

**Report to the District Development
Management Committee**

**Report Reference: DEV-011-2015/16.
Date of meeting: 4 November 2015**



**Epping Forest
District Council**

Subject: Planning Application ref EPF/1629/15 - Sixteen String Jack, Coppice Row, Theydon Bois - Demolition of existing public house and associated buildings and the erection of eleven residential apartments with parking and communal garden.

Responsible Officer: Nigel Richardson (01992 564110).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation(s):

(1) That planning permission be refused for the following reasons:

- 1. The proposed development whilst within walking distance of facilities in the centre of Theydon Bois is not in a main urban area where a high level of accessibility may lead to a demonstrably lower level of average car ownership among the occupants of the proposed flats and therefore there is no justification for a significant reduction in the number of parking spaces required by the adopted parking standards, in addition the proposed spaces are below the standard size required and there are no exceptional circumstances to warrant such a reduction. The development is therefore likely to increase on street parking in the area to the detriment of highway safety, contrary to policy ST6 of the adopted Local Plan and Alterations.**
- 2. The proposed intensive flatted development, due to the scale and design and level of site coverage is completely out of character with the nature of the surrounding residential area and the street scene, which is characterised by detached properties on large garden plots set back from the highway frontage. In addition it provides an inappropriately hard edge to the boundary of the Green Belt and the edge of the settlement and is contrary to policies CP3, CP7, H3A, GB7A, and LL3 of the adopted Local Plan and Alterations.**

Report Detail:

1. This application was considered by Area Plans Sub-Committee East on 14 October 2015 where Members voted to refuse the application (for the reasons outlined above) contrary to the Officer recommendation. 11 votes were in favour of refusal and 4 were against. After this vote, 5 Members of the Sub-Committee stood to exercise their right for a minority reference and to require that no action be taken on the matter until it has been considered by the District Development Management Committee, with the recommendation to refuse.

2. The application was put forward to Area Plans Sub-Committee East with an Officer recommendation for approval as Officers considered that the application made good use of a previously developed site within a built up area, with access to shops, services and transport links, was an acceptable design and provided sufficient parking.

3. Officers considered that this proposal had overcome the previous reasons for refusal relating to an earlier application (further detail below). Officer's also brought to the attention of Area Plans Sub-Committee East a very recent appeal decision at 47A Theydon Park Road, Theydon Bois, which was decided after the agenda report was prepared and therefore was verbally reported at the meeting. The applicant's agent was also made aware of this decision, prior to the meeting taking place.

4. A copy of the appeal decision is appended and the Sub-Committee considered that this was a material consideration in the assessment of planning issues relating to the Sixteen String Jack. Whilst in a different part of the village, there are similarities in that both sites are within walking distance to the centre of the village and the underground station, but he stated in the case of the appeal site that it is not so sustainable a location where a significant reduction in the normal parking spaces is justified and furthermore, the proposed minimum car bay size below the standard is justified as an exception. This reflected therefore in the recommended first reason for refusal.

5. The applicants themselves referred to an appeal decision made in 2006 for the conversion and redevelopment of Wansfell College, Piercing Hill, Theydon Bois to 20 flats and which had 26 parking spaces. It was brought to their attention that the ratio of 1.3 spaces per flat was considered then to be sustainable. However, whilst not discussed at the Sub-Committee meeting, this was when maximum parking standards were adopted, as opposed to the current minimum parking standards and the National Planning Policy Framework has since become national guidance, therefore limiting this appeal decision as a material consideration.

6. The original report is attached in full below for consideration.

**ORIGINAL REPORT TO AREA PLANS SUB-COMMITTEE EAST ON 14
OCTOBER 2015:**

This application is before this Committee since it is an application for major developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(c)) and since it is an application for residential development consisting of 5 dwellings or more (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d)) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).) 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 site is the now closed Sixteen String Jack Public House which included an attached cottage. The site, garden areas and car park are currently enclosed by security hoardings.

The site fronts onto Coppice Row to the south, with the side boundary being open to the Green Belt to the west, the site backs onto Elmcroft a property on Robin's Lane to the north (rear) and has a side access onto Robin's Lane to the east, where the boundary is shared with Pinchbrick Cottage.

This area of Coppice Row slopes downhill towards Theydon Bois main village and has the appearance of a rural lane with narrow pavements. The site forms part of a linear string of development along the highway towards the main village, separated from the village by an area of forest land within the Green Belt. Due to the change in levels, the former beer garden area is at a significantly higher level than the remainder of the site and is part of the designated Green Belt, the remainder of the site, including the site frontage is within the village envelope. The site has existing vehicular accesses onto both Coppice Row and Robin's Lane.

Description of Proposal:

This application is a revision to a previously refused scheme. This application seeks permission to demolish the existing building and clear the site to provide eleven apartments (1x 1-bedroom and 10x 2-bedroom). The development would provide 15 parking spaces and a communal garden area in excess of 350sqm.

The footprint of the proposed apartments would run in an east-west direction along the front of the site towards Coppice Row, with vehicle access generally in the position of that which is existing, but beneath a first floor unit. The footprint would also include a two storey block extending to the rear of the site with the boundary with Elmcroft with parking and bin stores below.

The proposed flats have been designed to have a varied articulation and range of materials and ridge heights.

Relevant History:

EPF/2040/14 - Demolition of existing Public House and associated buildings and erection of thirteen residential apartments with parking and communal garden – Refused.

The reasons for refusal were:

1. The proposed development will have an overbearing visual impact on the adjacent properties (Pinchbrook Cottage to the east and Elmcroft to the north), such that there will be an excessive loss of residential amenity to the occupants of those properties, contrary to policy DBE9 of the Adopted Local Plan and Alterations.
2. The proposed development whilst not in an isolated location is not sufficiently well related to the local facilities in the area to amount to a suitable location for the proposed low level of parking provision. The development is likely therefore to increase on-street parking in the area to the detriment of highway safety, contrary to policy ST6 of the adopted Local Plan and Alterations.
3. The proposed intensive flatted development, due to its scale and design and level of site coverage is completely out of character with the nature of the surrounding residential area and the street scene, which is characterised by detached properties in large garden plots. In addition it provides an inappropriately hard edge to the boundary of the Green Belt and the edge of the settlement. The development is therefore harmful to the character and amenity of the area and is contrary to policies CP3, CP7, H3A, GB7A and LL3 of the Adopted Local Plan and Alterations.
4. By reason of the site's location beyond the statutory walking distance to a secondary school the proposal will generate an additional cost to the Local Education Authority, Essex County Council, for transporting children to secondary school. However, the proposal does not include any mechanism to meet those additional costs. Since the proposal fails to properly address this matter it is not a sustainable form of development and is consequently contrary to policies CP9(iii) and I1A of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.

Prior to submission of the refused application, the developer sought pre-application advice from the Council under EF\2014\ENQ\00386. Advice regarding 13 units was generally favourable, providing a good contribution towards housing supply, subject to more detailed information being supplied and an application was encouraged.

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 Patterns
CP7 Urban Form and Quality
H2A Previously Developed Land
H3A Housing Density
H4A Dwelling Mix
DBE1 Design of New Buildings
DBE2 Affect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE6 Car parking in new development
DBE7 Public Open Space
DBE8 Private Amenity Space

DBE9 Loss of Amenity
GB7A Conspicuous Development within or beyond the Green Belt
LL3 Edge of Settlement
LL10 Adequacy of provision for landscaping provision
LL11 Landscaping Schemes
ST1 Location of Development
ST2 Accessibility of development
ST4 Road Safety
ST6 Vehicle Parking
CF12 Retention of Community Facilities
I1A Planning Obligations

The National Planning Policy Framework (NPPF).

Summary of Representations:

33 neighbouring properties were consulted and a site notice was posted on the security hoarding.

17 objections were received from the following properties/groups raising concerns detailed below:

IN COPPICE ROW:

WEST LODGE, THEYDON WILLOWS, PINCH BROOK COTTAGE, ROSEBANK, 2 COLLEGE PLACE, FOREST EDGE, HUNTERS LODGE, RIVERWOOD, WOODSIDE, REDHOLM, REKA, DENE

IN ROBIN'S LANE:

ELMCROFT

43 DUKES AVENUE

In addition to the above neighbours, objections were also received from:
THEYDON BOIS ACTION GROUP,
THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY,
CITY OF LONDON OPEN SPACES DEPARTMENT.

The issues raised in the representations can be summarised as follows:

Very little change from the previously refused application. The site location is too separated from the main village to be considered sustainable. The proposals would impact on the setting and appearance of the forest and result in a creeping of urbanisation. The design is of poor, bulky design not in keeping with the area. Immediate locality is characterised by large properties in spacious plots generally. Flats in this location are out of character and the density proposed is too high for this rural area. Concerns the proposed number of units would give rise to a greater degree of noise and disturbance to neighbours.

Significant highway concerns in respect of the existing access and that which is proposed. The speed of traffic despite the speed limit in place, narrow nature of the lane, difficulties parking for existing residents and dangers with existing accesses. Concern regarding pedestrian safety and in practice how the proposals would work with visitor, delivery and service parking.

There are a number of suggestions seeking a lesser number of units on site, possibly larger properties in larger plots.

Concern has also been raised with regards to an access on to Robin's Lane which is a private road.

THEYDON BOIS PARISH COUNCIL: Strong Objection:

The Parish Council believes this to be a wholly inappropriate development in this location and wishes to register a very strong objection.

This application is substantially similar to the previously refused application EPF/2040/14. We are therefore surprised and disappointed to see that so little has been done to address the reasons for refusal. Furthermore, we note that the advice given by the Senior Planning Officer that the applicant 'needs to consider some significant changes to the scheme' has been ignored.

The proposed development is located in a sensitive semi-rural location at the settlement edge of Theydon Bois adjacent to SSSI Epping Forest. Normal planning policy (LL3) would dictate that a low density development would be the most appropriate for this location to ensure that its impact on the surrounding area would be minimal. However, this proposal due to its size, bulk and density is completely at odds with this policy and would have an overly dominant impact on the area and street scene.

The proposal also fails to respect its location and the established pattern of development in the road contrary to policy H3A. The scale and design of the proposed development, almost 40 metres wide and some 3 metres higher than the ridge line of the existing Public House, is completely out of character with the surrounding area which is made up of detached properties in large garden plots.

Of deep concern to the Parish Council is the totally inadequate parking provision for 11 apartments. We do not accept the applicant's view that this is a 'highly sustainable' site – it is not. There are no public transport links in this part of the village and due to the narrowness of the road in this location there is no continuous public pavement for pedestrians to walk to the site on the northern side of Coppice Row. This would mean to gain access to the site on foot pedestrians would either have to walk in the road past Pinchbrick Cottage or cross the road from the pavement opposite at a dangerous part of the road close to a blind bend. We would also remind you that Theydon Bois has a dark skies policy and has no street lights. Therefore in the winter months pedestrians would be negotiating the above in the dark! We are therefore strongly of the view that residents in this location would be reliant on cars as a means of transport and can see no justification why the normal policy of two car parking spaces per apartment should be relaxed.

This Council also strongly disagrees with the assessment by Essex Highways regarding highway safety. The Highways Authority has taken the view that the sight lines are an improvement over what they are now and therefore the development is acceptable. They have overlooked the fact that the Public House was built in the 1800's when the only traffic was horse and cart! We maintain that any new building must start by accepting the present and probable future road and traffic conditions and not rely on historic precedent. A minimum requirement in this situation should surely be a full Transport Assessment to consider the safety aspects as indicated in Local Plan Policy ST3. To support this view, local residents have stated that there have been numerous unreported accidents and near misses in this location which have not been considered by the Highways Authority.

In conclusion, this Council is not against the redevelopment of this site, but believes a more acceptable proposal should be sought which better respects its location in the village. We would expect this to be a considerably lower density development with proper parking provision.

Main Issues:

The main planning issues are considered to be:

- Principle of development
- Design and appearance on the street scene
- Impact to neighbouring properties
- Living conditions for future occupiers of the development
- Highways and parking
- Landscaping
- Other matters

Principle of development

The proposed redevelopment of the site would necessitate the loss of the existing public house. The loss of this community facility and business use requires justification and the applicants carried out an appraisal of local facilities and supplied trading summaries as part of the previous application and this was accepted by the Council. Given the applicants have been able to demonstrate that the village is well served by two existing public houses, a vibrant high street with no vacancies and a diverse variety of community clubs and organisations, the loss of a community facility is regrettable but in this instance acceptable.

It is clear from information supplied that the public house does not represent a viable business offering at present and that its location on the edge of the village has meant it is less frequented than other businesses and does not benefit from combined trips as other more central public houses do. On the basis that the loss of the public house for redevelopment is acceptable, redevelopment for residential use is appropriate. Policies contained within the NPPF no longer require other employment generating uses to be considered first. The objective of these policies being to ensure active use of a site to prevent vacant sites remaining for long periods.

Design and appearance

The design of the proposal has been altered since the previous refusal. The proposal still includes a linear form of development along the site frontage, which in part, copies the existing forward location of the public house, attached cottage and adjacent cottage (Pinchbrook). Previously the proposal was, due to its scale, design and level of site coverage considered out of character with the nature of the surrounding residential area and streetscene which is characterised by detached properties in larger garden plots. Additionally it was considered that the previous proposal resulted in an inappropriately hard edge to the boundary of the Green Belt and the edge of the settlement. This revised scheme has reduced the built form on the site (and therefore the site coverage) by reducing in width the two storey element that ran adjacent to the boundary with Elmcroft (from 36.5m to 10m). This is a substantial reduction in the site coverage and considered to result in a far more reasonable, and appropriate for this area, level of site coverage.

Additionally the overall scale of the development has been reduced, not just with the reduction in built form but the design has been altered also. The revised design

follows the natural slope of the site creating a far more sympathetic and respectful addition to the streetscene, with the proposal appearing on the Coppice Row frontage as three separate, but attached properties, each one stepped down from the next acknowledging the slope in the road and strongly drawing on the design principles of the Essex Design Guide. This is a very similar design to the existing situation with the 'cottage' at a higher level to the attached Public House designed to follow the slope in the road.

The layout proposed, as with the previous scheme allows the designated green belt land to remain undeveloped. The west elevation which creates the boundary with the Green Belt has been altered since the previous submission with the rear most section of the west elevation reduced in height by 2.4m which not only reduces the built form but softens the overall appearance. The substantial existing hedge along this western boundary is to be retained, coupled with the proposed communal garden area this will aid the softening of the development creating a gentler transition from built up area to wider Green Belt. Additionally, the proposed buildings would be viewed in the context of the existing ribbon of development in this area therefore due to the proposed revisions would not appear unacceptably prominent or conspicuous when viewed from the Green Belt.

This revised proposal has reduced the number of units from 13 to 11 and as discussed above has reduced the overall built form on the site. The development is still a flatted development on the edge of the settlement but it is now considered to be more appropriate in terms of density for this edge of village location. This is a previously developed site and policy CP7 aims to make the fullest use of previously developed sites. With the previous refusal it was considered that the proposal was too dense, but the reduction both in units and built form is considered a welcome improvement to the scheme.

The layout, as before, has retained the existing open space and the elements on or near the boundaries have been designed with a roof form that pitches away from the neighbours. This is particularly evident at Elmcroft and Pinchbrick Cottage. Impact to neighbouring properties will be explored in more detail below.

This revised layout makes adequate provision for separate refuse and cycle storage in addition to parking areas. Officers are satisfied that the layout adheres to good design principles and would make a good provision of housing within an established settlement, close to a good range of facilities.

Neighbouring amenities

This revised scheme will impact upon a number of existing residential properties including those on the opposite side of Coppice Row; and more significantly to Elmcroft to the rear and Pinchbrick Cottage located between the site and Robin's Lane which are the two properties which border the site and were particularly mentioned within the previous reason for refusal relating to amenity.

The design, as discussed above has been altered since the previous refusal and the large west to east block at the boundary with Elmcroft has been reduced to approximately a third of the size, with a low eaves height to 4.9m, with the roof pitching away from the boundary to a maximum height of 7.4m. This element of the proposal will be set in from the boundary by 1.5m. This part of the revised design is considered to result in an acceptable relationship between Elmcroft and the proposal in terms of loss of amenity. The block closest to the Elmcroft boundary will also be single aspect which will minimise any loss of privacy to this property.

Elmcroft is orientated with the main outlook to the front and rear (east and west), however there is a first floor bedroom in the flank that would look out towards the proposed development. Given this room looks out onto mature vegetation at present, the proposed development would be clearly visible, but this is a reduced scheme to the previous refusal and would allow light and views to this room to remain and Officers consider this revised relationship is acceptable.

Due to the revised scheme and particularly the reduction in the length of the development along the rear boundary with Elmcroft, Pinchbrick Cottage will continue to enjoy a good outlook to the rear. Privacy to Pinchbrook Cottage is retained with the nearest window with direct views towards Pinchbrook Cottage some 20m away and therefore only possible far reaching views towards Pinchbrook will be possible. The built form directly adjacent to Pinchbrook Cottage is 2.1m from the side wall and extends 0.3m beyond the main rear wall of Pinchbrook Cottage and therefore it is not considered that the proposal will result in any significant loss of light or outlook to this property.

Policies DBE2 and DBE9 seek to protect neighbouring amenities from excessive adverse impact and previously the committee considered the proposal resulted in an excessive loss of residential amenity. With the revised proposal it is Officer opinion that the scheme has overcome this reason for refusal.

Living conditions of future occupiers

This proposal, as with the previous scheme has been designed around principles outlined in the Essex Design Guide. The proposed units are at right angles to one another or adjacent and this ensures that inter-looking is not a concern between units.

The layout makes adequate provision for refuse and cycle storage. Access to the refuse area is beneath the undercroft of the unit above and would allow refuse services to wheel the refuse bins to the collection vehicle to be emptied. The distance is acceptable to do so, and the likely disruption along Coppice Row while this takes place is noted. However the likely disruption during collection of refuse from the development is unlikely to differ significantly from any disruption that currently takes place.

The garden area is approximately 15m by 22 metres which (with the now reduced number of units) more than meets the standard of 25m² per flat which is set out in policy. In addition it is well located and landscaped purposefully to provide a useable space. Given the degree of surrounding open space, this is considered acceptable.

Highways and parking

As with the previous scheme, Officers at Essex County Council have been consulted on the planning application and have no objections to this revised scheme. As with the previous proposal the developer is improving visibility at the access to the west significantly as part of the scheme. Improvements are also made to visibility to the east but to a lesser extent. The proposed use results in less trip generations than that of a public house, though it is agreed that this is on the basis if it were a more successful enterprise. Therefore the highway authority is satisfied the proposals would not be detrimental to highway safety, capacity or efficiency in this location.

The concerns of residents are noted, as are the historic incidents raised, however

Officers can only assess a scheme against adopted policy and the proposals meet the adopted standards for access, resulting in fewer movements from an improved access.

This revised scheme has 1 parking space per a flat and 4 visitor spaces which is an improvement on the previous scheme which only provided 15 spaces for 13 flats. This is a lower level than suggested within the Essex Parking Standards. However, the scheme is for apartments, where a one space per unit provision is not uncommon. Although the parking has only been increased by 2 spaces (the number of units has also reduced by 2), as stated above this low level of parking provision is not uncommon, is an improvement to the previous scheme and Theydon Bois is fairly sustainable (not a high degree of connectivity as suggested within the Design and Access statement). Theydon Bois provides access to a good range of facilities locally including the tube station, and in this context a lesser provision of one space per unit plus visitor parking, is considered acceptable. Reductions in the number of car parking numbers are permitted by the Essex Parking Standards and this improved number of spaces is considered acceptable for this location. The main facilities are less than 1.5km away and the site is therefore considered relatively sustainable such that it is expected that many occupiers would consider walking despite the shortcomings with regard to the footpath between the site and the main village facilities.

Landscaping

As with the previous application the Tree and Landscape Officer has raised no objection to the proposal subject to conditions requiring a soft and hard landscaping scheme and a tree protection scheme.

Other Matters

Ecology

The Council's Countryside team has assessed the ecological issues relating to the proposals and have raised no concerns.

Planning obligations

The scale of the development is below the threshold for the provision of affordable housing.

Following the previous proposal and decision, pooling restrictions introduced by the CIL (Committee Infrastructure Levy) Regulations 2010 (as amended) from April 2015 have resulted in Essex County Council no longer seeking contributions from developments of this size. Therefore Essex County Council no longer requires an education contribution for this development.

Within the submitted Design and Access statement reference is made to a discussion with the Parish Council regarding a contribution for improvements to changing rooms associated with the swimming pool at Theydon Bois Primary School; however this is not mentioned within the Parish Council objection. As this contribution has not been requested by the Parish Council, School or Essex County Council (as Education Authority) this proposed contribution is not considered necessary, directly related to the proposed development, or fairly reasonably related in scale and kind to the proposed development. Should the developers wish to donate to the Primary School this can happen outside of the scope of a planning application.

Contaminated Land

Due to the former use of the northern part of the site as part of a Farm and Builders Yard prior to 1960 and the presence of onsite Made Ground there is the potential for contaminants to be present. The necessary remediation of contaminated land is recommended to be secured by conditions.

Drainage and Water

In terms of drainage provision, the Council's land drainage team have no concerns subject to conditions. Thames Water have been consulted and have confirmed they have adequate connection capabilities.

Conclusion

After careful consideration of the issues relating to the proposal, those raised during consultation and those raised with the previously refused application Officers consider that on balance, the merits of this revised scheme are sufficient to justify recommending approval and overcome the previous reasons for refusal. Concerns regarding neighbouring amenities and highway matters in particular have been given careful scrutiny and whilst neighbouring impacts would arise, this revised scheme greatly reduces any harm and it is not in the view of Officers sufficient to justify refusal. In terms of highway impacts, Essex County Council has no concerns and has left it for this Authority to consider whether parking is sufficient given the location and the proposal has increased the number of spaces on the previous refusal. On balance, approval is recommended for a development that would make a meaningful contribution towards new homes in the District in a desirable location where the built form is outside of the Green Belt and changes have been made to reduce any impact on this sensitive site at the Green Belt boundary.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 574414***

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