

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 23rd September, 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 M Colling (Chairman), G Pritchard (Vice-Chairman), A Green, A Boyce, 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 - 16)

To confirm the minutes of the Sub-Committee meeting of 2 September 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 17 - 98)

(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 Information Paragraph Number
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. 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:** 2 September 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.13 pm

Members Present: M Colling (Chairman), A Green, Mrs D Collins, R Frankel, P Gode, Mrs A Grigg, D Jacobs, Mrs M McEwen, R Morgan, J Philip, B Rolfe, C Whitbread and J M Whitehouse

Other Councillors:

Apologies: G Pritchard, A Boyce, Mrs H Harding, Ms J Hedges, D Stallan and Mrs J H Whitehouse

Officers Present: S Solon (Principal Planning Officer), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

34. 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.

35. 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.

36. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Frankel, declared a personal interest in the following item of the agenda by virtue of being a Scout leader. The Councillor had determined that his interest was not prejudicial and he would not leave the meeting for the consideration of the application and voting thereon:

EPF/1033/09 – 1st Theydon Garnon Scout Group, Brookfield, Fluxs Lane, Epping.

37. WITHDRAWAL OF APPLICATION

The Chairman informed the Sub-committee that application 4 on the Development Control item of the agenda, EPF/1347/09, 40 Landview Gardens, Ongar, had been withdrawn by the applicant.

38. MINUTES

RESOLVED:

That the minutes of the meeting held on 12 August 2009 be taken as read and signed by the Chairman as a correct record.

39. ANY OTHER BUSINESS

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

40. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 6 be determined as set out in the schedule attached to these minutes.

41. ADDITIONAL PLANNING APPLICATION - GAYNES PARK MANSION

See attachment to Development Control, above.

42. 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

Report Item No: 1

APPLICATION No:	EPF/1270/09
SITE ADDRESS:	Spriggs Oak Palmers Hill Epping Essex CM16 6SE
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	TPO/EPF/07/98 Sycamore within G2 - Fell
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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.
- 3 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 4 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).

Report Item No: 2

APPLICATION No:	EPF/1033/09
SITE ADDRESS:	1st Theydon Garnon Scout Group Brookfield Fluxs Lane Epping Essex CM16 7PE
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Replacement Scout and Community Hall.
DECISION:	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 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 and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 4 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development, including the demolition of the existing Scout Hut shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development or demolition operation.

The Arboricultural Method Statement shall include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It

shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

- 4 The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works and demolition of the existing Scout Hut have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the Local Planning Authority but instructed by the applicant.

- 5 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.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) 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.

- 7 Prior to commencement of development a method statement outlining the method of removal of the existing container adjacent to the existing building shall be submitted in writing with an assessment of any potential damage and/or works to the surrounding trees. The container shall be temporarily moved to the front of the site prior to commencement in accordance with this agreed statement.
- 8 The hall hereby permitted shall not be used for functions unrelated to Scouting use outside the hours of 08.00am to 11.00pm on Monday to Saturday, and 8.00am to 10.30pm on Sundays or public holidays.
- 9 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 hall users' vehicles.
- 10 No unbound material shall be used in the surface finish of the driveway or parking areas.
- 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 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 Within 3 months of the first occupation of the hall hereby approved the existing hall as shown on the approved plans shall be demolished in entirety and all materials removed from site, together with any shipping container stationed on the site.

Report Item No: 3

APPLICATION No:	EPF/1278/09
SITE ADDRESS:	Bakers Lane Car Park Epping Essex CM16 5DQ
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Erection of 6 metre CCTV camera pole within car park to the rear of Cottis Court.
DECISION:	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 field of vision of the camera hereby approved shall be restricted to the north, north east and north west of the proposed pole, as shown on plan number BL2 hereby approved.

Report Item No: 4

APPLICATION No:	EPF/1347/09
SITE ADDRESS:	40 Landview Gardens Ongar Essex CM5 9EQ
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Alteration and retention of existing raised decking. (Amended application)
DECISION:	Withdrawn by Applicant

Report Item No: 5 & 6

ITEM 5 APPLICATION No:	EPF/1007/09
SITE ADDRESS:	Gaynes Park Mansion Banks Lane Theydon Garnon Epping Essex CM16 7RJ
PARISH:	Theydon Garnon
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Conversion of existing Grade II* Mansion into 7 no. flats, new rear garage block,. 4 no. new build houses as enabling works and associated landscape works and restoration.
DECISION:	Deferred

ITEM 6 APPLICATION No:	EPF/1008/09
SITE ADDRESS:	Gaynes Park Mansion Banks Lane Theydon Garnon Epping Essex CM16 7RJ
PARISH:	Theydon Garnon
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Grade II* listed building application for the conversion of existing Grade II* Mansion into 7 no. flats, new rear garage block, 4 no. new build houses as enabling works and associated landscape works and restoration.
DECISION:	Grant Permission (With Conditions)

Applications EPF/1007/09 and EPF./1008/09 were deferred to seek further clarification of the viability of the proposed enabling development as a mechanism for off-setting the conservation deficit that would be created by carrying out the proposed works to Gaynes Park Mansion and to seek a more appropriate mechanism for controlling the phasing of the development.

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AREA PLANS SUB-COMMITTEE 'EAST'

Date 23 September 2009

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11	EPF/1007/09	Gaynes Park Mansion, Banks Lane, Theydon Garnon	Grant Permission (With Conditions, subject to S106)	73
12	EPF/1008/09	Gaynes Park Mansion, Banks Lane, Theydon Garnon	Grant Permission (With Conditions, subject to S106)	77
13	EPF/1297/09	Nether Street Depot, Dunmow Road, Abbess Beauchamp and Berners Roding, Ongar	Refuse Permission	90

Report Item No: 1

APPLICATION No:	EPF/1180/09
SITE ADDRESS:	82 - 84 High Street Epping Essex CM16 4AE
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Tradpin
DESCRIPTION OF PROPOSAL:	Covered access to existing front entrance to office and ground floor extension to restaurant. (Revised application)
RECOMMENDED DECISION:	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 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 submitted by the applicant and approved by the Local Planning Authority.

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

The applicant seeks consent for a ground floor front extension 4m in depth reaching 2.2m at the eaves and 3.3m at the crowned area. The applicant proposes a hipped roof with a new side entrance into the unit within the extended frontage.

The proposals would replace an existing seating area beneath a jumbrella and screen and have been developed with extensive Officer discussion.

Description of site

82-84 High Street is a two storey terraced building outside of the core retail frontage and immediately adjacent to the Epping Conservation Area. The design of the buildings is such that a significant proportion of the first floor is formed above roof eaves height.

The properties are currently occupied by a solicitor's office and restaurant.

The restaurant currently provides outdoor seating beneath a jumbrella and behind screening in the area proposed for the extension.

Relevant History

EPF/1104/80 – Alterations and extensions to existing dwelling to form retail shop with flat over – Refused

EPF/1108/80 – Alterations and extension to form retail shop with offices over – Refused

EPF/1580/80 – Alteration and extension to existing dwelling for use as offices – Refused

EPF/0187/81 – Front extension and internal alterations – Approved

EPF/0132/84 – First floor rear ext to existing offices – Approved

EPF/0217/09 – Alteration to existing front entrance to office and ground floor extension to restaurant - Withdrawn

Policies Applied

TC5 – Window displays

HC6 – Character, appearance and setting of Conservation Areas

HC7 – Development within Conservation Areas

DBE3 – Design in Urban Areas

DBE12 – Shopfronts

Representations Received

The immediately adjacent properties (2 units) were notified of the proposals and a site notice was displayed. No neighbouring representations have been received.

EPPING TOWN COUNCIL: Committee object to this application because they view it as detrimental to the street scene, and due to its close proximity to the Conservation Area it is also detrimental to the Conservation Area.

Issues and Considerations

The main issue to be considered in this case are the principle of development, the design and appearance of the proposals, the impact of the proposals on the character and appearance of the Conservation Area and impact on the amenity of surrounding area.

Principle

The proposals are situated within the Town Centre and would result in the retention of a shop front/window frontage, therefore in principle there is no objection to the extension of the unit.

Design and appearance

The proposals have evolved after extensive discussions with the applicant. This has resulted in the removal of a porch area, a reduction in height of the proposals and alterations to the pitch of the roof. The resultant proposed scheme maintains a visually pitched roof, with the crown area obscured from view by the articulation of the existing façade.

Officers sought to ensure that the extended area did not visually detract from the appearance of the original building, and as a result the proposals have been designed as a clear front addition, independent of the main building roof pitches and retaining a clear break to the original building. Officers had requested a reduction in depth of the proposals, however the applicant has in lieu of this reduced the height and pitch of the roof.

Impact to the Conservation Area

The proposals are situated to the front of the property and as a result will be clearly visible in the High Street and adjacent Conservation Area. The applicant has however provided elevations demonstrating that some of the depth of the proposals will be obscured from view by existing projections immediately adjacent to the site.

The increase in floor area for the restaurant is not comparatively significant and encloses the area currently covered by the existing jumbrella and enclosed by a screen. Officer discussion did take place to reduce its size, but apart from the applicant stating a lesser addition would not be viable, the height reduction plus the forward position of number 80 next door ensures the development would not protrude significantly into the streetscene. As a result the proposals are not detrimentally harmful to the adjacent Conservation Area or the Street scene.

The scheme has evolved significantly from that which was first presented to Officers, and whilst a reduction in depth of 0.5m-1m would be preferable, Officers do not consider this to be sufficient to justify refusal. Furthermore, the applicant has demonstrated an existing comparable retail area from the jumbrella covered dining area and suggests that were the proposals to be reduced further, the entrance within the extensions would result in only a minimal dining area extension rendering the scheme unviable for the applicant.

Parking

The applicant does not provide any additional parking as part of the proposals, however the site is within the Town Centre and an area well connected to public transport and the proposals do not increase catering capacity beyond that which currently exists beneath the jumbrella.

Other matters

Essex County Council have also requested a condition regarding archaeology and the requirement to manage works with appropriate measures in place to minimise any damage to archaeological artefacts, which may be present and to ensure adequate recording of any historic features from the historic Town Centre.

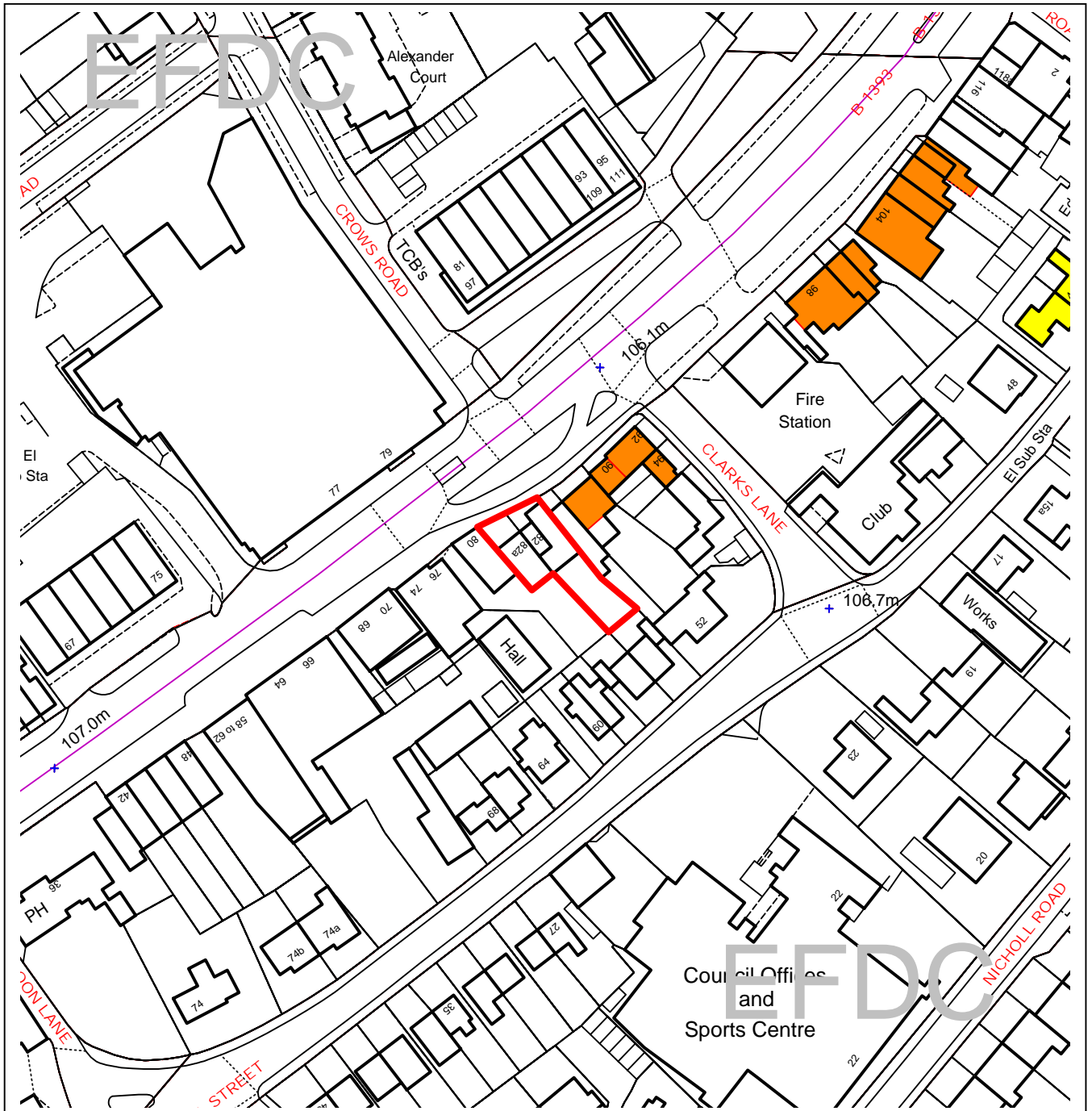
Conclusion

Whilst a more permanent structure than the jumbrella, the proposals are a more preferable addition, the proposals are not considered detrimental to either the High Street or the Conservation Area and under advice from the Conservation Officer, subject to a condition requiring prior approval of materials, the proposals are recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/1180/09
Site Name:	82 - 84 High Street, Epping, CM16 4AE
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0840/09
SITE ADDRESS:	Nether Hall Moreton Ongar Essex CM5 0JA
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Richard Schwier
DESCRIPTION OF PROPOSAL:	Retention of first floor and single storey rear extensions, roof alterations and removal of sun room.
RECOMMENDED DECISION:	Refuse Permission (Householder)

REASON FOR REFUSAL

- 1 The development as constructed results in a disproportionate addition to the property at first floor in a prominent location which by reason of scale detracts from the appearance and detailing of the former property contrary to the aims and objectives of policies DBE4 and DBE10 of the Adopted Local Plan and Alterations.

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

Description of Proposal:

The applicant seeks consent retrospectively to extend at first and ground floor, including the demolition of a sun lounge.

The applicant seeks planning and separate listed building consent which includes roof alterations, replacement windows and the rendering of the property.

Description of Site:

The site is a large detached property known as Netherhall Farmhouse. The property is Grade II listed and was originally a timber framed property with brick built later additions in the 19th Century.

The property is situated within a small cluster of development associated with the farm. A number of barn and storage structures surround the property with a small number of cottages likely originating as workers accommodation.

The site is situated within the rural Moreton Area, opposite St Mary's Church, surrounded by open Countryside. The site is situated within the Metropolitan Green Belt.

Relevant History:

The site has an extensive history, most of which relates to agricultural matters, however the following most recent history is relevant:

EPF/0673/06 – Change of use of a redundant barn to B1 use, including single storey link extension – Approved

EPF/0674/06 – LB application for above – Approved

EPF/0822/07 – AGR for the construction of reservoirs to store water for irrigation of crops – Permission not required

EPF/1759/07 – Erection of agricultural portal framed grain storage building - Approved

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

DBE4 – Design In the Green Belt

DBE10 – Residential Extensions

SUMMARY OF REPRESENTATIONS:

MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL: No objection.

4 properties were consulted and a site notice erected. No responses were received

Issues and Considerations:

The main issues for consideration in this application are:

- Principal of development in the Green Belt
- Design of the extensions
- Impact to neighbouring amenity

Impacts to the Listed Building will be examined separately in the Listed Building application.

Principal of Development

Policy CP2 seeks to ensure the retention of the quality of the District's rural and open spaces. To this end policy CP2 seeks to protect the countryside for its own sake and manage, by appropriate use, land in the Metropolitan Green Belt. Policy GB2A restricts development in the Green Belt to that which may be considered appropriate. This policy sets out that limited extensions to existing dwelling houses may be appropriate. Reference is also made to a now redundant policy GB14A.

The applicant benefits from a property that prior to the extensions, had four good sized ground floor rooms and 4 first floor rooms plus a bathroom and boxroom. This is in addition to various storage areas, en-suites and galley rooms. The applicant has not identified the use of all rooms internally, however the amount of accommodation is sufficient to be regarded as ample to provide for modern living standards.

Mindful of the size of the original property when planning came into force, and the loss of the externally attached sun-lounge room, Members may consider the extensions of limited scale and in principle acceptable for the purposes of policy GB2A.

Design

The extensions that the applicant seeks to retain are situated on the rear of the property. The main access to the site is to the south of the property and extends alongside the property and to the rear. Whilst the extensions are not to the street facing elevation, once gaining access into the site,

the courtyard at the rear of the property forms the primary, most frequently used access with vehicles parking to the rear of the property. As a result the areas extended are on the most visible for visitors to the site.

Planning policy DBE4 seeks to ensure extensions respect the traditional plan form and detailing. The proposals, whilst of a reasonable design at ground floor, barring detailing which is explored within the Listed Building application, the first floor additions result in the doubling of the width of the rear projection at first floor level, as a result the extension at first floor appears neither subservient to the property prior extension nor reflective of the original character with the revised rear façade now appearing more dominant in relation to the frontage of the property. For these reasons the proposals, in particular the two storey rear extension, are considered unacceptable.

Impact to neighbouring amenity

The existing property is well separated from neighbours and as a result there is no direct loss of amenity to either visitors or neighbours.

The proposals are in a location and at a scale which appears prominent and incongruous but whilst visually prominent this is not detrimental to neighbouring amenity.

Conclusion:

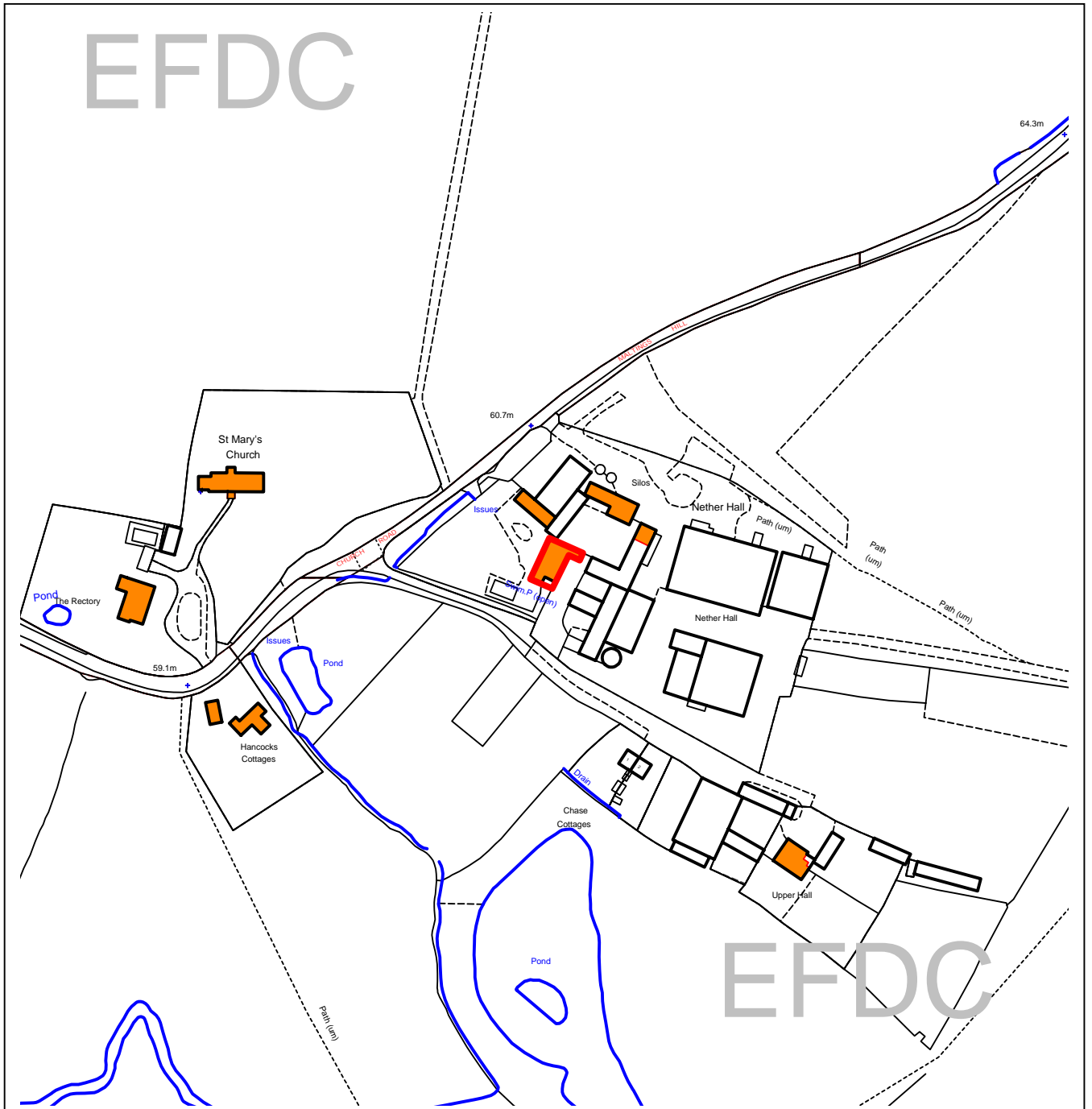
The proposals have been submitted to the Council retrospectively with no pre-application advice entered into and as a result of enforcement investigations.

Officers are of the view that were this application to have been made prior to the carrying out of works, then reductions would have been sought, namely the reduction of works, particularly the first floor extension, and alternative finishes and detailing would have been suggested. The retrospective nature of the application should not prejudice Officer or Member views, therefore Officer's recommend refusal as it is considered the scale and design of the additions is inappropriate.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2 & 3
Application Number:	EPF/0840/09 & EPF/0841/09
Site Name:	Nether Hall, Moreton, CM5 0JA
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/0841/09
SITE ADDRESS:	Nether Hall Moreton Ongar Essex CM5 0JA
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Richard Schwier
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the retention of first floor and single storey rear extensions, roof alterations and removal of sun room.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The works applied for retrospectively irrevocably damage the character and appearance of the historic fabric of the Listed Building. The render applied to the property results in the loss of listed features and detracts from the appearance of the property contrary to the aims and objectives of national planning guidance as set out in PPG15 and policy HC10 of the Adopted Local Plan and Alterations.
- 2 The cumulative impact of the detailing lost from the historic character of the building with the inclusion of inappropriate window design in the southern flank, the loss of brick arch features and the incorporation of uncharacteristic levels of glazing in the ground floor additions to the listed building result in a development which unacceptably detracts from the historic character of the property contrary to the aims and objectives of national planning guidance as set out in PPG15 and policy HC10 of the Adopted Local Plan and Alterations.

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

Description of Proposal:

The applicant seeks Listed Building consent retrospectively to extend at ground and first floor, demolish a sun room, replace several windows, alterations to the roof and rendering of the property.

The applicant has been made aware by the enforcement team that works to a Listed Building without consent do constitute a criminal offence. No action has been taken in this respect pending Members' views on the current applications.

The applicant seeks separate planning consent for the works.

Description of Site:

The site is a large detached property known as Netherhall Farmhouse. The property is Grade II listed and was originally a timber framed property with later brick built additions in the 19th Century, and 20th Century alterations to windows.

The property is situated within a small cluster of development associated with the farm. A number of barn and storage structures surround the property with a small number of cottages likely originating as workers accommodation.

The site is situated within the rural Moreton Area, opposite St Mary's Church, surrounded by open Countryside. The site is situated within the Metropolitan Green Belt.

Relevant History:

The site has an extensive history, most of which relates to agricultural matters, however the following most recent history is relevant:

EPF/0673/06 – Change of use of a redundant barn to B1 use, including single storey link extension – Approved

EPF/0674/06 – LB application for above – Approved

EPF/0822/07 – AGR for the construction of reservoirs to store water for irrigation of crops – Permission not required

EPF/1759/07 – Erection of agricultural portal framed grain storage building - Approved

Policies Applied:

National Guidance

PPG15 – Planning and the Historic Environment

Epping Forest District Local Plan and Alterations

HC10 – Works to Listed Buildings

SUMMARY OF REPRESENTATIONS:

MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL: No objection.

Issues and Considerations:

The main issues for consideration in this application are the impact of the alterations to the Listed Building, both internal and external.

Council policy HC10 clearly sets out, in accordance with PPG15, that works which could detract from the historic interest or architectural character and appearance of a Listed property will not be permitted. This policy applies to all buildings which are Listed irrespective of whether they are Grade II, Grade II* or Grade I. Supporting text within the Adopted Local Plan identifies Grade II Listed properties as buildings of special interest which warrant every effort being made to preserve them.

The original listing made in 1967 sets out some of the particular characteristics and features which create the special interest for the property, however this list is not exhaustive. The listing identifies the original timber framed structure which is the 17th Century front elevation, associated roof and later additions from the 19th and 20th Centuries including a 19th century brick wing. The listing also contains references to window styles, casements and chimneys. PPG15 sets out that this listing should be given full weight when judging Listed Building consent.

The ground floor extension is relatively uncontroversial with a new external finish on the extended area. This is not unacceptable as it clearly denotes the latest addition, however the roof has been designed to match that of a previous extension, providing no clear break or visual difference between additions. The listing makes clear that the property is architecturally interesting both due to the original 17th Century timber framed structure, but also for the later additions. The applicant has rendered the sides and rear of the property, now removing any visual articulation between the original 17th Century timber building and the later 19th and 20th Century and current day additions. The brick elements referred to in the listing are as a result lost visually. The lack of any break between the roof of the single storey extension and original property further compounds this problem.

The rendering of the entirety of the rear elevations, coupled with the scale of the first floor addition results in a property that appears dominated by modern additions, this detracts from the character and appearance of the property contrary to policies HC10 and PPG15. PPG15 sets out that alterations to wall surfaces are usually the most damaging alterations that can be made to the overall appearance of an historic building. It is clearly set out that brick or stonework should not normally be rendered unless the surface was rendered originally. PPG15 also sets out that original windows should not be altered in proportion or detail. The alterations that have taken place have incorporated openings which do not relate to the historic form. As a result original detailing would appear to have been lost to the rear of the property, particularly brick arch features.

External painting is detailed within PPG15 as requiring consent. Whilst the colour is identified as having less importance than the original correct application, the applicant has repainted the structure a cream colour as opposed to the former pink. The applicant has also used a render with a very low lime mix. On inspection on site the render used appears cement based and not of a style to match textured render which has existed on the property. PPG15 advises in these instances that expert advice should be obtained on suitable methods of removal. PPG15 also notes that the removal of unsuitable coverings can be damaging to historic fabric beneath. The applicant has carried out the extended works in blockwork beneath the render, therefore any removal of render considered by Members should relate to original brick projections only.

PPG15 also sets out that any factory made standard windows are almost always damaging. This appears to have been carried out on a number of openings on the property.

In light of the above information Officer's have reached the view that the details as set out in the application and apparent on site are damaging to the character and appearance of the Listed Building. This view was supported upon reconsultation with the Listed Buildings advisor. However this view did not rescind the Listed Building Advisor's overall support for the scheme.

Advice obtained is that the primary interest on the property is the 17th Century timber structure and that the colour in which the property has been finished is acceptable. This advice acknowledges that had an application been made prior to works being carried out, then different treatments would have been suggested and some detail might have been treated differently. The advice is that to undo the render treatment would be impossible without damage to underlying brickwork, however recommendations would have been made for a lesser use of render had this application not been retrospective.

On this basis the advice received is conflicting, as whilst Authorities are not to grant consent to recognise fait accompli, some extension to this property would have been possible, but not with the render treatment and likely with improved detailing to the windows. Advice recognises that the applicant has carried out major works which is a criminal offence and subject to fine.

Conclusion:

The proposals have been submitted to the Council retrospectively with no pre-application advice entered into and as a result of enforcement enquiries.

After review of the relevant policies and seeking a more in-depth advice from the Council's Listed Buildings Advisor, Officers conclude that were this application to have been presented prior to the works having been carried out the application of render to the property would have been significantly reduced and the window openings would have differing detail.

The property did retain a number of differing bricks in a small single storey projection, however the two storey brick projection referred to in the listing has now been lost and no differentiation can be made between the 19th Century projection and modern day addition. Officers are of the view that the single most damaging alteration has been carried out to the property as identified by PPG15, with the rendering of the property, which to further compound concerns is a cement render.

It is considered that the works carried out have irrevocably harmed the former character and appearance of the property and as such officers recommend refusal of this application.

Whilst refusal is recommended it is not clear what course of action would be best to help remedy or minimise the harm that has occurred, but this is not subject to this application and can be considered by Officers should Members support Officers recommendation.

Report Item No: 4

APPLICATION No:	EPF/0081/09
SITE ADDRESS:	Former Parade Ground Merlin Way North Weald Epping Essex CM16 6HT
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Crest Nicholson (Eastern) Ltd
DESCRIPTION OF PROPOSAL:	Reserved matters application for the construction of 126 no. two, three and four bedroom apartments and houses with associated roads, parking, ancillary buildings and landscaping.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Prior to the commencement of construction the applicant shall submit and have approved in writing by the Local Planning Authority a Construction Method Statement. This statement shall include detail of the phased order of construction, site storage compound, contractor and visitor parking and location of wheel washing facilities. This statement shall set out working hours for contractors operating on site and detail of any Membership to a Considerate Constructors Scheme. Work shall then be carried out in accordance with the approved statement.
- 2 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 and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 3 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 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 4 The development, including site clearance shall be carried out in accordance with the details submitted as part of the application comprising:
 - Revised Arboricultural Report dated 16th June 2009
 - EA-982-1900 Rev H Planting Plan
 - EA-982-1903 Rev C Landscape Master Plan

- GR15 Tree Pits System Installation
- 6325-001 Rev C - Tree Constraints Plan
- 1111-001 Rev I - Tree Removal and Protection Plan

The approved details shall be implemented within the first planting season following the completion of the development hereby approved.

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 landscaping shall be carried out in accordance with the above details, unless the Local Planning Authority has given its prior written consent to any variation.

- 5 The methods of refuse storage and disposal shall be carried out in accordance with the approved details contained within:
 Drawing 7239/87 Rev A - Bin Store
 Drawing 7239/88 Rev C - Bike and Bin Stores to flats
 Drawing 7239/90 Rev F - Site Plan - Bin Collection diagram

No departure shall be made from the approved detail unless otherwise agreed in writing by the Local Planning Authority.

- 6 The developer shall provide a schedule of tenure of the occupied units onsite at the end of March 2011 and upon the occupation of the last unit onsite.

- 7 Prior to the commencement of construction details are to be agreed showing accurate dimensions of the size 3 turning heads in accordance with the Essex Design Guide: one to the front of plots 30/31 and one by the parking for plots 21 and 10, and the works shall be carried out in accordance with the agreed details.

- 8 Prior to commencement of construction, details of traffic calming features within the site shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved details.

- 9 No unbound material shall be used in the surface finish of any driveway within 6m of the highway boundary to the individual properties.

- 10 The carriageway of the proposed estate road shall be constructed up to and including at least base level, prior to the erection of any dwelling intended to use the access. The carriageway and footpaths shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from occupation of the dwelling.

- 11 The principal access to serve the development shall be constructed as shown on the approved plans prior to the construction of any dwelling.

12 Details of foul drainage disposal shall be submitted to and approved in writing by the Local Planning Authority before construction commences and the development shall be implemented in accordance with such agreed details. No occupation shall take place until the approved drainage has been installed.

This application is before this Committee because;

- *The recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*
- *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).*
- *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).*
- *It is an application for non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

Description of Proposal:

Reserved Matters application for 126 Residential units, associated layout and landscaping. The principle of residential development on this site and the means of access have already been approved by the Outline application.

The original outline application requires that Reserved Matters are submitted within 3 years of the outline decision made in May 2006. There is no further opportunity to submit reserved matters after the determination of this application.

The scheme proposed by the applicant would provide;

- 69 x 2 bed flats
- 3 x 2 bed houses
- 31 x 3 bed houses
- 23 x 4 bed houses

Resulting in a density of 60dph based on the red line area of the application. These units would be provided in a variety of 2, 3 and 4 storey buildings.

The application site incorporates 183 parking spaces, 60 cycle spaces and 8.2% Public Open Space (POS).

The scheme is designed reflective of Essex Design Guide principles with a centrally positioned Public Open Space and a number of shared surfaces.

Highway works required by the original S106 and additional POS are outside of the red line of the outline application. These works and areas are therefore to be considered as separate simultaneous applications.

Description of Site:

Formerly Council owned Parade Ground Site adjacent to North Weald Airfield and Merlin Way. The site is predominantly hard surfaced, contaminated due to historic uses associated with the airfield and previously maintained structures of historic archaeological interest. The site also retains a number of preserved trees.

Historically, works commenced on site prematurely resulting in a site now partially demolished, however subsequent to an application and appeal in 2006 works have ceased and attempts have been made to secure the site pending a resolve to the outline consent. Works which commenced were undesirable resulting in the loss of protected trees and archaeologically interesting structures. The site has remained unchanged since 2006.

Relevant History:

EPF/1655/02 – Outline application for redevelopment to provide residential development with access from Blenheim Way and York Road – Approved with a S106 which set out requirements for education contributions, affordable housing, access formation, offsite parking provision and highway works.

EPF/1030/06 – Reserved matters application for 141 units – Refused and dismissed at appeal. This application was refused for the following reasons:

- 1 – The proposals represent overdevelopment of the site at a density considered to be excessive and inappropriate for this location, incompatible with the adjacent residential area and resulting in a development that is out of context with its surroundings and with inadequate private and public open amenity space and landscaping and is thus contrary to policies BE1 and H4 of the Adopted Replacement Structure Plan and policies H3A, DBE1, DBE7, DBE8 and LL11 of the Adopted Local Plan.
- 2 - The proposed development, by reason of (i) the scale, location, bulk and appearance of the flatted accommodation particularly at the northern edge of the site, (ii) an inadequate variety of different street forms and (iii) a failure to adequately relate built form to the spaces between them, results in a bland, unattractive and character-less environment and is thereby contrary to policy H4 of the Adopted Replacement Structure Plan and policies DBE1, DBE3 and DBE5 of the Adopted Local Plan.

At Appeal the Inspector upheld the Council's decision to refuse the scheme but did not support all of the reasons presented for refusal.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP01 - Achieving Sustainable Development Objectives
CP02 - Protecting the quality of the Rural and Built Environment
CP04 - Energy Conservation
CP05 - Sustainable Building
CP07 - Urban Form and Quality
CP09 - Sustainable Transport
GB02A - Development in the Green Belt
GB07A - Conspicuous Development
H09A - Lifetime Homes
U01 - Infrastructure Adequacy
DBE01 - Design of New Buildings
DBE02 - Effect on neighbouring properties
DBE03 - Design in urban areas
DBE04 - Design in the Green Belt

DBE05 - Design and Layout of new development
DBE06 - Car Parking in new developments
DBE07 - Public Open Space
DBE08 - Private Amenity Space
DBE09 - Loss of Amenity
LL01 - Character, Appearance and Use of the Rural Landscape
LL07 - Planting, Protection and Care of Trees
LL10 – Provision for Landscape Retention
LL11 - Landscaping Schemes
LL12 - Street Trees
ST01 - Location of Development
ST02 - Accessibility of Development
ST04 - Road Safety
ST06 - Vehicle Parking
ST07 - Roads

SUMMARY OF REPRESENTATIONS:

NORTH WEALD PARISH COUNCIL:

The Parish Council **reiterates** its previous objections as below and adds the following comments
The council welcomes the additional affordable housing unit.

Whilst this council is in favour of 'controlled' development on this site the Council **OBJECTS** to this application on the following grounds:

Overdevelopment – Concern at the four storey apartment blocks which if built would create a precedent

Public Transport – Concern that the supporting statement details that there is good public transport to the area this is not the case

Parking One and a half parking spaces per dwelling is insufficient, especially as there is already a parking problem on local roads due to the market.

Access The Council continues to be concerned at the access via York Road
This Council urges EFDC to increase the affordable housing on this application.

Concern at the traffic implications is also made. *There is also concern as to the amount of traffic which will be generated from the site, especially as the new development on the old St Margaret's Hospital site (Kings Park) has now been granted*

If District Council is minded to approve this application they must ensure that there is adequate infrastructure in place i.e. school places, doctors, public transport etc prior to the dwelling being occupied and any construction works should be carried out between the hours of 8am – 5.30pm Monday to Friday, and between 8am to 12 noon on a Saturday with no Sunday or Bank Holiday working, also wheel washing facilities should be installed and any pavements or verges that have been damaged must be replaced.

Two hundred and thirty three properties were consulted regarding the application, site notices were erected and the following comments have been received:

61 HAMPDEN CLOSE

Objection due to 4 storey buildings, out of character and resulting in loss of privacy. Reference to devaluation of neighbouring properties, this is not a planning consideration.

1 YORK ROAD

Objection on traffic and parking grounds and poor local facilities.

29 YORK ROAD – Letter

Object due to traffic and parking, strain on local facilities and infrastructure. Two comments have been received online and a single in writing from this objector.

48 YORK ROAD

Object on parking grounds and raise overlooking and loss of outlook concerns.

12 BEAUFORT CLOSE

Object to the 3 storey units, access and traffic issues.

35 HAMPDEN CLOSE

Object to the car park which originally contained land which was under private ownership. The site area has subsequently been revised to address this issue.

32 HAMPDEN CLOSE

Object due to insufficient parking, disagree the area is well served by public transport, concerns relating to the demolition of nearby nuclear bunker (this is not a material consideration) and with the position of the access.

13 LANCASTER ROAD

Object due to density, level of affordable housing, highways implications, proposed access and strain to local facilities.

23 PIKE WAY

Object due to the clustered nature of the affordable housing, the high density of the scheme, potential traffic and access issues and lack of facilities for younger residents. Concern is also raised over cumulative impacts of the proposals in the context of nearby developments at St Margaret's hospital.

49 YORK ROAD

Object due to the clustered nature of the affordable housing, the density of the scheme, potential highway implications and lack of local facilities. Reference is again made towards cumulative impacts of nearby developments.

Further objection was provided by 49 YORK ROAD on the basis of a local survey as part of a magazine. No detail is offered of the extent of magazine distribution other than North Weald as an area. 10 responses were received and the survey was carried out in April 2008, prior to the submission of the current application. As a result the issues are not considered directly relevant to the current application.

Issues and Considerations:

The main issues for consideration relate to those matters which were previously reserved, namely the appearance, landscaping, layout and scale of the development. When considering these issues Members must have regard to the previous application refused under EPF/1030/06 and the Inspector's decision at appeal.

Principle

The principle of developing the site for residential purposes was established as part of the outline application alongside the proposed access. Historically, there have been concerns relating to density; as a result the applicant has reduced the onsite density from 67dph which was refused in 2006 to 60dph under the current application. This density is calculated without the additional strip of land Crest are seeking to purchase, this area would potentially reduce the density further. At appeal the Inspector did not place a significant emphasis on the density as a figure, but rather on issues such as Public Open Space, Private Amenity Space, Parking Layouts and privacy arising

from back to back distances, issues which are themselves indicative of over-development as opposed to the density figure itself. For these reasons, subject to the issues raised by the Planning Inspector being overcome, Members may consider the current scheme acceptable.

Affordable Housing

The original outline application and associated S106 set out the Council's requirement for affordable housing based upon the Council's policies when the application was considered. The applicant originally proposed 33 Affordable units as part of this reserved matters application, however discussions with the Council's housing team increased the provision to 34 units as the originally proposed tenure mix did not meet that which was set out in the S106. This provision results in 27 social rented units and 7 shared ownership units. These units are secured by the S106.

Since the submission of this application the Applicant (Crest) and Registered Social Landlord (Home Group) have been successful in securing provisional allocation for 'Kickstart' funding from the Homes and Communities Office (HCA). This funding is subject to various delivery time constraints as follows:

- Securing planning permission by the end of September 2009
- Starting works onsite by the end of March 2010
- Occupation of the affordable units by end of March 2011

The funding provisionally allocated amounts to £8.3 million pounds. This is intended to provide a significant equity loan to the applicant to ensure works start onsite promptly and should the applicant secure the funding, this would also secure a potential further 16 social rented homes and 30 homebuy direct homes. The social rented properties would be allocated in accordance with criteria set out by the Council's allocated Registered Social Landlord (Home Group in this instance) and the homebuy direct units would be marketed for a period to ensure occupation by March 2011 on a low income basis. The homebuy direct units are part financed by the developer on an equity share basis with new occupants. A significant proportion of the allocated £8.3million allocated to Crest is recoverable by the HCA once the scheme is built, the remainder of the funding seeks to provide the additional affordable units. Should the applicant not achieve final allocation of this funding the deliverability of the scheme onsite is in question in the current economy.

Potentially with the kickstart funding in place and a suitable level of local demand, the proposals would result in 80 affordable units on site, 50 of which would be managed by Home Group and 30 of which would meet the needs of those on lower incomes. 46 would remain private market housing for disposal by Crest.

Crest have provided indicative details of how additional affordable homes would be distributed throughout the scheme. This layout has been discussed and provisionally agreed with the Registered Social Landlord (RSL) and reflects the need for the social rented properties to be clustered for maintenance purposes and in order to reflect the requirements of the original S106. The homebuy direct units are a more flexible product which Crest have indicated may be distributed more freely throughout the development.

Layout and design

Following the appeal decision the applicants have revisited the design of the northwestern corner of the site and whilst not removing the 4 storey element (which the Inspector was accepting of in principle) the block relationships and layouts have been remodelled. This has eliminated issues relating to small enclosed forecourts and minimised overlooking between units which was previously raised as a concern. The distance to the existing properties in Beaufort Close has also been significantly increased as part of this scheme.

The applicant has also redesigned the car parks breaking them into small areas distributed throughout the scheme as opposed to previous large expanses of hard surface to the north of the site which were heavily criticised by the Inspector as part of the 2006 scheme.

Members were previously concerned that the applicant did not provide a sufficient variety of street forms and did not well relate blocks and structures to the spaces between them. The applicant has now provided 20 differing unit types in a revised layout and form which seeks to redress this concern.

The layout and design incorporates a better enclosure of space and relates well to the surrounding area given the size and nature of the adjacent commercial buildings and the character of the adjacent residential area. The scheme now proposed is as a result appropriate in scale and form. It should be remembered that the Appeal Inspector did not consider that 4 storey development was inappropriate here. The scheme has therefore overcome issues set out by Members previously and by the Inspector at appeal.

The layout provided also retains the pedestrian route through to the airfield, a popular through route for residents when dog walking or accessing the weekend market.

Public Open Space

The current scheme proposed enables the provision of 12.3% POS, the scheme in 2006 provided 4% POS. This increase has been made partially within the red line of the application site with the applicant increasing the POS in this area to 8.2% and partially with the applicant agreeing to purchase the strip of land adjacent the site increasing the provision to 12.3%. This exceeds the policy criteria of 10% and is positioned centrally in relation to the site in accordance with policy DBE7.

Amenity Space

The proposals provide an area of amenity for all units in either a private or communal space. The areas provided do not equate to 20sqm per habitable room for every unit, however on units such as those in flatted accommodation a shortfall in provision is not uncommon, particularly as the amenity space is communal.

Private amenity space typically fulfils a recreational and a functional purpose. The provision of Public Open Space centrally within the scheme which exceeds policy requirements may be considered to offer future occupants sufficient recreation and amenity opportunity to compensate for the lack of private amenity space. In respect of the functional needs for private amenity space for drying areas and refuse storage, the developer has indicated that all affordable units will meet Code Level 3 as defined by the Code for Sustainable Homes, this results in internal provision for drying areas. Refuse storage will be provided for all units in either garden areas or communal storage areas on the ground floor. Based on this information Officers are satisfied that the level of private amenity space provided is acceptable and that the revised scheme is a clear improvement on that previously considered in respect of green space as is discernable from comparison of site layouts.

Landscaping

Historically the applicant has not complied with conditions relating to preserved trees onsite and has removed a number of protected trees. The applicant has sought to redress this situation with the proposed landscaping scheme. Officers are unable to recommend any further revisions within the constraints of the existing site layout which would be able to further improve the landscaping scheme. In any case, the developer has already revised the landscaping provision to maximise all possible opportunities within the proposed layout. This ensures that trees lost are replaced with 44 new trees proposed onsite in a mix of public and private areas.

Parking and highways

Whilst access issues were resolved at outline stage, further planning conditions should be applied relating to the internal road layout of the proposals as requested by Highways Officers. Members should be clear that no change to the access being obtained from York Road is possible.

The proposals provide 183 parking spaces on site, equal to 1.45 spaces per dwelling. The previously refused scheme provided 1.48 spaces but parking did not form a reason for refusal and the Inspector did not raise concerns, therefore the slightly marginal reduction in parking is acceptable. This level of parking reflects the presently adopted Essex Parking Standards adopted by the Council.

In order to fulfil S106 obligations, the developer provides a further 12 offsite spaces for the use of residents in Blenheim Way and York Road. The developer has also incorporated a further 8 offsite spaces not required by the S106 agreement. This results in 20 spaces for use without allocation to assist existing parking pressures in the area. These parking areas form separate applications which are considered simultaneously by Members in reports which follow on the Committee agenda.

The S106 also requires the formation of a new access into York Road which would assist with current highway issues in the area and potentially facilitate the development of the immediately adjacent site, which is currently without vehicular access. Should the proposal be refused, any potential development of the adjacent site would be affected.

Refuse

The applicant has demonstrated satisfactory methods of storage and collection of refuse for each unit in the scheme. The applicant has demonstrated where each property should take refuse for collection and that this is possible within a reasonable distance from each unit.

Sustainability

The original S106 did not set out any requirements for the developer in respect of Sustainability. However, it was a requirement that all affordable units met the RSL's standards. In order to achieve grant funding, the affordable units must achieve Code Level 3 status under the Code for Sustainable Homes. The developer has provided a provisional Code Assessment to demonstrate that the scheme can meet these requirements. The increase in affordable housing units means potentially 50 units will meet this desirable criteria. This is a standard of building beyond the minimum Building Control requirements seeking to promote sustainable lifestyles and energy efficiency.

Conclusion

Officers have undertaken lengthy discussions with the applicant since the submission of the application in January 2009. These discussions have refined the proposals, significantly improving the landscaping provided onsite and increasing the provision of Public Open Space. Since the original submission the applicant has also endeavoured to maximise the provision of affordable housing in seeking to secure the kickstart funding allocated by the HCA.

Members should be aware that no further submission of reserved matters is possible and should the determination of this application be delayed, then the HCA allocation of funding and additional affordable housing provision would be withdrawn.

Notwithstanding this, Planning Officers are of the view that the applicant now proposes an acceptable density, with sufficient amenity provision for future occupants. The scheme provides sufficient parking to meet required standards and retains a pedestrian route through to the airfield areas. The proposals will also ensure the delivery of access improvements in the area and

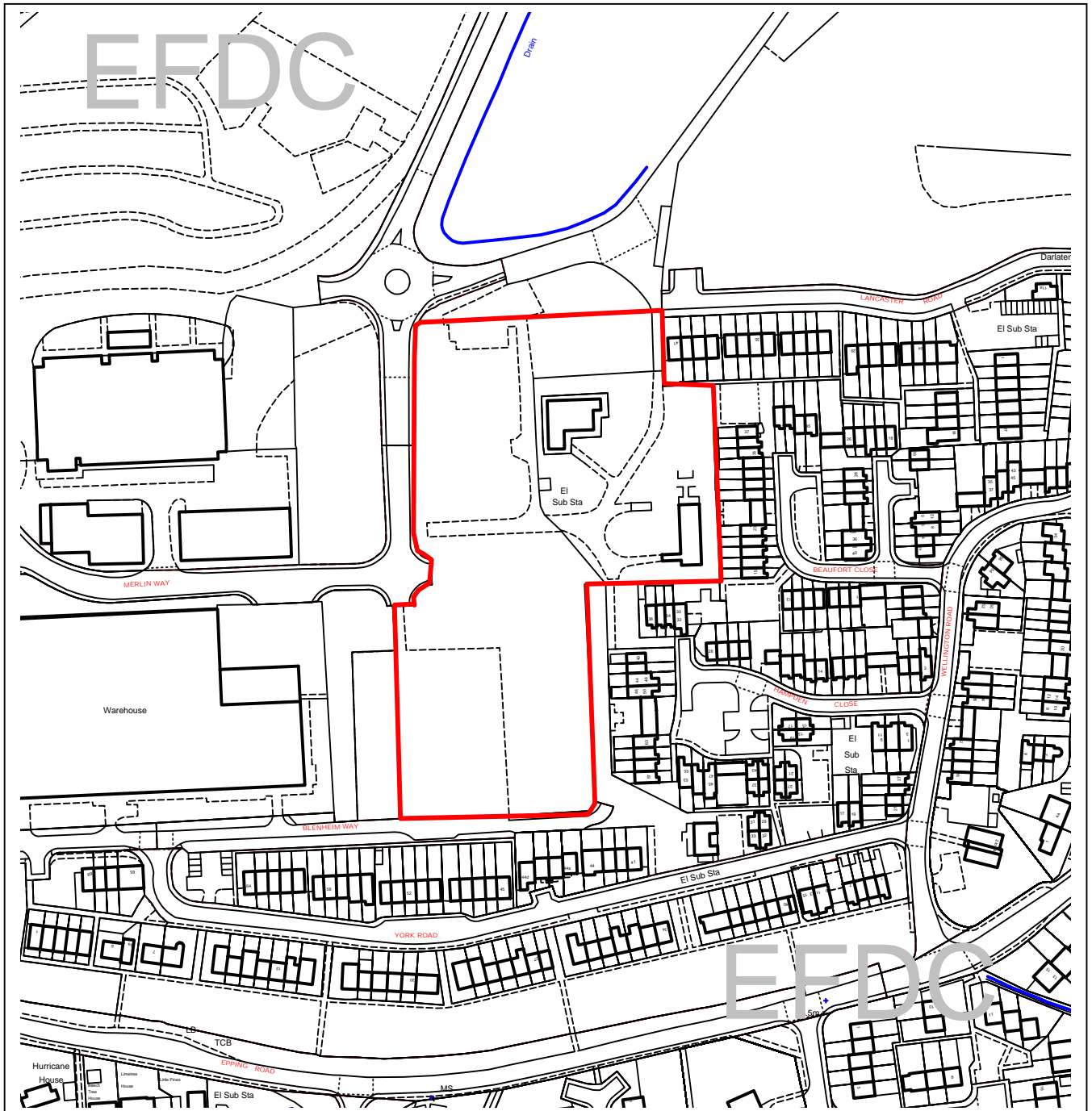
additional parking for existing residents in the area as assessed separately within the Committee Agenda.

In view of the application history and matters set out above, Officers consider that the applicant has overcome Members previous reasons for refusal and Inspector concerns set out in the previous appeal decision. The revised scheme is considered to satisfactorily meet Local Plan Policies and provide a desirable development delivering housing, incorporating a minimum of 24 affordable units and a potential of up to 80 affordable units, on a currently vacant and dilapidated site, therefore Officers recommend approval subject to further conditions.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/0081/09
Site Name:	Former Parade Ground, Merlin Way North Weald,
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/0291/09
SITE ADDRESS:	Land off York Road North Weald Essex CM16 6HT
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Crest Nicholson (Eastern) Ltd
DESCRIPTION OF PROPOSAL:	Erection of electrical substation and construction of hard-standings for car parking.
RECOMMENDED DECISION:	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 shall be carried out in accordance with the details submitted as part of the application comprising:
 - Revised Arboricultural Report dated 16th June 2009
 - EA-982-1900 Rev H Planting Plan
 - EA-982-1903 Rev C Landscape Master Plan
 - GR15 Tree Pits System Installation
 - 6325-001 Rev C - Tree Constraints Plan
 - 1111-001 Rev I - Tree removal and Protection PlanThe approved details shall be implemented within the first planting season following the completion of the development hereby approved.

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 landscaping must be carried out in accordance with the above details, unless the Local Planning Authority has given its prior written consent to any variation.

- 3 Prior to the commencement of works the applicant shall submit and have approved in writing by the Local Planning Authority a Construction Method Statement. This statement shall include detail of the phased order of construction, site storage compound, contractor and visitor parking and location of wheel washing facilities. This statement shall set out working hours for contractors operating onsite and detail of any Membership to a Considerate Constructors Scheme.

This application is before this Committee because;

- *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).*
- *It is an application for non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

Description of Proposal:

The applicant seeks consent to provide a parking area comprising 8 spaces adjacent to an existing private car park in York Road, a further 5 spaces adjacent to the former parade ground site and the erection of an electricity sub-station. These parking spaces would not be allocated in any way to any unit in the wider parade ground scheme, instead this parking would be occupied by any resident or visitor in the area on an ad hoc basis.

This application arises as a result of a S106 arrangement with the Council in 2006 and the proposals are inextricably linked to the reserved matters application EPF/0081/09. Without the delivery of the scheme under EPF/0081/09 the proposed parking would not be provided as the access alterations agreed as part of EPF/1655/02 would not take place.

The applicant has sought the relevant consents from the Council's Estates Department to erect structures and hard surface on Council land.

Description of Site:

The site is situated adjacent to a potential new access between York Road and Blenheim Way. This access was arranged as part of outline application EPF/1655/02 and the associated S106.

Relevant History:

EPF/1655/02 – Outline application for redevelopment to provide residential development with access from Blenheim Way and York Road – Approved with a S106.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP01 - Achieving Sustainable Development Objectives
CP02 - Protecting the quality of the Rural and Built Environment
GB02A - Development in the Green Belt
GB07A - Conspicuous Development
DBE06 - Car Parking in new developments
DBE07 - Public Open Space
ST04 - Road Safety
ST06 - Vehicle Parking

SUMMARY OF REPRESENTATIONS:

NORTH WEALD PARISH COUNCIL: No objection to this application

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

29 HAMPDEN CLOSE – Email and online comments provided

Object to public car park immediately adjacent to a private car park, likely to result in functional difficulties, suggestions for a barrier or divide between car parking areas. Objections also relate to land ownership, however the application has subsequently been revised to address this. Concerns also raised relating to demolition of existing sub-station and difficulties without entering private land.

57 HAMPDEN CLOSE

Object to new location of substation, preference for it to be located over the old one. Concerns relating to future site and landscape maintenance and infrastructure issues. Parking concerns.

Issues and Considerations:

The main issues for consideration relate to the layout of the car parking, the location of the additional parking provided and the location, design and appearance of the sub-station. Issues relating to neighbouring amenity also require consideration.

The S106 associated with the outline application required the applicant to provide a parking area immediately adjacent to the existing private car park. The S106 illustrated a layout of 5 spaces, the applicant has subsequently demonstrated they are able to provide 8 spaces within the same area which is more desirable. Officers consider the layout acceptable, not at odds with the requirements of the S106 and to enable sufficient turning of vehicles, this element of the proposal is therefore satisfactory and Members should be minded that the Council has imposed this requirement on the applicant.

Concerns have been raised by the users of the immediately adjacent private car park. This area does not form part of the application area, however, were a hardsurface to be laid up to the boundary of this area, it is feasible that despite clear surfacing differences, overspill parking could occur in this private area. Members may consider that despite this being a private matter, the issue may be avoidable with a condition requiring submission of details of a boundary treatment to prevent users of the new car park incorrectly crossing into this private area.

A further 5 spaces are provided situated adjacent to the roadside in a manner which reflects Essex Design Guide principles. The spaces would be easily accessible and potentially assist in alleviating an existing parking issue in the area, therefore no concerns are raised towards this further provision of parking.

The sub-station proposed is situated in close proximity to a larger, derelict sub-station. Whilst it is appreciated the proposals would be closer to the property at 57 Hampden Way than the former sub-station, the impact arising from a modern small sub-station should be no greater than that which may have occurred with the large now derelict sub-station structure. Noise may be addressed by way of condition and would largely be contained within the enclosed building. Furthermore it is noted that 57 Hampden Way maintains a blank flank facing the proposals. As a result it is considered unlikely there would be any discernable noise from the proposals within the property and visually there would be only minimal impact at an oblique angle. In respect of streetscene, the sub-station is similar in scale to a garage, set back from the footway and proposes a pitched roof, therefore this is considered visually acceptable. Members should also be mindful that were the works to be carried out by a Statutory Undertaker then consent may not be required.

Conclusion

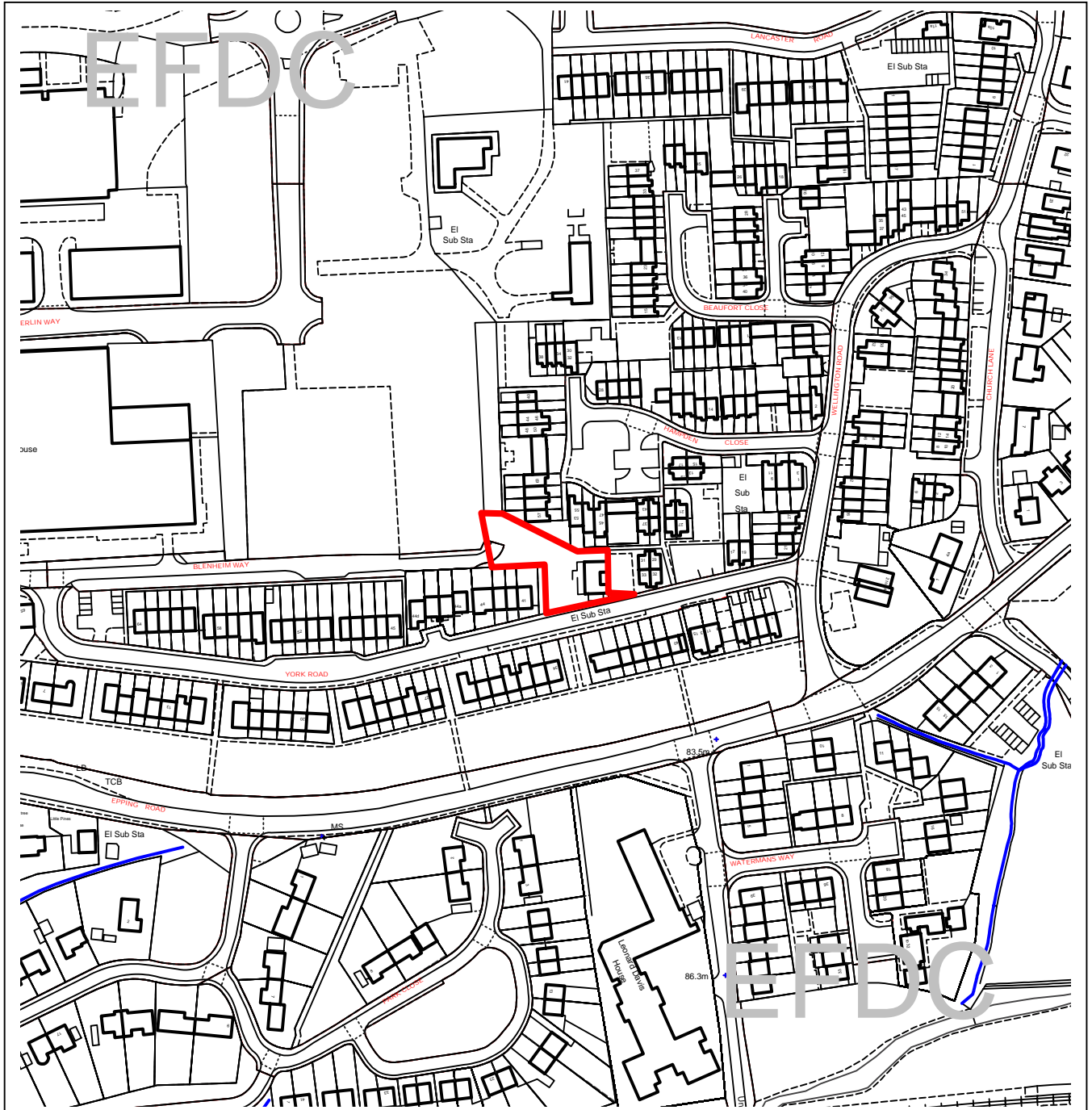
The proposals meet the requirements of the previously agreed S106 and create a greater provision of parking which would be of benefit to existing residents in the area. The parking is laid out in an acceptable, accessible manner and as a result is considered to accord with Development Plan Objectives.

The proposed sub-station, whilst close to number 57 Hampden Close, would not obscure outlook or impact on amenity in a detrimental manner with noise minimal as all functional parts would be wholly enclosed within the structure. The proposals are comparable in scale to a residential outbuilding or garage and as a result are considered acceptable in the streetscene and Approval is recommended accordingly.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/0291/09
Site Name:	Land off York Road, North Weald, CM16 6HT
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/1311/09
SITE ADDRESS:	Land adjacent 68 York Road Blenheim Way North Weald Essex CM16 6HT
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Crest Nicholson (Eastern) Ltd
DESCRIPTION OF PROPOSAL:	The construction of hardstanding for car parking
RECOMMENDED DECISION:	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 Prior to the commencement of works the applicant shall submit and have approved in writing by the Local Planning Authority a Construction Method Statement. This statement shall include detail of the phased order of construction, site storage compound, contractor and visitor parking and location of wheel washing facilities. This statement shall set out working hours for contractors operating onsite and detail of any Membership to a Considerate Constructors Scheme.
- 3 Prior to the commencement of the development details of the proposed surface materials for the parking area 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.

This application is before this Committee because;

- *The recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*
- *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).*
- *It is an application for non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

Description of Proposal:

The applicant seeks consent to provide 7 parking spaces in a hard surfaced area adjacent to 68 York Road. The application detail is laid out entirely in accordance with the S106 agreed as part of application EPF/1655/02.

The proposals would result in the hard surfacing of a current green area adjacent 68 York Road and the loss of a single street tree.

The proposals are inextricably linked to the determination of application EPF/0081/09 with the works only taking place should consent be granted and the requirements of the S106 invoked.

Description of Site:

The site is situated adjacent 68 York Road and a building currently owned by the Council and used for record storage. The storage building is accessed primarily from Hurricane Way.

The areas immediately adjacent the site are currently used by residents for parking and the proposals would facilitate this in a more organised fashion with no tandom parking.

Relevant History:

EPF/1655/02 – Outline application for redevelopment to provide residential development with access from Blenheim Way and York Road – Approved with a S106 agreement.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP01 - Achieving Sustainable Development Objectives
CP02 - Protecting the quality of the Rural and Built Environment
GB02A - Development in the Green Belt
GB07A - Conspicuous Development
DBE06 - Car Parking in new developments
DBE07 - Public Open Space
ST04 - Road Safety
ST06 - Vehicle Parking

SUMMARY OF REPRESENTATIONS:

NORTH WEALD PARISH COUNCIL:

The Council Objects to this application, however we would be happy to consider a revised application which takes into consideration the privacy of local residents.

10 neighbouring properties were notified. The following comments were received:

68 YORK ROAD – Both occupants have provided the same letter as objection. Object due to the loss of the green space, the increased noise and disturbance and car fumes impacting garden and property here. Object due to existing parking issues in the area and insufficient spaces for existing and new residents. Loss of a play area and potential for increased parking from visitors to the market. Security and overdevelopment concerns are also raised.

1 YORK ROAD - Object to the loss of a green space used as a play area. Concerns relating to noise and pollution in proximity to gardens and the loss of existing spaces (9 if double parked) The proposals provide 7 independent spaces.

Issues and Considerations:

The main issues for consideration relate to the layout of the car parking, the location of the additional parking provided and neighbouring amenity.

The S106 agreement associated with the outline application required the applicant to provide a parking area laid out in the position as shown. Therefore the applicant has submitted this application to meet the offsite requirements of the S106.

The layout results in 7 easily accessible and independent parking spaces. The parking area would result in the loss of only a small area of greenery, this is not considered unacceptable, particularly as it is required by the S106 and the parking would only be formed were the development of the former parade ground nearby to be carried out. This nearby development would provide a significantly greater area of public open space for general public use which would be available in lieu of that which would be lost offsite to parking.

In respect of neighbouring amenity, whilst parked vehicles would be closer to residential properties than those which currently exist, parking areas close to properties are not uncommon and the provision of the parking would not significantly or detrimentally impact on the amenity of existing residents. The objections from the Parish Council are noted, however Officers are of the view that the proposed parking would not unacceptably impact on the privacy of neighbouring properties.

Conclusion

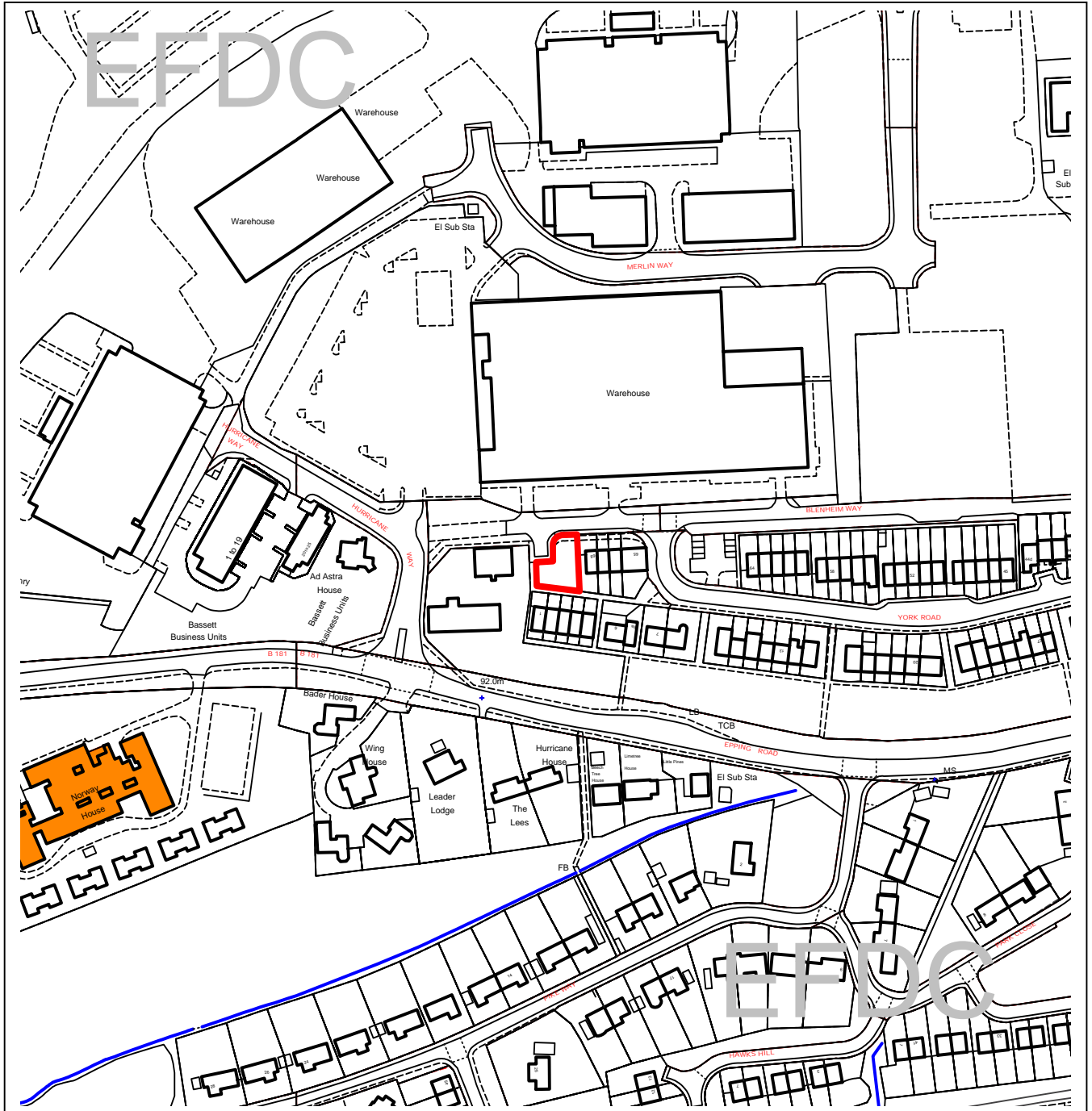
The proposals meet the requirements of the previously agreed S106 agreement and create a greater provision of parking which would be of benefit to existing residents in the area. The parking is laid out in an acceptable, accessible manner and as a result is considered to accord with Development Plan objectives and is recommended for approval.

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Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/1311/09
Site Name:	Land adjacent 68 York Road, Blenheim Way, North Weald, CM16 6HT
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/1400/09
SITE ADDRESS:	Threeways Foster Street North Weald Bassett Epping Essex CM17 9HR
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Ross Curtis
DESCRIPTION OF PROPOSAL:	Change of use of land from agricultural to residential curtilage.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 E and F shall be undertaken without the prior written permission of the Local Planning Authority.

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:

Retrospective application for the change of use of land from agricultural to residential curtilage. The application extends the rear boundary by 6m in depth to the north east and 5m to the south west of the site creating a roughly rectangular in shape extension to the residential curtilage.

Description of Site:

Threeways is a detached two storey dwelling house on the north west side of Foster Street in a relatively rural position within the Metropolitan Green Belt. Agricultural fields border the property to the north east and east with a grave yard to the south west. It is not within a conservation area.

Relevant History:

Varied history – none relevant to this application

Policies Applied:

Epping Forest District Local Plan and Alterations

GB2A – Development within the Green Belt
GB4 – Extensions to Residential Curtilages

SUMMARY OF REPRESENTATIONS:

NORTH WEALD PARISH COUNCIL: Objection – as it constitutes a change of use and the land in question should remain for agricultural use

NEIGHBOURS

3 properties were consulted and a site notice erected. No comments received

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Impact of the Proposal on the Metropolitan Green Belt

Impact of the Proposal on the Metropolitan Green Belt

Policy GB4 permits residential curtilage extensions where they would relate well to the curtilages of adjoining properties, not be excessive in size and do not have an adverse affect upon the open character of the landscape. This property is relatively isolated with the nearest property some 75m to the south west. The nearest properties have various sizes of gardens with no uniform pattern of garden sizes and therefore it is not considered that the extended residential curtilage is excessive in size.

In terms of impact on the open character, the extension to the residential curtilage is isolated and not out of character with any immediately adjacent property and of a size appropriate for the size of the dwellinghouse. It is not considered to unduly impact on the character and openness of the Metropolitan Green Belt in this location as the only visual evidence that the curtilage has been increased is the new close boarded fence (which does not require planning permission) and as stated within the supporting statement at present this has a very 'new' appearance but this will weather with time.

Finally, there is no policy objection to the loss of agricultural land itself, given it is not of high grade importance.

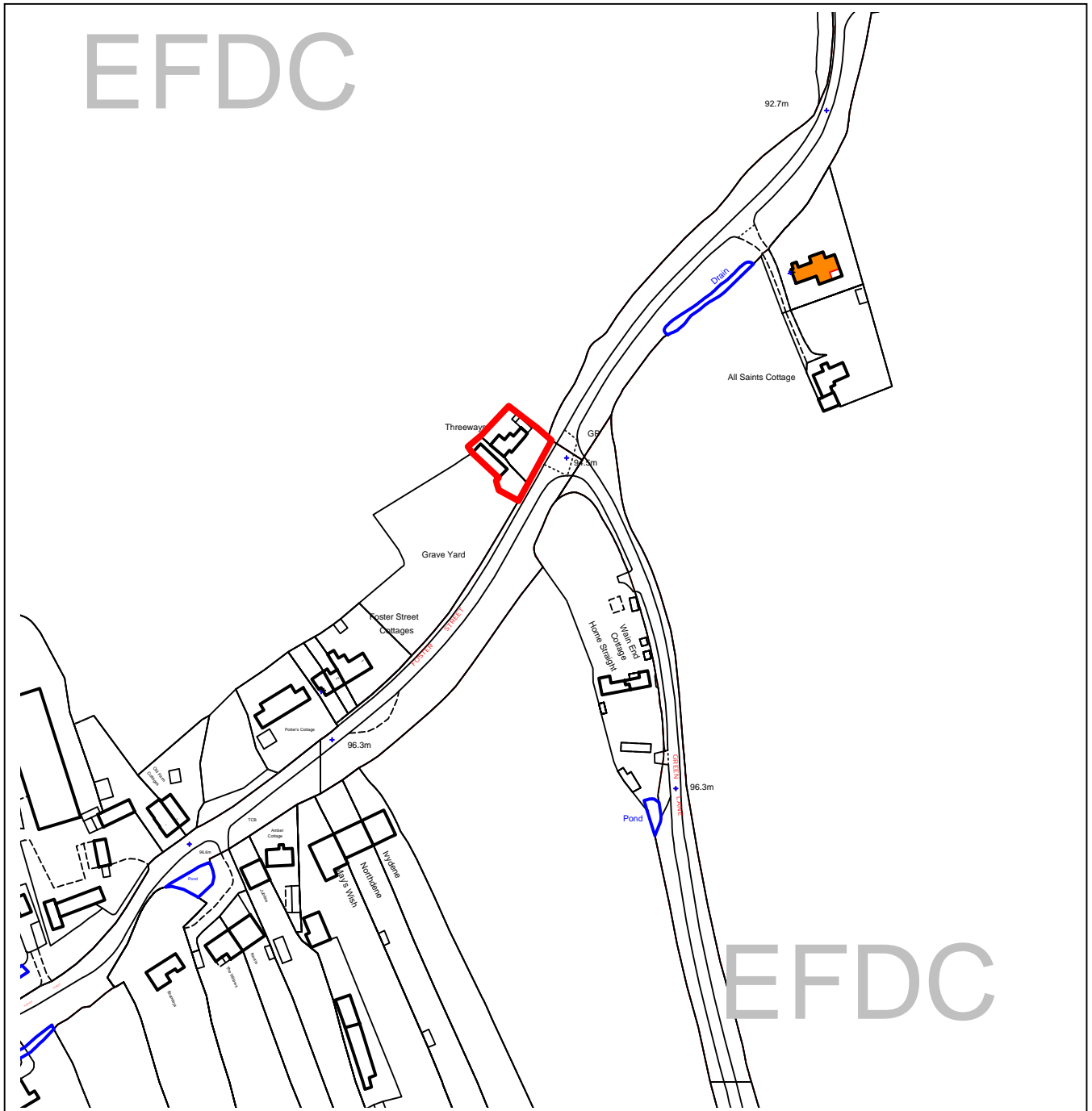
Conclusion:

The proposal is not considered to be detrimental to the character of the Green Belt in this location and it is therefore recommended that conditional planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	7
Application Number:	EPF/1400/09
Site Name:	Threeways. Foster Street, North Weald Bassett, CM17 9HR
Scale of Plot:	1/2500

Report Item No: 8

APPLICATION No:	EPF/1242/09
SITE ADDRESS:	Land behind Charnwood Dale Weald Bridge Road North Weald Essex CM16 6AU
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr & Mrs Nigel Hoy
DESCRIPTION OF PROPOSAL:	Removal of existing dwelling and erection of replacement including ancillary works.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposed development, due to its overall size, would not meet the criteria of an acceptable replacement dwelling within the Green Belt. As such the proposed development would constitute inappropriate development harmful to the openness of the Green Belt, contrary to PPG2, and GB2A and GB15A of the Adopted Local Plan and Alterations.

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 removal of the existing dwelling and erection of a replacement dwelling including ancillary works. The proposed new dwelling would be a one-and-a-half storey detached dwelling to a maximum width of 15.3m and depth of 8.4m with an additional single storey rear protrusion stretching 2.3m beyond this. The dwelling would be weatherboarded with a clay plain tile roof. It would have rooms in the roof space and a front and rear two storey central gable. The property would be accessed via the adjoining site, utilising an existing vehicle access point, and would retain the existing outbuildings for ancillary use.

Description of Site:

The main dwelling (Charnwood Dale) is a semi-detached bungalow with rooms in the roof space. The existing dwelling to be replaced is a mobile home with a conservatory, which was granted lawful use as a dwelling in 2006. Vehicle access to the existing property is across the adjacent field, with pedestrian access being gained through the side garden of Charnwood Dale. The site is located on a corner plot on the junction of Weald Bridge Road and Kents Lane and is located within the Metropolitan Green Belt.

Relevant History:

CLD/EPF/0897/04 - Certificate of lawfulness for existing use of land for stationing of one residential caravan and associated parking and amenity space – lawful 09/08/04
CLD/EPF/1854/05 - Certificate of lawfulness for permanent dwelling house – lawful 07/04/06

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP5 – Sustainable building
GB2A – Development in the Green Belt
GB15A – Replacement dwellings
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
ST6 – Vehicle parking

Summary of Representations:

PARISH COUNCIL – Support this application as the proposed new dwelling would be an enhancement in the Green Belt compared to the existing legal dwelling. The existing dwelling is of poor construction standards not suitable for modern living for a family and has poor energy consumption contrary to current sustainability standards. The existing dwelling in some form has been present on the site for 38 years. The proposed dwelling would have no impact on neighbours. The parish council is endeavouring to provide ‘affordable housing’ for similar people in the district and given the owner has lived on the site all of his life and has a wife and child it is appropriate to support this application. In these specific circumstances we do not consider granting this application would set a precedent for any other applicants to build in the Green Belt.

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

CHARNWOOD DALE, WEALD BRIDGE ROAD – Support the proposal as the replacement dwelling is more in keeping with the countryside and better positioned in the plot. It would also be more sustainable than the existing building. There are also personal circumstances to this case.

DOWSETTS, WEALD BRIDGE ROAD – Support the application as the construction of a permanent house would be more beneficial than the presence of a mobile home, it would not add extra traffic onto Kents Lane, and it would improve the visual appearance of the area.

THE WEALDINGS, WEALD BRIDGE ROAD – Support the application as it would not overlook neighbours and would be an improvement on the existing mobile home.

Issues and Considerations:

A certificate of lawfulness was approved in 2004 for the existing use of the land for stationing of one residential caravan and associated parking and amenity space in 2004 for the following reasons:

The Local Planning Authority is satisfied from the evidence submitted that the site outlined in red on the approved plans has been used without consent for the siting of one residential caravan with associated parking and amenity space for more than 10 years prior to the date of the application.

This was followed by a further certificate of lawfulness as a 'permanent dwelling house', which was approved in 2006 for the following reasons:

The Council considers that works took place more than 4 years ago that converted the former mobile home into a "building," which has been used as a single dwelling house. As the works were completed more than 4 years ago no enforcement action can now be taken and the development is therefore lawful.

The mobile home as present on site, including the conservatory addition, was that which was agreed as a dwelling in 2006. Therefore, in planning terms, this entire building constitutes the 'original property'.

Green Belt

Local Plan policy GB15A allows for replacement of existing permanent dwellings (which the existing mobile home now constitutes) on a one for one basis, provided the new dwelling would not:

- be materially greater in volume than that which it replaces;
- have a greater impact on the openness of the Green Belt than the original dwelling; and
- not result in the size of the private garden exceeding that which it replaces.

The existing dwelling on site is a single storey, shallow roofed mobile home with a glass addition. It has a total floor area of 67.16 sq. m. However as the mobile home presently on site would be classed as the 'original dwelling', and contains full permitted development rights, it has been put forward by the applicant that the dwelling could be extended by an addition 63.94 sq. m. (through side and rear additions) without the need for planning permission. Whilst this application is not for the erection of such additions, it is conceded that the proposed additions could be erected, subject to height restrictions, without the need for planning permission.

When assessing a replacement property the new dwelling should not be greater in volume than that which it replaces. The existing dwelling on the site has a volume of some 191.6 cu. m. Whilst it is appreciated that the dwelling has not been previously extended, and therefore could be made larger without planning permission, the potential to extend the property under permitted development holds little weight in this consideration as these additions are purely speculative and not currently on site. The proposed new dwelling would have a total volume of some 724.9 cu. m., which equates to a 378% increase over that existing. Although a slightly larger dwelling than usually permitted would likely be acceptable on this site as there have been no previous extensions to the original dwelling, it is considered that a replacement house of three times the size would be "*materially larger than that which it replaces*" and would "*have a greater impact on the openness of the Green Belt*".

It is accepted that the existing dwelling on site is a temporary building of poor design, and is somewhat detrimental to the appearance of this semi-rural Green Belt location. Furthermore a large number of additions could be added to the dwelling under permitted development and, due to the restrictions that apply (i.e. ridge and eaves height, matching materials, etc.), any additions would likely be equally unsightly. Furthermore the proposed replacement dwelling is of a considerably more attractive, traditional design that would be more in keeping with this rural location (which is evident from the support received from the neighbouring dwellings and the Parish Council). However it is not considered that this visual improvement in itself would be beneficial enough to outweigh the harm from such a considerably larger replacement dwelling than that which would normally be acceptable. An equally attractive dwelling could replace the existing building whilst maintaining a size "*not materially larger than that which it replaces*".

Design

The surrounding properties are a mix of bungalows, one-and-a-half storey dwellings, and two storey properties of varying styles and sizes. The proposed dwelling, notwithstanding the increased size, is of an acceptable design that is common to rural Essex. The red brick plinth, weatherboarded exterior, and plain clay tile roof would give the appearance of a traditional Essex farm building, and would not in principle be detrimental to the appearance of the area or the street scene.

Amenity considerations

The proposed replacement house would be relocated within the plot. As a result of this the new dwelling would be located further from the shared boundary with Charnwood Dale and from the boundary fronted by Kents Lane (and therefore further from the properties opposite the site). Whilst the new dwelling would be one-and-a-half storeys high, rather than the existing shallow roofed single storey dwelling, it is considered that it is sufficient distance from all neighbouring properties to not result in loss of light or outlook. A first floor window serving a bedroom is proposed in the flank wall facing Charnwood Dale, which would be the main window to this bedroom, however this flank elevation is located 15m from the shared boundary and more than 25m from the neighbours rear wall and therefore complies with the requirements in the Essex Design Guide.

Parking

The existing dwelling currently has an area of hardstanding used for parking provision, which was considered lawful along with the original mobile home. This area of hardstanding would be reduced in overall size, however would still have ample parking for at least two cars. Even taking into account the unsustainable location of the site this is sufficient to meet the requirements of the Essex Vehicle Parking Standards.

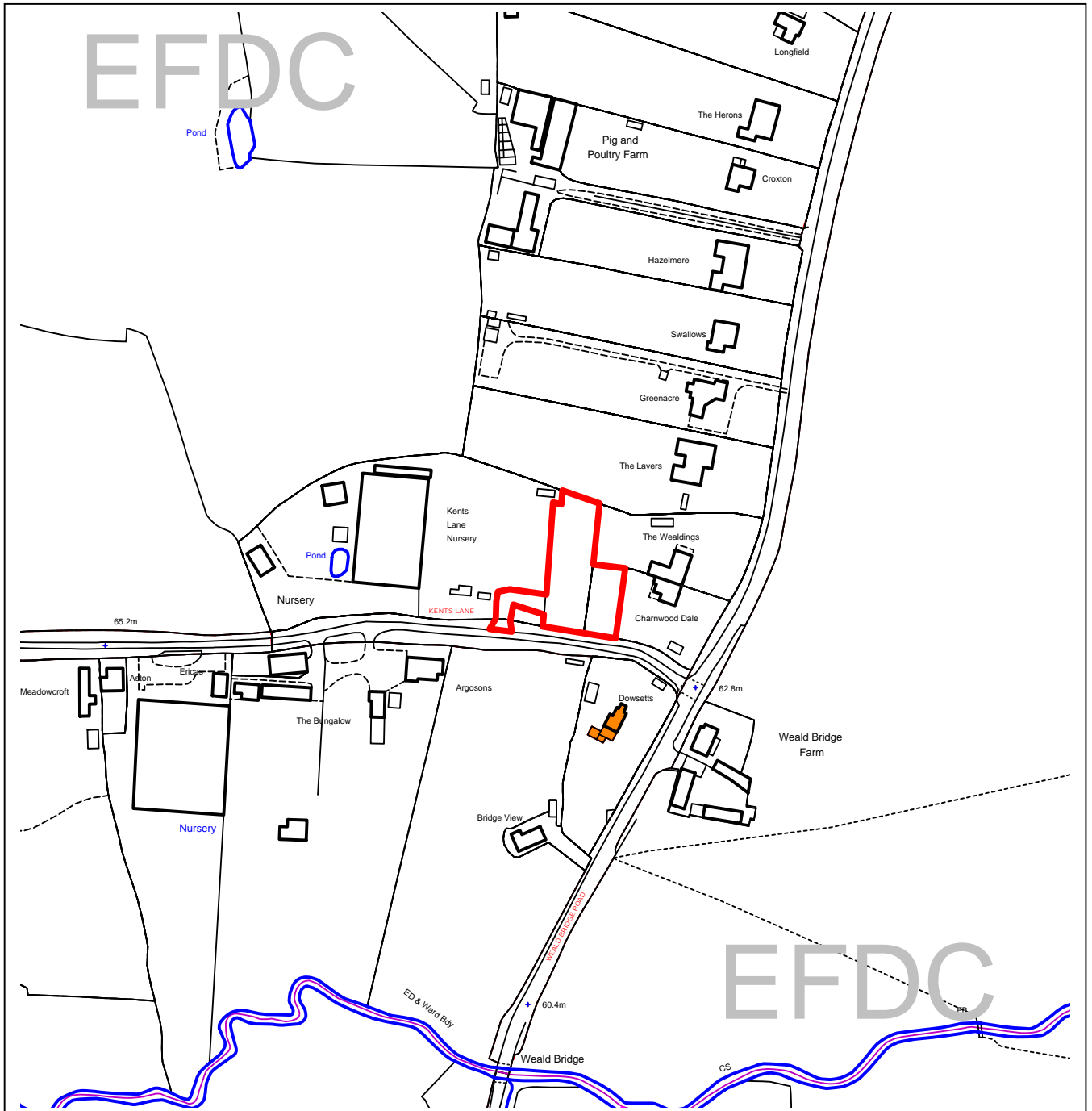
Conclusion:

In light of the above, the 378% increase in volume of the replacement dwelling would be considerably larger and more harmful to the openness of the Green Belt than that which it replaces. As such this proposal constitutes inappropriate development detrimental to the Green Belt, contrary to PPG2 and Local Plan policies GB2A and GB15A, and is therefore recommended for refusal.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/1242/09
Site Name:	Land behind Charnwood Dale, Weald Bridge Road, North Weald, CM16 6AU
Scale of Plot:	1/2500

Report Item No: 9

APPLICATION No:	EPF/0976/09
SITE ADDRESS:	Land at The Maltings Waterside Place Sheering Lower Road Sheering Essex CM21 9RF
PARISH:	Sheering
WARD:	Lower Sheering
APPLICANT:	Mr I Fynn & Mr S Piper
DESCRIPTION OF PROPOSAL:	Erection of detached block containing nine, two bedroom apartments and ancillary works.
RECOMMENDED DECISION:	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 11/08/09 unless otherwise agreed in writing with the Local Planning Authority.
- 3 Prior to occupation of the building hereby approved, the existing car park bays shown within the area edged blue on Plan Ref: 2 shall be marked out in brick and re-gravelled in accordance to details agreed in writing by the Local Planning Authority. Furthermore, details of the works to the trees and proposed lighting columns shown on Plan Ref: 12 shall be submitted to and agreed in writing by the Local Planning Authority, and carried out prior to occupation of the development hereby approved.
- 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. This shall include the bricks to be used to mark out the car park area.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 6 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.

- 7 The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (Waterco, May 2009).
- 8 Prior to commencement of the development details of the proposed refuse and bicycle store shall be submitted to and agreed in writing by the Local planning Authority, and shall be carried out and retained in accordance with the agreed details.
- 9 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. This shall include the trees located within the blue line indicated on Plan Ref: 2.

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.

- 10 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.

- 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 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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) and is an application for non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the erection of a detached block containing 9 no. two bed apartments and ancillary works, including a communal garden and a new bicycle and refuse store. The proposed building would be T shaped and three storeys in height, with 3 no. flats on each floor. It would reach a maximum width of 20.9m and a maximum depth of 18.3m with a triple gable ridged roof to a maximum height of 11.7m.

Description of Site:

The Maltings consists of a group of Grade II listed buildings that are part of an extensive range of mid-late 19th century brick maltings to the south of Sawbridgeworth Station, partly to the east of the railway line and partly to the west, between the railway and the River Stort. The adjacent listed building (known as Waterside Place) is four storeys with attics, and reaches a maximum of six storeys in height. The site lies within the Lower Sheering Conservation Area and is close to the district boundary with Harlow. The site lies within a flood risk assessment zone and an Environment Agency Flood Zone 2.

Relevant History:

EPF/1468/85 and LB/EPF/0087/85 - Conversion of Maltings to residential and office use – approved/conditions 02/09/86
EPF/1804/86 - Change of use of part of Block A from residential to office use – approved/conditions 20/02/87
EPF/0238/87 and LB/EPF/0016/87 - Further alterations and extension for office use – approved/conditions 10/04/87
LB/EPF/0021/87 - Listed Building application for erection of two non-illuminated signs and retention of amended entrance porch – lapsed 15/04/88

EPF/0206/88 and LB/EPF/0015/88 - Formation of maisonette in roof space of Block A – No decision
EPF/0429/89 and LB/EPF/0028/89 - Provision of five additional flats and conversion of two bedsits to two, one bed flats and three, one bed flats to three one bed maisonettes – approved 05/05/89
EPF/1458/89 and LB/EPF/0082/89 - Alterations to provide four two bed maisonettes within roof space of existing building and provision of ancillary parking – approved/conditions 17/11/89
EPF/1147/91 - Alterations to existing site to create seven additional car parking spaces and access there to and alterations to pumping station access – refused 09/03/92 (dismissed on appeal 17/11/92)
LB/EPF/0033/95 - Listed building application for insertion of new window at first floor west elevation, alterations to entrance doors on west elevation and internal alterations to form new lobby, stairs and landlords office at first and second floor – approved/conditions 17/07/95
EPF/0658/96 - Change of use of part residents parking area for controlled commuter parking, installation of automatic ramp barriers – No decision
EPF/1185/02 and LB/EPF/1196/02 - Change of use of landlords offices into one bedroom flat – approved/conditions 29/07/02
EPF/1991/03 and LB/EPF/0877/03 - Installation of pedestrian access gate on a residential estate – approved/conditions 30/06/03 and 01/12/03
EPF/1975/08 - Erection of six dwelling houses and ancillary works – refused 03/12/08

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP7 – Urban form and quality
HC6 – Character, appearance and setting of conservation areas
HC7 – Development within conservation areas
HC12 – Development affecting the setting of Listed Buildings
H2A – Previously developed land
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in the urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL3 – Edge of settlement
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U2A – Development in Flood Risk Areas
U2B – Flood risk assessment zones

Summary of Representations:

PARISH COUNCIL – Comment on the application – feel that this is an over-development of the site and there would be inadequate parking facilities.

150 neighbours were consulted, a Site Notice displayed and the following responses were received:

8 WATERSIDE PLACE – Object due to the loss of parking and loss of light to existing flats.

10 WATERSIDE PLACE – Object to the loss of parking and due to the loss of light to the existing flats.

21 WATERSIDE PLACE – Object due to the increased highways risk, would have a detrimental impact on the appearance of the area, would result in the loss of trees, damage the characteristics of the listed buildings, and would impact on the enjoyment of neighbouring properties through increased noise, congestion and loss of light and privacy.

32 WATERSIDE PLACE – Object due to the impact on existing residents due to loss of light, loss of parking which would force residents to use the south west corner of the car park, and due to the impact on landscaping.

36 WATERSIDE PLACE – Object due to the loss of parking, road safety issues, impact on the appearance of the listing buildings, and as this may set a precedent.

39 WATERSIDE PLACE – Object due to the loss of parking and loss of the view.

40 WATERSIDE PLACE – Object due to the loss of parking.

46 WATERSIDE PLACE – Object to the negative effect on the character and appearance of the conservation area and the loss of parking.

50 WATERSIDE PLACE – Object due to the loss of parking and as it would have a detrimental effect on the listed buildings.

57 WATERSIDE PLACE – Object to the loss of parking spaces, as this is an overdevelopment of the site, and as it would be out of character with the remainder of the site.

58 WATERSIDE PLACE – Object due to loss of parking and impact on outlook.

63 WATERSIDE PLACE – Object due to the loss of parking

74 WATERSIDE PLACE – Object to the loss of parking as the south west corner is unsuitable to park in, the development would be detrimental to the appearance of the area, it would impact on the historic setting of the listed buildings, and there would be an impact on neighbours due to noise and loss of privacy.

77 WATERSIDE PLACE – Comment that this would result in a loss of parking and do not feel the development would enhance the area.

83 WATERSIDE PLACE – Object due to the loss of parking, loss of daylight, and as it would be out of keeping with the aesthetic nature of The Maltings.

91 WATERSIDE PLACE – Object due to the loss of parking.

10 PRIORS COURT – Object to the loss of parking and congestion on the main road and car park.

24 PRIORS COURT – Object due to the loss of parking.

32 PRIORS COURT – Object due to the loss of parking and as the development would look out of place.

GILWELL HOUSE, 126 SHEERING LOWER ROAD – Object.

58 WYCHFORD DRIVE, SAWBRIDGEWORTH – Object to the loss of parking and lack of need for additional flats in the area.

THE LOCKHOUSE, MEAD LANE, HERTFORD – Object due to the loss of parking.

Issues and Considerations:

The main issues here relate to the amenity considerations, the impact on car parking, the design of the building, the impact on the setting of the listed building and conservation area, the loss of landscaping, and with regards to highway safety. The previous application for six dwellings was refused on the following grounds:

The proposed dwellings, given their design and layout, would be a detrimental addition to the street scene and would be harmful to the character and historic importance of the conservation area and the setting of the Grade II listed building, contrary to PPS1, PPG15 and policies CP2, CP7, HC6, HC7, HC12 and DBE1 of the adopted Local Plan and Alterations.

The proposed amenity space serving the new dwellings would be detrimentally overlooked by existing neighbouring properties, and therefore fail to provide adequate private amenity space to future occupiers. Also two of the proposed terraced properties have inadequate sized private amenity areas, contrary to policy DBE8 of the adopted Local Plan and Alterations.

The submitted documentation is inconsistent with regards to the level of existing car parking and the amount proposed to be removed, and as a result of this the potential parking concerns cannot be fully addressed. As such this proposal, as submitted, is contrary to policy ST6 of the adopted Local Plan and Alterations.

Amenity

The proposed building would be located in the south eastern corner of the group of buildings known as The Maltings. To the south the proposed building would be located 4.5m from the shared boundary with No's. 90 & 91 The Meadows at its closest point. This neighbouring property is a detached maisonette located on the western side of its plot. Given the distance between the proposed building and the neighbouring property, and due to the existing screening which will be retained, the proposed development would not detrimentally impact on the amenities of these neighbours. There would be no first floor flank windows in the southern elevation, and the south facing windows within the crosswing sections would be 15m from the shared boundary, and as such this complies with the requirements set out in the Essex Design Guide in relation to overlooking.

The proposed building would be located some 35m from Waterside Place, with two communal green areas and the access road to the car park separating the buildings. Although the new building would be three storeys in height and would have several windows in the northern elevation, the distances between buildings would be sufficient so that the development would not result in an undue loss of light, privacy or visual amenity to the existing flats.

The previous development was refused as there would have been a loss of privacy to the future occupiers of the development from both No's. 90 & 91 The Meadows and occupants of the upper storeys of Waterside Place. As the proposed building block is now located further from Waterside Place and is surrounded by communal gardens, which do not require the level of protection from overlooking as private amenity spaces serving dwellings, it is now considered that there would no longer be any detrimental loss of privacy to future occupiers of the site.

The Essex Design Guide and Local Plan policy DBE8 require a minimum of 25 sq. m. of communal garden space for each unit. As such the proposed development would require a minimum of 225 sq. m. of communal amenity space. Given the large side and rear grassed areas, as well as that being retained to the front, and balconies being provided, this development proposes an excess of 850 sq. m. of amenity space, which more than complies with this requirement and would adequately retain/replace the existing green space to the front of the site.

Parking

The proposed dwellings would be located on the front most part of the existing car park, which serves Waterside Place and Priors Court (residential flats) as well as Gainsborough House (offices), although Gainsborough House has a private car park to the rear of the site. Due to this the proposed development would result in a loss of parking provision on the site as a whole. The previous application was refused partly due to the inconsistencies of the amount of parking spaces to be lost and retained. It has now been confirmed that there would be 160 parking spaces remaining for use by the 128 flats, and furthermore there are 12 spaces proposed on the application site to offset the additional 9 flats. This would result in a total of 125% parking provision serving the entire Maltings residential use. Although there is a car park to the rear of the site specific for use by office workers, this has not been counted towards the 160 remaining spaces.

The difficulty in providing a fixed number of parking spaces on this site is that the existing parking layout is not delineated and therefore no strict number of spaces are available. The Essex County Council Vehicle Parking Standards require that a maximum off-street parking provision of 1.5 spaces per dwelling should be sought, however suggests that in locations where access to public transport is good then this could be reduced to 1 space per dwelling, and in urban locations that have poor off-peak public transport then 2 spaces per dwelling may be appropriate.

The application site is unusual in that it is located on the edge of the settlement of Sheering in a semi-rural location and is not well served by bus services. However, given the close proximity of Sawbridgeworth Train Station, which provides access to Harlow, London and Stansted, it is considered that 1.25 spaces per dwelling would be sufficient. Notwithstanding this, given that the existing spaces are not delineated the car park is not currently used to its maximum potential, and furthermore it has been argued by the applicant that the south-western part of the car park is currently under used due to the lack of lighting and unsafe conditions of this area. Objection letters support this as they refer to anti-social behaviour and vandalism to cars left in this area. To offset these issues and fully utilise the remaining car park the applicant has agreed to mark out the remainder of the parking spaces (and the new spaces) with facing brick to ensure that 172 spaces would be provided. Furthermore they have proposed to re-gravel the parking bays, cut back the overhanging branches to the south-western section of the car park, and install additional lighting columns.

Subject to these undertakings, and once a brick type is agreed (to complement the existing listed buildings), then the proposed development and number of parking spaces retained would be sufficient to comply with Local Plan policy ST6.

Design and impact on historic setting

The provision of nine additional residential units on previously developed land is in line with PPS1 and Local Plan policy H2A, as it proposes more efficient use of land. Furthermore there is a need for 2 bed properties within Epping Forest District. However, development in conservation areas must give a high priority to the objective of preserving or enhancing the character or appearance of the area.

The proposed development would consist of a three storey detached building that mimics the style and character of the larger Waterside Place building and acts as a transition between the five

storey building to the north and the two storey buildings to the south. PPG15 states that *“many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own”*. It is considered that the proposed building respects the context of the conservation area and does not detract from the overall appearance or historic interest of the Maltings complex.

The specified detailing is considered acceptable and provides visual interest to the building as well as respecting details visible on the adjoining Grade II listed building. The southern flank wall would have mock windows and brick detailing to add visual interest to an otherwise blank facade, and the setting and layout of the ancillary works are considered acceptable. The proposal to line out the car park in facing brick and re-gravel the existing bays would improve the setting of the listed building and, subject to agreement to the type/colour of brick to be used, would be visually acceptable.

Landscaping

The buildings forming the group at the Maltings are large, imposing structures set within expansive grounds to the north and south. The area to the north is pleasantly landscaped, whereas the southern side comprises the car park. Whilst the car park in itself may not enhance the listed building the strategically positioned areas of landscaping are fundamental to the design and layout of the car park and go some way towards alleviating its intrusive impact on the listed buildings. In 1991 an application to extend the car park was refused and dismissed on appeal partly due to the loss of the landscaping. It was stated by the Planning Inspectorate that *“the strip of landscaping at the southern boundary is of particular importance as it is one of the larger areas of planting which could form an attractive backcloth of trees and shrubs enhancing the overall setting of the buildings”*.

Whilst some trees would be removed as a result of this development, these are not of any particular amenity value and would not be worthy of retention. The most significant trees would however be retained. This includes the row of trees along the southern boundary (referred to previously by the Planning Inspector) between the application site and No's. 90/91, which provides a screen between the neighbouring property and the development site. Further to the trees being retained, this development allows for additional planting to be provided to further soften this development, and the Maltings complex in general, when viewed from Sheering Lower Road.

The marking out of the bays within the remainder of the car park and the proposed 'cutting back' of trees in the south-west of the car park would be possible without causing the loss or unnecessary damage to existing trees. As such, subject to conditions, the proposed development would comply with the Local landscape policies.

Highway safety

The proposed development would be served by the existing vehicle access from Sheering Lower Road which currently serves the car park. No objections have been raised by Essex County Council Highways Officers regarding this development, and as such this complies with Local Plan policies ST4 and ST6.

Other Considerations

A refuse and bicycle storage facility has been shown on the submitted site plan, however no elevational or specification details have been received regarding these. Full details as to the size, design and layout of these buildings will be required prior to commencement of the development.

The application site lies within a flood risk assessment zone and Flood Zone 2 and was submitted with a Flood Risk Assessment. Provided the development is carried out in accordance with this assessment the proposal complies with policies U2A and U2B.

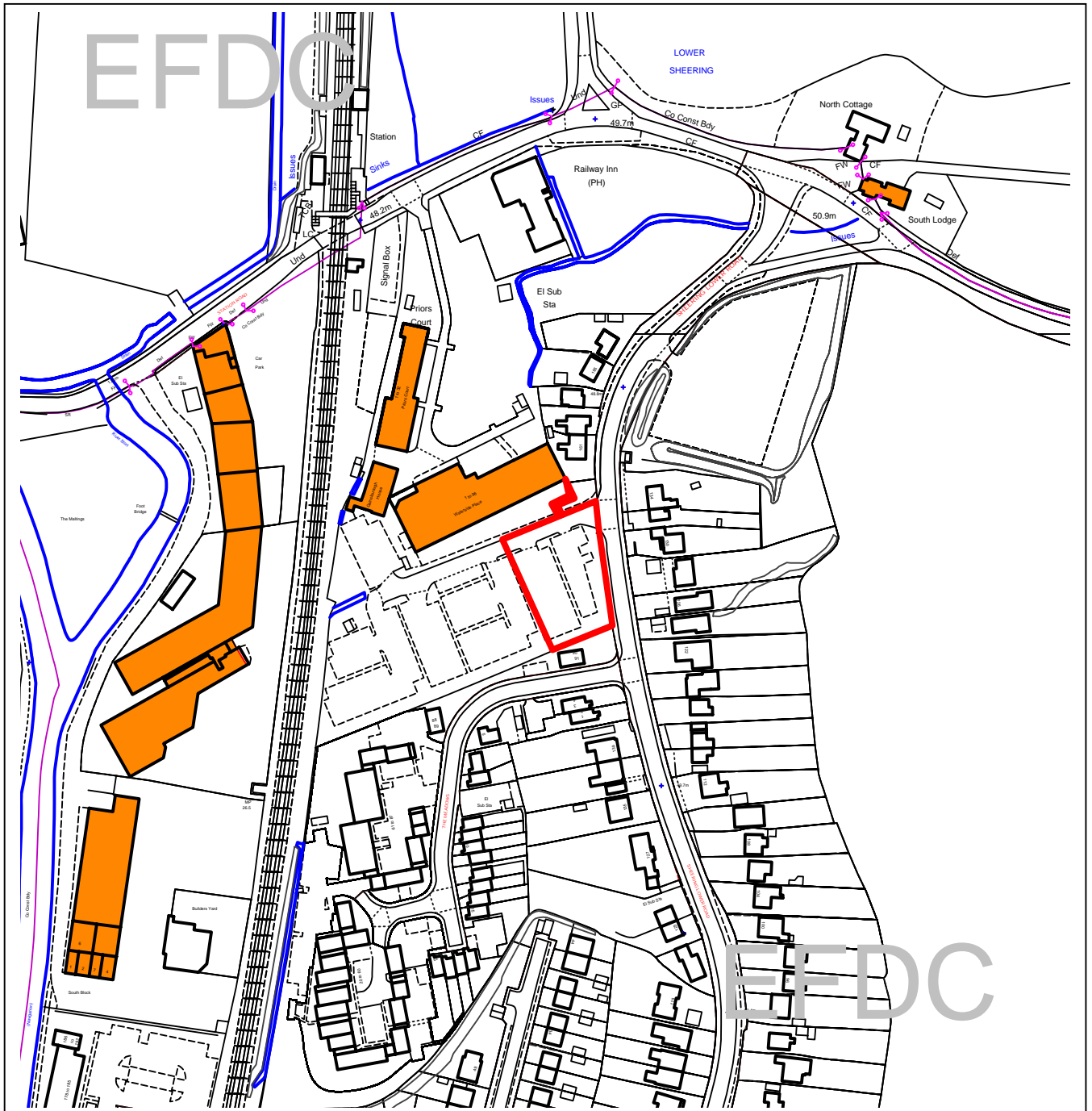
Conclusion:

The previous application for 6 no. dwellings was refused primarily due to its overall design and amenity considerations, along with inconsistencies with regards to parking provision. This proposed development for 9 flats has addressed the previous concerns and, whilst producing a higher number of units, has overcome the previous reasons for refusal. The development would result in more efficient use of previously developed land and would be designed in such a way so that it complements the existing Grade II listed buildings and conservation area. The marking out and re-gravelling of parking bays, new lighting, and improvements to the under-used south-western part of the car park would ensure that the remaining 172 parking bays (including the new 12), the number of which comply with the requirements of the Vehicle Parking Standards, would be fully utilised. The loss of some trees would be off-set by additional landscaping, and there would be no loss of amenity to neighbours as a result of this development. As such the proposal complies with all relevant Local Plan policies and is therefore recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	9
Application Number:	EPF/0976/09
Site Name:	Land at The Maltings, Waterside Place Sheering Lower Road, Sheering, CM21 9RF
Scale of Plot:	1/2500

Report Item No: 10

APPLICATION No:	EPF/1267/09
SITE ADDRESS:	Indian Ocean Restaurant Coppice Row Theydon Bois Epping Essex CM16 7ES
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Indian Ocean
DESCRIPTION OF PROPOSAL:	Installation of raised patio with balustrade and awning. (Revised application)
RECOMMENDED DECISION:	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.

This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).

Description of Proposal:

The proposal is a revised application to create a raised patio of approximately 15cm at the point where it would meet the new pedestrian footway. The patio would level off a fall in the pavement from the door to the edge of the new structure. The patio would measure 12.0m x 1.6m and be located adjacent to the front elevation of the property. The area would be enclosed with a balustrade measuring 0.90m at its highest point, with a gap left at the door for entry. A proposed retractable awning would project out the same distance (1.6m) along the full length of the patio area.

Description of Site:

The property is currently in use as an Indian Restaurant, with a flat above. An access archway to the rear of the property exists on the north-west boundary. This is a double fronted restaurant unit and is part of the designated shopping area of Theydon Bois, with the Tesco Express bordering one side of the premises and a row of small independent shops on the other side. The restaurant faces the green across Coppice Row. An existing railing and bollards runs adjacent to the roadway. A gap of 1.8m of footway would be retained for a footpath between existing bollards and railings on the pavement and the balustrade.

Relevant History:

The history of the site is relatively extensive the most relevant and recent being;

EPF/2324/02 - Change of use from florist shop to restaurant. Refuse Permission - 10/01/2003.

EPF/1384/04 - Change of use from florists to restaurant. Grant Permission (with conditions) - 04/10/2004.

EPF/0682/05 – Retention of shopfront. Grant Permission - 23/05/2005.

EPF/0854/08 - First floor rear extension forming additional bedroom to flat. Grant Permission (With Conditions) - 07/07/2008.

EPF/0984/09 - Illuminated fascia sign. Grant Permission (With Conditions) - 24/07/2009.

EPF/0983/09 - Installation of raised patio with balustrade and awning. Withdrawn Decision - 13/07/2009.

Policies Applied:

Policy DBE1 – Design of New Buildings

Policy DBE9 – Loss of Amenity

Policy ST4 – Road Safety

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL: No Objection.

3 properties were consulted, a site notice displayed, and the following responses were received:

33 FOREST DRIVE: Objection. Could be a danger to pedestrians and the elderly.

THEYDON BOIS PRESERVATION SOCIETY: Objection. Gap left is inadequate and would constitute a danger to pedestrians, young mothers with buggies, land may form part of a “right of way”. Out of keeping with character of the village.

Issues and Considerations:

The main issues to consider relate to pedestrian and road safety, neighbour amenity and the design of the proposal in relation to the streetscene.

Road Safety

The previous application had proposed a much smaller gap to remain for a public footpath. Essex County Council Highways Department had found this unacceptable. However the revised scheme, showing a wider footway, has received no objection. It is considered that the revised scheme leaves an adequate gap for pedestrian movement. The proposal property is recessed back from the neighbouring building. The patio area and new balustrade would come just forward of the neighbouring building line and generally line up with the ramped access to the Tesco store, across the accessway. It would not extend the full forecourt depth of the property and the resulting 1.8m gap would allow pedestrian movement. It is considered that there would be no significant impact on pedestrian safety or residential amenity.

Design

The proposal would fill most of a recess space in front of the shopfront and whilst introducing a new feature into this streetscene, it would be in keeping with the shopfront and not harm the appearance of this or neighbouring buildings, which would mean it would not be as prominent within the streetscene. The awning at 1.6m deep would not be considered excessive and would

not project beyond the patio on to the footpath. It is considered the proposal would serve the needs of the applicants without being excessively intrusive within the existing streetscene, but will in any case retract into the shopfront.

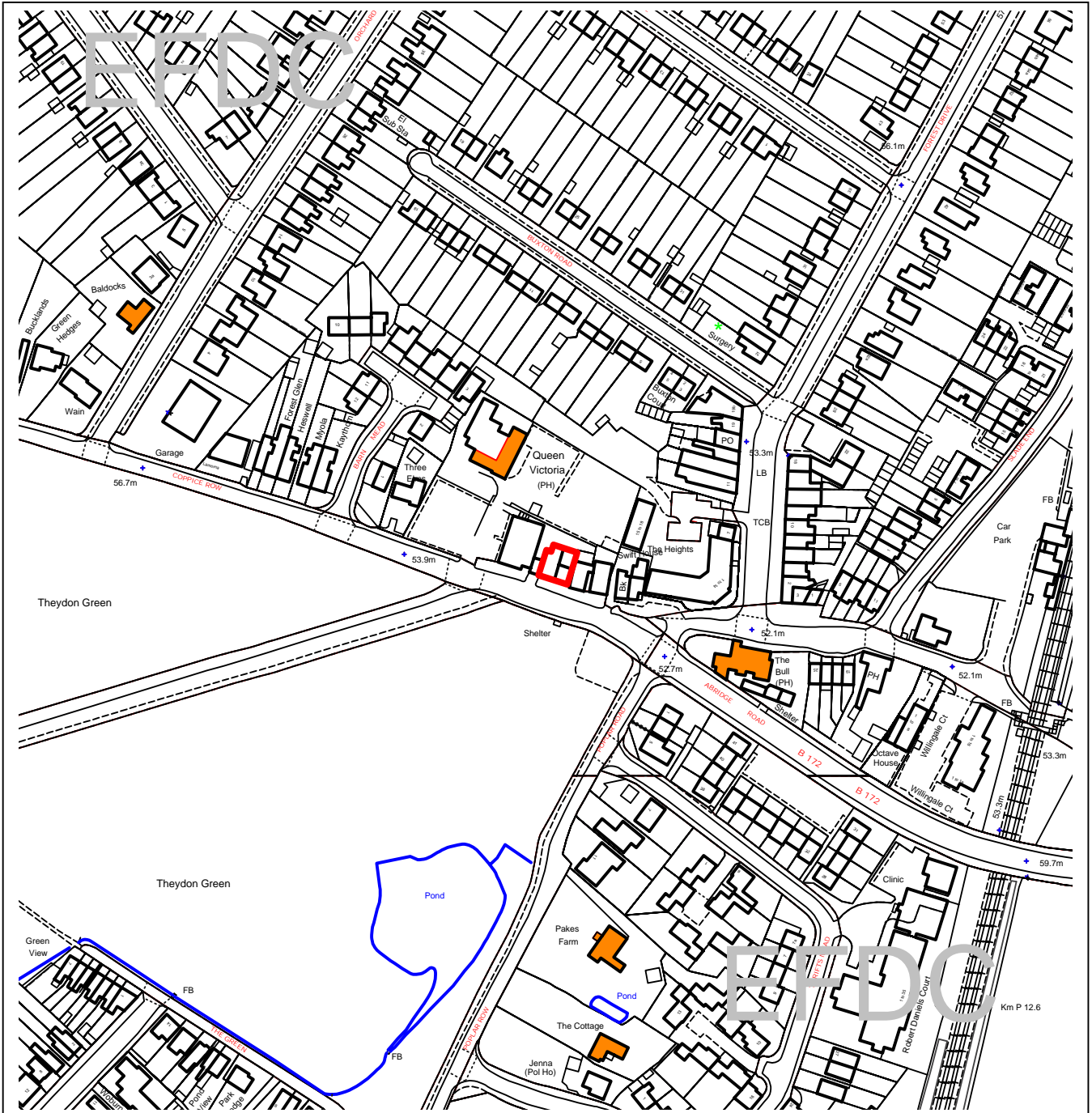
Conclusion

As the revised scheme generally accords with policy and would add positively to the appearance of the streetscene without unduly compromising pedestrian safety it is recommended for approval with conditions.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	10
Application Number:	EPF/1267/09
Site Name:	Indian Ocean Restaurant, Coppice Row Theydon Bois, CM16 7ES
Scale of Plot:	1/2500

Report Item Nos: 11 & 12

ITEM 11 APPLICATION No:	EPF/1007/09
SITE ADDRESS:	Gaynes Park Mansion Banks Lane Theydon Garnon Epping Essex CM16 7RJ
PARISH:	Theydon Garnon
WARD:	Passingford
APPLICANT:	Mr Anthony White
DESCRIPTION OF PROPOSAL:	Conversion of existing Grade II* Mansion into 7 no. flats, new rear garage block, . 4 no. new build houses as enabling works and associated landscape works and restoration.
RECOMMENDED DECISION:	Grant Permission (Subject to S106 agreement, conditions, and the views of the Secretary of State)

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 At least 48 hours prior notice shall be given to the Archaeological Advisory Group of Essex County Council of the date works will be commenced on this site or any part thereof, and persons authorised shall be afforded access for inspection of the site, and for carrying out works of excavation for the purpose of recording any features thereon of historical or archaeological significance.
- 3 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 4 The enabling development hereby permitted shall only be carried out in accordance with detailed plans and particulars which shall have previously been submitted to and approved by the Local Planning Authority. Such details shall show the layout, scale and appearance of the buildings, access details for the development and landscaping.
- 5 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.

- 6 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.
- 7 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 Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, and Class A of Part 2 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 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.

- 9 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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.
- 10 Within 3 months of the grant of this permission details of earthworks shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
- 11 Within 3 months of the grant of this permission a tree protection plan, to include all the relevant details of tree protection shall have 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.

- 12 Within 3 months of the grant of this permission 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.

- 13 Prior to the commencement of the development details of the proposed surface materials for the parking areas, driveways and access roads 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.

- 14 Within 3 months of the grant of this permission 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.

- 15 No occupation of the development shall take place until such time as the following has been completed to the satisfaction of the Highway Authority: Access to the development site is to be provided in principle with the submitted plan drawing no. TSP/AWC/P1898/02 Option 2 Double Access

- 16 Provision and implementation of a Transport Information and Marketing Scheme for sustainable transport, approved by Essex County Council, to include vouchers for 12 months free bus travel within an applicable zone (covering the relevant zone as set out by the local operator and Essex County Council) for each eligible member of

every residential household, valid for exchange during the first 6 months following occupation of the individual dwelling. Details of the uptake of the vouchers to be provided to Essex County Council's Travel Plan Team on a 6 monthly basis as indicated in Policy F32 Essex Road Passenger Transport Strategy 2006-2011.

- 17 The public rights of way in the vicinity of the site (Bridleway No. 4 and Footpath No. 5) shall not be obstructed or restricted by the development hereby approved or by construction works and activity for the development hereby approved. Details of any changes to the start of the bridleway, at the access to the site, will need to be agreed by the relevant PROW officer at the ECC Highways Office, Harlow.
- 18 Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
- 19 No unbound material shall be used in the surface finish of the driveway within 20 metres of the highway boundary of the site.
- 20 Measures shall be provided to ensure that no mud and/or debris are deposited in the public highway by any vehicle associated with the proposal. Details are to be agreed with the County Planning Authority and Highway Authority.
- 21 Prior to commencement of development of the enabling 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.

- 22 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development of the enabling 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.

- 23 Construction work, including groundworks and site preparation works for the houses hereby approved, shall not be commenced until details of the extent of curtilage of the houses is submitted to and approved in writing by the Local Planning Authority. The curtilage of the houses shall be as approved and no land outside the curtilage shall be used as garden for the houses.

ITEM 12 APPLICATION No:	EPF/1008/09
SITE ADDRESS:	Gaynes Park Mansion Banks Lane Theydon Garnon Epping Essex CM16 7RJ
PARISH:	Theydon Garnon
WARD:	Passingford
APPLICANT:	Mr Anthony White
DESCRIPTION OF PROPOSAL:	Grade II* listed building application for the conversion of existing Grade II* Mansion into 7 no. flats, new rear garage block, 4 no. new build houses as enabling works and associated landscape works and restoration.
RECOMMENDED DECISION:	Grant Permission (Subject to S106 agreement, conditions, and the views of the Secretary of State)

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 Samples of the types and details of colours of all the external finishes, shall be submitted for approval by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 3 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 4 No part of the fabric of the building, including any timber framing, infill panels and external brickwork shall be removed, cut cleaned or coated without the prior written approval of the Local Planning Authority, unless specified on the approved plans.
- 5 Samples of all new rainwater goods and soil and vent pipes shall be submitted to and approved in writing by the Local Planning Authority.

These applications were considered at the meeting of the Area Plans East Sub-Committee on 2 September when it was decided to defer making a decision in order to seek further clarification of the viability of the proposed enabling development as a mechanism for off-setting the conservation deficit that would be created by carrying out the proposed works to Gaynes Park Mansion and to seek a more appropriate mechanism for controlling the phasing of the development.

Following negotiation between Officers and the applicant, the applicant has agreed to enter into a planning obligation under S.106 of the Town and Country Planning Act 1990 requiring the completion of all works necessary to preserve the special architectural and historic character of Gaynes Park Mansion prior to the commencement of any work on proposed enabling development of 4 houses.

The necessary works are to:

- Renew/repair as necessary all stonework
- Renew/repair as necessary all external windows and doors
- Renew/repair as necessary all roofs and associated leadwork
- Renew/repair as necessary all rain water goods
- Complete all approved demolition and extension works
- Complete the core subdivision and plastering

The details of the works will be those agreed pursuant to conditions 2 (details of external materials), 3 (details of new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building), 4 (details of any removal, cutting or coating of any part of the fabric of the building not specified on the approved plans) and 5 (details of all new rainwater goods, and soil and vent pipes) of the recommended listed building consent.

The agreement would require the developer to not start work on the enabling development until the District Council issues a Notice to the developer certifying that the necessary works have been completed in accordance with the approved details. The agreement would oblige the Council to either issue the Notice or decline to issue the Notice, with explanation, within 28 days of the developer making a written request for the Notice.

That arrangement would achieve what the Council is seeking in planning and listed building terms ahead of any enabling works being started.

The matter of the valuation of the enabling development was discussed and it remains the applicants' position that it is unlikely any clearer assessment of what the enabling development would be worth when it is completed could be provided by any other expert. Notwithstanding that position, if the works to secure the special interest of the house are completed in advance of the enabling works and the Council has control over whether those enabling works could subsequently start, it is not necessary to get further information on how much the enabling works could possibly be sold for. It would also not be necessary to include a condition to control the phasing of the development on the planning permission because its purpose would be secured through the more powerful arrangement of a S.106 agreement.

Furthermore, if the developer subsequently found the enabling works did not offset the conservation deficit, they would not be in a position to make a case of very special circumstances for further enabling works on the basis of a need to secure the preservation of Gaynes Park Mansion because the special interest of the house would have already been secured.

Members are reminded that since the applications relate to a Grade II* listed building they must be referred to the Secretary of State before any decision to grant permission is issued.

Accordingly, it is now recommended that, subject to the views of the Secretary of State, and subject to the completion of a S.106 agreement in the terms described above, planning permission and listed building consent be granted.

It should be noted that 1 letter of support has been received from a near neighbour since the original report was written.

The original report on the applications is produced below:

These applications are before this Committee since the overall proposal is contrary to the provisions of the approved Development Plan, and is recommended for approval (Pursuant to Section P4, Schedule A (a) of the Council's Delegated Functions).

Description of proposal:

Planning permission is sought for the conversion of the main building to 7 flats and erection of new garage block and four new houses within the Green Belt as enabling development, associated landscape works and restoration of landscape and parklands. Listed building consent is also sought for the associated works to the listed building. Both applications are considered together in this report.

Description of Site:

A Grade II* Listed house dating from the late 19th century, incorporating remains of late 18th century and early 19th century houses. It is a grey stone faced building with a grey slate roof that is predominantly 3 storeys. It is set in large grounds to the north east of the M11/M25 Junction. The house has been disused for around eight years and is in a serious state of physical decay. The site is set in rolling countryside with the house at the top of a small ridge, screened by extensive mature trees. There is a formal garden and lake to the south of the area which are in poor repair. The access to the site is a single tracked road with passing places running from the junction of Stonards Hill and Coopersale Street, and includes a bridge over the M11. It is wholly within the Green Belt and to the immediate east farm buildings have recently been converted into a wedding venue, accessed from Banks Lane. That site is in separate ownership.

Relevant History:

The site has a long history, the more relevant history is:

EPF/0010/05	CoU of agricultural building to wedding venue	granted
LB/EPF/0011/05	Listed Building Consent in respect of above	granted
EPF/2330/06	Conversion of house to 18 flats, 5 other flats and 10 houses as enabling development	withdrawn
LB/EPF/2331/06	Listed Building Consent in respect of above	granted
EPF/1425/07	Conversion of house to 18 flats, 5 other flats and 10 houses as enabling development	withdrawn
LB/EPF/1426/07	Listed Building Consent in respect of above	withdrawn
EPF/1560/08	Conversion of house to 18 flats, 5 other flats and 10 houses as enabling development	withdrawn

Policies Applied:**East of England Plan**

SS7 Green Belt
ENV 6 The Historic Environment
ENV 7 Quality in the Built Environment
T7 Transport in Rural Areas

Adopted Local Plan and Alterations

GB2A – Green Belt
GB7A – Conspicuous development within the Green Belt
GB17A – New Houses within the Green Belt
HC10 – Listed Buildings
HC12 – Development within the setting of a Listed Building
H3A – Housing Density
H4A – Dwelling Mix
H5A – Provision for Affordable Housing
H6A – Site Thresholds for Affordable Housing
H7A – Levels of Affordable Housing
CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
DBE1 – Design of New Buildings
DBE2 – Impact of New Buildings
DBE 4 – Design of Buildings within the Green Belt
DBE8 – Amenity Space Provision
DBE 9 – Neighbours Amenity
ST4 – Highways Considerations
ST6 – Car Parking Standards
LL1 – Rural landscapes
LL10 – Adequacy of Provision for Retention
LL11 – Landscaping Schemes

Summary of Representations

Press advertisement, 2 Site notices posted, 2 neighbour letters sent

PARISH COUNCIL – No objection, planned houses should be built to enable the owner to enhance Gaynes Park in line with the plans which were considered to be Green in an environmental area. In addition to this the buildings cannot be seen from the road, this does not interfere in any way with the countryside area and will attract good owners.

NEIGHBOURS:- No response received.

Issues and Considerations:

The main issues of this scheme are:

1. Impact on the Listed Building
2. The impact of the scheme in the Green Belt & the very special circumstances of the enabling development
3. Design

4. Landscaping
5. Highway issues
6. Neighbour amenity

This is an unusual, almost unique, site and scheme for this District with the enabling development seeing 4 new houses erected in the Green Belt, the sale of which would finance the works to the main house. This type of development would normally not be permitted in the Green Belt and therefore the scheme requires careful assessment.

Gaynes Park House has been subject to an appraisal by the Council's Conservation Officers in 2001, which was reported to District Development Committee on 11 January 2001, who resolved:

"95. GAYNES PARK MANSION, THEYDON MOUNT - RESIDENTIAL DEVELOPMENT

The Committee considered the principle of permitting a residential enabling development at Gaynes Park, which was situated within the Metropolitan Green Belt, to facilitate restoration of the Grade II listed mansion. The Head of Planning Services reported that such development would represent a departure from the Council's adopted Local Plan and would therefore need to be justified by special circumstances. Members considered that, given the current disuse of the Gaynes Park Mansion, an enabling development at the site should be investigated.*

RESOLVED:

That, subject to all future development proposals fully meeting the criteria set out in the report made to the Committee, the principle of residential enabling development at Gaynes Park, Theydon Mount be agreed"

The site has not been subject of any building works until repairs were carried out this year. Despite considerable interest from various companies and individuals the main building has been empty and derelict since the early 2000s.

The site has been subject to a number of recent applications by several applicants, none of which were formally appraised by Officers, but were withdrawn to allow further work to take place to meet Officer's concerns.

This particular applicant has been in extensive discussions with Epping Forest and English Heritage over the last 18 months over this scheme. Considerable internal and external works to the main building have already been carried out, with the permission of English Heritage and EFDC, to literally "stop the rot" (which has got considerably worse since 2001 with little if anything having been carried out to secure the building from the ravages of the weather), and to ascertain the level of the works required at the site to halt the ongoing decay and to restore and refurbish the property to a habitable state. The applicants have been aware that these works were at their own risk.

1. The Listed Building

The scheme will see the conversion of the main house (the Grade II* element) into seven modern large flats, each with 2 bedrooms. The main 19th century Gothic style facades to the south and west will be restored to their former state. The north and west elevations will see works to remove a 20th century extension, and the remodelling of the internal courtyard area including the enlargement of the internal eastern elevation with the removal of the eastern range of an original wall and roof believed to date from the 18th century. Internally the principal staircase would be removed, and various floors and walls would be demolished and replaced.

The main heritage issue is the works that have already been carried out, the demolition of the east range and the internal subdivisions and removal of the staircase. It should be noted that the County Listed Building Officer has objected to the removal of the staircase. The English Heritage Officer agreed that this would compromise the historic interest of the building, but also agreed with the applicant that the stair is of questionable quality and dates only from the early 20th century. It is also the case that its removal will allow a formation of two rooms, one at the ground floor and one at the first floor level, which allows a better scheme of internal layout and circulation to be provided. Therefore whilst removal of the staircase is a loss, this has to be balanced against the overall benefits of its removal to the scheme of facilitating the achievement of a more coherent and acceptable internal arrangement.

English Heritage has given the following advice in respect of works to the east range:

“The proposed new east elevation, facing the courtyard, has been redesigned, and now appears acceptable. In place of the initial contemporary design it is proposed to build a simple classical elevationabove which would rise a glazed attic storey.... What is now proposed is a more coherent design....The wall that was (initially proposed) to conceal the ground floor of this elevation and divide the courtyard has now been omitted. The proposal to build a new entrance pavilion within the courtyard has been abandoned. This is welcome as the pavilion would have detracted from the character of the house and the relationship between the house and the courtyard.

The design of the proposed addition to the north side of the south range has been amended. Originally this would have all but enveloped the Arts and Crafts stair tower at the centre of the elevation. It has now been reduced in size, and the presence of the tower would be affected less severely, but it is not apparent why the proposed elevation could not project still less, given that the primary determinant of its dimensions is the need to accommodate a lift beside the staircase. ... The amendments improve the scheme, although fall a little short of what we had suggested”.

Accordingly, English Heritage are now satisfied that these works will not damage the appearance and character of the listed building to a level which would justify a refusal.

The scheme will also see a substantial courtyard garage building which has a “U” shaped plan, and measures 30m x 23m by 5.5m high with a hipped roof. This would be erected on the eastern flank of the site within a lightly wooded area. The scheme has been designed to have an appropriate appearance to the listed building and is not inappropriate in size, scale and height when considered as an ancillary building to a scheme of this nature. It should be noted that the existing stable block to the north of the main building is in a separate ownership and therefore is not available to be used in connection with the scheme.

The parkland to the south of the house will be restored and considerable new planting will occur. This issue will be fully considered under landscaping issues.

The enabling development will be situated to the south of the house and gardens (a minimum of 175m from the house). As will be discussed below, that location is the most suitable for the enabling development and it is considered that, whilst there is an impact on the setting of the building and gardens, this is the best outcome that can be achieved, with the least harm caused.

The English Heritage Officer has commented *“Taking the proposals as a whole, English Heritage concludes that the scheme for the house is now a fair one, providing the justification discussed above is accepted, and that the scheme of enabling development, although unsatisfactory, is placed so as to limit the effect of the development on the setting of the house. Should your Council’s assessment find that the financial case for the scheme is sound, it would then be for it to determine whether the detriment to the public interest that would follow from permitting new*

development in the Green Belt would be justified by the repair and reuse of Gaynes Park”.

They have also stated “English Heritage acknowledges that the applicants have now provided some corroboration for the argument in justification of the elements of partial demolition and radical alteration in the scheme. It will be for your Council and its consultants to gauge the adequacy of this information”.

It is clear from English Heritage’s comments that the merits of the scheme in terms of its impact on the special architectural and historic interest of the listed building are balanced but it is clearly accepted that the scheme will achieve a conversion of the existing building that will bring a special but derelict building back into a productive use and therefore ensure the long term survival. The scheme is balanced in its impact on the fabric and character of this important historic building, but on the whole it is considered to be an acceptable scheme which will preserve and enhance the building and its setting.

2. Green Belt

To finance the considerable works to the main building, as laid out above, the scheme proposes the erection of 4 large new houses within the grounds of the house. These will be erected in a small valley to the south of the gardens and lake, and would be built into the side of the slopes on each side of the valley to a modern and contemporary design. Access would be via a roadway joining with the main house roadway. A considerable amount of planting would take place on the 3 boundaries of the housing site, and the houses would be sited around a new pond created as a focal point. The pond would be fed by the existing stream from the main lake which would be brought to the surface from its current culverting.

The selection of this site has been subject of intensive pre-application discussions with Officers of the Council and English Heritage, and several other locations were assessed and rejected as unsuitable due to their adverse impact on the setting of the main house, impact on preserved trees and impact on the openness and character of the Green Belt. It is accepted that wherever enabling development occurs on the site it will have some impact on the setting of the house and its landscape. As with the works proposed to the main house, the siting of the enabling building balances the need to maintain the house and gardens and the need to generate the funding to enable the vital repairs to the house to be financially viable.

These new houses are inappropriate development within the Green Belt as they do not meet any of the criteria of National or Local policies for new houses. Therefore to be acceptable very special circumstances have to be proved which would justify their erection.

In a nutshell, the very special circumstances in this case are the contention that the new houses are needed to generate a profit which will enable the works to the main house to be carried out in a financially viable manner. This will be considered below.

The proposed houses are large, but designed to be built into the side of the hill to reduce their impact, and encompass facilities such as indoor swimming pools which have increased their footprint, albeit it so that much of the scheme is buried or shielded by the contours of the existing landscape. It is the opinion of officers that, if the principle of the enabling development is acceptable, then this is the best site for these houses, and has the least impact on the openness and character of the Green Belt. The development will not be visible from the main house (and vice versa).

It is accepted that they will be visible to the south, at Hornes Farm and Mount Road Cottages on Mount Road. However, the views will be obscured by the landform and the existing trees and hedges, and further obscured by the proposed landscaping. Longer distance views of the site will occur from the M25 and the opposite slope of the valley which rises to the south of Theydon Bois. These views will be at the long distance and will be fleeting, especially once the planting has occurred.

Therefore the impact on the appearance and character of the Green Belt will be limited and when balanced against the need for the development (q.v) it is considered that the scheme will be acceptable. The openness of the Green Belt will be adversely affected, but again the balance of the harm caused against the need for the scheme, which is specific and unusual, leads officers to come down in favour of the development.

As seen above the scheme needs to be able to justify the enabling development as being necessary for the future health of the listed building, and if it is, this would constitute very special circumstance which would overcome the inappropriateness of the new houses.

English Heritage has a series of tests for enabling development, which should be applied in this case:

- 1) *The development will not materially harm the heritage values of the place or its setting.*
The significance of the building rests in its historical interest as a country house of some importance and its place in the landscape. The relationship of the house to its setting in its gardens, informal parkland and the wider countryside contributes to its historic and aesthetic value. In this instance it is clear that the significance of the house will be compromised by some of the works on the eastern range, but in the terms of the most important feature of the house, its place within the landscape, it is considered that the harm is not material, and what remains of the house still has a significant value. A similar conclusion is also drawn on the siting of the enabling development as stated above.
- 2) *It avoids detrimental fragmentation of management of the place*
Whilst the scheme is for flats, these are the minimum number that would, together with the proposed housing, secure the viability of the scheme. A management company will be set up to run the site, which would be a necessity in this case. It is considered that the scheme is the best possible solution and meets these criteria.
- 3) *It will secure the long term future of the place, and where applicable, its continued use for a sympathetic purpose*
It is considered that this scheme meets this criteria and deals with the urgent need to preserve the building before the decay becomes irreversible.
- 4) *It is necessary to resolve problems arising for the inherent needs of the place rather than the circumstance of the present owner or the purchase price paid*
This criteria rests on the financial appraisal of the scheme. The application included a full financial appraisal. The basic figures of the appraisal are (rounded to the nearest £10,000):

Purchase cost:	-£890,000
Cost of the repairs and refurbishment of the House:	-£2,320,000
Conversion of flats:	-£4,100,000
External works:	-£2,120,000
Fees:	-£1,970,000
Total:	£11,400,000

Sales of flats (minus costs)	- £8,600,000
Deficit:	- £2,800,000
Cost of new houses:	-£10,800,000
Fees etc:	-£1,910,000
Sales of houses (minus costs):	£18,400,000
(this equals £4.5 million per house)	
Profit from new houses	£5,690,000
Deficit	-£2,800,000
Overall estimated profit	£2,890,000

These figures have been provided with a considerable amount of background information which has been closely examined and appraised. They have been examined by the Council's Estates Section and an independent Quantity Surveyor (at the expense of the applicant who has agreed to pay the Council's reasonable costs for this exercise).

Estate Officers commented that *"Stevenette's letter of 26/5/2009 mentions a proposal of 4 houses of 8,000 sq.ft. being built, but avoids suggesting valuations as they consider the maximum area should be 5,000 sq.ft. They offer a check on prices for marketing purposes of figures between £400/£500 psf (sale price/not building cost). This produces from £2,000,000 for a 5,000 sq.ft.house at £400psf up to £4,000,000 for an 8,000 sq.ft. house at £500psf. They also advise that negotiations will probably need to allow 15-20% margin on asking prices. Stepping back and looking at these figures it is inconceivable that a house, of this size not in its own large grounds, and in a somewhat better location than this could sell for figures like these, especially at the larger end. All the figures Messrs Stevenette's are quoting are for marketing purposes only and are not valuations. I have not been able to locate any direct comparables for such expensive properties. **The report extracts provided illustrate the difficulty of valuing these unique, for our District, properties*** As you will gather from the above we can only go along with the advice in Stevenette's correspondence on marketing values, but remain sceptical about this proposal. In conclusion the stated values of these properties have not been underestimated". (*Planning Officer's bolding)*

The applicant has commented *"With regard to your Estate People's comments on proposed sale prices and our sale estimates included in the Enablement Calculations, we agree that they are at the top end of the estimates as advised to us by the professionals. I refer you to appendix 6 of the enablement documentation. Our sales estimates at £500 per square foot reflect the unique situation of the Gaynes Park "brand" and location; and take into consideration the seven star finish of both quality and design that is included in all our proposals with regard to the long term sustainability of the house and grounds and the reduction of the conservation deficit".* Basically they are prepared to risk their money on the basis that this scheme is unique within the area and of such quality that they will realise their financial projections.

Therefore it can be seen that the Developer is running a risk if he cannot sell the houses for the proposed price, which will have a knock on impact on the profitability of the scheme. In this instance it is therefore considered that this could have an impact on the works to the main house, and thus a phased development condition for the new houses would be appropriate to ensure works are ongoing at the main house.

However, it is clear from the Estates appraisals that the scheme is not undervalued, and all of the figures quoted “add up” and are reasonable and fair, with the exception of the proposed sale price of the new houses. It is noted that the Estates Section have called these properties “unique” and in this setting within the Green Belt it is considered that they will generate a high level of interest from prospective purchasers. Therefore it is considered that there is an element of risk to the whole project which depends on the sale price of the enabling development, but this is not considered to be able to justify a refusal on these grounds, especially as phasing conditions can be imposed.

- 5) *Sufficient subsidy is not available from any other source*
There is no other form of funding to enable the necessary repairs. English Heritage cannot supply any funding.
- 6) *It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests*
The Council appraisal of the financial issues of the scheme has been dealt with above; in the opinion of the Officers 4 houses is the maximum that can be accommodated on the site as an enabling development, and this scheme minimises the harm to the Green Belt and the setting of the Listed Building and Parkland.
- 7) *The public benefit of securing the future of the significant place through such enabling development decidedly outweighs the disbenefits of other public policies.*
The preservation of Gaynes Park is a public benefit. As seen above there is an impact on the Green Belt, but weighed against the intended outcome it is considered that the adverse impacts of the scheme are not sufficient to justify a refusal.

Clearly this is a complicated and involved scheme. It is considered that, on a balanced appraisal of the financial justification for it, the scheme stands up to scrutiny and the Council has no grounds for gainsaying the information provided. Therefore, as this is accepted it is concluded the amount of enabling development proposed is necessary. This, in turn, provides the very special circumstances for the erection of 4 new dwelling houses on this site. It is considered that the need for the scheme overcomes the harm caused to the Green Belt and is therefore acceptable.

3. Design

The design of the extension to the main house and the garage block are acceptable and in keeping with the main building and the surrounding area. The 4 new houses of the enabling development are innovative and unlike any other scheme within the District. They have been deliberately designed to integrate with the landscape and will have green roofs. Much of their mass will be hidden underground and this helps reduce their impact on the Green Belt to a minimum.

The design of the new houses is not yet finalised and some minor changes may occur, and can be conditioned, but the scheme is an excellent indication of how the final scheme will appear and the concept is a welcome one which avoids a pastiche design of the rural vernacular to present something which has the potential to be a great asset to this District.

4. Landscaping

The landscaping element of this scheme is very important due to the setting of the building within this landscape being one of its fundamental features, and the large number of preserved trees on the site.

The scheme has been designed to strengthen and enhance the existing tree and landscaping on the site and will see significant new planting on the eastern and western boundaries of the enabling development as well as new planting on this area's southern boundary. New planting will also occur to the north of the main house around the new garages and tennis courts.

Planting of a tree and hedgerow is proposed along the M11 to the west, although the applicant does not control this land and this is intended to be secured through an agreement between the landowner and the Highway Authority. This is not of any consequence to the assessment of the scheme therefore it is not necessary for any consent given to include a mechanism for securing the hedgerow.

The Council's Landscape Officer has commented that much of the scheme is acceptable and can be dealt with by way of conditions. However, he has concerns over the tree planting to the east of the enabling development being highly visible and eroding the parkland setting of the site. He is also not convinced that the scheme will not be visible from the long views to the south (as covered above under the Green Belt), and has raised the issue of light pollution, especially in the winter months. He therefore recommends refusal on the grounds of the adverse impact of the enabling development on the landscape setting of Gaynes Park House.

As noted above Officers acknowledge that the scheme will be visible to the south and this is assessed at some length above. Light pollution is an issue and this scheme will see an increase as it is a virgin site.

However, both the issue of the eastern planting, visual impact on the landscaping and light pollution have to be balanced against the wider benefits that the scheme will bring to the listed building and the wider landscape. In this instance it is considered that the need to bring the building back to use and preserve and enhance it outweighs the impact that the enabling scheme has on the landscape of the area, especially as the siting and screening is the best possible that can be achieved on this site.

5. Highways

The Highways Section has not raised any objections to the scheme subject to a number of conditions.

6. Neighbour Amenity

The nearest neighbouring property is the wedding venue accessed from Banks Lane. The nearest building to this site will be the new garage block, and it is considered that there is the potential for some noise from the wedding venue to be heard from the site. However this has to be weighed against the ambient background noise of two motorways, and it is the case that due to the distances involved and the existing and proposed screening that this would not justify a refusal.

7. Other Matters

Essex County Council has asked for an education contribution of £9,246 which can be conditioned.

English Nature have raised no objections to the scheme

Conclusion

This is an unusual and significant scheme which will see the total refurbishment of Gaynes Park House, which is an objective that both English Heritage and EFDC regard as important. This refurbishment requires an enabling development of four houses to be erected to the south of the house and the garden.

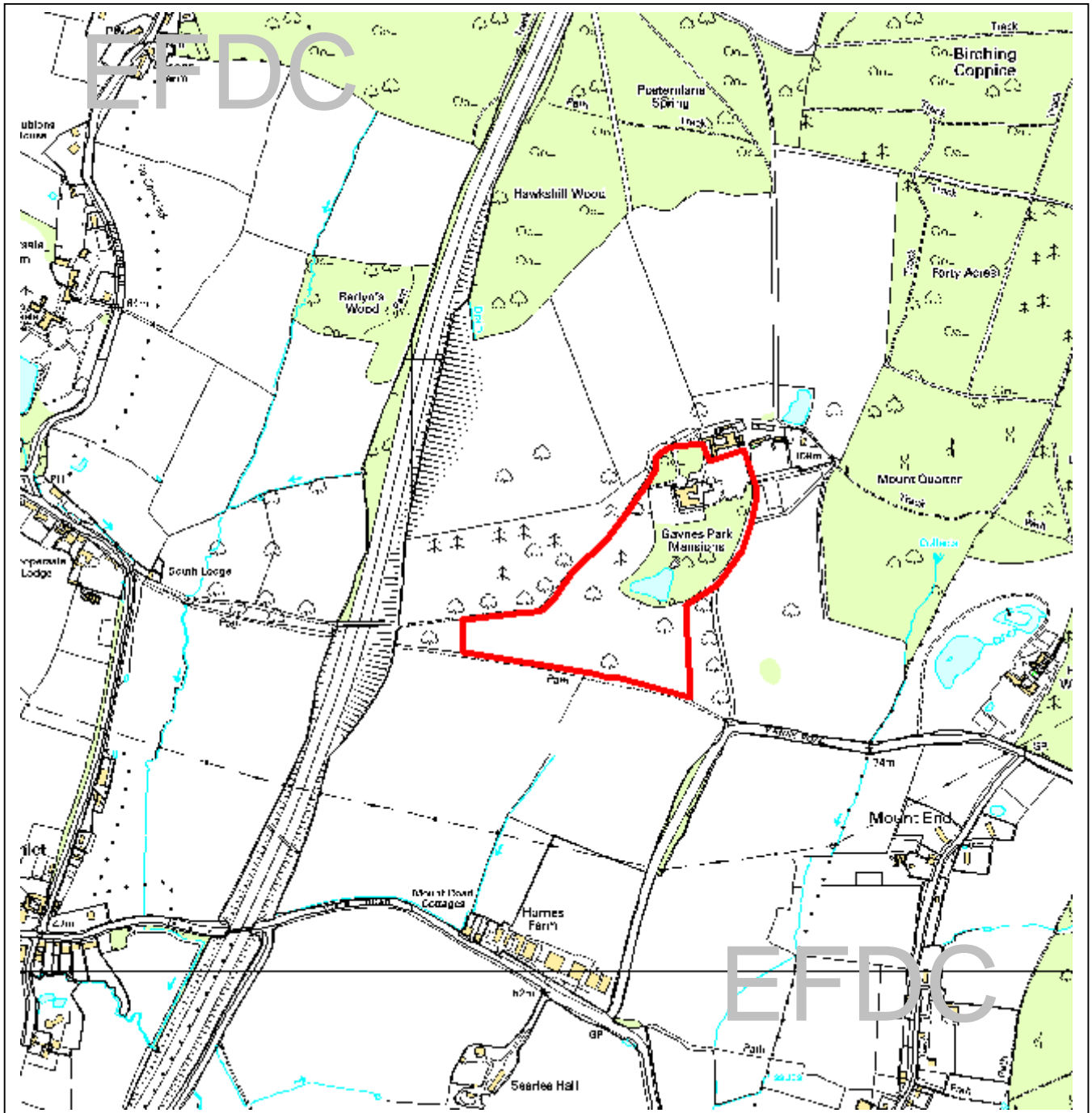
Whilst this development is contrary to Green Belt policies, the very special circumstances are that without this enabling development and the profit it will return the developers will have no economic incentive to convert the house into flats. Officers accept that if this enabling development is judged to be required then the enabling development is well sited and the harm it would cause to the openness and character of the Green Belt and the setting of the Listed Building are outweighed by the benefits of bringing Gaynes Park back into productive use and securing its future within its landscape setting.

It is a balanced case, and the objections of the Landscape Officer are noted, as are the concerns over the profitability of the new houses raised by Estates Officers. However, it is considered that this house and site are of such an importance and make such a significant contribution to the area that the objections are overcome by the benefits to the House and grounds that this scheme brings. Therefore, the application for planning permission together with the associated application for listed building consent is recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	11 & 12
Application Number:	EPF/1007/09 & EPF/1008/09
Site Name:	Gaynes Park Mansion, Banks Lane Theydon Garnon, CM16 7RJ
Scale of Plot:	1/10,000

Report Item No: 13

APPLICATION No:	EPF/1297/09
SITE ADDRESS:	Nether Street Depot Dunmow Road Abbess Beauchamp And Berners Roding Ongar Essex CM5 0JT
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Tony White
DESCRIPTION OF PROPOSAL:	Redevelopment of heavy plant depot to provide 4 no. detached houses.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposal represents inappropriate development within the Metropolitan Green Belt, which by definition is harmful to the objectives of including land within it, and would be detrimental to the openness and character of the Green Belt. Furthermore very special circumstances sufficient to outweigh this harm do not exist. As such the development is contrary to Government guidance in PPG2 and policy GB2A of the adopted Local Plan and Alterations.
- 2 The proposed development is in an unsustainable location not well served by public transport or local services. As such the development would result in an increase in vehicle commuting contrary to policies CP1, CP3, CP6 and ST1 of the adopted Local Plan and Alterations.
- 3 The proposed development makes inadequate provision for affordable housing and does not contain an acceptable housing mix, contrary to policies H4A, H5A, H6A and H7A of the adopted Local Plan and Alterations.
- 4 The proposed development would result in the loss of an established employment site. The site has not been marketed for a sufficient period to prove that there is no further need for employment uses on this site and no consideration has been given for reuse for community purposes. Due to this the proposed development is contrary to policies E4A and E4B of the adopted Local Plan and Alterations.

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

Description of Proposal:

Consent is being sought for the redevelopment of the existing heavy plant depot to provide 4 no. detached houses. The proposed dwellings would be 4 bed properties with detached car-port style garages. Each dwelling would be T shaped to a maximum width of 14m and maximum depth of 9m. The houses would be one-and-a-half storeys in height with half submerged dormer windows, and would vary mainly in the external materials used. Access to the dwellings would be via the existing vehicle access off of Dunmow Road, and would lead to a new internal 'semi-private' road. The site would also include a new pond and communal green area, and a refuse storage building close to the entrance of the site.

Description of Site:

The application site comprises 0.43 hectare site located on the western side of Dunmow Road. The majority of the site is an existing depot that has previously been used for commercial purposes, but is currently vacant, and the northernmost section (that to the rear of Nether Street farmhouse) is for agricultural use. To the north and west of the site are single detached dwellings, one of which is the old Farm House (and is Grade II listed). Surrounding this small built cluster are agricultural fields. The entire site is located within the Metropolitan Green Belt.

Relevant History:

EPO/0723/71 – Details of erection of new vehicle maintenance workshop and offices – approved/conditions 08/02/72
EPO/0453/72 – Installation of 600 gallon under ground diesel tank and 1250 gallon petrol tank and pumps – approved/conditions 13/06/72
EPF/0964/76 – Proposed erection of lean-to building for use as store ancillary to vehicle maintenance building – approved/conditions 06/09/76
EPF/1847/80 – First floor office extension – refused 09/02/81
EPF/0372/81 – First floor office extension – approved/conditions 23/04/81
EPF/0317/90 – New building comprising offices and ancillary accommodation – approved/conditions 16/05/90
EPF/0337/95 – Application to renew planning permission EPF/0317/90 (new building comprising offices and ancillary accommodation) – approved/conditions 17/05/95
EPF/0584/00 – Renewal of consent ref EPF/0337/95 dated 17/5/95 (for erection of new building comprising offices and ancillary accommodation) – approved/conditions 05/05/00
EPF/1363/00 – Alterations to elevations of office/workshop building – approved/conditions 29/09/00

Policies Applied:

CP1 - Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 - New Development
CP6 - Achieving Sustainable Urban Development Patterns
CP8 - Sustainable Economic Development
GB2A - Development in the Green Belt
H2A - Previously Developed Land
H3A - Housing Density
H4A - Dwelling Mix
H5A - Provision for Affordable Housing

- H6A - Site Thresholds for Affordable Housing
- H7A - Levels of Affordable Housing
- E4A - Protection of Employment Sites
- E4B - Alternative Uses for Employment Sites
- DBE1 - Design of New Buildings
- DBE2 - Effect on Neighbouring Properties
- DBE4 - Design in the Green Belt
- DBE8 - Private Amenity Space
- DBE9 - Loss of Amenity
- LL1 - Rural Landscape
- LL2 - Inappropriate Rural Development
- LL11 - Landscape Schemes
- ST1 - Location of Development
- ST4 - Road Safety
- ST6 - Vehicle Parking

Summary of Representations:

PARISH COUNCIL – None received.

4 neighbours were consulted, a Site Notice was displayed and the following responses were received:

NETHERSTREET FARMHOUSE – No objection in principal however are concerned that the northernmost dwelling would be built on agricultural land and would result in a loss of privacy.

OREGON – Support the application as the existing site is a source of crime and did not provide local jobs. The new development would be in keeping with the surroundings and more beneficial to the area. Also local primary schools and secondary schools are available for future occupiers.

WASH COTTAGE – Object as the site is in the Green Belt surrounded by agricultural land.

THE GABLES – Object as the site is in the Green Belt, there is a lack of schools and public transport, would be increased traffic, the access is poor, and the design of the dwellings would be out of character with the area.

Issues and Considerations:

Green Belt

The application site is situated within the Metropolitan Green Belt. Local Plan policy GB2A states that the construction of new buildings in the Green Belt will not be granted unless it is:

- (i) *for the purposes of agriculture, horticulture, or forestry;*
- (ii) *for the purposes of outdoor participatory sport and recreation or associated essential small-scale buildings;*
- (iii) *for the purposes of a cemetery;*
- (iv) *for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in the Green Belt;*
- (v) *a dwelling for an agricultural, horticultural or forestry worker;*
- (vi) *a replacement for an existing dwelling;*
- (vii) *a limited extension to an existing dwelling;*
- (viii) *in accordance with another Green Belt policy.*

The proposed development does not comply with any of the above and as such constitutes inappropriate development which, by definition, is harmful to the Green Belt.

However inappropriate development can be considered acceptable within the Green Belt provided there are very special circumstances sufficient to outweigh the harm that it would cause. The principle argument in this instance appears to be that the site is currently a commercial depot that is unrestricted in its use and is more inappropriate within the Green Belt than the proposed housing, and that the impact on neighbouring dwellings and the open nature and character of the Green Belt would be improved.

The majority of the application site has commercial use, although part of the site is agricultural. In relation to the commercial section of the site, whilst this is an inappropriate development it has a long established use which has been in place for several decades. Whilst it is stated by the applicant that the previous use of the site was harmful to neighbours and resulted in substantial traffic movements there is no evidence to support this claim. Whilst one neighbour has supported this application and refers to worries about 'criminal activity' that resulted from the previous use, this does not substantiate the claim that the site is detrimental to neighbours. As the site is now vacant the impact on neighbours cannot currently be assessed.

It is accepted that the majority of the site could be reopened as a commercial use, and that there are few restrictions on the site in terms of opening hours, lighting etc., however it is not considered that the speculative use of the site and any potential impact from such use holds much weight in this application. Furthermore, the redevelopment of the existing agricultural piece of land to the rear of Nether Street farmhouse would be introducing an inappropriate use to a piece of land with a current appropriate use within the Green Belt.

It is stated that the proposal would better preserve the openness of the Green Belt and that the new dwellings would replace the 'approximate footprint' of the existing buildings and structures. The existing buildings have a total floor area of 348 sq. m., whereas the proposed dwellings have a total of 482.5 sq. m. The building to the south of the barn indicated on Plan Ref: 496/1 has been almost completely removed and as such has not been included within these calculations. In addition to this increase, the spread of the built form throughout the site, along with the encroachment into the adjacent agricultural land, would further impact on the openness of the Green Belt. At present the existing buildings are concentrated within the south-western corner (the offices) and the eastern edge of the site (the barn), whereas the proposed dwellings, garages and refuse store would be located throughout the entire site. Furthermore, the subdivision of the site into four properties would introduce additional boundary treatments, which further impacts on the open character of the area.

Whilst it is accepted that the proposed development may be a visual improvement over the existing commercial site, government guidance is very clear that the appearance of the land has no bearing on its status as Green Belt and even degraded land should be protected from inappropriate development.

As a result of the above, it is not considered that sufficient very special circumstances exist to outweigh the principle harm that would result from this inappropriate development. Furthermore, the increase and spread of built form, subdivision of the site, and encroachment on to the adjoining agricultural land would be detrimental to the openness and character of the Green Belt.

Location/Provision of Development

The non-agricultural element of the application site constitutes previously developed land (PDL), which is the preferred type of land for the siting of new housing. However the sites classification as PDL does not over-ride all other concerns. Paragraph 9.15a of the Local Plan Alterations states that "a *previously developed site may not be suitable for development due to constraints*" which

would include its location within the Green Belt. Furthermore, paragraph 39 of PPS3 states that “*when identifying PDL for housing development, Local Planning Authorities will, in particular, need to consider sustainability issues as some sites will not necessarily be suitable for housing*”. The location, lack of footway and limited access to public transport and local facilities result in this proposal being unsustainable as virtually all journeys would be by private vehicles. As such the benefits of reusing PDL in this instance would be outweighed by the sustainability issues and furthermore, due to the unsustainable location, the development fails to comply with several Local Plan policies and government guidance.

Aside from the above mentioned issues, there are other criteria that need to be assessed on any residential development. Local Plan policy H4A requires that a range of dwellings are provided on a site, including an appropriate proportion of smaller dwellings. This development proposes four very large four bed family homes, with no other dwelling types or sizes offered. As such this fails to comply with policy H4A. Policies H5A and H6A require affordable housing provision to be made on residential development sites over certain thresholds. Given the location of the application site, and as it relates to three or more dwellings on a previously developed site, affordable housing is required on this proposal. The requirements of policy H7A result in a need for at least 50% of this development to be affordable housing, unless it is proven inappropriate or economically unfeasible. No such justification has been made as to why no affordable housing has been provided. The applicant has stated that “*subject to viability, consideration will be given to entering into a Planning Obligation to make a financial contribution towards the provision of affordable housing in this or a nearby parish*”. Affordable housing contributions should only be sought when it is not feasible or practical to erect affordable housing on site, which has not been justified in this instance. However, should planning permission be granted for this scheme then a Section 106 Agreement would be necessary requiring such a contribution to comply with Local Plan policy.

Loss of Employment

Although currently vacant the majority of the site has an established use for commercial purposes. Policy E4A seeks to protect employment sites located outside the defined employment areas from change of use and only in exceptional circumstances will a change to non-employment uses be allowed. Paragraph 10.54a of Policy E4A states, “The Council may consider making an exception to this policy by granting planning permission for uses other than business, general industry and warehousing, where it can be clearly demonstrated that a site or building has been marketed for a reasonable period, at a reasonable price for the use concerned, and where no suitable development proposal has come forward or is likely to do so in the foreseeable future.”

The submitted information indicates the marketing bid to lease the site commenced from ‘autumn 2008’, however the email from the estate agent dated 26 June 2009 states that the marketing commenced from 13 January 2009. As the email is the only accurate piece of supporting evidence submitted the assessment is therefore based on the marketing date of January 2009, which generally indicates a marketing period of approximately seven months. A minimum period of a year to show the site has been actively marketed is required and is considered an important factor when assessing the change of use of an employment site. In addition, under the present economic conditions, it generally takes a longer period to secure a lease for commercial properties, which should also be taken into account.

Further to this, where it can be demonstrated that there is no further need for employment use of a site, policy E4B requires suitable alternatives which fulfil other community uses (including social housing) be considered prior to accepting change to open market housing. As no justification or consideration has been given to use of the land for community uses, this proposal also fails to comply with policy E4B.

Sustainability

Policy ST1 states that “housing will principally be located in existing urban areas, and make best use of land which is, or could be, highly accessible to public transport or close to services and employment opportunities”. It goes on to state that “in rural areas, for development which has transport implications, preference will be given to locations with access to regular public transport services and containing basic shops and other facilities”.

The site is not well served by public transport or local amenities. As such this proposal would lead to a more dispersed pattern of residence and travel, contrary to Local Plan policies, and therefore it is considered that this proposal would not represent a sustainable form of development given its location.

Highways/Parking

Notwithstanding the unsustainable location of the site, as discussed above, the removal of the existing leylandii trees would improve the sight lines and general safety of the existing vehicle access.

Given the unsustainable location of the development maximum parking standards would be required. The proposed dwellings would each have a detached cart-lodge style garage, which would house two cars, and have space for additional/visitor parking within the front gardens. As such the proposed parking provision is considered acceptable.

Overall Design

In principal the design and layout of the proposed development is acceptable and complies with the Essex Design Guide. The dwellings would have a traditional appearance and be one-and-a-half storeys in height with half submerged dormer windows. The proposed detached garages would be of a cart-lodge style, in character with the rural setting of the site. Although the four dwellings would be almost identical (with one pair mirroring the other), the use of alternative, traditional external materials would provide an adequate visual mix. This mix would provide 2 weatherboarded dwellings and 2 rendered properties. The four garages and refuse store would be weatherboarded.

Notwithstanding the issues regarding Green Belt and the unsustainable location of the site, in isolation the design of the proposed development would not be unduly detrimental to the overall appearance of the area.

Landscaping

The existing site primarily consists of areas of hardstanding with the only vegetation being along the boundary of the site. The proposed development would remove the existing leylandii hedgerow to the front and replace this with new planting. Furthermore additional planting would be provided throughout the site. Due to this, and subject to a landscape condition, the provision of additional landscaping to the site would be acceptable.

Amenity Considerations

All the proposed houses have their own private amenity space that meets the required level of amenity space. As such the development complies with Local Plan policy DBE8.

The only neighbouring properties to the application site are Oregon and Nether Street farmhouse. Oregon is located opposite the site on the eastern side of Dunmow Road, and would be a

considerable distance from the closest proposed dwelling. Due to this there would be no loss of amenity to this neighbour.

The adjacent property, Nether Street farmhouse, would be bordered on two sides (south and west) by the proposed development. The new dwelling to the south of this neighbour would be roughly in line with Nether Street farmhouse and would sit side on to the neighbouring site. This house would be set some 5m off the shared boundary and would only contain one first floor flank window facing the neighbour. As this serves a bathroom it would be obscure glazed and therefore would not result in a loss of privacy. Concern has been raised with regards to the location of the house to the west of Nether Street farmhouse (marked up as plot 2 on Plan Ref: 496/2). This would sit directly behind the neighbours dwelling and would be located some 3m from the shared boundary. Although this new dwelling would be visible from the rear of the neighbouring dwelling, and would result in some loss of light to the neighbours rear garden, as this is a small part of a very large rear and side garden it is not considered that this is so harmful as to warrant refusal. Again the only first floor flank window facing the neighbour on this dwelling serves a bathroom, and as such there would be no loss of privacy.

Due to the above it is considered that, whilst there would be some impact on the neighbouring residents, this would not be unduly detrimental enough to refuse the planning application. As such the application complies with Local Plan policies DBE2 and DBE9.

Other Considerations

The site does not lie within a flood risk assessment zone, however it is of a size where it is necessary to avoid generating additional runoff. A Flood Risk Assessment would therefore be required for the development. Furthermore, full details of the proposed foul and surface water drainage would be needed, which could be secured via condition.

Due to its current use for commercial purposes, and its previous use as a farm, along with the presence of made and filled ground, the site is potentially contaminated. Therefore, should approval be granted, a full contaminated land investigation would be required.

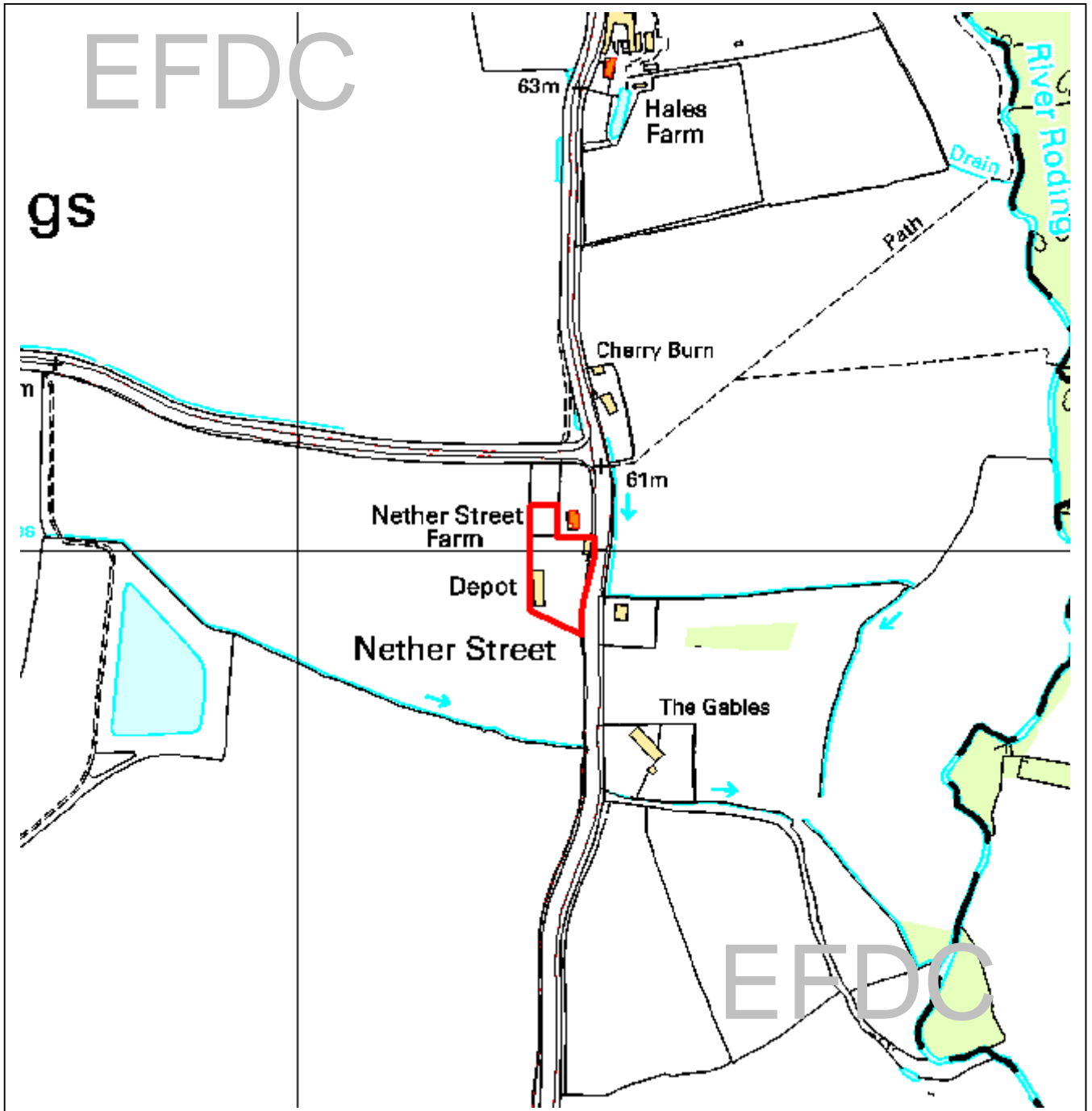
Conclusion:

As outlined above, the principle of this development within the Metropolitan Green Belt would be inappropriate and it is not considered that there are sufficient very special circumstances to outweigh this. As such the development would be harmful to the character and openness of the Green Belt contrary to Government Guidance and Local Plan policy GB2A. Furthermore there are issues regarding the unsustainable location of the development, a lack of affordable housing and an acceptable housing mix, and as the development would result in a loss of employment. Therefore the proposed development is recommended for refusal.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	13
Application Number:	EPF/1297/09
Site Name:	Nether Street Depot, Dunmow Road, Abbess Beauchamp And Berners Roding, CM5 0JT
Scale of Plot:	1/5000

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