

committee agenda



Epping Forest District Council

District Development Control Committee Tuesday, 5th April, 2011

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

Time: 7.30 pm

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

Members:

Councillors B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, Mrs P Brooks, K Chana, D Dodeja, C Finn, Mrs R Gadsby, A Green, J Hart, J Markham, Mrs M McEwen, R Morgan, H Ulkun and J Wyatt

A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M. IN COMMITTEE ROOM 1 PRIOR TO THE MEETING

1. WEBCASTING INTRODUCTION

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

2. The Chief Executive will read the following announcement:

"This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber's lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer"

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

General advice to people attending the meeting is attached.

3. MINUTES (Pages 7 - 14)

To confirm the minutes of the last meeting of the Committee held on 7 December 2010 (attached) .

4. APOLOGIES FOR ABSENCE

5. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

6. DECLARATIONS OF INTEREST

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

7. PLANNING APPLICATION EPF/2385/10 - 1 GRIFFINS WOOD COTTAGES, HIGH ROAD, EPPING - PROPOSED TWO STOREY SIDE EXTENSION (Pages 15 - 22)

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

8. PLANNING APPLICATION EPF/0739/10 - THRESHERS, HASTINGWOOD ROAD, NORTH WEALD ESSEX, CM17 - EXISTING COMMERCIAL SKIP SITE TO BE REDEVELOPED INTO 14 RESIDENTIAL UNITS (Pages 23 - 40)

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

9. PLANNING APPLICATION EPF/0247/09 – LAND ADJACENT TO COPPERFIELD LODGE, HAINAULT ROAD, CHIGWELL – ERECTION OF NEW FIVE BEDROOM HOUSE WITH BASEMENT AND INTEGRAL GARAGE (Pages 41 - 52)

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

10. PLANNING APPLICATION EPF/1399/09- GARDEN CENTRE, 212 MANOR ROAD, CHIGWELL - OUTLINE PLANNING APPLICATION FOR 69 RESIDENTIAL UNITS (54 AFFORDABLE), PUBLIC OPEN SPACE AND A COMMUNITY FACILITY (D1 USE) WITH ALL MATTERS RESERVED EXCEPT ACCESS. (Pages 53 - 76)

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

11. PLANNING APPLICATION EPF/2361/09 – REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE AT 212 MANOR ROAD, CHIGWELL TO PROVIDE 21 FLATS 80% OF WHICH WILL BE AFFORDABLE HOUSING. (REVISED APPLICATION) (Pages 77 - 98)

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

12. **PLANNING APPLICATION EPF/1153/09 – REAR OF 103 HIGH STREET, ONGAR– PARTIAL DEMOLITION OF EXISTING BUILDINGS, CONVERSION AND ADAPTATION OF EXISTING BUSINESS UNITS TO FORM 3 X 1 BEDROOM COTTAGES, CONSTRUCTION OF 2 X 2 BEDROOM COTTAGES, BIN STORES, BIKE STORES AND PROVISION OF PARKING SPACES. (Pages 99 - 122)**

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

13. **PLANNING APPLICATION EPF/1907/10 - LAND REAR OF OAKLEY HALL HOE LANE NAZEING - DEMOLITION OF DERELICT GLASSHOUSE AND SUNDRY STRUCTURES, ERECTION OF 50 BED CARE HOME WITH ASSOCIATED ANCILLARY PARKING AND LANDSCAPING (Pages 123 - 140)**

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

14. **COMPLIANCE WITH REQUIREMENTS OF ENFORCEMENT NOTICES - BLUNTS FARM, COOPERSALE LANE/ABRIDGE ROAD, THEYDON BOIS (Pages 141 - 144)**

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

15. **CONFIRMATION OF TREE PRESERVATION ORDER EPF/119/10 - TOWN MEAD PLAYING FIELDS, WALTHAM ABBEY (Pages 145 - 150)**

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

16. **ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 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.

17. **EXCLUSION OF PUBLIC AND PRESS**

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

Agenda Item No	Subject	Exempt Paragraph Number	Information
Nil	Nil	Nil	

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the

information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

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

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

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

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

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

Such members are required to speak from the public seating area and address the Sub-Committee 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: District Development Control Committee **Date:** 7 December 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.30 pm

Members Present: B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, C Finn, Mrs R Gadsby, A Green, J Hart, J Markham, Mrs M McEwen, H Ulkun, J M Whitehouse and J Wyatt

Other Councillors:

Apologies: Mrs P Brooks, K Chana, D Dodeja and R Morgan

Officers Present: N Richardson (Assistant Director (Development Control)), C Neilan (Conservation Officer), S G Hill (Senior Democratic Services Officer) and R Martin (Website Assistant)

22. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

23. MINUTES

Resolved:

That the minutes of the meeting of the Committee held on 5 October 2010 be taken as read and signed by the Chairman as a correct record.

24. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor J M Whitehouse was substituting for Councillor P Brooks at the meeting.

25. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillors B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, C Finn, A Green, J Hart, J Markham, H Ulkun, J M Whitehouse and J Wyatt declared a personal interests in item 7 of the agenda (EPF/11984/10 – Wintry Mead, Fernhall Lane, Waltham Abbey) by virtue of the applicant being a District Councillor. The Councillors had determined that their interest was not prejudicial and would stay in the meeting for the consideration of the application and voting thereon. The remaining Councillor, Mrs M McEwen, arrived at the meeting after consideration of item 7.

Pursuant to the Council's Code of Member Conduct, Councillor R Gadsby declared a prejudicial interest in item 7 of the agenda (EPF/11984/10 – Wintry Mead, Fernhall

Lane, Waltham Abbey) by virtue of being the applicant. The Councillor indicated that she would leave the meeting for the consideration of the application and voting thereon.

Pursuant to the Council's Code of Member Conduct, Councillor R Gadsby and J Wyatt declared a personal interests in items 8-10 of the agenda by virtue of being a member of the Planning Subcommittee West that had previously considered them. The Councillors had determined that their interest was not prejudicial and would stay in the meeting for the consideration of the application and voting thereon and would base their decisions on the applications on the information presented at the meeting.

26. PLANNING APPLICATION EPF/1984/10 - WINTRY MEAD, FERNHALL LANE, WALTHAM ABBEY - CONSTRUCTION OF REPLACEMENT FRONT ENTRANCE PORCH, WITH ROOF OVERHANG

The Committee considered an application for a replacement front porch at Wintry Mead, Fernhall Lane, Waltham Abbey. The application had been brought before the Committee as the applicant was a District Councillor. The Committee concurred with the view of officers that the application should be granted.

Resolved:

That Planning Application EPF/1984/10 be granted subject to the following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

Reason:- To safeguard the visual amenities of the locality.

27. PLANNING APPLICATION EPF/1662/10 - 1 NORMAN CLOSE, WALTHAM ABBEY - ERECTION OF TWO STOREY DETACHED HOUSE

The Committee considered an application referred by Area Planning Subcommittee West at their meeting on 24 November 2010 for the erection of a detached house on land adjacent 1 Norman Close, Waltham Abbey.

The Committee concurred with the view of Area Subcommittee West that the application was acceptable and noted that no neighbours had objected to the proposals. Additionally they considered that in its cul-de-sac location little traffic would be generated or affected. The proposals of officers for conditions to be imposed on any approval were agreed.

Resolved:

That planning application EPF/1662/10 be granted subject to the following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) No development shall have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The development is located on a visually prominent site, in close proximity to neighbours, and has limited amenity space, and therefore control is required to ensure that there is no detrimental impact on the street scene or neighbour and future occupiers amenities.

(4) No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health.

(5) The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

Reason:- In the interests of highway safety.

(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.

Reason:- In the interests of visual amenity.

(7) No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model

Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(8) Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(9) Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(10) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(11) In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(12) No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

Reason: Since the site has been identified as being potentially at risk from off site ground gases and to protect human health and buildings.

28. PLANNING APPLICATION EPF/1898/10 - BRAMBLES, EPPING ROAD, BROADLEY COMMON - PROPOSED EXTENSION TO NORTH OF EXISTING PROPERTY AND IN-FILL EXTENSION TO SOUTH OF EXISTING PROPERTY. (REVISED APPLICATION)

The Committee considered a planning application referred to it by Area Planning Subcommittee West at its meeting on 24 November 2010. The application sought an extension and in-filling of the property which officers considered, taking into account previous extensions, disproportionate and contrary to policy.

Members, however, concurred with the view of the subcommittee that whilst the proposals wasn't a 'limited development' the property sat on a large site and the extensions would improve its appearance and provide a more compact design. As such they considered that the application should be approved subject to condition.

Resolved:

That planning application EPF/1898/10 at Brambles, Epping Road, Broadley Common, Essex, be granted subject to the following suggested conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the visual amenities of the locality.

(3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, C and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The development is recognised as being contrary to policy as it does not constitute a 'limited extension' under policy GB2A, and therefore restrictions over further additions and alterations are required.

(4) No development shall take place until details of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

Reason:- To ensure satisfactory provision and drainage of surface water in the interests of public health.

(5) If any tree, shrub or hedge 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 of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development.

29. PLANNING APPLICATION EPF/1912/10 -6 FOREST CLOSE, WALTHAM ABBEY - TWO STOREY SIDE AND REAR EXTENSION, SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO MAIN ROOF TO PROVIDE A FLAT TOP. (REVISED APPLICATION)

The Committee considered an application at 6 Forest Close, Waltham Abbey for rear and side extensions. The application had been referred to the committee by Area Planning Subcommittee West at its meeting on 24 November 2010 with a recommendation for approval.

It was noted that the current application sought revisions to a previously granted extension application. The Area Planning Subcommittee were of the view that the extension was acceptable in terms of design and the Committee concurred with this view and granted the application subject to conditions.

Resolved:

That planning application EPF/1912/10 at 6 Forest Close, Waltham Abbey, Essex be granted permission subject to the following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the visual amenities of the locality.

(3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The development is recognised as being contrary to policy as it does not constitute a 'limited extension' under policy GB2A, and therefore restrictions over further additions are required.

30. PLANNING SERVICES - DELEGATION AND AUTHORISATION OF OFFICERS

The Committee considered officer delegation arrangements in respect of Development Control and Forward Planning functions. The Committee had before them schedules that had been circulated as a further supplementary agenda. It was noted that existing planning related delegation arrangements exercised by the Director of Corporate Support Services were unaffected by the proposals.

The Committee, in agreeing the proposals, were of the view that substantive changes should be the subject of report to the District Development Control Committee.

Resolved:

(1) That the Director of Planning and Economic Development be delegated, as of 8 December 2010 until further notice to authorise suitably qualified and/or experienced persons to exercise those functions relating to the management and provision of the planning service as set out in the attached schedules of functions, (i) "Development Control", and (ii) "Forward Planning and Allied Functions";

(2) That the Director of Planning and Economic Development be authorised to update the schedules of functions as a result of legislative and routine updating changes, subject to the agreement of the relevant portfolio holder(s) but with any substantive changes being agreed by the District Development Control Committee;

(3) That the Director of Planning and Economic Development shall maintain an up to date record of the internal scheme of delegation of particular functions; and

(4) That, accordingly, the appropriate amendments to be made to the Schedule of Delegation to Officers be referred to the Constitution and Members Services Standing Scrutiny Panel for incorporation in the Council's constitution.

31. ANY OTHER BUSINESS

There was no further business to be transacted at the meeting.

CHAIRMAN

Report to District Development Control Committee

Date of meeting: 5 April 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/2385/10 – 1 Griffins Wood Cottages, High Road, Epping, Essex, CM16 4DH – Proposed two storey side extension.

Officer contact for further information: M-C Tovey
Committee Secretary: S Hill Ext 4249

Recommendation:

That the committee considers the recommendation of the Area Plans subcommittee East to grant planning permission subject to conditions.

Report

1. This application has been referred by the Area Plans Sub Committee East with a recommendation for approval. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the officer's report is reproduced in full below.

Planning Issues

2. The debate at the sub-committee meeting centred on the recommended reasons for refusal and the harm the proposal may have on the Green Belt, the Conservation Area and existing building.
3. The sub-committee considered that the circumstances of this site justify a larger extension than that which would normally be permitted under the Council's Green Belt policies and that the design is in keeping with the house and would not adversely impact on the character of the Conservation Area. This is on the basis that the extension is set back from the High Road and back from the access road and that there is a substantial hedgerow to one side of the building. However, sub-committee accepted that approval would be contrary to policy.

Conclusion

4. Whilst the proposal is recommended for approval by Area Plans Sub-committee East the planning officer's recommendation to refuse planning permission still stands. This is because the proposal is considered inappropriate development, as it doubles the habitable floor space of the house and is unacceptable by reason of its overall size, design and siting being visually intrusive within the Green Belt, detrimental to the Conservation Area and the existing building and streetscene.
5. Notwithstanding the above, should the Committee grant planning permission it is recommended that this be subject to conditions requiring the submission of external materials, the retention of existing trees and the removal of permitted development rights for further extensions and outbuildings.

This page is intentionally left blank

Extract from Area Plans East 12 January 2011.

APPLICATION No:	EPF/2385/10
SITE ADDRESS:	1 Griffins Wood Cottages High Road Epping Essex CM16 4DH
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Wayne Smith
DESCRIPTION OF PROPOSAL:	Proposed two storey side extension.
RECOMMENDED DECISION:	Refuse Permission (Householder)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523147

REASON FOR REFUSAL

- 1 The application site is within the Metropolitan Green Belt. The proposed extension does not constitute a limited extension to an existing dwelling. The proposed extension by reason of its size and scale would represent a disproportionate addition over and above the original dwelling resulting in a bulky and prominent development within the Green Belt, harmful to openness and contrary to policies CP2, GB2A and DBE4 of the Adopted Local Plan and Alterations. Furthermore, no very special circumstances have been submitted sufficient to outweigh the harm to the Metropolitan Green Belt.
- 2 The proposed extension is considered detrimental to the character and appearance of the Bell Common and Copped Hall Conservation Areas and the existing building by reason of the overall size, scale and materials contrary to policy HC6 and HC7 of the Adopted Local Plan and Alterations.
- 3 The proposed extension represents an incongruous addition to the existing property which by reason of the overall scale, height and design is out of character with, and detrimental to the appearance of the dwelling and the streetscene contrary to Policy DBE10 of the Adopted Local Plan and Alterations.

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

Description of Proposal:

Proposed two-storey side extension. The proposal is 13.9m in length and 5.2m in width, with an overall height of 7.5m.

Description of Site:

1 Griffins Wood Cottage is a 2 storey lodge style detached property with single storey outbuilding to the rear located on the junction of the High Road with the access to the Copped Hall Estate. It is within the Bell Common Conservation Area and adjacent to the boundary to the Copped Hall Conservation Area. The Bell Common Character Appraisal highlights this property as a key building of Townscape Merit, with a positive contribution to the Conservation Area. It is believed to have been built in circa 1900 for workers from the Copped Hall Estate. The property is also within the Metropolitan Green Belt.

Relevant History:

EPF/0515/09 – Single storey rear extension to existing outbuilding including lobby extension to connect to main house – Refused

Policies Applied:

CP2 - Protecting the Quality of the Rural and Built Environment
GB2A - Development in the Green Belt
DBE4 – Design within the Green Belt
DBE9 – Impact on Amenity
DBE10 – Extensions to Dwellings
HC6 – Character, Appearance and Setting of Conservation Areas
HC7 – Development within Conservation Areas

SUMMARY OF REPRESENTATIONS:

EPPING TOWN COUNCIL: Committee object to the proposal which is excessively large and inappropriate in the green belt. The view from the B1393 highway will be damaged as the profile of the building will be considerably increased from the view angle of the road. Therefore, Committee feel strongly that the proposals will be damaging to both the green belt and the conservation area.

NEIGHBOURS

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

Issues and Considerations:

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

- Impact on the Metropolitan Green Belt
- Impact on Amenity
- Design and the Conservation Area

Impact on the Metropolitan Green Belt

The proposal adds approximately 107m² to the floor space of the original house, which results in a percentage increase of 101%, effectively doubling the floor space of the existing property. It is

therefore not considered that this extension can be considered a 'limited' extension to a property within the green belt in line with policy GB2A.

Furthermore, the proposal more than doubles the width of the existing house at two storey from a width of 9.8m to 21.5m and it is considered that this increase in width is detrimental to the character and openness of the Green Belt in this location. The property is clearly visible from the High Road particularly when viewed from the north east.

It is acknowledged that the extension will replace an existing single storey outbuilding; however this is not considered sufficient justification to allow such a large two storey extension to this property. The existing outbuilding has a floor area of approximately 20m² and it is therefore not considered acceptable to replace this with an extension approximately 87m² larger in size.

Amenity

Due to the distances between properties in this location, the proposal is not considered to impact on the neighbouring property in terms of loss of light, outlook or privacy, particularly as the proposal would be screened from Ladderstile Lodge (the nearest property) by existing planting.

Design and the Conservation Area

The proposal adds a large built form to the dwelling, doubling the width of the property. The extension appears almost as a separate entity with a hipped, pitched roof, which is not a feature of the existing, and although the ridge line is lower than the main house, is not considered to enhance or complement the existing building or the streetscene. Although the design of the proposal includes timber detailing to match the existing house, it is not considered to be appropriate in terms of form or scale, particularly with the increased side elevation, the hipped roofs and the poor juxtaposition of roof details on the south west facing side elevation.

The Conservation Officer has objected to the proposal. As outlined above the gate lodge is a key building of townscape merit within the Bell Common Conservation Area and the site is very prominent, visible from both the Bell Common and Copped Hall Conservation Areas. The extended "side" elevation contains the front door of the property and faces the well used access way to Copped Hall. The extension will detract from the character of the building as a traditional gatehouse. The proposal is considered to be out of scale with the existing building and does not enhance the character or appearance of this part of the Conservation Area. The use of pvc double glazed windows (albeit within timber frames) is also considered inappropriate on this property, within the Conservation Area as this is not a traditional material.

The existing single storey outbuilding is modest in size and scale and is of a traditional appearance. Replacing this with a large two storey extension is considered detrimental to the character and appearance of the Conservation Area.

Conclusion:

The proposals are considered to have a detrimental impact on the character and openness of the green belt, do not complement the existing house or streetscene and is considered detrimental to the character and appearance of both the Bell Common and Copped Hall Conservation Areas. Refusal is therefore recommended.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

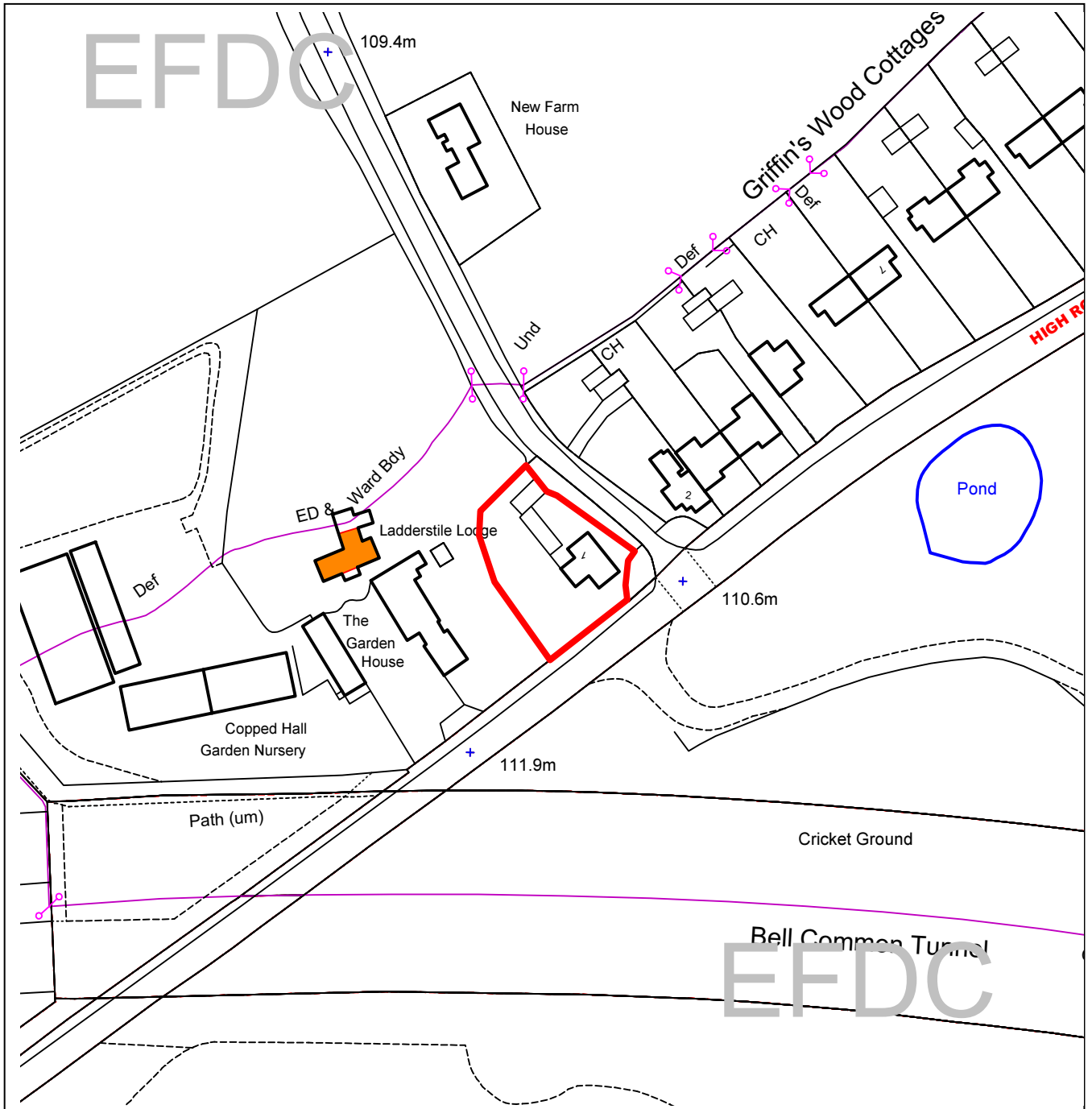
Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371

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



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	4
Application Number:	EPF/2385/10
Site Name:	1 Griffins Wood Cottages, High Road, Epping, CM16 4DH
Scale of Plot:	1/1250

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 5 April 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/0739/10 – Threshers, Hastingwood Road, North Weald Essex, CM17 – Existing commercial skip site to be redeveloped into 14 residential units.

Officer contact for further information: G Courtney
Committee Secretary: S Hill Ext 4249

Recommendations:

That the committee considers the recommendation of the Area Plans subcommittee East to grant planning permission subject to a S106 agreement and the following suggested conditions:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. No development or preliminary groundworks of any kind shall take place until the applicant/developer 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.

Reason:- The site lies a short distance from previous archaeological findings where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Local Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed.

3. Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

4. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of

any building works on site, and shall be used to clean vehicles leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The site is within the Metropolitan Green Belt and permission is only granted due to very special circumstances. Additions and outbuildings may have an adverse impact on the openness of the this part of the Green Belt and/or the character of the area and therefore the specific circumstances of this site warrant the Local Planning Authority having control over any further development.

6. No development shall take place until details of the landscaping of the site, including retention of trees and boundary vegetation and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to ensure adequate screening is retained/provided on the site.

7. 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) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping 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 minor artefacts and structures, including signs and lighting and functional services above and below ground. The 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the

development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

8. Prior to the commencement of the development details of the proposed surface materials for the access, turning and parking areas 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.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

9. Prior to occupation of the proposed development, the applicant/developer shall be responsible for the provision of a Travel Information and Marketing Pack for sustainable transport to be approved by the Local Planning Authority in liaison with Essex County Council.

Reason: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport strategy 2006/11.

10. Prior to commencement of works, details of the proposed access and footway arrangements as shown in principal on Plan Ref: BRD/09/030/2 Rev: B shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include a 7.5m minimum radius kerbs, the provision of a 1.8m footway across the site frontage, and a ramped table feature.

Reason:- In the interest of highway safety, efficiency and accessibility.

11. Prior to first occupation of the development hereby approved, there shall be no obstruction within a parallel band visibility splay 2.4m wide as measured from the back edge of the carriageway across the entire frontage onto Hastingwood Road.

Reason:- To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

12. The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

Reason:- In the interests of highway safety.

13. A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.

Reason:- The development is of a size where it is necessary to avoid generating any additional flood risk downstream of the storm drainage outfall.

14. 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.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

15. Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To enable appropriate consideration to be given to the impact of the intended development upon adjacent properties.

Report

1. This application has been referred by the Area Plans Sub Committee East with a recommendation for approval subject to a £200,000 total financial contribution being made by the applicant, with £40,000 being allocated for Highways to repair the surrounding roads, and the remaining £160,000 for off-site affordable housing provision. The report to the sub-committee carried a recommendation from officers to approve planning permission subject to a S106 Agreement that would provide £100,000 financial contribution for affordable housing in lieu of on-site affordable housing provision. The officer's report is reproduced in full below.

Planning Issues

2. The sub-committee generally agreed with the Planning Officers recommendation, however considered that the applicant should make a £200,000 financial contribution rather than the £100,000 offered. The reasoning behind the decision is that an independent appraisal was undertaken on the submitted documentation by GVA Grimley, on instruction from the Council, and concluded that the applicants could afford to provide a £485,000 contribution in lieu of on-site affordable housing provision. The applicant disputes this figure as they have argued that relocation costs and a high initial purchase price of the land make this figure uneconomical, and it was considered by Planning Officers that a £100,000 financial contribution would likely be sufficient due to these circumstances. However, Members considered that the offered £100,000 is too low and a more acceptable compromise figure would be £200,000.
3. With regards to the use of this contribution, it is recommended by Members that £40,000 of the required £200,000 be used for highway repairs around the site, as the existing use by a Commercial Skip Site and high volumes of HGV traffic movements have caused considerable damage to the roads, and the remaining £160,000 be used for affordable housing in-lieu of providing on-site affordable housing (which it is considered would be unsuitable for this particular location).
4. The above request has been discussed with the applicant and they are **not prepared** to provide a £200,000 financial contribution. Furthermore, the proposed use of £40,000 for road improvements has been discussed with Essex County Council Highways Officers and they consider that there is insufficient justification in asking for this with respect to highway improvements. Whilst it is appreciated that Hastingwood Road may benefit from repair, to justify asking for a £40,000 contribution for this would need the LPA to prove that the damage has been caused by this site, rather than general usage on the road.

Conclusion

5. The application must be decided by District Development Control Committee as it is contrary to Local Plan policy, and Members recommended that it be approved subject to the above conditions and a S106 Agreement with regards to a £200,000 financial contribution towards affordable housing and highway improvements.
6. Whilst the above is the recommendation put forward by Members, the planning officer's recommendation to approve planning permission subject to the above conditions and a S106 Agreement securing £100,000 financial contribution for affordable housing still stands.

ORIGINAL PLANS SUBCOMMITTEE EAST REPORT

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

Description of Proposal:

The proposed scheme is to redevelop the existing commercial skip site to a development of fourteen residential units, plus associated car parking, cycle and bin storage. The dwellings would all be three storey (incorporating the roof areas) two bed properties, although each would have a separate 'study' that could be utilised as a third bedroom. The properties would be laid out in three terraces. The front of the site would contain two terraces of three and four dwellings running along the building line of the existing linear development. These two terraces would be divided by an access road leading to the car parking area and a further terrace of seven dwellings in the rear portion of the site, running at a right angle to the front terraces. These seven dwellings would back onto the side boundary of the neighbouring property known as Threshers Cottage. The development would incorporate 32 parking spaces, a cycle store for 12 bicycles, and a small bin store to serve Plots 9-12 (inclusive), which do not have access to the rear or side garden to allow for individual bin storage.

Description of Site:

The application site is a commercial skip site located on the south eastern side of Hastingwood Road at the end of a small linear residential development of some sixteen dwellings. To the south west are further detached dwellings, which are separated from the site by a field. To the immediate rear of the site are open fields.

The site covers an area of some 0.3 hectares and is predominantly covered in hardstanding. There is bunding and coniferous planting along the boundaries and areas of waste storage and HGV parking, along with existing buildings within the site. The site is located in a rural Green Belt location, although it is in fairly close proximity to the M11 motorway and outskirts of Harlow Town.

Relevant History:

EPO/0092/60 - Use of building for wholesale distribution depot – refused 05/04/60
EPF/0015/77 - Outline application for offices and stores on site of existing – refused 14/01/77
EPF/0569/77 - Proposed extension to existing building to provide toilet block – approved/conditions 23/06/77
EPF/1046/77 - Erection of office extension – approved 03/10/77
EPF/0144/85 - Formation of service road on agricultural land – refused 01/04/85
EPF/1491/86 - Erection of detached office building – approved/conditions 09/03/87
EPF/1248/87 - Change of use of agricultural land to haulage depot – refused 11/09/87
EPF/0899/89 - Change of use of agricultural land to haulage depot – refused 23/06/89
EPF/1399/89 - Temporary office accommodation (portakabin) – approved 03/01/90
EPF/1400/89 - Raising existing skip rubble bin by 450mm – approved 03/01/90
EPF/0856/94 - Reposition of existing waste transfer compound and sand and ballast bins within site – approved/conditions 31/10/94

CM/EPF/0003/95 - Temporary portacabin office, weighbridge, weighbridge office and toilet – approved 20/10/95

CM/EPF/1197/96 - Change of use from open space to B2 industrial, diesel tank reposition and additional waste compound (County matter) – approved 14/01/97

EPF/0943/98 - Installation of a wood burning combination unit (including 10m high chimney) for heating existing workshop building – refused 26/10/98

EPF/1629/98 - Installation of a wood burning combustion unit (including 10m high flue) for heating existing workshop (Revised application) – refused 15/02/99 (appeal dismissed 16/08/99)

EPF/1293/04 - Retention of a palisade gate and fence – refused 23/08/04

EPF/1294/04 - Retention of change of use of agricultural land to commercial – refused 23/08/04

EPF/0902/07 - Change of use of disused former agricultural land to storage as part of existing waste transfer station and retention of metal palisade security fencing and gates – refused 18/07/07 (appeal dismissed 18/07/07)

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

GB2A – Development in the Green Belt

GB7A – Conspicuous development

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

H9A – Lifetime homes

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt

DBE6 – Car parking in new development

DBE8 – Private amenity space

DBE9 – Loss of amenity

RP5A – Adverse environmental impacts

LL11 – Landscaping schemes

E4A – Protection of employment sites

E4B – Alternative uses for employment sites

I1 – Planning obligations

SUMMARY OF REPRESENTATIONS:

20 neighbouring properties were consulted and a Site Notice erected on the front fence of the site on 18 May 2010.

PARISH COUNCIL – No objection subject to the following: That the existing use is not transferred to a different site by the proprietor and does not continue on a different site within the Parish, and that a Section 106 Agreement is sought for the local community of Hastingwood in relation to either a S106 planning gain towards Highways or for the Hastingwood Village Hall, which would benefit the local community.

FOREBURY HOUSE – Object as this would introduce 14 additional families into an area with no facilities, as this would increase the noise as it would be for longer periods of the day/night and at weekends, the proposed rubbish stores would attract rats, there would be an increase in vehicles movements to and from the site, there is insufficient parking provision, and the existing site is not as problematic to neighbour amenities as being made out. Also concerned with the replacement of the existing hedge by a 4' post and rail fence and new hedge, which will take several years to mature and replicate the existing screen. This would therefore result in overlooking from the proposed development. Also there should be no access from the site onto the adjoining field.

CHURCH FARM HOUSE, HASTINGWOOD ROAD – Concerned about the amount of traffic this redevelopment would cause and potential loss of the existing trees and screening.

ROBERT HALFON MP – Support the application on behalf of the residents of Hastingwood as the current usage has caused great distress and hazard to the surrounding residents and private housing would be far more appropriate.

2 BELLEVUE VILLAS, HASTINGWOOD ROAD – Support the application as the existing use is harmful to amenities and the redevelopment would be more in keeping within the rural village. The development would reduce the level of lorries using the site and would better serve the local area. The houses would be well designed and not detract from the street scene.

THE LAURELS, HASTINGWOOD ROAD – Support the application as this would remove the existing harmful use, which results in large lorry movements, and replace it with a well designed and more appropriate housing development that would provide much needed small housing within this rural settlement.

HIGH CROSS, HASTINGWOOD ROAD – Support the application as this would remove the existing detrimental use from the site and would be more beneficial to the village.

8 WILLOW PLACE – Support the application as this would go some way to restore the nature of Hastingwood village which currently suffers greatly from heavy traffic and noise.

A signed standard letter has been received from each of the 54 addresses listed below, which reads:-

“I/We fully support Hastingwood Action Group to approve the above proposal.”

2 HILL VIEW VILLAS, HASTINGWOOD ROAD
HASTINGWOOD HOUSE, HASTINGWOOD ROAD
BETTER BY PHYSIO, HASTINGWOOD HOUSE, HASTINGWOOD ROAD
THE COTTAGE, HASTINGWOOD HOUSE, HASTINGWOOD ROAD
6 SCRAP VILLAS, HASTINGWOOD ROAD
THE LEAS, HASTINGWOOD ROAD
WILLOW COTTAGE, HASTINGWOOD ROAD
AMBER COTTAGE, HASTINGWOOD ROAD
1 HASTINGWOOD VILLAS, HASTINGWOOD ROAD
2 HASTINGWOOD VILLAS, HASTINGWOOD ROAD
2 BLACKSMITHS COTTAGE, HASTINGWOOD ROAD
WYNTERSBROOK, HASTINGWOOD ROAD

THRESHERS COTTAGE, HASTINGWOOD ROAD
3 BELLEVUE VILLA, HASTINGWOOD ROAD
4 SCRAP VILLAS, HASTINGWOOD ROAD
5 SCRAP VILLAS, HASTINGWOOD ROAD
HEWELSFIELD, HASTINGWOOD ROAD
THE FIRS, HARLOW COMMON
CRUMPS COTTAGE, HARLOW COMMON
MOUNT HOUSE, HARLOW COMMON
SLOLEY, HARLOW COMMON
SEARLES FARM, HARLOW COMMON
WHITE COTTAGE, HARLOW COMMON
WOODLANDS, HARLOW COMMON
5 WILLOW PLACE
7 WILLOW PLACE
9 WILLOW PLACE
AMBER COTTAGE, FOSTER STREET
1 OLD FARM COTTAGE, FOSTER STREET
2 OLD FARM COTTAGE, FOSTER STREET
3 CROFT COTTAGE, FOSTER STREET
THREEWAYS, FOSTER STREET
THE HARVEST, MILL STREET
SHANGRILA, MILL STREET
WOODLANDS, MILL STREET
TWO CHIMNEYS, MILL STREET
MILLSTREAM COTTAGE, MILL STREET
MORNING SUN, MILL STREET
4 ROSE COTTAGE, MILL STREET
5 ROSE COTTAGE, MILL STREET
6 ROSE COTTAGE, MILL STREET
CRABBES FARM, MILL STREET
2 POPLAR COTTAGES, MILL STREET
LITTLE CASM, MILL STREET
SHANKS FARM, MILL STREET
THE BUNGALOW, MILL STREET
SOUTHOE, MILL STREET
GINGERBREAD COTTAGE, GLOVERS LANE
THE CROFT, GLOVERS LANE
GLOVERS FARM, GLOVERS LANE
15 PARK AVENUE, POTTER STREET
TARA, LONDON ROAD
HILLHOUSE, LONDON ROAD
6 GOURD CLOSE, MORETON

Whilst most of these letters have no further comments, those that have support the application for the following reasons:

- The area is not suitable for industrial use;
- The redevelopment would improve the area;
- The proposal would reduce the level of HGV traffic in the area;
- Residential units would be preferable to the existing skip site;
- Housing would be more beneficial for the village of Hastingwood;
- This would remove the existing noisy use.

The concerns that have been raised in these letters are:

- Fourteen dwellings seems excessive for this small site;
- Concern about having adequate parking facilities.

Issues and Considerations:

The main issues relate to whether there are very special circumstances sufficient to overcome the clear in principle harm to the Green Belt that would result from the development, loss of an employment site, the design and impact on the character of the area, impact on neighbouring amenity, highways issues, and need for affordable housing.

Green Belt

The site is within the Metropolitan Green Belt and clearly constitutes inappropriate development, which is therefore by definition harmful and should be resisted unless there are very special circumstances applicable in this instance that would clearly outweigh this, and any other, harm. The applicants have accepted that the proposal constitutes inappropriate development; however argue that there are very special circumstances in this instance. The arguments put forward are the following:-

- The application site is a brownfield site and constitutes Previously Developed Land, being commercial in nature, and its redevelopment to housing complies with guidance given in PPS3 and Local Plan policy H2A.
- The redevelopment would result in the removal of a long established, intrusive and noisy activity.
- The redevelopment would radically reduce the amount and type of vehicle movements to and from the site.
- Residential development will bring forward amenity benefits to neighbouring residents.
- The development would provide smaller dwellings within this rural area.

Further to the above arguments, it is stated by the applicants that the proposed development would help in creating a more open feel to the site and would not contravene the five purposes of defining the Green Belt. These purposes are:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns from merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

As the development would result in increased built development on the site, officers consider that the proposal would contravene some above 5 purposes and there is an 'in principle' harm resulting from this inappropriate development, therefore this and all other harm would need to be **clearly outweighed** by any very special circumstances. The harm and benefits will be assessed individually below and weighed up within the conclusion of this report.

Effect on the Visual Amenity of the Green Belt and the Character of the Area

The application site is a large plot adjacent to a linear residential enclave within this rural Green Belt location. The existing site is predominantly covered in hardstanding and contains unsightly commercial buildings, open storage, and HGV parking. Whilst there is substantial screening along the boundaries of this site, it is agreed that the existing use and appearance of the site does not complement or enhance the appearance of this Green Belt countryside location. The quality of Green Belt land

though is very rarely a justification for allowing replacement with an in principle inappropriate development.

The proposed development would comprise of fourteen houses located in three terraces, two along Hastingwood Road and one towards the rear of the site at a right angle to the highway. This would result in a higher level of built form within the site, both in terms of floor space and volume and would introduce built frontage along Hastingwood Road (which does not currently exist on this site). The siting and design of the proposed houses would in effect extend the current ribbon of housing in this locality along this part of the road. The rear terrace however would introduce housing into the rear portion of the site, which does not conform with neighbouring housing plots that are characterised by housing located close to the road frontage with deep, narrow gardens behind.

The proposed density of the scheme is 42 dwellings per hectare, which falls within the recommended 30-50 dwellings per hectare as set out in policy H3A.

The overall design of the properties, composed of traditional roofed houses, narrow width but deep front to rear span, reflects the house style of the locality, even accounting for the use of the roof void served by dormers to the rear of the proposed houses, which are not necessarily repeated regularly in the present street scene. From a view obtained directly from Hastingwood Road, the appearance of the site will be visually improved, though this should be balanced against the fact that they will introduce more prominent form, scale and massing of buildings compared with the current more open aspect of the site. The massing and visual built-form is accentuated by the proposed houses at the rear and expanse of car parking and access road.

Whilst the dwellings to the rear are considered at odds with the built form of the area, the termination of the lawful use and replacement with a housing development would result in a significant visual improvement of the site. Green landscaping is also proposed, which would include boundary planting and trees within the communal parts of the site (i.e. the parking areas) and would help to partly off-set the extent of built form and hard-surfacing, the precise details of which can be considered and agreed by condition.

Loss of an employment site

The policies of the Local Plan as contained in E4A and E4B seek to retain or re-use existing employment sites, where these are appropriate, and gives a list of requirements to justify such loss (such as a lack of market demand). Of particular relevance (and the justification put forward by the applicant) is that the existing use results in “*material conflicts with adjoining land uses (e.g. by reason of noise, disturbance, traffic, environmental and amenity issues)*”. The site is located adjacent to residential properties and is a use that would likely cause problems to neighbouring residents. Furthermore it is stated within the submitted Design and Access Statement that the current use involves up to 200 vehicle movements per day, with around 80% of these being HGVs. Whilst it is regrettable to lose an existing employment site, the level of support received from surrounding residents clearly show that this level of heavy vehicle movement, combined with the day to day working of the commercial skip site, results in harm to the surrounding residential units and the nature of the surrounding road system. Whilst an alternative business use may have a less disruptive impact on the living conditions of the neighbouring residents, this would offer little incentive for the applicant to relocate the current business from the site.

Due to the above it is considered that the loss of the employment site complies with policy E4A. When such a loss is accepted, policy E4B deals with alternative uses of these sites. This can allow for housing, but only when the Council is convinced that the site would not be suitable for community use. It is stated by the applicant that this site is not in a suitable location to provide community need and that such a use would not be economically viable. The site is within an unsustainable location, as it is not well served by public transport or local facilities (although it is a relatively short distance from the M11 and edge of Harlow, however this would not promote or support alternative modes of transport). Whilst it is accepted that community use in such an unsustainable location would not generally be permitted (unless there is a proven local need for such use, which is not the case in this instance) neither should open housing. However, the main reason for the proposed redevelopment of this site is to remove the harmful (in terms of neighbours' amenities) commercial use. To achieve this goal, and to allow for the existing commercial use to relocate elsewhere, the scheme needs to be economically viable. Whilst the viability of the development will be addressed later in this report, it is accepted that a community use on this site would not provide sufficient value to the land to allow for this relocation. As such it is considered that open market housing would be an appropriate use (in terms of policy E4B) for this site.

Impact on amenity

Although from a Planning point of view the existing site is not what would be defined as a 'problem site', as it has consent and is restricted by condition (i.e. with regards to times of use) and has not resulted in numerous Enforcement Investigations, it is clear from the level of support received from surrounding neighbours that the site as existing does result in a loss of amenities to neighbouring residents. Furthermore, as there are some 59 letters of support received (yet only 20 dwellings within the immediate surrounding area), the existing site clearly has a wider reaching impact than just that to neighbouring residents. This argument is clearly the strongest issue put forth by the applicant and local desire to remove the non-conforming use and replacement with this form and extent of residential development has been given weight to what would otherwise be a clear grounds for refusal of planning permission because of its in principle harm to the green belt and its openness.

Although the redevelopment of the site to fourteen dwellings would still result in a relatively high level of vehicle movements, and activity, which would be for longer periods of times than the commercial skip site (with the peak times being evenings and weekends), this would be domestic activity that would be far less harmful to the amenity of neighbours than the existing usage. With the exception of Plot 8, the proposed new dwellings to the rear of the site (backing onto Theydon Cottage) would comply with the minimum required 15m window to shared boundary distance as specified within the Essex Design Guide. Plot 8 would only provide 12m distance, however given the length of the neighbours garden and limited impact from this single dwelling, it is not considered that excessive loss of amenity would result.

With regards to amenity considerations for future residents on the site, the new dwellings propose between 50 and 92 sq. m. of private amenity space. Whilst the dwellings are described as two bed properties, they all incorporate a separate study which could be used as a third bedroom. As such, each property has five habitable rooms and would therefore require 100 sq. m. of private amenity space to comply with the Essex Design Guide and policy DBE8. These proposed gardens fall some way short of this (with eleven of the fourteen providing just half of this requirement). Although the Essex Design Guide does state that 100 sq. m. minimum garden size is

usually expected for three or more bedroom houses, it does state that “*narrow fronted houses may result in long, thin, impractical gardens*” and that “*there may be some houses which, due to their situation in the layout, cannot be provided with a private garden to the required standard*”. Compared with neighbouring houses, the proposed private garden areas are more in proportion to their respective houses and will provide sufficient outdoor amenity space to serve the needs of the future occupants, (subject to the removal of permitted development rights). Additionally Government guidance suggests that amenity space standards should not be applied rigidly.

Highway Issues

The applicant has stated within the submitted Design and Access Statement that the existing use involves up to 200 vehicle movements per day, with around 80% of these being HGVs. The proposed redevelopment is estimated to generate between 70 and 84 movements per day, almost all of which would be private cars. As such the proposal would result in a significant material decrease in traffic compared with the authorised use and therefore reduce the demand on the capacity of junctions nearby. Essex County Highways have raised no objections, subject to conditions with regards to the proposed access and the internal estate road details (levels, gradient, surfacing, etc.) and therefore these figures are considered correct. No Highway Contribution is required for the proposed development.

The development proposes 32 parking spaces, and a store for 12 bicycles. This would provide 28 spaces for the dwellings and 4 visitor spaces as required by the Essex County Council Vehicle Parking Standards (2009). Whilst this also would require 14 bicycle spaces (1 per dwelling), it is considered that a secure storage area for 12 bicycles is sufficient.

Sustainability

The site is not a particularly sustainable location for new development, in that any residents are likely to be heavily reliant on the private car for their everyday needs, but it is considered that the existing lawful use as a commercial skip site is similarly unsustainable and results in more additional trips and traffic, including HGV's being drawn into the rural area. There are bus stops within the surrounding area with links to the main town centre of Harlow (Monday to Friday every 15 minutes) and the Hastingwood Community Hall is within walking distance.

Affordable Housing

The proposal does not include any provision for affordable housing on site. Policy H7A states that where the population of a settlement is less than 3,000, and in conjunction with Policy H6A(ii), affordable housing should be sought as follows “*a) 50% of the total of new dwellings on a Greenfield site; b) on a previously developed site 33% where an application is made for 3 units and 50% for applications of 4 or more new dwellings*”. Therefore on a scheme such as this, which is on previously developed land and has a net increase of 14 dwellings, 7 units should be made available as affordable housing. It was originally stated by the applicant that the provision of affordable housing would render the scheme unviable and would not allow for the existing commercial use to relocate. The provided figures were forwarded to an independent assessor for a viability appraisal to be undertaken.

This independent appraisal concluded that, with a Government Grant the developers could provide 50% (7 dwellings) on site affordable housing, and without a grant could

provide 4 affordable houses on site. Since this appraisal there has been a recent change in Government funding for affordable housing, and subject to this it is considered that 7 affordable units could be provided on site. Notwithstanding the above, it is felt that the location of the application site would not be suitable for affordable housing, specifically due to its unsustainable location and lack of a population base. However, given the general requirement for affordable housing within the district, there is a policy requirement for a contribution towards affordable housing to be made when it is not considered relevant for on-site provision.

Based on this, the viability appraisal concluded that the applicants could afford to provide a £485,000 contribution in lieu of on-site affordable housing provision. This figure is disputed by the applicant as they have argued that relocation costs, coupled with a high initial purchase of the land, make such a contribution out of reach. Whilst such relocation costs would not normally be relevant to such a viability appraisal, in this instance the main goal of the proposal is to relocate the existing commercial site elsewhere to remove the harmful use from the site. It was local residents approach to Director of Planning and local councillors seeking the potential to redevelop the site for housing to remove the current unneighbourly and non-conforming use that was the incentive for the applicant to submit this planning application and therefore, given the applicant is likely to walk away from the proposed development if there is little financial gain, the offer of a contribution of £100,000 in lieu of on-site affordable housing provision has, in this unusual case, been accepted. This would need to be subject to a signed planning obligation through a Section 106 Agreement.

The Parish Council have requested that a contribution should be sought for the local community in the form of either a Highway Contribution or for use on Hastingwood Village Hall. Essex County Council Highway Officers have stated that there is no requirement for a highway contribution in relation to this application and the Parish Council are due to benefit from a recent £100,000 contribution with regards to an application at Brent House Farm, Harlow Common (EPF/1370/10). This previous contribution is considered sufficient to benefit the existing Community Hall and given there was acceptance by Members at the time, there were some who felt that a contribution should remain for affordable housing, which can be rectified in this current proposal.

Other Issues

The site, given its previous use, is potentially contaminated and there is a need for additional surveys to be carried out and potential remediation work, but this can be adequately controlled by a planning condition.

The application site has been identified as having potential archaeological implications. Historic Environment Records show that the proposed housing development lies at a short distance to the north of the medieval moated site of Paris Hall, now part of Paris Hall Farm (EHER 3724). The proposed development is also sited close to a former Chapel of Ease, adjacent to Church Farm, and fronts onto the medieval or later Hastingwood Road. Taking into account the disturbance caused by the proposed development and the potential for surviving archaeological remains associated with medieval settlement activity along Hastingwood Road, a condition regarding archaeological work is required.

The development is of a size where it is necessary to avoid generating additional runoff and should improve existing surface water runoff. As such a Flood Risk Assessment is required for these works, which can also be covered by a condition.

Conclusion:

This is an extremely balanced case. In virtually all other circumstances where housing is proposed in the Green Belt, planning permission would be recommended for refusal without significant on-site provision of needed housing in the district in the form of affordable housing,

Added to this, the proposed residential development constitutes inappropriate development within the Green Belt. It is not agreed that the development would not contravene the purposes of including land in Green Belts, particularly as the development would not “*assist in safeguarding the countryside from encroachment*”. Furthermore, the development would introduce a form of built development at the rear out of character with the linear built form of the existing built up enclave, and in order to get 14 houses and the parking on the site, the gardens are made small and the car parking areas dominate. It also would provide just £100,000 financial contribution in lieu of on-site affordable housing provision (as opposed to the calculated £485,000 required/possible). Whilst the offered sum with regards to affordable housing is lower than the independent viability appraisal considered possible, the relocation costs are claimed to make any higher figure uneconomical. For a scheme delivering 14 houses in a desirable countryside location, in the Green Belt, Officers find this a little difficult to accept.

It must appear baffling therefore why officers are recommending to grant planning permission in this case. So what are the very special circumstances that just tip the balance in favour of the development?

The very special circumstances in this case primarily relate to the removal of this ‘poor neighbour’ use of the site, the reduction of vehicle movements, and on balance improvements to the visual impact on the site. There has been a large amount of support from local residents to highlight this argument, who clearly state that it would be more desirable to their amenities and in the interest of the countryside and the Green Belt to have this use replaced by a more visually acceptable and ‘good neighbour’ development.

The housing proposal is in keeping in terms of design which, whilst a little isolated and non-sustainable in relation to access to public transport and local facilities, is comparatively more sustainable in terms of traffic movement than the lawful use. Local residents support the proposed development and the Parish Council have raised no objection to the scheme. The proposal would not detrimentally impact on highway safety and would provide adequate on-site parking provision.

There are grounds to refuse planning permission in this case and if Members choose to do so, there is likelihood, in Officers opinion, that any appeal lodged would be dismissed and the refusal upheld, but with planning on the verge of becoming even more democratic to give significant weight to the wishes of the community, who have predominantly spoken in support of the scheme in this case, the application on balance is recommended for approval, subject to the financial contribution (secured by a S106 Agreement) and relevant conditions.

However as the proposals are contrary to the adopted policies of the Local Plan, should members agree the officer recommendation to grant, the application will need to be referred to the District Development Control Committee for decision.

This page is intentionally left blank

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 5 April 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/0247/09 – Land adjacent to Copperfield Lodge, Hainault Road, Chigwell – Erection of new five bedroom house with basement and integral garage.

**Officer contact for further information: K Smith
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee refuses planning permission for the development described above, for the following reason:

- 1. The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice in PPG2 and policy GB2A of the adopted Local Plan and Alterations. There are no very special circumstances that are sufficient to outweigh this harm in Green Belt terms.**

Report Detail

1. (Director of Planning and Economic Development) Members may recall this application, which was considered by the Committee in June 2009. The Committee resolved to grant planning permission subject to the completion of a Section 106 legal agreement to secure:

- The provision of additional car parking for Victory Hall and the transfer of the appropriate portion of the land to the District Council's ownership prior to the commencement of the development.

2. A copy of the previous report to the District Development Control Committee is attached as Appendix 1.

3. Despite planning permission being granted for the creation of the additional car parking spaces for Victory Hall by this Committee in December 2009, no legal agreement has been completed to secure the planning obligations listed above. The implications of the absence of these planning obligations on the planning merits of the proposal now requires consideration.

4. Government guidance relating to the use of planning obligations is contained within Circular 05/05 and within the Community Infrastructure Levy (CIL) Regulations 2010.

5. Supporting text of Policy I1A of the Local Plan re-states the guidance within Circular 05/05, that in general it will be reasonable to seek, or take account of, a planning obligation if what is sought or offered is:

- Needed to enable the development to go ahead and, in the case of financial payment, will meet or contribute towards the cost of providing such facilities in the near future; or
- Necessary from a planning point of view and is so directly related to the proposed development and to the land after its completion that the development ought not to be permitted without it.

Planning Issues

6. The suggested Heads of Term for the legal agreement were intended to address the impact of the development on the Metropolitan Green Belt.

7. The application site is located within the Metropolitan Green Belt, where the proposed development would be inappropriate. On this basis, planning permission may only be granted if it can be demonstrated that there are very special circumstances which outweigh the harm to the Green Belt.

8. When this application was considered previously by the District Development Control Committee, the Committee carefully considered the case for very special circumstances. Members accepted that there were very special circumstances in this case that outweighed the harm of built residential development in the Green Belt, which were that the proposed parking was needed at the location and that the proposed house would fill a gap in the existing built frontage on Hainault Road and was supported by many local people.

9. Whilst the provision of the additional car parking for Victory Hall provided only part of the case for very special circumstances, it was fundamentally this that justified what is inappropriate in Green Belt terms. It is considered by Officers that it formed such a substantial component that, in its absence, the case for very special circumstances is weakened to the extent that it would no longer outweigh the harm to the Green Belt caused by the proposal.

Conclusion

10. In light of the above appraisal, in the absence of the matters to be secured by legal agreement the proposed development would be in conflict with the Local Plan due to the inadequacy of the case for very special circumstance for permitting the development within the Green Belt.

11. A period of 21 months has lapsed since the Committee's resolution to grant planning permission subject to the completion of a legal agreement and no significant progress has been apparent since the planning permission for the car parking was obtained some 15 months ago. The failure to provide the additional car parking for Victory Hall would result in the case for very special circumstances being eroded to the degree that it would no longer mitigate the identified harm to the Metropolitan Green Belt.

12. It is for this reason that it is recommended that planning permission now be refused.

Extract

**Report to District Development Control
Committee**

Date of meeting: 9 June 2009



**Epping Forest
District Council**

Subject: Planning Application EPF/0247/09 – Land adjacent to Copperfield Lodge, Hainault Road, Chigwell – Erection of new five bedroom house with basement and integral garage.

**Officer contact for further information: K Smith
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee considers a planning application on land adjacent to Copperfield Lodge, Hainault Road, Chigwell for the erection of new five bedroom house with basement and integral garage which has been referred by Area Plans Subcommittee South without recommendation.

Report Detail

1. This application has been referred by the Area Plans Sub Committee South. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the planning merits of the case are attached.

Planning Issues

2. The debate at the sub-committee meeting centred around whether the site fulfils the purposes of being included within the green belt; whether there is a need for the provision of additional parking spaces for Victory Hall; and whether the provision of the additional car parking spaces is sufficient grounds to justify an otherwise inappropriate development within the green belt.

3. Some Councillors thought that the inclusion of this piece of land within the green belt was anomalous and that the construction of a house on the site would be more in keeping with the street scene. The view was also expressed that the land is in an untidy condition. Other Councillors felt that the green belt boundary should be considered through other processes and that it was not appropriate to consider the merits of the inclusion of the land in the green belt through the Development Control process.

4. Accordingly, they felt it was too soon to consider allowing a dwelling on the site. With regard to the dwelling itself, there was some debate regarding its size, with

some Councillors considering that the dwelling was too big, and others considering that its size was in keeping with other dwellings within the street. One Councillor expressed an opinion that the amount of car parking proposed was not enough to justify very special circumstances for allowing a development within the green belt, but felt that there was sufficient space within the site for the amount of car parking provided to be increased.

5. When the application was finally considered Councillors were unable to make a decision. 7 votes were recorded against the proposal and 7 votes were recorded in favour of the proposal, with one abstention. The Committee Chairman declined to use her casting vote and accordingly the application has been referred to the District Development Committee.

Conclusion

6. The Committee should consider whether there are exceptional circumstances in this case that would outweigh the harm to the open character and appearance of the Metropolitan Green Belt.

District Development Control Committee
9 June 2009

Extract from Area Plans Subcommittee South Agenda 15 April 2009
Report Item No: 5

APPLICATION No:	EPF/0247/09
SITE ADDRESS:	Land Adjacent to Copperfield Lodge Hainault Road Chigwell Essex
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Syed Raza
DESCRIPTION OF PROPOSAL:	Erection of new five bedroom house with basement and integral garage.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The site is within the Metropolitan Green Belt. The proposed development is inappropriate development in the Green Belt and, by definition, harmful. It is at odds with Government advice contained within PPG2, and Policy GB2A of the adopted Local Plan and Alterations and moreover would detract from the openness of the Green Belt at this location. No very special circumstances have been demonstrated to justify the granting of planning permission in this case.

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:

Planning consent is being sought for the erection of a new five bedroom house with basement and integral garage.

Description of Site:

Large overgrown plot located on the eastern side of Hainault Road within the Metropolitan Green Belt. To the north lies a site accommodating Chigwell Library, Chigwell Parish Council offices, a Working Men's Club and Victory Hall. To the south lie two detached dwellings, namely Nos. 30 and 40a (Copperfield Lodge). Open views exist to the rear. Chigwell underground station is located some 250m from the site and Hainault Road is on the 167 London bus route.

Relevant History:

Varied history dating back to 1949. However applications of note more recently are:

CHI/0021/72 – Erection of synagogue – Refused 23/02/76

EPF/1258/91 – Development of land for residential purposes – Refused 17/01/92 and dismissed on appeal with the reason being that it represented inappropriate development in the green belt

Policies Applied:

Government Guidance

PPS1 – The Planning System: General Principles

PPG2 – Green Belts

Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP9 – Sustainable Transport

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

H1A – Housing Provision

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE6 – Car Parking in New Development

DBE8 – Private Amenity Space

DBE9 – Loss of Amenity

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

I1A – Planning Obligations

Summary of Representations:

9 neighbours were consulted, and a site notice was erected, the following representations were received:

PARISH COUNCIL – Supports this application on the grounds that it acknowledges it is a special case, it would be beneficial to the community and the development follows the existing street scene. The Council would ask EFDC to consider the visual appearance of the existing car park if this development is permitted.

30 HAINAULT ROAD – object on the grounds that the size and mass is out of character with the houses at this end of Hainault Road contrary to DBE1; the site is in the Green Belt and is contrary to GB2A; proposal will have an adverse impact on the openness and visual amenity of this parcel of the MGB, contrary GB7A; proposal

show no measures to protect an established habitat of wildlife habitat of wildlife, contrary to NC4.

CHIGWELL VICTORY HALL – Chairman of the trustees has no objection to the house but objects to the potential car parking as it will intrude on privacy of various activities of the hall. Not aware of the need for parking spaces. It is a sweetener. No traffic statement on sight lines. EFDC Estates and Valuation dept are aware of this matter. The situation has arisen from the fear of travellers staying on the site and local residents have taken fright.

PETITION OF 67 LOCAL RESIDENTS – strongly supporting the application on the grounds that the provision of additional parking for Victory hall renders the land a special case for building on what is an anomalous Green Belt site. The house is entirely in keeping with the street scene.

Issues and Considerations:

The main issues here relate to the appropriateness of the proposal in terms of impact on the Metropolitan Green Belt, appropriateness of the application in terms of prematurity given the site is being considered as a potential Gypsy and Traveller site; its design and impact on the neighbouring amenity and any highway safety issues.

Green Belt

The site is located within the Metropolitan Green Belt. Government guidance as contained within PPG2 states that there is a general presumption against inappropriate development within the green belt. Such development should not be approved, except in very special circumstances.

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- agriculture and forestry
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- limited extension, alteration or replacement of existing dwellings
- limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3 (Housing) or
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

Policy GB2A of the adopted Local Plan and Alterations mirrors this approach and states in paragraph 5.22a that, 'Any development which is not in accordance with this policy would be inappropriate in the Green Belt.'

The proposal here for one new detached dwelling is not in accordance with this policy. Therefore it is considered inappropriate development. It is considered that a new dwelling here would detract from the open character and appearance of the green belt and very special circumstances will need to be demonstrated. The applicant states that,

'Although the site falls within the Green Belt there are special circumstances for the development proposed to be permitted. The neighbouring local amenity, 'Victory Hall' and adjacent local library require more parking and so it is proposed that a portion of land to the northwest perimeter of the site be assigned over from the applicant's ownership to Epping Forest District Council to be used to provide 13 no. additional parking spaces as indicated on the plan. This is proposed as a benefit to the local amenity in return for allowing the proposed development of the new house to take place.'

Having visited the site, it was noted that there are 34 parking spaces to both the front and rear of the buildings. A further 13 would result in a total of 47 parking spaces. The benefit of 13 additional car parking spaces is doubtful. No need has been proved on the site for these additional spaces. A clear need has not been proven on this site. Chigwell underground station is 250 yards from the site and it is on the 167 local bus route. The Council's Senior Planning Policy Officer backs this view with the argument that Planning policy PPS1, PPS3 and Local Plan policy CP9 (ii) and (iv), encourages the use of alternatives to the car and in particular on a site that is well located for existing bus and train services.

Furthermore, the Chairman of Victory Hall objects to the scheme stating that he is not aware of the need for the additional spaces.

The area proposed to be given over for parking is in any case also within the Metropolitan Green Belt and the intrusion of parking into this area would clearly be a further breach of adopted Green Belt policy.

The applicants also argue that the proposed house will help to meet the housing need in the local district. However, housing need is for dwellings that will meet the need of those, in particular, who are on incomes struggling to afford to buy. The proposal for a 5 bedroom house will not meet this need.

Additionally, residential development was proposed on this site in 1992 but was subsequently dismissed at appeal, where the Inspector considered that, 'visually it provides an important link with the large green belt area to the east.' The Inspector argued that it was all the more important given the development of the dwellings at Nos. 30 and 32 Hainault Road and in his view, '...this has increased the significance of the appeal site's contribution to the character of the MGB. I consider that its development...by largely closing this important gap would adversely affect the character of the green belt in this area.'

In conclusion, officers consider that there are no very special circumstances to justify the development of the site, which would adversely affect local green belt character and would be contrary to the objectives of green belt policy to protect such areas from general development.

Prematurity

A response from the Council's Senior Planning Policy Officer has been received regarding the fact that the site is currently being considered as a potential site to take

forward to help meet the need for extra pitches in the district by 2011. He emphasises that responses are currently being considered and the decision about which sites to take forward will only be made once all responses have been deliberated over.

Planning Policy Statement 1 (PPS1) supplementary document, The Planning System: General Principles allows for circumstances where it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being produced, in this case the Gypsy and Traveller DPD. Where the cumulative effect of proposals will pre-empt decisions about location it is justifiable to refuse the application on the grounds of prematurity.

On balance however, whilst officers are concerned that this application may be being used as a way to ensure that the site is not designated for a gypsy site and whilst it would be regrettable to lose one of the potential sites from the draft document, it is not considered that the draft document has sufficient weight at this stage to warrant a reason for refusal on prematurity grounds.

Amenity

In terms of impact on neighbouring properties the proposed dwelling has been located well within the plot and set away from No. 30 to the south. No windows are proposed on the flank facing that dwelling so no loss of privacy will occur.

Design

The proposed house will be set away from the northern boundary with the Victory Hall site by between 5 and 10m and from the southern boundary with No. 30 by 5.4m. It would sit comfortably within the sites. Hainault Road is typified by large detached dwellings in expansive plots. The dwelling follows the existing building line along this part of Hainault Road and is of a style typical of new builds in this area. Therefore it would not appear out of keeping with the existing character of the area

A streetscene elevation shows the dwelling, whilst slightly higher than its neighbour at No.30, it is indicated that it would be the same height as its neighbour to the north, Victory Hall. The height of the proposed dwelling would be 9.3m high. Victory Hall is a single storey building with a semi circular roof. It is clear that Victory Hall is not as high as this. This is combined with the fact that it is located on ground level at least 1m lower given the incline of Hainault Road. The accuracy of the plans is therefore questioned in this respect. However, notwithstanding this, given the separation of at least 20m between the proposed house and Victory Hall and the number of trees separating the buildings the height differential would not be so apparent.

There appears to be sufficient private amenity space to accommodate a house of this size.

Highways

The Highway Authority has no objections to the scheme subject to relevant conditions.

Other Issues

The Design and Access Statement submitted by the applicant states under the section entitled 'The Proposal' that:

'The applicant was recently approached by the council who suggested that an application should be made to build a new single dwelling house on the land to boost local housing stock by using a potential infill site in an already established street.'

For the avoidance of doubt it is contested that the council referred to here is not the District Council, for as far as Officers are aware no discussions have taken place regarding this site. We can only assume that the applicant means Parish Council in this instance.

Conclusion:

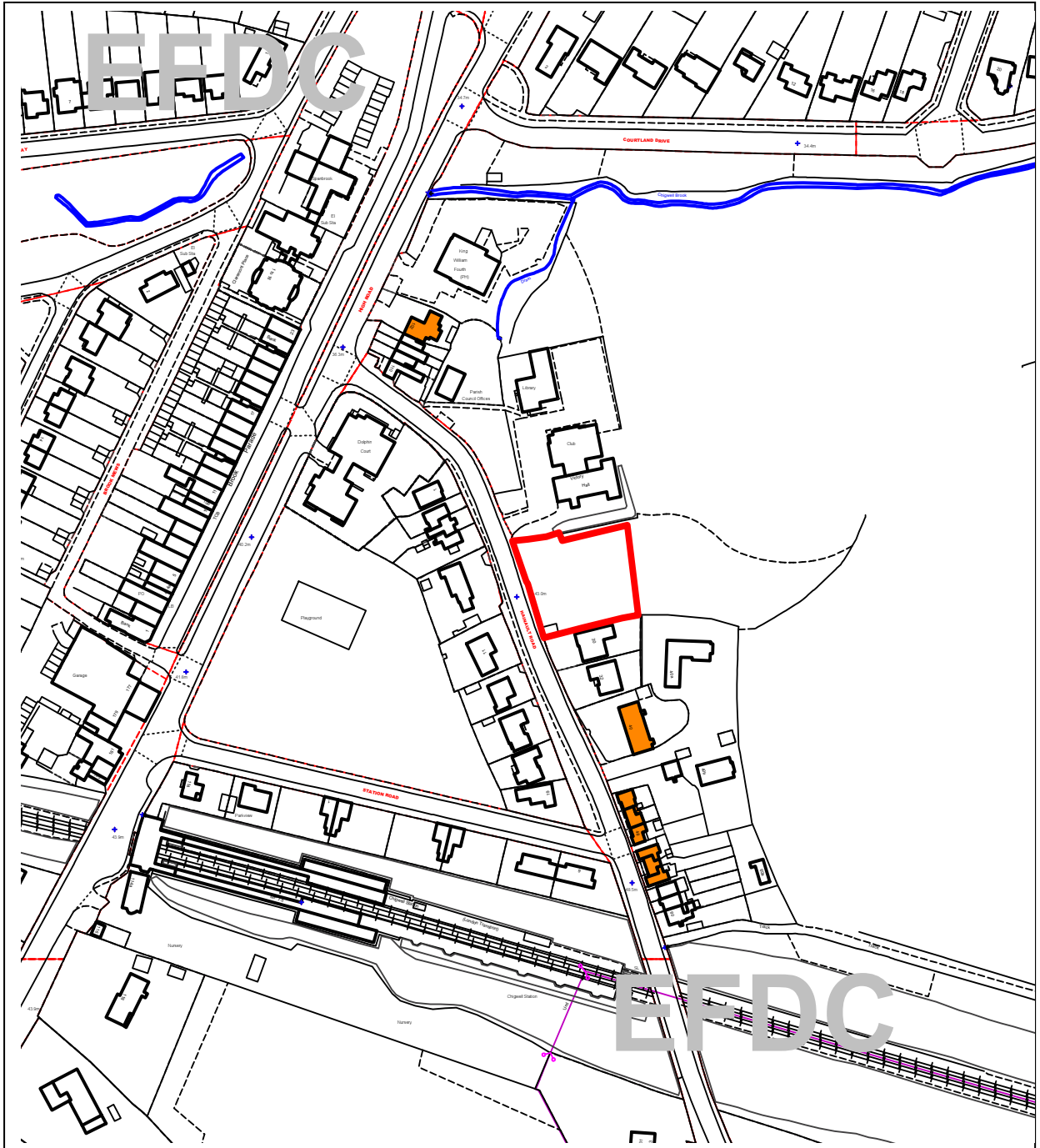
Whilst the site can accommodate a dwelling of this size and design, it is located in the Green Belt and is inappropriate development and is visually harmful to the openness of the Green Belt. The potential to provide 13 parking spaces on undeveloped Green Belt land to serve the neighbouring site is not considered to represent very special circumstances sufficient to outweigh the very real harm to the openness of the Green Belt that the house, and indeed the parking, would represent.

The application is therefore recommended for refusal.



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	5
Application Number:	EPF/247/09
Site Name:	Land Adjacent to Copperfield Lodge Hainault Road, Chigwell, IG7 6QX
Scale of Plot:	1/2500

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 5 April 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/1399/09–212 Manor Road, Chigwell– Outline planning application for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access.

Officer contact for further information: K Smith Ext 4109
Committee Secretary: S Hill Ext 4249

Recommendation:

That the Committee refuses planning permission for application EPF/1399/09, for the following reasons:

1. The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice in PPG2 and policy GB2A of the adopted Local Plan and Alterations. There are no very special circumstances that are sufficient to outweigh this harm in Green Belt terms.
2. The Application fails to secure the provision of affordable housing. The District is subject to a significant and increasing demand for affordable housing and accordingly the failure of this development to provide affordable housing would be contrary to Policies H5A and H6A of the adopted Local Plan and Alterations.
3. The Application fails to secure a financial contribution towards the provision of traffic orders and road markings which are considered necessary along both sides of Grange Crescent between Froghall Lane and Grange Crescent. In the absence of these Highway improvements, the proposed development would be detrimental to highway safety, contrary to policy ST4 of the adopted Local Plan and Alterations.
4. The Application does not make any provision for the encouragement of the use of more sustainable types of transport, contrary to Policies CP9 (iii) and ST5 of the adopted Local Plan and Alterations.
5. The Application fails to secure the provision of access into the adjacent site (located to the east of the Application Site). As the intensification of the access into the adjacent site would be

unacceptable in highway safety terms following the creation of the access proposed through this Application, this lack of access could render the adjacent site undevelopable. This would result in a failure to make best use of the site, which is previously developed land, contrary to advice within Planning Policy Statement 3 and also contrary to Policies CP1(vii) and ST1 (iii) PPS3 of the adopted Local Plan and Alterations.

6. The Application fails to secure the provision and maintenance of public open space, contrary to the requirements of DBE7.

Report Detail

1. (Director of Planning and Economic Development) This application was considered by the Committee in October 2009. The Committee resolved to grant planning permission subject to referral to the Government Office and subject to the completion of a Section 106 legal agreement to secure:

- The amount, tenure and occupancy of the affordable housing;
- Highway Improvements (Works and/or financial contributions);
- A significant financial contribution towards the provision of a Post Office within the locality of the site;
- Vehicular access into the adjacent site; and
- The provision of an area of public space within the site to be transferred to Epping Forest District Council at nil consideration

2. Confirmation was received from the Government Office in December 2009, stating that the Secretary of State had concluded that the application should be determined by the Council.

3. A copy of the previous report to the District Development Control Committee is attached as Appendix 1.

4. However, no legal agreement has been completed to secure the planning obligations listed above. The implications of the absence of these planning obligations on the planning merits of the proposal now requires consideration.

5. Government guidance relating to the use of planning obligations is contained within Circular 05/05 and within the Community Infrastructure Levy (CIL) Regulations 2010.

6. Supporting text of Policy I1A of the Local Plan re-states the guidance within Circular 05/05, states that in general it will be reasonable to seek, or take account of, a planning obligation if what is sought or offered is:

- Needed to enable the development to go ahead and, in the case of financial payment, will meet or contribute towards the cost of providing such facilities in the near future; or
- Necessary from a planning point of view and is so directly related to the proposed development and to the land after its completion that the development ought not to be permitted without it.

7. Furthermore, it is stated that '*acceptable development should never be refused because an applicant is unwilling or unable to offer benefits*'.

Planning Issues

8. The suggested Heads of Term for the legal agreement were intended to address the impacts of the development on the Metropolitan Green Belt, on the supply of affordable housing; on highway safety; and on local Post Office services. These matters will be considered in turn.

Impact on the Metropolitan Green Belt

9. The application site is located within the Metropolitan Green Belt, where the proposed development would be inappropriate. On this basis, planning permission may only be granted if it can be demonstrated that there are very special circumstances which outweigh the harm to the Green Belt.

10. When this application was considered previously by the District Development Control Committee, the Committee carefully considered the case for very special circumstances. Members accepted that there were very special circumstances in this case that outweighed the harm of built residential development in the Green Belt, which were that it was providing a high percentage of affordable housing on a previously developed site, located in a sustainable location adjacent to a tube station on the Central Line.

11. Whilst the provision of 80% affordable housing provided only part of the case for very special circumstances, it was fundamentally this that justified what is inappropriate in Green Belt terms. It is considered by Officers that it formed such a substantial component that, in its absence, the case for very special circumstances is weakened to the extent that it would no longer outweigh the harm to the Green Belt caused by the proposal.

12. The applicant has proposed a revision to the tenure of the 'affordable' housing to be provided. The applicant proposes that 80% 'affordable' housing could still be provided. However, as an alternative to the Council's normal requirement for 70% of the housing to be available for social rent, the application proposes that only approximately 30% could be available for social rent, with the remaining 70% being sold as 'low cost housing'. It is anticipated that this housing would be sold at 60% of the market value and the Applicant suggests that this limitation on market value could be retained for future purchasers. However, whilst this housing may be attainable to some residents within the District who would be unable to purchase at 100% of the market value, this housing does not fall within the Government's definition of affordable housings, as stated at paragraph 41 of Annex B of PPS3. Furthermore, this type of housing would not meet the needs of those residents on the Council's housing register whom are in the greatest of need, unlike the provision of more of the housing for social rent.

13. If the housing within the development were to be delivered in line with the proposal in the paragraph above, 20% of the development would be open market housing; 56% would be low cost market housing and only 24% would be affordable housing, in accordance with the Government's definition. It is not considered that the provision of housing on this basis would provide a case for very special circumstances to outweigh the harm to the Green Belt caused by the proposed inappropriate development.

Affordable Housing

14. Policy H6A(i) states that in settlements where the population is greater than 3,000 provision of affordable housing will be required for sites which exceed 0.5 hectare or on which 15 or more dwellings will be provided. This site generates a requirement for affordable housing on both criteria. Policy H7A (i) states that the Council will seek at least 40% of the total number of units to be affordable.

15. In the absence of the legal agreement to secure the affordable housing, the proposed development would be contrary to these policies. Furthermore, the Applicant's proposal for the affordable housing to include the sale of low cost housing, would result in a considerable shortfall in the provision of affordable housing (as defined by the Government) in relation to Local Plan policy.

16. The Council's Housing Directorate confirmed in August 2009 that there were 4,740 housing applicants registered on the Council's Housing Register as being in need of affordable housing. At present (March 2011) this figure stands at 5,305 applicants. Accordingly, the requirement for affordable housing within the District is even greater now that at the time than this application was previously considered.

Highway Safety

17. County Highways raised no objection to the proposed development, subject to the imposition of a number of planning conditions and planning obligations.

18. Matters to be included within the legal agreement would include the provision of a financial contribution towards the provision of traffic orders and road markings along both sides of Grange Crescent between Froghall Lane and Grange Crescent; the provision and implementation of a Transport Information and Marketing Scheme for sustainable transport; and improvements to bus-stops. Members had previously considered that there was not a need for the closure of the existing lay-by on the north-eastern carriageway.

19. In the absence of the improvements to the highway (i.e traffic orders and road markings) being secured by legal agreement, it is considered that the proposed access and the vehicle movements associated with the proposed development would have a detrimental impact on highway safety, contrary to Policy ST4 of the Local Plan, which relates to highway safety.

20. Furthermore, it is also considered necessary that some provision is made to encourage the future occupiers of the proposed development to make use of alternative methods of transport to the private car. This may be achieved by the provision of schemes to secure this including the implementation of a Transport Information and Marketing Scheme for sustainable transport (Essex County Council's equivalent of a residential travel plan). Furthermore, a need for improvements to local bus stops has also been identified, which would encourage the use of local bus services.

Provision for Post Office Services

21. Previously, Members identified a need within the locality for additional Post Office services, following the recent closure of a counter. As the proposed development would create an additional demand for such services, a contribution towards the reopening of a Post Office counter (facilitated by Essex County Council) was sought.

22. Bearing in mind the advice referred to in Policy I1A of the Local Plan and within Circular 05/05 (referred to above), Officers do not consider the absence of a contribution towards the reestablishment of a Post Office counter would justify the refusal of planning permission. Circular 05/05 states that '*acceptable development should never be refused because an applicant is unwilling or unable to offer benefits*'. It is the opinion of Officers that the proposed development would be acceptable, even in the absence of this contribution.

23. However, Members should carefully consider whether or not the proposed development would be 'acceptable' in the absence of this contribution and therefore, whether or not the absence of this contribution would justify the refusal of planning permission.

Vehicle Access into Adjacent Site

24. The proposal takes into account an adjacent site for which a development proposal also exists. That site does not presently benefit from a planning permission, but a proposal has been considered by this Committee, who resolved to grant planning permission subject to referral to the Secretary of States and the completion of a Section 106 legal agreement (the legal agreement has not been completed and the application is also included within this agenda for further consideration). However, the planning history of this adjacent site, suggests that despite its Green Belt status, it is capable of development, subject to an acceptable proposal which provides adequate very special circumstances for allowing the development to proceed within the Green Belt.

25. Consultation with County Highways on previous applications has suggested that it would not be acceptable for the other site to create an access onto Froghall Lane, or for a second access onto Manor Road, in such close proximity to the access proposed into this Application site, to be created. On this basis, unless provision is made for access to the site via the Application Site, the adjacent Brownfield site could be rendered undevelopable. This would be contrary to Government guidance within PPS3, which encourages the efficient use of land and also contrary to Policy CP1 (vii) which advises that planning powers and actions will be used to minimise the use of non-renewable resources, including Greenfield land and Policy ST1 (iii) which states that new development should make the best use of land which is highly accessible to public transport or close to services and employment opportunities.

Public Open Space

26. In the absence of the legal agreement, it is not possible to secure the provision of the proposed area of public open space. The provision of public open space is required for new residential developments on large sites by policy DBE7. Having regard to the number of family sized homes to be provided within the development, it is considered to be essential that public open space is provided within the development. Furthermore, the legal agreement would ensure the transfer of the land to Epping Forest District Council and a payment to cover its maintenance for the first few years, to ensure that it is suitably managed and maintained after the Applicant's interest in the land ceases.

The Applicants Position

27. Following notification that this application was due to be reported back to this Committee, the Applicant has provided the following comment on 25th January 2011:

We are appreciative that we must settle the S106 legal agreement and that this must be within the framework of the original application and terms upon which the approval was granted.

It is however a fact that the economic climate has changed drastically since the project was put together and certainly since the Consent was recommended at Committee. The change in Government has not only caused Policy changes, but there have also been catastrophic cuts in funding for affordable new housing from the grant and the public purse generally that have rendered the scheme as promoted unviable.

We have sort to reduce the cost base and in partnership with our partner RSL, Moat, be creative in sourcing fresh funds. However this is all to no avail and if the project is to continue then we need to review the S106 in a way that reflects the low/no grant scenario and emerging government policy whilst keeping within EFDC Policy and any appropriate legislation in respect of it being, and continuing to be available as, affordable housing.

I have had outline consultation with experts in the appropriate fields with a view to submitting an amendment to the Resolution for Consent that can be put before members for their consideration, which we believe complies with precedent, PPS3 and EFDC Housing Policy. I have further meetings arranged to prepare this statement that we will submit as soon as possible for your consideration.

Conclusion

28. In light of the above appraisal, whilst the current economic pressures on development are acknowledged. In this case it is considered that , in the absence of the matters to be secured by legal agreement the proposed development would be in conflict with the Local Plan due to the inadequacy of the case for very special circumstance for permitted the development within the locality and due to the lack of provision for affordable housing (the demand for which is increasing due to the current economic situation) and would cause harm to the locality in terms of the impacts on highway safety and increased pressure on local education services.

29. Whilst the Applicant has advised that they intend to seek a resolution to the Committee's resolution to grant planning permission, a period of 16 months has lapsed since that resolution and no significant progress has been apparent. The provision of affordable housing, education services and the highways improvements are essential to ensure that the development does not have any adverse impacts on the locality and the reduction of the affordable housing significantly below he proposed level of 80% would result in the case for very special circumstances being eroded to the degree that it would no longer mitigate the identified harm to the Metropolitan Green Belt.

Extract

**Report to District Development Control
Committee**

Date of meeting: 6th October 2009



**Epping Forest
District Council**

Subject: Planning Application EPF/1399/09– Garden Centre, 212 Manor Road, Chigwell – Outline planning application for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access.

**Officer contact for further information: K Smith
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee considers an outline planning application on land Garden Centre, 212 Manor Road, Chigwell for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access, which has been referred by Area Plans Subcommittee South without a recommendation.

Report Detail

This application has been referred by the Area Plans Sub Committee South on 16 September 2009. The report to the sub-committee (attached as Appendix 1) carried a recommendation from officers to grant planning permission (subject to a Section 106 agreement) and the planning merits of the case are attached.

Planning Issues

The debate at the Sub-Committee meeting was inconclusive, with some Members implying support for this scheme, which they felt was a better design than the scheme for the adjacent site and which incorporates a community facility and public open space. Conversely, some Members expressed concern with some elements of the scheme, in particular the size of the area of Green Belt land that would be developed and the number of units proposed to be development on both this site and the adjacent site. Generally, Members expressed a desire for a cohesive approach to the development of both this application site and the adjacent site (upon which there is a current planning application for 21 flats which is also on this Agenda).

Officers consider that that the provision of affordable housing on this site would make a valuable contribution towards the identified need within the District. When this is considered in conjunction with site specific factors (such as the proximity to the

transport network and local shops, the location of the site on the edge of the urban area, the previously developed status of the land and the distinct boundaries to all sides of the site, which would retain a defensible boundary to the Metropolitan Green Belt), it is considered by Officers that there is a strong case for exceptional circumstances to justify an exception to the normal green belt policy of restraint. Whilst this application only seeks outline planning permission, it is accompanied by indicative plans that illustrate that a development of this scale can be comfortably accommodated within the site. At a density of approximately 53 dwellings per hectare, the development of this site is considered to be acceptable in line with Government advice and the surrounding built-up area.

Further to the planning obligations set out in the Officer's report to the Sub-Committee, Councillor Knapman suggested at the Sub-Committee meeting that the proposed development of the two sites would generate additional demand for services which were provided by the Post Office within the local shops until its recent closure. The Post Office was closed following a review and consultation exercise undertaken by Royal Mail in 2007. Following the closure of this and other Post Offices across the country, Royal Mail provided local authorities with an option to re-open Post Offices, provided that they are 'cost-neutral' to Royal Mail and do not have a significant impact on surrounding Post Offices. Discussions regarding this matter are taking place between Officers, Essex County Council and the applicant's agent at the time of preparing this report.

Conclusion

Should the Committee recommend granting planning permission, the application will have to be referred to the Government Office for the East of England, as a departure from the Local Plan. The recommendation to grant planning permission should be subject to conditions requiring:

- The submission of the reserved matters
- The use of suitable external materials;
- Highway matters including details of the site access, the discharge of water from the site, the provision of the car parking, and the layout of the roads and footpaths in accordance with the Essex Design Guide;
- The submission of further information relating to tree protection and site landscaping;
- The submission of a Flood Risk Assessment;
- Construction matters including a restriction of working hours and the provision of wheel washing facilities;
- The submission of further information relating to site levels; and
- Further information/mitigation relating to contaminated land issues;
- The submission of further information regarding the potential for protected species on the site; and
- Further detail relating to the storage of refuse facilities.

It is further recommended that any grant of planning permission should be subject to a legal agreement to secure planning obligations, within 9 months of the date of a resolution, which may include:

- The amount, tenure and occupancy of the affordable housing;
- Highway Improvements (Works and/or financial contributions);
- Education Provision (financial contribution and/or other); and
- Community benefits (financial contribution and/or other).

This page is intentionally left blank

Extract from Area Planning Subcommittee South on 16 September 2009
Report Item No: 3

APPLICATION No:	EPF/1399/09
SITE ADDRESS:	212 Manor Road Chigwell Essex IG7 4JX
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr Graham Cox
DESCRIPTION OF PROPOSAL:	Outline planning application for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access.
RECOMMENDED DECISION:	Grant Permission (Subject to S106)

CONDITIONS

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2 Application for the approved reserved matters referred to in condition 1 must be made not later than the expiration of three years from the date of this notice. The development hereby permitted must be begun not later than the expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter approved.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 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 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 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.

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 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 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.

6 No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation.

The Landscape Method Statement shall include as appropriate, protection of the

planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the provision which is to be made for weed control, plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also normally include provision for maintenance for the period of establishment, including weeding, watering and formative pruning, and the removal of stakes and ties. Provision shall be made for replacement of any plant, including replacements, that are removed, are uprooted, or which die or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless the LPA has given its prior written consent to any variation.

All hard and soft landscape works shall be completed prior to the occupation or use of any part of the development, unless the LPA has given its prior written consent to a programme of implementation. The hard and soft landscape works, including tree planting, shall be carried out strictly in accordance with any approved timetable.

The Landscape Method Statement shall state the provision which is to be made for supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

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

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

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

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

- 8 Prior to the commencement of the development hereby permitted, details of the provision of suitable temporary access arrangements to the application site in connection with the land forming/construction operations, to include wheel washing facilities, any necessary traffic management, turning and off loading facilities for delivery/construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with these approved details.

- 9 Prior to the first occupation of any part of the development hereby approved details of an access to adoptable standards, to include visibility splays of 90m by 2.4m by 90m, 10.5m radii kerbs (if unachievable radii should be to the maximum possible) and 5.5m carriageway width with 2m wide footway along the edge of the site boundary and the bell mouth of the access (x2 footways), including the removal of any redundant dropped kerbs and replacement with full upstand kerbs shall be submitted to the Local Planning Authority for approval in writing. The details approved shall be implemented prior to the first occupation of the development approved and retained thereafter.
- 10 All roads and footpaths within the development should be designed in accordance with the Essex Design Guide.
- 11 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 12 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 13 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.

- 14 Prior to the commencement of the development hereby approved, details of mitigation methodology regarding reptiles and bats which may be present on the site shall be submitted to the Local Planning Authority for approval in writing. The

development shall proceed in accordance with the approved details.

- 15 The development shall proceed only in accordance with the recommendations set out in Section 7 (pages 25-27) of the Desk Study and Extended Phase 1 Habitat Survey produced by Thompson Ecology (July 2009) unless otherwise agreed in writing by the Local Planning Authority.

and subject to a Section 106 Legal Agreement to secure 54 residential units (78%) for on-site affordable housing, and a contribution towards highway and public transport improvements in the locality, and education provision.

This application is before this Committee for the following reasons:

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

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

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:

This application seeks outline planning permission for a residential development with public open space and a community facility. The proposal will provide a total of 69 housing units, of these 54 units proposed are affordable (78%). The breakdown is 15 market housing units (21%), 37 social rented units (53%) and 17 intermediate housing units (24%). All matters other than access are reserved for consideration at a later time.

Description of Site:

The application site is previously developed, accommodating part of the Jennykings Garden Centre. The site is bounded by Manor Road to the south, the railway line to the west and Froghall Lane to the east. There are some mature trees along the northern boundary and some dense vegetation along the eastern site boundary with Froghall Lane. The land across the site is generally level, but with a slight decrease towards the Froghall Lane boundary.

Relevant History:

CHI/0187/57. Layout of new roads & erection of 72 houses. Refused 21/08/57.

CHI/0132/73. Use of land for residential purposes. Refused 23/05/73.

CHI/0279/73. Proposed residential development. Refused 23/05/73.

CHI/0577/73. Use of land for residential purposes. Refused 30/01/74.

Members will recall recent planning applications for residential development on the adjacent site. The most recent (EPF/1071/09) was referred to the District Development Control Committee with a recommendation of support by Area Plans South on 5th August 2009.

Policies Applied:

East of England Plan

SS7 – Green Belt
H1 – Regional Housing Provision 2001-2021
H2 – Affordable Housing
T14 - Parking
ENV7 – Quality in the Built Environment
LA1 – London Arc

Adopted Local Plan and Alterations

HC12 – Development Affecting the Setting of a Listed Building
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB16 – Affordable Housing
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
CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
CP8 – Sustainable Economic Development
DBE1 – Design of New Buildings
DBE2 – Impact of New Buildings
DBE5 – Design and Layout
DBE8 – Amenity Space Provision
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Highways Considerations
ST6 – Car Parking Standards
LL11 – Landscaping Schemes
E4A – Protection of Employment Sites

Summary of Representations:

CHIGWELL PARISH COUNCIL: No objection.

35 properties were consulted, a site notice erected and responses were received from the following properties – their comments are summarised below:

9 WARREN COURT
28 WARREN COURT
1A LONG GREEN
42 LONG GREEN
115 LONG GREEN
81 MOUNT PLEASANT ROAD
205 MANOR ROAD

Green Belt

Development could set a precedent for future developments on Green Belt land. Development would further encroach onto Green Belt Land and would destroy more of the countryside to the detriment of local residents and future generations.

Need

There is no need for this build. There are seven empty flats in my complex in Long Green (raised by 42 Long Green). There are already plans to build flats at junction of Manor Road and Fencepiece Road so why build more?

Highways and Parking

Existing traffic congestion in the locality would worsen. Parking is limited on the development site. Limited access/egress to and from the site. Difficulties for pedestrians crossing the road.

Character and Appearance.

Would be out of character with the surrounding semi-rural area. Would overpower the nearby listed cottages.

Neighbouring Amenity

Increased noise and pollution. Overlooking of neighbouring gardens and houses (raised by 28 Warren Court). Would spoil views of the forest and cemetery. Loss of privacy for visitors to cemetery.

Impact of setting of Listed Buildings

Would overpower nearby listed cottages. Could cause movement to the nearby listed cottages, which have only limited foundations.

Other Matters

Already strain on local facilities (schools and doctors). The Council's reasons for refusing 116 houses at Grange Farm should apply here too. Increased risk of crime. Grange Hill Station has a poor service to central London.

ESSEX AREA RAMBLERS. Objection. The amount of traffic which would inevitably be generated would present a threat to the safety of Manor Road. The large number of affordable residences is not exceptional circumstances.

Issues and Considerations:

The main issues in this case are:

- The acceptability of the proposed development within the green belt;
- The impact of the proposed development on the amenities of the occupiers of neighbouring dwellings;
- The design of the development;
- The impact of the development on the character and appearance of the area;
- Impacts on nearby listed buildings;
- The proposed highways and parking arrangements;
- The proposed provision of affordable housing; and

The sustainability of the proposed development.

Acceptability of the Development within the Green Belt

The site is located within the Metropolitan Green Belt, where new residential development is considered to be inappropriate. In this instance, the applicant has put forward a case explaining why they consider that there are very special circumstances which justify this development within the Green Belt. The applicant's case for exceptional circumstances is that *'the particular merits of this case mean that the limited harm to the function of the Green Belt by allowing inappropriate development is outweighed by the acute identified need for family affordable housing accommodation, particularly 3+ bed houses with private gardens, that cannot be met in any other way and which can be reasonably expected to persist in the long term'*.

Policy GB16 of the local plan deals with affordable housing on Green Belt sites and provides for small scale affordable housing development as a whole to be built within the green belt subject to a number of criteria.

Policy GB16 provides for the provision of affordable housing in the Green Belt so long as it is small-scale and a "settlement". The policy allows for affordable housing where:

- There is a demonstrable social or economic need not met elsewhere,
- It is supported by the local parish council and a proper appraisal of need,
- It is well related to the existing settlement,
- Will not have a detrimental impact on the character of the locality,
- There are no significant grounds for objection on highways, infrastructure or other planning grounds.
- Isolated pockets of development should be avoided.

The application site is located on the edge of the urban area. The site is well served by transport infrastructure, not least by Grange Hill Underground Station. The submitted Affordable Housing Statement refers to the identified need in the Council's most recent (2003) Housing Needs Survey. The need for the affordable housing proposed is supported by both the Council's Housing Services and also Moat Homes Limited, one of the preferred Registered Social Landlord's (RSL's). Moat state 'we feel that the housing requirements for the District have been adopted and consequently feel that this scheme offers a good opportunity for Moat to increase its housing stock within Epping Forest'. There has been no objection to the scheme raised by Chigwell Parish Council. Accordingly, it is considered that the provision of affordable housing on this site may be acceptable in relation to the criteria set out in policy GB16, subject to consideration of the other planning merits of the case. These will be considered in subsequent sections of this report.

Policy GB7A of the Local Plan states that the Council will refuse planning permission for development conspicuous from within or beyond the green belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the green belt. It is considered that the height and density of the development proposed is such that it would be in keeping with the pattern of surrounding development. Furthermore due to the natural screening to the northern and eastern boundaries of the site and the context of the western and southern boundaries (which are adjacent to the railway line and Manor Road) it is not considered that the development would appear overly conspicuous. There is also built development opposite to the south and to the west on the other side of the railway line. It therefore would not appear isolated in the countryside.

Affordable Housing

Policy GB16 specifically relates to proposals for affordable housing within the Green Belt and has been discussed above. Policy H5A sets out a list of criteria which are to be applied to consider whether a site is suitable for affordable housing. These are:

- The overall level, nature and distribution of housing need in the district;
- The size and characteristics of the site;
- The type of affordable housing required and the type of dwellings proposed on the site;
- The dispersal of affordable housing throughout the site;
- The nature of any adjacent housing; and
- The proximity of the site to public transport and accessibility to facilities.

There is a considerable need for the provision of affordable housing within the District, with currently 4,700 applicants being registered on the Council's Housing Register. The site is located in close proximity to the existing urban area and the associated transport infrastructure. Surrounding residential developments are generally modest sized semi-detached and terraced dwellings, with some detached dwellings interspersed. The mix of dwellings proposed accords with policy H4A in terms of the size and tenures. The mix of housing also generally meets the identified need with the only exception being the suggestion by the Head of Housing that the four 4+ bed houses be replaced with 3 bed houses, for which there is a greater need. This mix can be finalised in an associated Section 106 legal agreement which would ensure the provision of affordable housing to the development.

Neighbouring Amenity

Neighbouring amenity is an issue which will need to be considered at greater depth upon the submission of reserved matters relating to the detailed design of the development. Notwithstanding this, it is considered that the site is capable of accommodating a development of the scale proposed without resulting in material harm to the amenities of the occupiers of neighbouring residential properties. The closest property to the site is 193a Manor Road, located on the opposite side of the street. Some concern has also been raised by a local resident regarding the potential impact on Warren Court, to the west of the site. However, the nearest gardens of these properties are located some 75 metres from the site, separated by the railway line and it is not considered that a development of a reasonable height would cause any material loss of privacy.

Design

The detailed design of the proposed development is also an issue which is reserved for later consideration. However, an indicative layout and indicative sections have been submitted which indicate that the development would be fairly spacious and of a reasonable density, in keeping with the built development in the area. The maximum building height shown on the sections are three storey buildings. Considerable amounts of the vehicle parking shown on the site layout would be enclosed in car courts away from the main street views. An indicative masterplan also shows how the adjacent site could be integrated as part of a comprehensive development.

Impact on the Character and Appearance of the area

The impact of the proposed development on the character and appearance of the area will need to be fully considered upon the submission of reserved matters. Notwithstanding this, it is considered from the indicative plans provided and the density proposed that a development of this scale could be accommodated without any material harm to the character and appearance of the area.

Impact on Nearby Listed Buildings

The row of listed cottages is located on the opposite side of Manor Road and are set back from the public highway. Their location on the other side of the street visually divorces them from the site and as a result it is not considered that the proposed development would be detrimental to their

setting. Concern has been raised by a local resident regarding the potential for disturbance from the construction proposed to cause movement to the listed cottages, which are built on limited foundations. Having regard to the distance separating the cottages from the application site (approximately 57 metres to the nearest cottage) and the location of the road in between, it is not considered that sufficient weight should be applied to this consideration as to justify the refusal of planning permission on this basis.

Highways and Parking

Access is the only reserved matter for which consent is being sought at this stage. Essex County Council, the Highway Authority, has no objection to the proposed development subject to a number of planning conditions and other requirements which would need to be facilitated by means of a Section 106 legal agreement. Matters to be included within a section 106 would include the provision of a financial contribution towards the provision of traffic orders and road markings along both sides of Grange Crescent between Froghall Lane and Grange Crescent; the closure of the lay-by on the north-eastern carriageway; the provision and implementation of a Transport Information and Marketing Scheme for sustainable transport; and improvements to bus-stops. Accordingly, subject to the imposition of the planning conditions suggested by the Highways Authority and subject to the completion of a legal agreement to secure the above, it is considered that the proposed access arrangements are acceptable.

Trees and Landscaping

The existing landscaping on the site is generally located to the site boundaries and it should therefore be feasible to work around these in the detailed layout proposals. Accordingly, it is expected that most of the existing trees on the site would be retained. This may be controlled by the use of a tree protection condition. The submitted tree survey recommends that a 5m strip of vegetation is retained along the boundary with Froghall Lane, this is not shown on the submitted indicative layout. However, this is a matter which may be considered upon the submission of reserved matters relating to design and landscaping. It is considered that a development of the scale proposed would need to be softened by additional landscaping and this may also be controlled by the use of planning conditions.

Drainage and Flooding

This planning application was not accompanied by a Flood Risk Assessment (FRA) at the time of submission. Accordingly, in the absence of the FRA being submitted the Environment Agency has lodged an objection. However, an FRA was submitted on 26th August and it is anticipated that the Environment Agency comments in respect of the FRA can be verbally reported to the Planning Committee.

Sustainability

Policies CP1 – CP8 of the adopted Local Plan relate to achieving sustainable development and place emphasis on encouraging developments which provide for renewable energy, energy conservation and sustainable building. These are matters which will generally need to be considered at the reserved matters stage. However, the applicant has submitted a sustainability statement in which they commit to achieving the Code for Sustainable Homes Level 3 for all residential units on the development. They suggest that this may be secured by the use of a planning condition.

Other Matters

Loss of Employment Site

Policy E4A of the Local Plan safeguards employment sites from redevelopment to other uses, unless a number of criteria are satisfied. An element of employment would be retained on the site due to the proposed provision of a community use. Whilst exact employment figures would be dependent on the exact use, which is not yet confirmed, it is considered that this policy has been addressed. The application form suggests that 5 people could be employed on the site and whilst this would be dependant upon the exact use of the facility proposed, it is considered to be accessible bearing in mind the existing use of the land which does not generate large numbers of employees.

Education

ECC have advised that if planning permission is granted they would seek a financial contribution towards Early Years and Childcare provision and Secondary Education provision in the locality. Due to a surplus of primary school places in the locality they would not seek a contribution towards primary education.

Protected Species

The application is supported by an Extended Phase 1 Habitat Survey and Natural England has no objection to the proposed development subject to the recommendations contained within that study. It is also considered likely that there could be reptiles present on the site and, less likely, that bats may also be present. It is considered that a planning condition requiring a mitigation methodology would prevent any adverse impacts on these species groups.

Conclusion

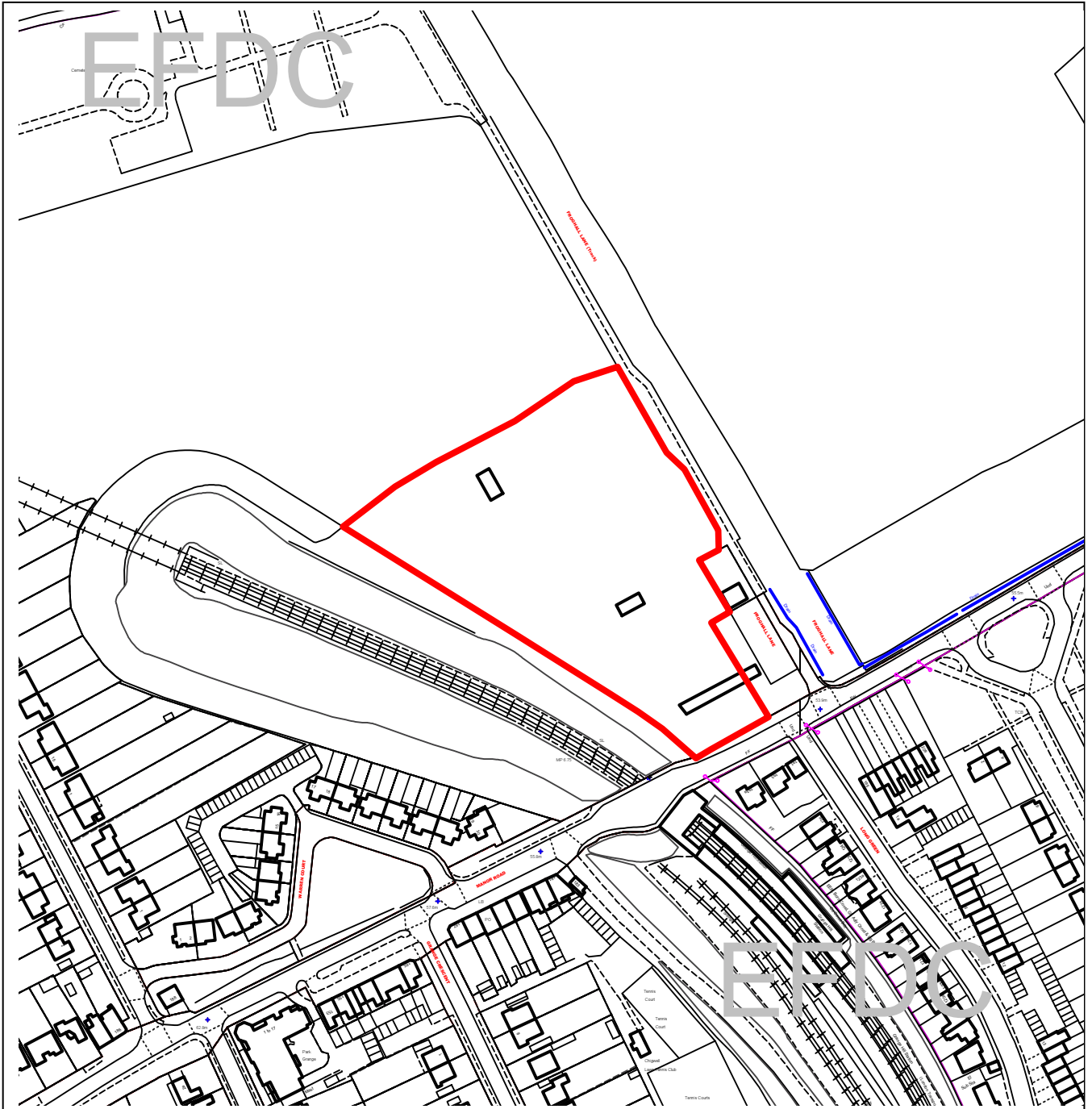
In light of the above appraisal, it is considered that the provision of affordable housing on this site would make a valuable contribution towards the identified need within the District. When this is considered in conjunction with site specific factors (such as the proximity to the transport network, the location of the site on the edge of the urban area, the previously developed status of the land and the distinct boundaries to all sides of the site, which would retain a defensible boundary to the Metropolitan Green Belt), it is considered that there is a strong case for exceptional circumstances to justify an exception to the normal green belt policy of restraint.

For these reasons, it is recommended that planning permission be granted, subject to the completion of a Section 106 legal agreement to secure the matters referred to in this report also subject to those planning conditions discussed.



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	3
Application Number:	EPF/1399/09
Site Name:	212 Manor Road, Chigwell, IG7 4JX
Scale of Plot:	1/2500

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 5th April 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/2361/09 – Garden Centre, 212 Manor Road, Chigwell - Redevelopment of land formerly in use as a garden centre to provide 21 flats 80% of which will be affordable housing. (Revised application)

Officer contact for further information: K Smith Ext 4109

Committee Secretary: S Hill Ext 4249

Recommendation:

That the Committee refuses planning permission for Application EPF/2361/09 at 212 Manor Road, Chigwell for the following reasons:

1. The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice in PPG2 and policy GB2A of the adopted Local Plan and Alterations. There are no very special circumstances that are sufficient to outweigh this harm in Green Belt terms.
2. The Application does not secure the provision of affordable housing. The District is subject to a significant and increasing demand for affordable housing and accordingly the failure of this development to provide affordable housing would be contrary to Policies H5A and H6A of the adopted Local Plan and Alterations.
3. The proposal relies upon the formation of an access road into the site on land outside the control of the applicant. As it is not within the applicant's control to provide vehicular access into the site, it is likely that the proposed off-street parking will not be accessible, resulting in additional on-street parking that would cause harm to the locality, contrary to policy ST6 of the adopted Local Plan and Alterations. Furthermore, the proposed development does not make any provision for the encouragement of the use of more sustainable types of transport, contrary to Policies CP9 (iii) and ST5 of the adopted Local Plan and Alterations.
4. The proposed development would place an additional burden on existing local education services, which are unable to accommodate additional places. The application does not secure the provision of any additional capacity within local education services, contrary to Policy I1A and CP3 (i) of the adopted Local Plan and Alterations

Report Detail

1. This application was considered by the Committee in April 2010. The Committee resolved to grant planning permission subject to referral to the Government Office and subject to the completion of a Section 106 legal agreement within 9 months to secure:

- The provision of the vehicle access to the site prior to the commencement of development;
- The amount, tenure and occupancy of the affordable housing;
- Highway Matters (Including Street Lighting and the provision of public transport vouchers);
- Education Provision (financial contribution and/or other); and
- A contribution towards the re-opening of a Post Office facility within Manor Road.

2. Confirmation was received from the Government Office in December 2009, stating that the Secretary of State had concluded that the application should be determined by the Council.

3. A copy of the previous report to the District Development Control Committee is attached as Appendix 1.

4. However, no legal agreement has been completed to secure the planning obligations listed above. The implications of the absence of these planning obligations on the planning merits of the proposal now requires consideration.

5. Government guidance relating to the use of planning obligations is contained within Circular 05/05 and within the Community Infrastructure Levy (CIL) Regulations 2010.

6. Supporting text of Policy I1A of the Local Plan re-states the guidance within Circular 05/05, that in general it will be reasonable to seek, or take account of, a planning obligation if what is sought or offered is:

- Needed to enable the development to go ahead and, in the case of financial payment, will meet or contribute towards the cost of providing such facilities in the near future; or
- Necessary from a planning point of view and is so directly related to the proposed development and to the land after its completion that the development ought not to be permitted without it.

Planning Issues

7. The suggested Heads of Term for the legal agreement were intended to address the accessibility of the development and the impacts of the development on the Metropolitan Green Belt; on the supply of affordable housing; on the local highway network; and on local education and Post Office services. These matters will be considered in turn.

Accessibility of the Development

8. The proposed development does not include a proposal for a vehicle access directly onto the public Highway. It was proposed that the development would connect to the estate road proposed on an application relating to the adjoining site and Section 106 agreements attached to both planning applications would ensure the provision of this road and access over it (a report relating to the planning application on the adjoining site is included within this Agenda).

9. In the absence of this access being secured by the S106 legal agreement, the site would not have any vehicular access. This would result in the proposed car parking being inaccessible and the development effectively being “car-free”. This would be contrary to Policy ST6 of the Local Plan, which refers to the Council’s vehicle parking standards.

Impact on the Metropolitan Green Belt

10. The application site is located within the Metropolitan Green Belt, where the proposed development would be inappropriate. On this basis, planning permission may only be granted if it can be demonstrated that there are very special circumstances which outweigh the harm to the Green Belt.

11. When this application was considered previously by the District Development Control Committee, the Committee carefully considered the case for very special circumstances. Members accepted that there were very special circumstances in this case that outweighed the harm of built residential development in the Green Belt, which were that it was providing a high percentage of affordable housing on a previously developed site and was located in a sustainable location adjacent to a tube station and bus routes.

12. Whilst the provision of 80% affordable housing provided only part of the case for very special circumstances, it was fundamentally this that justified what is inappropriate in Green Belt terms. It is considered by Officers that it formed such a substantial component that, in its absence, the case for very special circumstances is weakened to the extent that it would no longer outweigh the harm to the Green Belt caused by the proposal.

Affordable Housing

13. Policy H6A(i) states that in settlements where the population is greater than 3,000, provision of affordable housing will be required for sites which exceed 0.5 hectare or on which 15 or more dwellings will be provided. This site generates a requirement for affordable housing on both criteria. Policy H7A(i) states that the Council will seek at least 40% of the total number of units to be affordable.

14. In the absence of the legal agreement to secure the affordable housing, the proposed development would clearly be contrary to these policies.

15. The Council’s Housing Directorate confirmed in August 2009 that there were 4,740 housing applicants registered on the Council’s Housing Register as being in need of affordable housing. At present (March 2011) this figure stands at 5,305 applicants. Accordingly, the requirement for affordable housing within the District is even greater now that at the time that this application was previously considered.

Highway Safety

16. County Highways raised no objection to the proposed development, subject to the imposition of a number of planning conditions and planning obligations.

17. Matters to be included within the legal agreement included the provision of a financial contribution towards the provision of street lighting improvements and the provision of public transport vouchers for the future occupiers of the proposed development.

18. The proposed contribution towards street lighting improvements was intended to enhance the adjacent public highway. Whilst the provision of improved lighting would benefit both the future occupiers of the proposed development and the existing local community, it is not considered that the absence of such provision would justify the withholding of planning permission.

19. It is, however, considered necessary that some provision is made to encourage the future occupiers of the proposed development to make use of alternative methods of transport to the private car. This may be achieved by the provision of public transport vouchers, as was required by the previous Committee resolution, or other schemes may be used to secure this including the implementation of a Transport Information and Marketing Scheme for sustainable transport (Essex County Council's equivalent of a residential travel plan).

20. Furthermore, as discussed above, the lack of vehicular access into the site would result in the development not providing any off-street parking. Whilst the site is within a sustainable location and close to local shops it is considered that the provision of no off-street parking at all would result in considerable additional demand for on-street parking in a location where this is already a problem. It is, therefore, considered that this would cause material harm to the locality as well as being contrary to the Council's adopted vehicle parking standards and Local Plan Policy ST6.

Provision for Education Services

21. The formula applied by the Education Authority identified that the development would be likely to be occupied by children of early years, primary and secondary age.

22. The Education Authority advised that there is a sufficient surplus of early years and primary school places at a local school serving the development. However with regard to secondary provision, the local school for this development would be West Hatch High School. The School has a net capacity of 1,287 spaces and according to the 2008-2013 School Organisation Plan in 2008 there were 1,296 pupils on roll, with the deficit of places expected to continue through the plan period. Due to the position of the development in relation to the M11 there are no suitable alternative secondary schools within Essex.

23. It is clear that additional provision is required for secondary places and that the proposed development will add to this need. In the absence of the S106 agreement to secure a contribution the proposed development would place a greater burden on local education services. Latent

Provision for Post Office Services

24. Previously, Members identified a need within the locality for additional Post Office services, following the recent closure of a counter. As the proposed development would create an additional demand for such services, a contribution towards the reopening of a Post Office counter (facilitated by Essex County Council) was sought.

25. Bearing in mind the advice referred to in Policy I1A of the Local Plan and within Circular 05/05 (referred to above), Officers do not consider the absence of a contribution towards the reestablishment of a Post Office counter would justify the refusal of planning permission. Circular 05/05 states that '*acceptable development should never be refused because an applicant is unwilling or unable to offer benefits*'. It is the opinion of Officers that the proposed development would be acceptable, even in the absence of this contribution.

26. However, Members should carefully consider whether or not the proposed development would be 'acceptable' in the absence of this contribution and therefore, whether or not the absence of this contribution would justify the refusal of planning permission.

The Applicants Position

27. Following notification that this application was due to be reported back to this Committee, no additional information has been received from the applicant.

Conclusion

28. In light of the above appraisal, in the absence of the matters to be secured by legal agreement the proposed development would be in conflict with the Local Plan due to the inadequacy of the case for very special circumstance for permitting the development within the locality and due to the lack of provision for affordable housing (the demand for which is increasing due to the current economic situation) and would cause harm to the locality in terms of the impacts on highway safety, lack of off-street car parking and increased pressure on local education services.

29. A period of 12 months has lapsed since the Committee's resolution to grant planning permission subject to the completion of a legal agreement and no significant progress has been apparent. The provision of affordable housing, education services and parking/highway improvements are essential to ensure that the development does not have any adverse impacts on the locality and the reduction of the affordable housing significantly below the proposed level of 80% would result in the case for very special circumstances being eroded to the degree that it would no longer mitigate the identified harm to the Metropolitan Green Belt.

30. It is for these reasons that it is now recommended that planning permission be refused.

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 8th June 2010



**Epping Forest
District Council**

Subject: Planning Application EPF/2361/09 – Redevelopment of land formerly in use as a garden centre to provide 21 flats 80% of which will be affordable housing. (Revised application)

**Officer contact for further information: K Smith
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee considers the recommendation of the Area Plans Sub-Committee South, on 26 May 2010, to grant planning permission.

Report Detail

1. This application has been referred by the Area Plans Sub Committee South with a recommendation for approval. The Officer's report to the Sub-Committee (attached as Appendix 1) discusses the planning merits of the case and carried a recommendation from Officers to refuse planning permission.

Planning Issues

2. The debate at the Sub-Committee meeting centred mainly on the merits of the proposed level of affordable housing on this site in relation to the need for such housing within the District. The Sub-Committee felt that the site is in a sustainable location for an affordable housing development, being located in close proximity to an underground station and bus routes. Having regard to the pressing need to provide affordable housing in the District and the highly sustainable location of this site Members consider that this amounts to very special circumstances for allowing an inappropriate development within the Metropolitan Green Belt. The Sub-Committee consider that this site is suitable for an affordable housing development. They noted that the site is Previously Developed Land and also that it has appeared untidy in the past, having had several buildings erected on it, associated with the garden centre use.

3. Officers agree with the Sub-Committee that the site is in a sustainable location and a residential development may be acceptable where it is of an acceptable design and the applicant has demonstrated a case for very special circumstances for allowing such development within the Green Belt. Notwithstanding this, Officers had several concerns the proposed scheme. In particular, the design and density of the scheme are considered to be unsatisfactory. Officers consider that the applicant has failed to demonstrate a case for very special circumstances which is capable of outweighing this harm to visual amenity and the harm caused by

reason of inappropriateness, to justify the acceptance of the proposed development within the Green Belt.

Conclusion

4. Should the Committee recommend the granting of planning permission, the application will need to be referred to the Government Office for the East of England as a departure from the Local Plan. The recommendation to grant planning permission should be subject to conditions requiring:

- The commencement of the development within five years;
- The use of suitable external materials;
- Highway matters (including details of the site access, the discharge of water from the site, the provision of the car parking);
- The submission of further information relating to tree protection and site landscaping;
- Construction matters including a restriction to working hours and the provision of wheel washing facilities;
- The submission of further information relating to site levels;
- Further information/mitigation relating to contaminated land issues;
- Further detail relating to facilities for refuse storage;
- Details of external lighting within the development (e.g. at car park entrance) and the restriction of additional lighting without planning permission;
- Details of boundary treatments;
- The removal of excavated material from the site; and
- The use of obscure/fixed closed glazing in accordance with the approved plans.

5. It is further recommended that any grant of planning permission should be subject to a legal agreement to secure planning obligations, within 9 months of the date of a resolution, which should secure the following matters:

- The development is not to be commenced until the access road (which is subject to approval under planning application EPF/1399/09 relating to the adjacent site) has been constructed to an agreed standard;
- The amount, tenure, delivery and occupancy of the affordable housing;
- Provision of a financial contribution towards street lighting improvements within the vicinity of the site and the provision of public transport vouchers to the future occupants of the dwellings;
- Provision of a financial contribution towards school places within the local area; and
- Provision of a financial contribution towards the re-opening of a Post Office facility in Manor Road.

Appendix 1
Extract from Area Planning Subcommittee South 26 May 2010

APPLICATION No:	EPF/2361/09
SITE ADDRESS:	Garden Centre 212, Manor Road Chigwell Essex IG7 4JX
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr John Capper
DESCRIPTION OF PROPOSAL:	Redevelopment of land formerly in use as a garden centre to provide 21 flats 80% of which will be affordable housing. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposed development, is inappropriate in the Metropolitan Green Belt and therefore, by definition, harmful to it. No very special circumstances that outweigh that harm and other harm have been demonstrated. Moreover, by reason of its height, bulk, massing and density the development would be detrimental to the semi-rural setting of the site and would cause considerable harm to the open character and visual amenities of the Metropolitan Green Belt. The development is, therefore, contrary to policies ENV7 of the East of England Plan and DBE1, GB2A and GB7A of the Adopted Local Plan and Alterations.

- 2 The proposed buildings due to their detailed design, in particular the varying roof pitches within the development would fail to respect their setting, contrary to policies ENV7 of the East of England Plan and DBE1 of the Adopted Local Plans and Alterations.

This application is before this Committee since the recommendation conflicts with a previous resolution of this Committee (Pursuant to Section P4, Schedule A (i) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for a residential development comprising 21 flats (6 x 1 bed and 15 x 2 bed). It is proposed that 17 of the flats (in excess of 80%) would be delivered through a Registered Social Landlord as affordable housing. The tenure of the affordable housing will be negotiated with the Council's Housing Directorate. The remaining 4 units will be available for private ownership. The accommodation would be provided in four separate blocks, with the

buildings along the Manor Road frontage of the site being two storeys in height and the development to the rear of the site rising to three storeys. Access into the site would be via the proposed access road leading into an adjacent development site (for which the District Development Control Committee has resolved to grant planning permission subject to the completion of a Section 106 agreement). The application proposes a 21 space underground car park with additional cycle/motorcycle storage, with an additional four visitor car parking spaces being provided at surface level. Useable amenity space would be in the centre of the site enclosed by the blocks and the access to the underground car park. It would also be provided in the form of balconies and terraces. A total of 474m² of absolute space would be provided, of which 120 would be balconies and terraces. The proposed development would have hipped, concrete tiled roofs and a range of elevational finishes including brickwork, rendered blockwork and timber cladding.

Description of Site:

The application site is situated on the north-west side of Manor Road opposite Grange Hill Underground Station. It is situated within the Metropolitan Green Belt and presently forms part of Jennikings Garden Centre. It is hard surfaced with a number of buildings occupying the site and an area of car parking to the front. There is an electricity sub station at the rear of the site. The front of the site is fairly open onto Manor Road, to the east is Froghall Lane and to the west is the railway line. The site comprises an area of approximately 0.23 hectare which falls within the applicant's ownership and a section of land within the adjacent site (outside of the applicant's ownership) upon which part of the access road is proposed.

The area of land to the south of the site falls within the administrative area of London Borough of Redbridge, and the row of cottages opposite (195-209 Manor Road) are Grade II listed.

Relevant History:

CHI/0187/57. Layout of new roads & erection of 72 houses - see pf 1231 compensation. Refused 21/08/57.

CHI/0132/73. Use of land for residential purposes. Refused 23/05/73.

CHI/0279/73. Proposed residential development. Refused 23/05/73.

CHI/0577/73. Use of land for residential purposes. Refused 30/01/74.

EPF/1964/07. Outline application for proposed development of 22 no. 2 bed flats, 2 no. 1 bed flats and 1 no. 3 bed flats plus car parking. Withdrawn.

EPF/2405/07. Outline application for proposed development of 20 no. 2 bed flats, 4 no.3 bed flats and car parking. Refused 14/02/08.

EPF/0400/09. Redevelopment of land formerly in use as a garden centre to provide 25 flats 80% of which will be affordable housing. Refused 21/04/09.

EPF/1071/09. Redevelopment of land formerly in use as a garden centre to provide 21 flats, 80% of which will be affordable housing. (Revised application). Refused by the District Development Control Committee (06/10/09) for the following reasons:

1. *The proposed new vehicular access onto Manor Road, would, given the existing vehicular accesses either side, be a hazard to vehicles emerging from and entering the site, as well as a hazard to the free-flow of traffic and users of this road, such that it would be detrimental to highway and pedestrian safety, contrary to policy ST4 of the Adopted Local Plan and Alterations.*

2. *The proposed development, by virtue of its density and design, would have a bulky and dominant appearance which would be exacerbated by the proposed linking sections between the blocks which would be detrimental to the semi-rural setting of the site and to the surrounding Green Belt land contrary to policies ENV7 of the East of England Plan and DBE1, H3A and GB7A of the Adopted Local Plan and Alterations.*
3. *The proposed buildings, due to their detailed design, in particular the varying roof heights, the use of cat slide roofs along the site frontages and the lack of detailing on the elevations fronting Manor Road, would fail to respect their setting in terms of orientation, roof-line and detailing, contrary to policies ENV7 of the East of England Plan and DBE1 of the Adopted Local Plan and Alterations.*
4. *The proposed bin storage area is inadequate to accommodate the waste and recycling which would be generated by the proposed development, resulting in the potential for additional open storage which would be harmful to the character and appearance of the area, contrary to policy DBE1 of the Adopted Local Plan and Alterations.*

Adjacent Site

EPF/1399/09. Outline planning application for 69 residential units (54 affordable), public open space and a community facility (D1 Use) with all matters reserved except access. Pending consideration...

The above application has a resolution that the Council will grant planning permission subject to the completion of a legal agreement – which is presently under negotiation. Following the resolution of the District Development Control Committee to grant permission, the application was referred to the Government Office for the East of England. The Secretary of State has considered that the application may be determined by the District Council.

Policies Applied:

East of England Plan

SS7 – Green Belt
 H1 – Regional Housing Provision 2001-2021
 H2 – Affordable Housing
 T14 - Parking
 ENV7 – Quality in the Built Environment
 LA1 – London Arc

Adopted Local Plan and Alterations

HC12 – Development Affecting the Setting of a Listed Building
 GB2A – Development in the Green Belt
 GB7A – Conspicuous Development
 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
 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
DBE8 – Amenity Space Provision
ST4 – Highways Considerations
ST6 – Car Parking Standards
LL11 – Landscaping Schemes
E4A – Protection of Employment Sites
E4B – Alternative Uses for Employment Sites

Public Consultation:

Notification of this planning application has been sent to Chigwell Parish Council, London Borough of Redbridge and to 36 neighbouring properties.

The application has also been advertised by the display of a site notice and by the publication of an advertisement in The Guardian local newspaper as a Major Application of wider concern.

The following representations have been received:

CHIGWELL PARISH COUNCIL: No objection.

Objections from the following residential properties have been received:

195, 199, 201 Manor Road
21, 31, 48, 84 Grange Crescent
1a Long Green
29 Millwell Crescent
25 Warren Court, Manor Road

The objections have been submitted on the following grounds:

Character and Appearance - The open space which forms part of Jennikings Garden Centre is integral to the semi-rural character of this area. The estate at the top of Manford Way cannot be regarded as high density. Such a development would not only be out of keeping and out of scale with the overall character of the surrounding properties and Grange Hill as a whole, but it would also contribute to the continual creep of in-filling in the area. The frontage of the development does not take into account the character of the street scene, which is characterised by significant set backs from the road. 21 flats on this small piece of land is wrong – nice small houses would be a better solution. This is not a suitable location for flats and would bring down the tone of the area which is currently a quiet, family orientated, idyllic community.

Green Belt - This should not be considered as a “redevelopment” – this is Green Belt Land that has not been previously developed. The bulk of the site is not used as a garden centre - it is a car park. Application does not comply with policy GB16 of the Local Plan. The area adjacent to the railway line marks the edge of the open countryside and once this line is breached there will be no other defensive line to hold.

Parking and Traffic - This part of Chigwell will not be able to cope with the extra traffic onto an already busy road. Insufficient car parking for flats which are likely to have 2 cars each. Existing illegal parking in the area has caused incidents where vehicles (including an ambulance on an emergency call) have found their progress blocked by cars. Number of parking spaces has been reduced from the previous application.

Sustainability - The bus service has been 'talked up'. There are effectively just two southbound bus routes and none serving destinations to the north, east or west. The nearest proper shopping facility is in Hainault. We are not aware that the site is close to school and healthcare facilities within Epping Forest District.

Nearby Listed Buildings - The construction may affect nearby listed buildings. The development would overwhelm the row of listed cottages opposite, causing harm to their setting.

Drainage and Flooding - For many years local residents have had problems with sewerage and surface water. The drains have only recently been widened to alleviate the problem. The proposed development could potentially cause these problems to return. Sewage system will need upgrading.

Other Matters - The garden centre use is existing, not 'former' as described by the applicant; the area of land should be kept in case an extension to the cemetery is needed; potential for property values to decrease; potential increase in crime and anti-social behaviour. Including loud parties, vandalism, fast food litter and loitering.

Other representations have been received from the following parties:

MRS L MILES (Co-owner of the adjacent site): Objection.

ESSEX COUNTY COUNCIL SCHOOLS, CHILDREN & FAMILIES DIRECTORATE: No objection. Seek education/childcare contribution.

LONDON BOROUGH OF REDBRIDGE: Objection. The properties at 195-209 Manor Road, located to the south of the application site and within the London Borough of Redbridge are Grade II Listed properties. Paragraph 2.17 of PPG15 states that: "Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building. A proposed high or bulky building might also affect the setting of a listed building some distance away, or alter views of a historic skyline." The listed buildings are opposite the application site. It is considered that the application site forms an integral part of the setting of the listed buildings. It is noted that the listed buildings are sunk relative to the road and that their current setting is open fields and a low lying set back single storey garden centre. Manor Road has a variable character, but existing buildings face and address the road, even when set back in the case of the listed buildings. Conversely one of the proposed blocks facing Manor Road faces sideways. From a conservation perspective, the London Borough of Redbridge does not see any justification for the proposal rising to three storeys to the rear of the site and consider that the additional bulk is potentially harmful and unmitigated, harming the visual amenities of the area and the setting of the listed terrace. The proposed buildings would also present a significant wall of development adjacent to the rural aspects of the site, notably the wildflower slopes of the railway to the west, and the discrete lane, country path and pastures to the east. It is noted that there are some flats further along Manor Road to the west of the railway line. However, the area adjacent to and east of the railway line marks the edge of the open countryside defined by Manor Road to the south. The adjoining residential areas to the south and west are of low-density character. The scheme does not relate well to the existing character and settlement pattern of the area described above. The development would intrude substantially into an area of open character, notwithstanding the presence of the nursery. It would detract from the sense of openness in this part of Manor Road. National Government guidance in PPG2 on Green Belts states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. It is not considered that the openness of the green belt is being maintained by the proposal for the reasons stated above. Furthermore, the design of the buildings does not appear to draw from the rural character and the informal domestic, rural/ suburban character of this specific location. The site itself being low lying and single storey, currently relates more closely to

the agricultural/ rural character of the adjoining field, yet no reference is made to that character and setting. Therefore, the proposal is considered to prejudice the visual amenity of the green belt which is contrary to section 3.15 of PPG2 which states “The visual amenities of Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.” Whilst it is noted that this site is previously developed and that Epping Forest DC allows development of affordable housing on Green Belt land under policy GB16 of its Local Plan. The policy sets out a number of criteria that should be satisfied before development can be deemed acceptable. Redbridge has concerns that three of the six criteria have not been adequately met namely that any scheme should be “well related to the existing settlement,” “not have a detrimental impact on the character of the locality,” and “isolated pockets of development should be avoided.”

Issues and Considerations:

The main issues in this case are:

1. the acceptability of the proposed development within the Green Belt;
2. the loss of the site as employment land;
3. the impact of the proposed development on the amenities of the occupiers of neighbouring dwellings;
4. the design of the development;
5. the impact of the development on the character and appearance of the area;
6. impact on nearby listed buildings;
7. the proposed highway and parking arrangements;
8. the proposed provision of affordable housing;
9. the level of amenity of the proposed dwellings; and
10. the sustainability of the proposed development.

Acceptability of the Development within the Green Belt

The site is located within the Metropolitan Green Belt, where new residential development is inappropriate. In this instance, the applicant has put forward a case explaining why they consider that there are very special circumstances which justify this development within the Green Belt. It is proposed that 80% of the proposed 21 units on the site would be provided as affordable housing. The Design and Access Statement contends that *‘redevelopment as proposed would make more efficient use of this strategically positioned site and provide a high proportion of quality low cost housing in a sustainable location without any obvious amenity drawbacks’*.

The application site is located on the edge of the urban area. The site is well served by transport infrastructure, not least by Grange Hill Underground Station. Notwithstanding this, the site is located within the Metropolitan Green Belt and, as a result, residential development would be inappropriate. Such development is, by definition, harmful and can only be allowed where very special circumstances that outweigh the harm caused by reason of inappropriateness and any other harm caused by the development are demonstrated. Such circumstances must be unique and not readily capable of being applicable to any other site in the Green Belt.

There have, however, been other cases within the District where it has been accepted that the provision of affordable housing may contribute towards a case of very special circumstances for allowing a development within the Green Belt. Such cases require a very careful and balanced assessment of the weight to be attached to the special circumstances and the weight to be attached to the harm to the Green Belt.

In this instance, the harm to the Green Belt extends beyond that of inappropriateness. The density of the development in terms of both its footprint and height would cause considerable harm to the

open character of the Green Belt, contrary to policy GB2A of the Local Plan. Furthermore, policy GB7A of the Local Plan states that the Council will refuse planning permission for development which would be conspicuous from within or beyond the Green Belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt. The proposed development, by reason of its height, bulk, massing and density would be detrimental to the open character of the Green Belt, contrary to this policy. For the same reasons, it would be harmful to the rural character of the locality and especially harmful to the visual amenities of the Green Belt.

The development is also of poor design that would detract from the character and appearance of the locality in general. These objections are discussed further below. The very special circumstances proposed by the applicant are:

1. The development would contribute towards making up a shortfall in affordable housing in the locality.
2. The development would secure a financial contribution of £40,000 towards the re-opening of a Post Office in the locality.
3. The site is previously developed land.
4. The site is in a sustainable location for residential development.
5. The development would improve the appearance of the site.
6. The situation of the site is such that there are no long views of it.
7. Land beyond the site will continue to remain open.

The Officer's comments on these seven points are as follows:

The proposal would provide 17 affordable flats by way of a contribution towards meeting the District's need for affordable housing. No social housing provider has expressed an interest in the proposal and the design of the development with an underground car park may affect the viability of the flats as social housing. This has not been addressed in the proposal. Moreover, while the site is in a sustainable location, the need for social housing is a District wide need that is not related to any particular site. A case that a proposed residential development contributes to meeting the need for social housing can be made in relation to any site within the Metropolitan Green Belt.

Although the site is previously developed, it is open and planning policy for Green Belts makes it clear that their purpose is to ensure land within the Green Belt is permanently kept open. The condition of the land is not relevant to the inclusion of the land in the Metropolitan Green Belt.

The condition of the land and whether the development would improve its appearance and its visibility cannot amount to very special circumstances.

It is accepted that the proposed development of this site would generate additional demand for services which were provided by the Post Office within the local shops until its recent closure. The Post Office was closed following a review and consultation exercise undertaken by Royal Mail in 2007. Following the closure of this and other Post Offices across the country, Royal Mail provided local authorities with an option to re-open Post Offices, provided that they are 'cost-neutral' to Royal Mail and do not have a significant impact on surrounding Post Offices. The re-opening of the Post Office would be of benefit to the wider community, in addition to the future occupiers of the proposed development. However, in recent years there have been a number of Post Office closures and accordingly, a financial contribution towards an off-site post office facility cannot be considered as a very special circumstance.

Although not raised by the applicant, there is a potential argument that the resolution to grant outline planning permission on a much larger area to the north and west of the site amounts to a very special circumstance. This is clearly a material consideration. However, until such time that

a planning permission is actually issued, the weight that should be given to that decision must be limited. In these circumstances, this cannot be regarded as a very special circumstance. With regard to the planning application for the adjacent site, following referral to the Secretary of State and negotiations with regard to the provisions of the Section 106 legal agreement, a draft agreement was sent to the applicant on 17th March 2010. At the time of writing this report, no formal response has been received from the applicant's solicitors. Under these circumstances, it would be premature to attach any considerable weight to this matter, at this time.

In the Planning Officer's view, the identified harm to the Green Belt is not outweighed by the benefits of the special circumstances. It is considered that for the development to be acceptable the harm to the Green Belt would need to be considerably reduced. It is suggested that this could be achieved by a reduction to the height (particularly towards the front of the site) and mass of the proposed development.

Loss of Employment Land

Policy E4A of the Local Plan safeguards employment sites from redevelopment to other uses, unless a number of criteria are satisfied. In this instance, having regard to the resolution to grant planning permission at the adjacent site (the main area of the garden centre) it is not considered that the refusal of planning permission on this basis would be justified. Policy E4B of the Local Plan relates to alternative uses for employment sites and favours uses which fulfil community needs prior to open market residential use. The policy recognises affordable housing as being an appropriate community need. Furthermore, a community need has recently been identified for the re-opening of the former Post Office in Manor Road. This application proposes 80% affordable housing and the applicant has also confirmed that they would be willing to enter into a legal agreement to provide a contribution towards the cost of re-opening the Post Office and also towards its running costs for the first three years. It is anticipated that this contribution would be in the region of £40,000, payable over a three year period. Having regard to this package of community benefits, the loss of the employment use is justified in this instance.

Neighbouring Amenity

Due to the distance that would separate the proposed development from the nearest residential properties (it is in excess of 25 metres from the site to the dwellings on the opposite side of Manor Road adjacent to the Underground station) there would not be a material loss of amenity. The row of listed cottages in Manor Road have their main areas of amenity space located to the front. However, the development would be located approximately 22 metres from these gardens and due to this relationship and the length of the gardens there would not be a material loss of privacy.

The proposal indicates side windows in the rearmost block (within the northern section of the site), which would face into the neighbouring site. The applicant has submitted revised plans which indicate that these windows would be obscure glazed. As these windows would all be secondary windows to living/dining rooms, a condition requiring that they are obscure glazed would meet all the tests set out in Circular 11/95.

The awkward shape of the site results in similar problems with the front/rear of this rear block. As they occupy most of the width of this part of the site, the flats are heavily reliant on the open aspect of land outside the applicants control for their natural light and outlook. At the rear (east), the blocks face onto Froghall Lane. To the front (west) they would again face into the neighbouring site, with a separation distance of approximately 2.5 metres to the site boundary (the stairwell would abut the boundary). Following an amendment to the submitted plans, the internal layout of this block has been altered, so that all the windows facing west onto the adjacent site would be non-habitable. Accordingly, these may also be conditioned to be obscure glazed, to mitigate any harm to the future occupiers of either this or the neighbouring site.

Design

The design of the development, to some extent, is improved in relation to that which was the subject of the previous application. The buildings on the Manor Road frontage would have an improved relationship with the street scene than on the previous scheme, as they would create a better defined frontage and contain more elevational detailing and fenestration.

However, there is significant scope for the design of the development to be improved further by reducing its height and bulk. This could be achieved in part by lowering the roof pitch of the blocks at the front of the site to match those behind, which would reduce the height of these blocks by up to one metre. The design would benefit from the regularisation of all roof pitches within the development, including on the projecting gable sections.

Alterations to the roof pitches (as discussed above) have been suggested to the applicant's agent. In response, the agent has commented that they have been deliberately pitched in a way to reduce the height differential between the three storey blocks to the rear of the site and the two storey blocks. The agent states that this will reduce the dominance of the blocks to the rear on the street scene.

However, the Planning Officer's opinion is that rather than reduce the dominance of the rear blocks, this element of the design actually increases the dominance of the front blocks.

Overall, it is considered that the design is unacceptable, due to the density and scale of the development proposed and due to the varying roof pitches.

Impact on the Character and Appearance of the area

Further to issues relating to the detailed design of the proposed development, it is considered that the development proposed would be an overdevelopment of the site. The density is only accommodated by the site because the car parking would mainly be below ground level and the proposed level of amenity space is at the minimum level that might be considered as acceptable. Having regard to Government advice, such a dense development might be acceptable in another context. However, in this instance, bearing in mind the Green Belt location of the site and the semi-rural character of the surroundings of the site, the density is excessive. A development of lower density would provide a softer edge to the surrounding countryside and would be more in keeping with the character of surrounding development. The proposed development would be at odds with the character and appearance of the surrounding area, which, in the immediate vicinity of the site, is characterised by fairly low density development and views across open space.

Within the Design and Access Statement submitted with the planning application, the applicant states that this proposed development would help the Council to meet its housing and affordable housing targets. Government advice clearly directs a need to meet these targets and strong emphasis is placed upon the need for the efficient and effective use of land to achieve this. PPS3 states '*more intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation with inappropriate space. Similarly, in Conservation Areas and other local areas of special character where, if proper attention is paid to achieving good design, new development opportunities can be taken without adverse impacts on their character and appearance.*' It is considered that if a case were submitted upon which the development of this site could be considered to be justified as an exception to normal Green Belt policies of restraint, a higher standard of design should be required in accordance with the above advice.

Impact on Nearby Listed Buildings

The row of listed cottages is located on the opposite side of Manor Road and is set back from the public highway. Their location on the other side of the street visually divorces them from the site and as a result the proposed development would not be detrimental to their setting.

Notwithstanding this assessment, comments have been received from London Borough of Redbridge stating that they have significant concerns about design, bulk and scale and impact on the listed buildings. In particular, London Borough of Redbridge considers that the three storey element at the rear of the site is potentially harmful and unmitigated, to the detriment of the visual amenities of the area and the setting of the listed terrace.

Highways and Parking

The access to the proposed development would be via the proposed estate road into the adjacent site. This access has been agreed in principle on the outline planning application into the adjacent site. That application has a resolution from the District Development Control Committee for planning permission to be granted, subject to the completion of a Section 106 legal agreement.

That agreement is presently being negotiated. That application was referred to the Government Office (as a departure from the Local Plan) and the Secretary of State has allowed the Council to determine the application. This arrangement is, therefore, considered to be acceptable. However, as this development would be entirely reliant on the construction of this road for vehicular access, it will be necessary for a legal agreement to ensure that the development does not commence prior to the construction of the access road to an agreed standard, if permission is granted.

Bearing in mind the likely timeframe for this to happen (considering that the road does not yet have outline consent) it is considered that it will be necessary to grant consent for a period in excess of the standard 3 years to enable the required works to take place prior to commencement. A period of five years has been discussed with the applicant's agent, who considers this to be a reasonable approach to take.

The development would include a total of 25 car parking spaces; 21 within an underground car park (including two disabled access width bays) and 4 at surface level. Space for cycle and motorcycle storage is also provided within the underground car park.

The number of parking spaces falls below the Council's minimum standard, which for this scale of development would be 41 spaces. However, having regard to the location of the site close to an underground station and in close proximity to local services, it is considered that a reduction below the Council's normal standard is justified. Accordingly, the level of car parking proposed is considered to be acceptable.

Affordable Housing

The Council seeks affordable housing provision of 40% on residential developments comprising 15 or more dwellings. This application proposes to provide 80% affordable housing, to justify allowing this development to take place within the Metropolitan Green Belt. The proposal is supported by the Council's Housing section, which has confirmed that the number of applicants on the Housing Needs Register across the District now exceeds 5000. However, concern has been raised by the Council's Director of Housing regarding the viability of delivering the affordable housing, due to the expense of the proposed underground car park.

Amenity of Proposed Dwellings

The removal of the access road from the scheme following the previous refusal has enabled the provision of additional amenity space. Furthermore the nature of the amenity space is considerably improved due to it mainly being located in one large central area. Other smaller areas are provided, notably in the form of balconies and terraces associated with individual flats.

The amount of amenity space accords with Local Plan policy. Policy DBE8 of the Local Plan also suggests that private amenity space should usually be provided at the rear of dwellings; directly adjacent to and accessible from the buildings; of a size and shape which enables reasonable use; and of an aspect that would receive sunlight throughout the year. Having regard to the nature of the scheme the location of the amenity space is acceptable. The proposed amenity space is directly adjacent to and accessible from the buildings, is generally of a size and space that would enable reasonable use and whilst it would receive limited sunlight due to it being surrounded by buildings to the south, east and west, it is this layout which shields the area from public view. Accordingly, this application generally complies with the criteria set out in policy DBE8.

Sustainability

As discussed previously, the site is in a sustainable location, having good access to public transport services and local amenities. In the Design and Access Statement, the applicant advises that the use of extensive glazing to the individual apartments takes advantage of solar gain and natural light and will help to minimise energy use. Whilst it is envisaged that water efficient and energy saving systems will be incorporated within the build other methods of waste and rain water storage will be considered and installed where possible. The Statement also makes reference to the provision of cycle storage and recycling facilities.

Other Matters

Landscaping

This planning application is not supported by a landscaping scheme, although some indicative landscaping is shown on the submitted plans. It is unclear whether the indicative landscaping suggests the planting of trees or shrubs. There are constraints on the site (for example the close proximity of buildings to site boundaries and the provision of the underground car park which would leave a shallow soil depth above) which may mean there are limitations to the amount and type of landscaping which may be provided. Notwithstanding this, some site landscaping may be secured by planning condition, if permission is granted.

The proposed development would clearly necessitate the removal of a substantial section of vegetation along the Froghall Lane boundary.

Waste and Recycling

The inadequate provision of storage for waste and recycling was identified as a reason for refusal for the previous scheme, which proposed three small bin stores located around the site. The location of the stores would have presented difficulties for refuse collectors. This revised scheme proposes a single refuse storage area (approximately 4.3 x 4.6 metres) located on the corner of the development at the closest point to the access road. This arrangement is acceptable and addresses the previous reason for refusal. Details of the layout of the bin store may be secured by planning condition.

Education

Essex County Council (ECC) has advised that if planning permission is granted they would seek a contribution of £9,246 towards Early Years and Childcare provision in the locality and £35,072 towards secondary education provision. Due to a surplus of primary school places in the locality they would not seek a contribution towards primary education.

ECC have further advised with regard to secondary provision that the local school for this development would be West Hatch School and the 2008-2013 Essex School Organisation Plan (SOP) shows that there is currently a deficit in places at this school. A deficit will remain

throughout the SOP period and therefore additional places are required at the School. The proposed development will add to that need. Due to the position of the proposed development in relation to the M11 there are no suitable alternative secondary schools in Essex. The development falls within Grange Hill Ward and there are no available early years and childcare provision within the Ward.

There has been concern raised in respect of previous applications within this part of the District that the development site would be outside the catchment area for West Hatch School and as a result it is not necessary, or reasonable for the applicant to make a contribution on this basis. This is a matter which will require careful consideration, if it is determined that planning permission should be granted.

Protected Species

Having regard to surveys on the adjacent site, it is considered likely that there may be protected species present on the site (particularly within the vicinity of the Froghall Lane boundary). If planning permission is granted, planning conditions will be required to ensure the submission of an ecology survey and the implementation of any mitigation methods which the survey identifies as being necessary.

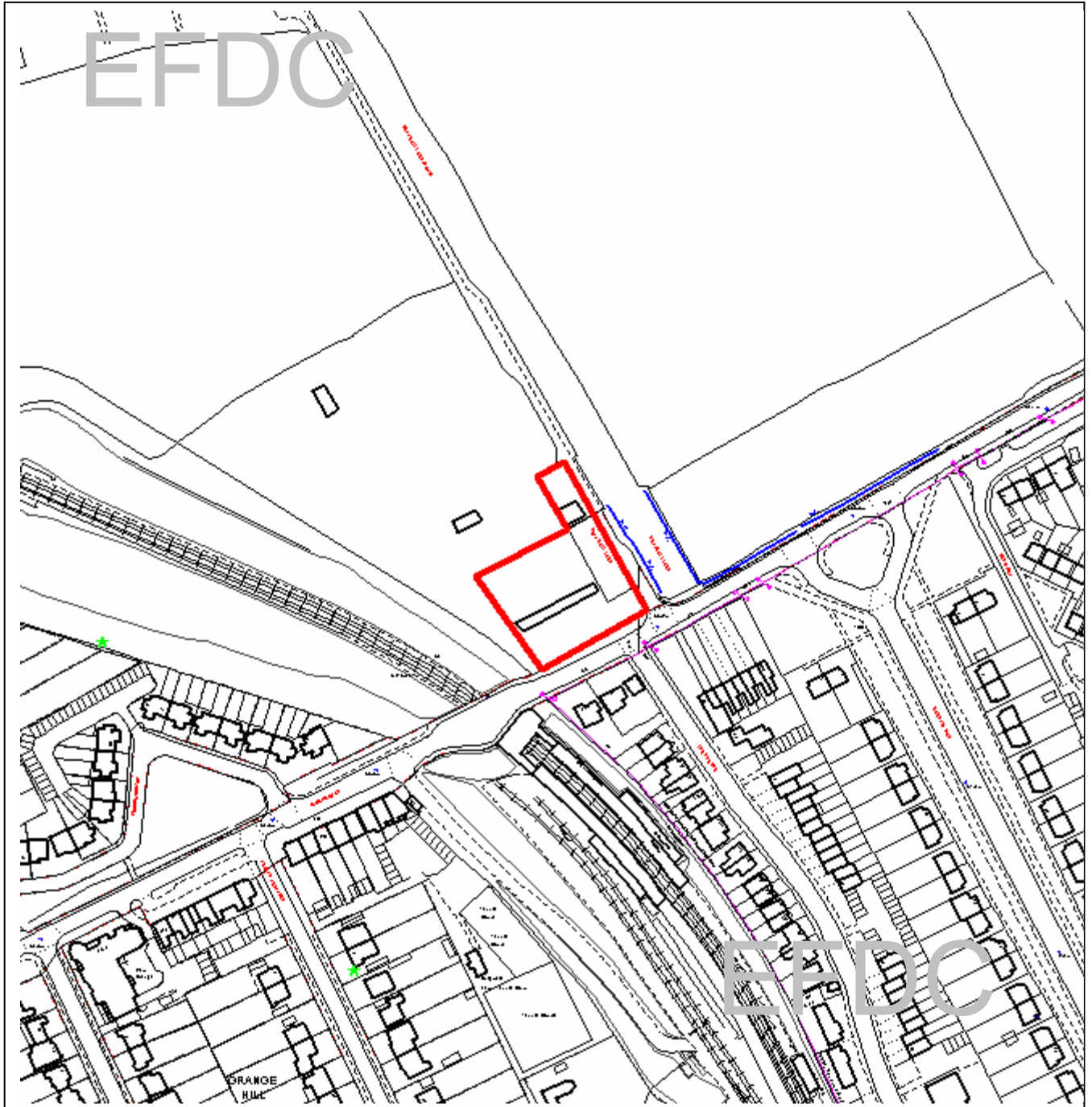
Conclusion

The scale and density of the development proposed is such that the level of harm to the open character and visual amenities of the Metropolitan Green Belt would be such that it would not be outweighed by the circumstances set out by the applicant, as while they amount to material considerations they are not of an order that could amount to very special circumstances. Furthermore despite improvements to this scheme following the previous refusal, the design is still not to an acceptable standard. In particular, it is considered that the varying roof pitches within the development (most notably the steepness of roof pitches adjacent to Manor Road and on the projecting section at the rear of the rearmost block facing) would be harmful to visual amenity. For these reasons, it is recommended that planning permission be refused.



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	2
Application Number:	EPF/2361/09
Site Name:	Garden Centre, 212, Manor Road Chigwell, IG7 4JX
Scale of Plot:	1/2500

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 5th April 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/1153/09–Rear of 103 High Street, Ongar– Partial demolition of existing buildings, conversion and adaptation of existing business units to form 3 x 1 bedroom cottages, construction of 2 x 2 bedroom cottages, bin stores, bike stores and provision of parking spaces.

Officer contact for further information: K Smith

Committee Secretary: S Hill Ext 4249

Recommendation:

That the Committee considers a planning application on land to the rear of 103 High Street, Ongar for the development described above which has been referred by Area Plans Subcommittee East without recommendation.

Report Detail

1. This application has been referred by the Area Plans Sub Committee East. The report to the sub-committee carried a recommendation from officers to grant planning permission (subject to the completion of a legal agreement) and the planning merits of the case are attached in the original report to Subcommittee (As Appendix 1).

Planning Issues

2. The application was first reported to Area Plans Sub Committee East on 14th October 2009 with an Officer's recommendation for approval. The application was deferred by the Committee, to negotiate a request for the provision of affordable housing within the development.

3. On 16th December 2009, the application was reported back to the Committee (with an Officer's recommendation to approve) following the applicants proposal to provide one affordable unit. The Committee resolved to grant planning permission, subject to the completion of a Section 106 legal agreement within 12 months to secure the affordable housing.

4. Subsequent to the Committee's resolution the applicant advised that the development economics would result in the proposal not being viable with the provision of the affordable housing. The applicant provided details of the development costs and the likely sales values for the proposed dwellings and the application was reported to Plans East on 6th October 2010, with an officers recommendation for approval without the requirement for a legal agreement to secure the affordable housing. The Committee requested that the applicant submit a financial appraisal of the development to demonstrate the viability of the proposal

and extended the resolution to grant planning permission subject to a S106 for a further 6 months.

5. With the agreement of planning officers, the applicant commissioned and submitted an independent financial appraisal, undertaken by Kemsley LLP. This appraisal is attached as Appendix 2 to this report. The planning officer queried some of the findings of the report. In particular relating to the Gross Development Value and Development Costs (on page 4). However, following additional information provided by the estate agent (John Sears) and the construction company (Thornwood Construction), these figures are considered to be acceptable by both Kemsley LLP and by the planning officer.

6. The appraisal concludes that the development would not be viable with the provision of an affordable housing unit, returning a profit to the developer of only £9,307 (approximately 1% of the cost of the development). The appraisal further demonstrates that the development would only just be viable without the affordable unit, returning a profit of £131,807, only 14.5% of the development costs – below the normal expectation of 20%. Officers consider that this demonstrates that in addition to the development not being viable with the affordable housing, there is also no scope for a large developer contribution towards any other identified community need.

7. Notwithstanding this, Policy E4B of the Local Plan states 'Where it can be proven that there is no further need for employment uses on a particular site, the Council will permit alternative uses which fulfil other community needs and which satisfy other policies of the plan. Where there is an identified need for a particular facility the Council will have to be satisfied that the site is unsuitable for that use prior to considering the site for open market housing'. It is not considered that the site is suitable for the on-site provision of community facilities, due to its limited size and restricted vehicle access. However, in order to comply with this policy and in accordance with Policy I1A of the Local Plan (which relates to Planning Obligations) the developer offered to make a financial contribution of £10,000 to Ongar Town Council to be spent in relation to the provision of facilities to meet community needs. The Town Council advised that this sum could be put towards a proposed scheme for improvements to a children's play area and would provide a substantial proportion of the cost of providing this facility. However, it will only be reasonable for the sum to be payable upon the commencement of the development, which may be up to three years in the future. Due to this period of time, it is considered reasonable that the legal agreement secures the funding for a use which fulfils a community need (in accordance with Policy E4B) but does not specifically relate to the provision of a children's play area, in order that the community's needs may be considered at the time that the contribution is actually paid.

8. On 16th March 2011 the application was reported back to Plans East with a recommendation by officers that planning permission should be granted, subject to the completion of a S106 legal agreement within six months to secure the contribution of £10,000. At the Committee there was some debate, with some Members suggesting that the sum was inadequate. However, prior to a vote being taken on the application, four Members stood, to defer the application to the District Development Control Committee.

Conclusion

9. The planning merits of this application have, generally, previously been considered acceptable by Members of the Area Plans Sub Committee East.

However, the provision of a community benefit to address Policy E4B of the Local Plan is one upon which there has been no conclusion.

10. This Committee should now consider, based on the planning merits of the case, whether or not planning permission should be granted for the proposed development.

This page is intentionally left blank

Extract from Area Plans East October 2009

APPLICATION No:	EPF/1153/09
SITE ADDRESS:	Rear of No.103 High Street Chipping Ongar Essex CM5
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr R Hilder
DESCRIPTION OF PROPOSAL:	Partial demolition of existing buildings, conversion and adaptation of existing business units to form 3 x 1 bedroom cottages, construction of 2 x 2 bedroom cottages, bin stores, bike stores and provision of parking spaces.
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 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 Classes (A-H) and Part 2 Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 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.

- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 6 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.
- 7 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.

- 8 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.
- 9 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, rainwater goods, 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 LPA in writing prior to the commencement of any works.

- 11 Notwithstanding the requirements of condition 11, the windows to the newbuild cottages shall be recessed into the wall and shall be timber sashes including "horns" in Victorian style.

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:

This application seeks planning permission for the redevelopment of the area to the rear of 103 High Street, for residential purposes. It is proposed to convert existing business premises into 3 x one bed cottages and to build a pair of two bed cottages. Associated car parking, bike and bin stores are also proposed.

Description of Site:

The application site is accessed via a narrow vehicular entrance between 103 and 107 High Street. The buildings along the High Street frontage are listed and the site is located within the Chipping Ongar Conservation Area. There are several buildings within the site which benefit from B1, B8 and A1 uses following the issue of a certificate of lawful use.

Relevant History:

EPF/1513/07. Certificate of lawful development for existing use of units as B1, B8 and A1 uses. Lawful 16/10/2007.

Details:-

The local authority is satisfied that the units listed below have been occupied by the said uses for a period of 10 years or more before the date of this application:- Unit1- B1 use, Unit 2 - B8 use, Unit 3 - B1 use, Unit 4 - B1 use, Unit 5 - B8 use, Unit 6 - B1 use, Unit 7 - A1 use, Store adjacent to Unit 7 - B8 use and Unit 11 - mixed B1/B8 use.

Policies Applied:

East of England Plan

H1 – Regional Housing Provision 2001-2021
T14 - Parking
ENV7 – Quality in the Built Environment
ENV6 – Historic Environment

Adopted Local Plan and Alterations

HC12 – Development Affecting the Setting of a Listed Building
GB7A – Conspicuous Development
H2A – Previously Developed Land
H4A – Dwelling Mix
CP2 – Protecting the Quality of the Rural and Built Environment
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Impact of New Buildings

DBE8 – Amenity Space Provision
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Highways Considerations
ST6 – Car Parking Standards
LL11 – Landscaping Schemes
E4A – Protection of Employment Sites

Summary of Representations:

ONGAR TOWN COUNCIL – Objection - The Council believes that this application represents an unwarranted overdevelopment of the site. Members believe that there would be an increase in vehicle movements if this application were to be granted. Councillors are also concerned that the reduction of parking for remaining businesses would exacerbate the longstanding problems associated with illegal parking in this narrow part of the High Street.

29 properties were consulted, no responses were received

Issues and Considerations:

The main issues in this case are:

- The loss of an existing employment use on the site;
- The impact of the proposed development on the occupiers of neighbouring dwellings;
- The impacts on highways safety; and
- The impacts of the development on the surrounding conservation area and on the setting of the listed buildings.

Loss of Employment Site

Policy E4A of the Local Plan seeks the protection of employment sites within the District. It states that redevelopment for residential uses will only be permitted where it has been shown that either:

- (i) The site is poorly located in relation to housing or access by sustainable means;
- (ii) There are material conflicts with adjoining land uses (e.g. due to noise, disturbance, traffic, environmental and amenity issues);
- (iii) Existing premises are unsuitable in relation to the operational requirements of modern business; or
- (iv) There is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the development plan period;

And there are very significant development or infrastructure constraints making the site unsuitable or uneconomic to redevelop for employment purposes.

No evidence has been submitted by the applicants relating to criteria i and iv. With regard to criteria ii and iii, the standard of the existing vehicular access is poor and due to the close proximity of listed buildings, there appears to be limited potential for improvements. The applicant has submitted data showing that the traffic movements associated with the use would be substantially less than those in relation to the existing lawful use of the premises.

In the submitted Design and Access Statement the applicants state that “*although the site has been in commercial and industrial use for many years, the site access is narrow and unsuitable in relation to the operational requirements of modern business. The widening of the access would require the demolition of buildings in the conservation area on the High Street frontage, and this*

would harm the character and appearance of the conservation area. Therefore the change from commercial and industrial use to residential and the smaller vehicles and reduced vehicle movements that this would entail would be desirable”.

Impact on Neighbouring Dwellings

There is some residential use on the upper floors of buildings surrounding the proposed development site. It is considered that the residential use of the site would be more compatible with these neighbouring dwellings than the lawful commercial use of the site. It is considered that the dwellings proposed would have a satisfactory relationship with one another and would have an acceptable level of amenity for the future occupiers.

Highway Safety

The existing site access is of a poor standard. However, the applicants have submitted information demonstrating that the vehicle movements associated with the proposed use would be substantially less than those in relation to the existing lawful use of the site. County Highways have responded to the consultation exercise confirming that they have no objection to the proposed development. It is considered that the removal of the building to the rear of 103 High Road would improve visibility along the site access and provide an increased area in which vehicles may pass.

The application proposes 9 car parking spaces (5 of which would be allocated to the 5 dwellings).

Impact on Conservation Area and Listed Buildings

The Council's Conservation Officer considers that the proposal will not have a detrimental impact upon this part of the conservation area nor the setting of the listed buildings and that the building style and finishes of these cottages would represent the simple vernacular cottage style of this part of Essex. Conversely, the Historic Buildings advisor has concerns with the detailed design of the proposed new build cottages. Following negotiations, an amended plan has been received detailing some changes to the design of the cottages. However, the applicant feels that further alterations would be contrary to the principles of the Essex Design Guide. The outstanding concerns of the Historic Buildings advisor generally relate to matters which are often controlled by condition – for example the detailed design of the windows. Other matters, relating to the roof design are noted, but it is not considered that they would justify the refusal of planning permission in this instance as it is considered that the buildings, in the form proposed, would not be detrimental to the setting of the listed buildings.

A separate application for Conservation Area consent will be required for the demolition of the buildings.

Other Matters

Suitable site landscaping may be controlled by planning condition.

The Council's Land Drainage section has no objection to the proposed development.

The site has been identified as potentially contaminated and also as potentially of archaeological significance. Both of these matters may be dealt with by planning condition.

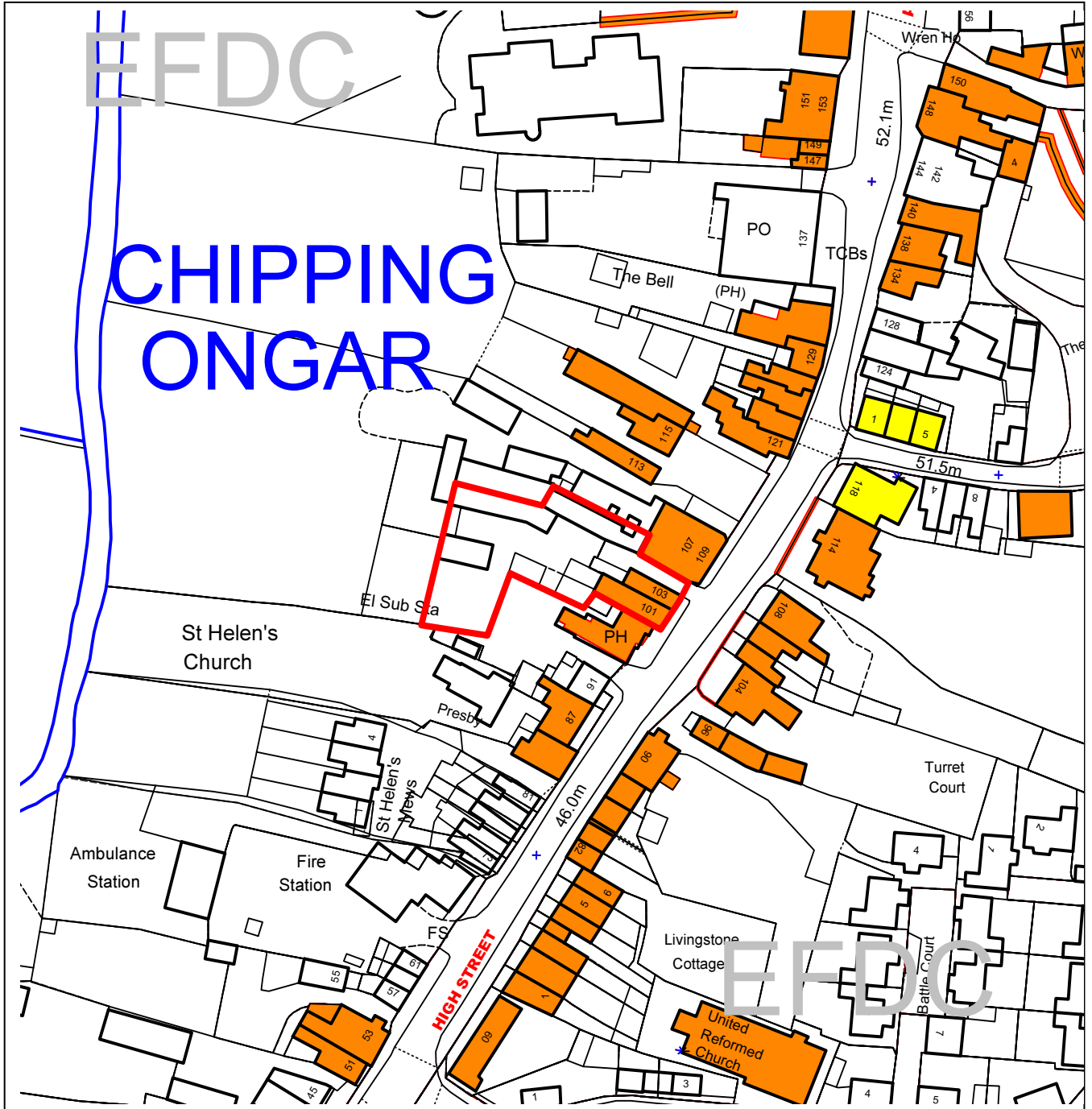
Conclusion

In light of the above appraisal, it is considered on balance that the proposed development may be justified despite the loss of the existing employment use on the site due to the restricted access to the site and having regard to the existing lawful use of the site. The purpose of policy E4A is to prevent the loss of employment uses within the District because of an identified shortfall. Notwithstanding this, it is clear that this site is unsuitable for its existing use. The applicant has failed to demonstrate that the site would not be suitable for a general B1 use, but has confirmed that this would require a redevelopment which they are reluctant to undertake. With regard to other matters, it is considered that the proposed development is appropriate to this location in terms of its scale and design. Accordingly it is not considered that there would be any material harm to either the surrounding conservation area or to the setting of the listed buildings. It is, therefore, recommended that planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	
Application Number:	EPF/1153/09
Site Name:	Rear of No.103 High Street Chipping Ongar , CM5
Scale of Plot:	1/1250

This page is intentionally left blank

APPENDIX 2:

**Financial Appraisal undertaken by Kemsley
LLP**

DC-Supp



Our ref: GEN/10288

19 January 2011

Rosegrove Developments
Little Arnolds
Stapleford Tawney
Romford
RM4 1RD

Epping Forest District Council
Civic Offices
High Street
Epping
CM16 4 BZ

113 NEW LONDON ROAD
CHELMSFORD • ESSEX • CM2 0QT
T: 01245 356988 • F: 01245 356758
property@kemsley.com
www.kemsley.com

FAO Mr R Hilder

FAO Katie Smith (ref PL/KS/EPF/1153/09)

Dear Sirs

**Proposed Development Rear of 103 High Street, Chipping Ongar, CM5 9DX
Planning Application, reference EPF/1153/09**

Instructions

I was instructed, by letter of 17 December 2010, from Stephen Hayhurst, to undertake an "affordable housing financial viability assessment" of the proposed development to the rear of 103 High Street, Ongar. With that letter I was provided with various background papers, as listed in that letter, including: a copy of the planning application; minute of the sub committee meeting of 16 December 2009; budget construction costs from Thornwood Construction Group dated 01 July 2010; and a letter from John Sears, estate agent, of 23 July 2010.

There are two types of appraisal. Valuers tend to be trying to get to the site value, so do a residual appraisal, deducting all likely costs and a profit margin from the Gross Development Value, to leave the residual site value. By contrast, developers generally start from a site value, and end up with a profit margin.

I inspected on 11 January 2011, and met Mr Hilder on site. I confirm, other than that meeting, I have neither met him, nor acted for him or his development company before.

I append some photographs taken by me during that inspection. Also, a plan showing the site (edged red as proposed for development and blue the front part), together with a proposed layout plan.

Brief Description

Chipping Ongar is a popular residential location in South Essex, outside the M25, but reasonably conveniently located for access to the M11 motorway. It used to be at the end of the London Underground service, but this was discontinued, although there are proposals to reinstate it. In common with many towns, the retail traders have suffered, and there are a number of vacant and other shops available on the market. The baker's shop adjacent to this property has closed.

This site forms the rear of 101/103 High Street, and extends behind a public house. It backs onto an open and rather overgrown area, running down to the river, and forming a flood area.

Offices: Basildon, Chelmsford, London, Romford

Regulated by RICS



Kemsley LLP is a limited liability partnership registered in England under number OC 326192
The registered office address is 113 New London Road, Chelmsford, Essex CM2 0QT



On the Local Plan (adopted January 1998) the property is shown as being within the Town Centre area, and the Conservation Area the area behind it is shown as liable to flooding. It is adjacent to, but just outside the assumed line of the Town Earthworks associated with the motte and bailey castle (hence, presumably, the proposed archaeological planning condition).

The site is accessed by a narrow concrete drive between existing buildings, and is set behind a butcher's and a stationer's shops. It comprises a number of existing small units, which have been let for commercial purposes, but are predominantly empty now. See later, but some of these will be retained and others demolished under the proposals. I am told, at one time, it was used as a slaughterhouse, and the cold store remains. Otherwise, the bulk of the site has a concrete surface. The buildings form the boundary to part, with a low brick wall behind the public house, and timber fencing elsewhere (part in poor condition). There are few trees on site, although there is a tall grown cypress hedge by the south west corner, outside the boundary.

The existing use was set out in a Certificate of Lawful Development for Existing Use as B1, B8 and A1 uses (reference EPF/1513/07/CLD). Although not entirely specific, I assume the B1 and B8 uses relate to the area proposed for development and subject of this report, and the A1 relates to the ground floor of the front part.

From the planning application, the site is stated as being 850m².

Planning Application

A planning application, reference EPF/1153/09, was submitted for "partial demolition of existing buildings, conversion adaptation of existing business units to form 3 X 1 bedroom cottages, construction of 2 X 2 bedroom cottages, bin stores, bike stores and provision of parking spaces". Epping Forest District Council resolved to grant consent subject to 10 conditions and a Section 106 Agreement. I have not seen a copy of a draft agreement, but, the planning committee minute states this is to be "a legal agreement ... to secure provision of one affordable housing unit within the site". I summarise the proposed conditions as:

1. to be implemented within three years;
2. approval of external finishes;
3. withdrawal of certain permitted development rights;
4. landscaping;
5. parking areas;
6. hours for construction works;
7. contamination: investigate, remediate, report afterwards;
8. an archaeological investigation;
9. detail of windows etc;
10. windows to be timber sash, recessed.

These conditions are broadly in line with my expectation, within a Conservation Area. There is a cost implication in respect of the contamination condition, plus a cost and potential delay implication in respect of the archaeological investigation.

The requirement for the affordable housing is the subject of this report.

Proposals

The intention is to demolish the lavatories attached to the rear of the butcher's shop, to convert an existing flat roofed area into two bin stores (one commercial, the other domestic). The existing two story office building would be converted to Unit 1. On the other side of the yard, part of the existing building would be retained as a store for the butcher, with part demolished and allocated as parking. The existing structure to the rear right corner would be retained and converted to Unit 4 & 5. An area of storage building and the cold store would be removed. Units 2 & 3 would be constructed in the yard area behind the public house.

The existing buildings would retain the present construction as far as possible. The proposed new cottages would have a rendered front and rear, black timber cladding to the sides, under a duo pitch plain clay tile roof.

From plans provided the proposed accommodation would provide:

- Unit 1
ground floor, lobby (stairs), lounge, kitchen off
first floor, landing, bedroom 1, bathroom
- Unit 2
ground floor, hall (stairs), cloakroom (wc, basin) kitchen/breakfast room, lounge
first floor, landing, bedroom 1, bedroom 2, bathroom
- Unit 3
as Unit 2, but handed
- Unit 4
ground floor, hall (stairs), kitchen, lounge
first floor, landing, bathroom, bedroom 1
- Unit 5
ground floor, lounge, with kitchen and hall (stairs) off
first floor, landing, bathroom, bedroom 1

From plans provided, I calculate the following Gross Internal Areas.

	m ²
Unit 1	46.9
Unit 2	66.2
Unit 3	66.2
Unit 4	73.3
Unit 5	57.3

Appraisal

As I say, there are two types of appraisal, a development appraisal which starts from a known site value and ends with a profit/loss margin, and a residual appraisal which ends with a site value. Valuers generally use the second, as they are endeavouring to get to a site value. However, for this purpose, the development appraisal is more appropriate, and I have run two such appraisals, appended, one with and

the other without an affordable unit. I have done these using the input information as provided, as far as possible, and will comment on this below.

Gross Development Value

This is the sum of the likely sale price of the individual units. I have adopted the figures as provided by John Sears, totalling £915,000 including the affordable unit (Unit 3) at £95,000 in the first appraisal. In the second I have adopted the same figures, except with Unit 3 at the same figure as Unit 2, giving a total of £1,040,000.

I have to say that I do not entirely agree with these figures, although John Sears is a well known and respected agent in the town. However, the range of figures given is quite broad, when analysed on a floor area basis, and I am surprised that he considers the single bedroom Unit 1 to have the same value as the proposed two bedroom cottages, which are larger. In addition, there would generally be a premium for new build. Having said that, I have adopted his figures.

Site Value

I have looked at this three ways. First, I have carried out a residual appraisal to give a site value. I do not append this, but it does show a residual site value of £221,428, based on my own calculation. Secondly, in my general experience, site values are currently around 25% of the Gross Development Value. On £915,000, this would be £228,750. Finally, I would expect the plots to have a value of £60,000 each. On the four private plots, this would be £240,000.

Based off this, I have taken a site value of £230,000 in both appraisals. I note that in his letter to Epping Forest District Council, of 07 September 2010, Mr Hayhurst mentioned a figure of £240,843.75. Net of purchase costs, see below, this compares closely to my figure.

Purchase Costs

Based off this, purchase costs would be £6,900, as shown in both appraisals. While Mr Hilder owns the site already, and it could be argued this is irrelevant, any valuation assumes a market transaction, and any prospective purchaser would reflect the cost of purchase, so it is appropriate to include it.

Development Costs

I have adopted, in both appraisals, the figure as given by Thornwood Construction of £573,750 (£546,750 + 5% contingency). I have to say that I consider this figure to be rather high, but it is a complicated scheme, with requirements to comply with conservation specifications, and, on the small size units, the average cost would be high. There is also a possibility, because of the presence of the cypress trees just outside the boundary, that the footings of Units 2 & 3 would have to be reinforced, deepened or piled. Mr Hilder told me he had a quotation of £2,440 for the archaeological inspection. I have adopted this figure. I have allowed £10,000, my own figure, for the contamination investigation. However, if remedial works are found necessary, this could impact on cost. I have assumed, because the site is virtually completely covered with concrete, that contamination would not be present, although I have not seen any soil reports nor can I

Rear of 103 High Street, Ongar, CM5 9DX



comment on the historic use. It is not until investigation has been completed that this can be quantified. However I consider the allowance I have made to be appropriate for this calculation. I have then allowed for a 5% contingency, plus fees at 6%, which is the rate I apply generally. This would be £35,229. Mr Hilder gave me a breakdown of his fees, totalling slightly more than this. Whilst this gives some check, I consider it appropriate to adopt my usual calculation, as I would expect for any prospective purchaser.

Finance

I have taken twelve months from start to completion of the sale of the final unit, with concurrent nine months on the building costs (at half the amount to allow for the costs to be incurred over that period). I have adopted 6% interest. While it would not be possible to borrow the whole amount, it is usual to build in an interest allowance on the developer's own funding contribution as well.

Sales

I have adopted the John Sears' figures, and kept them the same in both appraisals, except for Unit 3. I have then taken sale costs (legal and agents' fees). There is a consequent knock on effect on costs in the second appraisal as a result of the higher sale figure for Unit 3.

Value Added Tax

I have disregarded the implications of VAT, as I have assumed any developer would be able to offset it (VAT being payable on the difference between input and outputs).

Profit/Loss

As will be seen from the summaries of the two appraisals, the Gross Development value is different, but the site, acquisition, development costs and finance remain the same. There is a small difference in sales costs. The appraisal allowing for one affordable unit shows a profit of £9,307. This represents 1% (on Total Development Costs). The normal target developers expect is 20%, although in the current economic climate 15% is deemed acceptable. The second appraisal, without an affordable unit, produces a profit of £131,807, 14.5%.

Conclusion

In my opinion the scheme is not viable with an affordable housing unit, and is unlikely to be built out. Without such a unit, it is viable, although the profit margin is just below target.

I trust this provides the information you require, but please feel free to contact me if I can be of further assistance. Meanwhile, I enclose my fee account to Mr Hilder in the sum as agreed.

Yours faithfully

[Redacted signature box]

**GE NICHOLLS FRICS FAAV
KEMSLEY LLP**



Access off High Street



Rear Yard area, where Units 2 & 3 would stand



From rear



Proposed Unit 1		Front demolished, rear to be Units 4 & 5	
APPRAISAL		WITH ONE AFFORDABLE UNIT	
Subject: Land Rear of 103 High Street, Ongar			
Date: 17 January 2011			
CAPITAL VALUE		m ²	sq ft
Unit 1	separate, 1 bedroom	46.9	505
Unit 2	semi detached 2 bedrooms	66.2	713
Unit 3	semi detached 2 bedrooms	66.2	713
Unit 4	adjoining, 1 bedroom	73.3	789
Unit 5	adjoining, 1 bedroom	57.3	617
Gross Development Value		£ 915,000	
Less		Costs	
Site		230000	
Purchase costs			
	agents at 1.5 %	3450	
	legal fees 0.5 %	1150	
	stamp duty 1 %	2300	
development costs			
	floor area 309.9 m ²		
	As Thomwood Construction	546750	
	archaeological	2440	
	contamination, allow	10000	
	contingency 5.0 %	27960	
	fees at 6.0 %	35229	
finance			
	at 6.0 %		
	site 12 months	14214	
	building 9 months	13901	
sales			
	agents at 1.5 %	13725	
	legal at % 0.5 %	4575	
PROFIT/LOSS		1.0 %	
		9307	
		915000	
Summary			
Gross Development Value		915000	
Less:			
	site	230000	
	acquisition costs	6900	
	development costs	622378	
	finance	28115	
	sale costs	18300	
	profit/loss	9307	
		915000	

APPRAISAL			NO AFFORDABLE UNIT		
Subject: Land Rear of 103 High Street, Ongar					
Date: 17 January 2011					
CAPITAL VALUE			m ²	sq ft	total
Unit 1	separate, 1 bedroom		46.9	505	£ 220,000
Unit 2	semi detached 2 bedrooms		66.2	713	£ 220,000
Unit 3	semi detached 2 bedrooms		66.2	713	£ 220,000
Unit 4	adjoining, 1 bedroom		73.3	789	£ 185,000
Unit 5	adjoining, 1 bedroom		57.3	617	£ 195,000
Gross Development Value					£ 1,040,000
Less					
			Costs		
Site			230000		
Purchase costs					
	agents at	1.5 %	3450		
	legal fees	0.5 %	1150		
	stamp duty	1 %	2300		
development costs					
	floor area	309.9 m ²			
	As Thornwood Construction		546750		
	archaeological, allow		2440		
	contamination, allow		10000		
	contingency	5.0 %	27960		
	fees at	6.0 %	35229		
finance	at	6.0 %			
	site	12 months	14214		
	building	9 months	13901		
sales					
	agents at	1.5 %	15600		
	legal at %	0.5 %	5200		
PROFIT/LOSS			14.5 %		
			131807		
			1040000		
Summary					
Gross Development Value			1040000		
Less:					
	site		230000		
	acquisition costs		6900		
	development costs		622378		
	finance		28115		
	sale costs		20800		
	profit/loss		131807		
			1040000		



A proposed layout, not to scale



A Site Plan 1:1000

KEMSLEY
PROPERTY CONSULTANTS

For Identification Purposes Only
 Subject: 108-110, 112-114, 116-118, 120-122, 124-126, 128-130, 132-134, 136-138, 140-142, 144-146, 148-150, 152-154, 156-158, 160-162, 164-166, 168-170, 172-174, 176-178, 180-182, 184-186, 188-190, 192-194, 196-198, 200-202, 204-206, 208-210, 212-214, 216-218, 220-222, 224-226, 228-230, 232-234, 236-238, 240-242, 244-246, 248-250, 252-254, 256-258, 260-262, 264-266, 268-270, 272-274, 276-278, 280-282, 284-286, 288-290, 292-294, 296-298, 300-302, 304-306, 308-310, 312-314, 316-318, 320-322, 324-326, 328-330, 332-334, 336-338, 340-342, 344-346, 348-350, 352-354, 356-358, 360-362, 364-366, 368-370, 372-374, 376-378, 380-382, 384-386, 388-390, 392-394, 396-398, 400-402, 404-406, 408-410, 412-414, 416-418, 420-422, 424-426, 428-430, 432-434, 436-438, 440-442, 444-446, 448-450, 452-454, 456-458, 460-462, 464-466, 468-470, 472-474, 476-478, 480-482, 484-486, 488-490, 492-494, 496-498, 500-502, 504-506, 508-510, 512-514, 516-518, 520-522, 524-526, 528-530, 532-534, 536-538, 540-542, 544-546, 548-550, 552-554, 556-558, 560-562, 564-566, 568-570, 572-574, 576-578, 580-582, 584-586, 588-590, 592-594, 596-598, 600-602, 604-606, 608-610, 612-614, 616-618, 620-622, 624-626, 628-630, 632-634, 636-638, 640-642, 644-646, 648-650, 652-654, 656-658, 660-662, 664-666, 668-670, 672-674, 676-678, 680-682, 684-686, 688-690, 692-694, 696-698, 700-702, 704-706, 708-710, 712-714, 716-718, 720-722, 724-726, 728-730, 732-734, 736-738, 740-742, 744-746, 748-750, 752-754, 756-758, 760-762, 764-766, 768-770, 772-774, 776-778, 780-782, 784-786, 788-790, 792-794, 796-798, 800-802, 804-806, 808-810, 812-814, 816-818, 820-822, 824-826, 828-830, 832-834, 836-838, 840-842, 844-846, 848-850, 852-854, 856-858, 860-862, 864-866, 868-870, 872-874, 876-878, 880-882, 884-886, 888-890, 892-894, 896-898, 900-902, 904-906, 908-910, 912-914, 916-918, 920-922, 924-926, 928-930, 932-934, 936-938, 940-942, 944-946, 948-950, 952-954, 956-958, 960-962, 964-966, 968-970, 972-974, 976-978, 980-982, 984-986, 988-990, 992-994, 996-998, 1000-1002, 1004-1006, 1008-1010, 1012-1014, 1016-1018, 1020-1022, 1024-1026, 1028-1030, 1032-1034, 1036-1038, 1040-1042, 1044-1046, 1048-1050, 1052-1054, 1056-1058, 1060-1062, 1064-1066, 1068-1070, 1072-1074, 1076-1078, 1080-1082, 1084-1086, 1088-1090, 1092-1094, 1096-1098, 1100-1102, 1104-1106, 1108-1110, 1112-1114, 1116-1118, 1120-1122, 1124-1126, 1128-1130, 1132-1134, 1136-1138, 1140-1142, 1144-1146, 1148-1150, 1152-1154, 1156-1158, 1160-1162, 1164-1166, 1168-1170, 1172-1174, 1176-1178, 1180-1182, 1184-1186, 1188-1190, 1192-1194, 1196-1198, 1200-1202, 1204-1206, 1208-1210, 1212-1214, 1216-1218, 1220-1222, 1224-1226, 1228-1230, 1232-1234, 1236-1238, 1240-1242, 1244-1246, 1248-1250, 1252-1254, 1256-1258, 1260-1262, 1264-1266, 1268-1270, 1272-1274, 1276-1278, 1280-1282, 1284-1286, 1288-1290, 1292-1294, 1296-1298, 1300-1302, 1304-1306, 1308-1310, 1312-1314, 1316-1318, 1320-1322, 1324-1326, 1328-1330, 1332-1334, 1336-1338, 1340-1342, 1344-1346, 1348-1350, 1352-1354, 1356-1358, 1360-1362, 1364-1366, 1368-1370, 1372-1374, 1376-1378, 1380-1382, 1384-1386, 1388-1390, 1392-1394, 1396-1398, 1400-1402, 1404-1406, 1408-1410, 1412-1414, 1416-1418, 1420-1422, 1424-1426, 1428-1430, 1432-1434, 1436-1438, 1440-1442, 1444-1446, 1448-1450, 1452-1454, 1456-1458, 1460-1462, 1464-1466, 1468-1470, 1472-1474, 1476-1478, 1480-1482, 1484-1486, 1488-1490, 1492-1494, 1496-1498, 1500-1502, 1504-1506, 1508-1510, 1512-1514, 1516-1518, 1520-1522, 1524-1526, 1528-1530, 1532-1534, 1536-1538, 1540-1542, 1544-1546, 1548-1550, 1552-1554, 1556-1558, 1560-1562, 1564-1566, 1568-1570, 1572-1574, 1576-1578, 1580-1582, 1584-1586, 1588-1590, 1592-1594, 1596-1598, 1600-1602, 1604-1606, 1608-1610, 1612-1614, 1616-1618, 1620-1622, 1624-1626, 1628-1630, 1632-1634, 1636-1638, 1640-1642, 1644-1646, 1648-1650, 1652-1654, 1656-1658, 1660-1662, 1664-1666, 1668-1670, 1672-1674, 1676-1678, 1680-1682, 1684-1686, 1688-1690, 1692-1694, 1696-1698, 1700-1702, 1704-1706, 1708-1710, 1712-1714, 1716-1718, 1720-1722, 1724-1726, 1728-1730, 1732-1734, 1736-1738, 1740-1742, 1744-1746, 1748-1750, 1752-1754, 1756-1758, 1760-1762, 1764-1766, 1768-1770, 1772-1774, 1776-1778, 1780-1782, 1784-1786, 1788-1790, 1792-1794, 1796-1798, 1800-1802, 1804-1806, 1808-1810, 1812-1814, 1816-1818, 1820-1822, 1824-1826, 1828-1830, 1832-1834, 1836-1838, 1840-1842, 1844-1846, 1848-1850, 1852-1854, 1856-1858, 1860-1862, 1864-1866, 1868-1870, 1872-1874, 1876-1878, 1880-1882, 1884-1886, 1888-1890, 1892-1894, 1896-1898, 1900-1902, 1904-1906, 1908-1910, 1912-1914, 1916-1918, 1920-1922, 1924-1926, 1928-1930, 1932-1934, 1936-1938, 1940-1942, 1944-1946, 1948-1950, 1952-1954, 1956-1958, 1960-1962, 1964-1966, 1968-1970, 1972-1974, 1976-1978, 1980-1982, 1984-1986, 1988-1990, 1992-1994, 1996-1998, 2000-2002, 2004-2006, 2008-2010, 2012-2014, 2016-2018, 2020-2022, 2024-2026, 2028-2030, 2032-2034, 2036-2038, 2040-2042, 2044-2046, 2048-2050, 2052-2054, 2056-2058, 2060-2062, 2064-2066, 2068-2070, 2072-2074, 2076-2078, 2080-2082, 2084-2086, 2088-2090, 2092-2094, 2096-2098, 2100-2102, 2104-2106, 2108-2110, 2112-2114, 2116-2118, 2120-2122, 2124-2126, 2128-2130, 2132-2134, 2136-2138, 2140-2142, 2144-2146, 2148-2150, 2152-2154, 2156-2158, 2160-2162, 2164-2166, 2168-2170, 2172-2174, 2176-2178, 2180-2182, 2184-2186, 2188-2190, 2192-2194, 2196-2198, 2200-2202, 2204-2206, 2208-2210, 2212-2214, 2216-2218, 2220-2222, 2224-2226, 2228-2230, 2232-2234, 2236-2238, 2240-2242, 2244-2246, 2248-2250, 2252-2254, 2256-2258, 2260-2262, 2264-2266, 2268-2270, 2272-2274, 2276-2278, 2280-2282, 2284-2286, 2288-2290, 2292-2294, 2296-2298, 2300-2302, 2304-2306, 2308-2310, 2312-2314, 2316-2318, 2320-2322, 2324-2326, 2328-2330, 2332-2334, 2336-2338, 2340-2342, 2344-2346, 2348-2350, 2352-2354, 2356-2358, 2360-2362, 2364-2366, 2368-2370, 2372-2374, 2376-2378, 2380-2382, 2384-2386, 2388-2390, 2392-2394, 2396-2398, 2400-2402, 2404-2406, 2408-2410, 2412-2414, 2416-2418, 2420-2422, 2424-2426, 2428-2430, 2432-2434, 2436-2438, 2440-2442, 2444-2446, 2448-2450, 2452-2454, 2456-2458, 2460-2462, 2464-2466, 2468-2470, 2472-2474, 2476-2478, 2480-2482, 2484-2486, 2488-2490, 2492-2494, 2496-2498, 2500-2502, 2504-2506, 2508-2510, 2512-2514, 2516-2518, 2520-2522, 2524-2526, 2528-2530, 2532-2534, 2536-2538, 2540-2542, 2544-2546, 2548-2550, 2552-2554, 2556-2558, 2560-2562, 2564-2566, 2568-2570, 2572-2574, 2576-2578, 2580-2582, 2584-2586, 2588-2590, 2592-2594, 2596-2598, 2600-2602, 2604-2606, 2608-2610, 2612-2614, 2616-2618, 2620-2622, 2624-2626, 2628-2630, 2632-2634, 2636-2638, 2640-2642, 2644-2646, 2648-2650, 2652-2654, 2656-2658, 2660-2662, 2664-2666, 2668-2670, 2672-2674, 2676-2678, 2680-2682, 2684-2686, 2688-2690, 2692-2694, 2696-2698, 2700-2702, 2704-2706, 2708-2710, 2712-2714, 2716-2718, 2720-2722, 2724-2726, 2728-2730, 2732-2734, 2736-2738, 2740-2742, 2744-2746, 2748-2750, 2752-2754, 2756-2758, 2760-2762, 2764-2766, 2768-2770, 2772-2774, 2776-2778, 2780-2782, 2784-2786, 2788-2790, 2792-2794, 2796-2798, 2800-2802, 2804-2806, 2808-2810, 2812-2814, 2816-2818, 2820-2822, 2824-2826, 2828-2830, 2832-2834, 2836-2838, 2840-2842, 2844-2846, 2848-2850, 2852-2854, 2856-2858, 2860-2862, 2864-2866, 2868-2870, 2872-2874, 2876-2878, 2880-2882, 2884-2886, 2888-2890, 2892-2894, 2896-2898, 2900-2902, 2904-2906, 2908-2910, 2912-2914, 2916-2918, 2920-2922, 2924-2926, 2928-2930, 2932-2934, 2936-2938, 2940-2942, 2944-2946, 2948-2950, 2952-2954, 2956-2958, 2960-2962, 2964-2966, 2968-2970, 2972-2974, 2976-2978, 2980-2982, 2984-2986, 2988-2990, 2992-2994, 2996-2998, 3000-3002, 3004-3006, 3008-3010, 3012-3014, 3016-3018, 3020-3022, 3024-3026, 3028-3030, 3032-3034, 3036-3038, 3040-3042, 3044-3046, 3048-3050, 3052-3054, 3056-3058, 3060-3062, 3064-3066, 3068-3070, 3072-3074, 3076-3078, 3080-3082, 3084-3086, 3088-3090, 3092-3094, 3096-3098, 3100-3102, 3104-3106, 3108-3110, 3112-3114, 3116-3118, 3120-3122, 3124-3126, 3128-3130, 3132-3134, 3136-3138, 3140-3142, 3144-3146, 3148-3150, 3152-3154, 3156-3158, 3160-3162, 3164-3166, 3168-3170, 3172-3174, 3176-3178, 3180-3182, 3184-3186, 3188-3190, 3192-3194, 3196-3198, 3200-3202, 3204-3206, 3208-3210, 3212-3214, 3216-3218, 3220-3222, 3224-3226, 3228-3230, 3232-3234, 3236-3238, 3240-3242, 3244-3246, 3248-3250, 3252-3254, 3256-3258, 3260-3262, 3264-3266, 3268-3270, 3272-3274, 3276-3278, 3280-3282, 3284-3286, 3288-3290, 3292-3294, 3296-3298, 3300-3302, 3304-3306, 3308-3310, 3312-3314, 3316-3318, 3320-3322, 3324-3326, 3328-3330, 3332-3334, 3336-3338, 3340-3342, 3344-3346, 3348-3350, 3352-3354, 3356-3358, 3360-3362, 3364-3366, 3368-3370, 3372-3374, 3376-3378, 3380-3382, 3384-3386, 3388-3390, 3392-3394, 3396-3398, 3400-3402, 3404-3406, 3408-3410, 3412-3414, 3416-3418, 3420-3422, 3424-3426, 3428-3430, 3432-3434, 3436-3438, 3440-3442, 3444-3446, 3448-3450, 3452-3454, 3456-3458, 3460-3462, 3464-3466, 3468-3470, 3472-3474, 3476-3478, 3480-3482, 3484-3486, 3488-3490, 3492-3494, 3496-3498, 3500-3502, 3504-3506, 3508-3510, 3512-3514, 3516-3518, 3520-3522, 3524-3526, 3528-3530, 3532-3534, 3536-3538, 3540-3542, 3544-3546, 3548-3550, 3552-3554, 3556-3558, 3560-3562, 3564-3566, 3568-3570, 3572-3574, 3576-3578, 3580-3582, 3584-3586, 3588-3590, 3592-3594, 3596-3598, 3600-3602, 3604-3606, 3608-3610, 3612-3614, 3616-3618, 3620-3622, 3624-3626, 3628-3630, 3632-3634, 3636-3638, 3640-3642, 3644-3646, 3648-3650, 3652-3654, 3656-3658, 3660-3662, 3664-3666, 3668-3670, 3672-3674, 3676-3678, 3680-3682, 3684-3686, 3688-3690, 3692-3694, 3696-3698, 3700-3702, 3704-3706, 3708-3710, 3712-3714, 3716-3718, 3720-3722, 3724-3726, 3728-3730, 3732-3734, 3736-3738, 3740-3742, 3744-3746, 3748-3750, 3752-3754, 3756-3758, 3760-3762, 3764-3766, 3768-3770, 3772-3774, 3776-3778, 3780-3782, 3784-3786, 3788-3790, 3792-3794, 3796-3798, 3800-3802, 3804-3806, 3808-3810, 3812-3814, 3816-3818, 3820-3822, 3824-3826, 3828-3830, 3832-3834, 3836-3838, 3840-3842, 3844-3846, 3848-3850, 3852-3854, 3856-3858, 3860-3862, 3864-3866, 3868-3870, 3872-3874, 3876-3878, 3880-3882, 3884-3886, 3888-3890, 3892-3894, 3896-3898, 3900-3902, 3904-3906, 3908-3910, 3912-3914, 3916-3918, 3920-3922, 3924-3926, 3928-3930, 3932-3934, 3936-3938, 3940-3942, 3944-3946, 3948-3950, 3952-3954, 3956-3958, 3960-3962, 3964-3966, 3968-3970, 3972-3974, 3976-3978, 3980-3982, 3984-3986, 3988-3990, 3992-3994, 3996-3998, 4000-4002, 4004-4006, 4008-4010, 4012-4014, 4016-4018, 4020-4022, 4024-4026, 4028-4030, 4032-4034, 4036-4038, 4040-4042, 4044-4046, 4048-4050, 4052-4054, 4056-4058, 4060-4062, 4064-4066, 4068-4070, 4072-4074, 4076-4078, 4080-4082, 4084-4086, 4088-4090, 4092-4094, 4096-4098, 4100-4102, 4104-4106, 4108-4110, 4112-4114, 4116-4118, 4120-4122, 4124-4126, 4128-4130, 4132-4134, 4136-4138, 4140-4142, 4144-4146, 4148-4150, 4152-4154, 4156-4158, 4160-4162, 4164-4166, 4168-4170, 4172-4174, 4176-4178, 4180-4182, 4184-4186, 4188-4190, 4192-4194, 4196-4198, 4200-4202, 4204-4206, 4208-4210, 4212-4214, 4216-4218, 4220-4222, 4224-4226, 4228-4230, 4232-4234, 4236-4238, 4240-4242, 4244-4246, 4248-4250, 4252-4254, 4256-4258, 4260-4262, 4264-4266, 4268-4270, 4272-4274, 4276-4278, 4280-4282, 4284-4286, 4288-4290, 4292-4294, 4296-4298, 4300-4302, 4304-4306, 4308-4310, 4312-4314, 4316-4318, 4320-4322, 4324-4326, 4328-4330, 4332-4334, 4336-4338, 4340-4342, 4344-4346, 4348-4350, 4352-4354, 4356-4358, 4360-4362, 4364-4366, 4368-4370, 4372-4374, 4376-4378, 4380-4382, 4384-4386, 4388-4390, 4392-4394, 4396-4398, 4400-4402, 4404-4406, 4408-4410, 4412-4414, 4416-4418, 4420-4422, 4424-4426, 4428-4430, 4432-4434, 4436-4438, 4440-4442, 4444-4446, 4448-4450, 4452-4454, 4456-4458, 4460-4462, 4464-4466, 4468-4470, 4472-4474, 4476-4478, 4480-4482, 4484-4486, 4488-4490, 4492-4494, 4496-4498, 4500-4502, 4504-4506, 4508-4510, 4512-4514, 4516-4518, 4520-4522, 4524-4526, 4528-4530, 4532-4534, 4536-4538, 4540-4542, 4544-4546, 4548-4550, 4552-4554, 4556-4558, 4560-4562, 4564-4566, 4568-4570, 4572-4574, 4576-4578, 4580-4582, 4584-4586, 4588-4590, 4592-4594, 4596-4598, 4600-4602, 4604-4606, 4608-4610, 4612-4614, 4616-4618, 4620-4622, 4624-4626, 4628-4630, 4632-4634, 4636-4638, 4640-4642, 4644-4646, 4648-4650, 4652-4654, 4656-4658, 46

APPENDIX 2: Additional Information



7 February, 2011

Mr J. Hilder
C/o JSP Design
1 Basons Yard
High Street
Chipping Ongar
Essex
CM5 9AA

Dear Mr Hilder

re: Proposed development site to the rear of 103 High Street, Chipping Ongar, Essex.

Further to our letter to you on the 23rd July 2010. I write to confirm that the values of the above properties are unchanged with the exception of plot 3 which should be valued the same as the adjoining property i.e. £220,000 as this is no longer deemed low cost housing, although plot 1 is a much smaller property the reason I have valued this also at £220,000 is that it is detached and will retain a lot of its original character.

I trust this information will answer your questions satisfactory, if I can be of further assistance please do not hesitate to contact me.

Yours sincerely



John Sear
ANAEA

204 High Street, Ongar, Essex CM5 9JJ Tel: 01277 363136
Fax: 01277 365648 Website: www.johnsear.co.uk
E-Mail: sales@johnsear.co.uk



Thornwood Construction Group

Our Ref: SH/CJ

8 February 2011

JSP Chartered Town Planners
1 Basons Yard
High Street
Chipping Ongar
Essex
CM5 9AA

First Floor
188 High Road
Loughton
Essex IG10 1DN

Tel: 0208 588 7032

Fax: 0208 502 6324

Email: admin@thornwoodgroup.co.uk

Dear Sirs,

Land and buildings rear of 103 High Street, Ongar, Essex CM5 9DX

I refer to our telephone conversation and I thank you for forwarding a copy of a letter dated 19th January 2011, prepared by Mr. Nicholls of Kemsley LLP.

You have asked me to comment upon our construction costs, in light of his comment on page 4 of his report.

The construction costs were arrived at having due consideration for the difficulties of this particular site.

Specifically, ingress and egress to the site is very narrow and difficult, and we anticipate that a large element of off-loading and delivery will need to be carried out from the High Street and taken by smaller vehicles into the rear of the site, due to the restricted width and access. There may be a need for some crane off loading, and almost certainly concrete pumps will be required.

We therefore anticipate significantly more cost to be incurred in running a site in this manner.

We have anticipated, as Mr. Nicholls correctly assumed, that there would be quite a lot of exterior work which we have allowed for, in terms of contamination removal in the first instance, and thereafter in the formation of hard landscaping parking areas and amenity space provision.

The construction costs for each unit therefore, whilst representing the majority of the build costs, do not themselves give a full picture of the overall cost of this development, and we have also of course added a 5% contingency which has been netted down by Mr. Nicholls in his letter.

On balance therefore, whilst the construction costs may seem superficially high, we have adopted a realistic position in pricing the work, in anticipating the difficulties of running the contract on such a tight site, surrounded by so many other properties leading to a substantial amount of Party Wall related construction work.

We have attempted therefore to provide a costing which we can work to in order to provide the client, Mr. Hilder, with a realistic appraisal of his likely development construction costs.

The figures were given in July 2010 and there has been some upward pressure on pricing, but we are currently standing by the prices submitted.

I trust this is sufficient for your purposes, and will reassure Mr. Nicholls that we have endeavoured to consider all of the factors likely to affect the price and duly accommodated them within our budget costings.

Company No: 7107917. Thornwood Construction Group is the trading name of Thornwood (London) Limited

Report to District Development Control Committee

Date of meeting: 5 April 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/1907/10 – Land rear of Oakley Hall Hoe Lane Nazeing - Demolition of derelict glasshouse and sundry structures, erection of 50 bed care home with associated ancillary parking and landscaping (revised application from EPF/0081/10)

**Officer contact for further information: J Cordell Ext 4294
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee grants planning permission for application EPF/1907/10 on land Rear of Oakley Hall, Hoe Lane, Nazeing subject to:

- A legal agreement under S106 of the Town and Country Planning Act 1990 (as amended)
- No further representation raising new issues received after 5th April 2011
- No Call-in from the Government Office for the East of England (or its successor)
- The following conditions:
 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
 2. No development shall have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. Reason:- To ensure a satisfactory appearance in the interests of visual amenity.
 3. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority, the development shall then be carried out and maintained in accordance with the approved details. Reason: To prevent pollution to surface/groundwater.

- 4. The development hereby permitted shall not be commenced until such time as a scheme to abstract and discharge groundwater for Ground Source Heat Pumps (GSHP) has been submitted to and approved in writing by, the Local Planning Authority. The Development shall then be carried out and maintained in accordance with the approved details. Reason: To prevent the pollution of ground water**
- 5. The development hereby permitted shall be carried out and maintained thereafter in accordance with the approved Flood Risk Assessment (FRA) by HCD Group Revision A dated October 2010 and the following mitigation measures detailed within the FRA:**

 - 1- Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed 5 Litres per second and not increase the risk of flooding off site (section 3.1)**
 - 2 - Use green roofs, ponds and wetlands to provide the storage needed to manage the surface water from the site (section 3.3).**

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide biodiversity and amenity benefits whilst managing surface water flood risk.
- 6. The development shall be carried out in strict accordance with the recommendations made within the Applied Ecology surveys document dated May 2010 comprising either a SUDs and Landscape enhancement or an appropriate contribution in lieu as set out in the accompanying S106 Reason: To preserve and enhance the habitats onsite.**
- 7. Prior to the commencement of works, all existing structures on site shall be demolished and removed in their entirety. Reason: In order that the development accords with the approved plans, to preserve the character and appearance of the Green Belt and in the interests of the amenities of future occupiers.**
- 8. All construction/demolition works and ancillary operations, including vehicle movement on 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. Reason: In the interests of the amenities of neighbouring properties.**
- 9. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the**

Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The Application does not secure the provision of affordable housing. The District is subject to a significant and increasing demand for affordable housing and accordingly the failure of this development to**

provide affordable housing would be contrary to Policies H5A and H6A of the adopted Local Plan and Alterations.

11. **Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.**
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
12. **Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.**
Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
13. **No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.**
Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

14. **Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used solely as care accommodation for persons defined medically as in need of care and for no other purpose within Class C2.**
Reason: The very special circumstances set out to justify the development in the Green Belt and the loss of glass house land relate to the need for care in the District, therefore any other use would be unacceptable in the Green Belt and on a former glass house site and in order that the development accords with the approved particulars.
15. **No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.**
Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.
16. **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) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping 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 minor artefacts and structures, including signs and lighting and functional services above and below ground. The 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.**
Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to

the development with particular attention to the boundary treatments adjacent the neighbouring glasshouse sites.

Report Detail

1. (Director of Planning and Economic Development) This application has been referred to DDC from the Sub Committee West on 19th January 2011. The Committee resolved to grant planning permission subject to conditions as above and the completion of a Section 106 legal agreement to secure the obligations set out in the Officers report from 19th January 2011 and an additional commitment offering a percentage of occupation of the facilities be restricted for use by local residents.

Planning Issues

2. The application put before the Area Plans Sub-Committee on 19th January 2011 (report attached at Appendix 1) was considered by Members to be acceptable as Members were persuaded that the local need for dementia care facilities was sufficient to represent very special circumstances to overcome the presumption against development in the Green Belt and loss of Glass House land. In addition this circumstance was considered sufficient to overcome sustainability concerns.

3. Members of the Area Plans Sub Committee suggested the following revisions or matters should be addressed:

- increased on-site car parking,
- review the potential use of an alternate access adjacent Prospect House
- Provision of details regarding a travel plan.
- Provision of a percentage of occupancy of the facility for those from the local area.

Applicants Position

4. Since the meeting the applicant has addressed the points above as follows:

- Increased car parking to 24 spaces with a further 14 spaces available on a permeable grassed surface.
- Clarified that the access to the site remains opposite Coronation Cottages as assessed not that adjacent Prospect House. The frequent use of the access adjacent to Prospect House raises fundamental safety issues with Essex County Council highways.
- The applicant has provided a Travel Plan which has been acknowledged as acceptable from Essex County Council
- The following clause has been drafted into the S106:
'The home will give priority to residents within a five mile radius prior to admission. Local residents of Nazeing will be offered a 10% discount for private fees and top up fees during the first () year of operation of the home.'

5. Should Members be inclined to recommend approval, Members may wish to consider whether 5 miles is a sufficient radius, whether a 10% reduction is acceptable and how many years Members wish this arrangement to be effective for.

Conclusion

6. Officers presented the application to the Area Plans Sub-Committee West with a recommendation of refusal for the following reasons:

(1) The proposals represent inappropriate development within the Green Belt which is harmful by definition and the provision of significant amount of two storey accommodation results in an inappropriate and unacceptable impact to the detriment of the openness of the Green Belt. The applicant has failed to satisfactorily demonstrate very special circumstances in support of the proposals therefore the development is contrary to policies CP2, GB2A and CF2 of the Adopted Local Plan and PPG2.

(2) The proposals are situated in a rural and unsustainable location, isolated from public transport or local facilities, therefore encouraging dependence on private car use which is contrary to the aims and objectives of policies CP1, CP2, CP3, CP6 and ST1 of the Adopted Local Plan and Alterations.

(3) The site lies within an area designated for horticultural glasshouses the proposals result in the loss of a site earmarked for this purpose, resulting in a development which would conflict with the expansion, vitality and viability of the glasshouse industry in this locality contrary to the aims and objectives of policy E13B of the Adopted Local Plan and Alterations.

7. Members of the Sub Committee West resolved that the need for Dementia Care facilities in the local area was sufficient very special circumstances to overcome the presumption against development in the Green Belt and development on a former glass house site in a location identified as not sustainable. Officers remain of the view that the applicants have not demonstrated sufficient very special circumstances that relate directly to the Nazeing area.

This page is intentionally left blank

Extract from Area Planning Subcommittee West – 19 January 2011.

APPLICATION No:	EPF/1907/10
SITE ADDRESS:	Land rear of Oakley Hall Hoe Lane Nazeing Waltham Abbey Essex EN9 2RN
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Nick Allhusen
DESCRIPTION OF PROPOSAL:	Demolition of derelict glasshouse and sundry structures, erection of 50 bed care home with associated ancillary parking and landscaping. (Revised application from EPF/0081/10)
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521456

REASON FOR REFUSAL

- 1 The proposals represent inappropriate development within the Green Belt which is harmful by definition and the provision of significant amount of two storey accommodation results in an inappropriate and unacceptable impact to the detriment of the openness of the Green Belt. The applicant has failed to satisfactorily demonstrate very special circumstances in support of the proposals therefore the development is contrary to policies CP2, GB2A and CF2 of the Adopted Local Plan and PPG2.
- 2 The site lies within an area designated for horticultural glasshouses the proposals result in the loss of a site earmarked for this purpose, resulting in a development which would conflict with the expansion, vitality and viability of the glasshouse industry in this locality contrary to the aims and objectives of policy E13B of the Adopted Local Plan and Alterations.
- 3 The proposals are situated in a rural and unsustainable location, isolated from public transport or local facilities, therefore encouraging dependence on private car use which is contrary to the aims and objectives of policies CP1, CP2, CP3, CP6 and ST1 of the Adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Gadsby (Pursuant to Section CL56, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks consent to demolish existing glasshouses and associated structures and redevelop the site to provide a 50 bed care home with associated accommodation, parking and landscaping.

All rooms would be en-suite with sufficient space to meet current planning minimum standards regarding access and mobility.

Description of Site:

The application site is a presently disused former glasshouse site on the southern side of Hoe Lane. The former glasshouses were situated at the western edge of the site for approximately a third of the width of the site. Aerial photos indicate up to 4 ancillary structure historically on the northern site boundary and 2 on the eastern boundary/access road.

The site is within the Metropolitan Green Belt, immediately adjacent the Conservation Area boundary.

Relevant History:

EPR/0069/50 – Erection of 7 commercial glasshouses – Approved
EPF/1419/76 – Agricultural workers dwelling – Approved
EPF/1167/78 – Details of Agri workers dwelling – Approved
EPF/1378/78 – Outline application for 10.5 acres of glasshouses – Refused
EPF/1471/78 – Details of Agri workers dwelling – Approved
EPF/1551/99 – CLD for use as car tuning workshop – Refused
EPF/0800/05 – Outline application for 23 dwellings – Withdrawn
EPF/0453/06 – Removal of agri occupancy condition – Refused
EPF/1159/06 – Outline application for 24 houses – Refused and dismissed on appeal
EPF/2092/07 – CLD for use of building for storage and vehicle repairs – Not Lawful
EPF/0081/10 – 50 bed care home - Withdrawn

Policies Applied:

Government Policy

PPS3 – Housing – Published November 2006

Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
GB2A – Development in the Green Belt
E13B - Protection of glasshouse areas
CF2 – Health Care Facilities
H9A – Need for lifetime homes
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
LL1 – Rural landscape
LL2 – Inappropriate Rural development
ST1 – Location of development
ST2 – Accessibility of development
ST6 – Vehicle Parking
NC3 – Replacement of lost habitat
NC4 – Protection of established habitat
NC5 – Promotion of Nature Conservation Schemes
I1A – Planning Obligations

Representations Received

102 neighbouring properties were consulted a single letter of objection was received as follows:

Fieldside: Object due to narrow lane, poorly surfaced and prone to flooding making the location unsuitable, poor access and increased traffic.

Nazeing Parish Council: No comments returned

Issues and Considerations:

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

- The need for Care accommodation
- The principle of development in the Green Belt
- The loss of a designated glasshouse site
- The Sustainability of this location
- Design Issues
- Neighbour issues
- Highways, access and Parking Issues
- Ecological Issues
- Flooding matters
- Landscaping
- Other matters
- Planning obligations

Principle of provision of care accommodation

Policy H9A and supporting text acknowledges the increasing need for mobility housing as a result of an increasing elderly population who typically suffer with greater levels of disability or dependency as people live longer and develop these disabilities. The aging population is a national trend demonstrated by the national census data and identified in the Council's last Housing Need Survey in 2003. Therefore, in principle additional accommodation that would assist in meeting the need for care facilities in the District is accepted. Furthermore the proposals are considered to accord with the objectives of the draft Housing Strategy 2009-2012 supporting older people and other vulnerable groups in accommodation suitable for their needs with appropriate levels of support.

Although the description of development states only "care home" the applicants in addressing the need for the care home have concentrated on the need for facilities for the elderly and specifically for those with dementia.

Members should be mindful that in officer's view the applicant has not clearly demonstrated the need for this accommodation within the Nazeing area or immediate surrounding locality. The submitted Design and Access Statement makes reference to care need and provides figures for a 5 mile radius outside the 'catchment area' but does not define the catchment area assessed and it is noted that the figures for the catchment area are greater than those identified for the whole District suggesting the catchment area goes beyond the District boundaries. Furthermore this analysis is provided with the Design and Assess Statement prepared by the applicants architect and not within the submitted Needs Assessment Report from the company Pinders. It is also noted that the figures given for existing care accommodation in the District within the Independent Report are not exhaustive and omit some facilities and indeed recent approvals. Therefore whilst there is a generic policy support for care accommodation in principle, it has not been clearly demonstrated that this relates directly to the Nazeing area or indeed that if it does that there is not an alternate site within the urban areas. Core Policies seek to locate development sequentially and the applicant has not demonstrated that they have done so therefore the impact issues relating to the loss of the Green Belt location and Designated Glasshouse Area must be considered.

Principle of development in the Green Belt

The site is within the Metropolitan Green Belt and the proposal is for inappropriate development that is by definition harmful. The site is a former Glasshouse site, however this does not represent previously developed land. The provision of built development of this size of a care home is clearly physically harmful to the openness of the Green Belt as well as by definition harmful.

The existing floorspace in the disused single storey glasshouse and associated structures is in the region of 2300sqm at a height akin to single storey development. The proposed building has a subtly smaller footprint, but provides two storey accommodation for a large part with a floorspace in the region of 2900sqm. This is without considering the additional provision of the hard surfacing, access road and parking areas around the proposed block which spans the width of the site with front and rear projections. This additional floorspace is the result of the provision of a substantial amount of two storey development onsite resulting in significant reduction to the openness of the Green Belt.

The applicant has not provided any information which suggests there is a present deficit in care accommodation in the immediate Nazeing area or that additional accommodation could not be provided elsewhere in the District in a more appropriate urban location, therefore should Members wish to approve this major application contrary to Green Belt policies then the application should be referred to DDCC for decision. A generic District shortage of care accommodation is not considered sufficient very special circumstance to justify development of the Green Belt.

The Loss of a designated glasshouse site

Policy E13B seeks to protect glasshouse areas and sets out that the Council will refuse any application which is likely to undermine the policy approach concentrating glasshouses into clusters. This objective was set to minimise impacts to visual amenities and loss of open Green Belt and to prevent harm to the future vitality or viability of the Lea Valley Glasshouse Industry.

The provision of a care home adjacent the access serving established and operating nursery facilities raises concerns for the future operation and viability of the adjacent glasshouses. Furthermore residential occupation albeit in a care facility, may create unnecessary obstacles for future glasshouse expansion as the amenities of the occupants would need consideration. This would conflict with the objectives of policy E13B which seeks to concentrate glasshouse development into these areas. Furthermore, the loss of a viable and available glasshouse site is in itself a concern.

Members should note that there is no policy requirement to market the designated areas for the designated uses prior to considering alternate uses and that policy permits alternate uses to be considered, however these should not conflict with the Councils objectives seeking to contain glasshouse industry into the designated areas. The Council continues to receive applications for glasshouse development indicating that the industry remains viable and historic Inspector Decisions on this site have concluded that there is no apparent reason why the application site could not potentially make a contribution to future glasshouse requirements (APP/J1535/A/06/2029848).

Officers are therefore of the view that the proposals conflict with the objectives of policy E13B.

It should be noted that one of the reasons for refusal of the application in 2006 for residential development was the harm to the viability and vitality of the glasshouse industry and this reason was upheld on appeal

Sustainability Issues

The site is situated in Hoe Lane a narrow highway, some distance from the nearest public facilities, amenities and public transport. There is no footpath along Hoe Lane and access to the site is dependant predominantly on private car use. It is accepted that the proposals would accommodate users that it is anticipated would not in general have access to a private car as they are generally in need of daily care and support, but staff and visitors would be dependant solely on private transport.

Whilst the accommodation may provide good facilities and services within the site this is not sufficient to overcome the need for external facilities for facility users, staff and visitors. The location is therefore not considered sustainable, encourages dependence on private vehicles without any sequential approach to justify this location contrary to policies CP1, CP2, CP3, CP6 and ST1.

Design issues

In respect of design, whilst any development in this location would impact on the visual amenities in regard to street scene, this would not be to a significantly greater extent than a glasshouse development. However, unlike glasshouses, the proposals are not an identified acceptable exemption in the Green Belt. Glasshouses typically form long low level structures comprised of glazing across large distances which can appear visually overbearing and prominent. The design and aesthetic appearance of the proposed care home are more visually and architecturally interesting than a glasshouse, however it is not a traditional rural style of building and being viewed immediately adjacent to the existing glasshouse at 147m in depth this would appear visually jarring.

The proposed footprint and associated hard surfacing is designed to be of a high architectural standard with modern glazed sections, green roofing and a layout designed for the care function of the building, in isolation the design is considered acceptable however this alone is not considered justification to depart from the Councils remaining core policies.

The design and footprint is noted to provide good sized rooms, functional facilities and internal facilities whilst maintaining an interesting and well articulated façade relating to landscaped spaces surrounding the built form. Therefore whilst no objection is raised towards the design and layout provide, the location in which it is set appears visually jarring and inappropriate.

Neighbouring amenity

The development is well separated from neighbouring properties therefore no adverse impacts arise to neighbours in respect of overshadowing, outlook and privacy. This is not to suggest the development proposed would not be visible to neighbours, however this alone is not identified as unacceptable under policies DBE2 and DBE9.

With regard to the amenity of occupants, the adjacent glasshouse would dominate the entire southern boundary of the site at 147m in length, this would appear prominent and overbearing and potentially give rise to noise and disturbance to occupants. Further development of any of the adjoining nurseries would further increase any of these impacts, however to some extent they may be mitigated by a landscaping condition and suitable noise insulation.

Highways and Access issues

Hoe Lane has already been identified as a poorly maintained narrow highway. The road often accommodates heavy goods vehicles in relation to the nursery functions taking place in this locality and no pedestrian footpaths are provided. Access into the site already exists albeit infrequently used at present, Highways have raised no objection to the proposal on the basis of the submitted traffic report that indicates that most movements will be outside of peak times.

The scheme is likely to increase vehicular movements to the site, but not to the same extent as the previously refused residential proposal. Highways have sought a Travel Plan to ensure movements are minimised and outside peak periods and a contribution towards 'slow' road markings to mitigate any additional impacts.

Ecological Issues

The applicant has undertaken surveys which have identified the site is suitable for and home to Newts and Slow Worms. Accordingly Natural England were notified and we were advised to follow the advice of our ecologists. The Country Care team have raised no objection but have requested that habitat enhancements are provided onsite in line with the submitted recommendations should the development be approved, namely comprising a management plan or ecological statement showing how the habitats are created and maintained for slow worms. They have also sought a SUDS landscaping area incorporating a wildlife pond and wetland habitat, providing a dual benefit to wildlife and landscaping onsite.

If this is not provided on site, then Country Care have suggested a contribution of £1500.00 be provided to fund offsite improvements in the Nazeing Triangle LNR including habitat works and a new section of boardwalk to enable educational visits.

Flooding Matters

The site is not within a designated flood plain, however the size of the development necessitates a Flood Risk Assessment. Land Drainage have raised no objection to the proposals but note separate Land Drainage Consent is required.

The Environment Agency have reviewed the submitted Flood Risk Assessment and raised no objection subject to conditions if the development is approved, requiring the submission of details regarding foul water drainage, details of a scheme for the discharge from the Ground Source Heat Pump and compliance with the details set out in the Flood Risk Assessment, namely run-off, provision of green roofs and onsite water storage in wetlands and ponds.

Landscaping

The applicant has carried out an Arbouricultural Assessment of trees on and around the site. The advice from our landscaping team is that the applicant has provided limited landscaping

information at this stage and that a good landscaping scheme is important for the amenities of future occupiers that will spend large quantities of time within this space. Therefore conditions to protect existing trees identified as retained and for the submission of a landscaping scheme are requested should the proposals be approved. It is accepted that there is adequate space within the site for suitable landscaping to be provided.

Other matters

As a former nursery site the plot is known to be contaminated. The applicants have supplied an initial Phase 1 contamination Assessment which has been reviewed by the Councils Contamination Officer. Further details are required should the development be approved therefore whilst no objection is raised on contamination grounds, the standard contamination conditions are requested.

The site is adjacent to the Conservation Area, therefore the Conservation Officer has provided comment, raising no objections as a satisfactory appearance could be achieved in design terms subject to conditions regarding landscaping and submission of samples of materials.

Planning Obligations

Due to the scale and nature of the development a package of planning contributions has been submitted accompanying the application. This has been formulated in discussion with Officers and the Councils consultees. This sets out that should the proposals be approved then the following contributions would be made:

- £25,000.00 to Nazeing Parish Council for community improvements payable in five annual £5,000.00 instalments.
- An initial payment of £40,000.00 to the West Essex Primary Care Trust, followed by five annual payments of £5,000.00 resulting in an additional provision of a further £25,000.00.
- £3,000.00 to Essex County Council to monitor a submitted Travel Plan
- £140.00 to Essex County Council to provide 4x 'Slow' Markings on Hoe Lane.
- Implementation of an onsite ecological enhancement scheme to accord with approved submitted particulars or by way of contribution of funds towards enhancements A figure is not presently included in the draft, but Country Care have requested £1,500.00 which does not appear unreasonable.

The above contributions reflect those requested and agreed by Consultees and no contributions requested have been omitted therefore the proposals accord with planning obligation policy I1A as they provide legal agreement to the contribution of all reasonable requested sums to meet the costs that would arise from the development.

Conclusion:

Officers note that the proposals would make a meaningful contribution to the need for care accommodation within the District and indeed would be of a high quality of design, layout and accommodation proposed alongside the satisfactory planning gain package which has been proposed. However, the location proposed is unsuitable and in direct conflict with a number of Core Council policies and key objectives that seek to provide new accommodation in suitable locations. Proposed residential care facilities in this location are considered unsustainable and isolated in location with poor access to services and facilities for occupants, staff and visitors.

The site is accessible only by private vehicle contrary to accessibility and sustainability policies. The proposals results in the loss of a Designated Glass house site and once occupied would have implications for the Councils objective seeking to cluster nursery activities in these areas due to impacts to future occupants amenity.

The proposals result in development of previously undeveloped land in the Green Belt which is inappropriate and unacceptable in principle, fails to protect the Green Belt from encroachment and impacts unacceptably on the openness of the Green Belt due to the scale of the physical form of the development without sufficient demonstration of very special circumstances. Officers consider that the generic District need for care accommodation does not amount to very special circumstances sufficient to outweigh the very real harm to the Green Belt and other factors that would result from the development. It is considered that approval of this scheme without the existence of such very special circumstances would set a dangerous precedent which would undermine the ability of the Council to protect the Green Belt from built development. The applicant has not shown that the identified need for care facilities in the District can not be met in a more appropriate and sustainable urban location, preventing further erosion of the Green Belt therefore Officers recommend refusal.

Should Members reach a differing view then Officers advise that this application should be deferred to District Development Control Committee for decision as the proposals are contrary to Adopted Policy.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

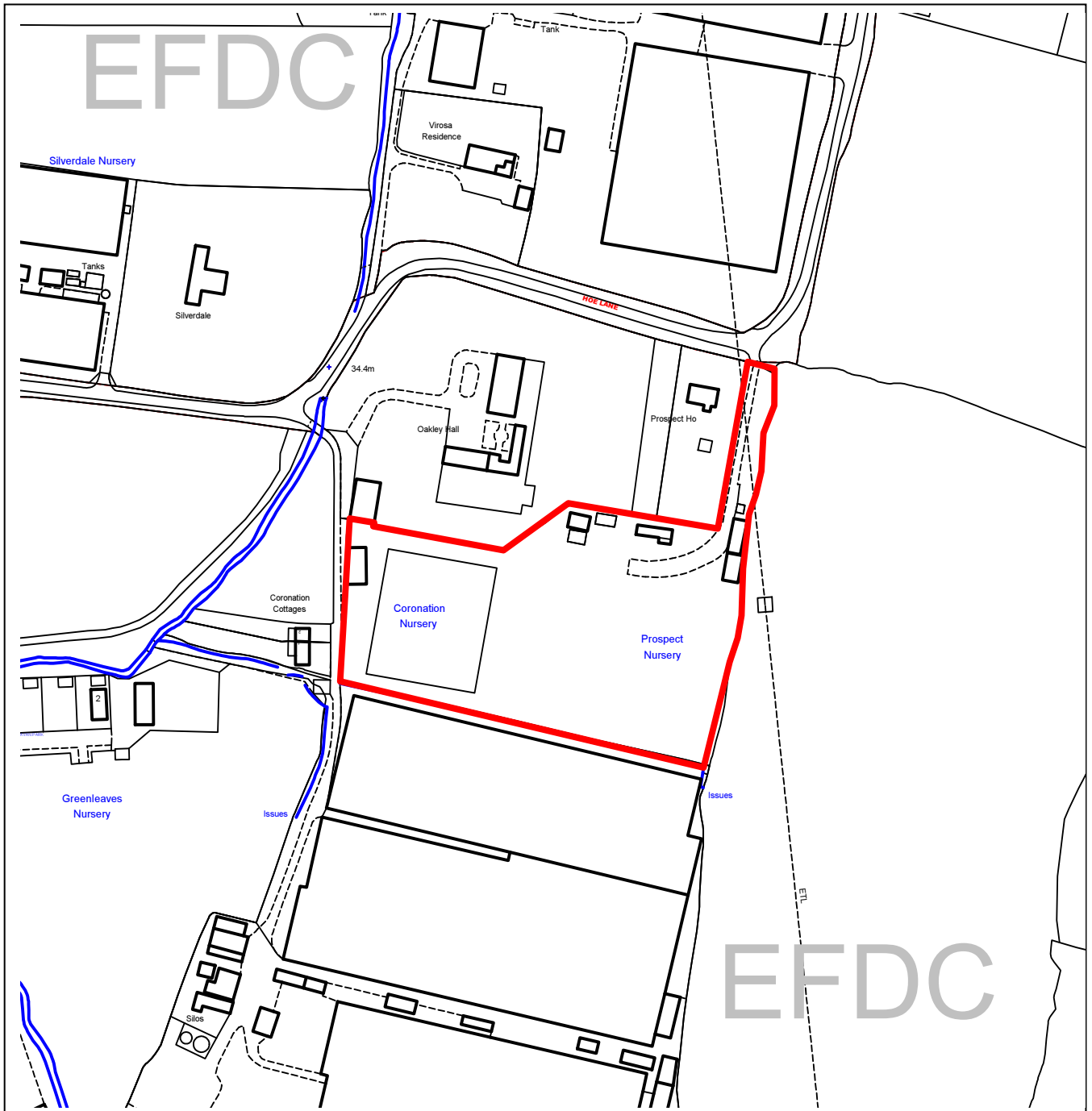
***Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: 01992 574294***

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



Epping Forest District Council

Area Planning Sub-Committee West



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	1
Application Number:	EPF/1907/10
Site Name:	Land rear of Oakley Hall, Hoe Lane, Nazeing, Waltham Abbey, EN9 2RN
Scale of Plot:	1/2500

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 5 April 2011

Subject: Compliance with requirements of enforcement notices - Blunts Farm, Coopersale Lane/Abridge Road, Theydon Bois



**Epping Forest
District Council**

Ref: ENF/0195/06

**Officer contact for further information: Chris Neilan (Ext 4117)
Stephan Solon (Ext 4018)**

Committee Secretary: Simon Hill (Ext 4249)

Recommendations:

- (1) That members agree that requirement (4) of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm, is complied with; and**
- (2) That, unless a further complaint is received, no further work be carried out to investigate and secure compliance with on-going requirements of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm.**

Report Detail:

1. *Summary:*
 - 1.1 This report relates to land at Blunts Farm, Theydon Bois. It advises Members of the planning enforcement position in respect of land the subject of enforcement notices issued on 4 August 2006. It explains that the landform achieved accords with the requirements of the notices and seeks Members agreement that the requirements of the enforcement notices are being complied with. Should Members agree that is the position, they are requested to agree Officers take no further action to investigate compliance with the notices unless a new complaint alleging failure to comply is received.
2. *Background:*
 - 2.1 Enforcement notices alleging, in the alternative, the raising of land and the failure to comply with condition 12 of planning permission ref. EPF/765/99, (which controls levels and contours of land given permission to be developed as a golf course) were initially issued in respect of land at Blunts Farm on 25 January 2006. Those notices required, inter alia, removal of all unauthorised imported material to the land. In giving authority to issue the notices Members made it clear that authority for Officers to vary or withdraw the notices was not given.

- 2.2 On the advice of Counsel and the Planning Inspectorate and to prevent HGV movements arising with the requirement to remove all material from the land Members subsequently agreed new notices with a lesser requirement of remodelling and landscaping the land be issued and that the initial notices be withdrawn. The new notices were issued on 4 August 2006 and became effective on 17 October 2009 following the withdrawal of appeals against the notices. The requirements and respective compliance periods of the notices are:
- (1) Cease the importation of fill material of any description including waste and demolition waste.
Time for compliance: Seven days.
 - (2) Cease the carrying out of any excavations on the land other than those required to comply with the notices.
Time for compliance: Seven days.
 - (3) Cease the raising of levels on the land.
Time for compliance: Seven days.
 - (4) Remodel and landscape the land in accordance with the drawing and method statement contained within the Schedule to the notices.
Time for compliance: Two years.
 - (5) Not to complete the development permitted by planning permission EPF/765/99 other than in accordance with revised details to be approved by the local planning authority pursuant to Condition 12 of the planning permission EPF/765/99 and to submit the revised details to the local planning authority.
Time for Compliance: In respect of the submission of revised details, two years.
- 2.3 Prior to and following the issue of the notices issued on 4 August 2006 the land was inspected by the Councils Enforcement Officers and Tree and Landscape Officers. They found requirements 1, 2 and 3 (which were identical to those of the initial notices) were being complied with at the time the new notices were issued. They continue to be complied with.
- 2.4 In respect of the fifth requirement, no work to complete the golf course approved under planning permission EPF/765/99 has been carried out. Furthermore, no revised details pursuant to condition 12 of that permission were submitted within the two year timescale specified. Consequently no works to complete the approved golf course can now lawfully be carried out other than any that may be approved in a separate express planning permission. No application for such permission has been submitted. In effect, requirement 5 now serves to negate the original planning permission to construct a golf course.
- 2.5 Requirement 4 to remodel and landscape the land is the matter that requires particular attention by Members. The drawing and method statement was designed primarily to serve the aim of ensuring that deep excavations are safely filled using material already on the land. It specified areas of the site where greater or lesser volumes of material could be taken to fill the excavations in order to avoid the creation of further deep excavations and create a broadly acceptable landscape. The drawing did not specify site

contours, which compromised the ability of the notice to achieve an acceptable landform.

3. *Works to Achieve Compliance:*

- 3.1 In order to achieve an acceptable landform Officers required the landowners to produce a landscape contour plan in accordance with the drawing and method statement attached to the enforcement notices. Officers employed Stace LLP (surveyors) to advise on whether the landowners contour plan accorded with the notices. Once an appropriate contour plan had been agreed works to achieve it on the ground were carried out.
- 3.2 The landowner advised Officers they had achieved compliance with the agreed landscape contour plan in summer 2010. Following inspection of the site by the Council's Principal Tree and Landscape Officer the landowners were requested to carry out additional work to achieve full compliance. The landowner advised this had been completed in early autumn 2010. Officers then required the landowner to produce an "as built" contour plan for comparison with the agreed landscape contour plan. Once produced Stace LLP were employed to verify its validity and advise on whether compliance with requirement 4 of the enforcement notices had been complied with.
- 3.3 Following sample surveys of the site Stace LLP advised the "as built" plan formed a valid basis for comparison with the agreed contour plan. Stace LLP also advised that the "as built" plan showed some deviation from the agreed plan in localised areas of the site but demonstrated the over the site as a whole there was minimal deviation. The Council's Principal Tree and landscape Officer has considered that advice in the context of his own inspections of Blunts Farm and is satisfied that requirement 4 of the enforcement notices had demonstrably been complied with.

4. *Conclusion:*

- 4.1 For the reasons set out in paragraph 3.3 of this report, it is concluded that requirement 4 of the notices is now complied with. Consequently, all the requirements of the enforcement notices are presently complied with. Members should be aware that requirements 1, 2, 3 and 5 place on-going obligations on the landowner as long as the notices remain effective. They make it an offence to import any fill material to the site, to carry out any further excavations, raise the levels of the land or complete the development of a golf course on the land. Accordingly, the only circumstances under which such activities could take place lawfully are in the event of a planning permission being granted for them. Since the District Council is the local planning authority it has control over this.
- 4.2 Having regard to the care taken to verify compliance with the requirements of the enforcement notices members are requested to agree the recommendations of this report. In doing so it should be understood that although planning enforcement investigation ENF/0195/06 would be closed, agreeing the recommendations would not prevent any new investigation into an alleged failure to comply with on-going requirements of the enforcement notices.

This page is intentionally left blank

Report to District Development Control Committee

Date of meeting: 4 April 2011

Subject: Confirmation Of Tree Preservation Order EPF/119/10 – Town Mead Playing Fields, Waltham Abbey



**Epping Forest
District Council**

Officer contact for further information: C Neilan Ext 4117
Committee Secretary: S Hill Ext 4249

Recommendation:

That Tree Preservation Order 119/10 be confirmed without modification

Background

1. A planning application (EPF/2105/10) was received (and later withdrawn) for a driving range on part of the Town Mead Playing Fields. A further application (EPF/0046/11) has been submitted but is subject of current discussions between Officers and the Applicant and will come to the Committee at a later meeting. Both applications showed the removal of a woodland covering approximately 2 acres. This woodland borders Waltham Abbey Waste Disposal and Recycling Centre to the east, the embankment of the M25 to the south, and the sports grounds to the west and north.

2. The woodland is on a raised mound and is planted with, poplar, willow and ash. As a woodland they provide an important screen for the fields as a whole from the raised section of the M25, and also for the Recycling Centre. The playing fields are well used both for sport and dog walking, and as such these trees provide a key amenity feature within this open recreational area.

The Grounds of Objection

3. An objection has been received from the Architects dealing with the planning application. The reasons given are;

- (1) That the woodland is scrubby and is not aesthetically pleasing.
- (2) That, during the winter months, it does not offer an effective screen.
- (3) The mound on which the woodland stands is just a spoil heap left over from the construction of the M25 and was not intended to be permanent.
- (4) The whole area is unkempt, is used as a dumping ground and some of the trees are in poor health.
- (5) The current trees have no historical merit or amenity value, a new landscape scheme would have greater benefits than a TPO on trees which have no significance other than as a screen from a refuse site.

Additionally, on 21st February 2011, and too late to be included in the report before the Area Planning Sub Committee the Town Council wrote supporting the above points, and making additional points which were:

- (6) That the sports provision on Town Mead is part of the Council's pro-active stance that has led to it meeting standard for quality status for nearly 8 years; the sports provision is wide ranging with a considerable amount of investment in recent months.
- (7) That the park is well used by the public as an open space, for general recreation including dog walking and there are events scheduled there, the Town Councils see Town Mead as a sports hub for the town and that it is important to continue to improve what is on offer in terms of sport. The golf driving range, situated in the south east corner of the park will achieve that, as well as improving visual amenity at the entrance to the park.
- (8) The mound, trees, and the effects of the various anti social behaviours which are sheltered by the trees have a negative impact on visual amenity.
- (9) The current screen is of poor quality and does not achieve the purpose intended.

The Town Council therefore request that the Order be not confirmed so that the site can be developed to its full potential; in particular they believe that screening of the site can be easily achieved by alternative means.

The Director of Planning and Economic Development comments as follows:

4. The woodland is approximately 30 years old and consists of a mixture of fast-growing trees, clearly deliberately chosen for swift establishment and for their screening potential. They are chiefly willow and poplar, but with other native species, such as ash, and some under storey plants. There has been additional seeding into the plantation with elder and other shrubs.
5. An inspection of the site showed litter although no obvious evidence of the anti social behaviour that is reported to take place in the area although this is not disputed. What is clear is that some of the trees have not grown well. In particular the willows appear to be suffering from Bacterial Canker. However, the poplars and other trees are growing well and there is no reason to believe that they should not continue to do so. The artificial mound appears to have been designed to have raised the level of the planting closer to the level of the motorway and so to give greater screening from traffic.
6. From north to south the woodland is just over 100 metres in depth. It is slightly less in width, but with the amenity recycling site set into the south east corner. The total width of the Town Mead boundary with the M25 is around 380 metre, so that the woodland protects between a quarter and a third of the total boundary.
7. It is suggested that the woodland has several functions. It provided screening for the amenity site, but it is suggested much more importantly for the motorway, in terms of noise and visual screening. The remaining screening comes from a single line of trees which is far less effective. The depth of the woodland is greater than is necessary for this screening however, it is suggested that to be effective it should be 30 metres deep at least. It is agreed that adequate screening could be provided for the amenity and recycling site without the woodland.
8. The woodland is also a habitat which is important by diversity, and is an important green and generally attractive visual feature.

9. In terms of its condition it is agreed that in some areas it is thin, and that as stated, the willows in particular are of poor quality and would be better removed. Were the woodland retained however, in whole or in part, new planting of different species could be added, and it could be improved both visually and in terms of wild-life value.

10. In terms of the specific grounds of objection, and briefly, the majority of the woodland consist of trees that are growing well and with active management the appearance could be improved. While in winter the screening is partial removal of the woodland could hardly be an improvement. The screening could best be improved by a thickening of the woodland. Whether the mound was intended to remain is irrelevant, nevertheless, it appears to have been deliberately shaped and created as a platform for the tree planting which in itself is clearly deliberate, with even spacing and even aged trees. While anti social use of an area is difficult to control there are measures, for example, planting thorny shrubs, that could assist, as would more active management.

11. In relation to point 5, an alternative landscape scheme, the issue is space. As stated, to be effective as motorway screening the depth of the woodland needs to be 30 metres. In the proposed development the space left is barely enough for a double line of trees which would not in any way compensate for the loss of the woodland nor provide adequate screening for the motorway, although it would provide screening for the amenity/recycling area.

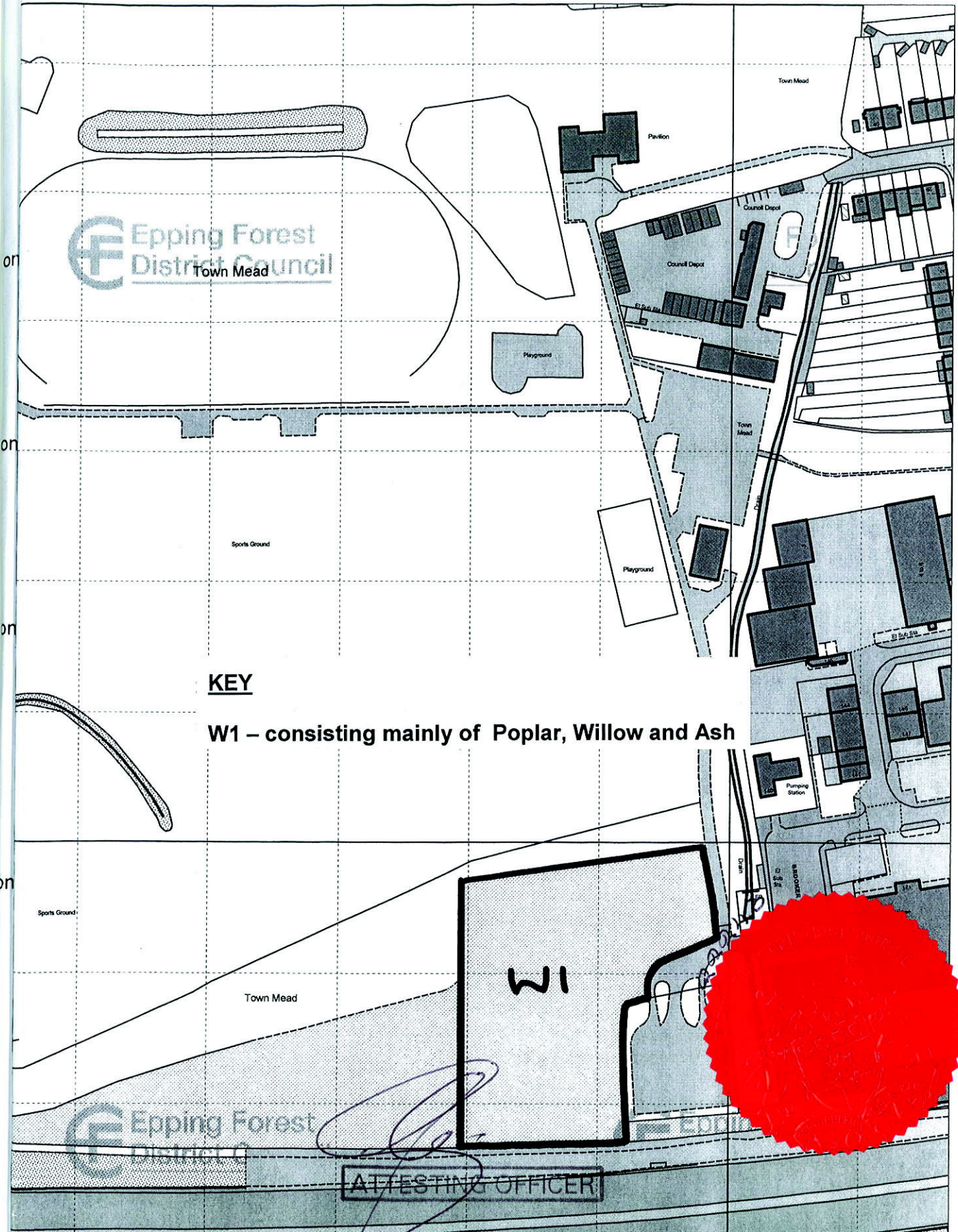
12. In relation to the later Town Councils comments, the importance of the Town Mead is completely accepted and there is no intention to obstruct improvement of the facilities. The concern is that loss of the woodland would remove essential screening from the motorway, to the detriment of the long term potential of the facilities. It would be preferable to see the future of the woodland in relation to a plan for the landscape of Town Mead as a whole, and in particular the whole M25 boundary, also looking at the space available for enhancing the facilities.

13. At the time of drafting the report no discussions had taken place directly with the Town Council, however it is hoped to arrange this before District Development Committee and the results of that will be reported orally if appropriate.

Conclusion :

14. It is recommended that the Tree Preservation Order be confirmed without modification.

This page is intentionally left blank



KEY

W1 - consisting mainly of Poplar, Willow and Ash

ATTESTING OFFICER



Epping Forest District Council
 Planning Services
 Civic Offices
 High Street
 Epping CM16 4BZ

**TOWNMEAD PLAYING FIELDS,
 WALTHAM ABBEY, ESSEX
 TREE PRESERVATION ORDER
 TPOLEPF/119/10**

Scale : 1:2000	Date : 1 Dec 2010	Time : 11:04:37 AM
----------------	-------------------	--------------------

Centre X: 537904.710
Centre Y: 200051.131
Width : 360.000
Angle : .000



This page is intentionally left blank