

Supplementary Committee Agenda



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 28th November, 2012

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services: Simon Hill - The Office of the Chief Executive
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564249

9. PROBITY IN PLANNING (Pages 3 - 14)

(Director of Planning and Economic Development) To consider the attached Probity in Planning documents.

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Our Ref: PL/EPF/0207/11

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning General Development Orders
PLANNING DECISION NOTICE



Directorate of Planning &
Economic Development
Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

An electronic version of this
decision notice is available
on our website:
www.eppingforestdc.gov.uk/iplan

To: DPP
West One
63-67 Bromham Road
Bedford
MK40 2FG

Proposal: 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 creche 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.

Location: Fyfield Business And Research Park, Fyfield Road, Ongar, Essex, CM5 0GN

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **REFUSE PERMISSION** for the development described above, for the reasons listed below.

Signed

A handwritten signature in black ink that reads 'John De Wilton Preston'.

John De Wilton Preston, Director of Planning and Economic Development

Date: 07 December 2011

Reasons for Refusal

- 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.

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- 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.

Informatives:

This decision is made with reference to plan numbers: Location Plan; 4042_PL_100; 4042_PL_101; 4042_PL_120; 4042_PL_150; 4042_PL_151; 4042_PL_152; 4042_PL_153; and 9W4559/RH2 Rev. D

The following policies from the Development Plan (Epping Forest District Local Plan 1998 and Alterations 2006) were relied upon in this decision :

Policies

1	Local Plan Alterations 2006 Policy - CP01 - Achieving Sustainable Development Objectives
2	Local Plan Alterations 2006 Policy - CP02 - Protecting the quality of the Rural and Built Environment
3	Local Plan Alterations 2006 Policy - CP03 - New Development
4	Local Plan Alterations 2006 Policy - CP04 - Energy Conservation
5	Local Plan Alterations 2006 Policy - CP05 - Sustainable Building
6	Local Plan 1998 Policy - DBE01 - Design of New Buildings
7	Local Plan 1998 Policy - DBE02 - Effect on neighbouring properties
8	Local Plan 1998 Policy - HC12 - Development Affecting the Setting of Listed Buildings
9	Local Plan Alterations 2006 Policy - GB02A - Development in the Green Belt
10	Local Plan Alterations 2006 Policy - GB07A - Conspicuous Development
11	Local Plan Alterations 2006 Policy - ST04 - Road Safety
12	Local Plan Alterations 2006 Policy - ST06 - Vehicle Parking
13	Local Plan 1998 Policy - LL01 - Character, Appearance and Use of the Rural Landscape
14	Local Plan 1998 Policy - LL10 - Provision for Landscape Retention
15	Local Plan 1998 Policy - LL11 - Landscaping Schemes
16	Local Plan 1998 Policy - RP04 - Contaminated Land
17	Local Plan Alterations 2006 Policy - E04A - Protection of Employment Sites
18	Local Plan Alterations 2006 Policy - I01A - Planning Obligations

NOTES RELATING TO PLANNING APPLICATIONS TOWN AND COUNTRY PLANNING ACT 1990

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, he may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990. If an Enforcement Notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the Local Planning Authority's decision on your application, then you must do so within 28 days of the date of the Enforcement Notice or within 6 months of the date of this notice, whichever period expires earlier. In all other cases, if you want to appeal then you must do so within 6 months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0117 372 6372, or online at the following website: www.planningportal.gov.uk/pes) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of any development order, and to any

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directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. There is no time limit for appealing against a decision relating to a Certificate of Lawful Use or Development.

2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for Communities and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

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The Planning
Inspectorate

Quality Assurance Unit
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0117 372 8252
Customer Services: 0117 372 6372

Theresa Parker
Epping Forest District Council
Planning Services
Civic Offices
323 High Street
Epping
Essex
CM16 4BZ

Your Ref: PL/EPF/1589/11
Our Ref: APP/J1535/A/11/2166690/NWF
Date: 12 June 2012

Dear Ms Parker

**Town and Country Planning Act 1990
Appeal by Everglade Construction Ltd
Site at Land Adj To 38 Onslow Gardens, Chipping Ongar, CM5 9BQ**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Jackie Whitworth

Jackie Whitworth

COVERDL1



*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button .*



Appeal Decision

Site visit made on 10 May 2012

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 June 2012

Appeal Ref: **APP/J1535/A/11/2166690**

Land Adjacent to 38 Onslow Gardens, Chipping Ongar, Essex CM5 9BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dave Evans against Epping Forest District Council.
 - The application Ref PL/EPF/1589/11, dated 1 August 2011, was refused by notice dated 9 November 2011.
 - The development proposed is the erection of a new 3-bedroom dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new 3-bedroom dwelling on land adjacent to 38 Onslow Gardens, Chipping Ongar, Essex CM5 9BQ in accordance with the terms of the application Ref PL/EPF/1589/11, dated 1 August 2011, subject to the conditions in the schedule to this decision.

Procedural matters

2. The proposed development appears to be complete. It has been constructed broadly in accordance with the plans.
3. On 27 March 2012, the Government issued the National Planning Policy Framework (the Framework), which sets out planning policies for England and how these are to be applied. At the heart of the Framework is a presumption in favour of sustainable development. As the Framework is a material consideration and was issued after the submission of evidence, both main parties were invited to submit further representations in the light of its publication.

Main issue

4. The main issue is the effect of the development on the character and appearance of the local area.

Reasons

5. On 20 July 2011, the Council granted planning permission for the erection of a 2-bedroom dwelling on the site¹. The development sought differs from the approved scheme in that a dormer extension is included in the rear roof slope

¹ Reference PL/EPF/0951/11

of the appeal building to facilitate the use of the roof space as a third bedroom. As the Council has recently found the development to be acceptable except for the rear dormer it is that element of the appeal scheme that I shall primarily concern myself.

6. The dormer extension extends across the width of the most of the rear roof slope and lies just below the ridgeline of the appeal building. Its scale and bulk visually dominates the rear of the dwelling. Nevertheless, the dormer extension is set in from the sides of the rear roof and is set back, by some margin, from the rear building line of the dwelling. Although a large addition, it sits comfortably on the roof slope and its 'box like' appearance reflects the broad shape of the built form at the rear of the dwelling.
7. Glimpse views of part of the dormer extension are possible from a limited number of public vantage points along Onslow Gardens. These views are primarily through a narrow gap between the appeal property and 36 Onslow Gardens, which is situated on the opposite side of a public footpath that runs between these properties. From the adjacent highway, only a small part of the dormer is visible at some distance. It does not draw the eye or look out of place because the amount of built form visible in the local street scene is modest and it appears to be in proportion to the host building. For these reasons, the dormer extension is not obtrusive in the local street scene.
8. The dormer extension is evident when viewed from the footpath that runs adjacent to the side and rear of the site. That view is in the context of the adjacent property, No 38, to which the appeal dwelling is attached. The general scale, design and appearance of the development reflects that of No 38, which has a similar rear dormer extension. Because these dwellings are viewed together, this element of the appeal scheme does not look out of place because it is perceived to be broadly consistent in design, scale and proportion with the adjacent dwelling. Although the dormer extension stands out when viewed from the adjacent footpath, it is not so out of keeping that it detracts from the estate style housing which generally characterises the local area.
9. The remainder of the development is similar to the approved scheme and I find no obvious reason to withhold planning permission given that it is, in my opinion, appropriate in design, scale and appearance. While the development has created a terrace of three units, the new dwelling and No 38 are visually separate entities and, as such, the development relates well to existing development and blends into the local street scene. For all of these reasons, the appeal scheme does not amount to overdevelopment nor does it prejudice the amenities of the area.
10. Overall, I conclude that the development is in keeping with the character and appearance of the local area. It complies with Policies DBE1 and CP7 of the Epping Forest District Local Plan and its Alterations. These policies, to which I attach significant weight, seek to ensure that development maintains the environmental quality of the urban area and that new buildings respect their setting.
11. I acknowledge the concerns mainly from interested parties that the development has already been carried out. However, that is insufficient reason to dismiss the appeal because each case should be considered on its individual

merits, which I have done in this instance. For the same reason, the development, if allowed, would not set an undesirable precedent.

Conditions

12. In attaching conditions, I have had regard to Circular 11/95: *The Use of Planning Conditions in Planning Permissions*, and the advice within the Framework. As the development has already started a commencement condition is unnecessary. It was not possible to conclude from my unaccompanied site visit that the development is fully complete. Therefore, I have attached a condition requiring that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure the satisfactory appearance of the development, a condition is imposed which requires full details of landscaping.
13. Circular 11/95 advises that conditions should not be imposed which remove permitted development rights except in exceptional cases. While I have found the rear dormer to be acceptable in this case, it does not necessarily follow that other alterations and extensions that would normally be regarded as permitted development would be acceptable in terms of the appearance of the development and its relationship with nearby residential properties. Therefore, a condition is imposed that removes permitted development rights for any further extensions and alterations to the building. In the interests of highway safety, conditions are imposed to require that the car parking arrangements are in place and retained as such, and that the lighting column at the front of the site is relocated so that it does not obstruct access to the parking area.
14. I have amended the Council's suggested conditions to reflect the advanced stage of construction and to more closely reflect national guidance.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 938/9A, 938/10C and 938/11.
- 2) Prior to the occupation of the development hereby permitted landscaping works shall be completed in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. These details shall include pedestrian access and circulation areas; hard landscaping and surfacing materials; finished levels or contours; means of enclosure; minor artifacts and structures (eg furniture, refuse or other storage units); and soft landscape works including planting plans; written specifications; schedules of plants, and an implementation programme. These works shall be carried out as approved in the first planting season following the occupation of the development or in accordance with a

programme agreed with the local planning authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no building, structure or alteration permitted by Class A and B of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage of the building hereby permitted other than those expressly authorised by this permission.
- 4) The development hereby permitted shall not be occupied until the lighting column at the front of the dwelling hereby permitted has been relocated to a position that does not obstruct vehicular access to the parking spaces shown on drawing No 938/10C.
- 5) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing No 938/10C for two cars to be parked. The car spaces to be provided shall be kept available for the parking of motor vehicles at all times and permanently retained as such thereafter.
- 6) No fence or wall over one metre in height shall be erected along the western boundary of the site between the rear building line of the dwelling hereby permitted and the highway.

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Civic Offices,
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Epping,
Essex CM16 4BZ

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on our website:
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To: JSP Partnership Limited
1 Basons Yard
Chipping Ongar
Essex
CM5 9AA

Proposal: Proposed new three bedroom dwelling. (Amended application)

Location: Land adj, 38 Onslow Gardens , Ongar , Essex, CM5 9BQ

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **REFUSE PERMISSION** for the development described above, for the reasons listed below.

Signed

John De Wilton Preston, Director of Planning and Economic Development

Date: 09 November 2011

Reasons for Refusal

- 1 The proposal due to its size in relation to its associated plot and its bulk and poor design, in particular the rear dormer window, is considered to be overdevelopment and harmful to the character and amenity of the area, contrary to policies DBE1 and CP7 of the adopted Local Plan and Alterations.

Informatives:

This decision is made with reference to plan numbers: 938/9A, 938/10C and 938/11.

The following policies from the Development Plan (Epping Forest District Local Plan 1998 and Alterations 2006) were relied upon in this decision :

Policies

1	Local Plan Alterations 2006 Policy - CP02 - Protecting the quality of the Rural and Built Environment
2	Local Plan Alterations 2006 Policy - ST04 - Road Safety
3	Local Plan Alterations 2006 Policy - ST06 - Vehicle Parking
4	Local Plan 1998 Policy - DBE01 - Design of New Buildings

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5	Local Plan 1998 Policy - DBE02 - Effect on neighbouring properties
6	Local Plan 1998 Policy - DBE06 - Car Parking in new developments
7	Local Plan 1998 Policy - DBE08 - Private Amenity Space
8	Local Plan 1998 Policy - DBE09 - Loss of Amenity
9	Local Plan 1998 Policy - LL10 - Provision for Landscape Retention

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2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for Communities and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
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