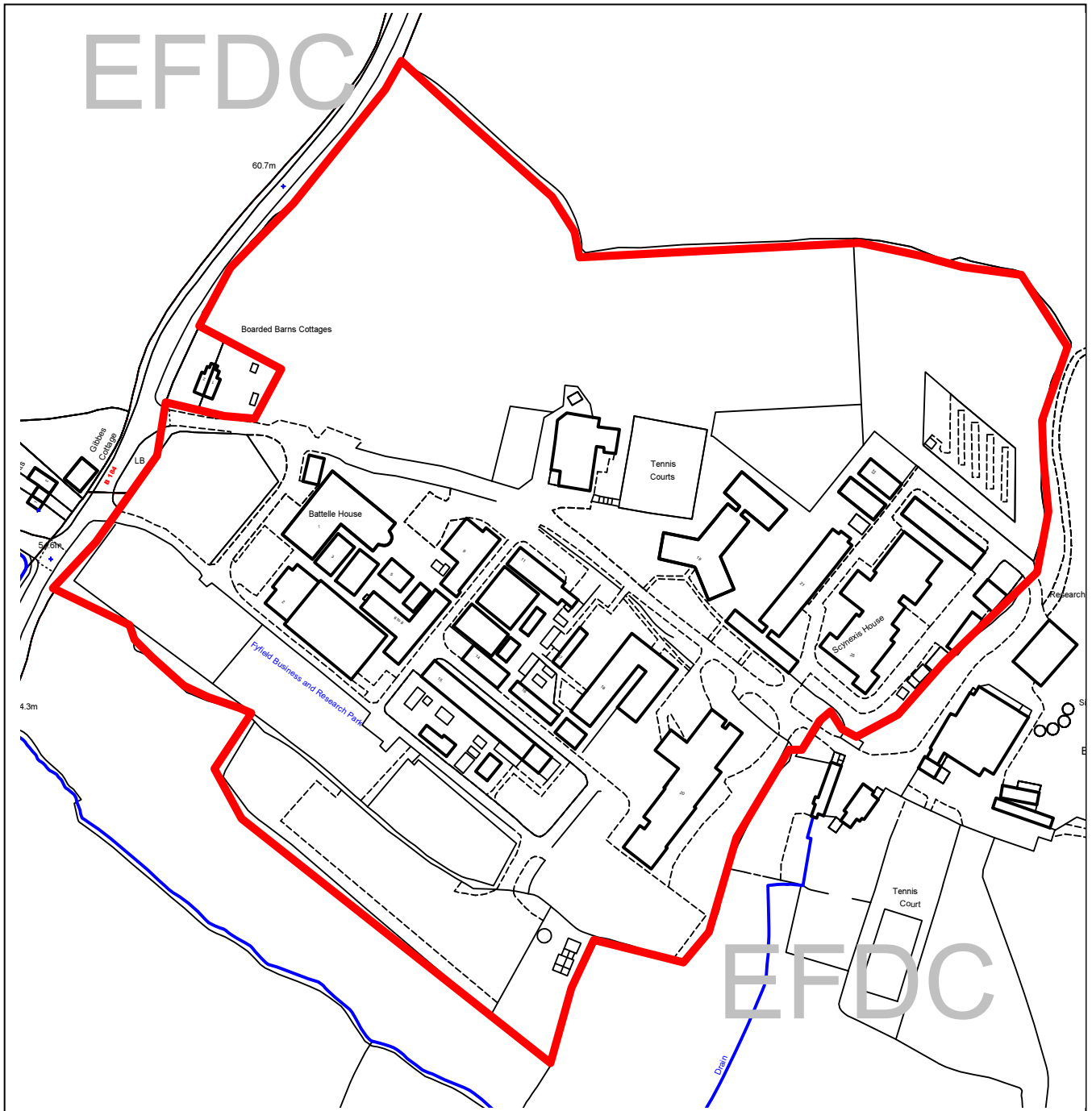
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/3006/14
Site Name:	Fyfield Business and Research Park Fyfield Road Chipping Ongar CM5 0GN
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/3006/14
SITE ADDRESS:	Fyfield Business and Research Park Fyfield Road Chipping Ongar Essex CM5 0GN
PARISH:	Ongar
WARD:	
APPLICANT:	Fyfield Joint Venture (FJV)
DESCRIPTION OF PROPOSAL:	Outline planning permission for mixed use redevelopment comprising the retention of part of existing business park and community facilities, provision of new car parking to serve retained uses, extension to existing cafe to provide 140m2 new retail space, and provision of recreational facilities including relocated MUGA play area and junior football pitch, and the removal of other existing buildings on site and the erection of 105 no. residential dwellings together with associated car parking, public open space, landscaping as well as construction of a new site access, including a roundabout off Fyfield Road.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=572613

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
4644 PL100 Site Location Plan
4644 PL101 Existing Site Plan
4644 PL110 P2 Site Layout
4644 PL111 P2 Residential Layout 1 of 2
4644 PL112 P1 Residential Layout 2 of 2
4644 PL120 P2 Refuse Strategy
PR119352-10H Landscape Masterplan

- 2
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) appearance;
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 The maximum number of dwellings permitted by this consent is 105 units of the mix specified on drawings 4644 PL110 P2, 4644 PL111 P2, 4644 PL111 P2 and 4644 PL112 P1. These dwellings permitted shall not exceed 9m in height.
- 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 development generally permitted by virtue of Class A, C or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 The garages, car ports and parking spaces hereby approved shall be retained in perpetuity and kept free from obstruction at all times so that they are permanently available for the parking of vehicles.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 No development shall take place, including any ground works or 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 the following all clear of the highway:
- safe access into the site
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities
- 13 Prior to first occupation of the development, the provision of the access arrangements, as shown in principle on drawing PL110 Rev P2, shall be implemented, to include but not restricted to:
- The provision of the roundabout access
 - Bus stops either side of the B184 to ECC specification, to include shelters if possible.
 - Provision of a footway link from the site to tie into the existing to the south. All details to be agreed with the Highway Authority.

- 14 The existing southern access shall be permanently closed and replaced with full upstand kerbs and full depth verge, the existing northern access shall be closed to vehicular traffic with the exception of emergency vehicles, by way of bollards or other means as agreed with the Highway Authority, immediately the proposed new access is brought into use. All details to be agreed with the Highway Authority.
- 15 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 16 There shall be no discharge of surface water onto the Highway.
- 17 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 18 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.
- 19 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.
- 20 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
 - i) A detailed proposal for the creation of the wildlife/conservation area (including the pond) in the north-eastern area of the site. This will include mapping and species lists.
 - ii) A five-year management plan detailing the development and monitoring proposals of the north-eastern wildlife/conservation area over five years including scheduling and responsibilities.And the development shall be carried out in accordance with the approved details.

- 21 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A detailed description including mapping of the creation, position, species planting lists and future maintenance of the attenuation ponds.
And the development shall be carried out in accordance with the approved details.
- 22 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A detailed description of the type of lighting, positioning and recommended minimal timings of use of lighting, if any is to be used for the football pitch in the northwest area, in order to be sensitive to badgers.
And the development shall be carried out in accordance with the approved details.
- 23 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A proposal to address the issue of the ventilation unit on the roof of Unit 25 to avoid bats being killed recklessly.
 - ii) A copy of the application made to Natural England for a European Protected Species licence. Such application will cover the bat mitigation scheme, timing issues, material usage in the new build and details of soft-felling of trees.
 - iii) A copy of the European Protected Species licence from Natural England allowing buildings to be demolished that are being used by bats.
 - iv) Details of an artificial lighting plan to be used during and post development to include type and timings and following Natural England's guidelines.
And the development shall be carried out in accordance with the approved details.
- 24 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) Detailed schedule of the method, timing and location of any tree felling in order to avoid the bird breeding season and details of procedure should any nests be found and details of the responsible contractor.
And the development shall be carried out in accordance with the approved details.
- 25 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A methodology including timings of the vegetation clearance and soil scraping of the northwest area of the site in order to be sensitive to reptiles and details of the responsible contractor.
And the development shall be carried out in accordance with the approved details.
- 26 The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (Royal HaskoningDHV, Ref: 9Y1364/R0006/310055/Egha, dated 19 December 2014) has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 27 The development be carried out in accordance with the flood risk assessment (Fyfield Business Park, Fyfield Road, Chipping Ongar Flood Risk Assessment and Surface Water Management Plan, Ref 9Y1364, 19 December 2014) and drainage strategy, including drawing no. 9Y1364/FRA/01 Revision D2 and subsequent calculations provided by Royal Haskoning DHV on 05.02.2015 submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.

- 28 Prior to the commencement of works the developer shall supply the Local Planning Authority with details of surface water drainage. This should include the method of flow control with associated discharge rate, all permeable paving subbase depths, definitive volumes of the attenuation features and pipe sizes throughout the development. These details should then be approved in writing before works start and the development should be carried out in accordance with the approved details.
- 29 No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the letter dated 6th February.
- 30 All main highways and turning areas within the application site required for refuse collection shall be constructed to a standard sufficient to accommodate the weight of a fully loaded 32 tonne refuse vehicle.
- 31 Prior to the commencement of works the developer shall submit details for the proposed playing pitch layout on the proposed playing field. This shall be approved in writing and the development shall be carried out and maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 32 No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority:
(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
(b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- 33 The playing field and pitches shall be constructed and laid out in accordance with the submitted details and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first occupation of the development hereby permitted.
- 34 The artificial grass pitch hereby permitted shall not be constructed other than in accordance with the design and layout details set out in the planning application EPF/3006/14 unless otherwise agreed in writing by the Local Planning Authority.
- 35 No development shall commence until details of the design and layout of the artificial grass pitch have been submitted to and approved in writing by the Local Planning Authority. The artificial grass pitch shall not be constructed other than substantially in accordance with the approved details and shall be maintained thereafter in accordance with the agreed details.

- 36 Prior to commencement of works details shall be submitted to and approved in writing by the Local Planning Authority for the detailed design of the sports pavilion. The facilities shall be designed in accordance with Sport England's Pavilions and Clubhouses guidance note and the FA's Changing Accommodation guidance.
- 37 Prior to the commencement of works the developer shall submit to the Local Planning Authority and have approved in writing details of the car parking provision dedicated for supporting the use of the sports facilities. The details should include the layout of the car park, confirmation of the spaces dedicated to sports use and details of how the car parking will be managed. The development shall then be carried out and maintained thereafter in accordance with the approved details.
- 38 No development shall commence until details for the phasing of the development, including the provision of the playing pitch, artificial grass pitch and sports pavilion, have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure that the development hereby permitted ensures a continuity of sporting provision on site and provision of sporting facilities prior to residential occupation. The development hereby permitted shall not be carried out other than in accordance with the approved details and shall be maintained in accordance with these details thereafter.
- 39 Prior to the commencement of works the developer shall provide details regarding the provision and retention of fire hydrants on the application site, the location of the fire hydrants and confirm the associated water capacity. These details shall be approved in writing by the Local Planning Authority and the development shall be carried out and maintained thereafter in accordance with the approved details.
- 40 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.
- 41 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.
- 42 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 43 Notwithstanding the detail on the approved plans, Prior to the commencement of works the developer shall provide details of provision for 44 affordable units (42% of the development) on the application site of a mix and tenure and location to be

agreed in writing by the Local Planning Authority. The development shall be carried out and maintained thereafter in accordance with the agreed details.

Subject to the applicant entering into a Section 106 Legal Agreement within 6 months for the developer contributing in respect of the following:

- 1. Financial education contribution of £116,726.00 towards early years and childcare provision, £245,700.00 towards Primary School Transport and £79,852.00 towards Secondary School Transport.**
- 2. Provision of on site affordable housing comprising 44 homes and 42% of the development with a mix reflective of on site provision with the exception of 4 bedroom units and a tenure of 70% affordable rent and 30% shared ownership.**
- 3. Provision of highway alterations comprising the stopping up of existing accesses and provision of the proposed roundabout. Provision of new bus stops on both sides of the B184 and a footpath link to Ongar.**
- 4. Provision of sporting provision as per recommendations from Sport England.**
- 5. Appointment of a residents based maintenance company for the maintenance of open spaces within the development.**

This application is before this Committee since

- i) it is an application contrary to other approved policies of the Council, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(b))*
- ii) 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))*
- iii) 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).)*
- iv) 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 covers an area of 9.35 hectares, of which 5.65 hectares is developed, located entirely within the Metropolitan Green Belt, to the north east of Ongar. The site is occupied by Fyfield Business Park. It is surrounded by and includes many mature and established trees, which are notable in their contribution towards the character of the site. There are no Tree Preservation Orders on the site.

Land to the immediate north and south of the site is used for agriculture and there are residential properties to the west and east (on the opposite side of the B184).

The business use of the site evolved from its original use for agricultural research and development. As a result not all buildings of the site are purpose built, or indeed suitable for occupation by businesses. However, a number of employment uses are now well established on the site.

Description of Proposal:

The proposed development seeks outline permission for a mixed use redevelopment of the site comprising retention of the existing business park on the northern side of the site, community facilities, provision of new car parking to serve these uses, extension to the existing café to provide new retail space and provision of a junior football pitch and MUGA (multi use games area) play area. Other buildings on the southern side of the site are to be removed to permit the erection of 105 residential dwellings, associated parking, open space and landscaping. The proposals include the formation of a new site access and roundabout.

As an outline application the applicant seeks permission for access, landscaping, layout and scale. Matters regarding appearance would be determined at Reserved Matters stage.

Relevant History:

The site has an extensive planning history, most relevant being;

EF\2014\ENQ\01266 – Paid pre-application advice regarding the proposed scheme.

EPF/0916/14 – EPF/0920/14 (x6 applications) Prior Notification for Change of Use from Offices (B1a) to Dwelling (C3) – Prior Approval Required and Granted.

EPF/1976/13 – EPF1981/13 (x6 applications) Prior Notification for Change of Use from Offices (B1a) to Dwelling (C3) – Withdrawn

EPF/0207/11. Outline planning application for the redevelopment (in 3 phases) of Fyfield Business Park comprising the removal of all existing buildings except 2 no. office buildings, a Grade II stable block and a crèche building and existing hardcourt recreation area and changing facilities. Erection of 12 no. one and two storey office buildings equating to a gross external area of 17,071m². Construction of new site access, including a roundabout off Fyfield Road. Provision of a new cricket pitch and additional amenity space. Comprehensive landscaping scheme including new trees, shrubs and hedges. Provision of a total of 521 car parking spaces and 234 cycle parking spaces. - ALLOWED on appeal after it was refused for the following 2 reasons:

- 1) *The proposed development is inappropriate development, by definition harmful to the Green Belt. Whilst it is accepted that some redevelopment may be justified due to the history and circumstances of the site, the case put forward by the applicant is not sufficient to outweigh the very real harm to openness that would result from the significant intensification of development proposed within the site. The proposal is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to Government Guidance.*
- 2) *The applicant has failed to show that the amount of floorspace envisaged could be achieved without the construction of two storey buildings in a position that would be visually prominent and intrusive when viewed from Fyfield Road. The development would therefore be harmful to the rural character, openness and visual amenity of the area contrary to policies GB7A and LL2 of the Adopted Local Plan and Alterations.*

EPF/2200/06. Outline application for mixed use development comprising 90 no. new dwellings, retained employment, community facilities, associated parking, open space, landscaping and new access arrangements. Refused for the following reasons (and appeal dismissed):

- 1) *The site is within the Metropolitan Green Belt. The proposal represents inappropriate development and is therefore at odds with Government advice, Policy GB2 A of the adopted Local Plan and Policy C2 of the adopted Replacement Structure Plan for Essex and Southend on Sea. The latter state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use, or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries or similar uses which are open in character. The application for 90 proposed new dwellings fails to comply with Policy GB2A, resulting in considerable harm to the Green Belt. No very special circumstances have been put forward by the applicant which are considered to outweigh the harm to the Green Belt.*
- 2) *The site is an isolated site to the north of Ongar in a rural area. The scheme will see the loss of employment land, promote commuting, and will not enhance the rural environment. It is poorly served by public transport and most access will be by private motor vehicle notwithstanding the proposed bus service. Therefore the proposal does not constitute a sustainable development in this rural location, contrary to policy CS1 and CS4 of the adopted Replacement Structure Plan for Essex and Southend on Sea, and CP1, 2, 3, & 9 of the Adopted Local Plan*
- 3) *There will be an unacceptable loss of employment land on the site contrary to policy BIW4 of the adopted Replacement Structure Plan for Essex and Southend on Sea and E4A of the adopted Local Plan.*
- 4) *The application contains insufficient information on highway efficiency/capacity, safety and accessibility to enable the Highway Authority to assess whether or not it complies with Structure Plan Policies CS5, T1, T3, T6 & T8*

Policies Applied:

CP1- Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 - New Development
CP4 - Energy Conservation
CP5 - Sustainable Building
CP6 - Achieving Sustainable Urban Development Patterns
CP7 - Urban Form and Quality
CP8 – Sustainable Economic Development
CP9 - Sustainable Transport
GB2A – General Restraint
GB7A – Conspicuous Development
RP4 – Contaminated Land
U2B – Flood Risk Assessment Zones
U3B – Sustainable Drainage Systems
DBE1 – New Buildings
DBE2 – Impact of Buildings on Neighbouring Property
DBE4 – Design and Location of New Buildings within Green Belt
DBE5 – Design and Layout of New Development

DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity space
DBE9 – Amenity
H3A - Housing Density
H4A – Dwelling Mix
H5A - Affordable Housing
H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
NC4 – Protection of Established Habitat
LL1 – Rural Landscape
LL2 – Resist Inappropriate Development
LL3 – Edge of Settlement
LL10 – Retention of Trees
LL11 – Landscaping Schemes
HC12 – Development affecting the setting of Listed Buildings
ST1 - Location of Development
ST2 - Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
ST7– Criteria for Assessing Proposals (new development)
I1A – Planning Obligations

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

Summary of Representations

67 neighbouring consultations have been sent out and three site notices were erected on 25th February 2015. Officers have visited the site on a number of occasions during paid pre-application discussions and again on 25th February to erect site notices. A press advert was also provided for this application.

The following properties have submitted objections:

BOARDED BARNS FARM, TEES LAW (ON BEHALF OF BOARDED BARNS), FOLYATS, LITTLE FOLYATS, SHELLEY LODGE, GIBBS COTTAGE, WALSHAWS, ALISHA TOOT HILL, UPPER HERONS AND CULPEPER HOUSE IN QUEEN STREET.

The objections raised are:

Urbanisation of the Green Belt, urban sprawl, cramped development, overdevelopment of the site, proposals have small gardens and fail to increase any employment benefits on the site. The site has a dangerous absence of a safe pedestrian route to Ongar, and provision of a safe route would be a problem with ownership issues, repositioning of drainage ditches and lighting harming the Green Belt. The grid layout of the development is unsuitable in a rural area, the site is contaminated, the proposed roundabout is dangerous, the proposals would result in an increase in traffic movements locally, the road in this area floods during periods of high rainfall and in winter this is prone to freezing. The area has inadequate sewage capacity and there are concerns if the pumping station fails. There are also generic surface water concerns. Light, air and noise pollution arising from 105 homes. Inadequate infrastructure locally in terms of schools, doctors and transport. Proposed street lighting out of character in rural area (existing columns are less than 10ft), provision of housing can not ever meet demand so the cycle of provision should not be

pursued. Vehicle access issues in relation to Boarded Barns Farm, no security fencing around the residential estate and insufficient parking. A similar development in 2007 was refused and the appeal dismissed. The area does not have adequate service infrastructure and the provision of such infrastructure in a rural area is unacceptable.

The principle of redevelopment of the site is noted and the existing permissions and prior approvals from 2012 and 2014. However it is requested the setting of the listed building, Boarded Barns Farm, is carefully considered. The scale and spread of development is greater than should be permitted under paragraph 89 of the NPPF (notwithstanding the footprint), existing open areas will become enclosed gardens and the buildings extend closer to the site boundaries having a greater impact on the Green Belt. 40% of affordable housing provision on a site so isolated is inappropriate. Trees retained would be under future pressure for trimming or removal due to location in garden areas. A reduced scheme should be submitted.

A resident from Heron's Lane has raised concern that residents of this street were not consulted for this application. There is also concern that residents in Clatterford End and Fyfield were not notified. By this neighbour's own admission, the site is separated from these neighbours by approximately a mile. At this distance whilst construction or highway works may impact on vehicle movements of these residents in the short term, and these properties may be able to see the proposed development, the separation distance negates any possible significant impacts to these properties by way of overlooking, overshadowing or loss of privacy. For this reason Officers are satisfied it is not necessary to notify properties this widely of the application. Members are reminded that in addition to neighbouring letters issued, three site notices were erected around the site and advertisements were made in the local paper.

ONGAR TOWN COUNCIL: Ongar Town Council do not oppose residential development at this brownfield site and do not adopt all of the reasons for refusal suggested by some objectors, especially those concerning social rather than planning considerations. The Council do however strongly object to the application in its current form. It is anticipated that many of the issues raised concerning environmental and infrastructure issues may be resolved or be capable of resolution by way of conditions applied to any approval. The Council does not feel that the current layout and style of building are necessarily appropriate and would like to see some flexibility in any permission granted so as to retain the maximum freedom of decision making at the detailed planning stage.

The Town Council has great concern about road safety and transport issues and does not feel that the present application effectively addresses these. It is noted that the reasons cited in the developers marketing report show these as cogent reasons for the failure to attract commercial tenants. The same issues are exacerbated for residential occupation and while it is accepted that the pressure for housing means the present proposal could be financially successful, it should not go ahead without soundly developed and effectively applied measures to assure the safety of future residents who will include children and possibly disabled or vulnerable persons in numbers far greater than is the case for industrial or commercial use.

Until the access and transport issues are fully addressed the Town Council has no option but to strongly oppose this application.

Issues and Considerations:

Principle of development in the Green Belt

Development within the Green Belt is defined as inappropriate in principle as it inevitably impacts on openness and the purposes of including land in the Green Belt. The proposals are therefore inappropriate unless falling under one of a number of identified exceptions from the NPPF and local policy. Paragraph 89 of the NPPF permits the partial or complete redevelopment of previously developed sites (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.

In this instance it needs to be considered that the proposed development extends closer to the south and west boundaries than the existing built form therefore it can be argued this has a greater impact on openness than the existing development, contrary to paragraph 89 of the NPPF. However, Members should consider that the proposals already permitted at appeal in 2012 extend to a similar location on the western boundary.

The applicant has submitted details as follows in respect to the scale of the buildings onsite:

	Footprint (sqm)	Gross External Area (sqm)*	Volume (cubic m)
Existing site	12,105	16,148	59,867
EPF/0207/11 approved at Appeal in 2012	10,575	18,950	71,762
Proposed scheme (new buildings plus those to be retained)	9,648	17,842	58,879

** Gross External Area is the area of a building measured externally at each floor level and is a measurement used by the RICS.*

From this information it is clear that the proposed new development results in less structures onsite than currently exists and less than was previously approved.

For Members ease of reference in 2006 the appeal inspector deemed that the proposal being considered at that time would result in around a 40% increase in volume of buildings. Full figures are not available for comparison as this was an outline application accompanied by less information. The 2006 proposals also sought a larger development area to accommodate the larger volume of buildings. The Planning Inspector that dismissed this appeal placed significant weight on this increase, the associated impacts to local views into and around the site and the unsustainable nature of the site. This decision was however reached prior to the adoption of the NPPF, the presumption in favour of development and the increased pressure to make provision for a 5 year supply of housing. At the time this application was also considered to result in an increase in vehicle journeys on the existing use of the site. Since this application was dismissed at appeal a greater number of traffic movements have been permitted to retain a solely employment function at the site, the need to retain employment sites is less fundamental in the NPPF and the proposals currently being considered, whilst being for a greater number of properties, result in a smaller overall volume increase than that considered in 2006. This arises from a combination of smaller buildings proposed and more demolition being involved.

Reviewing the history associated with the site and the requirements of paragraph 89 of the NPPF, it must be considered that as the development proposed extends further towards the southern boundary of the site than existing buildings and the previous consented scheme, then the proposals have a greater impact on openness and therefore should be considered contrary to paragraph 89 and policy GB2A. Consistent with the Inspector's decision in 2012, Officers conclude that as the proposed development would extend into greater areas of the site, the development would have a greater impact on openness than the existing business park or the previous approval and as a result the proposed development would constitute inappropriate development in the Green Belt. We therefore need to assess whether other factors amount to very special circumstances sufficient to outweigh this harm.

Green Belt other considerations and sustainability

When assessing impact to the Green Belt and the principle harm as established, other merits of the scheme must also be considered. Weighed against the harm to openness arising from the sprawl in the footprint of the buildings is the benefit from the clear reduction in the overall scale, volume and bulk of buildings as demonstrated by the figures above. In addition, the proposals would make effective use of a currently underutilised site which is previously developed land. This adds significant weight in favour of the scheme, this view concurs with the previous Inspector's decision in 2012.

The Council as a whole is currently seeking provision of new homes to contribute to a 5 year supply of land that is currently not met. The Council has agreed that the best way to secure such land provision is through the use of brownfield sites first. The redevelopment of this site would contribute to this wider Council objective and contribute to the Council's 5-year land supply.

The proposals must also be considered in the context of the golden thread of Sustainability underpinning the NPPF. This means that sites should be brought forward for development where they are sustainable (the presumption in favour of sustainable development paragraph 14 of the NPPF). A site is considered Sustainable if the development and site meet social, economic and environmental objectives, namely a neutral or positive balance. In this instance, the provision of housing where a 5 year land supply is absent and a development that makes provision for both market and affordable housing also meets the Council's social objectives. In respect of economic considerations, the retention of existing businesses on site, provision of structures to allow relocation of businesses where required and the ability to introduce alternate development (residential) where business units are under used, contributes to the local economy in terms of productivity and spending power locally, thus meeting economic objectives.

Considering environmental impacts, the site location is such that the separation distance from the main settlements is not desirable. The access road has no pedestrian link and as outlined above there is a sprawl across the site with the proposed buildings when compared with the existing layout. However, balanced against the harm in terms of spread is the gain in terms of the reduction in structures, the opportunity to make housing provision on brownfield land as opposed to needing to potentially release open land elsewhere in the District and the proposals to incorporate a pedestrian link along the B184 (Fyfield Road) and introduction of a bus stop, make every possible effort to improve the sustainability credentials of the site. Whilst it is appreciated the distance to Fyfield and Ongar main centres cannot be changed, the accessibility of goods and services in the Ongar centre are improved as much as possible. Considering all the above matters, Officers consider the proposals to accord with the requirement to be sustainable development and as such, the presumption in favour of development should be applied, due to the wider benefits to openness in the Green Belt and the effective use of the site making a significant provision towards housing targets and in the context of the still extant previous approval, Officers consider the wider benefits of the proposals to outweigh the in principle harm identified.

This conclusion differs from that of the Planning Inspector considering the scheme for 90 homes in 2006 and thus requires clear explanation. The Inspector in 2006 determined that the distance of the site from Ongar, even with a pedestrian footpath, was sufficient to result in dependence on private vehicles. The result being the proposals would result in an unsustainable increase in vehicular journeys. Furthermore the separation of the site from schools, shopping areas or leisure facilities was considered sufficient to result in more car journeys, thus on balance the Inspector considered the site not sustainable. Officers consider this balance to have shifted now in favour of the merits of the site. Clearly the site location and proximity to Ongar is unchanged, however the existing use onsite now has a differing baseline of vehicle movements against which the proposals should be measured. In addition weight should be given to the currently extant permission for the commercial redevelopment of the site that would increase this threshold of vehicle movements to a greater degree than the residential use now proposed. The current scheme includes a small retail unit and the site contains an established crèche.

Finally, the sports pavilion building is noted to extend into the Green Belt to the north of the site, with the proposed shop building infilling between existing buildings. Infilling development accords with policy objectives and small scale structures for open sport and recreation are appropriate within the Green Belt.

Visual Impact

The applicants have submitted information accompanying their application regarding visual impact. The proposals have been assessed by the Council's Landscaping Officer and no concerns have been raised. The proposed development would inevitably be visible from a distance, however the existing development on site is visible to the same if not a greater degree. Therefore, Officers consider there is no greater harm to local landscapes from the proposed development than currently arises.

Officers also considered concerns raised regarding lighting impacts on the Green Belt from the estate proposed and from the roundabout and associated street lights. However, were the business park fully operational and the permission as extant implemented, then impacts in respect of lighting and the Green Belt would be as great if not greater than the impacts that would arise from smaller residential properties. In addition the benefits from lighting at junctions (and roundabouts) for safety purposes outweighs any concerns in respect of the Green Belt due to being required for infrastructure. Columns had been requested at a lesser height by neighbours, however this is not possible as the columns need to meet British Standards required. Notwithstanding this, a condition could be required regarding lighting within the estate in relation to the layout.

Housing need and affordable housing

Issues relating to housing need and the 5-year supply of housing are considered above. In respect of affordable housing, the Council seeks a provision of 40% of new residential development for affordable housing under policy H7A. This amounts to 42 units. The mix of affordable units should reflect the mix of units provided on site.

In this instance the proposed development includes the provision of 4 bedroom dwellings. Demand on the housing list for 4 bedroom homes is low, and accordingly the Council's housing team have instead asked for a greater number of smaller units in lieu of the 4 bedroom units. As such the proposals would require 42% affordable housing provision amounting to 44 units. As larger homes are clearly more profitable than smaller units, this should not impact on the viability of the scheme.

The Housing team have asked that the affordable units be 70% social rented and 30% shared ownership in accordance with Council policy. They have asked that the council's standard housing terms be applied to the S106 agreement to secure this provision.

Design

The proposals allow determination of layout, scale and landscaping but matters relating to appearance are reserved.

The proposals are designed to split the site along the existing central access, retaining and providing commercial elements to the north of the site, with residential dwellings on the southern side. This divide would ensure suitable amenity provision for future occupiers and separate traffic flows to the differing uses on site in a manner that is generally desirable.

There has been some criticism of the layout suggesting that it is grid like and unsuitable in a rural area. The proposals are of a scale where it is appropriate that an approach akin to that of the Essex Design Guide is adopted and the layout proposed has been demonstrated to retain existing views through the site, namely by retaining existing open corridors. The main access route through the centre of the site and indeed the proposed tree lined avenue into the residential area are both

identified as key strategic views for retention. The grid- like form referred to then derives itself from these spinal routes that intersect the site. The Essex Design Guide encourages a layout akin to that which is proposed as making a good use of space, being easy to navigate and providing parking areas to the rear of properties to permit overlooking and easy access but preventing the streets being dominated by parking. The layout proposed is considered acceptable, to follow design guide principles, provide garden and parking areas for all units and achieve a good landscaping provision. The proposals do result in a compact, dense development, but on an isolated site without immediate visual comparison aside from scattered isolated properties, this character is not unreasonable. As proposed the layout and form provides a robust independent character that is clearly discernible from neighbouring rural plots that are more generous in scale and the opposite commercial area.

At this stage appearance details are limited but the applicant has indicated an intention to provide typical height two storey dwellings. The Design and Access Statement supplied suggests the development height on site would range from 8-9m to allow for architectural variation and interest. Similarly, outlook from units can only be assessed once full plans are provided at Reserved Matters stage, however based on the layout proposed, there is no reason adequate outlook could not be achieved.

Heritage

The site itself contains one listed building; a grade II listed late 18th century/early 19th century stable block, which was converted to a laboratory in the 1940s when the site was developed into an agricultural research centre. The immediate setting of this building will remain unchanged and, as at present, its wider setting will be as part of a larger group of buildings. The proposal will, therefore, not have any further detrimental impact on the already eroded setting of this building.

Around the edges of the proposal site are six other listed buildings, or clusters of listed buildings. These include Gibbs Cottage (grade II, 18th century cottage) and 1-3 Church Lane Cottages (grade II 16th century with 18th century alterations) to the west, and the complex of buildings forming Boarded Barns Farm to the east. It is noted the proposed built form of the development will encroach further towards the listed cottages to the west, but they still remain visually distinct from the site given their location on the opposite side of Fyfield Road and the 'buffer' of green space between the road and the proposed housing development. The proposed houses are also of a scale comparable with the cottages and will not dominate their setting. For these reasons, the settings of the cottages will not be compromised.

As described in the Heritage Assessment, other than the stable block which was incorporated into the Business Park, the complex of agricultural buildings forming Boarded Barns Farm were sold into separate ownership in the 1950s. The buildings are listed at grade II and include the 17th century farmhouse, a late 18th century stable block to the north of the farmhouse, outbuildings dating from the 18th and 19th centuries to the north east of the farmhouse (including stables, a barn and a stallion shed), and a 16th century granary and early 19th century kennels to the west of the farmhouse. Given the established difference in ownership and uses of the Business Park and Boarded Barns Farm, a distinction between the two sites already exists. This will be maintained through the retention of the existing buildings in closest proximity to the listed farm buildings. In addition, the proposed removal of the building immediately to the west of the granary and kennels buildings will improve their setting, particularly as the proposed houses will then be positioned further away from the listed buildings.

Although the proposed development will increase the number of buildings on the site, the character of the development, due to the smaller and more sympathetically designed buildings, improved landscaping, and the introduction of visual breaks in the bulk of the building forms on site, will not cause harm to the settings of the listed buildings. The local authority will also have control over the palette of materials of new buildings, which will likely enhance the current setting which comprises functional larger buildings.

Archaeology

Historic Records demonstrate the proposed development is within the historic farmstead of Boarded Barns, other finds including a Roman farmstead are known in the vicinity and there is a possibility of palaeoenvironmental deposits from the stream to the south of the site. For these reasons there is a potential for there to be archaeological deposits on the site and Essex County Council have requested a condition to secure adequate investigations before and during construction.

Neighbouring Amenity

The application site has a number of immediate neighbours, namely 1 and 2 Boarded Barn Cottages adjacent the existing site entrance, Boarded Barn Farm to the rear of the application site, and opposite the site access, Gibbs Cottage and Church Lane Cottages.

Other neighbouring properties are located further along Fyfield Road but these are more isolated from the site and whilst may be able to view the development proposed, would not be directly impacted upon in respect of immediate outlook, access matters, overshadowing or privacy.

Gibbs Cottage and Church Lane Cottages are located opposite the proposed development, near to the existing site entrance. Whilst the proposed dwellings would encroach closer than the existing built form, to a position similar to that approved at appeal in 2012, these neighbouring properties opposite would still retain good outlook and suffer no adverse impacts by way of overshadowing or loss of privacy.

Boarded Barns Cottages at the site entrance would conversely benefit to a limited degree from the proposed development. Adverse impacts arising would not differ from other properties considered above. There would clearly be some construction inconvenience associated with any development, but the proposals would relocate the main entrance to the site, installing an emergency only barrier across the existing access. This means all traffic movements associated with the retained commercial enterprises and the residential development would be better separated from Boarded Barns Cottages, meaning less noise and disturbance to these occupiers. Whilst the existing access is acceptable in policy terms, there would be clear benefit to this relocated access. For Members reference, the closest distance between the existing front corner of 1 Boarded Barn Cottages and the closest proposed new dwelling is 26m (measured building to building).

Boarded Barns Farm to the rear of the site is likely to be the property most impacted during construction as the sole access to the property is through the application site. However, as the northern side of the site is intended to remain and operate during construction, access to the site at all times is desirable. The central access road through the site is being retained, and whilst there will inevitably be some disruption during works, there is no reason the neighbouring Boarded Barns Farm could not be accessed throughout works. In respect to impacts to outlook, privacy and overshadowing, the proposed development would introduce residential uses in close proximity to the Farm and dwelling as opposed to commercial uses. This in itself is not contrary to any policy. The existing property would still be afforded more than reasonable outlook, and the development as set out, whilst likely to provide a perception of overlooking, would not result in any significant loss of privacy or overshadowing due to separation distances. This neighbour is noted to have raised concerns regarding absence of fencing preventing access over land associated with the Farm. Whilst Officers note that as a former research and development site, and now a commercial premises, security would indeed have been tight historically, however, the majority of farms around the District do not benefit from or indeed require a perimeter fence. The close relationship between the housing proposed and the farm is noted, however pest control via shooting and other methods are controlled by other laws beyond planning, and farms on the edge of settlements are not unusual elsewhere in the District. It would not be reasonable or indeed appropriate to require a

residential estate to be securely fenced. For Members reference the closest new dwelling to the closest structure on the Boarded Barns Farm site is 35m (measured building to building).

Landscaping

The proposed development has been accompanied by appropriate tree protection information and arboricultural reports. The Council's landscaping Officer has assessed the submission and is satisfied that the proposals are acceptable subject to standard conditions for tree protection during construction and hard and soft landscaping. The Landscaping Officer has also assessed the Landscape Visual Impact Appraisal and has no concerns.

Ecology

The application is accompanied by an Ecological Assessment. The Council's Country Care team have assessed the proposals and the Ecological Assessment supplied and accept the findings. The view of Officers is that the ecological merits of the proposals are acceptable subject to conditions.

Drainage

A number of interested parties have expressed concern regarding flooding both of surface water in general and of the road outside the development. The Environment Agency and the Council's Land Drainage Team have both been consulted for this application due to the scale of the development proposed. The size of the development has also resulted in consultation with Essex County Council's new SuDS (Sustainable Drainage Systems) team.

The Environment Agency has no objection subject to a surface water drainage condition. The Council's Land Drainage team have reviewed the proposals and have raised no objection, instead requesting conditions.

The County SuDS team expressed a desire for more information and objected in the interim in the absence of such information. Following submission of appropriate information the SuDS team have withdrawn their objection and sought a condition regarding surface water drainage.

The conditions proposed are considered sufficient to improve the existing surface water run-off on site and as a result, whilst surface water flooding will likely remain locally as this is an issue affecting an area wider than the application site, the proposals should result in an improvement beyond the existing local conditions.

Highways (access and parking)

The Highway Authority has been contacted regarding the proposed development and have raised no objections to the proposed development subject to conditions and the provision of a legal agreement to secure the highway alterations. The Highway Authority are satisfied that the proposals would secure highway improvements and result in a lesser volume of traffic movements that are better distributed through the day, than the extant permission for office uses. The Highway Authority have also supported the provision of a footpath along the verge of the B184 (Fyfield Road) and by supporting this application the County Council indicates the proposed road layout meets the necessary highway safety standards.

Officers have liaised to discuss the potential for reduced height lighting columns in this area as suggested by neighbouring properties. The County Council has confirmed, as set out above, that reduced height columns are not possible as they would not meet the required British Standard.

Other Matters

The Fire Services have been consulted on the application and are satisfied that the proposed access is sufficient for emergency service vehicles. More detailed arrangements for water provision and sprinklers within buildings would be dealt with under building regulations. A later more detailed response has been received from the Fire Services querying the retention of

existing hydrant points and if they are not to be retained, the provision of new hydrants. This information can be secured by condition and provision would be made as part of a mains water services for the new properties.

The Council's Contamination Officer has reviewed the proposals and concluded that it should be feasible to remediate worst case non-radioactive contamination on this site and the Radiological Feasibility Study submitted in support of the application has concluded that it is considered to be practically feasible and economically viable to remediate radioactive contamination at the site. For this reason standard contamination conditions are requested.

The Council's Refuse team have been consulted on the application. Subject to the highway being constructed to accommodate the weight of a refuse vehicle, the development is able to make adequate provision for refuse storage and collection.

Sport England have been consulted on the application due to the provision of playing pitches. Originally the provision set out fell short of the requirements of Sport England's policies. The applicant has subsequently worked with Sport England to improve the age range of the facilities on offer and make revisions to parking allocation and pitch provision sufficient for Sport England to now accept the proposals subject to matters being secured by condition and/or legal agreement.

Conclusion:

The assessment above identifies that this site and application clearly has a detailed history and range of issues to be considered. Officers have assessed the merits of the scheme and concluded that whilst there is limited additional encroachment into the Green Belt beyond that which currently exists or has been approved before, the very special circumstances of this application in respect of the benefit to openness arising from a smaller overall volume of development and the provision of much needed housing on a brownfield site outweigh any harm.

The applicant has worked extensively with Officers at the Council to provide a development that achieves best use of the site whilst reflecting most recent policy requirements and the history of the site. The proposals are noted to result in a denser form of development than other residences along Fyfield Road and in the area. The application site provides smaller plots and closer relationships between buildings. As explored above, the layout adheres to the Essex Design Guide and this approach is desirable to make the best use of the site. Officers consider this approach does not harm surrounding rural character that will still be clearly discernible from the proposed development. Mindful of the above assessment, Officers are satisfied the proposed scheme provides a suitable layout and form of development for the site and results in no significant adverse impacts sufficient to justify refusal and thus approval is recommended.

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

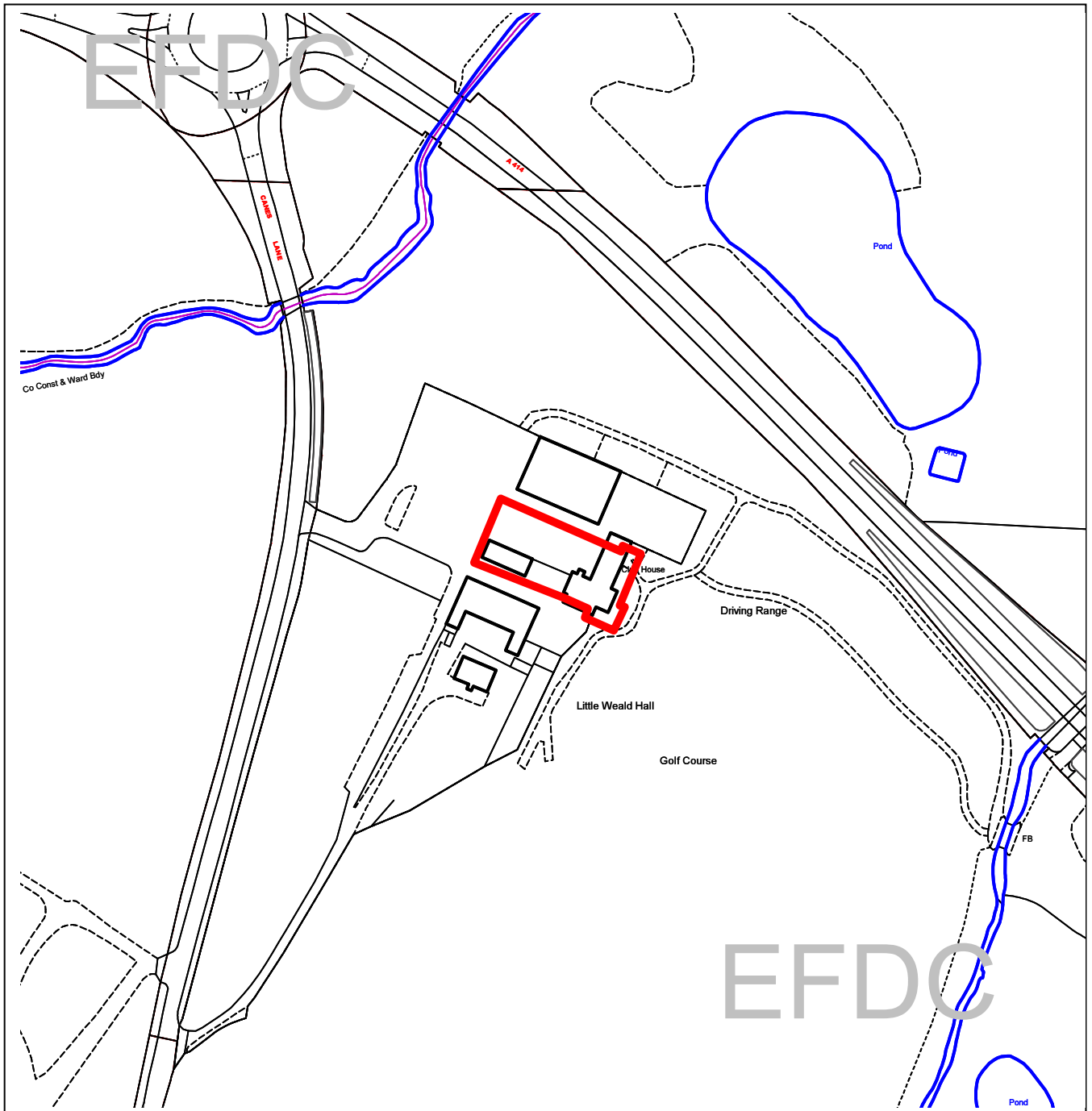
***Planning Application Case Officer: Ms Jenny Cordell
Direct Line Telephone Number: (01992) 564481***

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



Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/0183/15
Site Name:	North Weald Golf Club, Rayley Lane North Weald CM16 6AR
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/0183/15
SITE ADDRESS:	North Weald Golf Club Rayley Lane North Weald Essex CM16 6AR
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	North Weald Grove Limited
DESCRIPTION OF PROPOSAL:	Erection of three storey building to accommodate 20 no. apartments (to replace existing clubhouse and Essex barn to be demolished under Prior Notification application EPF/0267/15)
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=573415

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: FID-010, FID-100, FID-105, FID-110, FID-1005, FID-2100, FID-2200, FID-2300, FID-2400, FID-3000, FID-3100, FID-3200, FID-4000
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 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 The parking and bicycle storage area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles and bicycles.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any

subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 14 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.
- 15 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.
- 16 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

- 17 Prior to the commencement of construction, the following should be submitted to and approved in writing by the Local Planning Authority:
- i) Details of timings of works to minimise the impact on commuting bats.
 - ii) Details of an artificial lighting plan (if unavoidable) to be used during and post development to eliminate the potential impact on commuting bats.
 - iii) Details of bat boxes, bricks or tubes to be installed post construction.

The development shall thereafter be carried out in accordance with the approved details.

- 18 Prior to the commencement of construction, the following details shall be submitted to and approved in writing by the Local Planning Authority:
- i) A methodology for checking for, and avoiding harm to, hedgehogs.
 - ii) Details of a hedgehog box to be installed post construction.

The development shall be carried out in accordance with the approved details.

- 19 Prior to the commencement of construction details of bird-nesting boxes and their positions on the new building or nearby trees shall be submitted to and approved in writing by the Local Planning Authority.

And the completion by the 18th May 2015 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement under section 106 of the Town and Country Planning Act to secure a financial contribution of £30,078 towards the provision of primary school provision and school transport funding (index linked to April 2014 costs). In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development cause harm to local education services by generating additional demand that cannot be accommodated within existing capacity.

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)), 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)).

Description of Site:

The application site comprises a 0.195 hectare parcel of land within the existing (wider) golf course site. The application site is the area of land currently occupied by the existing Golf clubhouse and adjacent redundant Essex Barn along with part of the existing car park area. Prior consent has been given for the demolition of these two existing structures, however at the time of writing this report the buildings have not yet been removed.

The application site forms part of the existing golf club and is located within the 'built up' part of the site. To the immediate north is an existing day nursery and store (in connection with the golf course) and beyond this a recently erected five-a-side football clubhouse and associated football pitches. To the west of the site is the car park serving the golf club and day nursery (with a separate car park to the north serving the football club) and the access to the site, via Rayley Lane. To the south of the site is a large commercial building with a residential property beyond this

(Little Weald Hall), which is outside of the applicant's ownership. To the east of the site is the golf course.

The application site is located within the Metropolitan Green Belt and on the edge of North Weald Airfield. It is not within a conservation area, however the neighbouring property (Little Weald Hall) is Grade II listed.

Description of Proposal:

Consent is being sought for the erection of a three storey building to accommodate 20 no. apartments to replace the existing club house and Essex Barn. This would be an L shaped building measuring 51m in length and 9.3m in width of the main block with an additional 20m long by 9.3m wide cross wing. The proposed building would have a dual pitched roof with a ridge height of 10.5m and would incorporate the second storey into the roof area, which would be served by dormer windows and partially inset balconies. There would be two gable ended roof terraces located within the southern elevation and four slightly projecting glazed stairwells within the northern elevation of the main block and western elevation of the cross wing.

The proposed development would provide five x 1 bed flats, eleven x 2 bed flats and four x 3 bed flats and would be served by 35 (gated) resident parking spaces and 5 unrestricted visitor spaces. With the exception of some small landscaped areas immediately surrounding the proposed building there would be no communal amenity space provided, however all flats would benefit from a private balcony or roof terrace area.

Relevant History:

North Weald Golf Club has a long and complex history, much of which is not directly relevant to this planning application with the exception of the following applications:

EPF/1229/93 - Erection of Golf Clubhouse – approved/conditions 18/07/94

EPF/2112/05 - Two storey side extension to existing club house and barn conversion to create bedroom accommodation for visitors and members of North Weald Golf Club (revised application) – approved/conditions 16/03/06

EPF/2550/10 - Conversion of redundant Essex Barn to residential accommodation for manager/owner of North Weald Golf Club – approved/conditions 08/03/11

NMA/EPF/1618/11 - Non material amendment to planning permission EPF/2550/10 – approved 22/08/11

NMA/EPF/0935/12 - Non material amendment to EPF/1229/93 – approved 31/05/12

EPF/0391/13 - Construction of 5 five-a-side floodlit, all weather football pitches with clubhouse/changing facility and 61 car parking spaces on land adjacent to Barley Barn Day Nursery – approved/conditions 22/04/13

DEM/EPF/0267/15 - Application for prior notification of proposed demolition – prior approval required and granted with conditions 16/02/15

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

CP6 – Achieving sustainable urban development objectives

CP9 – Sustainable transport

GB2A – Development in the Green Belt

H2A – Previously developed land

H3A – Housing density

H4A – Dwelling mix

NC4 – Protection of established habitat
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL11 – Landscaping scheme
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
RP3 – Water quality
RP4 – Contaminated land
RP5A – Adverse environmental impacts
U3A – Catchment effects

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

Consultation Carried Out and Summary of Representations Received:

Due to the relatively isolated location of the site 1 neighbouring resident was consulted however a Site Notice was displayed on 24/02/15.

PARISH COUNCIL – Object. The proposal is unsustainable in the area, out of character with the area and the surroundings, concern at the amount of generation of traffic throughout the whole of the day, concern at the lack of amenity space for each dwelling, concern at the height of the proposal. Members have a concern that with 3 golf courses in the area that development such as this may set a precedent.

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, sustainability, the loss of the club house, the impact on amenities, in terms of highway safety and parking, and with regards to the overall impact on the surrounding area.

Green Belt:

The application site consists of an existing clubhouse, redundant Essex Barn and a section of the larger car park all of which are used as part of the established golf club. As such the application site constitutes previously developed land since the definition provided within Annex 2 of the Framework reads:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The National Planning Policy Framework states that the erection of new buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes “*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*”.

The proposed block of flats would sit roughly on the same footprint as the existing clubhouse and detached Essex Barn and would match the eaves and ridge height of the existing building. Whilst the proposed new building would infill the area between the clubhouse and the Essex Barn, planning consent was previously granted for the extension of the clubhouse and conversion of the barn into accommodation (EPF/2112/05). This application has been implemented in part and as such is an extant permission. Therefore the approved extension and conversion of the barn could be undertaken at any time without the need for any further planning permission. This is a viable and realistic fallback position that is given significant weight in this application.

With regards to the impact on the openness of the Green Belt, the proposed new development would be no higher (eaves or ridge) than the existing clubhouse and would have a volume of 6430m³. The existing buildings (the clubhouse and barn) have a combined volume of 4767m³, which means that the proposed new building would be 35% larger than the existing buildings on site. However, as stated above, there is an extant permission to extend the existing clubhouse. When considering this addition, which would raise the overall volume of existing building to 6960m³, the proposed new development would result in an 8% reduction in the level of built form that could be on site. Due to this fallback position it is considered that the proposed new building would not have a greater impact on the openness of the Green Belt than the existing (and extant) buildings on site and therefore would not constitute inappropriate development.

Sustainability:

There are concerns with regards to the sustainability of the application site since the area is not well served by either public transport or local facilities and the surrounding roads (in particular the A414) are heavily trafficked and do not benefit from footways along most of their lengths. There is a limited bus service along the A414, however there are no bus stops along this stretch of road (it is unknown whether any buses on this route offer a ‘hop-on hop-off’ service).

Whilst there are various footpaths and walking routes within the immediate surrounding area the distance to the centre of North Weald (the shops) is approximately 1.5 miles and would take around 30 minutes to walk. This is further than would be expected for everyday trips, although would be sufficient distance to cycle. There are very few facilities located within an acceptable 800m (10 minute walk) of the site, the exception to this being the services offered within the built complex of the golf club (i.e. a day nursery and hairdressers).

As a result of the above the proposed development would result in the vast majority of trips to and from the application site being by private vehicle. Whilst the existing clubhouse generates a certain level of traffic movements at present these would not offset the proposed additional vehicle movements since the clubhouse would be relocated to the nearby football club house.

Irrespective of the above a Transport Statement has been submitted with the application that has calculated, based on a multi-model TRICS assessment, that there would be traffic movements of 7 in the AM peak (1 every 9 minutes) and 8 in the PM peak (one every 7.5 minutes). Therefore, whilst the proposal would result in an increase in vehicle commuting, contrary to the guidance contained within the National Planning Policy Framework and Local Plan policies, the level of additional vehicle movements would be relatively low. Therefore, whilst the unsustainable nature of the site weighs against the proposed development this matter is given relatively limited weight in this instance. Furthermore the North Weald Bassett Masterplanning study (September 2014)

identifies a vision for the settlement of North Weald and considered transport and movement considerations and the provision of new homes (amongst other matters). This provides various scenarios for additional development around the existing settlement and puts forward necessary infrastructure upgrades. Given that a decision has been made by Councillors that there may be some additional development provided at North Weald Airfield there is likely to be additional public transport improvements on the back of this. Whilst no weight can be given to the potential masterplan at this time it may ensure that there would be vast infrastructure improvements to North Weald in the near future, which would mitigate some of the above concerns.

Impact on recreational use:

Prior consent has already been granted for the demolition of the existing clubhouse, and the proposed development would ensure the complete loss of this established leisure facility. However the existing clubhouse functions would not be lost from site but would be relocated to the existing five-a-side football clubhouse located to the north of the application site (beyond the adjacent day nursery). The reasoning for this is that it is claimed that the existing clubhouse is now too large for purpose and there is no need to have two clubhouses on the one site since the golf clubhouse is predominantly used during the day in the week whereby the football clubhouse is mainly used during the evenings and weekends. Therefore combining both facilities within a single building would make better use of a single clubhouse and would allow for services to be combined (i.e. reception, cleaning, etc.), which is more economically viable. Planning consent is not required for the proposed combination of facilities into the existing five-a-side football clubhouse. A condition could be imposed to ensure that the facilities are relocated to the existing football clubhouse to ensure that the outdoor recreational use of the site (the golf course) is not lost and to protect against any future pressure to provide an additional clubhouse to replace that lost through this application.

Amenity considerations:

Given the location of the application site the only adjacent neighbouring residential property is Little Weald Hall, which would be separated from the proposed development by a large existing commercial building that suitably screens the site from this neighbour. The footprint of the proposed flats would be similar to the existing clubhouse and Essex Barn and the eaves and ridge height would be no higher than the existing clubhouse and therefore the physical impact and outlook from the neighbouring site would be similar to the existing situation.

The future residents of the proposed new dwellings, being located on an established golf course between a day nursery and five-a-side football pitches and the adjacent commercial building, would suffer from some disturbance from these established uses, primarily due to traffic movements and any associated outdoor activity, however it is not felt that the impact from these adjoining uses would be significant. Furthermore current Building Regulations require adequate sound insulation and protection be incorporated into new residential units and any future occupants of the site would be aware of the surrounding uses and therefore there would be an element of 'buyer beware' regarding this matter.

Residential properties are expected to be provided with either private or, in the case of flats, communal amenity space. The recommended level for flats, as laid out within the supporting text of DBE8, is 25m² for each unit, however it has been accepted that properties with good access to public open space can be considered acceptable with a lesser amount of amenity space provided, particularly when considering flats such as those proposed that are less likely to be occupied by large families. Given the surrounding levels of open space and public footpaths within close proximity of the site it is considered that a lower level of private amenity space could be provided within the proposed development. Each of the proposed flats would benefit from a private balcony and/or roof terrace that would provide individual sitting out space for future residents, which is considered sufficient in this instance to comply with Local Plan policy DBE8.

Highways:

The application site would utilise the existing access to the Golf Club. The existing access onto Rayley Lane has good geometry and excellent visibility in both directions. The accident data for this location shows that there have been no accidents recorded along this stretch of Rayley Lane and the proposed increase in vehicle movements would not be significant enough to cause any detrimental impact on highway safety, capacity or efficiency.

The ECC vehicle parking standards would require one off-street parking space for each of the 1 bed flats and two off-street parking spaces for each of the 2 and 3 bed units (which totals 35 spaces) plus 0.25 unallocated visitor spaces per unit (which would equate to a further 5 spaces). The application proposes this amount of spaces split into 35 dedicated and secure resident spaces and 5 unallocated 'visitor' spaces, which would be compliant with the vehicle parking standards. Furthermore there is ample additional parking within the Golf Club complex (outside of the red lined application site but within the area owned by the applicant) that could serve any additional parking required for the development along with the existing clubs/businesses and any overspill visitor parking.

An internal bicycle parking area is proposed within the proposed new building as well as a dedicated bin storage area that is easily accessible to waste operatives and collection trucks.

Impact on surrounding area:

The proposed new block of flats would be of a similar scale and height to the existing club house and Essex Barn and is located within a complex containing several buildings varying in size and design. The overall design of the proposed new building would be relatively traditional with dual pitched roofs, slate type roof slates, and a mixture of buff brick and render facing material, however would incorporate some more modern design elements such as the design of the windows, the inset gable roof terraces and the glazed stairwells. Given the relatively isolated nature of the site and mix of buildings currently on the site it is considered that the overall character and appearance of the proposed development would be acceptable and would not be harmful to the surrounding area.

There is no existing vegetation within the area proposed for development and it should be possible to use existing hardstanding as the working area to ensure that construction materials, etc. do not encroach on any areas of existing landscaping. The proposal provides an opportunity to undertake landscaping to soften the impact of the development when viewed from the surrounding open countryside, and a landscaping condition can be imposed to ensure that this takes place.

Other matters:

Housing considerations:

Whilst the built up area of North Weald has a population greater than 3,000 the application site is far removed from the town and therefore would not be considered to be in this settlement. As such the application site falls under H6A (ii), which relates to "*settlements with a population of 3,000 or less*". H6A (ii) (b) specifically relates to previously developed sites within these areas, which the application site constitutes, and requires affordable housing provision on such sites where they are "*0.2ha or larger*". Since the application site (the red line as shown on the Location Plan) only measures 0.195ha there is no requirement to provide for affordable housing on this site, irrespective of the number of residential units proposed.

The proposal complies with policy H2A since it would involve the reuse of previously developed land for residential purposes and the provision of 1, 2 and 3 bed flats would comply with policy H4A, which encourages a mix of dwellings including smaller units.

Education:

Essex County Council Educational Services have assessed the application and state that this development would fall in the priority admissions area of St Andrew's CE Primary School (North Weald). The school occupies buildings with a net capacity of 297 places however in most years it is expected to admit 45 children, which equates to a need for 315 spaces. Looking at the wider area, the Epping group of schools is forecast to have a deficit of 137 places by 2018/19. This proposed development would add to this demand for primary school places and therefore a financial contribution is required to help provide additional accommodation at St Andrew's CE Primary. Based on fifteen qualifying flats (the 2 and 3 bed units) the contribution has been calculated to total £24,374, index linked to April 2014 costs.

Due to the size and types of dwelling proposed the development would not generate a significant demand for additional Early Years and Childcare provision. The Secretary of State for Education recently decided to permit the opening of a Free School in Ongar which would also negate any shortfall in secondary school places. However since the development lies over three miles from the closest secondary school there would be an impact in terms of school transport. For this academic year, this can be estimated at £5,704 (index linked) based on a figure of £3.90 a day; 0.1 places per qualifying flat and funding for a single five year secondary cohort (195 days per academic year).

Due to the above a total contribution of £30,078, index linked to April 2014 costs, would be required in order to ensure that the proposed development does not detrimentally impact on the existing educational services of the area. This should be sought by a S106 Legal Agreement.

Ecological impacts:

The application has been submitted with an Ecology Statement. Subject to conditions to protect bats, hedgehogs and birds, and adequate landscaping being approved, the proposed development would not be unduly detrimental to the ecology of the site and surrounding area.

Contamination:

Due to the former uses of the site as a farmyard and the presence of a 400m² infilled pond there is the potential for contaminants to be present on site. As this application is for residential development, which is a particularly sensitive proposed user, contaminated land investigations and (where necessary) remediation will need to be undertaken.

Land drainage:

The proposed development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. Therefore a flood risk assessment should be agreed, which can be achieved by way of a condition.

It is proposed to dispose of both foul and surface water by main sewer, however it is unclear as to whether there are any main sewers at this location. Therefore a condition requiring further details as to the disposal of foul and surface water drainage will be necessary.

Conclusion:

The proposed erection of a block of flats to replace the existing clubhouse and Essex Barn would constitute the redevelopment of this previously developed site. Whilst larger in footprint than the clubhouse and barn currently on site the proposed development would be smaller than the extant consent to extend the existing clubhouse and utilise the Essex Barn for residential purposes and would be no higher than the existing building. Due to this, and the location of the site within the built up part of the established Golf Club site, the proposal would not have a greater impact on the openness of the Green Belt and therefore would constitute an exception to inappropriate development.

The design and layout of the proposed development would be acceptable and would not result in any loss of amenity to surrounding residents and there would be sufficient off-street parking, bicycle parking and refuse storage provided to serve the development. Each of the proposed new flats would also benefit from a private balcony or roof terrace and additional landscaping would be added to soften the appearance of the proposal. The existing golf club facilities would be relocated to the nearby football clubhouse so the recreational golf use on the site would not be lost.

Whilst the site is not within a sustainable location it is not considered that this issue in itself would be significant enough to justify refusal and, due to the above, the proposed development generally complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval (subject to legal agreement).

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