

Supplementary Committee Agenda



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 1st July, 2009

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

Time: 7.30 pm

Democratic Services: Mark Jenkins - The Office of the Chief Executive
Email: mjenkins@eppingforestdc.gov.uk Tel: 01992 564607

7. DEVELOPMENT CONTROL (Pages 3 - 10)

(Director of Planning and Economic Development) To consider the attached report.

Due to an IT error on producing the report, this should have carried the recommendation to "Refuse Permission" and rather than subject to " conditions", this word should have been "reasons for refusal". The rest of the report is correct as published.

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Report Item No: 5

APPLICATION No:	EPF/1348/08
SITE ADDRESS:	Matthews Yard Harlow Road Moreton Ongar Essex CM5 0LH
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Wickford Development Company
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and commercial buildings and erection of 8 dwellings including surface water sewer to existing watercourse. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

REASONS FOR REFUSAL

- 1 The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The Local Plan and Government Guidance as set out in Planning Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area and that new developments will only be permitted if not disproportionate. The construction of 8 open market dwellings in this location is inappropriate development which will have a detrimental effect to the open character and objectives of the Green Belt. The proposal is therefore contrary to Policies GB2A and GB16A of the Adopted Local Plan and Alterations.

- 2 The proposed development would, by reason of the design, bulk, mass, and siting of the dwellings appear unacceptably dominant and visually intrusive and would be out of character with the surrounding area contrary to Policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations.

This application was deferred from the last Area Sub Committee by Members to enable further negotiation with the applicants with a request that it be reported back to this meeting.

At the time of writing the negotiations are ongoing and progress will be reported orally.

The original report is reproduced below:

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

The applicant is seeking planning permission to demolish an existing dwelling known as Cedar Lodge and a number of redundant buildings on the subject site. These are to be replaced by 8 dwellings that are to be located around an internal access road. The dwellings will comprise of:

- 3 Terrace 2 storey dwellings
- 3 Detached 2 storey dwellings
- 1 Detached 2 storey dwelling with attic rooms
- 1 Detached 1.5 storey dwelling.

The dwellings will range from two bedrooms to five bedrooms with each having its own private open space and associated car parking either within the designated parking bays or within detached garages. Plots 1, 2, 3 and 5 also include studios over the garages.

The proposed development is to be located towards the front of the subject site where the existing dwelling and redundant buildings are located. The vacant transport yard towards the rear is to be transformed into a paddock.

It should be noted that this application is a revised application as Council recently refused a similar scheme (EPF/2580/07) in January 2008.

Description of Site:

The subject site is located on the western side of Harlow Road within the village of Moreton. The site as a whole is known as Matthews Yard and it comprises approximately 0.415 of a hectare. Located on the boundaries is a medium size timber paling fence. Mature vegetation is located on the rear boundary of the site.

Currently the site has two different uses. Located on the north eastern corner of the site there is a small bungalow with small detached outbuildings located behind it. A large timber framed weatherboard building that is in a poor condition is located south of the existing bungalow. The building is currently vacant but was once used as a filling station with associated workshops and vehicle repairs. It should be noted that it appears that the building has not been used for many years due to its derelict condition.

The existing transport yard towards the rear currently has a large hardstanding area and some small disused outbuildings.

The subject site is located within the residential ribbon of Moreton, with bungalows to the north and larger properties to the south. Opposite the site are allotment gardens and to the west are fields. The site and the surrounding area are located within the Metropolitan Green Belt.

Relevant History:

The subject site has had a number of previous planning consents dating back to 1958. These include permission for the site to be used as a filling station with associated storage tanks, vehicle maintenance and the development of a residential bungalow (Cedar Lodge). The most recent applications are as follows:

EPF/1470/77 - Retention of use of portion of building for storage purposes and siting of 2 no. free standing steel storage tanks for storage of cleaning solvent (approved)

EPF/0275/87 – Temporary office, welfare and vehicle maintenance accommodation (approved with conditions)

EPF/2580/07 - Demolition of existing dwelling and commercial buildings and erection of 8 dwellings. (refused)

Policies Applied:

DBE1 Design of New Buildings
DBE2 Detrimental Effect on Existing Surrounding Properties
DBE4 Development in the Green Belt
DBE6 Car Parking
DBE8 Private Amenity Space
DBE9 Loss of Amenity for Neighbouring Properties
LL10 Adequacy of Provision for Retention of Landscaping
LL11 Landscaping Schemes
CP1 Sustainable Development
CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
H1A Housing Land Availability
GB2A Development in Green Belt
GB7A Conspicuous Development
GB15A Replacement Dwellings
GB16A Affordable Housing
E4A Employment

Summary of Representations

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL: The committee strongly objects to the application as the proposal is considered to be an excessive development within the Green Belt and no on-site affordable housing is proposed.

14 Neighbours were consulted and a site noticed erected. The following responses were received:

2 LANDVIEW COTTAGES (2 letters) – Objects to large buildings which are out of the price range for local residents and would rather see affordable housing within the site. Also the proposed development is an overdevelopment of the site which would not reflect the character of the area and would be detrimental to the openness of the Green Belt.

Issues and Considerations:

Green Belt:

Under the previous scheme that was refused, the Council considered that the special circumstances that were put forward did not outweigh the harm that the development would cause in relation to the openness, appearance and the character of the Green Belt. It was also considered that the construction of 8 open market housing with no provisions of affordable housing on site and only £400,000 to facilitate the purchase of existing properties to be used as affordable housing within the two nearest towns of North Weald or Ongar was inadequate to justify a development of this size and scale within the Green Belt.

Therefore the main issues to be addressed in this case are whether the applicant has addressed the Council's first reason for refusal of the previous application which was:

- The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The Local Plan and Government Guidance as set out in Planning Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area and that new

developments will only be permitted if not disproportionate. The construction of 8 open market dwellings in this location is inappropriate development which will have a detrimental effect to the open character and objectives of the Green Belt. Furthermore the development does not provide affordable housing, and the proposal is therefore contrary to Policies GB2A and GB16A of the Adopted Local Plan and Alterations.

It should be noted that no additional very special circumstances have been put forward to Council from those that were submitted under the previous scheme that was refused.

Also, since the refusal of the previous application there has been no material change in relation to the number of dwellings on the site. Under the revised scheme the applicant proposed a financial contribution of £200,000 to facilitate the purchase of properties to be used as affordable housing off site, however this was increased to £251,000 following post application discussions. This is significantly less than the £400,000 that was offered under the previous scheme.

The applicant has argued that the amount of affordable housing provision should not be the same as previously, due to the decrease in the overall value of the site and the potential building and sale prices of the dwellings.

The applicant has explained that this is an economic viability assessment prepared by a company called 'Three Dragons'. In the assessment it was stated that if the Council's normal affordable housing requirements were applied, the residual value of the development would be insufficient to fund the affordable housing requirements. Therefore because of this, it would not be economically viable for the applicants to go ahead with any residential development.

The application along with the supporting documentation was referred to the Council's housing officer who accepts the argument put forward by the applicant in relation to the amount of affordable housing that can be contributed due to the evidence contained within the viability assessment. The housing officer also stated that the Council could not reasonably expect to receive any greater contribution than the £251,000 offered.

Although the Council accepts that the amount of affordable housing contribution is acceptable for the size of the scheme, the Council still considers that were we to accept that the site could be developed for housing, there should be some form of on-site affordable housing for the benefit of the local community and to provide some justification to outweigh the harm the development would cause on the Green Belt.

Development on a site like this for residential development is clearly contrary to Green Belt policy, unless it is for 100% affordable housing and is accepted as an exception to normal Green Belt restraint because of an identified local need for such housing. A site like this is ideal for affordable housing and this is justified under Policy GB16A. The lack of affordable housing which is 'affordable' to rent or buy may often result in villagers (particularly those starting new households) being obliged to move away in search of accommodation and work. Moreton is considered to be a suitable settlement and a scheme here could be beneficial to local people who may wish to live and work in the area. This in turn would benefit the local economy in terms of services and amenities being used. The applicant is not however arguing that this should be regarded as an exception site.

It should also be noted that a housing survey for Moreton, Bobbingworth and the Lavers has been carried out in Oct/Nov 2007 however it has not been formally published. A brief summary that was issued stated that 77% of the residents responding are in favour of the provision of affordable housing and 30 individuals have indicated a need. The Parish Council considered that these numbers justify an affordable housing scheme for the village of Moreton.

Given the location of the site within the village, and the acknowledged cost of removing the existing building and decontaminating the land, there is an argument that the site could perhaps be developed for 50% affordable housing and 50% market housing to help meet the local need, but the scheme would need to relate better to the surrounding development. However the open market housing would have to be on the bottom strata of the housing market.

Not only does the proposed development result in no affordable housing on the site, but it is considered that the proposed scheme incorporating 8 luxury dwellings results in a development that would have a detrimental impact to the Green Belt due to excessive bulk, scale and form.

Despite the above discussion of affordable housing contributions the applicant is not putting forward this offer of £251,000 as part of very special circumstances to justify the development. In the view of the applicant, the very special circumstances are entirely that the site is currently occupied by a large unsightly building and has authorised a lawful use for a transport depot, which, if used to its full extent could be harmful to the amenity of the village.

Whilst the council accepts that the site is not currently attractive and that the removal of the fronting building and the threat of the use of the rear land would be of some benefit, it is not accepted that these circumstances are 'very special'. Similar unsightly buildings and inappropriate uses exist in many locations throughout the Green Belt. Additionally the amount of built development proposed for this site will have a significant and harmful impact on openness.

It is considered that a scheme that is appropriately designed, that incorporates a mixture of smaller open market housing and affordable on site housing would not have an impact to the open character of the Metropolitan Green Belt as the site is located within a built up residential enclave and it would be replacing disused redundant buildings, other smaller outbuildings and a dwelling. Council considers that there is the potential to develop the site for residential housing although very special circumstances need to be justified by the applicant in the form of providing on site affordable housing.

Therefore the justification to provide an off site affordable housing contribution as a special circumstance is not an appropriate proposal in this instance.

Design and the Built Environment:

Council considered that the design and appearance of the development under the previous application was not acceptable and therefore refused the application for the following reason:

- The proposed development would, by reason of the design, bulk, mass, and siting of the dwellings appear as an unacceptably dominant and visually intrusive feature in the street scene and would be out of character with the surrounding area contrary to Policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations.

Therefore the main issue to be addressed is whether the applicant has addressed Council's concern in relation to the above reason of refusal.

Policies DBE1, DBE2 and DBE4 of the Epping Forest District Local Plan seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

Previously the Council was satisfied that the development made adequate provisions for off street car parking in accordance with the adopted standards and that there would be no detrimental impact in terms of highway safety or traffic congestion. The Council was also satisfied that the amount of private amenity space for each dwelling was sufficient in that it would meet the

recreation needs for future occupiers. Once again the Council is satisfied with these details under the revised application. Further information such as a detailed landscape plan and a contamination report would be sought by planning conditions if the application were granted permission.

In relation to the design and appearance of the proposed development, the only difference between the scheme that was refused and the proposed application is that the applicant has changed the appearance of the dwellings in that instead of them appearing more like a Georgian style of dwelling, they now tend to look more like traditional rural dwellings that you see in the rural countryside. It should be noted that the building footprint, size and scale of each dwelling is the same as the previous application that was refused.

New buildings should be consistent with the overall shape and form of those dwellings which are predominant in the street and general neighbourhood. Building bulk and scale should also be consistent with the nature of the surrounding and adjacent properties. As mentioned above the majority of the surrounding buildings are residential bungalows. It is considered that there is the potential for double storey dwellings to be located within the site however once again in this case the bulk and scale of the proposed dwellings are excessive and are an inappropriate design response as they will appear as dominant features within the street scene and to adjoining property owners. The loose cul-de-sac of properties is not a traditional form of development in village areas and it is not considered an appropriate layout in this location.

Impact on Neighbours:

Consideration has been given to the impact of the proposal to the adjoining and adjacent properties, primarily in respect to privacy and overshadowing.

Given the orientation of the site and the siting of dwellings, overshadowing to the adjoining properties private open space including the dwelling within the development is minor.

It is noted that there are flank and rear windows on the first floor of the proposed dwellings. It is considered that there is a significant distance between these windows and the adjoining habitable room windows on the dwellings of the adjoining properties. There will be no significant loss of privacy to the occupiers.

Conclusion:

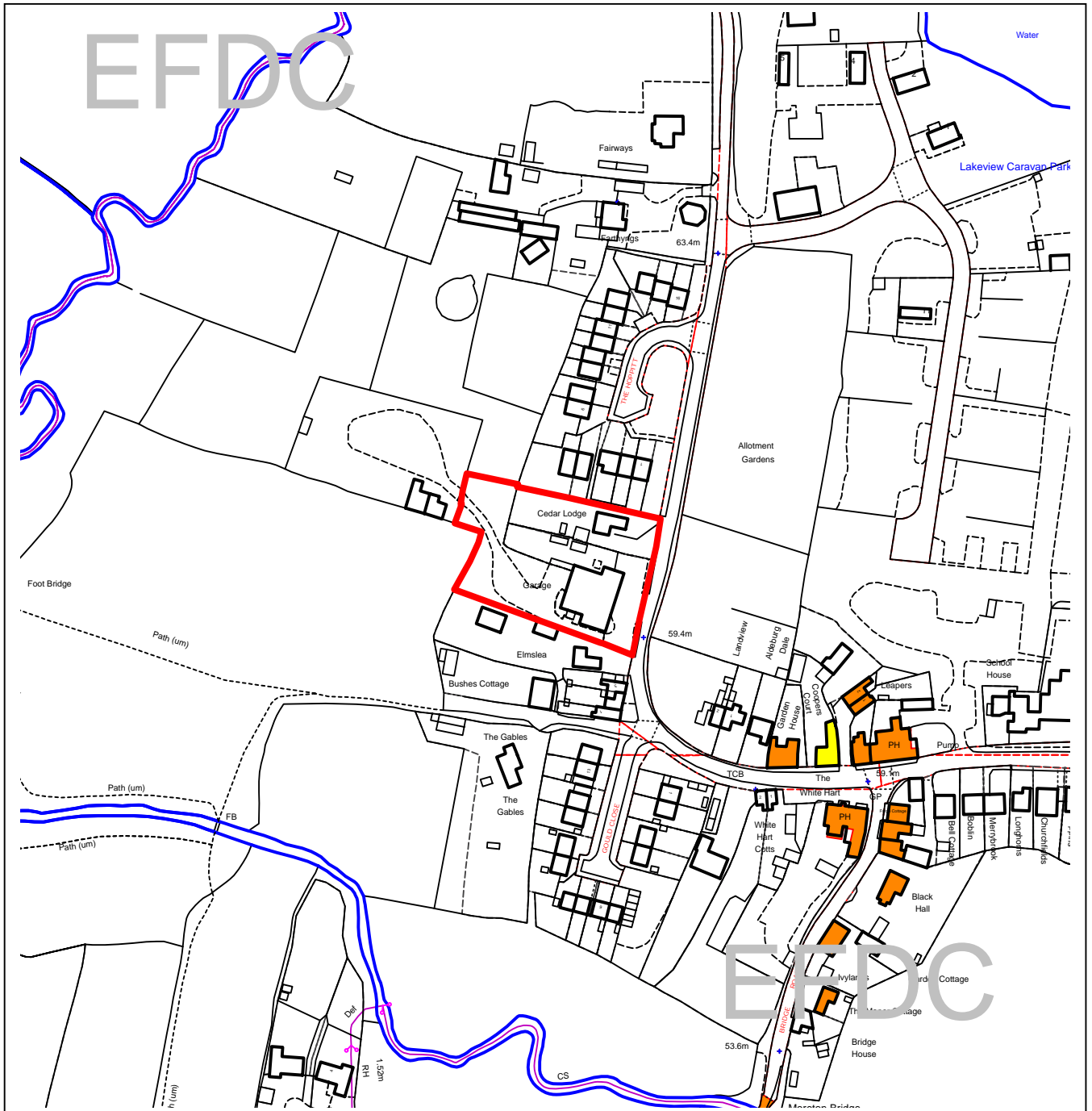
In conclusion it is considered that the construction of 8 new dwellings in this location extending deep into the site beyond the depth of the existing buildings would have a detrimental impact to the open character of the Green Belt. It is also considered that the development is of a poor design response. In particular, Council has concerns with the bulk, scale, size and layout of the development as it would not reflect the character of the area.

It is considered that the special circumstances provided do not justify an inappropriate development of this size and scale on this particular site. Therefore, given the reasons stated throughout this report, it is recommended that the application be refused.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/1348/08
Site Name:	Matthews Yard, Harlow Road, Moreton, Ongar, CM5 0LH
Scale of Plot:	1/2500

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