

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 17th August, 2011

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

Time: 7.30 pm

Democratic Services Officer Gary Woodhall - The Office of the Chief Executive
Email: democraticservices@eppingforestdc.gov.uk Tel: 01992 564470

Members:

Councillors A Boyce (Chairman), Mrs S Jones (Vice-Chairman), K Avey, W Breare-Hall, Mrs D Collins, P Gode, Mrs A Grigg, D Jacobs, P Keska, Mrs M McEwen, R Morgan, S Packford, J Philip, B Rolfe, D Stallan, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

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

WEBCASTING NOTICE

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

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

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

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

1. WEBCASTING INTRODUCTION

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

2. The Chairman will read the following announcement:

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

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

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

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 18)

To confirm the minutes of the last meeting of the Sub-Committee, held on 20 July 2011 (attached).

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

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

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

7. DEVELOPMENT CONTROL (Pages 19 - 86)

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

Background Papers:

(i) Applications for determination – applications listed on the schedule, letters of

representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. DELEGATED DECISIONS

(Director of Planning & Economic Development) Schedules of planning applications determined by the Head of Planning & Economic Development under delegated powers since the last meeting of the Sub-Committee could be inspected in the Members' Room or on the Planning & Economic Development Information Desk at the Civic Offices in Epping.

9. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement

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

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

Background Papers

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

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

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

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

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

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

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

Further Information?

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

Area Planning Subcommittee East 2011-12
Members of the Committee:



Cllr Boyce	Cllr Avey	Cllr Breare-Hall	Cllr Collins
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Cllr Gode	Cllr Grigg	Cllr Jacobs	Cllr Jones	Cllr Keska
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Cllr McEwen	Cllr Morgan	Cllr Packford	Cllr Philip	Cllr Rolfe
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Cllr Stallan	Cllr Waller	Cllr Whitbread	Cllr Janet Whitehouse	Cllr Jon Whitehouse
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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 20 July 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.35 pm

Members Present: A Boyce (Chairman), K Avey, W Breare-Hall, P Gode, Mrs A Grigg, D Jacobs, P Keska, Mrs M McEwen, R Morgan, D Stallan, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

Other Councillors: None.

Apologies: Mrs S Jones, Mrs D Collins, J Philip and B Rolfe

Officers Present: J Shingler (Principal Planning Officer), C Neilan (Landscape Officer & Arboriculturist), G J Woodhall (Democratic Services Officer) and P Seager (Chairman's Secretary)

18. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

19. WELCOME AND INTRODUCTION

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

20. MINUTES

Resolved:

(1) That the minutes of the meeting held on 22 June 2011 be taken as read and signed by the Chairman as a correct record.

21. ELECTION OF VICE-CHAIRMAN

In the absence of Cllr Mrs S Jones, who had tendered her apologies, the Chairman requested nominations for the role of Vice-Chairman from the Sub-Committee.

Resolved:

(1) That Councillor R Morgan be elected Vice-Chairman for the duration of the meeting.

22. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors K Avey, W Breare-Hall and J M Whitehouse declared a personal interest in the following item of the agenda, by virtue of being a member of Epping Town Council. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2040/11 Land at Theydon Place, Western Road, Epping.

(b) Pursuant to the Council's Code of Member Conduct, Councillors Mrs M McEwen and D Stallan declared a personal interest in the following item of the agenda, by virtue of being the present and past Housing Portfolio Holders respectively. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2040/11 Land at Theydon Place, Western Road, Epping.

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

- EPF/0940/11 3 Crown Close, Sheering.

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

- EPF/0951/11 Land adj 38 Onslow Gardens, Ongar.

23. ANY OTHER BUSINESS

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

24. DEVELOPMENT CONTROL**Resolved:**

(1) That the planning applications numbered 1 – 7 be determined as set out in the schedule attached to these minutes.

25. DELEGATED DECISIONS

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

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/2040/10
SITE ADDRESS:	Land at Theydon Place Western Road Epping Essex CM16 4NH
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Outline application for residential development of 60 x two storey houses (48 affordable) plus ancillary works with access off Theydon Place with all other matters reserved.
DECISION:	Refuse Permission

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=521877

The Officer referred to 4 additional letters of objection and a petition with 108 signatures in support and 131 standard letters and cards in support.

REASON FOR REFUSAL

1. The site is located within the Metropolitan Green Belt and the proposed works represent inappropriate development that fails to comply with the purposes of including land in the Green Belt. In the view of the Local Planning Authority there are no very special circumstances to clearly outweigh the harm to the openness or character of the Green Belt that would result from the development. Therefore the proposed development fails to comply with PPG2 and policies GB2A, GB7A, CP2, CP3, CP6, and CP7 of the adopted Local Plan and Alterations.

Report Item No: 2

APPLICATION No:	EPF/0892/11
SITE ADDRESS:	Theydon Towers Theydon Road Epping Essex CM16 4EF
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	TPO/EPF/10/83 G5 (31 on plan) - Cypress - Fell G6 (10, 11 & 12 on plan) - Cypress - Fell T50 (13 on plan) - Cedar - Fell G3 (Group 3 on plan) - 2 x Spruce - Fell
DECISION:	Grant Permission (With Conditions)

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=527683

CONDITIONS

1. 7 replacement trees, of a species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
2. The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
3. The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

Report Item No: 3

APPLICATION No:	EPF/0940/11
SITE ADDRESS:	3 Crown Close Sheering Harlow Essex CM22 7ND
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage (Revised application)
DECISION:	Deferred

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=527846

This item was deferred to allow a Member site visit to be carried out on a Saturday.

Report Item No: 4

APPLICATION No:	EPF/0944/11
SITE ADDRESS:	Hales Farm Nether Street Abbess Roding Essex
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Demolition of farm buildings and erection of a single detached dwelling.
DECISION:	Deferred

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=527868

This item was deferred to allow a Member site visit to be carried out on a Saturday.

Report Item No: 5

APPLICATION No:	EPF/0945/11
SITE ADDRESS:	Hales Farm Nether Street Abbess Roding Essex
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the demolition of farm buildings.
DECISION:	Refuse Permission

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=527869

This item was deferred to allow a Member site visit to be carried out on a Saturday.

Report Item No: 6

APPLICATION No:	EPF/0951/11
SITE ADDRESS:	Land adj 38 Onslow Gardens Ongar Essex CM5 9BQ
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Proposed new two bedroom dwelling.
DECISION:	Grant Permission (With Conditions)

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=527910

CONDITIONS

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
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.
4. No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. 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 in writing.
5. No development shall take place until details showing the relocation and provision of a new street lighting column, currently situated in the footway to the front of the site, has been submitted to and approved in writing by the Local Planning Authority. The proposed parking bay, directly behind street light column no.4, shall not be brought into use before a new lighting column has been provided and relocated in accordance with the approved details.

6. 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.
7. The 2 parking spaces shown on the approved plan shall be provided prior to the first occupation of the dwelling hereby approved and thereafter retained free of obstruction for the parking of residents and visitors vehicles.
8. No fence or wall over 1m high shall be erected at any time along the western side boundary between the back of the approved dwelling and the front boundary.

Report Item No: 7

APPLICATION No:	EPF/1096/11
SITE ADDRESS:	Pond View The Green Theydon Bois Essex CM16 7JA
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Single storey extension to rear and extension of existing loft conversion including side dormer.
DECISION:	Grant Permission (With Conditions)

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=528433

CONDITIONS

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. Materials to be used for the external finishes of the proposed development shall be of a similar appearance to those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
3. The proposed side facing window openings in the dormer window hereby approved shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

AREA PLANS SUB-COMMITTEE 'EAST'

Date 17 August 2011

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/2252/10	Badgers Fyfield Road Moreton Ongar	Grant Permission (Subject to S106)	21
2	EPF/0940/11	3 Crown Close Sheering	Grant Permission (With Conditions)	28
3	EPF/0944/11	Hales Farm Nether Street Abdess Roding	Refuse Permission	36
4	EPF/0945/11	Hales Farm Nether Street Abdess Roding	Refuse Permission	43
5	EPF/1008/11	Millrite Engineering 151 - 153 London Road Stanford Rivers Ongar	Grant Permission (Subject to S106)	47
6	EPF/1052/11	Gypsy Mead Works Ongar Road Fyfield Ongar	Grant Permission (With Conditions)	57
7	EPF/1073/11	17 Forest Grove Woodside Thornwood	Grant Permission (With Conditions)	64
8	EPF/1136/11	4 Vicarage Lane North Weald Bassett	Grant Permission (With Conditions)	68
9	EPF/1164/11	OS 3528 Land at North Farm Mount Road Theydon Mount	Grant Permission (With Conditions)	72
10	EPF/1236/11	1 High Road North Weald Bassett	Grant Permission (With Conditions)	80

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Report Item No: 1

APPLICATION No:	EPF/2252/10
SITE ADDRESS:	Badgers Fyfield Road Moreton Ongar Essex CM5 0HN
PARISH:	Ongar
WARD:	Shelley
APPLICANT:	Mr Glen Turner
DESCRIPTION OF PROPOSAL:	Change of use of existing steel framed barn to offices B1(a) with associated external alterations and revocation of associated S52 Legal Agreement restricting use.
RECOMMENDED DECISION:	Grant Permission (Subject to S106)

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=522643

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 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.
- 3 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.
- 4 Prior to first occupation of the units hereby approved, all temporary portacabin structures shall be removed from site.
- 5 Subsequent to first occupation, there shall be no external storage on site at any time whatsoever.

- 6 The development shall be carried out in accordance with the approved plans and particulars, in particular retaining the steel frame as indicated, unless otherwise agreed in writing by the Local Planning Authority.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 41, Classes A or B shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The premises shall be used solely for B1(a) Office use. and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 9 The development shall be carried out in strict accordance with the recommendations set out in the Phase 1 Habitat Survey carried out by Southern Ecological Solutions and issued on 23rd December 2010 unless otherwise agreed in writing by the Local Planning Authority.
- 10 Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to first occupation and retained in accordance with the approved details.

And subject to the applicant first entering into a legal agreement under section 106 (within 9 months of this decision) to restrict occupation of the dwelling known as Badgers, to either the owner of the adjacent office units or a person employed in one of the office units.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to Section CL56, Schedule A (i) of the Council's Delegated Functions).

Description of proposal

The applicant seeks consent to change the use of an existing steel framed barn to offices with associated alterations. The unit is tied by a S52 agreement restricting use to livestock rearing and agricultural storage only, therefore the applicant seeks the removal of this agreement also.

The proposal is that the building be altered into 4 office units with the retention of the existing hard surface to serve as parking and turning.

This application was previously considered by members in April this year at which meeting Members resolved to approve the application and to remove the S52 agreement, subject to the provision of a new S106 that restricted the occupation of the dwelling to the front to a person that owns/manages the proposed new business units to the rear or a worker employed within these units. This was considered necessary to minimise any adverse impacts from the office units on the occupants of that dwelling. The dwelling would share an access with the office units immediately adjacent the dwelling and the use would take place in close proximity causing potential for noise, disturbance and loss of privacy to the occupant of the fronting dwelling. It was considered that this relationship was therefore only acceptable if the occupant of the dwelling either owned or worked in the units.

The applicant has asked that the matter be brought back before members to reconsider the need for the legal agreement. He has had difficulty arranging the Legal Agreement as the applicant's existing Lender is unwilling to enter the agreement. The applicant is tied into a fixed mortgage for another 12 months and early release would incur significant expense which would detract from the viability of the conversion. The applicant has sought further financing advice and been informed funding is unlikely with the S106 in place. Therefore the applicant seeks permission to proceed without the legal agreement and if appropriate, conditions in lieu.

The applicant has requested that should this not be possible, then rather than refuse the scheme, if Members could retain the previous view and the applicant will continue to make enquiries regarding funding. This may potentially result in delaying development to await the lapse of the 12 months presently resulting in the restriction.

This is the only issue to have arisen since the previous Committee Meeting and all other aspects of this report remain unchanged including the Officer recommendation. Officers are of the opinion that the S106 is necessary, thus it has consistently been recommended.

The original report is reproduced below.

Description of site

Badgers is a detached residential property formerly known as Fairview, fronting Fyfield Road isolated from neighbouring properties in a rural location with the barn within the plot to the rear. The site is accessed alongside the residence to the front (also owned by the applicant), the site is within the Green Belt.

The site presently has two temporary office cabins located to the rear.

Relevant History

EPF/0350/72 – Outline app for Garage/workshop – Refused (allowed at Appeal)
EPF/0350A/72 – Details of Garage/Workshop – Approved
EPF/0326/82 – Retention of garage and workshop for further period – Approved
EPF/0922/83 – Retention of garage and workshop for a further period – Refused
EPF/1097/85 – Retention of building for agricultural storage and livestock rearing – Approved subject to section 52 agreement

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment
GB2A – Development in the Green Belt
GB8A – Change of use or adaption of buildings
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
ST1 – Location of development
ST2 – Accessibility of development
ST6 – Vehicle parking

Representations Received

1 neighbouring property was consulted and a site notice erected with a single response as follows:

BUNDISH HALL, FYFIELD ROAD: Object to the application, note no site notice in place and concerns regarding the present sewage system and outflow which contaminates a ditch and absence of reassurance that this is being addressed.

ONGAR TOWN COUNCIL:

3rd February 2010: Resolved not to object

28th March 2010: (following amended description to include revocation of associated S52 agreement) Resolved to make no comment

Issues and Considerations

The main issues for Members to consider are the principle of the proposed change of use in the Green Belt, impacts to employment generation, sustainability matters and issues in relation to the original S52 tie. The proposals should also be considered in terms of design and appearance, neighbouring amenity, highway safety and ecological matters.

Green Belt and Employment

Policy GB8A sets out that the change of use or adaptation of a building in the Green Belt is acceptable subject to the following surmised criteria:

- i) The building is capable of conversion without major or complete reconstruction and is in keeping with the surroundings
- ii) The use would not have a materially greater impact on the Green Belt than the present use
- iii) The use and associated traffic would not have a significant detrimental impact on the character or amenities of the Countryside
- iv) Works within the last 10 years have not been carried out with a view to enabling any alternate use
- v) The use will not have a significant adverse impact on the vitality or viability of an economic centre.

The policy goes on to suggest employment generating uses will be preferred (such as recreation, tourism, small workshops and storage) and that proposals involving a significant amount of parking and commuting will be refused.

With regard to the above criteria:

i) The application is accompanied by a letter of confirmation from a Structural Engineer that the steel frame from which the building is constructed is in adequate and sound condition for the lightweight covering and cladding proposed and that the frame is adequate for the proposed changes without imposing any additional permanent or variable loading. On this basis the proposals satisfy criteria i) above and the appearance is not dissimilar to that which presently exists.

ii) The proposed use for offices would have a greater impact on the locality than that which is presently permitted. The lawful use of the building is for agricultural storage and livestock rearing, however it would appear that this has not been the use of the building for some time. Agricultural storage and livestock uses are not uncommon in the Green Belt and are uses which permit necessary agricultural development. The proposed office use would result in a less functional more aesthetically pleasing appearance, albeit more contrasting with the Green Belt and would result in an intensification of use beyond that previously permitted. In the past the unit has been used as a garage/workshop, however this use was historically seen as inappropriate and the retention of the structure for these purposes was denied. Members should therefore consider that whilst the proposed Office units would visually improve the façade of the building, the use is at a

greater intensity than previously permitted with each office unit able to accommodate at least 6 employees plus visitors with ease.

iii) The use and associated traffic would impact on the character of the amenities in this locality to a greater extent than the former agricultural/livestock use. There will therefore likely be an increase in traffic but as the proposed use is specifically office B1(a) and not business or industrial, most such traffic will be cars. As such officers consider that this will not be significantly harmful.

iv) The history relating to this site is older than 10 years and the applicant is a new owner of the property, therefore this criteria is satisfied.

v) The application site is well separated from local and town centres and would have very little bearing on the economic viability of town centres. The applicant has indicated that they will occupy two of the four units, Members may wish to secure this by legal agreement.

Generally Officers consider that the proposals meet the broad objectives of policy GB8A and that whilst not a suggested suitable alternate use in policy GB8A, small office units would retain the building in an alternate function. The proposed use, intensity of activity and scale is relatively low key and could be regarded as appropriate. Conditions can be added to prevent external storage that would be harmful to the character of the area.

Sustainability

With regard to sustainability matters, policies seek to ensure that new development is provided in accessible locations and reduces reliance on private car transport whilst promoting the reuse of land and buildings. The site location is such that public transport and local amenities are restricted, but the reuse of an existing structure may be argued as sustainable, however it is noted that only the frame and slab would be reused.

Design and appearance

The scale of the proposal is determined by the existing structure, however the applicant proposes to break up the existing façade by including openings on all elevations, with detailing on the front and rear designed in a floor to ceiling manner to mimic barn style openings. No objections are raised regarding the design of the building on an otherwise isolated plot, aside from the owner's accommodation on the front.

Neighbouring amenity

The application site is largely isolated in a rural location with no immediate neighbours aside from the applicant's own property adjacent the access to the site. The access and egress of vehicles relating to the proposed offices at the rear would undoubtedly result in some noise and disturbance to the dwelling known as Badgers, which whilst occupied in association with the office units raises minimal concern, however, should this arrangement cease, any potential future occupier would experience noise and disturbance from traffic to an unacceptable degree. The provision of high level openings overlooking the rear garden would also raise concern, albeit this can be mitigated to some extent by a landscaping condition. For this reason, Officers suggest Members may wish to impose a tie between the Office units and the dwelling to restrict occupation. Alternately Members may wish to impose an hours of use condition to reduce noise and disturbance outside of normal office hours.

Highway matters

The proposal would use the existing access alongside the dwelling known as Badgers (formerly Fairview) to reach the building to the rear where 16 parking spaces would be provided (4 spaces per unit).

Highways have responded to our consultation and would not wish to raise an objection subject to a condition requiring details of a provision for cycle parking facilities. They have noted that traffic

generation would be comparable to movements possible in connection with the lawful use of the site and would reduce movements associated with large slow moving agricultural machinery. They note the parking bays appear below the size required by current standards and that the applicant intends to occupy two of the four units, further reducing journeys. Finally Highways note that users of the site would be largely reliant on access by private vehicle.

Parking standards require 1 space per 20sqm for staff, with visitor parking not required under 200sqm. The proposed units provide between 86-89sqm each therefore 4 spaces per unit accords with this standard. Visitor parking would be desirable as the development as a whole provides 350sqm of office space, but none is provided.

Officers note the existing temporary office units would need to be removed in full to provide the parking as indicated and this can be required by condition.

Ecology

The application has been accompanied by a Phase 1 Habitat Survey as required by legislation to provide details of whether the proposed reuse of the existing buildings or surfacing would disturb any protected flora or fauna. The report identifies that the buildings and hard surfacing on site do not provide habitats for any protected species and that any adverse impacts from the proposed works would be indirect only. Accordingly suggestion is made that any scrub clearance should be carried out after nesting season (March-August) or after an ecologist has confirmed no active nests are present, and that bat sensitive lighting should be used pre- and post- construction as a precaution. The report also recommends that sensitive construction be employed to ensure trenches are covered overnight, including materials such as freshly laid concrete and that all materials stored should be off the ground to prevent becoming hibernacula or within 'amphibian proof' structures.

Conclusion

The applicants have submitted information to demonstrate how the existing building may be converted whilst retaining the main underpinning structure. The works would visually enhance the external appearance albeit in a commercial manner and the proposals would provide additional office accommodation which may be viewed as employment generating, with two units already identified for use by the applicants. Highways have raised no objections to the location of the development, access or turning and conditions or legal agreement can be imposed to overcome any concerns regarding amenity of future occupants, potential ecological impacts and other matters.

Mindful of the above, on balance approval is recommended subject to the removal of the S52 agreement (restricting use of the building to livestock rearing and storage of agricultural machinery only) and provision of a S106 (restricting occupancy of the property known as Badgers to persons owning or employed in the onsite office uses and potentially restricting occupation of two of the units to the owners of Badgers as set out in the application) and conditions as set out above..

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:

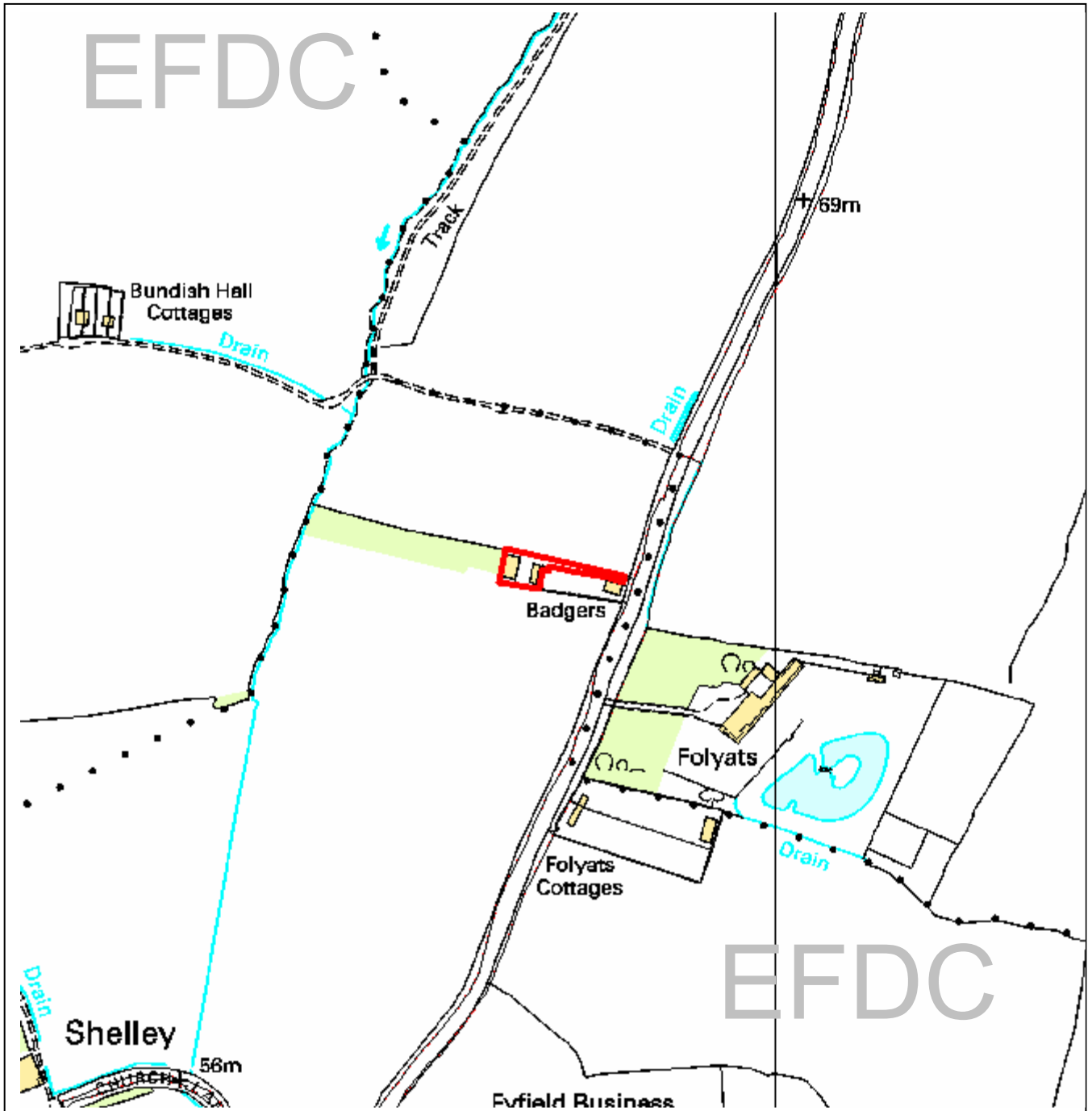
**Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: 01992 574294**

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/2252/10
Site Name:	Badgers, Fyfield Road, Moreton CM5 0HN
Scale of Plot:	1/5000

Report Item No: 2

APPLICATION No:	EPF/0940/11
SITE ADDRESS:	3 Crown Close Sheering Harlow Essex CM22 7ND
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mrs Jane Sweet
DESCRIPTION OF PROPOSAL:	Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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=527846

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 01, 1A, 1B, 1C, 2A, 2B, 2C, 975.12 (amended 04/07/11)
- 3 No construction works above ground level shall have taken place until documentary and photographic 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.
- 4 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 shall be undertaken without the prior written permission of the Local Planning Authority.
- 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) and implementation programme (linked to the development schedule) have been submitted to and 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.

- 6 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.
- 7 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 8 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.
- 9 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.
- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of 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.

This application was deferred from the last Plans East Sub-Committee to enable Members to visit the site. The original report is reproduced below:

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Revised application for the alteration and extension of the existing detached bungalow to form 2 no. two-storey semi-detached dwellings and the erection of a single detached two-storey dwelling.

The extensions to the existing bungalow would consist of two rear additions at ground floor level, and a first floor extension over the entire footprint of the extended ground floor. This would result in a pair of semi detached houses with a maximum depth of 13.3m (although this incorporates the front and rear projections) and a combined width of 11.4m. They would have predominantly hip

ended pitched roofs with a low ridge height of around 7.65m and would have the appearance of being one large detached dwelling as the unit known as 3A would have a side entrance and a gable ended front protrusion not seen on unit 3B.

The proposed detached house would replace an existing single storey detached garage and would be 10m deep and 4.8m wide. This would have a hip ended pitched roof to a ridge height of around 7m.

Description of Site:

Detached bungalow and garage building located on the southern side of Crown Close, within the small built-up village of Sheering. The site backs on to the side boundary of No. 3 Orchard Close to the south and is located within a residential estate containing a mix of detached, semi-detached and terrace properties that includes bungalows, chalet-bungalows and two storey dwellings. To the front of the site is a large grass highway verge. The site lies within a Flood Risk Assessment zone and the bungalow is set some 14 metres back from the highway edge.

Relevant History:

EPF/1822/10 - Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage – refused 05/11/10

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
CP7 – Urban form and quality
H3A – Housing density
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
DBE10 – Residential extensions
DBE11 – Sub-division of properties
LL10 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood Risk Assessment zones

Summary of Reps:

9 neighbours were consulted.

PARISH COUNCIL – Object as this is overdevelopment of the site and not in keeping with the street scene.

3 ORCHARD CLOSE – Object due to overlooking and loss of privacy, increase in noise, and due to the visual impact and precedent this would set.

9 CROWN CLOSE – Object as the development is detrimental to the character and appearance of the area, it constitutes overdevelopment, will result in overlooking, due to highway safety concerns as cars would have to reverse off of the site, and as this would set an unwelcome precedent.

FARRAGO, THE STREET – Object as the development would be detrimental to the character of the neighbouring properties, the proposal is a high density development out of scale with other properties and car parking would dominate the street scene, and there would be an increase in traffic and noise.

Issues and Considerations:

The key issues within this application are the suitability of the site for such a development, amenity considerations, design, highway and parking concerns, and with regards to impact on landscaping. The previous application was refused for the following reasons:

The proposal, due to the bulk, design and location of the dwellings and over-dominance of car parking, would result in an incongruous and unacceptable development detrimental to the character and appearance of the street scene, contrary to policies CP2, CP7, DBE1, DBE6, DBE10 and ST6 of the adopted Local Plan and Alterations.

The proposal, due to the inability to provide adequate parking, convenient cycle and bin storage, manoeuvring space and front landscaping, and due to the proximity of the detached dwelling with the side boundaries, amounts to overdevelopment of the site contrary to policies CP7 and DBE3 of the adopted Local Plan and Alterations.

Suitability of site:

The application site is located within the village of Sheering, which is outside of the designated Green Belt, on a site currently occupied by a detached bungalow. The village of Sheering is a relatively small built up area with limited local amenities and public transport and is located approximately 1.1 mile from Sawbridgeworth and 2 miles from Harlow. Whilst the site is not particularly sustainable it is within an existing urban area and as such it is not considered that the principle of intensifying the use of this site would be unacceptable on sustainability grounds.

Amenity considerations:

The proposed development would extend the existing bungalow on site so that two dwellings can be formed, and a further detached dwelling would be erected to replace the single storey garage. The first floor extension on the existing bungalow would increase the overall height of the existing building from 6.45m to around 7.65m and would incorporate a relatively shallow roof with predominantly hip ends. The existing detached garage is currently 2.7m in height with a flat roof, and would be replaced with a dwelling to a height of some 7m with a larger footprint. Whilst the proposed development would have more impact on neighbouring residents and the street scene than existing, the extended bungalow is 3m from the shared boundary at its closest point and some 11.9m from the flank wall of the neighbour to the east known as Coppers. Whilst Coppers is a chalet bungalow style property some 1.3m lower in height than the proposal it is felt that, given the distances involved, the proposed development would not result in an unduly detrimental loss of light or visual impact to this neighbour. The only first floor flank window proposed serves a bathroom and would therefore be obscure glazed, so no loss of privacy would result from the development.

The proposed detached dwelling would be located 1m to the shared boundary with No. 5 Crown Close, however the neighbouring house is separated from the proposed dwelling by a large detached garage and is some 12m from the flank wall of the new dwelling. As such, whilst there

would be some impact on this neighbour it is considered that this would not be detrimental enough to warrant refusal. The only first floor flank window overlooking this neighbour would serve a bathroom and would therefore be obscure glazed.

An objection has been received from No. 3 Orchard Close, which shares its side boundary with the rear of the application site. This refers to overlooking of their site and loss of visual amenity. The dwellings are located 15m from the shared boundary with No. 3 Orchard Close at their closest points, which is in line with the requirements of the Essex Design Guide, and as such any resulting overlooking would be to an acceptable level. Similarly, the distances involved would ensure that there would be minimal visual impact to this neighbouring resident as a result of this development.

The proposed dwellings would each have private amenity space exceeding the required 60 sq. m. in accordance with DBE8 and the Essex Design Guide. These would be located to the rear of the dwellings and would benefit from the same level of privacy enjoyed by the surrounding properties.

Design:

To the north of the application site are large areas of residential estates, where there is a dominant design to the dwellings, however the southern section of Crown Close where the site is located, contains detached properties in a mix of style and sizes. The neighbours to the west consist of two storey detached houses, the adjacent neighbour to the east is a chalet bungalow, with a two storey detached house beyond this. To the south is a mix of detached and semi-detached two storey houses, and to the north are semi-detached and terrace two storey houses.

The design of the previously proposed dwellings (EPF/1822/10) was very bland and uninspired and had large expanses of roof slopes and a considerably higher and more dominant roof form than surrounding dwellings. Furthermore, the narrow width and high roof to the detached dwelling resulted in a top heavy design contrary to the appearance of the area.

With regards to the design of the proposed dwellings in this application, the extended bungalow has been specifically designed to imitate the appearance of a single large detached dwelling, which would be similar in size and not out of character with the character of the surrounding area.

Whilst the single detached dwelling would still have a slightly more unusual design, being long and narrow, the lower roof height and slacker pitch is an improvement over the previous scheme. Furthermore, given the set back of the proposed dwellings from the edge of the carriageway and the existing screening both in this site and adjoining sites, this proposal is not considered to be unduly detrimental to the appearance of the street scene and is not considered to warrant refusal.

The shallow pitched roof and overall height of the proposed dwellings would not exceed the highest point of the neighbouring chalet bungalow (Coppers), and would be considerably lower than No. 5 Crown Close to the west. Due to this the revised application has sufficiently overcome the previous impact on the street scene and is now considered acceptable.

The proposed development would retain at least 1m between the flank walls of the dwellings and the side boundaries, with 2m between the extended bungalow and the new detached dwelling. This would ensure that the properties do not appear cramped or have a detrimental terracing effect within this street of largely detached properties.

By removing the previously proposed front extension and reducing the size of the new detached dwelling the revised scheme has been able to alter the front garden arrangement to reduce the previously unacceptable dominance of cars. It is now proposed to have two tandem parking spaces to the side of unit 3A, and two off-street parking bays for each of units 3B and 3C. These would be located further into the site and would allow for an, albeit small, manoeuvring area, space for landscaping, and dedicated areas for bin storage. This reduction in size of the proposed

dwellings therefore allows enough space to overcome the previous reason for refusal regarding overdevelopment of the site and will allow for additional landscaping to be planted within the front garden to help soften this development.

Highways and parking issues:

The proposed dwellings would be served by six off-street parking spaces, which is in accordance with the requirements of the Essex County Council Vehicle Parking Standards (2009) of 2 spaces per 2+ bedroom house, however does not include any visitor parking space (a further 2 spaces). Notwithstanding this, whilst this would impinge on the manoeuvring area and would block the resident parking spaces, there is sufficient space behind the proposed parking areas to provide informal parking for at least two visitor cars.

Although there is a small manoeuvring area on the plans, this would only really serve unit 3C (although could be used by unit 3B), and there is no such turning area for the parking spaces serving unit 3A. Furthermore, as stated above, this area may at times serve as informal visitor parking and therefore would not at these times serve this purpose. However, given the nature of Crown Close which is a residential cul-de-sac, it is not considered that reversing in to or out of the site would be unduly detrimental to highway safety - few driveways in such areas provide turning space.

The introduction of two additional houses on this site is not considered sufficient to result in an unacceptable increase in traffic generation, nor would its use be detrimental to neighbouring amenities due to increased noise or activity.

Landscaping:

This revised scheme has adequate space within the front garden for additional landscaping that would help to soften the impact from this development. Such landscaping can be controlled by condition.

Other matters:

The application site lies within a designated Flood Risk Assessment zone and is of a size where it is necessary to avoid generating additional runoff and to improve existing surface water runoff. As such a Flood Risk Assessment is required which can be secured by condition.

Conclusion:

In light of the above, the revised development is considered a far more acceptable and appropriate design than the previously refused scheme and has overcome the previous concerns with regards to overdevelopment. There would be no detrimental impact on neighbouring residents in terms of loss of light, privacy or visual amenity, and adequate parking provision would be provided. The design is more in keeping with the street scene than the previous scheme and is not considered harmful to the overall character or appearance of the area. As such the proposed development complies with the relevant Local Plan policies and is therefore recommended for approval.

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:

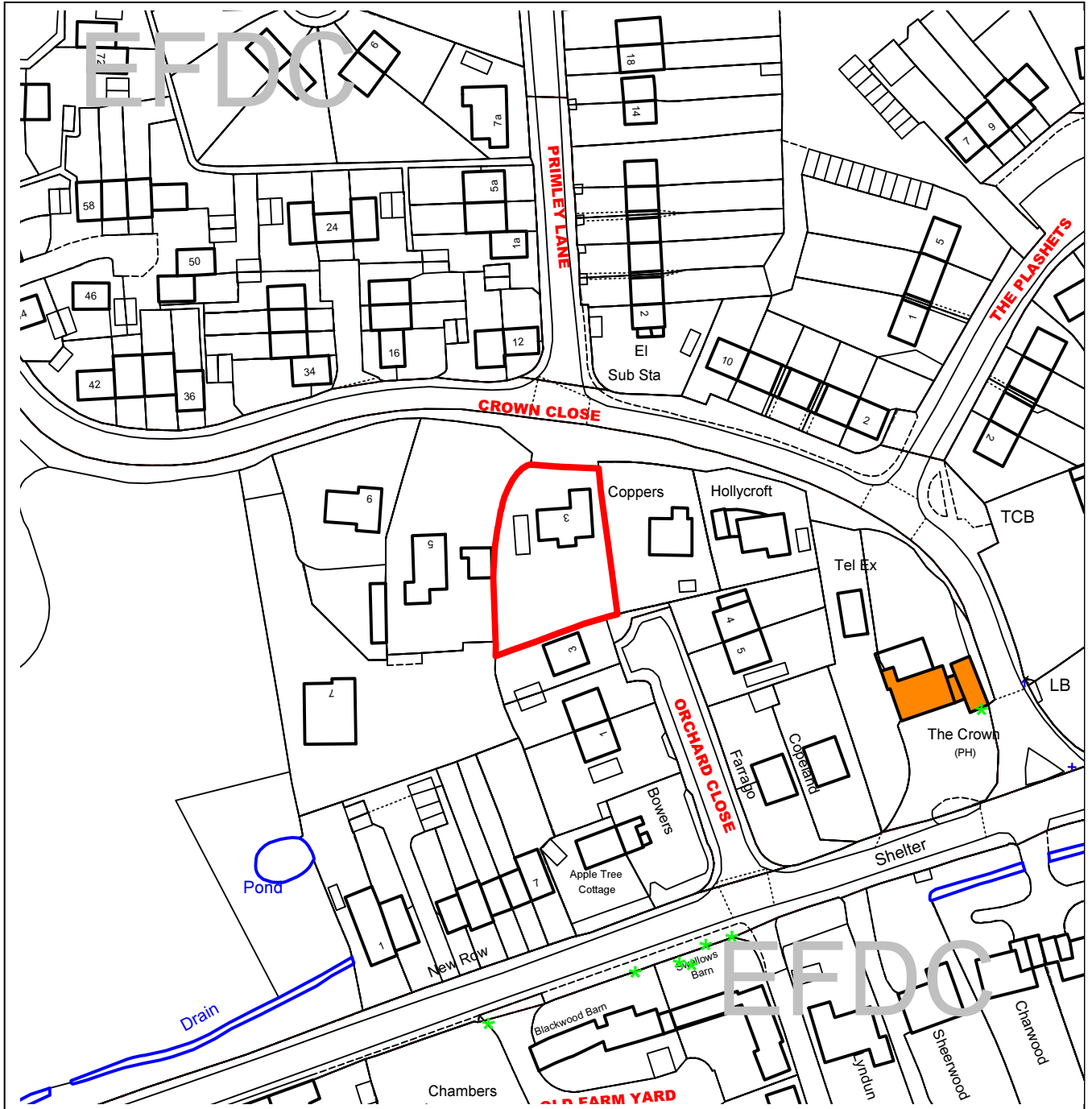
Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/0940/11
Site Name:	3 Crown Close, Sheering CM22 7ND
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0944/11
SITE ADDRESS:	Hales Farm Nether Street Abbes Roding Essex
PARISH:	The Rodings - Abbes, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr & Mrs T Garwood
DESCRIPTION OF PROPOSAL:	Demolition of farm buildings and erection of a single detached dwelling.
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=527868

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development that is both harmful to the purposes of including land within the Green Belt and causes physical harm to the openness and character of the Green Belt. There are insufficient very special circumstances that clearly outweigh this, and other identified, harm, and therefore the development is contrary to PPG2 and policy GB2A, DBE1 and DBE4 of the adopted Local Plan and Alterations.
- 2 The proposed development, due to the removal of the historic curtilage listed buildings and the scale and overall size of the proposed new dwelling, would be detrimental to the historic setting of the adjacent Grade II listed building, contrary to PPS5 and policies HC11, HC12 and LL1 of the adopted Local Plan and Alterations.
- 3 Insufficient information has been provided with regards to the use of, and external works proposed to be undertaken to, the curtilage listed buildings that would be retained, and with regards to the proposed commercial livery use of the stable building. Given this lack of information the proposed development may be detrimental to the appearance and historic importance of the curtilage listed buildings, the setting of the adjacent Grade II listed building, and the character of the Green Belt. As such the development may be contrary to PPG2, PPS5, and policies GB2A, GB8A, HC10, HC12 and HC13 of the adopted Local Plan and Alterations.
- 3 The proposed new dwelling, due to its scale, bulk, massing, orientation, siting and design, is over-dominant, visually incongruous and harmful to the character and amenity of the rural area, contrary to policies GB7A, DBE1, DBE4, LL2 and LL11 of the adopted Local Plan and Alterations.

This application was deferred from the last Plans East Sub-Committee to enable Members to visit the site. The original report is reproduced below:

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section CL56, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

This application seeks to demolish existing farm buildings and replace them with a single detached dwelling. The proposed dwelling would be a maximum of 21.6m in width and maximum 11.5m in depth with a flat top pitched roof to a maximum height of 7.8m. It is proposed to remove the large agricultural structure to the north of the former farm complex, three of the five existing barns, and the existing pig pen enclosures. It is proposed to retain the existing stables for use as a commercial livery and for cycle and waste storage in connection with the proposed new dwelling, and to retain the barn fronting onto Nether Street (although there is no specified use for this barn).

Description of Site:

The site is an irregular shaped area of land within the former Hales farm holding and adjoining Hales Farmhouse, which is a Grade II listed building. The site shares its access from Nether Street with the farmhouse, along an unmetalled driveway running to the North of the outbuildings, then curving round them to end in an informal parking area. The farm buildings were last actively used in the early 1990's, for pig rearing. Adjacent fields are cultivated for arable production. All the buildings located on the site are curtilage listed.

The site is relatively isolated, lying around 3m North East of Abbess Roding, and a similar distance away from Leaden Roding (Uttlesford), which has some local facilities. The entire site is located within the Metropolitan Green Belt.

The buildings to be demolished have floor areas of 183 sq. m. (large agricultural barn), 37 sq. m. (barn 1), 74 sq. m. (barn 2), 107 sq. m. (barn 3), with the pig pen enclosures having a total floor area of 157 sq. m. Planning permission has been granted to convert the large agricultural building, the barn fronting Nether Street, and barns 1 & 2 into two live/work units, although this permission has not yet been implemented.

Relevant History:

EPF/1030/96 - Change of use of agricultural building for the restoration of furniture – approved/conditions 01/10/96

EPF/2260/04 - Conversion of farm buildings into two live/work units, comprising of workspace area and one each of one bed, two bed and four bed accommodation – approved/conditions 24/08/05

LB/EPF/0359/05 - Grade II Listed Building application for the conversion of farm buildings within the curtilage of the listed building – approved/conditions 24/08/05

EXT/EPF/1736/10 - Extension of time limit on EPF/2260/04 (Conversion of farm buildings into two live/work units) – approved/conditions 15/10/10

LB/EPF/1737/10 - Grade II listed building application for the conversion of farm buildings within the curtilage of the listed building (resubmission of LB/EPF/0359/05) – approved/conditions 15/10/10

Policies Applied:

GB2A – Development with the Green Belt

GB8A – Change of use or adaptation of buildings

HC10 – Works to Listed Buildings

HC11 – Demolition of Listed Buildings
HC12 – Development affecting the setting of Listed Buildings
HC13 – Change of use of Listed Buildings
RST4 – Horse keeping
DBE1 – Design of new buildings
DBE4 – Design in the Green Belt
DBE8 – Private open space
DBE9 – Loss of amenity
LL1 – Rural landscape
LL2 – Inappropriate rural development
LL11 – Landscaping schemes
ST4 – Road safety
ST6 – Vehicle parking

SUMMARY OF REPRESENTATIONS:

A Site Notice was displayed on 06/06/11.

PARISH COUNCIL – No objection as they are of the opinion that the construction and style of the proposed building is suitable and appropriate for the rural environs of the parish.

CHERRY BARN, NETHER STREET – Support the application as this will enhance the Green Belt aspect and will tidy up this dilapidated area.

THE GABLES, NETHER STREET – Support the application as this will remove the unsightly dilapidated buildings and improve the appearance of the area.

NETHERSTREET FARMHOUSE, NETHER STREET – Support the application as the proposal will be in keeping with the area and surrounding properties and would improve the openness of the Green Belt.

Issues and Considerations:

The main considerations are whether the development constitutes appropriate development in the Green Belt and the harm it would have on this, the appropriateness of the development in this location, and with regards to the loss of the curtilage listed buildings and resulting impact on the adjacent Grade II listed building.

The application site is located within the Green Belt, where the erection of new dwellings is considered inappropriate development. The existence of former agricultural buildings on the site is by no means very special, and the development is therefore by definition harmful to the openness of the Green Belt. As stated within PPG2, *“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”*.

Further to the above ‘in principal’ harm to the Green Belt, the proposed dwelling, whilst of a smaller footprint and volume than the cumulative size of the outbuildings to be removed, would be a single large building that is some 1.8m higher than the largest building that it would replace and of considerable bulk. As such the proposal would also cause actual harm to the openness and character of the Green Belt.

Aside from the harm to the Green Belt, very special circumstances need to clearly outweigh *“any other harm”*. The application site consists of the former farmyard of Hales Farm, to which the farmhouse is a Grade II listed building. As these outbuilding pre-date the listing they are all

curtilage listed and are considered heritage assets under PPS5. There is no acknowledgement within the submitted application that the buildings are curtilage listed (although the barn adjacent to Nether Street is incorrectly marked up by the applicant as being a Grade II listed barn), no heritage statement regarding these buildings or the setting of the adjacent Grade II listed building has been submitted, and no justification for their removal has been put forth.

Whilst one of the three buildings proposed to be removed was previously granted consent for its demolition in 2005 (and renewed in 2010), the large agricultural building and barns 1 & 2 were previously to be retained. The previous application contained a Heritage Statement from Anne Padfield with regards to the listed and curtilage listed buildings. The listed building itself is a late 16th century, timber framed and plastered, 2 storey farmhouse, and the adjacent barn fronting Nether Street is a 16th century timber framed barn with several internal historic features, including wattle and daub panels, hayracks, granary bins and a boarded partition. Whilst it is proposed that this building is to remain, there has been no information provided with regards to its intended use or any works that may take place to the building.

Furthermore, there has been no detail submitted as to the extent of works to the stables (which are proposed for use as a commercial livery), contrary to policy HC10. Aside from the statement that the stables would *“be reassigned as ‘livery’ and will provide additional employment”* there have been no details received regarding the extent of this commercial activity, the predicted transport movements, opening hours, or level of employment. As such the impact of this part of the development on the Green Belt, setting of the Listed Building, highway safety, animal welfare, sustainability, and overall rural character of the area cannot be fully assessed.

With regards to the large agricultural building to be removed, there is evidence of a building of the same footprint and in the same position as the building proposed for demolition on historic maps dating back to 1843. Whilst the previously submitted Heritage Statement of Anne Padfield states that the building standing today only dates back to the 1930s, it replicates the size and shape of the traditional barn on the site. This barn, along with other agricultural buildings also evident on the 1843 map, forms a group of agricultural buildings within the historic curtilage associated with the listed farmhouse. Furthermore, the large agricultural building has been identified within the previous Heritage Statement as creating *“a strong visual impact when viewed from the road”*.

Policy HE9.1 of PPS 5 states that *“there should be a presumption in favour of the conservation of designated heritage assets... Significance (of the heritage asset) can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification”*. As no justification has been put forth for the removal of these curtilage listed buildings or with information with regards to works to the buildings to be retained, the development is clearly contrary to PPS5 and Local Plan policies HC10, HC11, HC12 and HC13.

With regards to the proposed new dwelling, this would be located within the curtilage of the listed farmhouse. Buildings within the curtilage of a listed building should be outbuildings or subordinate to the main building, however the proposed new dwelling is considerably larger than the adjacent listed dwelling and would over-dominate the listed building to the detriment of its setting, becoming the ‘main’ house on the site and compromising the historic setting and logical context of the listed farmhouse. The proposed dwelling would have a footprint of approximately 225 sq. m., whereby the original listed building has a footprint of some 97 sq. m. Furthermore, the proposed new dwelling would be considerably higher and have a greater bulk than the existing agricultural building and adjacent listed building. Policy HE7.5 of PPS 5 states that *“local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use”*. As well as the above size concerns, the proposed new dwelling is over-complicated in design and would appear overly dominant from the road. Furthermore, the orientation of the proposed new building is inappropriate as the

property would have its flank wall fronting on to Nether Street and the rear elevation facing the listed building. This would result in a lack of cohesion between the properties and would prove detrimental to the setting of the listed building due to its dominating effect. It is therefore considered that the scale, design and layout of the proposed new dwelling would be detrimental to its setting within the curtilage of this Grade II listed building and the surrounding rural location, contrary to PPS5 and Local Plan policies HC12, GB7A, DBE1, DBE4, LL2 and LL11.

The applicant recognises that the proposal constitutes inappropriate development, and puts the following circumstances forward to justify this development:

- *The proposal will not be materially larger than what it is to replace, in fact will be a significant reduction in both floor area and volume.*
- *It will not have a greater impact on the openness of the Green Belt.*
- *It will not result in the size of the private or cultivated garden of the replacement dwelling exceeding that which it replaces.*

There also appears to be some reliance on the previous consent to convert the existing buildings to two live/work units in that the applicant is “*now proposing to update this permission with a replacement traditional style family home*”.

Whilst it is accepted that the cumulative footprint and volume of the proposed new dwelling would be less than the buildings to be removed, the proposal is to remove agricultural buildings, which are not considered inappropriate development, and erect a large dwelling, which is inappropriate development. Furthermore, whilst cumulatively smaller, the proposed dwelling is larger than the specific agricultural building which it replaces and is some 1.8m higher than the largest building to be removed. Therefore, although over the site area there would be a reduction in built form, the proposed new dwelling would result in a higher and more visually dominant building in this location, which would be detrimental to the Green Belt. Furthermore, the reduction in overall built form does not outweigh the ‘in principle’ harm from introducing inappropriate development to this site. This also does not address, justify, or outweigh the harm to the setting of the listed building or the loss of curtilage listed buildings.

Given the above, it is considered that the proposal would have a physical impact on the openness of the Green Belt (primarily due to the increased height and bulk) and historic setting of the site, and would cause harm due to inappropriateness. Therefore the development would have a greater impact on the Green Belt than the existing site. It is unclear what the applicant is referring to when they state “*it will not result in the size of the private or cultivated garden of the replacement dwelling exceeding that which it replaces*”, as the site as existing is agricultural land.

It is not considered that the existing, although as yet unimplemented, consent for the conversion of the barns to two live/work units has any bearing on the current proposal. The re-use of existing buildings is not necessarily considered inappropriate development, and it was deemed that the reuse of the curtilage listed buildings was appropriate in this Green Belt location. However the fact that that development was appropriate (as confirmed in PPG2) does not mean that this development is acceptable. Furthermore, whilst the consent is valid, the works have not yet taken place so the proposed development cannot constitute a ‘replacement dwelling’. As such, the existence of the previous consent on this site does not weigh in favour of the proposal, indeed it shows that the existing buildings can be reused sensitively with minimal harm to the Green Belt and historic environment.

The existing site and buildings are redundant agricultural buildings and, whilst neighbouring residents consider the buildings ‘dilapidated’ and ‘unsightly’, paragraph 1.7 of PPG2 clearly states that “*the quality of the landscape is not relevant to the inclusion of land within a Green Belt or its continued protection*”. This site is not unusual in its situation and it is not considered that the removal of such buildings would be a ‘very special circumstance’ unique to this site. The site,

whilst somewhat run-down, is not a non-conforming site, does not cause nuisance to neighbouring residents, is not a heavy traffic generator, and is not an inappropriate use within the Green Belt. There seems to be no benefits from removing the buildings on the site, and this would in fact result in additional harm. As previously stated, the buildings make a positive contribution to the historic setting of the Grade II listed building and their retention should be sought (particularly with regards to the barn fronting Nether Street and the large agricultural building).

The previous scheme to convert these buildings is an ideal proposal as it would retain the important curtilage listed buildings, improve the overall appearance of the buildings by bringing them back into use, and is not inappropriate development within the Green Belt, whereas this current application is considered wholly inappropriate and there are insufficient very special circumstances to clearly outweigh the above identified harm.

Conclusion

The proposed development would constitute inappropriate development that is harmful to the purposes of including land within the Green Belt, and would cause physical harm to the openness and character of the Green Belt due to the increased height and bulk of the development. Furthermore, the removal of curtilage listed buildings and overall bulk and scale of the proposed dwelling would be detrimental to the historic setting of the adjacent Grade II listed building. The circumstances put forward are not considered to clearly outweigh the identified harm and PPG2 clearly states that, with regards to inappropriate development within the Green Belt, "*these exceptional cases would be treated as departures from the development plan*". It is not considered that this site or proposal is an 'exceptional case' and there appears to be no benefits from the development.

Further to the above, there has been insufficient information submitted with regards to the internal and external works and usage of the curtilage listed buildings to be retained, and insufficient justification for the removal of the other curtilage listed buildings. No details have been received with regards to the proposed commercial livery, and as such the impact on this rural Green Belt location cannot be fully assessed.

The proposal therefore fails to comply with Government Guidance in the form of PPG2 and PPS5, and Local Plan policies GB2A, GB7A, GB8A, HC10, HC11, HC12, HC13, DBE1, DBE4, LL1, LL2 and LL11. As such the application is recommended for refusal.

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:

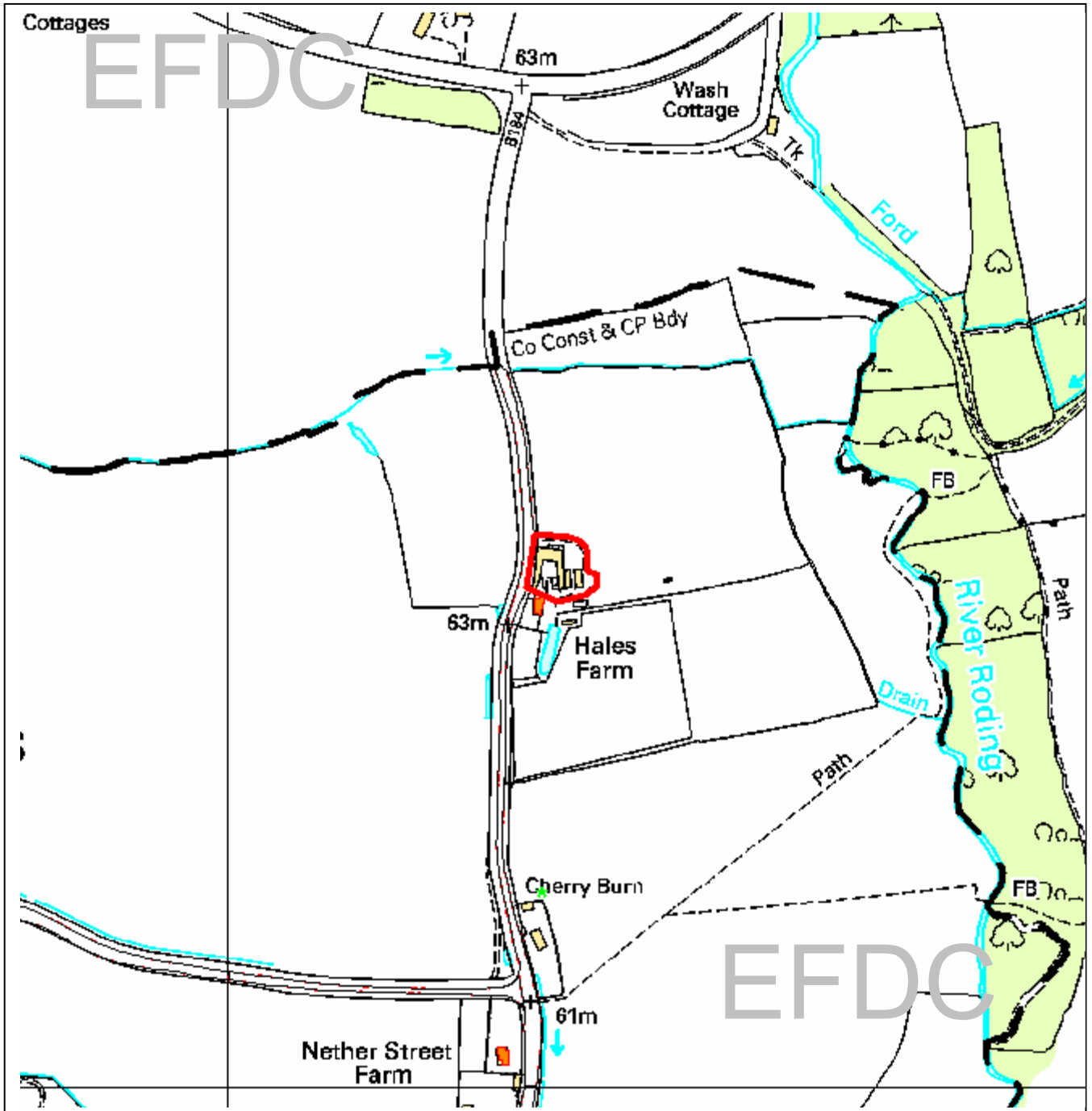
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3 & 4
Application Number:	EPF/0944/11 & EPF/0945/11
Site Name:	Hales Farm, Nether Street Abbes Roding,
Scale of Plot:	1/5000

Report Item No: 4

APPLICATION No:	EPF/0945/11
SITE ADDRESS:	Hales Farm Nether Street Abbess Roding Essex
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr & Mrs T Garwood
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the demolition of farm buildings.
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=527869

REASON FOR REFUSAL

- 1 The proposed development results in the demolition of curtilage listed buildings and no very exceptional circumstances have been provided to show that they cannot be retained and returned to an appropriate use. Their loss, in addition, would be detrimental to the historic setting of the adjacent Grade II listed building, contrary to PPS5 and policies HC11 and HC12 of the adopted Local Plan and Alterations.
- 2 Insufficient information has been provided with regards to the use of, and internal and external works proposed to be undertaken to, the curtilage listed buildings that would be retained. Given this lack of information the proposed development may be detrimental to the appearance and historic importance of the curtilage listed buildings and the setting of the adjacent Grade II listed building, contrary to PPS5 and policies HC10, HC12 and HC13 of the adopted Local Plan and Alterations.

This application was deferred from the last Plans East Sub-Committee to enable Members to visit the site. The original report is reproduced below:

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section CL56, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

Listed building consent is sought to demolish existing curtilage listed farm buildings to enable their replacement with a single detached dwelling. It is proposed to remove the large agricultural

structure to the north of the former farm complex, three of the five existing barns, and the existing pig pen enclosures and to retain the existing stables for use as a commercial livery and for cycle and waste storage in connection with the proposed new dwelling, and to retain the barn fronting onto Nether Street (although there is no specified use for this barn).

Description of Site:

The site is an irregular shaped area of land within the former Hales farm holding and adjoining Hales Farmhouse, which is a Grade II listed building. The site shares its access from Nether Street with the farmhouse, along an unmetalled driveway running to the North of the outbuildings, then curving round them to end in an informal parking area. The farm buildings were last actively used in the early 1990's, for pig rearing. Adjacent fields are cultivated for arable production. All the buildings located on the site are curtilage listed as they were within the curtilage of the farmhouse at the time of its listing and form an important part of the historic context of the farmhouse and are protected by the listing from any inappropriate works.

The site is relatively isolated, lying around 3m North East of Abbess Roding, and a similar distance away from Leaden Roding (Uttlesford), which has some local facilities. The entire site is located within the Metropolitan Green Belt.

The buildings to be demolished have floor areas of 183 sq. m. (large agricultural barn), 37 sq. m. (barn 1), 74 sq. m. (barn 2), 107 sq. m. (barn 3), with the pig pen enclosures having a total floor area of 157 sq. m. Planning permission has previously been granted to convert the large agricultural building, the barn fronting Nether Street, and barns 1 & 2 into two live/work units, although this permission has not yet been implemented.

Relevant History:

EPF/1030/96 - Change of use of agricultural building for the restoration of furniture – approved/conditions 01/10/96

EPF/2260/04 - Conversion of farm buildings into two live/work units, comprising of workspace area and one each of one bed, two bed and four bed accommodation – approved/conditions 24/08/05

LB/EPF/0359/05 - Grade II Listed Building application for the conversion of farm buildings within the curtilage of the listed building – approved/conditions 24/08/05

EXT/EPF/1736/10 - Extension of time limit on EPF/2260/04 (Conversion of farm buildings into two live/work units) – approved/conditions 15/10/10

LB/EPF/1737/10 - Grade II listed building application for the conversion of farm buildings within the curtilage of the listed building (resubmission of LB/EPF/0359/05) – approved/conditions 15/10/10

Policies Applied:

HC10 – Works to Listed Buildings

HC11 – Demolition of Listed Buildings

HC12 – Development affecting the setting of Listed Buildings

HC13 – Change of use of Listed Buildings

SUMMARY OF REPRESENTATIONS:

A Site Notice was displayed.

PARISH COUNCIL – None received.

Issues and Considerations:

The main impact of the proposal is regarding the loss of the curtilage listed buildings and resulting impact on the adjacent Grade II listed building.

The application site consists of the former farmyard of Hales Farm, to which the farmhouse is a Grade II listed building. As these outbuildings pre-date the listing they are all curtilage listed and are considered heritage assets under PPS5. There is no acknowledgement within the submitted application that the buildings are curtilage listed (although the barn adjacent to Nether Street is incorrectly marked up by the applicant as being a Grade II listed barn), no heritage statement regarding these buildings or the setting of the adjacent Grade II listed building has been submitted, and no justification for their removal has been put forth. Whilst one of the three buildings proposed to be removed was previously granted consent for its demolition in 2005 (and renewed in 2010), the large agricultural building and barns 1 & 2 were previously to be retained. The previous application contained a Heritage Statement from Anne Padfield with regards to the listed and curtilage listed buildings. The listed building itself is a late 16th century, timber framed and plastered, 2 storey farmhouse, and the adjacent barn fronting Nether Street is a 16th century timber framed barn with several internal historic features, including wattle and daub panels, hayracks, granary bins and a boarded partition. Whilst it is proposed that this building is to remain, there has been no information provided with regards to its intended use or any works that may take place to the building.

Furthermore, there has been no detail submitted as to the extent of works to the stables (which are suggested would be used as a commercial livery).

With regards to the large agricultural building to be removed, there is evidence of a building of the same footprint and in the same position as the building proposed for demolition on historic maps dating back to 1843. Whilst the previously submitted Heritage Statement of Anne Padfield states that the building standing today only dates back to the 1930s, it replicates the size and shape of the traditional barn on the site. This barn, along with other agricultural buildings also evident on the 1843 map, forms a group of agricultural buildings within the historic curtilage associated with the listed farmhouse. Furthermore, the large agricultural building has been identified within the previous Heritage Statement as creating “a strong visual impact when viewed from the road”.

Policy HE9.1 of PPS 5 states that “*there should be a presumption in favour of the conservation of designated heritage assets... Significance (of the heritage asset) can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification*”. As no justification has been put forth for the removal of these curtilage listed buildings or with information with regards to works to the buildings to be retained, the development is clearly contrary to PPS5 and Local Plan policies HC10, HC11, HC12 and HC13.

The buildings to be demolished make a positive contribution to the historic setting of the Grade II listed building, which is a farmhouse surrounded by its farm buildings, and their retention should be sought (particularly with regards to the barn fronting Nether Street and the large agricultural building). The previous scheme to convert these buildings was an ideal proposal as it would have retained the important curtilage listed buildings and improved the overall appearance of the buildings by bringing them back into use, whereas this current application is considered wholly inappropriate and there is insufficient justification or very special circumstances to clearly outweigh the above identified harm.

Conclusion

The removal of curtilage listed buildings would be detrimental to the historic setting of the adjacent Grade II listed building, and no justification has been given or very special circumstances exist to

outweigh this harm. Furthermore, there has been insufficient information submitted with regards to the internal and external works and usage of the curtilage listed buildings to be retained, and insufficient justification for the removal of the other curtilage listed buildings. The proposal fails to comply with Government Guidance in the form of PPS5 and Local Plan policies HC10, HC11, HC12, and HC13 and is therefore recommended for refusal.

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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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

Report Item No: 5

APPLICATION No:	EPF/1008/11
SITE ADDRESS:	Millrite Engineering 151 - 153 London Road Stanford Rivers Ongar Essex CM5
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Hart and Long
DESCRIPTION OF PROPOSAL:	Redevelopment of site to provide 4 detached chalet bungalows and garages.
RECOMMENDED DECISION:	Grant Permission (Subject to S106)

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=528155

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1513.01A, 1513.02A, 1513.03A, 1513.04, 1513.05, 1513.06, 1513.07A, 1513.08 and 1513.09
- 3 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]

- 4 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]
- 5 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]
- 6 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.
- 7 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.

- 8 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of 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.
- 9 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.
- 10 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 11 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.

- 12 No construction works above ground level shall have taken place until documentary and photographic 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.
- 13 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.

- 14 The development shall not be commenced until details of the means to prevent the discharge of surface water from the site onto the highway have been submitted to an approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 15 Notwithstanding the details shown on drawing number 1513.01A and the requirements of condition 2 of this planning permission, the access way serving the development shall be a minimum width of 5.5m for a distance of 6m from the carriageway of the adjacent highway.
- 16 No gates shall be erected at the vehicular access to the site from the highway.
- 17 The following windows shall be obscure glazed in fixed (non-openable) frames to a minimum height of 1.7m as measured from the finished floor level of the rooms to which they serve and be retained as such thereafter.
- 1) The dormer windows in the rear (east) elevation of the house at Plot 1, as indicated on drawing number 1513.03A;
 - 2) The dormer windows in the side (north west) elevation of the house at Plot 3, as indicated on drawing number 1513.07A;
- 18 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 Schedule 2, Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

and subject to the completion, within 6 months, of an agreement under S106 of the Town and Country Planning Act 1990 requiring the developer to contribute £21,000 towards the provision of off-site affordable housing within the District.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to Section CL56, Schedule A (i) of the Council's Delegated Functions).

Description of Proposal:

It is proposed to redevelop land comprising a disused engineering works and detached house together with a large grassed area to provide 4 two-storey detached houses.

The houses would comprise 2 types, both with an L shaped footprint, situated on the developed north-eastern part of the site and be accessed by the existing access point. They would take the form of chalet-bungalows with the first floor contained entirely within the roof space. Each house would have 3 bedrooms and contain an integral double garage with two further parking spaces on a drive in front of the garage. Private gardens for 3 of the houses would be provided on the existing open part of the site, while the garden for one house would be in the southern corner.

The houses would be of traditional design with tall gabled roofs containing modest dormer windows. Materials and landscaping are not finalised. The design and access statement specifies external materials as weatherboarding above a brick plinth with a tiled roof. It identifies the main opportunities for landscaping as the gardens and states the existing high mature hedgerow adjacent to London Road would be retained.

The houses would have maximum ridge heights of 7.3m. The total volume of all the proposed buildings would be some 2800m³ while their ground area would be 570m².

Description of Site:

The application site is located on the southeast side of London Road (the A113), Stanford Rivers, between the Woodman PH and former White Bear PH. It is within the Metropolitan Green Belt but is not within a conservation area.

The White Bear PH has been converted to a number of dwellings: White Bear House and White Bear Mews. The Woodman PH is set adjacent to London Road while White Bear House and Mews are situated off an access road southeast of London Road at significantly lower level such that they are not clearly visible from the main road. Those buildings are Grade II listed.

The site itself is a disused engineering works and detached house accessed off the same road that provides access to White Bear House and Mews. It is an irregular shaped site, approximately rectangular in shape. It is largely screened from view of London Road by a hedgerow on the highway verge, a leylandii hedge adjacent to the access to the site and by its level being significantly lower than that of the carriageway.

The buildings on site are a mix of single and two-storey structures with a maximum ridge height of 7.2m situated on the north-eastern part of the site that enclose a concrete surfaced yard area. They are substantial and permanent structures that have a total volume of some 2300m³ covering a ground area of 545m².

The south-western half of the site is an open grassed area with some trees. The site levels drop approximately 2m from northwest to southeast.

The south-eastern boundary of the site is enclosed by close board fencing, beyond which is an open field that falls away from the site. Views to the east beyond the adjacent field are of open countryside. The field is used for a mix of agricultural and recreational purposes, the recreational activity being clay pigeon shooting.

The north-western site boundary is enclosed by close board fencing with hedgerow on highway land between the site boundary and London Road.

Relevant History:

- EPF/0713/09 Retaining store/forge to front and converting to two bedroom single storey unit, retaining spray and bending building and conversion to a two bedroom bungalow, retaining two, two storey workshops and office building and converting to a four bedroom house. Approved following the completion of a S.106 agreement requiring the payment of a contribution of £100,000 to the provision of social housing upon completion of the development. (Development not commenced)
- EPF/2399/09 Replacement of existing 2 storey dwelling and redevelopment of remainder of site to provide 3 additional 2 storey dwellings and associated garaging and amenity space (giving a total of 4 new 5/6 bedroom houses). Refused on Green Belt grounds. Subsequent appeal dismissed.
- EPF/2400/09 Replacement of existing 2 storey dwelling and redevelopment of remainder of site to provide 3 additional 2 storey dwellings and associated garaging and amenity space (Alternative scheme also giving a total of 4 new 5/6 bedroom houses). Refused on Green Belt grounds. Subsequent appeal dismissed.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2	Protecting the Quality of the Rural and Built Environment
CP3-5 and ST1	Sustainable development policies
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB15A	Replacement Dwellings
HC12	Development Affecting the Setting of Listed Buildings
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A-7A	Policy relating to the provision for affordable housing
E4A	Protection of Employment Sites
E4B	Alternative Uses for Employment Sites
DBE1, 2, 4, 6, 8 & -9	Policy relating to design and impact of development on amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

Summary of Representations:

The occupants of 4 neighbouring properties were consulted and a site notice was displayed but no response was received.

STANFORD RIVERS PARISH COUNCIL: No Objection. Reduced scheme acceptable but still contrary to Green Belt Policy but more acceptable than industrial development on this exposed site.

Issues and Considerations:

The District Council accepted the principle of the loss of this site for employment purposes and accepted the sustainability of the location for residential development when it granted planning permission for the conversion of the existing buildings to provide a total of four dwellings including the existing house, Ref EPF/0713/09.

In dismissing the appeals against the refusal of application EPF/2399/09 and EPF/2400/09 the Planning Inspector found the improvement of the site's appearance by the proposals to be an important consideration. He found the scheme that restricted the built form to the area covered by the existing buildings far preferable to the alternative proposal. However, he found the bulkiness of the buildings proposed and the urban character of the schemes layout would cause significant harm to the Green Belt, countryside and setting of neighbouring listed buildings. The inspector therefore concluded that, on balance, the improvement in the site's appearance that would be achieved by that scheme would not amount to the very special circumstance necessary to justify the proposal.

The main issues to consider when assessing the planning merits of this proposal are therefore whether the development is acceptable in Green Belt terms and its effect on the setting of the adjacent listed buildings. It is also necessary to consider whether the site could fulfil an identified community need.

Appropriateness in the Green Belt, visual impact and consequence for setting of listed buildings:

The development is not appropriate in the Green Belt and therefore by definition harmful. It would result in an increase in built volume of some 500m³, 22% of that existing, which would be achieved on a 25m² (5%) greater ground area. Regardless of its visual impact, the development can only be allowed where very special circumstances that outweigh the harm caused by its inappropriateness exist.

When seen from London Road the upper parts of the roofs of the new houses would be apparent. However, the ridge heights of the houses would be similar to the maximum height of the existing development, their roof form would be less bulky and the built form of the proposal would be restricted to the presently developed part of the site therefore the overall appearance of bulk would not be much greater than the existing development.

When seen from the southeast, however, due to the drop in land levels beyond the site the development would appear prominent when seen from the open countryside. That impact would be confined to the previously developed part of the site and significantly mitigated by the higher level of the highway beyond the site.

The visual impact of the proposal would be significantly less than that of the previously refused proposals since the provision of the first floor accommodation in the roof space has achieved a reduction in ridge height of some 2.4m and a greatly reduced eaves level.

The design of the new development would represent a considerable improvement over the appearance of the existing buildings and by restricting the built area to the previously developed part of the site it accords with the updated guidance for housing development set out in PPS3. The restriction of the built up area to that already developed serves to protect a key part of the established character of the immediate locality. This is reinforced by the relatively low ridge and very low eaves heights of the proposed houses. The design and siting of the development would safeguard the setting of the adjacent listed buildings especially the Woodman PH which is set away from neighbouring buildings in an open setting.

Case for Very Special Circumstances:

The existing development has a very poor appearance that is not only harmful to the visual amenities of the Green Belt but is harmful to the setting of adjacent listed buildings, especially White Bear Mews. The applicants have designed the proposal in the light of the appeal decisions on applications EPF/2399/09 and EPF/2400/09. They draw attention to the siting and design of the proposal and the reduced bulk of the houses compared to those previously proposed. They also draw attention to the improvement that would be achieved for the setting of the neighbouring listed buildings and broadly similar appearance of bulk to the existing development.

The opportunity to finish the buildings in soft materials together with their simple roof design which generally places dormer windows where they would not readily be visible from London Road or open land to the southeast are important elements of the proposals design. Those design features would give the impression of traditional rural buildings when seen from those vantage points, although that would clearly not be the case when seen from within the site when the domestic character of the buildings would be plainly visible.

The Planning Inspector gave considerable weight to the improvement to the appearance of the site one of the previous schemes would have achieved and only on balance found the improvement did not amount to very special circumstances. By careful design and sensitive siting the current proposal would achieve a very significant improvement in the appearance of the site when seen from all vantage points. It would also achieve a considerable improvement in the relationship of the built form on the site to the neighbouring listed buildings, thereby improving their setting.

The combination of achieving such an improvement in the appearance of the site and setting of listed buildings is a sufficiently unique set of circumstances that, in this particular case, just amount to very special circumstances.

Meeting community need:

The principle of the loss of this site for employment purposes has been accepted in giving consent for the conversion of the existing buildings to residential purposes under planning permission EPF/0713/09. Where proposed development would result in a loss of an employment site Local Plan and Alteration policy E4B requires it be demonstrated that there is no identified community need that can be met on site. Despite carrying out consultation exercises on the current and 3 previous proposals no such community need has been identified. In those circumstances, the supporting text for the policy (paragraph 10.55a) requires consideration be given to whether the site or proposal can address the general community need for affordable housing. Given the remoteness of the site it has previously been accepted that it is not suitable for making on-site provision towards affordable housing. Previous schemes, including that approved under planning permission EPF/0713/09 dealt with the matter by offering a financial contribution towards off-site provision of affordable housing. The sum previously accepted was £100,000, but that was not justified by any independent assessment of the viability of the approved conversion to residential. The approved scheme has subsequently proved unviable for a number of reasons and will not be implemented.

Officers have made it clear to the current applicant that this proposal would need to consider making a financial contribution to off-site provision of affordable housing in order to address the requirements of policy E4B. Officers have also insisted on an independent assessment of the viability of the proposal in order to establish what a justifiable level of contribution could be. Accordingly, Kemsley LLP, was appointed to carry out that assessment and report jointly to the Council and the applicant.

Kemsley LLP has reported their findings. On the basis that an acceptable profit on total development costs for a redevelopment would be between 15 and 20%, the report finds the proposal would not be viable if a contribution of £100,000 were payable since the profit that could be expected would be just under 12%. A fair level of contribution that would allow an acceptable profit to be made is reported to be £28,000, limiting the expected return to 15.9%.

Kemsley LLP also reports that since one of the four proposed houses would replace an existing house on the site, only 3 additional houses would in fact be provided on the site. On that basis the report contends a fair contribution should be based on 3 rather than 4 houses and consequently finds the fair level of contribution should be reduced by a quarter to £21,000.

Since Kemsley LLP is a professional organisation reporting jointly to the Council and the applicant it has a duty to be fair to both parties. It has carried out its assessment of viability thoroughly and consequently its findings have been accepted by Officers. Indeed, Members are advised that as a consequence of the process of carrying out an assessment of viability Kemsleys has enabled the applicant to renegotiate the price for the site in order to ensure a contribution towards the off-site provision of affordable housing could be made.

In response to the findings of Kemsley LLP the applicant has offered a contribution of £21,000 in order to address the requirements of policy E4B. While substantially less than a different applicant previously agreed to, no weight should be given to the previous agreement because the level of contribution was not justified by any viability assessment. Moreover, since that proposal turned out to be unviable the fact is it cannot deliver any contribution towards affordable housing. The viability of this proposal on the other hand has been independently assessed and the recommended level of contribution is therefore properly justified. In the circumstances the

applicants' offer, which is in accordance with the recommended level of contribution, would deal with this policy matter.

Conclusion:

The proposed development is inappropriate in the Green Belt but, on balance, very special circumstances in favour of the proposal that would outweigh the harm caused by reason if its inappropriateness exist. The proposal would secure a very significant improvement in the appearance of the site and in the setting of neighbouring listed buildings while not having a much greater impact on the openness of the Green Belt than the existing poor form of development. The principle of the loss of this employment site has previously been accepted by the District Council and there is no basis for taking a different view on that matter. The requirements of policy E4B in relation to the loss of employment sites would be properly, and with clear justification, met through the level of financial contribution towards off-site affordable housing offered by the applicant. Accordingly, the proposal complies with adopted planning policy and it is recommended that conditional consent be given subject to the completion of s S.106 agreement to secure a contribution of £21,000 towards off-site affordable housing provision within the District.

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:

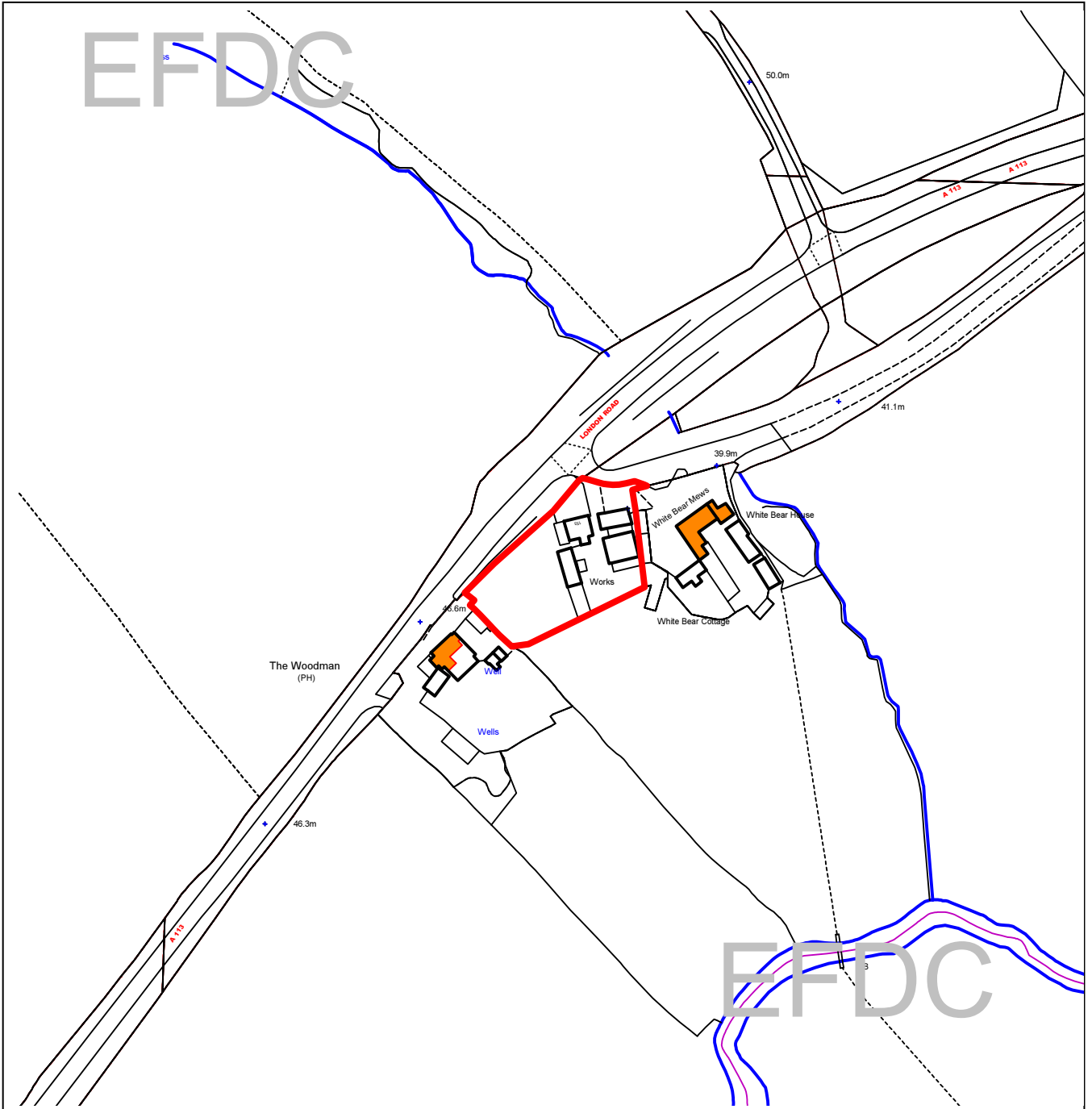
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/1008/11
Site Name:	Millrite Engineering, 151 - 153 London Road, Stanford Rivers, CM5
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/1052/11
SITE ADDRESS:	Gypsey Mead Works Ongar Road Fyfield Ongar Essex CM5 0RB
PARISH:	Fyfield
WARD:	Moreton and Fyfield
APPLICANT:	Mr Graham Phillips
DESCRIPTION OF PROPOSAL:	Rebuilding of existing warehouse with some additional first floor office space.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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=528274

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1191/02A, 1191/03A, 1191/05B, 1191/07B, 1191/08B
- 3 No construction works above ground level shall have taken place until documentary and photographic 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.
- 4 Prior to first occupation of the development hereby approved, the proposed first floor window openings in the western flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 The premises shall be used solely for B8 with ancillary office space and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 6 No deliveries shall be made to or from the site outside the hours of 08:00 to 18:00 on Monday to Friday, 08:00 to 13:00 on Saturdays, and not at all on Sundays and Bank/Public Holidays.

- 7 There shall be no outdoor working on the site outside the hours of 08:00 to 18:00 on Monday to Saturday and not at all on Sundays and Bank/Public Holidays.
- 8 The parking area shown on the approved plan shall be retained free of obstruction for the parking of staff and visitors vehicles.
- 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, 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]
- 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]
- 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]

- 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.
- 13 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.
- 14 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.
- 15 No outdoor storage shall take place on the site.

This application is before this Committee as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).

Description of Proposal:

Consent is being sought for the demolition of an existing warehouse and erection of a new warehouse with first floor office space. The proposed new warehouse would be built on the same footprint of the existing but would raise the height of the building from 6.6m to 7.6m. The access and car parking arrangements would remain as existing, however the new building would be subdivided to provide two units rather than one as existing. There is no proposal to change the use of the site from its existing B8 (storage and distribution) with ancillary B1 (office) use.

Description of Site:

The application site is an existing warehouse located to the north of Ongar Road on the outskirts of the village of Fyfield. To the immediate north are further employment uses, however to the west and south are residential properties. The unit is currently used as B8 with ancillary B1 offices. The site is located within the Metropolitan Green Belt.

Relevant History:

Whilst the wider Gypsey Mead site has a lot of planning history, there is none relevant to this application.

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7 – Conspicuous development
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE9 – Loss of amenity
ST4 – Road safety
ST6 – Vehicle parking

Summary of Reps:

11 neighbours were consulted and a Site Notice displayed on 03/06/11.

PARISH COUNCIL – None received.

1 LAMPETTS COTTAGES, MORETON ROAD – Object as the first floor side windows would result in a loss of privacy and as this would result in an increase in traffic and noise.

2 LAMPETTS COTTAGES, MORETON ROAD – Object to the increased height that would be out of keeping with the area, the overlooking from the first floor windows, and due to an increase in traffic and noise.

CRAMOND, CLATTERFORD END – Concerned that there is insufficient parking available, this could result in increased noise, and there could be wider impacts on the surrounding area from increased industrial activity.

Issues and Considerations:

The key issues within this application are the suitability of the development within the Green Belt, amenity considerations, design, and highway/parking concerns.

Green Belt:

The erection of warehouses (B8/B1 use) is not a form of development recognised as appropriate within the Green Belt and, as such, the proposal would constitute inappropriate development that, by definition, is harmful to the Green Belt. However PPG2 clearly states that such inappropriate development may be acceptable where very special circumstances exist that clearly outweigh the harm from inappropriateness (and any other harm).

The argument put forward to outweigh the 'in principle' harm from this development is that the use of the site for B8/B1 purposes exists at present and has done for a number of years, and due to this established use it is not considered that the erection of a replacement warehouse would, in principle, be harmful to the openness or character of the Green Belt. With regards to the 'actual harm' that would result from the increased height of the replacement building, the arguments put forward are that the increase in height would still render the building 1m lower (ridge height) than the attached building to the east of the site, and that the eaves height of the reconstructed building would be just 350mm higher than the neighbours eaves height. Furthermore, the building is

surrounded on three sides by other employment buildings within the wider site and therefore is a somewhat 'enclosed' or 'infill' site.

It is agreed that, given the established use of the site, its location and the relatively minor increase in height, there would be little harm to the openness and appearance of the Green Belt, and as such very special circumstances exist that outweigh the harm from this development. Furthermore, the redevelopment of this site would ensure that the unit remains in employment use and would be better equipped to meet modern business standards. Therefore this development would retain an existing employment site within this edge of village, rural location, which is in line with the Core Policies of the Local Plan.

Amenity considerations:

The closest neighbouring residential property is located to the west of the site and, due to the existing access road/parking area serving the warehouse and the farm access immediately adjacent to the site, the proposed new building would be approximately 10.5m from the side boundary of this property. Furthermore, the neighbouring dwelling itself is approximately 37m distant from the proposed building. Given these distances, and the application site's location behind a higher industrial building, the raising of the height of the new warehouse would not result in a loss of light or visual amenity to neighbouring residents.

Concern has been raised with regards to the overlooking that would result from the proposed western first floor windows. Given that these proposed windows would simply serve an ancillary office they could be conditioned to ensure they are fitted with obscure glazing and fixed frames, which would overcome any potential loss of privacy.

The proposed development would result in an additional 127 sq. m. of usable floor space and proposes to subdivide the building into two separate units. Whilst this would increase the activity of the site it is not considered that this would be by an amount great enough to significantly worsen the impact of the site in terms of noise and other forms of disturbance.

Design:

The proposed replacement warehouse is of a relatively standard design for this form of building and would be enclosed on three sides by existing employment buildings. The existing warehouse is a somewhat poorly constructed building that does not meet modern Building Regulations.

Highways and parking issues:

The existing warehouse is served by an access off of Ongar Road and 6 off-street parking spaces. Under the current Essex County Council Vehicle Parking Standards (2009), the existing B8 use (treating the office as ancillary rather than a separate B1 use) would require 2 off street spaces, which would increase to 3 with the additional floor space resulting from this development. However, if the ancillary office is calculated as a separate B1 usage (which is not being proposed), then the parking requirements would increase from 5 as existing to 11 as proposed.

Notwithstanding the above, the development clearly states that the offices will be ancillary to the B8 usage on the ground floor, and the site would be served by 6 allocated parking spaces. Furthermore, there is the capacity to provide an additional 3 tandem parking spaces (on an informal basis) that would not interfere with the running of the surrounding employment units. This parking situation currently exists and it is considered that the level of off-street parking provided would be sufficient.

The development would use the existing access, which serves the current warehouse and neighbouring employment sites, and it is not considered that any increased activity as a result of

the additional floor space or subdivision would be significant enough to detrimentally impact on highway safety or traffic movements.

Due to the above there has been no objection raised on highway or parking grounds by Essex County Council Highways and the development is deemed to comply with Local Plan policies ST4 and ST6.

Other matters:

An Environmental Report has been submitted which identifies the former potentially contaminating uses on the site. These include a vehicle repair, re-spraying and refuelling garage, industrial uses and Made Ground. Whilst this report gives an opinion on the liability on the site's present state, it does not assess proposed risks during or after redevelopment. The redevelopment of this site could result in hydrocarbon vapours and ground gases accumulating in the new, more air tight building; could result in hydrocarbons permeating polyethylene water supply pipes; and could result in contaminated soils being exposed during demolition/reconstruction. Due to these potential risks further land contamination investigations will be required, which can be sought by condition.

Conclusion:

In light of the above, it is considered that there are sufficient very special circumstances to outweigh the harm from this inappropriate development in the Green Belt; there would be no undue harm to neighbouring amenities (subject to obscure glazing being installed within the western flank wall); and there would be no detrimental impact on the character and appearance of the area, highway safety, or on-street parking availability. As such the proposed development is considered to comply with the relevant Local Plan policies and is therefore recommended for approval.

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:

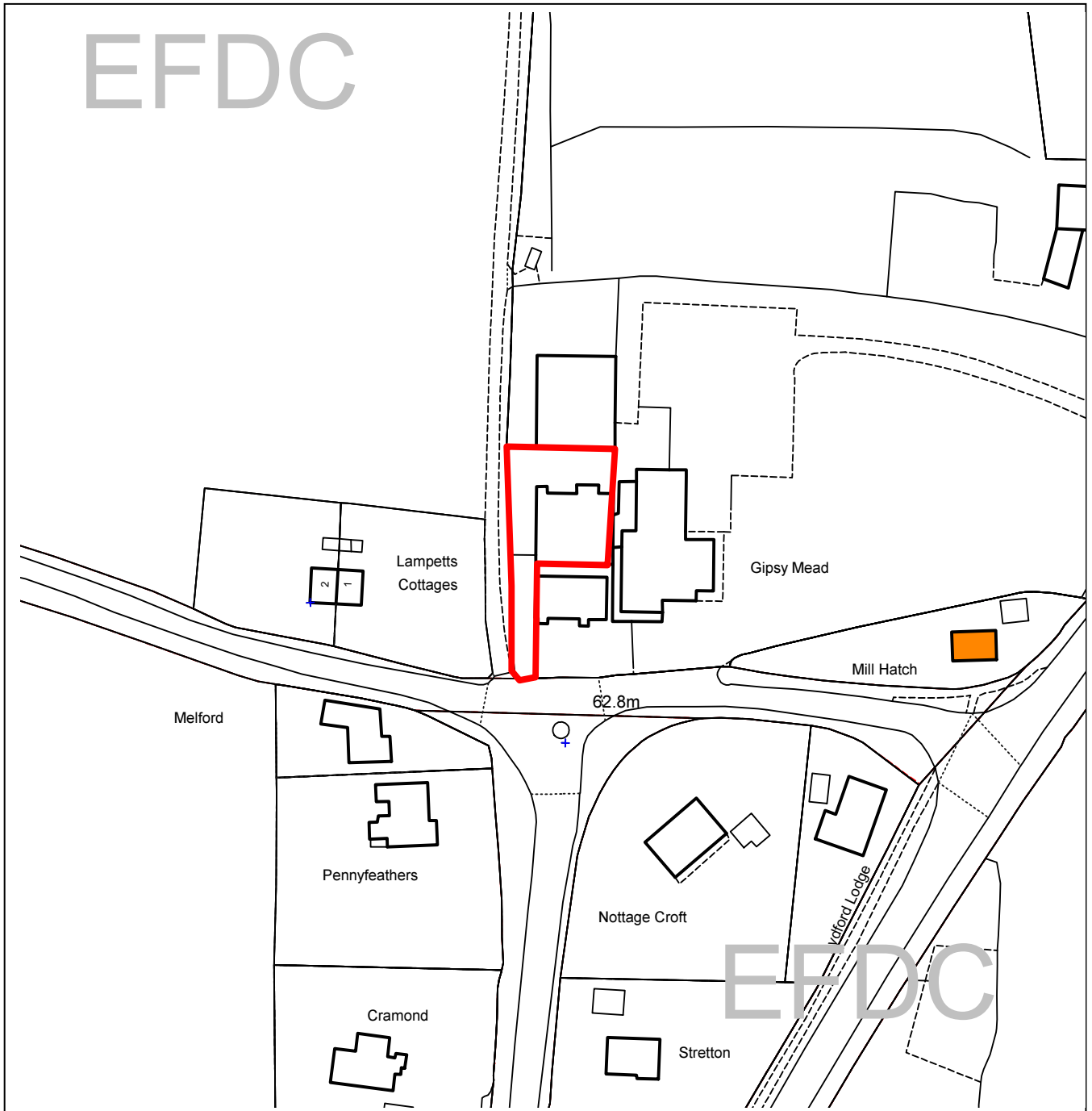
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/1052/11
Site Name:	Gypsy Mead Works, Ongar Road Fyfield, CM5 0RB
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/1073/11
SITE ADDRESS:	17 Forest Grove Woodside Thornwood Epping Essex CM16 6NS
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Rhys Hermansson
DESCRIPTION OF PROPOSAL:	Proposed first floor rear extension and internal alterations.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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=528345

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 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 & B shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Proposed first floor rear extension above existing single storey outshot with terrace above measuring 3.2m in depth and 5m in width with a mono-pitched roof.

Description of Site:

17 Forest Grove is a two and a half storey linked terraced property located on the north side of Woodside. It is part of a relatively new housing estate built in the mid 2000's. It is within the built up area of Thornwood, is not within the Green Belt or a Conservation Area.

Relevant History:

EPF/1072/11 – Certificate of lawful development for a proposed single storey rear extension - Lawful

EPF/1860/05 - Demolition of existing public house and erection of 20 no. houses, access, parking and landscaping – App/Con – Permitted Development rights were not taken away as part of this approval.

Policies Applied:

Epping Forest District Local Plan and Alterations

GB2A – Development in the Green Belt

DBE9 – Loss of amenity

DBE10 – Residential extensions

Summary of Representations:

NORTH WEALD PARISH COUNCIL – The Parish Council OBJECTS to this application on the grounds that the bulk and mass would constitute overdevelopment, the extension by way of its mass would increase the density of the development. There is also concern at the issue of parking.

NEIGHBOURS

3 neighbours were consulted

16 FOREST GROVE – Support the application

Issues and Considerations:

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

- Design Issues
- Impact on Neighbouring Amenity

Design Issues

The proposal is an unusual design with the mono-pitched roof located next to the neighbouring gable end, 2-storey projection. However, the proposal extends at first floor to the same depth as the neighbouring property and is presumably a mono-pitched roof to fit in with the existing pitched roof dormer at No. 17.

It is not considered that the proposal is overdevelopment of the site because it will consist of a similar projection as the existing two storey projection at No. 18 and will replace an existing terrace area which is considered existing useable space. The proposal is to the rear of the property and therefore will not be visible from or disrupt the streetscene. Permitted Development rights for further additions can however, be removed as further additions, reducing garden area or adding bedrooms may result in cramped and unsatisfactory development.

Impact on Neighbouring Amenity

The proposal will not be readily visible from No. 18 and is therefore not considered to have any significant impact on this property. In terms of impact on No. 16 who has supported the application, the proposal is some 3m from the shared boundary and again not considered to impact in terms of loss of light, outlook or privacy.

With regards to the property to the rear of the site it is not considered the proposal gives rise to any additional overlooking or loss of privacy above that which currently exists from the terrace area and will not therefore be a significant loss of amenity.

Other Issues

The Parish Council have commented with regards to parking issues at the site. This proposal does not impact on the parking provision at the site and the parking requirement for a 3 bed property (which this will become) is the same as for the existing two bed property.

Conclusion:

The proposed extension, although an unusual design is considered to generally comply with the relevant policies and therefore approval is 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:

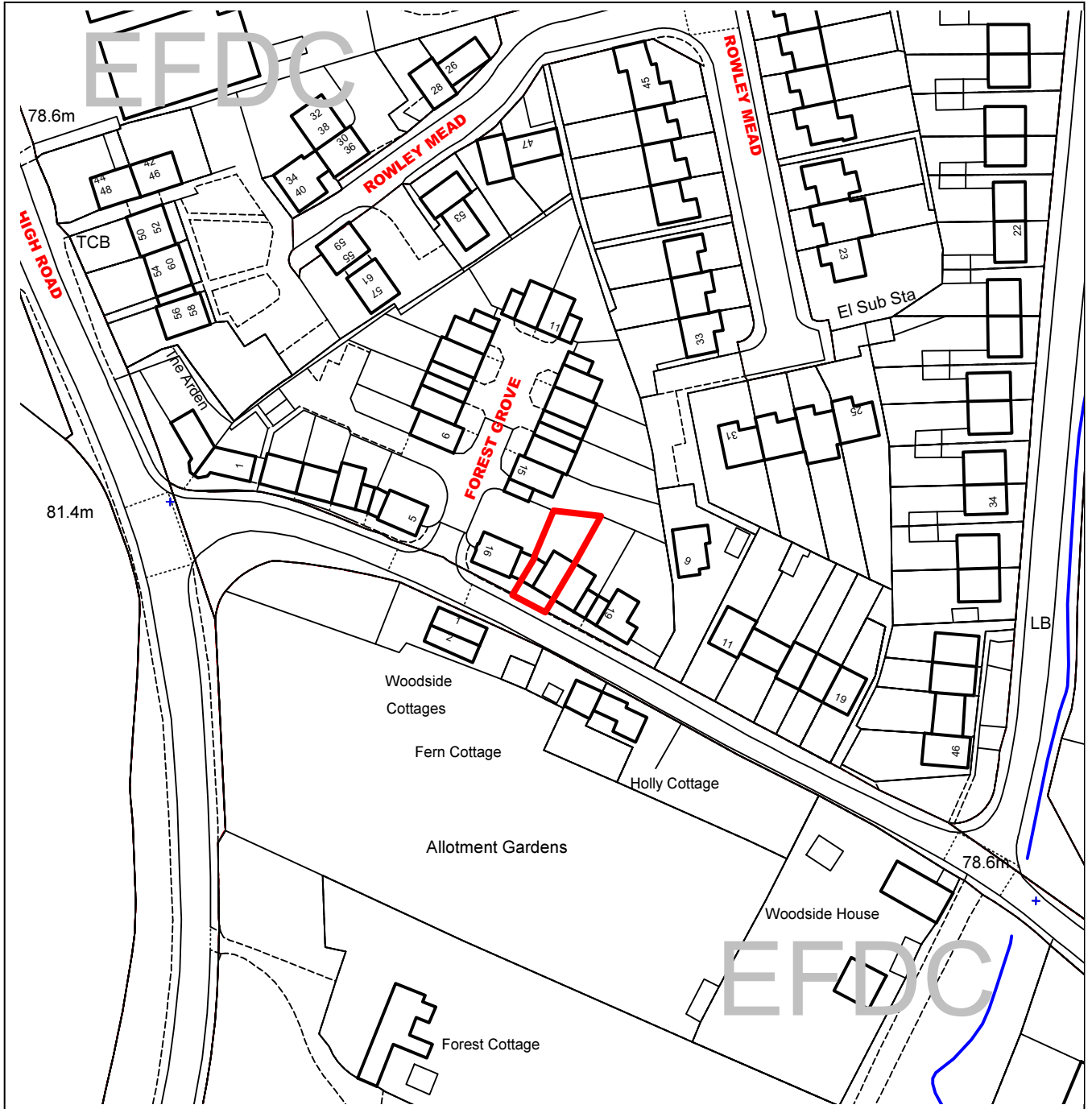
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	7
Application Number:	EPF/1073/11
Site Name:	17 Forest Grove, Woodside Thornwood, CM16 6NS
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/1136/11
SITE ADDRESS:	4 Vicarage Lane North Weald Bassett Epping Essex CM16 6ET
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Brett Singh
DESCRIPTION OF PROPOSAL:	Single storey rear and side extensions and loft conversion.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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=528551

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in both the side facing dormer windows shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Single storey rear and side extensions and loft conversion. The side extension measures 2.5m extending to the side boundary, with the rear extension 2m deep creating an 'L' shaped extension around the existing rear flat roofed extension. The loft conversion incorporates a hip to gable extension at the rear along with two flat roof side facing dormers and a pitched roof dormer to the front elevation.

Description of Site:

4 Vicarage Lane is a detached bungalow within a row of similarly designed bungalows within a small built up area on the edge of North Weald. The property is not within the Green Belt or a Conservation Area.

Relevant History:

EPF/0844/86 – Extension – App/Con

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

Summary of Representations:

NORTH WEALD PARISH COUNCIL – The Parish Council Objects to this application on the following grounds: Visual impact on the neighbouring property, dormer window overlooking on to the neighbouring property, the property is being built on to the boundary line, overdevelopment.

NEIGHBOURS

4 neighbours were consulted and the following response was received:

3 VICARAGE LANE – Objection – side dormer on privacy grounds, close proximity of the side extension and loss of light and visual impact, concerns over future maintenance issues.

Issues and Considerations:

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

- Design Issues
- Impact on Neighbouring Amenity

Design Issues

The proposal is considered generally acceptable and although there is a large area of flat roof for the single storey side/rear extension, as this is to the rear it is considered acceptable as it is not visible from the streetscene. The visible part of the side extension has a false pitched roof and this is considered appropriate within the streetscene elevation.

The front dormer is similar to the dormer approved and currently being built at No. 8 Vicarage Lane and is considered acceptable and well placed within the existing roof slope. The side dormers, although visible from the streetscene are considered to be placed low enough within the roof slope to avoid a bulky, top heavy appearance.

Although built up to the side boundary this is considered acceptable and it is not considered the proposal results in overdevelopment of the site.

It appears that the side dormers and rear hip to gable element could be completed under permitted development and therefore planning permission is not necessarily required for this part of the proposal.

Amenity

The proposal is considered generally acceptable in terms of impact on neighbouring amenity. The side dormers are shown to have obscure glass and this can be conditioned to ensure that this is implemented with fixed frames up to a height of 1.7m. This is considered to minimise any perception of loss of privacy to neighbouring properties.

Although the proposal extends to the boundary, it is not considered to result in such a significant loss of light to the neighbouring property at No. 3 to justify a refusal. It is not considered to result in a detrimental loss of amenity to either neighbouring property.

Conclusion:

The proposed extension is considered generally acceptable and to generally comply with the relevant policies and therefore approval is 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:

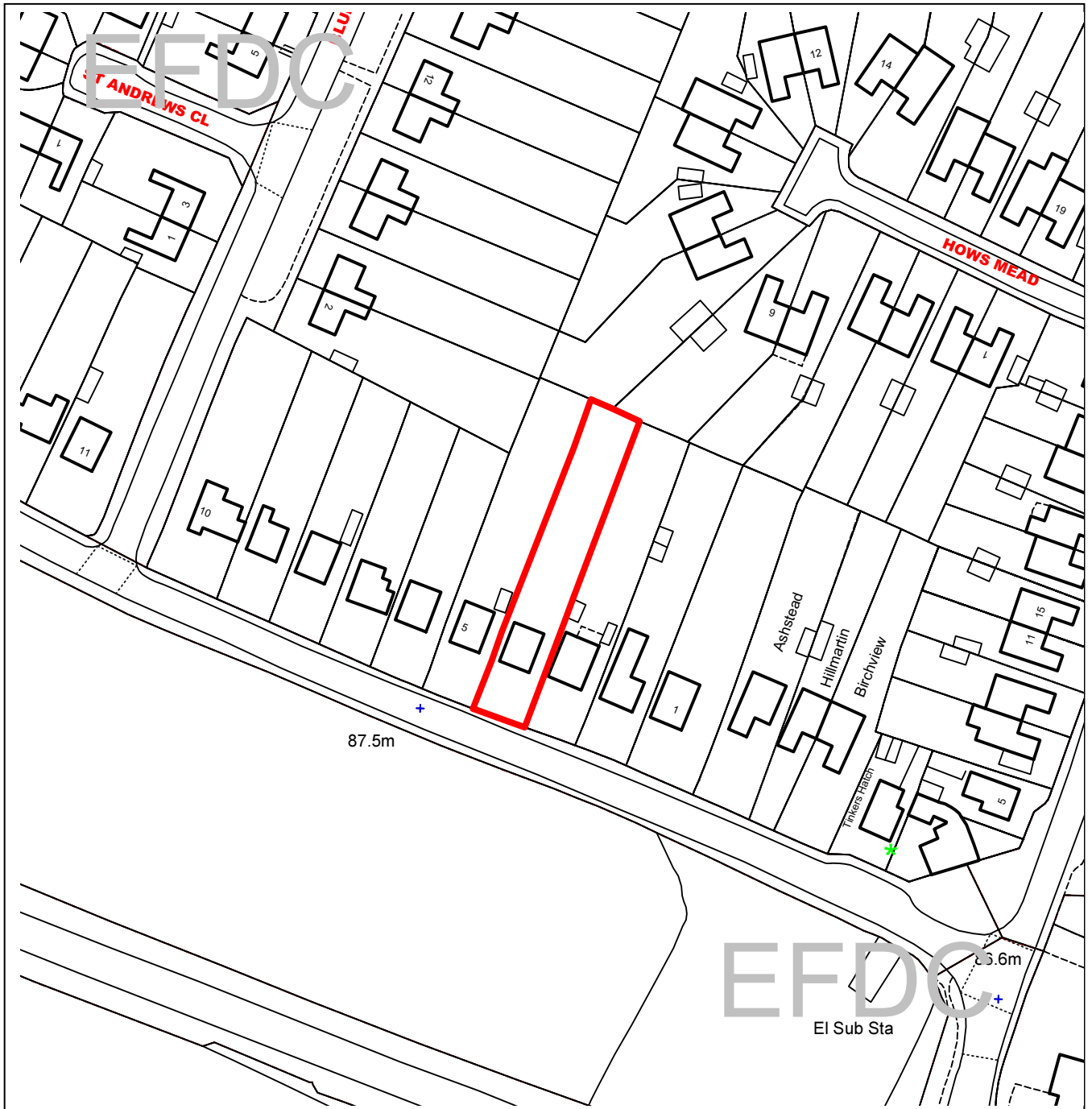
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/1136/11
Site Name:	4 Vicarage Lane, North Weald Bassett CM16 6ET
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/1164/11
SITE ADDRESS:	OS 3528 Land at North Farm Mount Road Theydon Mount Epping Essex CM16 7QA
PARISH:	Theydon Mount
WARD:	Passingford
APPLICANT:	Mr Ron Fox
DESCRIPTION OF PROPOSAL:	Change of use of pasture land to horse keeping, erection of post and wire boundary fencing. Erection of private stables with ancillary hardstanding , accessed from existing road servicing North Farm and neighbouring properties. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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=528662

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 No construction works above ground level shall have taken place until documentary and photographic 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.
- 3 The building hereby approved shall be used solely in connection with the stabling of no more than 2 horses or ponies for private recreational use and there shall be no commercial use of the site, including livery, at any time.
- 4 No parking of horseboxes, trailers and other vehicles shall take place on the site other than for temporary service access and there shall be no external storage at the site at any time.
- 5 Details of the means of storing and disposing of manure shall be submitted to and approved by the Local Planning Authority and the development shall be completed in accordance with these details prior to first occupation of the stables.

- 6 Details of the hardstanding for the parking area and access road shall be submitted to the Local Planning Authority for approval and the development shall be implemented in accordance with the approved details.
- 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 and 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.
- 8 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.
- 9 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions) as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).

Description of Proposal

The proposal is to change the use of a section of land, measuring approximately 0.85 hectares, from agricultural pasture to a use connected with the keeping of ponies for recreational equestrian activities.

In connection with this use an "L" shaped stable building would be constructed in the north west corner of the site, the outside elevations of which would measure 14.0m x 12.0m. The building would have a pitched roof to a height of 4.0m. Materials of construction include black sawn boarding on a red stock brick plinth, with a clay pantile roof.

The inner elevations would face a yard area of shingle hardstanding. Planting of a native hedgerow is proposed along the north east boundary of the site adjacent to Mount Road, and there would be further planting along the south east boundary and within the site.

Description of Site

The application site consists of an area of flat pasture land on the southern side of Mount Road. The existing boundary treatment adjacent to Mount Road consists of a metal gate and railings. Post and wire fencing define the other boundaries. Access to the site would be gained from the existing gate entrance. The ground sweeps upwards on the neighbouring land to the south east. The site is bordered to the south and west by an ancient protected woodland.

The site is within the boundaries of the Metropolitan Green Belt as defined in the Local Development Plan. The site is also within the Hill Hall Conservation Area, as designated in 1996. Hill Hall is a Grade I listed Elizabethan mansion built in the 1560's and 1570's. The gardens and parkland surrounding Hill Hall are included in the Register of Parks and Gardens of Special Historic Interest in England (Grade II) and the proposal site forms the outer boundaries of this.

Relevant History

There are numerous planning applications relating to the Hill Hall estate including a recent stables application.

EPF/0534/03 – Stable block erected in existing paddocks. Allowed on appeal, following committee decision, with conditions – 09/02/04.

There have been two previous stables applications at the site;

EPF/1930/10 - Change of use of part of pasture land to horse keeping, erection of post and wire boundary fencing. Erection of private stables with ancillary hardstanding and improvement of existing access from the public highway. Refuse Permission - 10/01/2011

EPF/0245/11 - Change of use of pasture land to horse keeping, erection of post and wire boundary fencing. Erection of private stables with ancillary hardstanding , accessed from existing road servicing North Farm and neighbouring properties. (Revised application). Withdrawn Decision - 05/04/2011.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE9 - Loss of Amenity

HC2 – Ancient Landscapes

HC3 – Registered Parkland

HC6 – Character, Appearance and Setting of Listed Buildings

HC7 – Development within Conservation Areas

HC12 – Development Affecting the Setting of a Listed Building

GB2A – General Constraint

GB7A – Conspicuous Development

RST4 – Horse Keeping

RST5 – Stables

LL1 – Rural Landscape

LL2 – Inappropriate Rural Development

LL10 – Adequacy of Provision for Landscape Retention

LL11 – Landscaping Schemes

ST4 – Car Parking

ST6 – Road Safety

SUMMARY OF REPRESENTATIONS:

THEYDON MOUNT PARISH COUNCIL: Objection. The committee do not ordinarily object to stables but in this case felt that the historic parkland should take precedence.

30 neighbours consulted and site notice displayed – 5 replies.

5 HILL HALL COTTAGES (3 identical letters). Objection. I object to the above planning application on the grounds that this land is designated as pasture land and should be preserved as such for future generations to admire the open and beautiful terrain. Where does this all stop? I am sick of greedy people buying little plots of land and sub dividing them and erecting buildings and stables making a blot on the landscape that has been here and untouched for generations. Leave this land alone and preserve its natural beauty.

7 HILL HALL COTTAGES: Objection. Allowing such a development would set a precedence for future build on this historic land. This would be a great loss to the local area and its history. The impact of this development, the required lighting and sudden volume of traffic would not only have a detrimental effect on the residents and general area but the impact on the wild life would be substantial. Clearly there will be an adverse impact upon habitats and certain species such as bats and birds and other protected species. In the local area there are known to be Great Crested Newts, Voles, Mice, badgers, birds, bats etc of conservation interest. This application is changing the access which would require the removal of a number of trees. As this is not only in a conservation area but is also part of grade II Historic Parkland surely this is not acceptable. The south side of Hill Hall has already been degraded over many years by a row of pylons in the 60's, the loss of many Elm's in the 70's and the M25 in the 80's. The stables on this side of Hill Hall therefore do not add to the detriment of the land and surrounding wildlife, this is something which has taken place over many years and the stables cannot be seen by Hill Hall. However, due to the lie of the land on the North the whole area can be viewed and enjoyed due to its original unspoilt state. As such it is rich in wildlife, habits are established and a great many deer graze peacefully here alongside the cows. I understand there are even fallen trees in this area which cannot be removed due to the insects and beetles which reside there.

11/12 HILL HALL, THEYDON MOUNT: Objection. I object to the proposed change of usage under this application. As a resident of an apartment at the historic monument at Hill Hall I feel that to grant permission for this would set a precedent for the remainder of the historic parkland of which it forms part. This land borders Hill Hall and is the main vista which many residents overlook and very much enjoy. We are already subject to fencing being erected following the land being sold off in lots and for this to gradually be followed by the erection of buildings etc would greatly detract from the attraction of living in such a location and the enjoyment thereof. We have already suffered increased noise from the widening of the M25 without any extra tree/shrub planting to soften the increased noise that this has resulted in and any development of the area in any way whatsoever will only be to its further detriment.

CAMPAIGN TO PROTECT RURAL ESSEX: Objection. The historic park is being changed by stealth. Such changes may be of little individual importance but would have a cumulative impact. Few such landscapes survive within the district so this is of particular importance. There is concern that if further sub division is allowed the landscape would not be capable of being read as one single designed historic landscape.

ESSEX GARDEN TRUST: Objection. There have been several applications in this part of the Hill Hall registered parkland over the last few months, all of which have been refused. The Trust believes that the character of the landscape would be changed incrementally by allowing such development and over time it will become more difficult if not impossible to read this landscape as a single designed historic parkland landscape. Its character would be obscured by inappropriate

tree planting and fencing where none would have previously existed. Roads and buildings are inappropriate additions. Having studied this revised application, the Trust therefore continues to be of the opinion that the proposed development is inappropriate for this site and urges the planning authority to refuse permission on these grounds.

Consultee Responses

Conservation Section of Council: New fence lines will adversely affect the nature and physical appearance of the parkland. The open, rolling aspect would be lost. The stable and hardstanding would be detrimental to the character and appearance of the Conservation Area. The fence and gate are curtilage listed. We could witness the gradual erosion of this heritage asset.

Trees Section of Council: The access track to the site passes through the woodland protected by a Tree Preservation Order. However, as this is the reinstatement / repair of an existing track we have no objections. Some work to the trees is required, again we have no objection to this. The new stables will be visible from the road, and in order to screen them, trees and hedges (native) should be planted in this area. Tree protection and hard/soft landscaping conditions are required.

Essex County Council Highways Section. The Highways Authority has no objection to this proposal as it uses an existing accessway.

Issues and Considerations

The main issues to consider with this application relate to; whether the development is appropriate within the boundaries of the Metropolitan Green Belt, whether it preserves or enhances the character and appearance of the Conservation Area, and the effect the development would have on the setting of the Listed Building and Registered Park and Garden. The comments of consultees and objectors and amenity issues will also be evaluated. Previous applications and decisions at the site are another material consideration.

Trees Issues

A previous application was refused in relation to impact on trees and a revised scheme was withdrawn as it still did not adequately address potential impact on trees in the ancient woodland. This application has been accompanied by a substantial tree survey. The trees section of the council is now satisfied that trees on site would not be harmed and have raised no objection to the proposal, subject to a condition securing hard and soft landscaping and tree protection measures.

Essex County Council Highways Comments

The Highways Section of Essex County Council has also been consulted with regards to this application. Concern had previously been raised that the proposal would intensify the use of a substandard access onto the highway leading to interference with through traffic. There was also concern that adequate visibility splays (215m x 2.4m x 215m) did not exist and that the applicant does not control enough land to ensure that these can be put in place. The applicant has now revised the point of access to the site from Mount Road to the laneway running parallel to the north west boundary of the site. This raises no objections from the Highways Section of Essex County Council as this is an existing accessway on to the main road.

Green Belt Setting

Policy GB2A of the adopted Local Plan outlines development deemed appropriate within the Metropolitan Green Belt among which it includes small scale buildings essential for outdoor participatory sport or recreation. The development of stables would fall within this category. Policies RST4 and RST5, relevant specifically to stables and horse keeping, state that such

development would be acceptable provided it does not have a significantly adverse impact upon the character and appearance of the landscape and buildings are appropriate in scale, location, design, materials and landscaping.

The lengths of the side elevation of this structure and its internal layout do not amount to a significantly large structure; measuring 14.0m x 12.4m and containing only two stables with essential associated tack room and feed and bedding stores. The height of the building would not be excessively prominent. The stable would evidently be used for recreational equine purposes; being too small for commercial enterprise. This can in any case be controlled by conditions. The proposed design is simple and traditional and would not look incongruous or out of place within an Essex country setting. The backdrop of trees, and hedging along Mount Road would screen the stable building to a large degree. The structure would be visible from Mount Road when viewed from the adjacent roadway. There is no vegetation cover at this boundary. However planting of a native hedge along the boundary is proposed and this along with further planting within the site could significantly reduce any conspicuous impact. This would take time to mature; however the proposed stable situated on pasture land, in the corner of the field would not represent an alien feature until hedging further screens its appearance. The proposal therefore complies with the relevant Green Belt policies.

Listed Building/ Conservation Area Setting

Policy HC12 states that planning permission will not be granted to development which adversely affects the setting of a Listed Building. The proposed stable is some distance from the main house and would not be visible from it. This development would have no impact on the setting of the Grade I listed hall.

Policy HC6 requires that the character and appearance of Conservation Areas is preserved. The existing character of the Hill Hall Conservation Area is rural in nature, with open pasture, plantation and occasional built form, including the main house. The development of a modest, traditionally designed stable structure in the outer reaches of the Conservation Area would not adversely affect its character or appearance. The area of hardstanding proposed does not extend for a great distance and the use of materials could be agreed by condition to ensure a minimal impact on the Conservation Area setting.

Registered Park and Garden Setting

The grounds around Hill Hall are on the Register of Parks and Gardens of Special Historic Interest and the proposal site forms part of this. Registration is a material consideration; however this brings no added statutory protection. The Local Plan makes provision to ensure that development does not adversely affect registered parkland, by way of Policy HC3. Aspects of the parkland are characterised by rolling pasture land. The land sweeps down to the proposal site; however this piece of land is relatively flat, rising slightly close to its south east boundary. The council's Conservation Officer has concerns that the erection of fencing would obstruct this open, rolling aspect. The fencing is already in place at the boundaries of the site. The site is located in a more inconspicuous position than other parts of the registered park; being at its outer boundaries. The piece of land is some distance from the formal gardens of the hall, and not within sight of these. The sectioning off of this section of the parkland would not adversely affect its open rolling aspect to any great degree.

The enclosure of this piece of land enjoys Part II permitted development rights, which allows the erection of a fence as a means of enclosure to a height of 2.0m. As stated, being on the Register of Parks and Gardens brings no further statutory protection, only a duty for Local Planning Authorities to make provision in the local plan for development within such parklands. No Article Four direction exists with regards to this Registered Park and Garden. Bearing this in mind the existing fence is fairly modest for its purpose.

Amenity

Only North Farm is in close proximity to the site, and the two are separated by the ancient woodland at a distance of approximately 60.0m. There would be no serious amenity concerns with this proposal in relation to North Farm. Any concerns about smells from, or the disposal of, horse manure could be controlled by conditions, to ensure it was dealt with in an acceptable manner.

Grazing Land

Guidance by the British Horse Society has indicated that horses, or ponies, on pasture land would require 1/1.5 acres of grazing. Consideration of grazing land lost for the stables and hardstanding would take the amount of grazing land below 1 acre per stable. However recent guidance points to the ability to bring feed to a grazing site and therefore this figure is not as inflexible as once was the case. With this in mind the amount of grazing land is deemed appropriate.

Objector Comments

A number of objectors have made the point that the proposed development could set an unwelcome precedent and could lead to incremental changes which would harm the character of the parkland. This is of particular concern as the land has been separated into seven lots and sold off to various purchasers. However each case is determined by its own individual merits and no two proposals are identical; it is therefore considered a precedent would not be set with an approval in this instance. Indeed a planning application at a neighbouring plot for stables has been refused since this application was first made (EPF/1734/10). Some objector's have also expressed concern about the impact from any lighting at the site. Suitable lighting is something that can be agreed by condition. There is also a concern expressed about impact on protected species at the site. The site is agricultural pasture and it is not thought likely that protected species would be present at the site. In this instance it is not considered reasonable to request full protected species surveys for the site.

Conclusion:

The proposed development is appropriate in Green Belt terms and meets the tests laid out for such development in policies RST4 and RST5. Impact on the Green Belt setting can be reduced by appropriate planting as proposed, and this can be secured by condition. The distance to the Listed Building negates any serious impact on its setting. The proposed design would not impact negatively on the character and appearance of the Hill Hall Conservation Area and would not adversely affect the Registered Park and Garden. There are no serious amenity concerns and the amount of grazing land is deemed appropriate. The comments of objectors have been duly noted and the points addressed. Having regard to all the material planning considerations concerned with this development the proposed use of this land and the associated erection of buildings is deemed an appropriate form of use for this site and recommended for approval with conditions.

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:

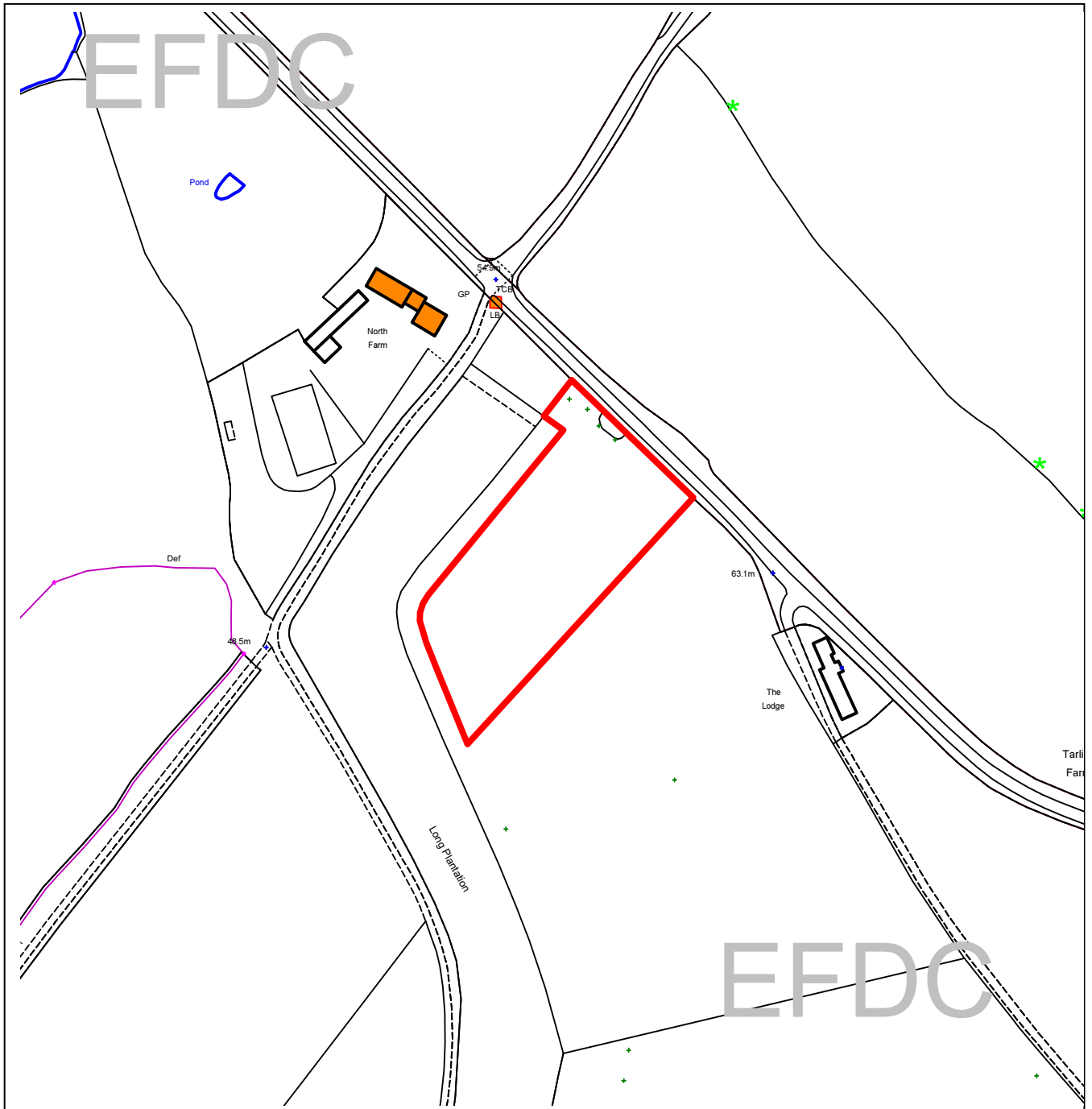
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	9
Application Number:	EPF/1164/11
Site Name:	OS 3528, Land at North Farm Mount Road, Theydon Mount, CM16 7QA
Scale of Plot:	1/2500

Report Item No: 10

APPLICATION No:	EPF/1236/11
SITE ADDRESS:	1 High Road North Weald Bassett Epping Essex CM16 6HN
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr J Archer and Mrs S Cook
DESCRIPTION OF PROPOSAL:	New end of terrace dwelling house. (Revised Application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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=528943

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: NW.01.01, NW.01.02A and NW.01.04
- 3 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.
- 4 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.
- 5 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 6 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.

- 7 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 the dwelling hereby approved and maintained in the agreed positions.

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 is for a two storey end of terrace property attached to an existing pair of semi-detached properties. The proposal will replace an existing single storey side extension at the property. The proposed property will have a maximum width of 8.4m and a maximum depth of 6.5m. Parking is to be provided for both the existing and proposed property within the existing parking area/garage which is located adjacent to the attached property, but within the Applicant's ownership. The garden area and elevation details have been altered since a previously withdrawn application.

Description of Site:

1 High Road is a two storey semi-detached property with single storey side extension located on a triangular plot. The application site has no vehicle access from the High Road, and is accessed by foot from either the High Road or Church Lane, with parking provision in Church Lane. The property is within the built up area of North Weald and not within a Conservation Area or the Metropolitan Green Belt.

Relevant History:

EPF/0877/11 – New end of terrace dwelling house – Withdrawn

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
H2A – Previously developed land
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood Risk Assessment Zones

SUMMARY OF REPRESENTATIONS:

NORTH WEALD PARISH COUNCIL: The Parish Council object to this application on the following grounds: overdevelopment, visual impact on adjacent neighbouring properties, creation of terracing effect, lack of parking facilities for two properties, the new property would be forward of the building line: Local councils get immediate powers to end garden grabbing.

We also have concern that this application will build the new home partially in the back garden of the property, thereby “garden grabbing” which is development that continues to see swathes of green space being swallowed up by new housing expansion. Local people feel that their wishes have been ignored as the character of neighbourhoods, open spaces and gardens have been destroyed, robbing communities of their vital green spaces, and they now wish to have a say in how they shape the future developments that are appropriate for their area. Gardens and open spaces are seen by local people as a vital resource.

NEIGHBOURS

20 properties were consulted – no responses received

Issues and Considerations:

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

- Location of the development
- Overall design
- Amenity considerations for both neighbouring residents and future occupiers
- Highways and parking considerations

Location

Any application submitted for a new house within a residential garden has to be assessed on its individual merits, as PPS3 which previously included existing residential curtilage as previously developed land was amended in June of last year to exclude existing residential curtilages. However, although no longer classed as previously developed land there is no specific policy that prevents the use of residential gardens for new development.

With this proposal, the new dwelling is located attached to the existing building to create a terrace rather than being located to the rear or in front of the existing house. This proposal will also, to a certain degree replace an existing built structure (single storey side extension) and is located within the host property's side garden, rather than encroaching into rear garden space.

The proposal does extend the building line closer to the High Road due to the orientation of the existing building and proposal. However, the proposed property will benefit from a relatively large area of front garden which retains a some 6m gap from the pavement area. Although the orientation of the existing property defines the orientation for the proposal, it is not considered that the proposal disrupts the building line given that there is not considered to be one strong, distinct building line in the immediate location. It is not considered that given the above, an additional property in this location would, in principle, constitute inappropriate development.

New residential properties are only encouraged in sustainable locations. Buses regularly serve the High Road, which provide transport links to Epping, Harlow and Ongar and there are several shops and local services within walking distance of the proposal. It is therefore considered that this location is a relatively sustainable location for new residential development.

Design

The proposed house extends the existing property to the side with a smaller side and rear projection and is considered a generally acceptable design in relation to the host house and

surrounding streetscene. Although the proposal will create a terrace in place of a pair of semi-detached properties it is not considered that the proposal is detrimental to the streetscene particularly given the existing width of the attached property at No. 4A. Matching materials to the host property are proposed, and it is not considered that the proposal will be visually intrusive within the streetscene.

Amenity considerations

The proposal is not considered to result in any significant detrimental issues to neighbouring properties. With regards to No. 4A, the proposal is unlikely to be visible from this property and therefore is not considered to result in any loss of visual amenity and in terms of loss of privacy, light or outlook.

There is a block of flats located to the rear of the property fronting onto Wellington Road, which partially overlook the proposed and existing rear gardens/rear elevation. Amendments have been made to this current proposal to include an additional private amenity area at the rear part of the garden and adjustments have been made to the window layout to ensure the rear facing first floor windows are obscure glazed. This has reduced any cross over-looking or loss of privacy to both the existing flats and proposed new dwelling. Furthermore, it is not considered that the proposed additional dwelling will give rise to a significant increase in loss of privacy above that which already exists to justify a refusal. Although not ideal in terms of the privacy of the future occupiers of the proposal, the situation exists at present with the host property and due to the village location, a degree of overlooking from neighbouring properties is to be expected into rear garden areas. This application has also included additional information showing the extent of possible overlooking and this is considered acceptable.

The proposed plan has shown planting retained along the southwest boundary and within the front and rear gardens. It is considered that the retention of this vegetation, will help to screen the proposal from neighbouring properties and provides an acceptable level of privacy for both neighbours and future occupiers. A condition can be added to any permission granted to ensure the planting is retained.

The property is to have 3 bedrooms with lounge area, given this size, the proposed dwelling would require 80m² of private amenity space and the host property a similar amount to meet the requirements of policy DBE8. Both garden areas meet this criteria with the proposed property exceeding this amount. Although the shape of the garden for the proposed property is slightly irregular as it follows the angled boundary it is not considered so unusual to justify a refusal, and accommodates an additional private area to the rear.

A condition can also be added to any permission granted restricting permitted development rights to ensure future building does not impact excessively on either garden space or neighbouring amenity.

Highways and Parking

Although not immediately adjacent to the application site, sufficient off-street parking has been provided for both the existing and proposed property. The proposal therefore meets the criteria as set out in the Essex County Council Parking Standards. Furthermore, no changes have been required to the parking area and therefore there are no associated highway issues.

Other Matters

The application site lies within an Epping Forest District Council Flood Risk Assessment zone. As this development is of a size where it is necessary to avoid generating additional runoff a flood risk assessment should be sought by condition to comply with policy U2B.

Conclusion:

The proposed development utilises previously developed land within a sustainable location. The proposal is considered an acceptable design, which provides sufficient off street parking, and although unusual in shape, sufficient garden space is also provided. Although there are properties to the rear the proposal is not considered to exacerbate the existing situation in terms of amenity for either the existing neighbours or future occupiers and therefore on this basis approval is 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:

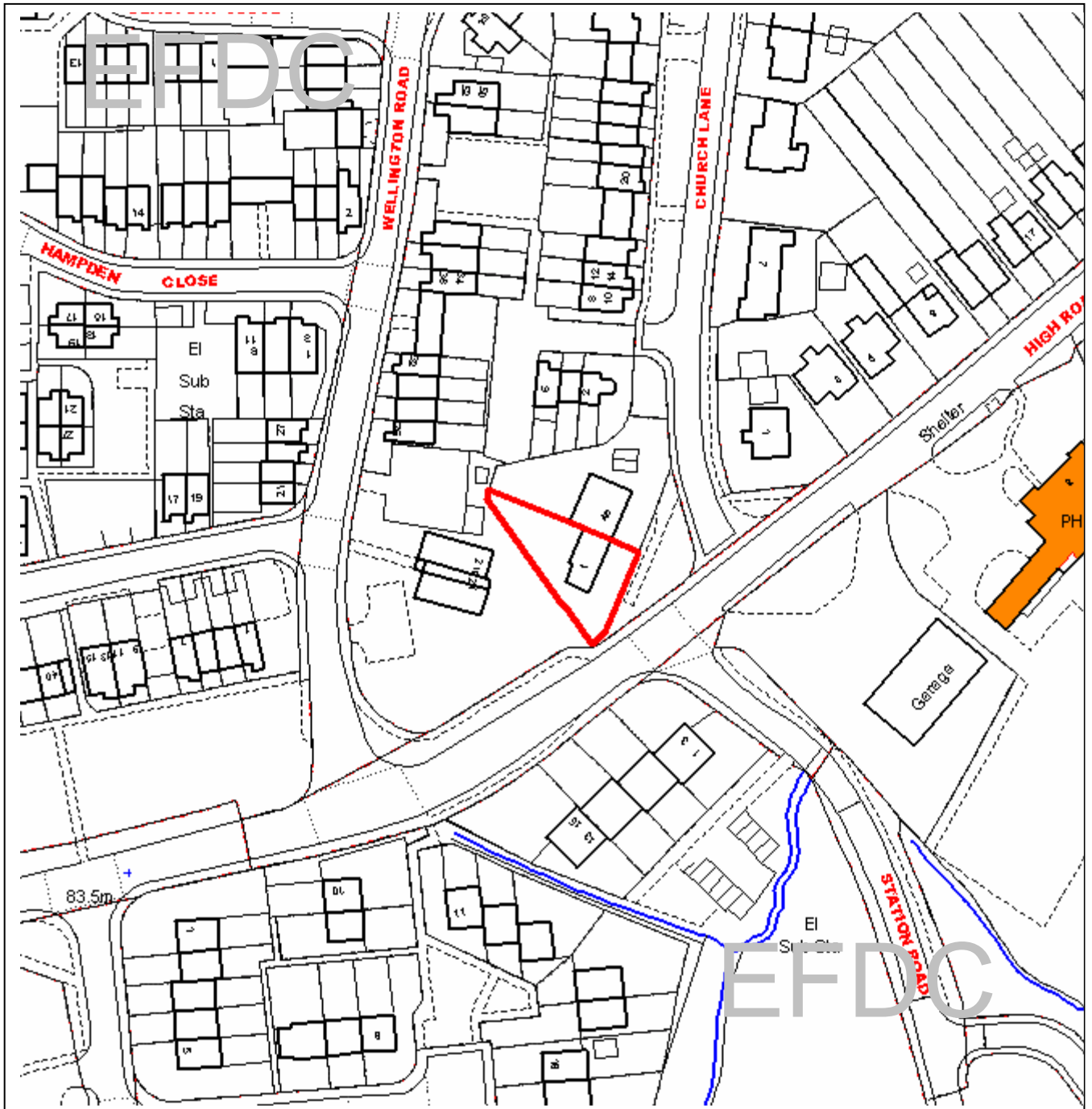
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	10
Application Number:	EPF/1236/11
Site Name:	1 High Road, North Weald Bassett CM16 6HN
Scale of Plot:	1/1250

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