

# Committee Agenda



**Webcast  
Meeting**



**Epping Forest  
District Council**

## ***Area Planning Subcommittee East Wednesday, 1st April, 2009***

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

**Time:** 7.30 pm

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

Members:

Councillors A Green (Chairman), G Pritchard (Vice-Chairman), A Boyce, M Colling, Mrs D Collins, R Frankel, P Gode, Mrs A Grigg, Mrs H Harding, Ms J Hedges, D Jacobs, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.**

### **WEBCASTING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area**

**If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 7 - 30)**

To confirm the minutes of the Sub-Committee meeting of 11 March 2009.

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**7. DEVELOPMENT CONTROL (Pages 31 - 104)**

(Director of Planning and Economic Development) To consider planning applications as set out in the attached schedule

**Background Papers:** (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which

consideration is to be given to the enforcement of planning control.

## 8. DELEGATED DECISIONS

(Director of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

## 9. EXCLUSION OF PUBLIC AND PRESS

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Paragraph Number	Information
Nil	Nil	Nil	

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Subcommittee before leaving.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

### **Can I give the Councillors more information about my application or my objection?**

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the

Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

**Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee East   **Date:** 11 March 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping   **Time:** 7.30 - 10.45 pm

**Members Present:** A Green (Chairman), G Pritchard (Vice-Chairman), A Boyce, M Colling, Mrs D Collins, R Frankel, P Gode, Mrs A Grigg, Mrs H Harding, Ms J Hedges, D Jacobs, Mrs M McEwen, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** R Morgan

**Officers Present:** S Solon (Principal Planning Officer), K Lawson (Planning Services Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

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### 106. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 107. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

### 108. MINUTES

**RESOLVED:**

That the minutes of the meeting held on 18 February 2009 be taken as read and signed by the Chairman as a correct record.

### 109. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs Hedges declared a personal interest in the following items on the agenda by virtue of being a Town Councillor. The Councillor had determined that her interest was not prejudicial and she would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1998/08 – Treetops Care Home, Station Road, Epping.
- EPF/0005/09 – 15 Vicarage Road, Coopersale, Epping.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs McEwen declared a personal interest in the following item on the agenda. The Councillor had determined that her interest was not prejudicial and she would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0033/09 – Homecroft, Norwood End, Fyfield, Ongar.

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item on the agenda, by virtue of being a Town Councillor. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0095/09 – 75 Beamish Close, North Weald Bassett, Epping.

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item on the agenda, by virtue of being the Housing Portfolio Holder. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/2352/08 – 4 Edwards Terrace, Tysea Hill, Stapleford Abbots.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Mrs Grigg declared a personal interest in the following item on the agenda. The Councillor had determined that her interest was not prejudicial and she would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0095/09 – 75 Beamish Close, North Weald Bassett, Epping.

(f) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item on the agenda. The Councillor had determined that his interest was prejudicial and he would leave the meeting for the consideration of the applications and voting thereon:

- EPF/2439/08 – Land off Abridge Road (ex Old Forrester Club), Theydon Bois.

(g) Pursuant to the Council's Code of Member Conduct, Councillor P Gode declared a personal interest in the following items on the agenda. The Councillor had determined that his interest was not prejudicial and he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2435/08 – 1 Aukingford Green, Ongar.

(h) Pursuant to the Council's Code of Member Conduct, Councillor R Frankel declared a personal interest in the following items on the agenda, by virtue of having expressed an interest in a neighbouring property. The Councillor had determined that his interest was not prejudicial and he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1913/08 – 2 Theydon Park Road, Theydon Bois.



(i) Pursuant to the Council's Code of Member Conduct, Councillor Mrs Whitehouse declared a personal interest in the following item on the agenda, by virtue of being a member of the Rural Preservation Society. The Councillor had determined that her interest was not prejudicial and she would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2439/08 – Land off Abridge Road (ex Old Forrester Club), Theydon Bois.

(j) Pursuant to the Council's Code of Member Conduct, Councillor Mr Whitehouse declared a personal interest in the following item on the agenda, by virtue of being a member of the Epping Rural Preservation Society. The Councillor had determined that his interest was not prejudicial and he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2439/08 – Land off Abridge Road (ex Old Forrester Club), Theydon Bois.

(k) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal interest in the following items on the agenda, by virtue of being a member of the Parish Council. The Councillor had determined that his interest was not prejudicial and he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1913/08 – 2 Theydon Park Road, Theydon Bois;
- EPF/2419/08 – 71 Hornbeam Road, Theydon Bois;
- EPF/2439/08 – Land off Abridge Road (ex Old Forrester Club), Theydon Bois;  
and
- EPF/0064/09 – 44 Theydon Park Road, Theydon Bois.

#### **110. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Sub-Committee.

#### **111. DEVELOPMENT CONTROL**

##### **RESOLVED:**

That the planning applications numbered 1 – 14 be determined as set out in the schedule attached to these minutes.

#### **112. DELEGATED DECISIONS**

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

**CHAIRMAN**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1998/08
<b>SITE ADDRESS:</b>	Treetops Care Home Station Road Epping Essex CM16
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of 10 car parking spaces.
<b>DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The parking spaces hereby approved shall be retained free of obstruction for the parking of residents', staff and visitors' vehicles.
- 2 The manoeuvring area of the car park hereby approved and the access road serving it identified as having a combined width of 5775mm on drawing no 08-3214-01 shall be permanently retained as part of the car park and shall be kept open and free of obstruction.
- 3 The surface of the car park hereby approved shall be constructed of semi-porous or porous material only and permanently retained as such.
- 4 Within 28 days of the date of this decision, details of a landscaping scheme designed to obstruct vehicle headlights lighting land beyond the site boundary shall be submitted in writing to the Local Planning Authority for approval.
- 5 The landscaping scheme approved pursuant to condition 4 shall be implemented within the first planting season following the schemes approval and maintained for a period of 5 years. In the event of no landscaping scheme being approved by the Local Planning Authority within 6 months of the date of this decision, a scheme designed by the Local Planning Authority, in accordance with the terms of condition 4 shall be taken to be the scheme approved pursuant to condition 4.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0005/09
<b>SITE ADDRESS:</b>	15 Vicarage Road Coopersale Epping Essex CM16 7RB
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey and single storey side and rear extension. (Revised application)
<b>DECISION:</b>	Grant Permission (With Conditions)

**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 extension, shall match those of the existing building.
- 3 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0033/09
<b>SITE ADDRESS:</b>	Homecroft Norwood End Fyfield Ongar Essex CM5 0RW
<b>PARISH:</b>	Fyfield
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement of existing porch with 2 storey front projection on new dwelling
<b>DECISION:</b>	Grant Permission (With Conditions)

**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 extension, shall match those of the existing building.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0134/09
<b>SITE ADDRESS:</b>	Premier Garage Chelmsford Road Blackmore Ingatestone Essex
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>DESCRIPTION OF PROPOSAL:</b>	Illuminated shop/canopy fascia and pole sign, 4x stanchion non illuminated flag signs and jet wash sign.
<b>DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 In all of the illuminated signs the luminance levels (cd/m<sup>2</sup>) shall be 300 or below for all the illuminated signs as per the standard contained within the Institute of Lighting Engineers Technical report No. 5 and maintained at that level.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0146/09
<b>SITE ADDRESS:</b>	Premier Garage Chelmsford Road Blackmore Ingatestone Essex
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>DESCRIPTION OF PROPOSAL:</b>	New shop front, customer parking and modifications to jet wash facility including plant room, refuse enclosure. (Revised application)
<b>DECISION:</b>	Grant Permission (With Conditions)

**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 Details of the types and colours of the external finishes of the jet wash structure shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 The car wash hereby permitted shall not be open to customers outside the hours of 08.30 to 19.30 on Mondays to Fridays and 09.00 to 17.00 hours on Saturdays and not at all on Sundays or public holidays.
- 4 Waste, foul and surface water shall be discharged into an appropriate foul water system, the details of which shall have been agreed in writing by the Local Planning Authority within three months of the date of this notice. The agreed details shall be implemented within three months of approval and be retained permanently thereafter.
- 5 The external public seating area hereby permitted shall not be open to customers outside the hours of 08.00 to 22:00 on Mondays to Fridays and 09.00 to 21:00 hours on Saturdays, Sundays and public holidays.
- 6 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and

particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree 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 Prior to the commencement of the development details of the proposed surface materials for the forecourt shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

8 A flood risk assessment 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.

9 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

10 The parking area shown on the approved plan shall be retained free of obstruction for the parking of visitors vehicles.



**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0095/09
<b>SITE ADDRESS:</b>	75 Beamish Close North Weald Bassett Epping Essex CM16 6JW
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of single attached dwelling and ancillary works.
<b>DECISION:</b>	Refuse Permission

**REASONS FOR REFUSAL**

- 1 The design, size, siting and bulk of the proposed scheme are such that it would represent a poor, cramped form of development which fails to respect its setting and harms the character and appearance of the street scene and area more widely.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2435/08
<b>SITE ADDRESS:</b>	1 Aukingford Green Ongar Essex CM5 0BY
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of planning condition 2 'obscure glass fixed frames to front windows' on EPF/1972/08 for loft conversion with dormer windows to front and rear.
<b>DECISION:</b>	Refuse Permission

**REASONS FOR REFUSAL**

- 1 The removal of the condition would allow the use of clear glass in the dormer windows and/or the use of windows that are fully operable. That would result in excessive overlooking of Hill House from 1 Aukingford Green to the detriment of the amenities of the occupants of Hill House. Therefore, the proposal is contrary to the requirements of policy DBE9 of the Adopted Local Plan and Alterations.

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0070/09
<b>SITE ADDRESS:</b>	Stanford Rivers Hall Farm Church Road Stanford Rivers Ongar Essex CM5 9QG
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing utilitarian farm buildings, erection of new farm buildings, relocation of listed granary, extension to listed house.
<b>DECISION:</b>	Deferred

A decision on this application was deferred to allow for further information on the need for condition 4 to be presented to the Committee.

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. 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, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant

protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 4 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 5 Prior to commencement of development on the house extension, full details of window and door details, materials and surface finishes for walls and roof are to be submitted to and approved in writing by the Local Planning Authority. The development is to proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 6 Prior to commencement of development, full details of the proposed foul drainage and surface water drainage are to be submitted to and approved in writing by the Local Planning Authority. The development is to proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 7 Prior to commencement of works to demolish the barns, a Bat Survey is to be undertaken by a suitably competent person and a report submitted to and approved in writing by the Local Planning Authority.
- 8 Prior to commencement of works to demolish and resite the granary building, the existing granary building is to be recorded in drawings and photographs to be submitted to and approved in writing by the Local Planning Authority. The works are to be undertaken in accordance with the approved records and using the existing materials, unless otherwise agreed in writing with the Local Planning Authority.
- 9 No demolition/conversion 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 previously submitted by the applicant and approved by the Local Planning Authority.

- 10 The barns shown to be demolished on the approved plan number 2, shall be demolished and all resulting material and hardstanding shall be removed from the site within 28 days of the substantial completion of barn A or within 12 months of commencement of development, whichever is the sooner.

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0071/09
<b>SITE ADDRESS:</b>	Stanford Rivers Hall Farm Church Road Stanford Rivers Ongar Essex CM5 9QG
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building application for the demolition of existing utilitarian farm buildings, erection of new farm buildings, relocation of listed granary, extension to listed house.
<b>DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 Prior to commencement of works to demolish and resite the granary building, the existing granary building is to be recorded in drawings and photographs to be submitted to and approved in writing by the Local Planning Authority. The works are to be undertaken in accordance with the approved records and using the existing materials, unless otherwise agreed in writing with the Local Planning Authority.
- 3 Prior to commencement of development on the house extension, full details of window and door details, materials and surface finishes for walls and roof are to be submitted to and approved in writing by the Local Planning Authority. The development is to proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2352/08
<b>SITE ADDRESS:</b>	4 Edwards Terrace Tysea Hill Stapleford Abbots Romford Essex RM4 1JP
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of a new build semi detached two storey three bed residential dwelling on an existing plot following fire damage/demolition of existing property.
<b>DECISION:</b>	Grant Permission (With Conditions)

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 A flood risk assessment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment..
- 4 Details of the proposed timber decking (including elevations and any screening) at the rear elevation of the new dwelling shall be submitted in writing to the Local Planning Authority for approval within 3 months of the grant of this permission. The decking shall be constructed in accordance with those details and permanently maintained at a height no greater than that approved.
- 5 Notwithstanding the details shown on site plan on drawing no JAC/245/08/BR-01-101, the part of the means of enclosure on the boundary between 4 and 5 Edward Terrace that is within 3m of the site boundary with the footway shall not exceed a height of 900mm.

- 6 Prior to first occupation of the building hereby approved the proposed window openings in first floor flank elevations shall be fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed, and shall be permanently retained in that condition.
- 7 Prior to commencement of development, details of levels shall be submitted to and approved in writing by the Local Planning Authority showing 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.



**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/1913/08
<b>SITE ADDRESS:</b>	2 Theydon Park Road Theydon Bois Essex CM16 7LW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment to provide three detached bungalows (revised application)
<b>DECISION:</b>	Deferred

Deferred to allow Officers to seek modifications to the layout and design of the proposed development in accordance with comments nos. 1 and 2 of Theydon Bois Parish Council, as set out in the Officer's report.

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The approved facilities shall be installed prior to the commencement of any works on site in connection with the development and shall be used to clean all vehicles leaving the site. For the purposes of this condition, commencement of development means works to demolish the existing house.
- 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 Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 The development, including site clearance, must not commence until a scheme of hard and soft landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. 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, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 7 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.
- 8 The shared access should be a minimum of 4.8m wide for the first 6m from the highway.
- 9 Hard standing space(s) shall be provided within the curtilage of the dwelling(s) prior to occupation, and shall be permanently retained for the parking of residents' and visitors' cars.
- 10 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing 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.
- 11 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.00 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.

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/2419/08
<b>SITE ADDRESS:</b>	71 Hornbeam Road Theydon Bois Epping Essex CM16 7JU
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed first floor extension. (Revised application)
<b>DECISION:</b>	Grant Permission (With Conditions)

**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 extension, shall match those of the existing building.

**Report Item No: 13**

<b>APPLICATION No:</b>	EPF/2439/08
<b>SITE ADDRESS:</b>	Land off Abridge Road (ex Old Forrester Club) Theydon Bois Essex CM16 7NN
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Provision of commuter car park on land off Abridge Road, Theydon Bois.
<b>DECISION:</b>	Refuse Permission

**REASONS FOR REFUSAL**

- 1 The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, the policies of the adopted Local Plan and Alterations and the East of England Plan. 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.

In the view of the Local Planning Authority the proposed development does not comply with these policies as the applicant has not proved to the Council's satisfaction that very special circumstances exist which would outweigh the harm to the Green Belt from the construction of this commuter car park; specifically, the need for this land use has not been proved and in any event the scheme would cause unacceptable harm to the character and appearance of the Green Belt contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations.

- 2 The proposed development due to the use for the open parking of vehicles, the siting, design and lighting would have a significant adverse impact on the visual amenity, landscape and rural character of the area contrary to policies CP2, DEB1, DBE4, LL2 and LL3 of the Adopted Local Plans and Alterations

- 3 As far as can be determined from the proposed site plan 4184\_206C contained within the Transport Assessment Report produced by Savell, Bird and Axon, the applicant does not appear to control sufficient land to connect the application site to public highway. Moreover, the applicant has not demonstrated to the satisfaction of the Highway Authority that the proposed access arrangements and impact on the network are acceptable in terms of highway safety, capacity and accessibility. Consequently, the proposed development is contrary to the requirements of the Adopted Local Plan and Alterations policies ST2 and ST4.
  
- 4 As far as can be determined from the submitted plans the applicant does not appear to have taken account of Public Footpath 4 Theydon Bois as recorded on the Definitive Map of Public Rights of Way. The proposal as submitted would obstruct public passage along the footpath with loss of amenity and enjoyment of the public right of way. Consequently, the proposed development is contrary to the requirements of the Adopted Local Plan and Alterations policy RST3.

**Report Item No: 14**

<b>APPLICATION No:</b>	EPF/0064/09
<b>SITE ADDRESS:</b>	44 Theydon Park Road Theydon Bois Epping Essex CM16 7LP
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey side and front extensions and first floor addition to alter the existing bungalow into a two storey dwelling with additional rooms in the roof space. (Revised application)
<b>DECISION:</b>	Deferred

Deferred so the application can be reported with the correct recommendation and those who submitted comments be properly notified.

**REASON FOR REFUSAL**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the building hereby approved the proposed window openings in the first floor north and south facing flank wall, shall be fitted with obscured glass 1.7m high, measured from the internal first floor level to the window level and shall have fixed frames, permanently retained in that condition.

## AREA PLANS SUB-COMMITTEE 'EAST'

Date 1 April 2009

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

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4	EPF/0064/09	44 Theydon Park Road, Theydon Bois	Grant Permission (With Conditions)	55
5	EPF/0122/09	Land at Station Approach, High Street, Ongar	Grant Permission (With Conditions)	60
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11	EPF/0296/09	25 Laburnum Road, Coopersale, Epping	Grant Permission (With Conditions)	100
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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2441/08
<b>SITE ADDRESS:</b>	7a Piercing Hill Theydon Bois Essex CM16 7JN
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Stephen Price
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey rear and side extensions, first floor front extension, new basement to rear and alterations to roof to include loft conversion with dormers to front and rear.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 3 The development shall be carried out in accordance with the amended plans received on 28/01/09 unless otherwise agreed in writing with the Local Planning Authority.
- 4 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

- 5 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment..
- 6 Prior to the commencement of development details of screen walls, fences or such similar structures on the boundaries shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 7 Prior to commencement of development, details of screening to be erected on the North side of the proposed terraced areas is to be submitted to and approved in writing by the Local Planning Authority. The development is to be built in accordance with the approved details and retained as such thereafter.

**This item was deferred at the meeting held on 18 February 2009, to allow the Committee to carry out a site visit, prior to a decision being made. The meeting took place on Saturday 21 March 2009 and the same report is included below.**

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions*

**Description of Proposal:**

Two storey rear and side extensions, first floor front extension, new basement to rear and alterations to roof to include loft conversion with dormers to front and rear.

At the rear, it would project back by 5.4m at basement level, by 4m at ground floor level and by 1.6m at first floor level. Amended plans show the rear elements set 2.2m away from the north side boundary, with no increase to the existing terrace where it is on the north side boundary.

To the south side, it would extend by 1.6m over ground and first floors, leaving 1m to the south side boundary.

The ridge would be raised by 1m to 9.4m. There would be a new front gable feature, a replacement integral garage and a pitched roofed dormer at the front and at the rear.

**Description of Site:**

Large detached property in a row of other large mainly detached properties on the east side of Piercing Hill. It is set on sloping ground, at a raised level to the neighbours at number 8 to the north, but lower than number 7 to the south. The site is within the built up area of Theydon Bois, the boundary of the Metropolitan Green Belt being located on the west side of Piercing Hill. The site is not in a conservation area.

**Relevant History:**

EPF/1890/08 Two storey rear and side extensions, first floor front extension and basement, alterations to roof to include loft conversion with dormers to front and rear.

Withdrawn

### **Policies Applied:**

DBE9	Excessive loss of amenities for neighbours
DBE10	Design of residential extensions

### **Issues and Considerations:**

The main issues in this application are:

1. Design considerations
2. The amenities of neighbouring properties

The previous scheme was withdrawn following advice from the Local Planning Authority so as to reduce impacts upon the neighbouring residents. This revised application was further amended so as not to increase the terraced area at the side beyond the existing situation.

### **Design Considerations**

- The revised frontage would be wider and higher and include a front gable feature and new front dormer, and as such represents a significantly different appearance for the property.
- However, there would be at least 1m left to either side boundary, the height would be in line with the properties either side when taking into account the sloping ground levels.
- Furthermore, the new appearance of the property remains in keeping with the other properties in the row, where there are varied sizes and similar front dormer and front gable features to that now proposed.
- The separation distances to either side would be at least 1m at the front, and this acceptably reduces a potential terracing effect and any possible appearance of overdevelopment of the plot.
- As such, it is considered that the extended property would remain in keeping with the character of the streetscene and would not appear obtrusive.
- The rear elevation, including rear extension, a loft conversion and additional basement, would be significantly larger than at present in terms of height, but it is considered that it is acceptable due to the limited rear projection, the complementary design features and the fact that it is not visible from a highway.
- It is considered necessary to add a condition for details of materials so as to ensure there is no unacceptable impact upon the visual amenity of the area.

### **Residential Amenity**

- To the front, the new front gable would not significantly block the outlook from the front windows of number 8 to the north side, and to the south side it appears that there are no main habitable room windows facing on the side elevation of the neighbouring property, 7 Piercing Hill,. As such it is considered that the front extension and side extension would not significantly affect the amenities of neighbouring residents.
- The rear extension would block some sunlight and have an element of overbearing impact upon the rear aspect of the neighbouring property to the north, 8 Piercing Hill.
- However, and on balance, it is considered that the 2.2m separation distance to the boundary shown in amended plans, coupled with the limited 1.6m rear projection of the extension on the top two floors, leaves the level of loss of light and overbearing impact at a level that would not warrant a refusal.
- The potential overlooking from the raised terrace is mitigated in amended plans through the 2.2m separation distance, and a condition is recommended for details of a screen to be submitted so as to limit the potential overlooking yet further.

- There would remain approximately 35m to the boundary of number 63 Morgan Crescent to the rear, and approximately 55m to the actual property itself, and these significant separation distances mean that no unacceptable level of overlooking would result to the rear.

#### Other Matters

- It is proposed to add a condition for a flood risk assessment to be carried out, and issues relating to drainage are matters dealt with under alternative legislation.

#### **Conclusion:**

It is considered that the scheme is an acceptable addition to the area in design terms, and that the level of impact upon the amenities of neighbouring properties is not to an extent as to warrant a refusal, subject to a condition for screening of the rear terraced areas.

#### **SUMMARY OF REPRESENTATIONS**

##### THEYDON BOIS PARISH COUNCIL : OBJECTION

We note the revisions to the original application, but our original objection still stands in respect of the proposed rear elevations which will result in loss of light and privacy to the neighbouring property, 8 Piercing Hill. In particular, we consider that the proposed height of the terrace to the rear will be harmful to the amenity of the neighbouring property and would result in unacceptable overlooking. The adverse impact on 8 Piercing Hill is exacerbated by the topography of the land, number 8 being situated on much lower ground.

##### 8 PIERCING HILL : OBJECTION:

- Visual intrusion from rear extensions
- Loss of natural daylight and sunlight impacting upon rear windows of number 8.
- Overlooking from patio area and sideways.
- The rear elevation drawing does not show neighbouring properties and as such the effects upon number 8, at a lower level, are not made clear.
- Sizes of extensions are totally out of keeping with the other properties in the row.
- Flood risk.

##### 9 PIERCING HILL : OBJECTION:

- Risk of flooding.
- Overdevelopment of the site.
- Would look unsightly and overbearing, and out of character in the neighbourhood.

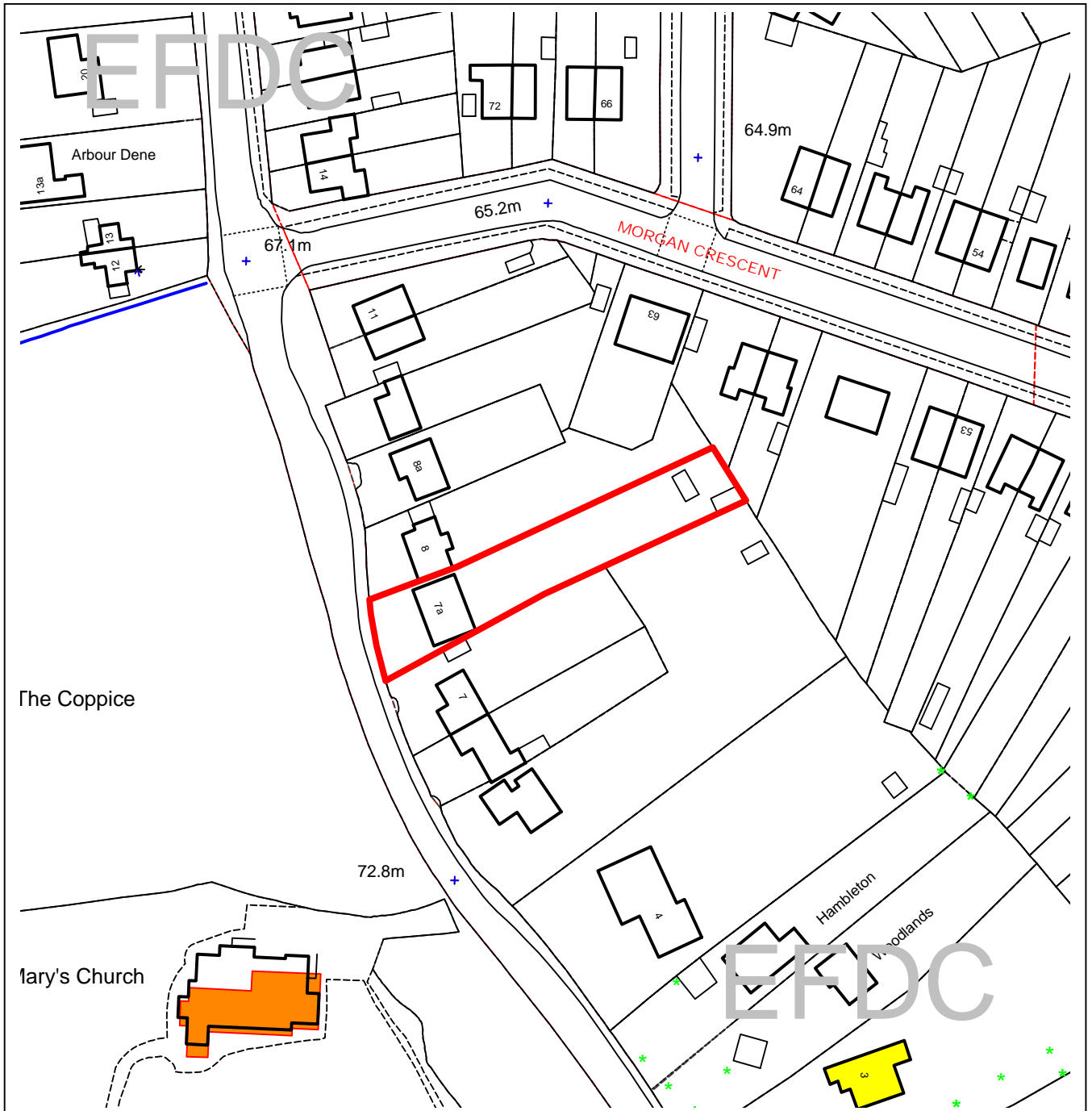
##### 63 MORGAN CRESCENT : OBJECTION:

- Increased overlooking to rear from loft conversion.
- Full drainage survey is required.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/2441/08
Site Name:	7a Piercing Hill Theydon Bois CM16 7JN
Scale of Plot:	1:1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0070/09
<b>SITE ADDRESS:</b>	Stanford Rivers Hall Farm Church Road Stanford Rivers Ongar Essex CM5 9QG
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Charles Padfield
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing utilitarian farm buildings, erection of new farm buildings, relocation of listed granary, extension to listed house.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. 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, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 4 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 5 Prior to commencement of development on the house extension, full details of window and door details, materials and surface finishes for walls and roof are to be submitted to and approved in writing by the Local Planning Authority. The development is to proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 6 Prior to commencement of development, full details of the proposed foul drainage and surface water drainage are to be submitted to and approved in writing by the Local Planning Authority. The development is to proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 7 Prior to commencement of works to demolish the barns, a Bat Survey is to be undertaken by a suitably competent person and a report submitted to and approved in writing by the Local Planning Authority.
- 8 Prior to commencement of works to demolish and resite the granary building, the existing granary building is to be recorded in drawings and photographs to be submitted to and approved in writing by the Local Planning Authority. The works are to be undertaken in accordance with the approved records and using the existing materials, unless otherwise agreed in writing with the Local Planning Authority.
- 9 No demolition/conversion 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 previously submitted by the applicant and approved by the Local Planning Authority.

- 10 The barns shown to be demolished on the approved plan number 2, shall be demolished and all resulting material and hardstanding shall be removed from the site within 12 months of commencement of development.

**This item was deferred at the Area Plans Sub-Committee meeting of 11<sup>th</sup> March 2009 at the request of the Committee so as to reword Condition 10 (regarding demolition and the need for removing existing material and hardstanding) and also to obtain further information to justify Condition 4 (regarding the need for a phased contaminated land investigation).**

Members will recall that the applicant is keen to get barn A up and substantially complete in time for late July beginning of harvest and hence the dislike of condition 4. The Officer at the meeting suggested deferment of this item as there was no Officer at the meeting who could give a technical reason of the consequences should condition 4 be not attached to a planning permission. Such advice will be available at this meeting.

For practical and safety reasons the harvest needs to be finished (end of October) before demolition of the old barns and Members agreed the rewording of condition 10, as a result.

#### **Condition 10**

Condition 10 is reworded to omit the reference to having to demolish and remove material within 28 days of the substantial completion of Barn A, and as amended reads as follows:

“The barns shown to be demolished on the approved plan number 2, shall be demolished and all resulting material and hardstanding shall be removed from the site within 12 months of commencement of development.

Reason: To enable the continued running of the farm throughout the construction period, but to ensure that there is no loss of openness in the Green Belt as a result of the development.”

This rewording ensures that the demolition/removal is undertaken within 12 months, thus safeguarding the openness and amenity of the Green Belt, whilst enabling the applicants more time to use the new barn in the busy harvest season prior to having to undertake these works.

#### **Condition 4**

Regarding the need for the Land Contamination condition, it is considered that it is a necessary and reasonable condition. Due to its use as a Farmyard and Workshops, fire damage and the presence of Made Ground, this site has been identified as being potentially contaminated and has been entered on the Local Authority's potentially contaminated land database. The Technical Co-ordinator (Contaminated Land) provides additional justification for the condition as follows:

Land Contamination is a material Planning Consideration. Annex 2 of PPS23 advises Local Planning Authorities to require developers to investigate all sites proposed for a sensitive end use such as Housing or where there have been previous potentially contaminating uses either on site or adjacent to the site, such as Farming. Therefore before any development commences it is important that a phased contaminated land investigation is undertaken to assess if any contaminants present could pose a risk to the present or proposed future occupants of the surrounding area or to ground and surface waters to the environment.

These issues are addressed by means of a Land Contamination condition attached to any consent granted, requiring the developer to have a phased land contamination investigation carried out to current regulatory standards and where risks are found to exist, appropriate remedial works be carried out.



The previous Officer's report is reproduced below, with an update of representations received since the last agenda was published.

*This application is before this Committee since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) of the Council's Delegated Functions).*

### **Description of Proposal:**

Demolition of existing utilitarian farm buildings, erection of new farm buildings, relocation of listed granary, extension to listed house.

The existing barn buildings labelled Barn 1 and Barn 2 to the south of the site with a volume of 6,228m<sup>3</sup> and 5,999m<sup>3</sup> would be removed and a new Barn A to the East of the site erected with a volume of 10,467m<sup>3</sup>. A new L-shaped structure comprising of a refurbished existing Barn 3 and new Barn B would be erected adjacent to Mutton Row in the South. A Grade II listed granary building of a roughly 3m square area would be repositioned in a new courtyard area created by the new L-shaped barn, and the existing Grade II listed Cottage would have a 6m deep by 5.1m wide two storey rear extension.

### **Description of Site:**

The site comprises a 0.84ha area of the Stanford Rivers Hall Farm complex, containing a Grade II listed cottage and granary, 2 large agricultural barns to the South, a narrow barn adjoining Mutton Row beyond the larger barns, and a currently open agricultural field to the East. It forms part of the small built up enclave within the Metropolitan Green Belt of Stanford Rivers, including other buildings of historic interest at Stanford Rivers Hall and St Margaret's Church.

The existing large barns to be removed and the narrow barn adjoining Mutton Row, along with the listed granary building, are in a state of poor repair at present.

### **Relevant History:**

LB/EPF/0787/97 Listed Building application for replacement of existing roof Approved  
EPF/1791/99 Stable block for horses and hardstanding area Approved  
EPF/1110/02 Stable block Approved

### **Policies Applied:**

#### **East of England Plan:**

Policy LA1 London Arc

#### **Local Plan and Alterations**

CP2 Protecting the Quality of the rural and built environment  
CP3 New Development  
GB2A Development in the Green Belt  
GB7A Conspicuous Development  
GB11 Agricultural Buildings  
GB14A Residential Extensions  
HC10 Works to Listed Buildings  
HC11 Demolition of Listed Buildings  
HC12 Development Affecting the setting of Listed Buildings  
NC4 Retention of Established Habitat  
DBE1 Design of New Buildings  
DBE2 Effect on Neighbouring Properties

DBE4	Design in the Green Belt
DBE9	Loss of Amenity
DBE10	Residential Extensions
LL1	Rural Landscape
LL2	Inappropriate Rural Development
LL7	Planting, Protection and care of Trees
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety

### **Issues and Considerations:**

The main issues in this application are considered to be :

3. Principle of Development
4. Design Considerations
5. Impacts upon the Metropolitan Green Belt and upon the Landscape
6. Residential Amenity

#### Principle of Development

- The proposal includes the erection of new agricultural barns, and refurbishment of existing barns, to replace existing barns that are fire damaged but still in use to some degree.
- The agricultural use is an appropriate use in the Green Belt
- Following a site visit and an analysis of the supporting documentation provided by the applicants, it is considered that the space to be created is demonstrably necessary for the purposes within the farm.
- As such, there are no objections in principle to these elements of the scheme, subject to there being no adverse effect upon the landscape, visual amenity of the Metropolitan Green Belt, residential amenity and other matters, as discussed within the remainder of this report.
- The extension to the listed Cottage and relocation of the listed Granary, and overall impacts upon the group of listed buildings in the built up enclave, are acceptable in principle, provided that they do not detract from the historic interest or architectural character and appearance of the listed buildings or adversely affect the setting of other listed buildings. This aspect is expanded upon below.

#### Design Considerations

- The Senior Historic Buildings Advisor for Essex County Council and the Conservation Officer from the District Council have no objection to this proposal, subject to conditions being imposed which allow the materials and specific architectural features of the works to the listed buildings to be controlled by the Local Planning Authority.
- With such control over the materials used in the new barns and over specific detailing in the extension to the listed Cottage and over ensuring the resiting of the listed granary building, it is considered that the historic interest and architectural character of the listed buildings on and around the site would be protected.
- The relocated siting of the granary is not problematic, as it's proposed more central positioning is considered an improvement in comparison to its current rather hidden and peripheral positioning. The original central positioning was lost when the land was parcelled, and the new siting is considered to more faithfully recreate the original setting, subject to a faithful recreation, controlled through condition.
- The extension to the listed Cottage is relatively large, at 6m in depth, 5.1m width, and 7.1m height, but as it is located to the rear and is subordinate in scale to the existing large range, it is considered acceptable in design terms in relation to the existing listed Cottage and would not significantly affect the wider area or setting of nearby listed buildings.

- The appearance of the roof, windows and door would acceptably complement the original property, and the proposed materials and detailing would be acceptable, subject to conditions requiring full details of materials and window and door details prior to construction.
- As such, the extension represents an acceptable addition in design terms.
- On a wider scale, the reconfiguration of the layout of Stanford Rivers Hall Farm represents a significant change that would open up views of the buildings of historic interest in the vicinity of Stanford Rivers Hall, and it is considered that the setting of the collection of listed buildings on the site would be improved following the removal of the existing barns labelled 1 and 2.

#### Impacts upon the Metropolitan Green Belt and upon the Landscape

- The proposed volume and floorspace covered by barns would be significantly less than as existing. There would be an 821m<sup>3</sup> reduction in total built volume and 428m<sup>2</sup> reduction in hardstanding area representing a reduction of 6.7% and 11.4% respectively.
- Furthermore, the visual impact of the new Barn A and reconfigured Barn B in the landscape would be mitigated by a number of factors that together lessen the landscape impacts. These factors are the lower ground level, the barns having a reduced ridge height (from a maximum of approximately 11m height to a maximum of roughly 9m in height) and the existing vegetation and hedge screening to the Southeast and Southwest of the proposed main Barn A.
- There is scope for further native planting around the proposed new farm buildings in order to further soften their impact within the landscape, and as such a condition for a landscaping scheme is proposed. With such screening it is considered that the location respects the wider landscape setting of the site, and that character and appearance of the countryside and landscape would be enhanced overall.
- There is an element of concern that the overall built up enclave would be expanded to the East as a result of the construction of Barn A. However, due to the overall lessening of built volume and the opening up of the South of the site, along with the mitigating factors mentioned above, it is considered that the impacts of this large new building would not be unacceptable.
- The new main Barn A, and the reconfigured Barn 3 and new Barn B are of an agricultural appearance and of a design that respects local character, and are considered complementary additions in the Metropolitan Green Belt, countryside and wider landscape.
- So as to ensure that the existing barns and areas of hardstanding shown to be removed are removed in a timely fashion whilst enabling the ongoing operation of the farm, it is considered acceptable to allow Barn A's construction prior to the removal of the existing barns. But it is considered necessary to impose a 12 month limit for all works on the barns and hardstanding areas to be substantially complete.
- In terms of the extension of the house in the Metropolitan Green Belt, the proposed increase in floorspace would be roughly 57.6m<sup>2</sup> representing roughly 51% of the original, which is above the 50m<sup>2</sup>/40% limits as set out in policy GB14A.
- However, there is a more relaxed view being taken with regard to these limits in policy GB14A, and there are mitigating factors of it being located at the rear of the property and not being prominently visible from outside the site that make this rear extension acceptable in terms of the Green Belt house extension limits.

#### Residential Amenity

- Due to the significant separation distances from neighbouring properties to the main new Barn A of over 120m, it is considered that there would be no significant detrimental impact to neighbouring residents.
- The proposed two storey rear extension would overlook the rear garden of approximately 40m depth, and as such no neighbouring residents would be significantly overlooked due to the separation distances involved.
- There would be no other significant impacts to neighbouring residents, and the overall scale and intensity of the existing use would not increase to any significant degree from the overall reconfiguration of the Farm complex.

### Other Issues

- It is considered necessary for a bat survey to be undertaken prior to demolition of the existing barns, so as to ensure that provision for the protection of any established habitats of local significance can be made.
- The accesses proposed would be as existing with minor changes apart from for new Barn A, which would enhance an existing field access, and create an additional access to a farm track which runs from Mutton Row. As there would be no increase in use of Mutton Row and no likely increase in net vehicle movements, the slight amendments to existing accesses would not present any significant issues in terms of road safety.
- The site does not lie within an Epping Forest District Council flood risk assessment zone, and due to the reduction in impervious area runoff will be reduced and a Flood Risk Assessment is not required.
- Conditions are however required for details of foul drainage and for surface water drainage.
- It is considered likely that important archaeological deposits of settlement from the medieval period and or later will be disturbed or destroyed. As such, it is considered necessary to add a condition for a programme of archaeological work in accordance with an agreed scheme of investigation.

### **Conclusion:**

It is considered that the overall scheme is a significant reconfiguration of the Stanford Rivers Hall Farm complex, and that concerns over impacts upon the landscape, Metropolitan Green Belt and listed buildings in the vicinity are adequately mitigated in the scheme. Specific details regarding the sensitive works to listed buildings, and with regard to materials, archaeological investigation and landscaping can be controlled through conditions, and as such this scheme is considered to be acceptable.

### **SUMMARY OF REPRESENTATIONS**

PARISH COUNCIL: No Objection

NEIGHBOURS: No response received

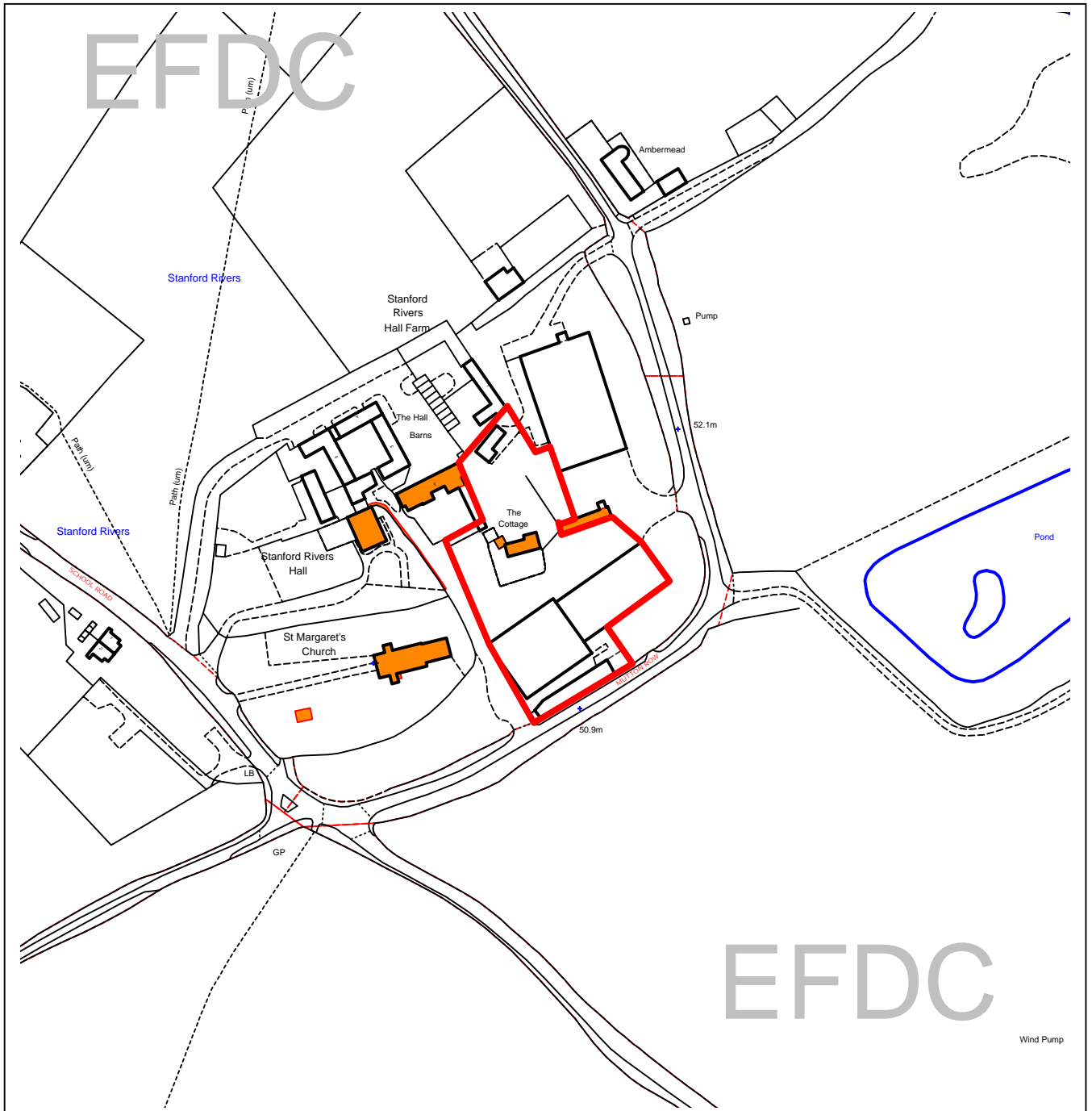
SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS – No objection to removal of the modern farm buildings, or to creation of a walled courtyard, but better understanding of the archaeology of the site was needed that could influence the design of the new buildings, but objected to removal of the granary as it was on its original site and therefore should be repaired and maintained in situ and suggest converted to another low-key use, such as a play space for children. No objection to extend the farmhouse building, so long as extension is subservient to it with a lower roof-line.

COUNCIL FOR BRITISH ARCHAEOLOGY – No historic buildings report or details of the proposal.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/0070/09
Site Name:	Stanford Rivers Hall Farm Church Road, Stanford Rivers CM5 9QG
Scale of Plot:	1:2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1913/08
<b>SITE ADDRESS:</b>	2 Theydon Park Road Theydon Bois Essex CM16 7LW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr John Lawrence
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment to provide three detached bungalows (revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 shall be carried out in accordance with the amended plans received on 17 March 2009 unless otherwise agreed in writing with the Local Planning Authority.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The approved facilities shall be installed prior to the commencement of any works on site in connection with the development and shall be used to clean all vehicles leaving the site. For the purposes of this condition, commencement of development means works to demolish the existing house.
- 6 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 Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 The development, including site clearance, must not commence until a scheme of hard and soft landscaping and a statement of the methods of its implementation

have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. 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, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 8 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.
- 9 The shared access should be a minimum of 4.8m wide for the first 6m from the highway.
- 10 Hard standing space(s) shall be provided within the curtilage of the dwelling(s) prior to occupation, and shall be permanently retained for the parking of residents' and visitors' cars.
- 11 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing 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.
- 12 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.00 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.

**This application is before this Committee as it was deferred from the meeting held on 11 March 2009 this was to enable Officer's negotiate an alternative design with a hipped roof and to change the plan layout of the buildings. Revised plans have been received showing the hipped roof change. The report below is as previous.**

*This application was originally recommended to the Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions and more than one letter of objection was received*

### **Description of Proposal:**

This is a revised application following two previously withdrawn schemes submitted in 2008 under planning refs. EPF/0413/08 and EPF/1091/08. Details are for the redevelopment of the site involving the demolition of the detached two-storey dwelling and erection of three detached bungalows. (Revised application).

### **Description of Site:**

The subject site is an irregular shaped plot of land situated on the west side of Theydon Park Road. The plot is in a prominent location as it demarcates a focal point where four roads - "The Green/ Poplar Row" to the north and "Blackacre Road/Theydon Park Road" to the south; converge.

The site presently accommodates a detached two-storey building, and the ground level is relatively flat with small trees and hedges within the curtilage. A single track access road to the north boundary grants access to two bungalow dwellings situated on the north-western corner of the plot namely Nos. 1 and 2 Dossetts Retreat.

The properties to the immediate north of this access road are two-storey semi-detached dwellings. The plots to the east of the site accommodate blocks of 4, terraced two-storey dwellings and the plots to the west accommodate one and a half storey, chalet style bungalows.

There are no known development constraints relevant to this plot of land.

### **Relevant History:**

EPF/0413/08 – Redevelopment to provide two sets of semi detached houses. Withdrawn in 2008

EPF/1091/08 – Redevelopment to provide two new detached dwellings (Revised application).  
Withdrawn in 2008

EPF/1914/08 – Change of use of Land/ Premises from residential to a mixed use of residential and boarding of small animals. Refused 11/02/09 for the following reasons:

1. The use of this residential dwelling for small animal, reptile and bird boarding results in an unacceptable visual impact on the outlook and amenity of neighbouring properties.
2. The use of this residential dwelling for small animal, reptile and bird boarding results in an unacceptable impact on the residential amenity of neighbouring properties due to noise from the boarded birds.
3. The use of this residential dwelling for small animal, reptile and bird boarding results in on street parking in a congested area, causing inconvenience and danger to pedestrian and road users.

### **Policies Applied:**

Development policies from Epping Forest District Council's adopted local plan and alterations:



CP3, CP4 and CP5 – Sustainable building  
DBE 1 - New buildings  
DBE 2 - New buildings amenity  
DBE 6 - Car Parking  
DBE 8 - Amenity space  
DBE 9 - Neighbour Amenity  
H4A - Dwelling Mix  
ST4 - Parking  
ST6 - Traffic Criteria  
LL10 - Landscaping

### **Issues and Considerations:**

The main issues and considerations in relation to this application are the design of the proposed new buildings, appearance within the street scene, parking considerations and amenity of neighbouring properties.

The three bungalows now adopt a hipped roof profile and the amended layout of the bungalows have been slightly re-aligned and this sets the bungalows at an angle that is more in line with the recommendation offered by the councils members at the 11 March 2009 meeting.

### **Design and Appearance**

#### **Use**

The proposal is to demolish the existing detached two-storey dwelling and replace this with three, 3 bedroom bungalow dwellings. Each building provides two-bedrooms, bathroom, lounge and kitchen/diner at ground floor level with an additional bedroom and cinema/games room at basement level. Natural daylight is provided for the rooms in the basement with the addition of a light-well.

The character of the area is made up of two-storey and bungalow style dwellings. The use of each new building will serve as a single residential family unit and the intended use is suitable for this location.

#### **Scale**

Each of the proposed new bungalows measures 10.35m wide x 8.7m deep at the widest point, 5.45m high to the ridge and 2.45m to the eaves. The floor plan of bungalow 2 and 3 are similar in size and design, while by comparison bungalow 1 is wholly similar in size, the main difference lies in its plan layout as it is a mirror image of bungalows 2 and 3. The ground level is relatively flat and therefore, the scale and size of the bungalows will compliment the buildings within the street scene.

#### **Layout and siting**

There is a varied mix of building styles within the street; this variety is more significant with properties to the west of Theydon Park Road which are built to a staggered front building line. The proposed layout of the three bungalows is somewhat juxtaposed and where bungalow 1 is more or less in line with the building at adjacent site 1A The Green, bungalows 2 and 3 are sited further back towards the western boundary of the site. Given the nature of the irregular plot size and eclectic mix of building styles within the street, the block plan of the three bungalows shows a tri

fold-group of buildings and the layout and siting results in an acceptable form of development in this prominent location.

### Form and Proportion

While there is a basement addition, the buildings will appear within the street as single storey bungalows designed with hipped end roofs. A small gable end roof projection breaks up the façade of the dwellings and each bungalow provides an attached single garage.

In assessing the overall appearance of the proposed bungalows, the design takes into account the fenestration, roofline, building mass and orientation of the neighbouring buildings, and the detailing shows a simple, while it compliments the buildings form and proportion with the character of the buildings within the street, this complies with the local plan policies.

The drawing show that the proposed buildings will be brick built with tiled roof, however, a condition could ensure that details of the types and colours of all external materials are submitted to ensure that the finished buildings will complement dwellings within the street.

### Amenity

The immediate property to the north boundary, No. 1A The Green, is a two-storey building with an additional single storey element built to the boundary. The flank wall of the proposed bungalow 1 will face onto this property and due to the siting and access road that demarcates these plots, these dwellings will be approximately 6.0m apart. Bungalow 1 is designed with no windows on the north boundary and taking into account the height of the proposed bungalow, the hedge and boundary fence on the boundary, there will be no harm to the amenities of this neighbouring occupier.

The southern boundary of the site was vacant; however, planning permission was recently allowed to erect a new bungalow dwelling within this plot of land. The nearest bungalow to this plot will be bungalow 3, and the layout of the buildings will not result in any harm to the amenities of this bungalow when it is completed.

The nearest property to the eastern boundary of the site is occupied by 21 Hornbeam Close and the rear garden area of this property abuts the rear garden area of the proposed bungalow No. 2. With adequate fencing, there will be no impact to this neighbour's amenity.

Finally, the site to the north-western boundary of the site accommodates No. 1 Dossetts Retreat. This property is a bungalow dwelling with an attached side garage and the flank wall of the garage faces onto the boundary with proposed bungalow 2. There is a window proposed on the north facing flank wall of bungalow 2 however, this windows serves a bathroom and a condition could ensure it is obscured.

While the 3 bungalows have been designed with careful consideration for neighbour's amenity, conditions controlling the erection of fences, screens and appropriate soft landscaping should also ensure there will be no harm to immediate neighbour's amenity.

In light of the above appraisal, the proposal will not result in any harm to surrounding occupier's amenity as it will not affect immediate neighbours light, outlook, privacy or any other amenity feature.

### Other considerations

#### Parking & Highway safety:

Each of the bungalows provides two-bedrooms on the ground floor with an additional bedroom at basement level and each is designed with an attached garage that will provide parking for 1 x parking space at the front, this meets with the parking standard requirement.

The Highway Authority raises no objection to the proposal as the development raises no concerns of highway safety. Subject to a condition for the new crossovers, the layout and parking spaces provided within the curtilage of each plot are acceptable.

#### Landscaping:

The application form states there are no trees or hedges and the plans omit to show any within the site. Although there are trees and hedges presently within the site, none of these trees are significant as they are small fruit trees and there are no Tree Preservation Orders in respect of any trees on site.

Having regard to the absence of soft landscaping on the plans submitted, a tree and landscaping condition would be necessary to ensure a scheme of soft landscaping is provided within each of the proposed new plot boundaries and also to the front edge of Theydon Park Road. A landscaping condition will also contribute to the visual enhancement of the site within the street scene.

#### Dwelling mix:

As previously stated, the street scene provides a varied mix of dwelling styles and sizes and there are examples of bungalows and two-storey dwellings within the street. PPS1 advocates the best use of urban land and the size of the plot is substantial enough to accommodate 3, three-bedroom family sized dwellings, which complies with H4A.

#### Sustainable development:

The site is located in a village-like setting, in an area that can be described as a commuter location. The site is within walking distance of a London Underground Station – Theydon Bois and is also well served by local bus routes. There are also a wide variety of local shops within walking distance of the site and the location of this development is therefore acceptable as a sustainable location.

#### Objections:

The objections received from the parish council and 3 neighbours' properties mostly relate to concerns of the siting, design and overlooking.

The alternative design suggestions have been adopted by the developers in order to achieve a favourable outcome and this takes into account the comments and objections received.

Concern from neighbours about the addition of roof dormers have been taken into account and this is seen as a valid argument. The proposed layout of the bungalows is in such a way that the addition of roof dormers without some form of control at first floor level, will alter the design of the bungalows and could result in un-neighbourly additions to neighbouring occupiers amenity. Therefore, permitted development will be restricted for this development.

While all other concerns and objections raised have been taken into account, these are not sufficient to justify a refusal of the development based on planning grounds.

### **Conclusion:**

Taking all material factors into account, the erection of three detached bungalow dwellings which will replace the existing two-storey building is acceptable as it will not result in harm to the neighbouring occupiers amenities, the design and appearance of the new dwellings will complement existing dwellings within the street scene and character of the surrounding area.

This scheme complies with relevant Local Plan Policies and is therefore recommended for approval with conditions.

### **SUMMARY OF REPRESENTATIONS**

THEYDON BOIS PARISH COUNCIL - We would firstly like to comment that we are delighted to see that our suggestion that this site may lend itself to a small development of bungalows has been followed and in principle we welcome the prospect of bungalows on this site. This said we would like to propose the following amendments:

1. When the two bungalows in the adjoining Dossett's Retreat were built approximately 10-12 years ago a condition was imposed whereby there were to be hipped ends to the roof design. We consider that a hipped roofline is a more attractive design solution and will ensure that the dwellings blend into the street scene as far as is possible. The proposed roofline appears bulky and unattractive.
2. We consider that the street scene would be enhanced by the rotation of the position of two of the proposed dwellings. Plot 1 to the front right hand side (when facing the site from the Green) should be rotated slightly clockwise to ensure that the front building line with other properties fronting the Green is respected. Plot 2 to the rear should be rotated anticlockwise such that it is parallel with 1 Dossett's Retreat next door and so that the rear building line is respected. We support the views of the owners of 1 Dossett's Retreat and of 1A The Green that these changes in the siting of the proposed dwellings will lessen the adverse impact on those properties.
3. We would recommend the removal of all future "Permitted Development Rights" so that any future development may be controlled and to safeguard against the overdevelopment of the site and the loss of the dwellings as bungalows situated in a convenient village location in the future.
4. Given the close proximity of the site to other dwellings, the hours of work must be restricted.
5. Given that the pavement outside this site is very narrow and that the site is situated on a busy junction, we consider that the site should be self-contained with no overspill of building vehicles and materials on the road outside. Accordingly we would recommend a condition whereby all building materials and vehicles should be kept within the site boundaries at all times. We would suggest that a financial contribution should be made by the developers in respect of any required maintenance to the roads and pavements abutting the site which have recently been repaired.
6. Wheel washing condition should be applied in respect of all vehicles entering and leaving the site to preserve the condition of the local area and minimise disruption to neighbours.
7. The hedge between Dossett's Retreat and the development site is partly an ancient field hedge and should be preserved together with as much as is possible of the hedge fronting Theydon Park Road.
8. We would comment that the statement in section 16 of the Application is incorrect. The applicant has stated that there are no trees or hedges on the proposed development site

but in fact there are mature trees and as mentioned above, an ancient hedgerow within the site.

9.

#### 22 NEIGHBOURS CONSULTED AND 3 LETTERS OF REPRESENTATION RECEIVED

19 HORNBEAM CLOSE objects: Application incorrectly states that no previous applications have been submitted for this site as a number of applications have been submitted. Bungalows would be more in keeping but 3 represent an overdevelopment of the space available. Two would be more appropriate.

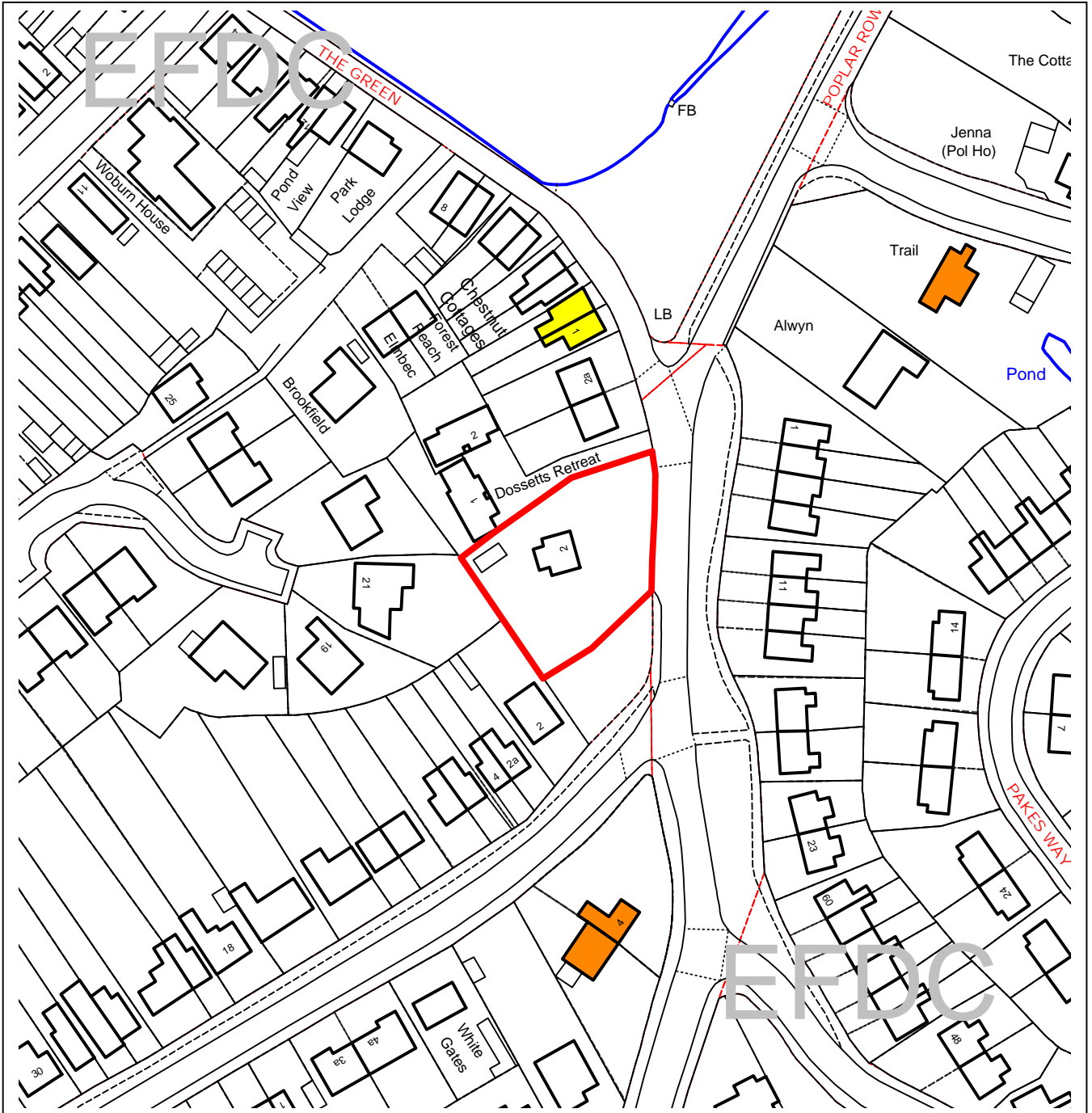
1A THE GREEN objects: The siting of the bungalow to their property will not follow the existing building lines. Loss of light from gable wall proposed should be hipped end roofs. Permitted development rights should be removed. No provision for storage of recyclable waste on site. Extensive use of UPVC. Clarification on provision of foul sewage disposal.

1 DOSSETT'S RETREAT – Welcomes the principle of the development however raises concern on design aspect. The gable ends will be a dominant feature and result in loss of light. Concerned about foundations and plan should be rotated as suggested in diagram submitted.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1913/08
Site Name:	2 Theydon Park Road, Theydon Bois CM16 7LW
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0064/09
<b>SITE ADDRESS:</b>	44 Theydon Park Road Theydon Bois Epping Essex CM16 7LP
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr & Mrs Dean
<b>DESCRIPTION OF PROPOSAL:</b>	Front extension and first floor addition to alter the existing bungalow into a two storey dwelling with additional rooms in the roof space (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the building hereby approved the proposed window openings in the first floor north and south facing flank wall, shall be fitted with obscured glass 1.7m high, measured from the internal first floor level to the window level and shall have fixed frames, permanently retained in that condition.

**This application is before this Committee as it was deferred from the meeting held on 11 March 2009 due to miss-print in the recommendation as it read with a recommendation for refusal on the agenda while the main body of the text in the report indicated approval. For clarification, the recommendation is for this scheme is for approval. The original report is as below.**

*This application was originally brought before the Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions.*

**Description of Proposal:**

This is a revised application following a previously refused scheme under EPF/1589/08. The details for this proposal involve alterations to the existing bungalow dwelling that include the erection of single and first floor front extensions, and a first floor addition that spans the entire ground floor plan area. This will alter the bungalow into a two-storey dwelling with additional rooms in the roof space. (Revised application).

### **Description of Site:**

The subject site accommodates a detached bungalow set in a wide, rectangular-shaped plot of land situated on the west side of Theydon Park Road. The area is residential and the street scene is made up of a variety of styles and designs of dwelling houses built to a staggered front building line. The ground level of the street slopes downwards in a southerly direction hence, the ground level at adjacent site no. 46 is on a lower level in relation to the subject site and no. 42 is at a higher level.

There are no known development constraints relating to this plot of land.

### **Relevant History:**

EPF/0227/85 – Single storey rear extension. Grant permission/ conditions  
EPF/0866/85 – Single storey front extension. Grant permission/ conditions  
EPF/1589/08 – Single storey side and front extensions and first floor addition to alter the existing bungalow into a two-storey dwelling with additional rooms in the roof space.

Refused for the following reason:

- 1) The proposed first floor extension, due to the resultant overall height, bulk and design will result in a visually prominent dwelling within the street scene and an overbearing building in relation to adjacent sites, resulting in loss of light to these neighbours. This will be contrary to policies DBE9 and DBE10

### **Policies Applied:**

*Local Plan and Alterations:*

H4A – Dwelling Mix

DBE9 – Amenity considerations.

DBE10 – Extension design criteria.

### **Issues and Considerations**

The main issue is whether this revised scheme has overcome the previous reasons for refusal under planning ref: EPF/1589/08. Also considered is the design of the building, the appearance within the street scene and amenity of neighbouring occupiers.

#### **Amenity**

In assessing the immediate neighbour's amenity the only immediate neighbours within proximity of the site are adjacent buildings No. 42 to the northern boundary and No. 46 to the southern boundary; both sites accommodate two-storey detached dwellings.

The detached building to the south boundary of the subject site No. 46 is set in approximately 3.0m from the common boundary with the proposal site and the rear building line projects at single storey level with a conservatory built to a similar depth to the two-storey level proposed on site. The first floor extension will be set in 1.0m from the southern boundary; this prevents any possible terracing effect with the neighbouring property. The appraisal is that the extensions to the dwelling will not result in material loss of light, overlooking or any detrimental harm to the amenities of neighbouring occupier.

In considering the amenity of the neighbouring occupier to the northern boundary, the ground level of this site is higher than that of the proposal site and there are no windows on the south facing flank wall. The corner edge of the first floor has been set in 3.65m, this takes into account natural



daylight for the rear facing habitable room windows at No. 42. This is as a result of the building edge being set in at a 45 degree angle to these windows.

The revision to the depth of the first floor takes into account the amount of daylight and position of habitable room windows within the adjacent sites.

As such this proposal will not result in any harm to adjacent occupier's amenity at No. 42 and as such this revised scheme overcomes the previous reason for refusal.

### Design

The street scene comprises of a mixture of dwelling styles and the majority of the plots accommodate two-storey dwellings with varied roof forms. The proposal will alter the height of the bungalow from 6.0m to 9.3m to the highest point of the ridge.

Taking into account the changes in ground floor level, the proposed height of the building replicates the building heights of two-storey dwellings within the street and will result in a hipped, apex roof profile.

Other design features to the front elevation include a gable front detail with a diamond cut window and a canopy which breaks up the façade of the building. The south and north elevation are broken up the addition of windows and visually breaks to the flank wall.

The rear elevation as revised, now adopts a hip end profile with a small pitched roof rear dormer, which reduces the overall bulk of the proposal.

With appropriate materials for the roof, windows and all external features, the proposal will result in an attractive and complementary building within the street scene, this complies with DBE10.

### Other considerations

An objection has been raised by the Parish Council concerning the amenity of the occupiers at adjacent dwelling No. 42 and the appearance within the street scene.

As stated above, the revisions takes into account the overall size and bulk of the building, amenity of immediate neighbouring occupiers and as a result, there will no harm to the amenities of immediate occupiers.

### Dwelling Mix

The street scene is varied with a suitable mix of dwelling sizes. PPS1 supports the best use of urban land and the size of the plot is substantial enough to accommodate such a development. This proposal will not affect the dwelling mix and as such it complies with policy H4A.

### Conclusion:

For the reasons stated above, the proposed extensions to the detached bungalow are acceptable as it will not result in detrimental harm to the amenities of adjacent occupiers. The building form will be complementary to the appearance of dwellings within the street scene.

This scheme overcomes the previous reason for refusal and complies with relevant Local Plan Policies and as such is recommended for approval with conditions.

## **SUMMARY OF REPRESENTATIONS**

THEYDON BOIS PARISH COUNCIL: - Objects:

We note the revisions to the original application but our concerns with regard to the height, bulk and design of this proposed development remain and we feel that our original objections have not been overcome. We are still concerned that the proposed development will have an overbearing impact on number 42 and will also adversely affect the street scene.

### **8 NEIGHBOURS CONSULTED AND 3 LETTERS OF REPRESENTATION RECEIVED:**

61 THEYDON PARK ROAD: - Objects: Loss of single storey bungalow limits choice and affects street scene. No garage and parking inadequate.

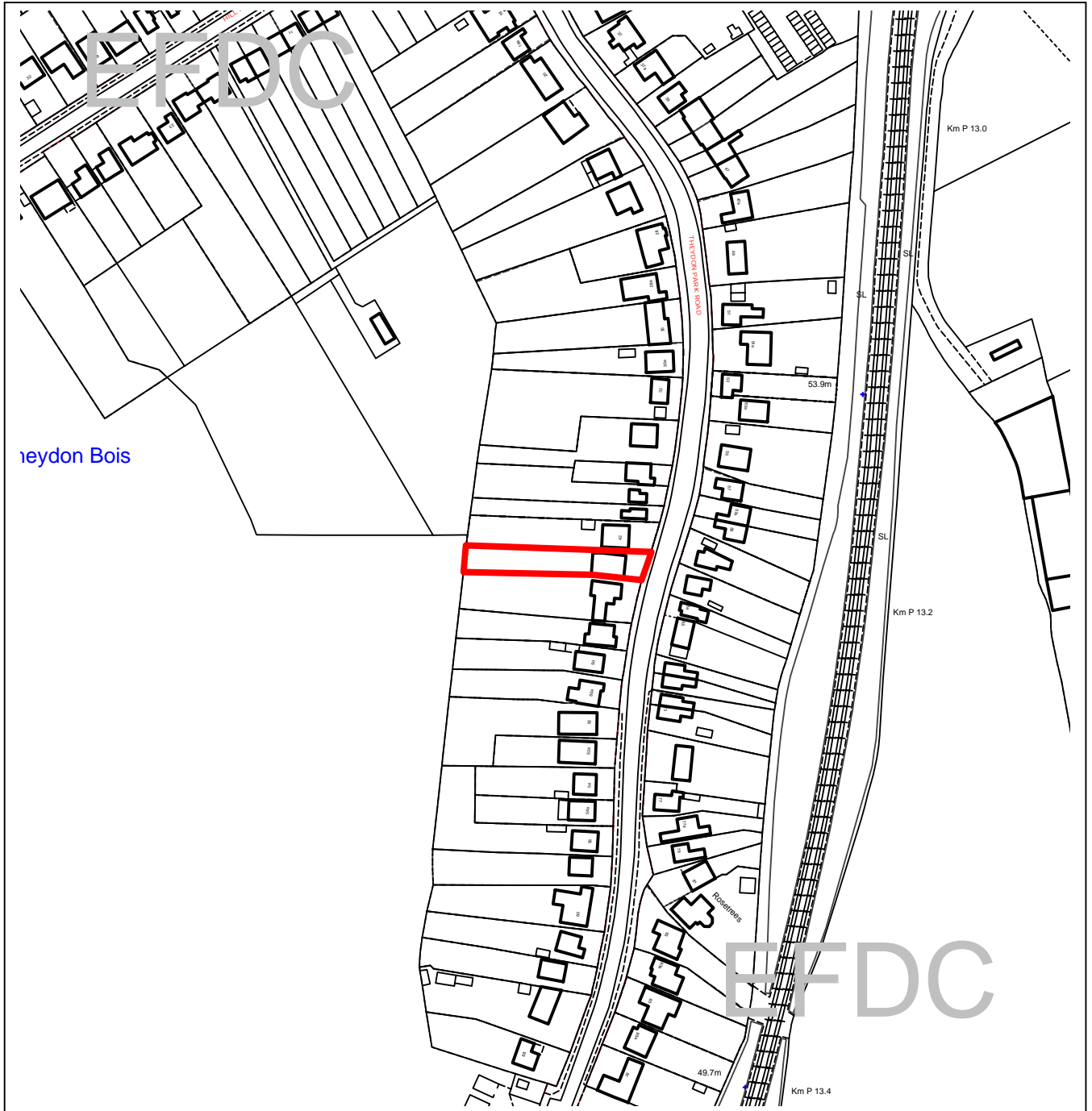
46 THEYDON PARK ROAD: - Objects: Concerned that rear building line extends further back than their property. No drains shown and concerned that additional sewage requirements may not be met. Loss of privacy. Plans show no 46 as larger than it is.

42 THEYDON PARK ROAD: - Objects: Comments to previous refused application still apply. Rear building line of numbers 42 and 46 is identical and not as shown on plan. Proposed extension would therefore greatly exceed the line of these two properties. No. 44 has no manholes or interceptors of its own, therefore unhappy at having volume of waste through the pipes on their land increased by a third party. This is speculative development for resale not extension for benefit of current occupants.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0064/09
Site Name:	44 Theydon Park Road Theydon Bois, CM16 7LP
Scale of Plot:	1/2500

**Report Item No:5**

<b>APPLICATION No:</b>	EPF/0122/09
<b>SITE ADDRESS:</b>	Land at Station Approach High Street Ongar Essex CM5 9BN
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	David Wilson Homes
<b>DESCRIPTION OF PROPOSAL:</b>	Reserved matters application for 49 units comprising 36 two and three storey houses and flats and a three storey residential block for mother and baby unit providing 13 flats and associated facilities. (Revised application EPF/1145/08)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 Before the occupation or use of any phase or part of the development, whichever is the soonest, a Landscape Management Plan (LMP) shall be submitted to and approved by the LPA.

The LMP shall contain a statement of the long-term aims and objectives covering all elements of the implementation of the agreed landscape scheme and full details of all management and establishment operations over a five-year period, unless otherwise agreed in writing by the LPA. It shall also include details of the relevant management, and supervisory responsibilities.

The LMP shall also include provision for a review to be undertaken before the end of the five year period. A revised LMP shall be submitted for the agreement of the LPA before five years has expired. The revised details shall make similar provisions for the long term maintenance and management of the landscape scheme. The revised scheme shall also make provision for revision and updating.

The provisions of the LMP, and subsequent revisions shall be adhered to and any variation shall have been agreed beforehand in writing by the LPA. No trees, shrubs, hedges or other plants shall be removed for the duration of the Landscape Management Scheme or its revisions, without the prior written approval of the LPA. Any trees, shrubs, hedges or other plants being so removed shall be replaced in the first available planting season by an equivalent replacement or replacements to the satisfaction of the LPA. Management of the landscape scheme in accordance with the LMP or their agreed revisions shall not cease before the duration of the use of the development unless agreed in writing by the LPA.

- 2 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the

Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

- 3 Notwithstanding the details shown on the approved plans, details of refuse facilities, including provision for recycling and wheelie-bins, shall be submitted and agreed in writing by the Local Planning Authority before work commences on site.

*This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section P4, Schedule A (d) of the Council's Delegated Functions).*

*This application is also before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

### **Description of Proposal:**

This is an amended scheme to a reserved matters approval submitted under planning reference number EPF/1145/08 and this application is for the erection of 49 units comprising 36 two and three storey houses and flats and a three storey residential block for mother and baby unit providing 13 flats and associated facilities.

The development comprises of a mixed range of open market dwelling types and sizes, ranging from 12 two bedroom flats, 7 three bedroom houses, and 11 four bedroom houses. Part of the development includes 12 Mother and Baby units, one two bedroom flat with ancillary office, 4 two bedroom flats and 2, three bedroom houses.

The scale of the development involves the erection of two and a half and three storey buildings. The buildings are to be of a traditional design with a mix of brickwork, weatherboarding and render with pitched tiled and slate roofs.

The layout of the development is dictated by the single point of vehicular access to the site from the High Street to the east. The design of the junction and access road provide for access to the Station and the land beyond. In order to serve the housing development the road spurs southwards from a turning head opposite the Station and then westwards. The houses and flats are located along and fronting the main shared surface access road within three courtyards off that road to enable the site's potential to be maximized. 24 units and a proportion of the flats in the Young Parents Scheme are located along the access road to overlook the countryside to the south.

A total of 50 parking spaces in garages, courtyard and shared parking areas will be provided. 43 are shown for the houses and flats and 7 for the Young Parents Scheme in accordance with the requirements of the Housing Association who are to own and manage the building. Cycle parking is shown for flats in communal buildings to the rear and is intended to be made available in garages where provided or in sheds in rear gardens.

The houses are provided with individual garden areas whilst the flats have balconies and communal areas. The proposals include the stabilisation and landscaping of the embankment separating the application site from the former wetland areas to the south with further landscaping to the access road, communal areas and private gardens.

### **Description of Site:**

The application site comprises the former railway sidings and storage areas associated with the Epping-Ongar Railway line. The railway line is now a leisure route operating on a Sunday only and

is currently closed for repairs. The site itself is vacant and is about 0.85 hectares in area. The railway line is situated on an embankment which ranges up to 7 metres high and effectively blocks views of the site from the north. Between the railway line and the northern boundary of the application site is an area of hard standing, formerly occupied by railway storage and associated buildings. Beyond the north eastern boundary of the site is Ongar Station which dates from around 1865 and is listed as being of Special Architectural or Historic Interest (Grade II).

The areas to the north beyond the railway line comprise residential semi-detached properties. There is a large residential home known as Frank Bretton House off Basons Way to the south east, land to the south and south west is open fields with Cripsey Brook approximately 25m to the south west. The site is adjacent to open countryside and designated Green Belt.

Access to the site is from Ongar High Street to the east which connects the site with the A414 to the north and Ongar Town Centre to the south.

### **Relevant History:**

EPF/1145/08: Reserved matters application for 52 units comprising 39 two and three storey houses and flats and a three storey residential block for mother and baby unit providing 13 flats and associated facilities. – Granted 2008 with conditions

EPF/1740/05: Outline planning permission for the residential development of the site was allowed on appeal in April 2007 (APP/J1535/A/06/2017026). Matters of siting, design, landscaping, and external appearance were all reserved for subsequent approval by condition 1.

EPF/1393/06: Full planning permission granted for 75 car parking bays at the Station's Goods Yard – Granted 2006.

### **Policies Applied:**

#### **East of England Plan (Regional Spatial Strategy)**

SS1 – Achieving Sustainable Development  
H1 – Regional Housing Provision 2001-2021  
H2 – Affordable Housing  
T1 – Regional Transport Strategy Objectives and Outcomes  
T8 – Local Roads  
ENV3 – Biodiversity and Earth Heritage  
ENV7 – Quality in the Built Environment

#### **Epping Forest District Local Plan and Alterations**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Development  
CP7 – Urban Form and Quality  
GB7 – Conspicuous Development  
NC4 – Protection of Established Habitat  
RP4 – Contaminated Land  
HC12 – Listed Buildings  
H2A – Previously Developed Land  
H3A – Housing Density  
H4A – Dwelling Mix

H5A – Provision for Affordable Housing  
H6A – Site Thresholds for Affordable Housing  
H7A – Levels for affordable Housing  
H8A – Availability of Affordable Housing in Perpetuity  
H9A – Lifetime Homes  
DBE1 – Design of New Buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in Urban Areas  
DBE5 – Design and Layout of New Development  
DBE6 – Car Parking in New Development  
DBE7 – Public Open Space  
DBE8 – Private Amenity Space  
DBE9 – Loss of Amenity  
LL1 – Protection of the Rural Landscapes  
LL3 – Urban Fringe  
LL10 – Adequacy of Provision for Landscape Retentions  
LL11 – Landscaping Schemes  
ST1 – Location of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
ST7 – New Roads and Extensions or Improvements to Existing Roads  
I1A – Planning Obligations.

### **Issues and Considerations:**

The principle of residential development of this site including access from the High Street was established when outline planning permission was granted on appeal in 2007. Consequently, matters of fundamental principle cannot be raised at this reserved matters stage.

The principle of the reserved matters has been approved under planning ref: EPF/1145/08 and the details considered were:

- Suitability of the site for the density proposed
- Scale, massing, design, layout and form of development
- Affordable housing provision
- Impact on neighbouring amenity
- Highways and transportation matters
- Impact on the greenbelt and adjacent listed building
- Other matters

Therefore, the main issues that arise with this application are taking into account the amendments to the previously approved reserved matters application

### **Suitability of the site for the density proposed**

The previously application was for a housing development comprising of 52 dwellings on a site area of approximately 0.85 hectares giving a density of 61.2 dwellings per ha. This amended scheme has altered the total proposed number of units to 49, a reduction of 3 units.

National Planning Guidance in Planning Policy Statement (PPS) 3 (Housing) requires that a density of 30 dph should be used as an indicative minimum. Policy H3A of the Local Plan sets out EFDC's requirements. This states "*a net site density of at least 30-50 dwellings per hectare*" unless factors dictate otherwise. It must be observed however that neither local policies nor

national guidance place a cap on housing density. Policy H3A states that certain factors can be taken into account in working out acceptable site densities. These are:

- The size and shape of the site, including any significant heritage, landscape or wildlife features;
- The character and density of any surrounding development;
- The impact of development on the residential amenity of adjoining dwellings;
- Where appropriate, the impact of the development on the wider settlement, including long distance views;
- The need to provide well designed public space and parking facilities; and
- Good quality design and layout

Policy CP7 states that *“one of the council’s primary objectives is to make the fullest use of existing urban areas for new development before locations within the Green Belt.”* And the most efficient way will be by *“recycling vacant derelict, degraded and underused land”*. It does warn against overdevelopment and unsympathetic change or loss of amenity.

Given the reduction of the potential number of units to 49, the density level has been reduced to 57.6 dwellings per hectare. As previously considered, given that the development is free of good quality neighbouring housing adjoining onto it and separated from Bowes Drive to the north by the railway land, the development can take on an individual design approach.

#### Scale, massing, design, layout and form of development

The amended layout retains the form of continuity of frontage alongside its estate road and 3 mews courtyards. Members will be aware that the Essex Design Guide is adopted Supplementary Planning Guidance to the Local Plan and this layout, form and design reflects this.

The mother and baby unit sited within the southern most corner of the site on the other side of the estate road, remains wholly unchanged as approved and also the dwellings sited at the entrance into the estate in Plots 29 and 30.

Taking the existing listed station building as a guide, the design of the houses follows the vernacular form with the larger buildings positioned along the estate road. The amended layout has changed the plan form to allow greater continuity of the main road frontage. The second building located within the entrance sited on plots HA5 and HA6 adopts an angled plan layout that reflect the curvature of the road and this allows greater continuity of the road frontage and improves on the visual continuity.

The most significant change is to the northern enclave of the site facing onto the railway line. The layout of the garage block has been rotated as a 90 degree angle and this has the added benefit as the garages are more directly linked to the rear gardens of Plots 1- 4. The new layout results in an improved layout for the dwellings on Plots 7-12, 19-21 and HA1-4 with an improved parking layout. With the new design the plan layout of the blocks has been altered however, the height is the block has not increased overall with the two tallest block measuring 10.6 meters high.

As had been previously considered, whilst views from the adjacent Green Belt will reveal a new built form, particularly to the western portion of the site that could potentially be conspicuous, there is already a hard edge between existing buildings to the south on the western edge of the built-up area of the town and the adjacent countryside, that is already conspicuous as seen from the Green belt. The proposed road however, stops short of the western edge of the site and the proposed houses on this side will have a lower roof eaves and ridge, which together with its attractive design results in the development being in keeping with its surrounding if not distinctive as viewed from the open areas. Views from the east are largely obscured by existing buildings and landforms and



the site is lower than the road. However, where it will be seen, it will blend in with the built form around it.

With this amended scheme the external appearance of the buildings and proposed materials, takes into account the external appearance of housing in the local area. The materials indicated suggest render, dark stained boarding and red multi brickwork and roofs of artificial slate.

As with the previous approval, this proposal includes the stabilization of the embankment separating the application site from the lower wetland area alongside Cripsey Brook. This will be undertaken using a geo-textile membrane with backfilled soil, to allow vegetation to develop on the resultant slope and provide suitable screening of the hard detailing. With landscaping details to be agreed, Officers will ensure a vegetation scheme that will merge this area into the lower land beyond.

### Affordable Housing Provision

The affordable housing provision as amended includes a Young Parents Building (consisting of 12x1 bedroom and 1x2 bedroom flat with ancillary office), 4 two bedroom flats and 2, three bedroom houses which is a requirement of the Unilateral Undertaking accompanying the outline planning permission, and this accords with the requirement to provide 40% affordable housing. East Thames Housing Group has been selected to receive and manage the scheme and the Council, along with its neighbours, Uttlesford District and Brentwood Borough Councils, will have nomination rights to place homeless young parents here and develop parenting skills. It is being developed to include three council areas, of which Ongar sits geographically well to serve these areas, because the number alone in each district would not be viable for one of these buildings in each district. This is also a sustainable location, suitable for the affordable housing provision.

The Housing Department maintains its strong support for this amended scheme on that basis.

### Impact on neighbouring amenity

As was previously considered, apart from Frank Bretton House nursing home, and this building end wall is located on to the one corner of the site, there are no immediate residential properties within proximity of the site. Houses in Basons Way are closer to the High Street to the south-east and houses in Bowes Drive are generally over 50 metres away to the north and on the other side of the railway line. A cross-section across from Bowes Drive and through the site demonstrates that the proposed houses will actually be lower in height. It is therefore clear that there will be no loss of visual or residential amenity to the occupants of neighbouring houses in the local area.

### Neighbours Objections

Neighbouring properties to the site have raised objections and concern to the height and size of the proposed new buildings and overdevelopment of the site. These concerns have been taken into account however, as the height of the three storey buildings remains unchanged from what was previously approved, the three-storey development will not be visually intrusive within the siting and location and is therefore acceptable and appropriate for its location.

In addition, the number of units has been reduced by 3 units, if anything this reduces the density level proposed for the site.

There is a lot of concern from neighbours relating to other matters relating to infrastructure of the area. While these comments have been taken into account, these concerns are mostly unrelated to planning however, in terms of education places and transport a financial contribution by way of a unilateral undertaking has been entered into by the developer.

### Highways and transportation matters

The outline consent allowed at appeal dealt with access into the site and established the principle of access from the High Street. An assessment of access has been undertaken by consultant engineers RLT and Essex County Council have no objection, stating that visibility to the north is acceptable and that to the south was accepted by the Planning Inspector and achieves a 50 to 90m distance.

The proposal provides for a total of 50 spaces in garaging, courtyards and shared parking areas. The 7 parking spaces to be provided for the 13 flat Young Parents building follows the requirements of the Housing Association. The remaining spaces will be for the dwellings and in this sustainable location that is served by public transport links to the shops and services, as a maximum provision, this is acceptable. Parking will be just over 1 space for each dwelling/unit, which is a little down on the previous approved scheme (62 spaces for 52 dwellings), On-street visitor parking on site can be achieved without excessive road safety implications or nuisance to existing residents, despite there being no allocated visitor spaces. The proposed development also follows Essex Design Guide requirement to safeguard against a visually car dominated layout. To encourage more sustainable modes of transport, cycle parking for the flats will be in communal buildings to the rear and for the houses, in garages or sheds, as well as being pedestrian friendly.

### Impact on the greenbelt and adjacent listed building

There are extensive views of the site from the footpath alongside Cripsey Brook and public footpath in the direction of Greensted Hall, however as already determined, the hard edge of the town is already conspicuous from the Green Belt and this development will be seen against the backdrop of the houses fronting onto Bowes Drive.

The design, form and layout of this amended scheme, respects the local character and rather than detract, makes a positive impact on the landscape.

In respect of the Grade II Listed station building, that part of the development close to the access into the site has been reduced in height to two storeys and the roof hipped to reflect the height of the station. Boundary wall and fencing will separate the development from the rest of the station goods yard and parking area, which will enhance the setting of the listed building.

### Other matters

Other matters have previously been considered and these are:

- Ecology

In accordance with condition 8 of the outline planning permission, the applicants commissioned a herpetologists report and consequently, protected species, slow-worms and lizards, were found and a programme of trapping, relocation and management has been carried out, resulting in them being relocated into the non-developable area of land to the west of the housing site, in the ownership of the applicant, and to a site further down the railway land itself. Natural England. A Reptile Mitigation Strategy has been submitted with the planning application stating that a minimum 3 year period of monitoring be undertaken, together with a management plan and strategy. No objections have been raised during consultation from Natural England or the Council's Countryside Manager, although the latter's only concern is enforcing this beyond this time scale. To some extent the applicant has almost satisfied the requirements of this condition, but in light of these comments, this can be dealt with further when they formally submit these details to discharge this condition.

- Noise

Condition 20 of the outline permission requires details of mitigation measures to protect the occupiers of the development from noise generated by the use of the railway. The Council's Environmental Health Officer recommends a barrier of 2m or more. The plans show 1.8m, so this can be dealt with by the latter discharge of the condition.

- Contamination

As a former railway goods yard, the site will no doubt be contaminated. Again, there is a suitable condition on the outline permission requiring details of a desk study report and remediation method statement.

- Flooding

The site of the housing is not at risk of flooding and a Flood Risk Assessment has been prepared by the applicant. Condition 4 of the outline approval requires its submission and The Environment Agency having seen this have no comments to make.

- Education

There is a Section 106 unilateral undertaking attached to the outline permission ensuring payment to Essex County Council before the commencement of development of a financial contribution (approx. £31,000) for the provision of facilities, including the provision of travel facilities, for the education of school children between the ages of 11 and 19. Whilst secondary education facilities are not ideal, the permission does secure funding for the transportation to the nearest schools.

### **Conclusion:**

Principle of housing, vehicular access and capacity for traffic generation were considered at outline stage. The amended details relating to the siting, design, form and layout of the proposed development are acceptable. This amended scheme therefore complies with policies within the development plan relevant to EFDC.

The architectural form and vernacular style proposed would, in Officers opinion, create a place of distinct identity and character, befitting a residential development adjacent to a railway line on the edge of the countryside, but close to an urban area. There will be no loss of residential amenity to existing residents. There are few opportunities in the district to make good use of previously developed land outside the Green Belt and the proposed 50 units would contribute towards the District's required housing provision in a sustainable location.

The amended plans reduce housing numbers for the site down by 3, but still retains a good mix of housing types and whilst there is a slightly lower parking provision, officers consider this is to the benefit of the overall layout and appearance of the site.

### **SUMMARY OF REPRESENTATIONS**

ONGAR TOWN COUNCIL – Councillors expressed concern about the effect on wildlife during construction and would ask that the Landscaping Officer look closely at preserving this valuable habitat and also that the planting plan includes species which will effectively screen the new development in its sensitive setting. Concern was raised that the Sustainability Statement was insufficient and would wish the buildings be constructed in such a way as to comply fully with the Code for Sustainable Homes. Councillors hope that adequate sewerage and main road signage be included so that difficulties for other residents not be exacerbated.

HOLMES HILLS SOLICITORS on behalf of EPPING ONGAR RAILWAY LIMITED – May wish to make a representation, awaiting clients instructions.

10 BANSONS WAY - Overdevelopment, negative impact on rural community, increase noise levels and increased traffic and congestion. Lack of local infrastructure and lack of parking. Unsuitability of the area for young mothers and babies.

53 BOWES DRIVE – negative transport impacts will be hazardous to pedestrians. Increase pollution through additional traffic. Three storey buildings are not appropriate in Ongar. Lack of infrastructure in Ongar and lack of privacy and danger of flooding.

11 THE JOHNS – No objections in principle to more buildings. Object to the three storey buildings. Potential impact on infrastructure i.e. water, health care services, public transport and school places.

39 BOWES DRIVE – Overdevelopment on site with 3 storey block and 3 storey house too many for site. Area is prone to flooding. Potential increase in traffic. Insufficient infrastructure i.e. school places and health care facilities.

41 BOWES DRIVE – Three storey buildings are not appropriate in Ongar. Buildings are overbearing and out of scale. Potential increase in noise, pollution and impact to services i.e. gas, electricity and water. Increase in traffic. Insufficient amount of school and healthcare places.

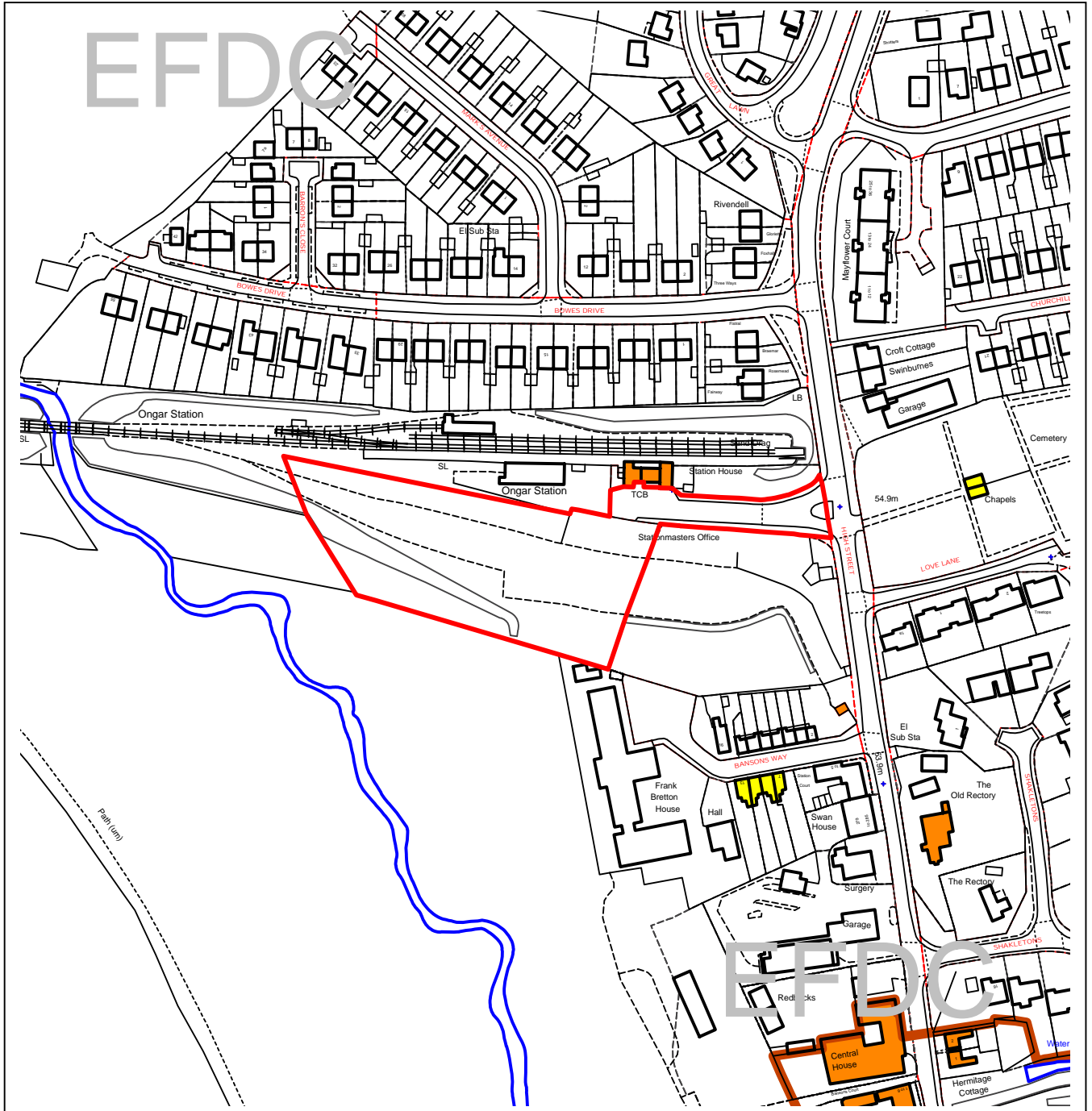
HILLSIDE, 1A LOVE LANE – Concern about grouping young mothers together. Negative impacts on traffic and insufficient infrastructure i.e. schools to support the development i.e. school places, health care.

8 BANSONS WAY – refers to past correspondence. It should also be taken into account that sewage presently drains across proposal site and should not be affected so as to safeguard neighbouring sites.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/0122/09
Site Name:	Land at Station Approach High Street, Ongar CM5 9BN
Scale of Plot:	1:2500

## Report Item 6

<b>Application No:</b>	EPF/0166/09
<b>SITE ADDRESS:</b>	Millrite Engineering 151 - 153 London Road Stanford Rivers Ongar Essex CM5
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Berden Enterprises Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Retaining store/forge to front and converting to two bedroom single storey unit, retaining spray and bedding building and conversion to a two bedroom bungalow, retaining two, two storey workshops and office building and converting to a four bedroom house. (Revised application)
<b>RECOMMENDED DECISION:</b>	Refuse Permission

### REASONS FOR REFUSAL

- 1 The site is an isolated site in a rural area. The scheme will promote commuting, as it is poorly served by public transport and most access will be by private motor vehicle, it will therefore fail to enhance the rural environment. Therefore the proposal does not constitute a sustainable development in this rural location, contrary to policies CP1, 2, 3, & 9 and ST 4 and 6 of the Adopted Local Plan and Alterations.
- 2 The scheme makes no practical provision for any affordable housing provision, contrary to policies H6A and H7A of the adopted Local Plan and Alterations.

*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:**

Retention of existing forge building and conversion to two bedroom dwelling (Building 2), retention of spray and bending building and conversion to a two bedroom bungalow (Building 3) and retention of a two storey workshops and office building and conversion to a four bedroom house (Building 4). Gardens will be provided for the new dwellings. It should be noted that the five bedroomed house (Building 1) that exists on the site will be refurbished, and this does not require planning permission. For the sake of clarity the original building numbering will be retained.

The original application would have seen demolition of an existing five bedroom house and rebuilding in a different location (Building 1), retaining store/forge to front and converting to a two bedroom flat (Building 2), retaining spray and bedding building and converting to a three bedroom bungalow (Building 3), and retention of 2 two storey workshops and offices and converting to 4 two bedroom flats (Building 4).

### **Description of Site:**

A small engineering works and detached house on the London Road between the Woodman Public House and White Bear Mews, both of which are Grade II listed buildings. The site has the house to the north west frontage, a single storey ex forge to the north east frontage, and the main workshops (with first floor offices) to its rear, and a single storey spray and bending shop to the rear of the house, forming a small yard area. There is a garden area to the west which has a single storey outbuilding on it. The whole site is within the Green Belt. The site slopes down to the east by about 2m.

### **Relevant History:**

Various applications regarding the engineering use of the site.

EPF/1959/08 Conversion, demolition and rebuilding of B2 site to residential - Refused.

### **Policies Applied:**

#### **East of England Plan**

SS1	Sustainable Development
SS7	Green Belt
E2	Employment
H2	Affordable Housing

#### **Local Plan**

GB2A	Green Belt
GB8A	Change of use of buildings
GB9A	Residential Conversions
GB15A	Replacement Dwellings
DBE 1 & 2	Design of new Buildings
DBE 4	Design in the Green Belt
DBE 8	Amenity Space
DBE 9	Neighbour Amenity
H6A	Affordable housing threshold
H7A	Level of affordable housing
H2A	Previously developed land
E4A	Employment Land
LL1	Landscaping
HC12	Setting of a Listed Building
ST 4 & 6	Highway and Parking
CP1	Sustainability
CP2	Rural Environment
CP3	New Development
CP9	Sustainable Transport

### **Issues and Considerations:**

The main issues in this application are:

1. Whether there are Very Special Circumstances which would overcome the harm to the Green Belt caused by this scheme.
2. Design
3. Impact on Neighbours

4. Affordable Housing
5. Loss of Employment Land
6. Landscaping
7. Highway and Parking
8. Setting of the Listed Buildings
9. Sustainability

And whether this scheme overcomes the previous reasons for refusal which where:

- the adverse impact on the Green Belt
- Impact on the adjacent listed buildings
- lack of affordable housing
- the isolated location of the site
- amenity of White Bear Cottages.

### **Background to this Application**

This is a considerably revised scheme and now does not propose any new or repositioned buildings on the site. The last refused application would have seen demolition of existing five bedroom house and rebuilding in different location (Building 1), retaining store/forge to front and converting to a two bedroom flat (Building 2), retaining spray and bedding building and converting to a three bedroom bungalow (Building 3), and retention of 2 two storey workshops and offices and converting to 4 two bedroom flats (Building 4).

#### **1. Green Belt**

- The site is wholly within the Green Belt. There are a two factors to be considered with this scheme:
  - i) The change of use of the 3 buildings
  - ii) The residential use of these 3 buildings

#### **Change of use of other Buildings**

- Policy GB8A of the adopted local plan allows for a change of use of buildings provided they meet a number of criteria:
  - (i) That the building is:
    - (a) of permanent and substantial construction, capable of conversion without major or complete reconstruction and is in keeping with its surroundings by way of form, bulk and general design.
    - (ii) The proposed use would not have a materially greater impact than the present use of the Green Belt and the purpose of including land in it.
    - (iii) The use and associated traffic generation would not have a significantly detrimental impact on the character and amenities of the countryside
    - (iv) & (v) are not relevant to this application.
- In addition, for a building to be converted to residential use the criteria of GB9A will need to be achieved. The relevant criteria is:
  - (i) the building must be worthy of retention and:
  - (ii) it has been clearly proven by the applicant that business reuse in line with Policy GB8A is unsuitable.
  - (iii) is not relevant

#### **Building 2 – The Old Forge**



GB8A (i) is met as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the weatherboarding refurbished. It is clear from the officer's site visit that the building is capable of being converted to its intended use, albeit it with remedial works to bring the building up to current standards.

(ii) it is considered that this criteria could be met as the use as a dwelling on this previously developed land site would not have a greater impact on the Green Belt than the current use

(iii) will be dealt with under the Highway Issues section.

- GB9A; with regard to (i) the building is not unattractive and it is considered that it is worthy of being retained.
- (ii) is met as the applicant has submitted considerable information that the whole site has been actively marketed since 2004 to find a buyer; to no avail.

### **Building 3– The Spray and Bending Shop**

- GB8A (i) is met as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the walls rendered. It is clear from the Officer's site visit that the building is capable of being converted to its intended use, albeit it with remedial works to bring the building up to current standards.
- GB9A (i). Whilst the building is a utilitarian industrial building of no particular architectural merit, it is not an agricultural building and thus falls outside of the supporting text to the policy which states, "this policy will be used to enable the reuse of vernacular rural buildings. It will not apply to modern or utilitarian **agricultural buildings** (*Officers emphasis*) as they are not generally considered worthy of retention or suitable for conversion".
- 
- Therefore it is considered that this is a building which is relatively small scale, single storey and already has a semi domestic appearance being brick clad with roof tiles. The large front porch which is of corrugated iron sheets would be removed.
- 
- Therefore retention of this modest industrial building would not harm the character and appearance of the site of the Green Belt, and it is the case that the scheme for conversion will improve its appearance.
- 
- The proposed garden area is not excessive and takes advantage of the existing side garden of the current house on the site.

### **Building 4 – The Main Workshops**

- GB8A (i) is met as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the walls rendered. It is clear from the Officer's site visit that the building is capable of being converted to its intended use, albeit with remedial works to bring the building up to current standards.
- GB9A (i) is also met under the same assessment as with Building No 3. In this case the building is two storey, albeit with dormers in the roof slope and is not an excessively large building. It is partially wooden clad with a corrugated iron roof. However the conversion will see more suitable materials used, and part of the structure attached to the building (housing fork lift trucks) would be removed and would separate the structure from Building 2.
-

- This building is also largely screened by its position behind Building 2 and next to outbuildings at The White Bear to the east. The proposed garden is modest and well sited within the confines of the original site.
- 
- Whilst larger than Building 3 this is still a relatively modest building and its retention would not harm the openness and character of the Green Belt in this location, and the conversion would result in an improved appearance of this particular building.

### ***Green Belt Conclusion***

- It is the case that the conversions of all three buildings are acceptable, and now meet the criteria of both GB8A and GB9A.

### ***2. Design and Street Scene***

- The site is prominent in the street scene and sees the reuse and refurbishment of the existing buildings on the site. Therefore there will be no change in terms of building sizes, but the appearance of the site will change from a run down industrial site to that of a small cluster of houses in close proximity, which will be part of the small settlement at this location.
- Due to the changes in this scheme from the previous scheme the design of the individual buildings is considered acceptable and there is no harm caused to the character and appearance of the street scene in this location.

### ***3. Impact on Neighbours***

- White Bear Cottage and mews is to the immediate east of the site. The main part of the scheme which will affect this property will be the dormer windows on Building 4 which will overlook their site.
- The distance between the buildings is a minimum of 17m, with Building No 4 being at a higher level than the house due to the fall of the land.
- However, it is the case that White Bear Cottage is already overlooked by the existing dormers used as offices, and this scheme will reduce the size of the dormers, and an obscure glazing condition can be imposed for the bottom half of the two bedroom windows which overlook the site.
- Therefore it is considered that this impact can be overcome and would not harm the amenities of the neighbour.
- Whilst there will be no adverse impact on the amenities of the Woodman Public House to the immediate west, there is likely to be some impact on the occupants of the new house from the use of the pub, especially on summer evenings when the beer garden is in use, but due to the distance and the fact there is already a house on the site this would not be so significant to justify a refusal on these grounds.

### ***4. Housing Issues***

- This scheme is for a residential development of 3 new dwellings. Under the recently revised local plan alterations it falls within the criteria of policy H6A (ii) (b) and therefore 50% of the new dwellings on the site should be allocated for affordable housing units. In this instance it is considered that two of the properties should be affordable, with the two smaller units being suitable for this use, leaving the 4 bed house for market prices, as well as the refurbished 5 bed house.
- The applicants have commented that, *"We have considered the matter of affordable housing as you suggest. Around four years ago your office (Housing Directorate) felt the site was not suitable and that it was unlikely that a Housing Association would be*

*interested in the dwellings. However we are prepared to offer 50% of the units for affordable homes and will endeavour to find a housing associate willing to take them over, but we do feel that we should point out that this is most unlikely”.*

- It is considered a reasonable conclusion that a housing association would be reluctant to take over properties on such an isolated site; however this confirms that the site is too isolated and is not sustainable for such a scheme and would therefore result in a development which would not meet the aims of this policy.
- The Planning Policy Section has commented that, *“Perhaps the decisive issue with regards to this application ..... is whether or not 50% of the dwellings proposed in the application can be made affordable as the applicant states may be possible. Should this be achievable then this may be good enough to override the fact that the development is located within the Green Belt and is not located in the most sustainable of locations. Should the applicants state that they were not able to find a housing association willing to take them over then extensive evidence will be required to prove that the utmost effort was taken in attempting to do so.”* The applicant though has failed to demonstrate this and in the absence of such information, then Officers are hesitant in approving the application.

## **5. Employment Issues**

- This is an existing employment site and thus its loss for such a use is to be regretted.
- However, evidence has been supplied of several marketing exercises over the past four years which have not resulted in any offers being made for the site.
- The current business has now ceased as the owners have sold the site to developers. The loss of employment in this particular case is not a reason for refusal.

## **6. Landscaping**

- The Landscape Section has commented that the current use of the site is engineering, predominantly either buildings or hard standing. There are no trees on the site worthy of protection. However, the evergreen hedge at the road frontage provides important screening to this development. A landscape scheme would provide some softening to this development.

## **7. Highways and Parking**

- The Highway Section has commented that, *“the location, lack of footways and limited access to public transport would mean that virtually all journeys generated by the proposal would be by private vehicles. The proposal is not considered to be sustainable due to the reliance on the use of private car which is contrary to the aims and objectives of the relevant transportation policies contained within the County Council’s Highways and Transportation Development Control Policies”.* This is picked up further along in this report under “Sustainability”. Given the previous use for light industrial and business use, that would in itself also involved traffic movements, there is no objection to the proposal on grounds of highway safety.

## **8. Setting of the Listed Buildings**

- The Council’s Conservation Officer has this time raised no objections to this scheme, because it no longer proposes the building of a replacement house closer to the Woodmans Public House (Grade II) which will not have any adverse impact on the setting of the two adjacent listed buildings.

## **9. Sustainability**

- The location of the site, which, at over three kilometres away from the closest significant settlement (Ongar), in a heavily rural area, is clearly in violation of a policies ST1 and CP1, CP2 which seek to reduce car dependency and encourage walking, cycling and the use of public transport, as well as sustaining and enhancing the local rural landscape.
- As has been seen above, this proposal would see three additional new dwellings created on an isolated Green Belt site with very poor public transport links and infrastructure. It would not enhance the rural environment or conserve the character of the countryside. It is the case that this is not a sustainable site for a new residential development, as it would result in an increase in the reliance on car travel.

**Conclusion:**

This scheme has been significantly amended from the previous application and considerable progress has been made in improving it, with the result that there are now no significant adverse impacts on the neighbouring properties/listed buildings or any significant harm to the openness and character of the Green Belt. Whilst this proposal overcomes six of the previous eight reasons for refusal, it fails on the lack of affordable housing issue and sustainability of the site. Therefore the recommendation is for refusal.

**SUMMARY OF REPRESENTATIONS**

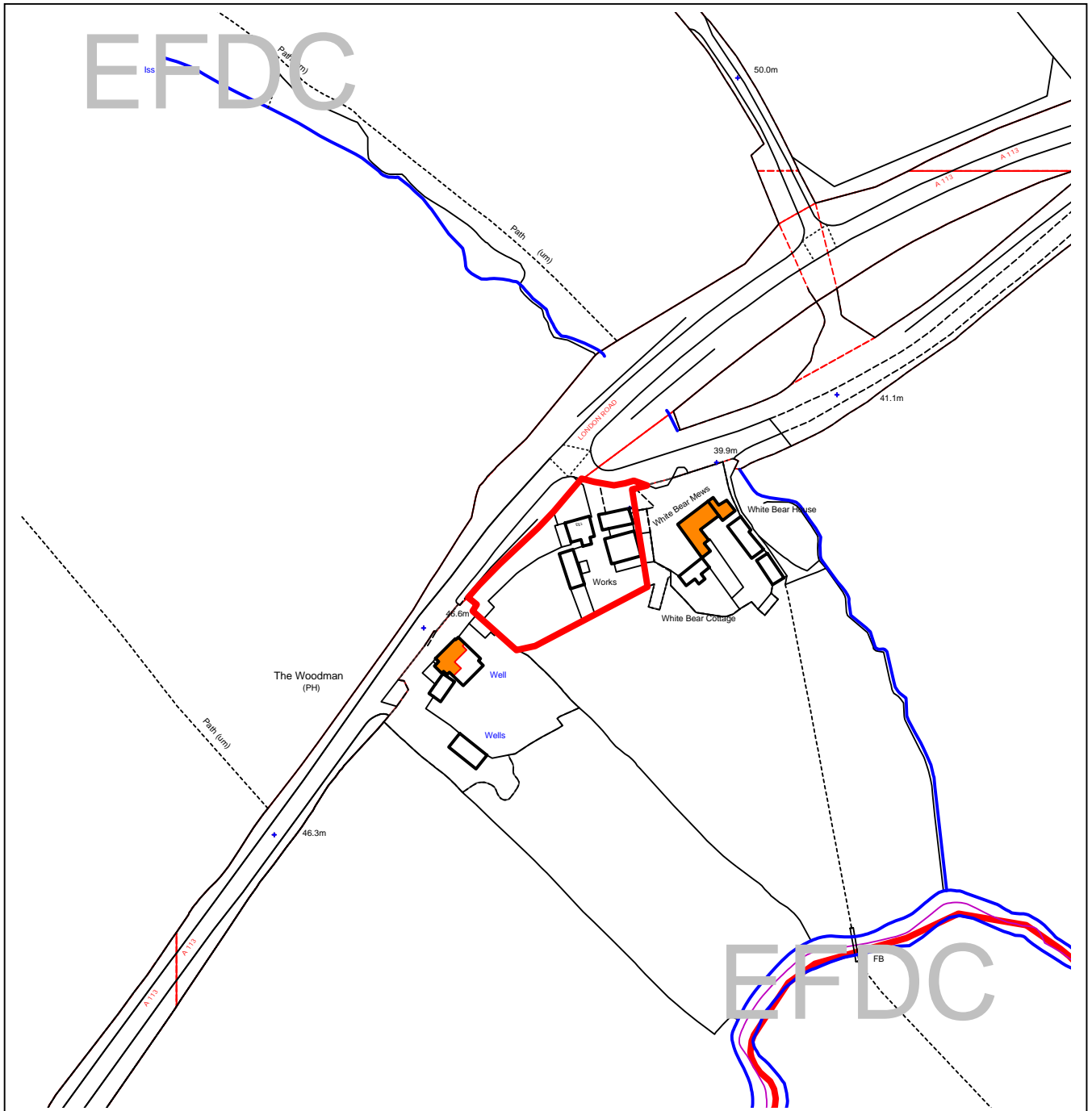
STANFORD RIVERS PARISH COUNCIL – No objection

WHITE BEAR HOUSE – Object, drainage and sewerage are inadequate



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/0166/09
Site Name:	Millrite Engineering, 151-153 London Road Stanford Rivers CM5
Scale of Plot:	1:2500

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0241/09
<b>SITE ADDRESS:</b>	Old Rectory Farm Church Lane Stapleford Abbots Romford Essex RM4 1ES
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Fred Cheroomi
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of redundant agricultural buildings into 2 residential units. (Revised application)
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**REASONS FOR REFUSAL**

- 1 The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, the policies of the adopted Local Plan and Alterations. 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.

In the view of the Local Planning Authority the proposed residential use will result in an adverse impact on the openness, character and appearance of the Green Belt, and will increase traffic generation. Furthermore, the applicant has not demonstrated why other alternative preferred re-uses are not suitable. The proposal is therefore contrary to Policy GB8A and GB9A of the adopted Local Plan and Alterations.

It has also not been proved to the Council's satisfaction that the building is worthy of retention and that the site is unsuitable for a business use, contrary to Policy GB9A of the adopted Local Plan and Alterations.

- 2 The site is an isolated site in a rural area. The scheme will promote commuting, as it is poorly served by public transport and most access will be by private motor vehicle, it will therefore fail to enhance the rural environment. Therefore the proposal does not constitute a sustainable development in this rural location, contrary to policies CP1, 2, 3, & 9 of the Adopted Local Plan and Alterations.
- 3 Having regard to the existing traffic use and the additional traffic which this proposal is likely to generate or attract, the road which connects the proposed access to the nearest traffic distributor is considered to be inadequate to cater for the proposal

while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and construction, contrary to policies ST4 and ST6 of the adopted Local Plan and Alterations.

*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:**

Demolition of existing disused farm buildings and conversion of a detached disused farm building into two residential units, measuring 21m x 8m by 6.10m high.

### **Description of Site:**

A ex pig farm to the west of St Mary's Church. The site consists of the Old Rectory Farm, a grade II listed building in residential use, Holly Cottage and three ex piggery buildings (an Accost type barn in poor repair, a Nissan Hut and a Brick piggeries shed). There is an access via Church Lane, which is a single tracked metalled road, and a new access to the southwest onto the B175. This is also part of Public Footpath No 4. The whole site is within the Green Belt.

### **Relevant History:**

EPF/2693/07	Erections of detached dwelling of 3 residential units	refused
EPF/1246/08	Erections of detached dwelling of 3 residential units	refused
EPF/1997/08	Erections of detached dwelling of 2 residential units	refused

### **Policies Applied:**

#### **East of England Plan**

SS1	Sustainable Development
SS7	Green Belt
H2	Affordable Housing

#### **Local Plan**

GB2A	Green Belt
GB8A	Change of use of buildings
GB9A	Residential Conversions
DBE 1 & 2	Design of new Buildings
DBE 4	Design in the Green Belt
DBE 8	Amenity Space
DBE 9	Neighbour Amenity
H6A	Affordable housing threshold
LL1	Landscaping
HC11	Setting of a Listed Building
ST 4 & 6	Highway and Parking
CP1	Sustainability
CP2	Rural Environment
CP3	New Development
CP9	Sustainable Transport

### **Issues and Considerations:**

The main issues are the impact of this proposal on:

1. The Green Belt
2. Design
3. Sustainability
4. Setting of the listed building
5. Effect on amenity
6. Landscaping
7. Impact on highways

and whether it has overcome the previous reasons for the three previous schemes which were that it was inappropriate development within the Green Belt, it was an unsustainable location, and it would have had an adverse effect on Highway Safety and use of a Public Footpath.

This is a scheme which is identical to the last 2008 application with the important exception that access will now be from Church Lane and not from a private track onto the B175 Stapleford Road. The applicant has also put forward supporting information in response to issues raised by Councillors at the Committee meeting.

### **1. Green Belt**

- The current buildings on the site are unused and are in a poor state of repair. This application would see the single storey piggery building converted into two separate residential dwellings and the Atcost Barn and Nissan hut on the site demolished.
- Council policy only supports the conversion to residential use of redundant buildings if the relevant criteria are met, and in this case policies GB8A and GB9A are relevant.
- Policy GB8A of the adopted local plan allows for a change of use of buildings provided they meet a number of criteria:
  - (i) The building is:
    - (a) of permanent and substantial construction, capable of conversion without major or complete reconstruction and is in keeping with its surroundings by way of form, bulk and general design.
    - (ii) The proposed use would not have a materially greater impact than the present use of the Green Belt and the purpose of including land in it.
    - (iii) The use and associated traffic generation would not have a significantly detrimental impact on the character and amenities of the countryside
    - (iv) & (v) are not relevant to this application.

(i) is met, as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the brickwork covered with weatherboarding. It is clear from the officers site visit that the building is capable of being converted to its intended use, albeit it with remedial works to bring the building up to current standards.

(ii) Is not met. The scheme will see the introduction of two new residential dwellings into the Green Belt and would have an adverse impact on the openness and appearance of the Green Belt by this use.

In addition the scheme would, in effect, spread the residential curtilage of the Old Rectory further than currently exists.

- The Council does not accept that this part of the site is the residential curtilage of The Old Rectory. It is clear that this area is physically separated from the domestic garden of the site and has been used for commercial farming activities, which would not be considered as part of the domestic curtilage.
- On reading of the statutory declaration of Mr Aylet (1954) it is stated that the "said premises coloured blue in the said plan have formed the house of residence and land attached thereto of the Rector.." However, it does not specifically state which part of this land forms the domestic curtilage. It is accepted that the land has been in the ownership of



The Old Rectory for many years, but an examination of the physical characteristics of the site and the use for which this portion of it was used it is clear that this particular portion of the site cannot be considered as domestic curtilage.

- Therefore this site is not currently part of the curtilage of The Old Rectory, which contains several outbuildings and a separate dwelling at Holly Lodge, which has its own distinct curtilage. This scheme would essentially increase the curtilage of The Old Rectory to cover this site and would allow the proliferation of residential paraphernalia on the site, such as washing lines, as well as parking for vehicles in the open.
- Notwithstanding the comments of the applicant that a unilateral undertaking/S106 agreement to not separate from the curtilage of the site or erect certain structures it is clear that there would be pressure to allow the erection of outbuildings such as garages with a subsequent harmful effect on the openness of the Green Belt.
- In any event, even if this scheme was within the domestic curtilage of The Old Rectory the use of building as two residential dwellings will have a materially greater impact than the current non use on the character, appearance and openness of the Green Belt as explained above

(iii) Is also not met as the use of the structure as two dwelling houses will still generate more traffic than using the building for a small scale agricultural use, which in any event has long ceased.

- In addition, for a building to be converted to residential use the criteria of GB9A will need to be achieved. The relevant criteria is:
  - (i) The building must be worthy of retention and:
  - (ii) it has been clearly proven by the applicant that business reuse in line with Policy GB8A is unsuitable.
  - (iii) is not relevant
- With regard to (i) the building is a utilitarian mid 20<sup>th</sup> century building of no architectural merit whatsoever.
- In the supporting text to the Local Plan policy it is stated “this policy will be used to enable the reuse of vernacular rural buildings. It will not apply to modern or utilitarian agricultural buildings, as they are not generally considered worthy of retention or suitable for conversion”. Therefore it is clear that this criteria is not met.
- The second criteria is not met as it is not accepted that a B1 or B8 use would have an adverse impact on the setting of the listed building. Indeed it has been demonstrated at numerous sites in the district that the two can coexist in harmony without harm caused to the listed building.
- In this application it is stated that the applicant has 4 daughters aged 22, 18, 17, and 12. The two oldest girls would occupy the dwellings and in time they would hand the property over to the two youngest girls. He further argues that the conversion is for family use only and ancillary to the main house and will not be sold separately.
- However, quite apart from the difficulties that enforcing such an arrangement would bring, and the difficulty of preventing an application to separate this scheme into a separate property in due course (and indeed it should be noted that there is already a separate dwelling to the north at Holly Cottage), it is also the case that the applicant has a very large house on the site at Old Rectory Farm with two curtilage listed outbuildings which could be converted to residential annexes more suited to his family’s needs.
- Therefore the applicant’s personal circumstances, which have now been clarified, do not outweigh the serious harm that this scheme will cause to the objectives of Council Green Belt policy.
- The applicant also refers to a permission granted in 2004 for a subdivision of Church Farm to the north east of the site. Whilst each application is taken on its own merit and cannot set a precedent, it is the case that in the Church Farm scheme both Officers and the Committee assessed the buildings converted involved as worthy of retention, which

considering their age is not perhaps surprising. This scheme bears no relation to that which was granted at Church Farm.

- Whilst it is accepted that there will be some gain to openness from the demolition of the 2 other farm buildings, this does not come anywhere near to providing very special circumstances for the scheme, as the gain is far outweighed by the harm this scheme causes.
- It is also the case that the issue of affordable housing has not been addressed, a subject raised at the last committee meeting. The scheme is of a scale that falls under the requirement in the local for the provision of affordable housing.
- Even if the applicant was to offer a formal obligation for these properties to be affordable (which he has not) the scheme is highly likely to be unattractive to a Housing Association due to its location, isolation, small scale and whether the applicants daughters would qualify for such housing. In any event this, again would not overcome the serious harm that this scheme would cause.
- Therefore the scheme does not meet either of the two Green Belt policies and would have a harmful effect on the openness, character and appearance of the Green Belt in this location.

## 2. **Design**

- The new scheme, when considered in isolation, would not be unacceptable in design terms.

## 3. **Sustainability**

- As has been seen above this proposal would see two new dwellings created on an isolated Green Belt site with very poor public transport links and infrastructure. It would not enhance the rural environment or conserve the character of the countryside. It is the case that this is not a sustainable site for new residential development, increasing the reliance on car travel.

## 4. **Setting of the Listed Building**

- There is no objection in principle to this proposal. There would therefore, be minimal impact on the setting of the LB created by this proposal.

## 5. **Amenity**

- There would be no adverse affect on the amenities of any other residences as a result of this proposal.

## 6. **Landscaping**

- A landscaping scheme would be appropriate for this type of site, and it can be conditioned so that any scheme is considered by the Landscape Section for suitability.

## 7. **Highways**

- The Highways Section has stated that the application should be refused, as having regard to the existing traffic use and the additional traffic which this proposal is likely to generate or attract, the road which connects the proposed access to the nearest traffic distributor is considered to be inadequate to cater for the proposal while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and construction.

- The applicant also appears to have had an about face on the desirability of using Church Lane to access this scheme. In previous applications it was argued that the use of the access to Stapleford Road was safer than using Church Lane.

**Conclusion:**

It is clear that this is inappropriate development within the Green Belt in an unsustainable location. There is no justification or very special circumstances that would justify a departure from the national and local plan policies. In addition the scheme will cause an unacceptably adverse impact on highway safety.

It is also the case that the applicant is appearing to attempt to wear the Local Planning Authority down with these applications, rather than take any of the previous three refusals to appeal, in spite of a consistent approach from the Council from the pre application advice stage. For the reasons stated above this application is recommended for refusal.

**SUMMARY OF REPRESENTATIONS**

PARISH COUNCIL – Not received at time of report, will be reported orally

6 CHURCH TERRACE – Object, use of Church Lane dangerous.

CHURCH FARM – The units do not affect me, but Church lane should not be used for access or construction traffic. My planning permission was for refurbishment of a 200-year-old dwelling and does not set a precedent.

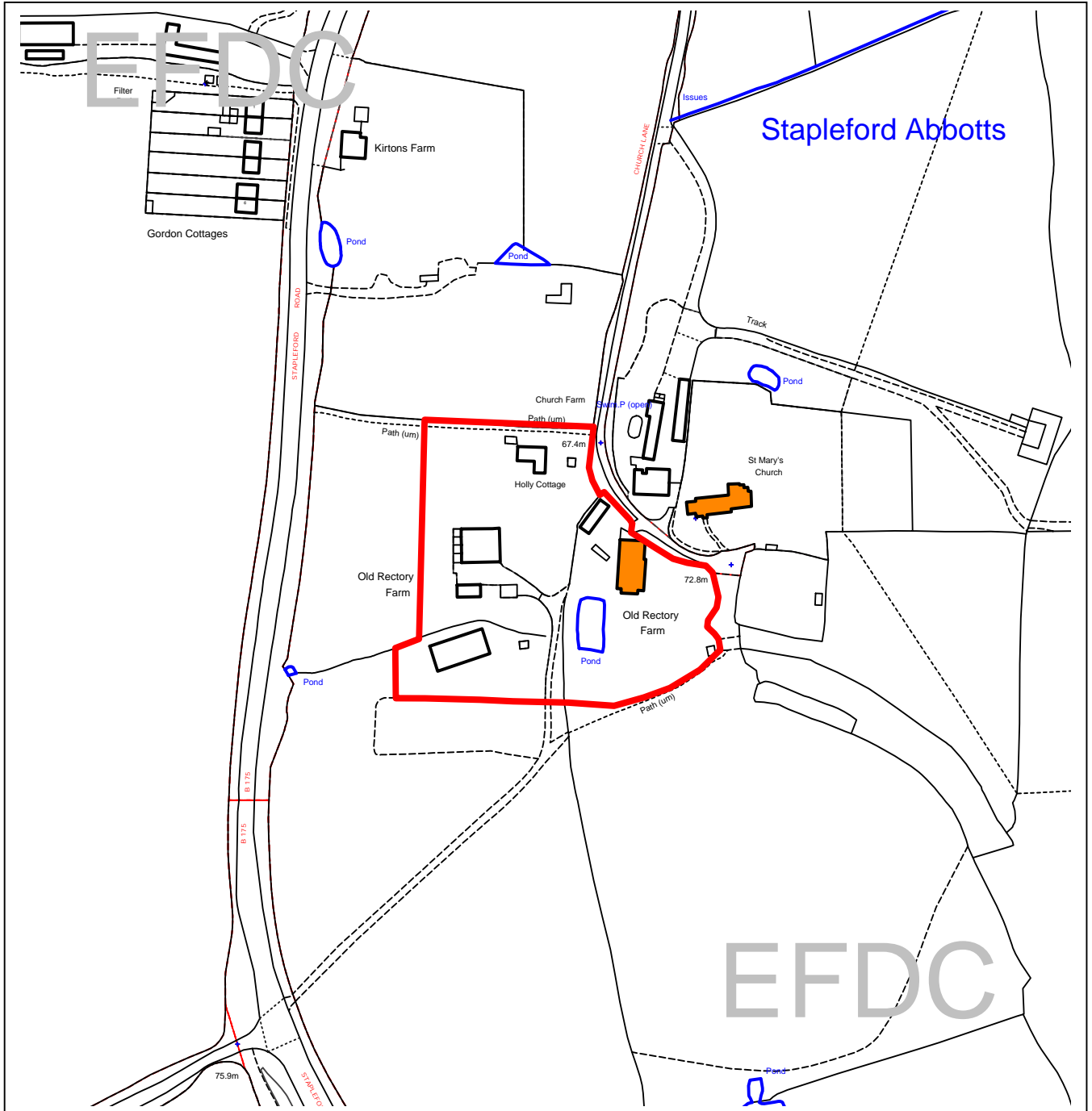
ST MARY PARISH CHURCH – Fully support the application

HOLLY COTTAGE – Support the application



# Epping Forest District Council

## Area Planning Sub-Committee East



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Agenda Item Number:	7
Application Number:	EPF/0241/09
Site Name:	Old Rectory Farm, Church Lane Stapleford Abbots RM4 1ES
Scale of Plot:	1:2500

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0123/09
<b>SITE ADDRESS:</b>	Cross Keys Cafe High Road Thornwood Essex CM16 6LZ
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mr David Coates
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of 3 no. outbuildings and cafe business and replacement with 1 no. hotel building and business to compliment previously approved bar/restaurant.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 4 Notwithstanding submitted plan number BRD/08/056/2 dated 27/10/08 , 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) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These 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 vehicle artefacts and structures, including signs and lighting and functional services above and below ground. 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 shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 6 A flood risk assessment 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 7 Prior to implementation, details shall be submitted and agreed in writing by the Local Planning Authority with regards to the improvement of the existing access to provide a bellmouth access to include 2 no. kerbed radii (each with a footway and dropped kerb/tactile paving) and a suitable visibility splay which is to be maintained clear to the ground at all times.
- 8 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
- 9 Prior to implementation of the development hereby approved details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to occupation and retained at all times thereafter.
- 10 Within 3 months from the date of first occupation of the hotel building hereby approved, the three outbuildings shown to be removed on plan Ref: BRD/08/056/2 shall be demolished and all materials removed from the site.
- 11 The parking 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, staff and customers of the restaurant and hotel and shall not be used for the overnight parking of commercial vehicles at any time.

*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:**

Consent is being sought for the demolition of 3 no. outbuildings and café business and replacement with 1 no. hotel building and business to compliment previously approved bar/restaurant. The proposed building would be 22.8m long and 6.7m wide with a pitched roof to a maximum height of 6.5m. The hotel would be one and a half storeys, with accommodation in the roof slope, but would have an eaves height of 2.2m. The building would have 4 no. front dormer windows and a central gable ended front protrusion. Access to the rooms would be via a central corridor, an overhanging front eaves, and staircases to the first floor on the flank elevations. The building would be clad in black weather edged timber boarding with plain clay tiles on the roof.

Access to the site would be via the existing vehicle access onto London Road and the proposal would include a car park and associated landscaping.

### **Description of Site:**

The site consists of the rear section of Cross Keys located on the eastern side of London Road. To the front of the site is a locally listed building, which has recently been granted planning permission for change of use to a restaurant with two residential properties above. To the north and northwest are open fields, to the southeast is an existing farm complex, and to the south and southwest is a small built up enclave of residential dwellings. The site currently contains three run down outbuildings used as a café, toilet block/garage and storage. The remainder of the application site is used as a car park and lorry park. The entire site is located within the Metropolitan Green Belt.

### **Relevant History:**

EPR/0131/50 - Additional lavatory block and first floor W.C. – approved 21/07/50  
EPO/0443/69 - Extension to car park for café – approved/conditions 10/02/70  
EPO/0443A/69 - Use of car park for overnight parking of 12 lorry trailers – appeal allowed with conditions 13/09/74  
EPO/0040/71 - Change of use of 2 rooms of P.H. to offices – dismissed 13/09/74  
EPO/0426/71 - Reinstatement of garage building – approved/conditions 12/10/71  
EPF/1130/80 - O/A for cafe and garage to replace existing – refused 22/09/80  
EPF/0530/07 - Extension, alterations and conversion of existing cafe to restaurant with parking and two ancillary residential flats above – approved/conditions 04/06/07  
EPF/2426/07 - Demolition of existing truckers toilet block and outbuildings and redevelopment to include two new dwellings/live work units – withdrawn 14/01/08

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
DBE4 – Design in the Green Belt  
DBE9 – Loss of amenity  
LL1 – Rural landscape  
LL2 – Inappropriate rural development  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking

### **SUMMARY OF REPRESENTATIONS**

PARISH COUNCIL – No objection subject to the Historic Buildings Officer deeming that the development is appropriate adjacent to the [locally] listed building. However, the council has general concerns at the traffic that the proposal would generate and also to the sight lines when ingressing and egressing the site.

EPPING SOCIETY – Object as the site is in the Green Belt and the hotel is inappropriate and as the site is on a dangerous bend that, combined with the previously approved restaurant, would constitute an unacceptable traffic hazard.

## **Issues and Considerations:**

### Green Belt Issues

The erection of new buildings for commercial use in the Green Belt constitutes inappropriate development, which by definition is considered harmful, and as such this type of development is unacceptable unless there are very special circumstances demonstrated to outweigh this harm.

The special circumstances put forward in this case are: the general improvement to the setting of the locally listed building to the front of the site; an enhancement of the environment and overall contribution of the site to the surrounding area; and the provision for hotel accommodation.

### Scale

The existing outbuildings to be demolished consist of café, toilet block/garage and storage building, and are fairly dilapidated and unsightly. These buildings have a combined floor area of 158 sq. m. and are single storey. The proposed hotel building has a footprint of 152.8 sq. m. with utilisation of the roof space of this one-and-a-half storey building. Although the proposed first floor does provide additional floor space, regardless of its use the building would require a roof of this pitch for visual reasons and therefore the additional rooms in the roof would not further increase the visual impact or open character of the Green Belt than a single storey hotel building. Furthermore it has been argued by the applicant that the first floor rooms are required to make the hotel economically viable. As such, whilst the principle of the erection of a new hotel building in the Green Belt is inappropriate, it is accepted that the proposed building would not be any more detrimental to the open character of the Green Belt than the existing outbuildings.

### Appearance

The three existing outbuildings are somewhat dilapidated and unsightly. The café and storage buildings both have pitched roofs and are fairly traditional (although simplistic) in design. The toilet block and garage building is a large flat roofed building completely out of character with the site. There was previously a metal container and timber shed on the site, which again were unsightly, however they have been removed. The remainder of the application site is a large lorry park and informal parking area for the café. At present this large concrete site and unsightly outbuildings do not compliment the locally listed building to the front of the site and are detrimental to the general appearance and character of the Green Belt. It is considered that this site could be classed as 'damaged and derelict land' which PPG2 seeks improvement of. Under EPF/0530/07 the concrete areas of the application site were allowed to be used as a lineated car park in connection with the approved restaurant and flats. Although the landscaping involved with this previous application was felt to improve the overall appearance of this large area of hardstanding, it did not address the unsightly outbuildings. The proposed hotel building would have the appearance of a traditional rural barn, with black weatherboard cladding and clay tiled roof, and would be more in keeping with the locally listed building than the existing outbuildings. This would also consolidate the floor area of the existing outbuildings into one single building which, although encroaching further east than existing, would be located within the existing lorry park/car park area. Due to this, it is considered that the proposed development would have a more positive impact on the overall appearance of this Green Belt site and the setting of the locally listed building.

### Need

It is claimed by the applicant that there is a need within the District for business service accommodation that would be well met by this proposal, with reference being made to the higher need for weekday occupancy levels stated in the 2007 Serviced Occupancy Survey. Whilst this states that there is a higher demand for business accommodation over weekend accommodation it does not show that there is any overall need for further hotel accommodation in the District.



Notwithstanding this, the proposed hotel does not include an office or reception area and as such would constitute guest accommodation for the recently approved restaurant to the front of the site, rather than a stand alone hotel business, which on its own, is unlikely to be viable. This would therefore compliment the existing approved use of the locally listed building to the front and would create a more consolidated use to the entire site. The existing café business does not compliment the new restaurant and any additional business or residential usage to the rear would similarly fragment the use of the entire site. As such a complimentary use to this area would be the most beneficial to the overall site.

### Location

The application site is in a fairly unsustainable location not well served by public transport, although in terms of car journeys it does have good links to Epping, Harlow and the M25. Local Plan policies promote new development in areas where the reliance is not on private vehicle transport, which this site clearly does not comply with. However, as previously stated, the proposed hotel building would be used in conjunction with the restaurant to the front of the site, which was granted planning permission in 2007. As such the use of the site is established and this related usage would not detrimentally impact on the area in terms of sustainability.

### Landscaping

Although similar to the argument discussed regarding the appearance of the proposal, the applicant argues that the overall landscaping to the site would visually improve the site and its setting in the Green Belt. Whilst the majority of the application site would remain as hardstanding, to serve as a car park for both the approved restaurant and the proposed hotel, there would be comprehensive landscaping installed to soften the overall impact of the development and create a more visually appealing site in this Green Belt location. Whilst there are some issues with the position of the proposed landscaping as stands, these can be addressed through the submission of a full landscape plan that should be agreed prior to implementation. Subject to this, it is considered that the proposed landscape would successfully soften this currently unsightly and industrial looking site and would have a positive impact on the overall appearance of the Green Belt in this location.

### Inappropriate use

In light of the above it is considered that a combination of the visual improvements that the proposed development would have on the Green Belt and the setting of the locally listed building, combined with the fact that the proposed building would have a similar floor area to the three outbuildings that it replaces and would compliment the approved restaurant use to the front of the site, are sufficient to justify very special circumstances in this instance, which outweigh the harm to the Green Belt resulting from this inappropriate development. As such, whilst the proposal fails to comply with Local Plan policy GB2A, the application is considered acceptable.

### **Other Considerations:**

#### Highways

The application site is accessed from an existing crossover onto London Road. Whilst the sight lines to this crossover are less than usually required, this is a historic access that currently serves a lorry park and café. Although this proposal would intensify the use of this access, a similar intensification of use has already been approved as the car park for the restaurant is to be located in this rear section. Due to this there has been no objection from ECC Highways and, subject to various conditions to improve the current situation, the use of the existing access would not be any more detrimental to highway safety than existing and is therefore considered acceptable.

### Parking

The application proposes 50 parking spaces, six of which are disabled bays that would serve both the hotel and the recently approved restaurant. The previous approval for the restaurant to the front of the site proposed 30 parking spaces, and the additional 20 spaces exceed the ECC vehicle parking standards, which specifies one parking space per room. Given the unsustainable location of this site and the lack of any on-street parking availability, this overprovision is welcomed and would be sufficient to serve the restaurant and hotel.

Whilst not proposed on the submitted plans there is a requirement for both powered two wheeled and bicycle parking provision, however this can be addressed as a pre-commencement planning condition.

### Flood risk

Whilst the application site does not lie within a Flood Risk Assessment zone it is of a size where it is necessary to avoid generating additional runoff. As such a Flood Risk Assessment is required, which can be addressed via a condition.

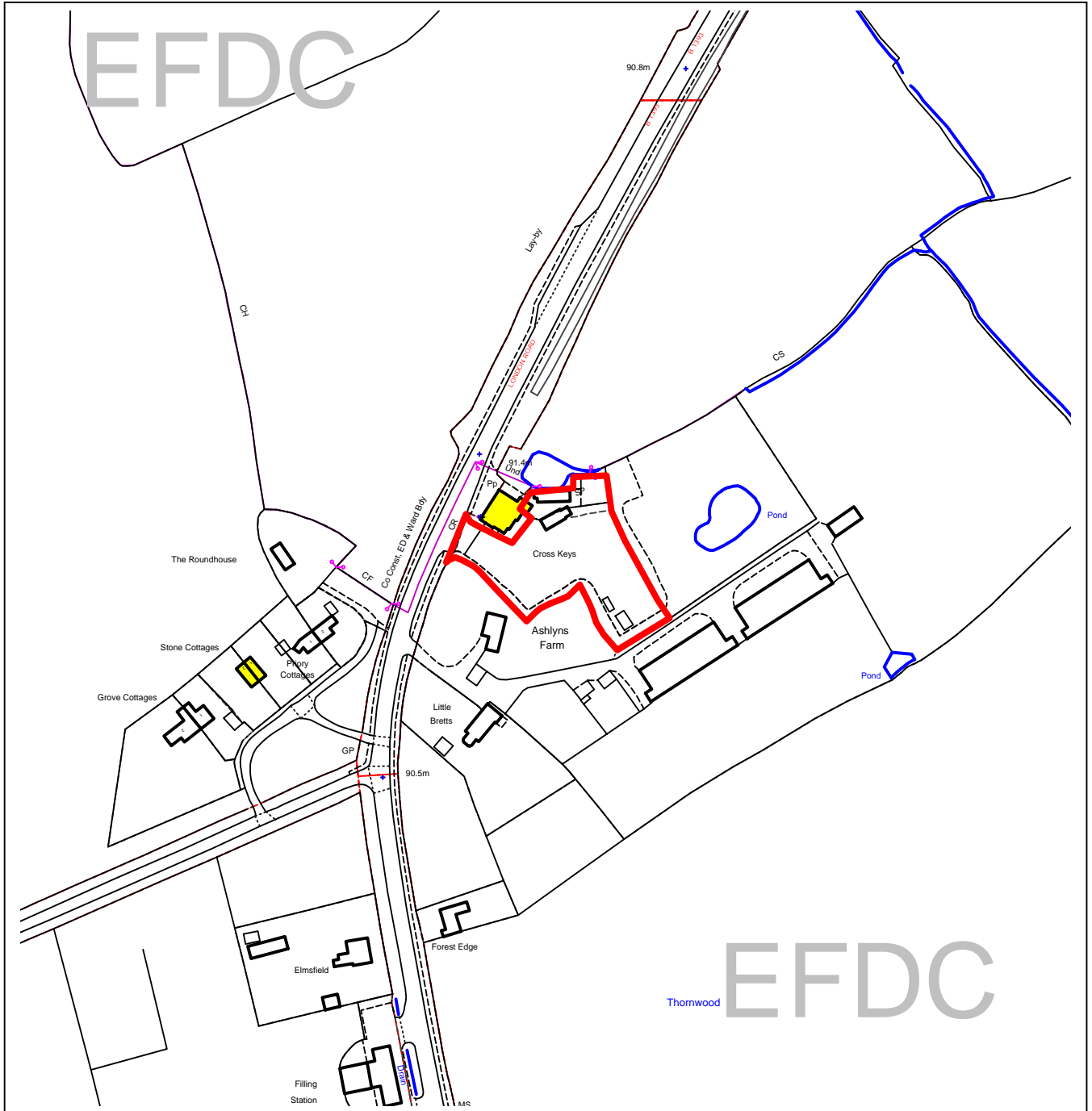
### **Conclusion:**

In light of the above, the proposed hotel would constitute inappropriate development, which by definition is harmful to the Green Belt. However the general visual improvements to the site, the linked usage with the recently approved restaurant to the front and therefore its viability, and most crucially, removal of the existing unsightly outbuildings, constitute very special circumstances to overcome this Green Belt harm. The highway access is not ideal, but there is already an access here and approval for the car park. As such this proposal is recommended for approval and given the issues for consideration on an inappropriate Green Belt development, the application is being reported for Committee rather than Officer delegated approval.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/0123/09
Site Name:	Cross Keys Cafe High Road Thornwood CM16 6LZ
Scale of Plot:	1:2500

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0261/09
<b>SITE ADDRESS:</b>	13 Forest Drive Theydon Bois Essex CM16 7EX
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr B Patel
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from A1 to A3.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**REASONS FOR REFUSAL**

- 1 The proposed change of use to A3 has not been accompanied by any appraisal of market demand for this retail unit and therefore has not proved to the satisfaction of the Local Planning Authority that there is no market demand for this retail unit contrary to policy TC6 of the adopted Local Plan and Alterations.
- 2 The proposed ventilation and extraction systems for the removal of cooking odours from the site would result in loss of amenity to the top floor flat at 13 Forest Drive by way of odour and smells, contrary to policy DBE9 and RP5A of the adopted Local Plan and Alterations.

*This application is before this Committee since it has been 'called in' by Councillor Frankel (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).*

**Description of proposal:**

Change of use from retail (A1 use) to restaurant (A3).

**Description of Site:**

The property is a two storey mid terrace building with accommodation in the loft area and at the first floor. It is within the Theydon Bois local shopping area. The surrounding area is predominately mixed residential and commercial.

**Relevant History:**

EPF/0805/91 Single storey cold store at rear approved

**Polices Applied:**

TC1 Town Centres  
TC6 Local Shopping Centres  
DBE 9 Amenity

RP5A            Nuisance developments  
ST4 & 6        Highways

### **Issues and Considerations:**

The main issues in this application concern the effect of this proposal on the retail facilities of the area, its effects on the amenities of residents of surrounding properties, and highway issues.

#### **Local Shopping Centre**

- The existing A1 retail use would be ceased and the use changed to an A3 restaurant.
- Internally the site is 20m x 6m excluding kitchen, storage and toilet areas.
- No details have been provided to prove any lack of market demand for the use of the property as a retail shop.
- In this local centre the retail percentage is 81% retail, but it is the case that there are already three pubs, two A3 restaurants and an A5 take-away shop in this small area. Whilst competition with other like uses is not relevant in this case, it is relevant to consider the impact of this use on the vitality and viability of the local shopping centre.
- This is a balanced case as the use will be another hot food use, but within a shopping centre where there is still the great majority of the uses of premises for retail. It is clear there is a potential impact on the vitality and viability of the shopping centre from the introduction of this use. On balance it is considered that due to the preponderance of retail premises which would remain that the effect on the shopping centre on this criteria would not be unacceptable.
- However, the scheme would introduce another hot food use next to an existing A5 unit at No 15 which is clearly undesirable. It is also the case that the local plan policy is clear that the lack of market demand for the use of the premises as a retail shop has to be proved, and this is not the case here. Therefore the scheme is contrary to the policy.

#### **Neighbouring Amenity**

- The proposed use as a restaurant has a potential to seriously impact on the surrounding area because of noise from customers, cooking smells and odours, and litter.
- Full and comprehensive details have been provided for the extraction and odour control system, which have met the Environmental Health Officer's concerns over smell and odour nuisance.
- However, it is recognised that no system is 100% effective and will degrade with time, even if maintained properly, and the use is likely to lead to some loss of amenity at neighbouring residential premises due to cooking odours.
- It is also the case that the extraction system has a flue which is level with a rear dormer window of the roof flat. Therefore it is considered that even with this system there will be an unacceptable loss of amenity to occupants of the property, and of course there is no guarantee that these occupants will be connected with the ground floor use of the site.
- The potential opening hours would also result in inevitable disturbance to local residents from customers coming and going due to the late opening hours proposed. However, this is an area which is already busy in the evening with the other uses which are open and it is considered that any disturbance would not be excessive or justify a refusal on these grounds.

#### **Highways**

- There is no parking proposed for this site, although some staff parking may be available at the service yard to the rear of the site.
- However, this is a site close to good tube and adequate bus links, and parking would be available in the evening in the shop parking spaces in Forest Drive. Parking may be

displaced to local side streets, but there are commuter parking restrictions, and defending this reason on appeal is unlikely to be supported with its close proximity to the tube station and restrictions.

**Conclusion:**

It is accepted that this is a balanced case. However the scheme does not provide any justification by way of a marketing exercise for the loss of the retail unit, will have two hot food uses next to each other and likely to cause a loss of amenity to residents in the flat. Therefore this application is recommended for refusal.

**SUMMARY OF REPRESENTATIONS**

13 properties were consulted and a site notice was erected, the following responses were received:

PARISH COUNCIL – Whilst we do not object to this application in principle but we do have the following objections to the detail of the present application:

1. The Applicant's Design and Access Statement refers to proposed opening hours of 0900 hrs to 2300 hrs Monday to Saturday and 1000 hrs to 2300 hrs on Sundays and Bank Holidays. This is of concern given the potential increase in parking pressures on the Village Shopping Parade which is already short of parking provision. We consider that in line with the restrictions imposed upon The Indian Ocean Restaurant in Coppice Row that opening hours should be limited to the evening and we would suggest say 5.30pm until 11pm would be appropriate given the location. The Indian Ocean is a thriving business notwithstanding the limitations upon opening hours and we see no reason why a similar arrangement would not be feasible in this location. Such limitation would minimise parking problems as the opening hours would then coincide with the closing hours of the retail outlets in the Village Shopping Parade.

2. We have noted that the Applicant's Design and Access Statement states that no external alterations are proposed and that it is not intended to alter the existing shop front. We feel however that this development provides an ideal opportunity to upgrade and refurbish the existing shop front and would like consideration to be given to this aspect by the Applicant.

19 BUXTON ROAD – Object, parking unsuitable in a residential area, lives will be made a misery.

20 BUXTON ROAD – Object, parking for staff, disturbance from customers, village well served by restaurants no need for this.

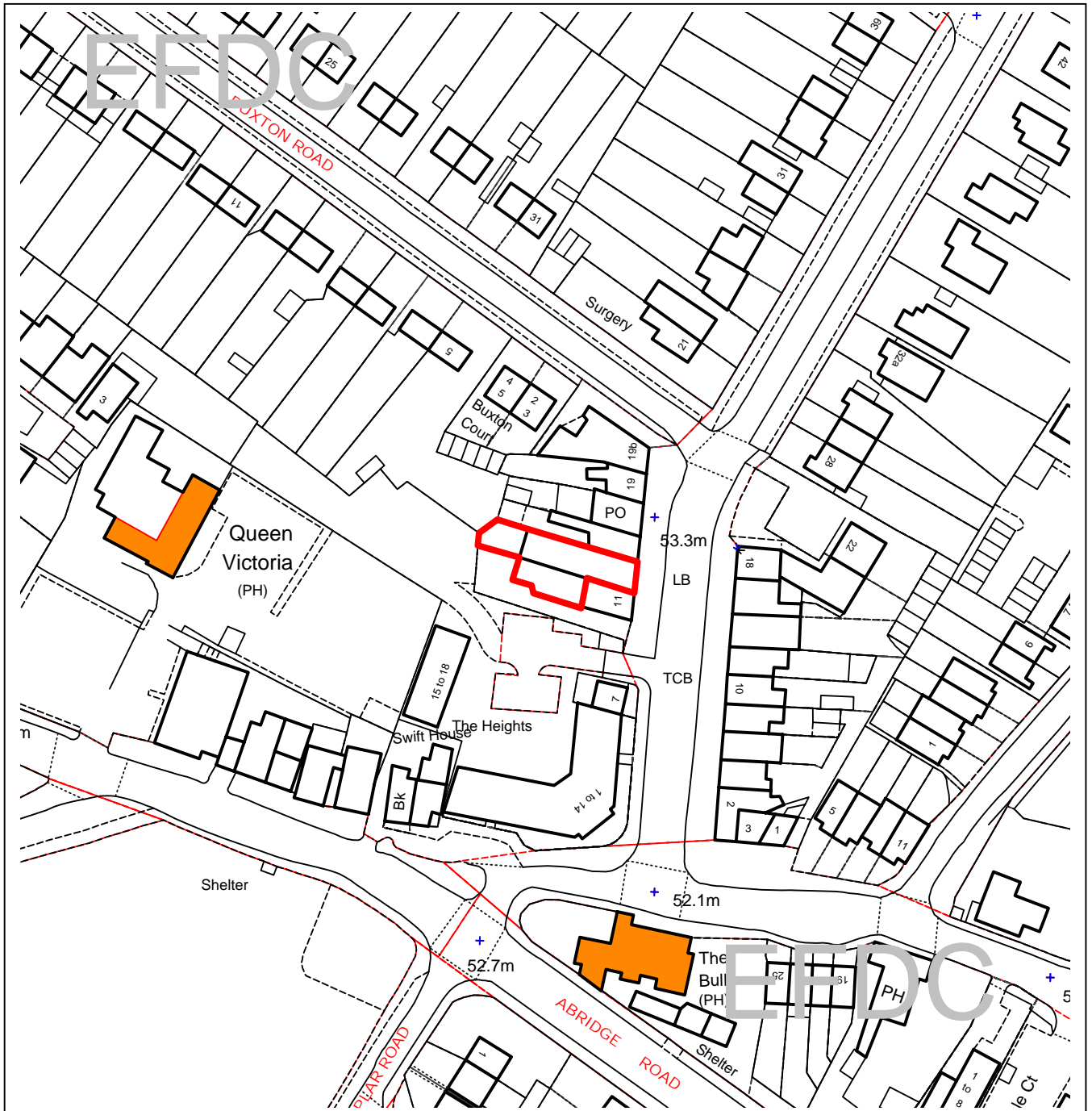
57 FOREST DRIVE – Object, too many food premises in the village already, parking and noise could cause disturbance.

72 MORGAN CRESCENT – already nine food outlets, no need for this which will harm the facilities of the area for local residents.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/0261/09
Site Name:	13 Forest Drive Theydon Bois CM16 7EX
Scale of Plot:	1:1250

## REPORT ITEM 10

<b>Application No:</b>	EPF/0205/09
<b>SITE ADDRESS:</b>	56 a The Plain Epping Essex CM16 6TL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr David Wells
<b>DESCRIPTION OF PROPOSAL:</b>	New single storey garage in front garden. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

### 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 garage, shall match those of the existing house.
- 3 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree 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.

*This application is before this Committee since the recommendation differs from the views of the local town council (pursuant to section P4, schedule A (g) of the Council's delegated functions)*

### **Description of Proposal:**



Erection of new single storey garage with pitched roof in front garden (revised application).

**Description of Site:**

A detached two storey house located on the south side of The Plain in a frontage of houses and hospital/medical services buildings.

**Relevant History:**

EPF/1943/08 – Approval for a roof extension, and ground floor bay window in connection with a garage conversion.

EPF/2050/08 - Planning permission refused for the erection of a new single storey garage (in front garden) – on grounds that it would detract from the street scene and result in loss of an attractive screening hedge.

**Policies Applied:**

DBE9 - Loss of amenity; DBE10 - Residential extensions; LL10 Adequacy of provision for landscape retention.

**Issues and Considerations:**

The main issue raised by this application is whether this amended scheme adequately addresses the reason for refusal of a similar scheme rejected last year, as set out above.

The plans have been amended in that the garage is set back 1.5m from the front boundary and the plans annotated to confirm that the attractive hedge, sited immediately behind the front boundary wall, will be retained. The garage will be 2.2m to eaves, but the hedge, mainly between 1.5m and 2.2m in height, will effectively screen most of the garage from view. As such the proposed garage will not detract from the appearance of the street scene, and the proposal is now acceptable.

The Town Council have raised concerns that the hedge may not be a permanent feature. This is true, but currently it is well maintained and in good health, and is likely to remain in situ for a long time to come. Should it have to be removed, for example because of ill health, a condition to be added to the recommended planning permission will require that a replacement hedge or similar is planted. The Trees and Landscape section of Planning Services have no objections to the proposal as amended.

This house was built with an integral garage in the front part of the property. However, the applicant states in an accompanying letter that they are converting this integral garage into disabled living accommodation for his wheelchair bound mother.

**Conclusion:**

The proposal, as revised, is acceptable and conditional planning permission is recommended.

**SUMMARY OF REPRESENTATIONS**

(NEIGHBOURS - three properties were consulted and no replies were received).

EPPING TOWN COUNCIL – Committee object to this application. The proposals are for a development which is in front of the building line for these properties, and although the hedge is retained, Committee noted that the hedge would not necessarily remain a permanent feature. In

these circumstances the new building would be harmful to the street scene and harmful to the environment of the protected Epping Forest which is immediately opposite.

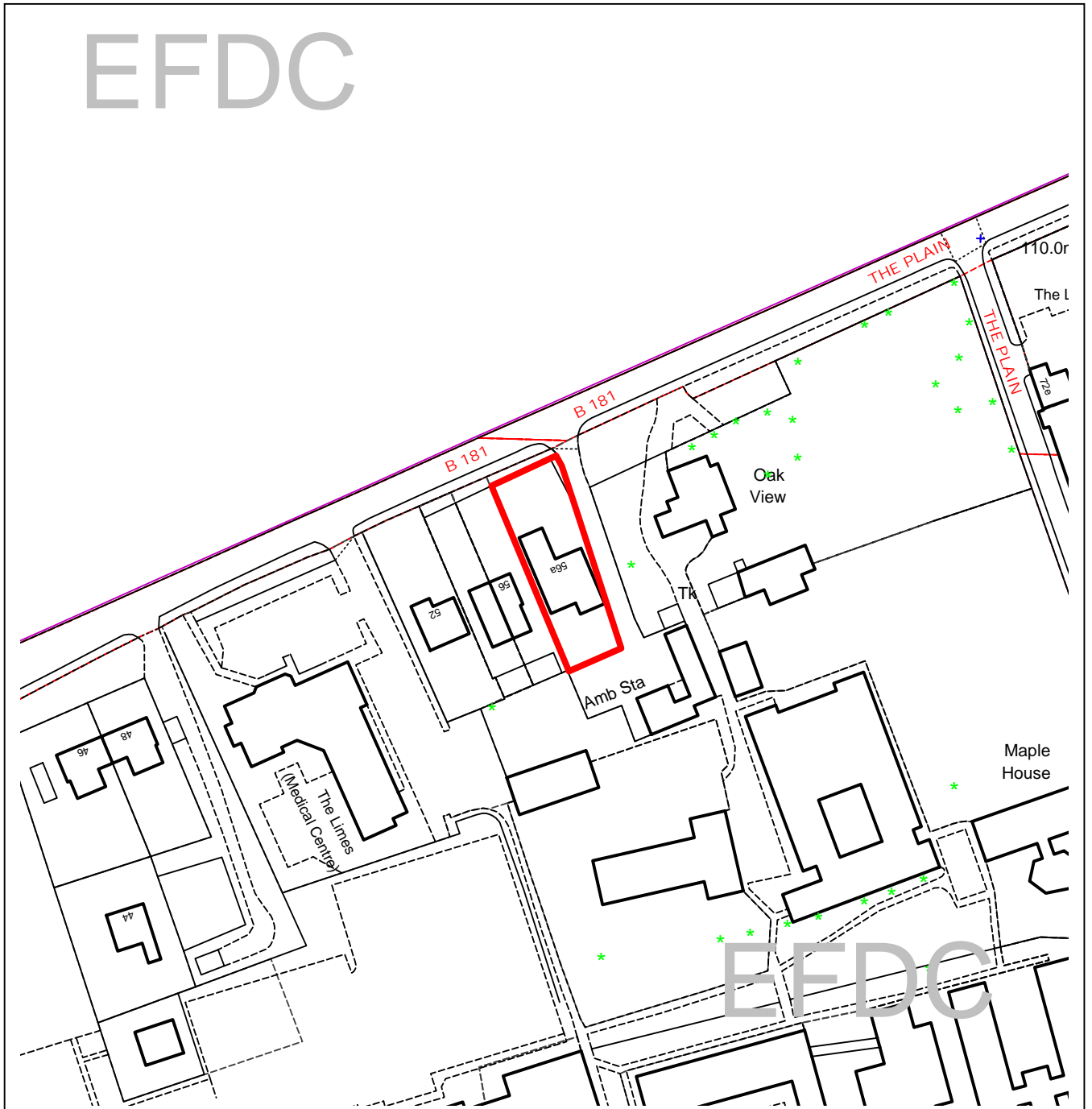
CONSERVATORS OF EPPING FOREST – The Conservators have no objections.



# Epping Forest District Council

## Area Planning Sub-Committee East

# EFDC



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<b>Agenda Item Number:</b>	<b>10</b>
Application Number:	EPF/0205/09
Site Name:	56 a The Plain, Epping CM16 6TL
Scale of Plot:	1:1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/0296/09
<b>SITE ADDRESS:</b>	25 Laburnum Road Coopersale Epping Essex CM16 7RA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Daniel Wray
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garage, and erection of a two storey side and single storey rear extension. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 extension, shall match those of the existing building.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

Consent is being sought for the demolition of the existing attached garage and erection of a two storey side and part single storey part two storey rear extension. The side extension would be 2.6m wide and 7m deep, with the first floor element set back from the existing front wall of the house by 2.5m. It would have a hip ended ridged roof set below the existing ridge height with the roof sloop continuing to ground floor eaves level at the front. There would be a dormer window to the front that would be 1.5m wide with a pitched roof. The single storey rear extension would be 5.5m wide and 3.3m deep with a flat roof to a height of 2.7m. The two storey rear extension would be 2.9m wide and 3.3m deep with a hip ended pitched roof. This two storey element would be located directly behind the proposed side extension.

**Description of Site:**

Two storey semi-detached dwelling located on the north western side of Laburnum Road, Coopersale.

**Relevant History:**

EPF/2235/08 – Demolition of existing garage and erection of a two storey side and single storey rear extension – refused 12/01/09

### **Policies Applied:**

DBE9 – Loss of amenity

DBE10 – Residential extensions

### **Issues and Considerations:**

The main issues here relate to the potential impact on the neighbouring properties and with regards to the design. The previous application was refused on the following grounds:

*The proposed extension, due to it extending to the flank boundary of the property and being set back only 1.5 metres from the front elevation, would result in a terracing effect harmful to the character and appearance of this area and to the street scene, contrary to policy DBE10 of the adopted Local Plan and Alterations.*

The proposed side extension is still proposed to be built to the shared boundary with No. 23 however would be set back from the existing front wall at first floor level by 2.5m. Generally two storey side extensions built to the side boundary on semi-detached properties are resisted; however there is a precedent set in Laburnum Road and Vicarage Road for two storey side extensions with no side gap. Notwithstanding this, a requirement for a significant set back of the front wall is required in these instances to counter any terracing effect. Whilst there are examples of two storey side extensions within Laburnum and Vicarage Road without much, if any, set back at the front, these were all granted planning permission before 1998, when the current Local Plan (and policy DBE10) was adopted. Due to this, these previously approved additions do not set a precedent for similar, current extensions.

Since the adoption of the 1998 Local Plan there have been several two storey side extensions approved with no side gap, but with a set back of either 3m (when a front wall is added), or 2.5m (when the roof continues down to ground floor level and a dormer window is utilised), which successfully break up the continuous frontage of the properties and overcome the potential terracing effect. Examples of these include No's. 12, 23, 27 and 33 Laburnum Road and No. 11 Vicarage Road, all of which were approved since 1998. More recently No 15 Vicarage Road was approved at Plans Sub-Committee on the 11<sup>th</sup> March 2009, which proposed a 3m recessed first floor but no gap to the side.

The design of the proposed extension would be almost identical to those approved at No's 12 and 27 Laburnum Road, and would match the overall appearance of the street scene. Due to this it is considered that the proposed development complies with policy DBE10 of the Local Plan.

The proposed extension would not protrude beyond the neighbours two storey side/rear extension at No. 23 Laburnum Road and would therefore not detrimentally impact on light or visual amenity to this neighbour. Furthermore, there are no flank windows proposed in the extension so no loss of privacy would result to the occupiers of No. 23.

The adjoining neighbour, No. 27, does not have any rear additions (although it was granted consent for a rear extension in 2002), and as such the proposed rear extension would extend 3.3m beyond the neighbours rear wall. Although this is slightly larger than the generally accepted 3m depth of extensions, given the location of these properties (No. 25 sitting to the northeast of No. 27) and the limited height to the flat roof, the proposed extension would not detrimentally impact on loss of light or visual amenity. Therefore the proposed development complies with Local Plan policy DBE9.

**Conclusion:**

In light of the above, the proposed side and rear extension would not detrimentally impact on the neighbouring occupiers and would not be unduly detrimental to the visual appearance of the dwelling or street scene. Whilst the town council considers that this proposal would result in a terracing effect (despite them having no objection to the previous application), given the precedent already set in Vicarage Road and Laburnum Road, the erection of this two storey side extension with no side gap but instead with a sufficient set back of the first floor front wall would overcome any unacceptable terracing effect. As such the proposed extension complies with the relevant Local Plan policies and is therefore recommended for approval.

**SUMMARY OF REPRESENTATIONS**

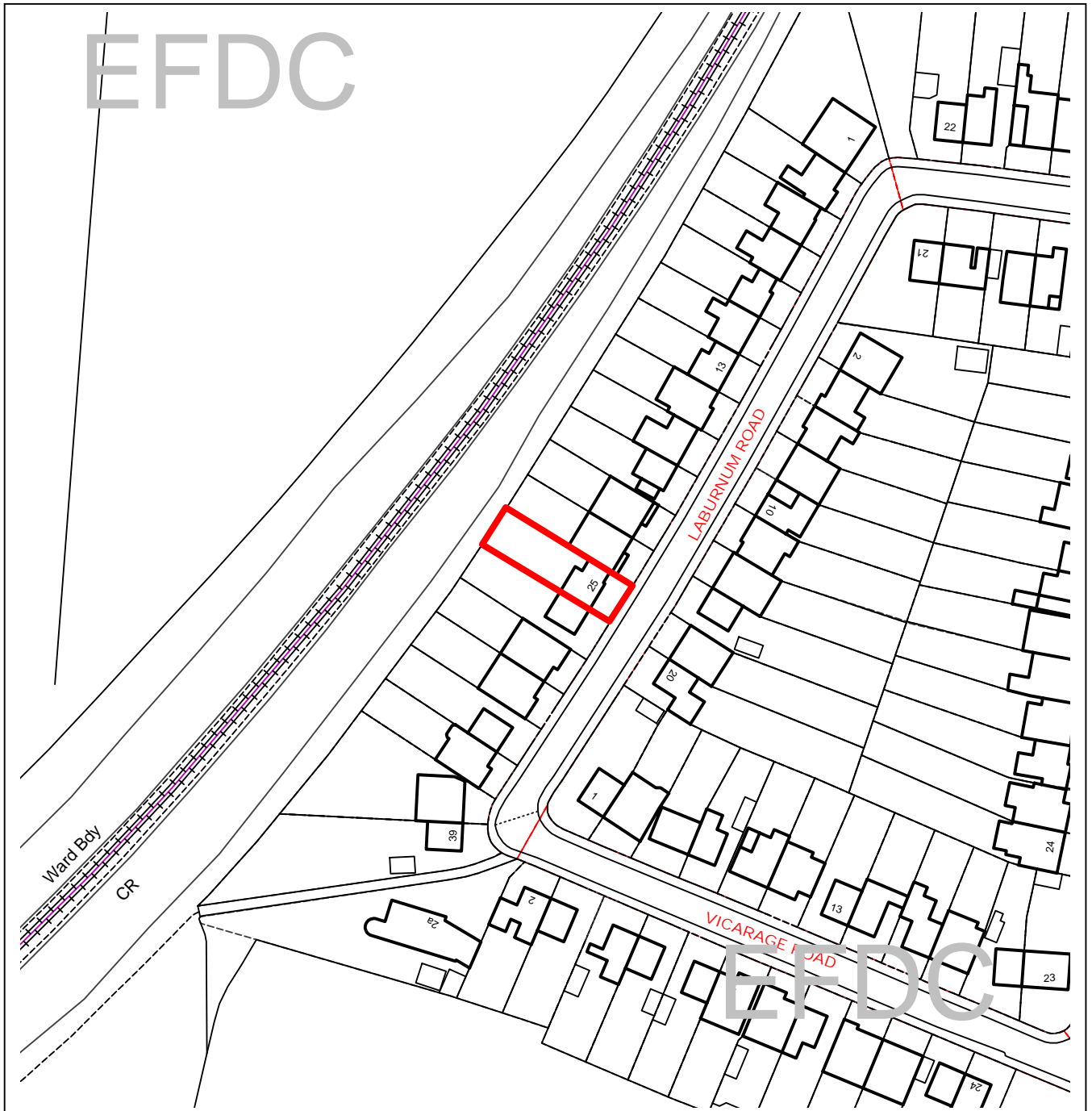
TOWN COUNCIL – Object and are concerned that the current design would give rise to the appearance of terracing. Therefore, it is suggested that a step back at first floor level is appropriate.

This report has been produced one day prior to the consultation deadline. Therefore, any additional comments received will be put to the Committee verbally.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	11
Application Number:	EPF/0296/09
Site Name:	25 Laburnum Road Coopersale, Epping CM16 7RA
Scale of Plot:	1:1250

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