

# Committee Agenda



**Webcast  
Meeting**



**Epping Forest  
District Council**

## ***Area Planning Subcommittee East Wednesday, 9th November, 2011***

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

**Time:** 7.30 pm

**Democratic Services Officer** Rebecca Perrin- The Office of the Chief Executive  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Tel: 01992 564532

**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, 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. APOLOGIES FOR ABSENCE**

**4. MINUTES (Pages 9 - 16)**

To confirm the minutes of the last meeting of the Sub-Committee, held on 12 October 2011 (attached).

**5. DECLARATIONS OF INTEREST**

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

**6. ANY OTHER BUSINESS**

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

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

**7. DEVELOPMENT CONTROL (Pages 17 - 92)**

(Director of Planning and Economic Development) To consider planning applications 1 – 9 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](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

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

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

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

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

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

**Further Information?**

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

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:** 12 October 2011

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.30 pm

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

**Other Councillors:**

**Apologies:** Mrs A Grigg, P Keska and S Packford

**Officers Present:** J Shingler (Principal Planning Officer), A Hendry (Democratic Services Officer) and P Seager (Chairman's Secretary)

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### 41. WEBCASTING INTRODUCTION

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

### 42. 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.

### 43. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 14 September 2011 be taken as read and signed by the Chairman as a correct record.

### 44. DECLARATIONS OF INTEREST

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

- EPF/1531/11 – 19 St Albans Road, Coopersale, Epping.

- EPF/1607/11 – 7 Station Road, Epping.

(b) Pursuant to the Council's Code of Member Conduct, Councillors Jon Whitehouse and W Breare-Hall declared a personal interest in the following item of the agenda by virtue of being members of Epping Town Council and the S106 agreement attached to the application. The Councillor had determined that their interest was prejudicial and they would leave the meeting for the consideration of the application and voting thereon:

- EPF/1661/11 – Spotted Dog, 2 Ivy Chimneys Road, Epping.

(c) Pursuant to the Council's Code of Member Conduct, Councillor K Avey declared a personal interest in the following items of the agenda, by virtue of being a member of Epping Town Council. The Councillor had determined that his interests were not prejudicial and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1607/11 – 7 Station Road, Epping; and
- EPF/1661/11 – Spotted Dog, 2 Ivy Chimneys Road, Epping.

(d) 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 and Chairman of Matching Parish Council and knowing the objector. The Councillor had determined that his interest was not prejudicial and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1407/11 – Former Moor Hall Stables, Moor Hall Road North, Matching.

**45. ANY OTHER BUSINESS**

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

**46. DEVELOPMENT CONTROL**

**RESOLVED:**

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

**47. 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

<b>APPLICATION No:</b>	EPF/1098/11
<b>SITE ADDRESS:</b>	Land to the rear of 40 - 42 Hoe Lane Abridge Essex RM4 1AU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed erection of a new cattle barn and associated hardstanding.
<b>DECISION:</b>	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=528435](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=528435)

### REASONS FOR REFUSAL

- 1 By reason of its size and siting on high ground, the proposed building would appear conspicuous, would fail to respect its setting and would have an excessive impact on the character and visual amenities of the Green Belt, contrary to policies CP2(i), GB7A, GB11, DBE1 and DBE4 of the adopted Local Plan and Alterations.
- 2 The proposed intensive calf rearing use that the building would facilitate would require feed and straw to be brought in and waste to be removed on a very frequent basis. As such the development cannot be regarded as sustainable and is therefore at odds with policies CP1(i) and CP3(v) of the adopted Local Plan and Alterations.
- 3 Insufficient information regarding traffic generation and waste management has been provided to show that the environmental impacts of the proposal and potential harm to residential amenity can be fully mitigated by conditions and as such the proposal is contrary to policy RP5A of the adopted Local Plan and Alterations.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1407/11
<b>SITE ADDRESS:</b>	Former Moor Hall Stables Moor Hall Road North Matching Essex
<b>PARISH:</b>	Matching
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Ms Wendy Catton
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use and conversion of former stables building to provide a two bedroom dwelling.
<b>RECOMMENDED DECISION:</b>	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=529574](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529574)

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

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1513/11
<b>SITE ADDRESS:</b>	19 St Alban's Road Epping Essex CM16 7RD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	First floor side and rear extensions.
<b>DECISION:</b>	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=529910](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529910)

**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.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1570/11
<b>SITE ADDRESS:</b>	Jubilee Bungalow Bournebridge Lane Stapleford Abbots Essex RM4 1LT
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement dwelling.
<b>DECISION:</b>	Referred to District Development Control Committee

**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=530129](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530129)

Members referred this item to District Development Control Committee with a recommendation for approval.

They considered that a 6% increase over the size that could be achieved as Permitted Development was not material and that the proposed dwelling was better designed and had less impact on the openness of the Green Belt.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1607/11
<b>SITE ADDRESS:</b>	7 Station Road Epping Essex CM16 4HA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from Retail shop (Use Class A1) to Accountancy Franchise.
<b>DECISION:</b>	Grant Permission (With Condition)

**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=530245](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530245)

The Case Officer reported that the objection received from 5 Station Road had been withdrawn.

Members considered that the particular proposed use by the franchise Tax Assist Accountants would not be harmful to the vitality of the town centre, but considered that control to prevent other less appropriate uses should be imposed.

**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 This consent shall inure for the benefit of the Tax Assist Accountants Franchise only and should this use cease the lawful use of the premises shall revert to A1 retail only.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1661/11
<b>SITE ADDRESS:</b>	Spotted Dog 2 Ivy Chimneys Road Epping Essex CM16 4EL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing public house and construction of an eight unit residential development.
<b>DECISION:</b>	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=530390](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530390)

Members considered that there was merit in the application but were concerned regarding existing highway and parking problems in Ivy Chimneys Road. They deferred the application to enable discussions with the Highway Authority and the Applicant with regard to whether the proposed £40,000 contribution could be used to improve the highway problems for the benefit of the whole community rather than on the suggested Play facilities improvements. It was suggested that a Highways Officer should also attend the next meeting to explain the highway issues.



## AREA PLANS SUB-COMMITTEE 'EAST'

Date 9 November 2011

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/0207/11	Fyfield Business And Research Park Fyfield Road Ongar	Grant Permission (With Conditions)	19
2	EPF/1381/11	Bantham And Ongar Bowls Club Weald Bridge Road North Weald Bassett Epping	Grant Permission (With Conditions)	34
3	EPF/1407/11	Former Moor Hall Stables Moor Hall Road North Matching	Grant Permission (With Conditions)	41
4	EPF/1467/11	Nine Ashes Farm Rookery Road High Ongar	Refuse Permission	49
5	EPF/1589/11	Land adj 38 Onslow Gardens Ongar	Grant Permission (With Conditions)	60
6	EPF/1661/11	Spotted Dog 2 Ivy Chimneys Road Epping	Grant Permission (Subject to S106)	66
7	EPF/1668/11	The Old Granary Copped Hall High Road Epping	Grant Permission (With Conditions)	77
8	EPF/1933/11	Chase Farm Vicarage Lane North Weald	Refuse Permission	82
9	EPF/1934/11	Chase Farm Vicarage Lane North Weald	Grant Permission (With Conditions)	87

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0207/11
<b>SITE ADDRESS:</b>	Fyfield Business And Research Park Fyfield Road Ongar Essex CM5 0GN
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>APPLICANT:</b>	Fyfield Joint Venture (FJV)
<b>DESCRIPTION OF PROPOSAL:</b>	Outline planning application for the redevelopment (in 3 phases) of Fyfield Business Park comprising the removal of all existing building except 2 no. office buildings, a grade II stable block and a creche building and existing hardcourt recreation area and changing facilities. Erection of 12 no. one and two storey office buildings equating to a gross external area of 17,071m <sup>2</sup> . Construction of new site access, including a roundabout off Fyfield Road. Provision of a new cricket pitch and additional amenity space. Comprehensive landscaping scheme including new trees, shrubs and hedges. Provision of a total of 521 car parking spaces and 234 cycle parking spaces.
<b>RECOMMENDED DECISION:</b>	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=525177](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=525177)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
  
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - i) scale;
    - (ii) appearance; and
    - (iii) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

- 3 The heights of the proposed new buildings within the development shall not exceed a maximum height of 8.2 metres.
- 4 The total gross external floor area of buildings within the site during development shall not exceed 18,950m<sup>2</sup> at any time.
- 5 No development shall have taken place until samples 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 6 Prior to commencement of development provision shall be made for adequate turning and off loading facilities for delivery /construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site and wheel washing facilities. The aforementioned provisions to be provided at commencement of development and maintained during the period of construction in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.
- 7 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 8 Prior to commencement of development, details of the parking provision for cars (including details of the proposed surface material and its permeability), the number, details of the location and design of powered two wheelers and secure and covered bicycle parking facilities to accord with the requirements of the Parking Standards Design and Good Practice guide dated September 2009 unless otherwise agreed by the Local Planning Authority, shall be submitted to and approved in writing with the Local Planning Authority. The approved facilities shall be provided prior to occupation and retained at all times thereafter.
- 9 Prior to first occupation of the development, the access arrangements as shown in principle on drawing 9W4559/RH2 Rev. D shall be provided. Details shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.
- 10 The existing southern access shall be permanently closed and replaced with full upstand kerbs and full depth verge, the existing northern access shall be closed to vehicular traffic with the exception of emergency vehicles, by way of bollards or other means as agreed with the Highway Authority, immediately the proposed new access is brought into use. Details are to be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority prior to

commencement of development.

- 11 If any tree, shrub or hedge shown to be retained in accordance with the approved plan (DPP16952-03 and referred to in the Arboricultural Method Statement (prepared by ACD, 28/01/2011) 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.
  
- 12 Notwithstanding the detail submitted with the application, 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]
  
- 13 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]

- 14 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]
- 15 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.
- 16 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.
- 17 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

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

- 18 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 19 Prior to the commencement of the development hereby approved, details of foul drainage shall be submitted to the local planning authority for approval in writing. the agreed detail shall be implemented prior to the first occupation of the development hereby approved.
- 20 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme must include the following measures as detailed in the approved Flood Risk Assessment (Royal Haskoning, July 2011, Ref: W4559/Adden/R003/310030/Man)
- Surface water run-off to be restricted to greenfield rate of 43 l/s in a 100 year climate change event.
- 21 Prior to the commencement of the development hereby approved, a Travel Plan shall be submitted to the local planning authority for approval in writing. The Travel Plan, which shall incorporate a scheme of monitoring by the Essex County Council, shall be implemented in accordance with the approved detail.
- 22 Notwithstanding the detail submitted with the planning application, future reserved matters applications shall be accompanied by details of the phasing of the proposed development.
- 23 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 8, Classes A-D shall be undertaken without the prior written permission of the Local Planning Authority.
- 24 No external lighting shall be installed at the site without the prior written agreement of the local planning authority.

*This application is before this Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c)) and since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)*

### **Description of Proposal:**

This application seeks outline planning permission for the redevelopment of the existing Fyfield Business Park. The redevelopment, proposed across three phases, would result in the demolition of most existing buildings within the site and their replacement with a development comprising 1-2 storey purpose built office buildings. The Applicant indicates that the development would have a gross external floor area of 18,950m<sup>2</sup> and would provide 521 car parking spaces and 234 cycle spaces.

The development proposes the retention of the existing crèche and sports pitches within the site.

Also proposed is a new access into the site which would be located to the north of the existing access and would involve the creation of a roundabout mainly within the application site, but also extending onto highway. The proposed roundabout would be lit by 8m high lighting columns.

### **Description of Site:**

The application site covers an area of 9.35 hectares, of which 5.65 hectares is developed, located entirely within the Metropolitan Green Belt, to the north east of Ongar. The site is occupied by Fyfield Business Park. It is surrounded by and includes many mature and established trees, which are notable in their contribution towards the character of the site. Land to the immediate north and south of the site is used for agriculture and there are residential; properties to the west and east (on the opposite side of the B184).

The business use of the site evolved from its original use for agricultural research and development. As a result not all buildings of the site are purpose built, or indeed suitable for occupation by businesses.

### **Relevant History:**

EPF/0867/01. Application for certificate to confirm lawfulness of all uses within Use Class B1 - offices, research & development and light industry. Lawful - 29/06/2001.

EPF/1943/02. Change of use of part of former canteen building to a Children's day nursery. Approved 10/01/2003.

EPF/0671/03. Variation of condition 1 of planning permission EPF/1943/02 to make permanent the change of use of part of former canteen building to children's day nursery. Approved 09/05/2003.

EPF/0001/06. Outline application for mixed use development comprising residential, retained employment, community facilities, associated parking, open space, landscaping and new access arrangements. Refused 14/02/2006.



EPF/2200/06. Outline application for mixed use development comprising 90 no. new dwellings, retained employment, community facilities, associated parking, open space, landscaping and new access arrangements. Refused 07/02/2007 – appeal subsequently dismissed.

EPF/2011/09. Construction of new 35 no. space surface level car parking area to the north of Units 19 and 21-23, with associated lighting columns and bollards. Refused 15/12/2009.

### **Policies Applied:**

#### **National Planning Policies**

Planning Policy Guidance 2: Green Belts

: Planning for Sustainable Economic Growth

: Planning for the Historic Environment

: Sustainable Development in Rural Areas

Planning Policy Guidance 13: Transport

5: Development and Flood Risk

The draft National Planning Policy Framework (NPPF) includes a presumption of favour of sustainable development (although it does also maintain the existing presumption against inappropriate development within the Green Belt). The draft NPPF also place great emphasis on economic development. It is recognised that the draft is a material planning consideration. However, as consultation is still underway on this document, significant weight has not been applied to it within this appraisal.

#### **Local Planning Policies**

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP4 – Energy Conservation

CP5 – Sustainable Building

DBE1 – Design of New Buildings

DBE2 – Impact of New Buildings

HC12 – Development Affecting the Setting of a Listed Building

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

ST4 – Highways Considerations

*ST6 – Car Parking Standards*

LL1 – Rural Landscape Character, Appearance and Use

LL10 – Retained Landscaping

LL11 – Landscaping Schemes

RP4 – Adverse Environmental Impacts

E4A – Protection of Employment Sites

I1A – Planning Obligations

### **Summary of Representations:**

Notification of this application was sent to Ongar Town Council and to 38 neighbouring residents.

The following representations have been received to date:

**ONGAR TOWN COUNCIL.** Support. Councillors were pleased that issues to do with traffic calming and road safety, environmental impact, tree retention and other environmental issues were addressed in the application. From previous applications in respect of the site the Council is aware that these are important issues. Ongar Town Council supports the application with the reservation that its support will not be sustained if environmental and road safety issues are not properly addressed in any subsequent detailed application for any of the phases of the proposed development.

**BOARDED BARNES FARM.** Objection. Business Park has been underused for ten years, but our land has still been subjected to flooding as a result of waste run-off from the car park and effluent from the sewage works runs into an open ditch on our land. These problems will be exacerbated by the proposed development. The establishment of a new roundabout only to access a private business is excessive use of Council funds. The new access will result in us losing our established right of way and access to our property will be further compromised. The proposed cricket pitch is unnecessary – Ongar already has an adequate Sport Centre. Inadequate use has been made of the existing buildings, what guarantee is there that the additional buildings will be used, with such poor infrastructure to support them? Changing from one to two storey buildings will be an eyesore, visible from the road. What will stop a change of use to residential?

**LITTLE FOLYATS.** Objection. The site only had a change of use from Green Belt to a Business Park for the sole use of agricultural research and development. We have the pleasure of overlooking farmland with associated buildings and feel that overlooking an industrial site would make the area less pleasant. The placement of a roundabout to facilitate the increased traffic would add to the number of accidents and would be out of character on this county road.

**3 CHURCH LANE COTTAGES.** Objection. The section of the B184 which runs past the site is an accident blackspot, with the national speed limit flouted daily. The increased traffic will place enormous strain on the road, with more accidents occurring and making it more dangerous for nearby residents to exit and access their properties. Most people will travel to the site by car, boy bicycle. The development of the roundabout would be an excessive use of Council funds. Existing sewage facility will never be adequate for the capacity of the new development – there is no mains drainage in the area. The road is regularly flooded. The proposed leisure facilities are unnecessary so close to Ongar Leisure Centre and will steal business from the Council's facilities. Two storey buildings will be an eyesore visible from the road and not in keeping with other properties, most of which are listed buildings. This development would be the 'foot in the door' for Fyfield Venture to change to residential use.

**SHELLEY LODGE.** Objection. Utilities and drainage cannot accommodate additional capacity. The B184 is already very congested at Peak times and the proposal will worsen this. There are vacant units on the site and in the local areas. Some improvements are needed, but to a lesser degree, thus having less impact on our services, road and environment. The cricket pitch is unnecessary – there are already excellent sports facilities in Fyfield, Willingale and Ongar.

**GIBBES COTTAGE.** Comment. I recognise that the site is Brownfield land, has been used for commercial purposes for many years and is in need of redevelopment. I welcome the fact that the emphasis for development has returned to solely commercial, rather than mixed use with residential. However, question the demand for so many offices within the area, due to vacancies elsewhere. There is sufficient Brownfield available for redevelopment so I do not support the development of green field areas (such as the area in front of the security office) being developed in advance of Brownfield land being used. there is a need to upgrade electricity, gas drainage and phone lines in the area before work is undertaken. Traffic is a major considerations and the traffic surveys undertaken to not take account of the medical centre which will be opening imminently.

No consideration has been given to pedestrian access to the site. The new roundabout would be sited beyond the chicane, surely the approach road should be straightened for this to have any effect.

FISHERMANS HILL. Objection. Inappropriate intensification of use in the rural area. Concern over highway safety. Concern that there will be increased damage to highway verges and drainage ditches and increased flood risk. Cricket pitch is not needed and seems to have been included as a gesture to placate locals.

### **Issues and Considerations:**

The main issues to be considered in this case are:

the acceptability of the proposed development within the Green Belt;  
the impact of the proposed development on the nearby highway network;  
the acceptability of the design of the development;  
the impact on nearby neighbouring residents;  
the appropriateness of proposed car parking levels;  
the impact on the listed building within the site; and  
the impact on trees and landscaping within the site.

### **Green Belt**

The site is located entirely within the Metropolitan Green Belt. Within the Green Belt, Policy GB2A of the Local Plan identifies types of development which are appropriate. The proposed redevelopment does not fall within the listed types of development and would, therefore be inappropriate development within the Green Belt.

Notwithstanding this, the Applicant has considered, at some length, national planning guidance contained within PPG2 (which provides the policy basis for Local Plan policy GB2A). At paragraph 3.4, PPG2 states that new building can be appropriate, if they constitute 'limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C'.

At paragraph C2 of the Annex, it is clarified that this can only be considered as appropriate where a major developed site is specifically identified in an adopted local plan. This is not the case in relation to Fyfield Business Park, which has no such allocation within the Local Plan.

The Applicant presents a case as to why they consider it is likely that the site will be allocated as a Major Development Site, when the LDF Site Allocations DPD is published (Presently expected in Spring 2014). They refer to the importance of the Business Park as a major employment site within the District, its identification as an employment site in the Council's Employment Land Review (published September 2010) and an Inspectors comment in relation to a previous appeal on the site, that it is a 'major developed site within the Green Belt'.

However, it is the opinion of the Case Officer that, at this time, it is premature to make an assumption as to whether or not the site will be allocated as a major development site. On this basis, it is considered that the proposed development would be inappropriate within the Green Belt. Notwithstanding this, it is also considered that the site does have some special circumstances, which require careful consideration. The site, due to its original use and subsequent planning history has a number of buildings within which are designated for employment use, but not suitable for occupation within that use. These buildings, many of which stand vacant within the site presently impair the openness of the Green Belt but without serving any useful purpose. The site is an identified employment site within the Employment Land Review

(ELR), Whilst the ELR does not identify Fyfield Business Park as a site with potential for growth, the survey did not recognise that there were vacant units at the site and only identified there being a total of 16 units. Accordingly, it is not considered that there was an accurate basis for discounting the site at that time. Information has been provided by the Applicant indicating that the present and future viability of the Business Park is limited by its dated accommodation and it is accepted that there is a need for at least substantial renovations to buildings to secure the long term viability of the Business Park.

Whilst, as stated above, it is not considered that the application site benefits from the special provision within PPG2 relating to designated major existing developed sites, Annex C does set out some useful criteria for assessing such sites which could aid consideration of the impacts of the proposed development. According to guidance in Annex C, Redevelopment should :

- (a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- (b) contribute to the achievement of the objectives for the use of land in Green Belts;
- (c) not exceed the height of the existing buildings; and
- (d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

In terms of the impact of the proposed development on the openness of the Green Belt, it is necessary to consider the increase in the height of the development and the amount of development as also required under criteria (5) and (d). Whilst only seeking outline planning permission, the application confirms that no buildings within the site will exceed a maximum height of 8.2 metres. Whilst this is greater than the height of many buildings existing within the site, it is comparable with some nearby buildings. Furthermore, photomontages are provided with the application demonstrating that in long range views from the surrounding area, this height of such that views of the proposed development would be largely screened by existing trees.

The application also includes a breakdown of the footprint and volume of buildings within each phase of the development as existing and proposed. However, this includes the footprint and volume of existing glasshouses within the site. As such structures have very limited life spans and less of an impact on openness, they have been excluded from the table below (*The glasshouses which would be demolished are situated within phases 1 and 2 and amount to a total of 1855m<sup>2</sup> / 6269m<sup>3</sup>*):

Phase	Existing Footprint (m <sup>2</sup> )	Proposed Footprint (m <sup>2</sup> )	Difference (by percent)	Existing Volume (m <sup>3</sup> )	Proposed Volume (m <sup>3</sup> )	Difference (by percent)
<b>1</b>	2,332	3,505	+50%	10,792	23,122	+114%
<b>2</b>	4,488	3,697	-18%	22,941	25,287	+10%
<b>3</b>	3,430	3,373	-2%	18,865	23,353	+23%
<b>Total</b>	<b>10,250</b>	<b>10,575</b>	<b>+3%</b>	<b>52,598</b>	<b>71,762</b>	<b>+36%</b>

As can be seen from the above table, the amount of floor space would only very slightly increase across the development as a whole. the increased volume (arising from the increase in heights across the site) would be more substantial, but not to the degree that it is considered that it would materially alter the open appearance of the Green Belt, bearing in mind the existing condition of the site and the open spaces that would be created. However, the phasing of the development may require further consideration, as if the development was not continues following the proposed Phase 1(which results in an increase of 50% in footprint and 114% increase in volume) then this is unlikely to be acceptable in the absence of the reductions in footprint which would arise from the

latter phases. The matter of phasing may be controlled by condition and considered further upon the submission of reserved matters for a phase.

In terms of the impact of the proposal on the objectives for Green Belt land, the following objectives are identified in PPG2:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses.

The proposed development will not limit opportunities for the urban population to access the countryside, as it relates to a redevelopment of an existing business park; the existing outdoor sports facilities within the site will be retained and increased; subject to a comprehensive landscaping scheme and a limitation of building heights, the surrounding attractive landscape may be retained the development will improve the parts of the site which are derelict/damaged; the site is not designated as a nature conservation site; and the site is no longer in agricultural use.

In addition to the impact of the buildings on the Green Belt, substantial construction would also take place through the proposed highway improvements. In addition to the construction of the roundabout itself, there will be a requirement from a highway safety perspective that the roundabout is illuminated. An Illumination Impact Profile (IIP) has been submitted with the application. This demonstrates the levels of light spillage that would arise from the erection of lights on 8m high columns around the roundabout and 30 to the north and south of it along Fyfield Road. A plan included within the IIP demonstrates that from a distance of 12-18m from the roundabout, light levels would fall to a level that would not exceed natural moonlight (0.5lux). Due to the limited spillage from the lighting onto the wider area, it is considered, on balance, that this element of the development would not be unduly conspicuous within the Green Belt.

### Highways

County Highways Officers have had ongoing discussions with the Applicants and their Transport Consultants throughout the application process. As a result, they are satisfied with the design of the proposed roundabout and new entrance into the site.

Furthermore they consider that the applicant has demonstrated that there is likely to be only a small increase in traffic generated by the proposal than what the site could potentially generate, if the existing business park was fully utilised, in line with its lawful planning use.

The application proposes a footway/cycleway link between the site and Ongar, along the verge adjacent to the B184. However it has not been demonstrated to Highways Officers that this is achievable to current standards, with pinch points along the route and being directly adjacent to a ditch. Notwithstanding this, the Highway Authority considers that the proportion of people walking or cycling to the site would be so minimal, given its remoteness, that it would not be a good use of money to maintain a substandard footway/cycleway in perpetuity and, as a consequence, has not pursued the footway/cycleway as a requirement of this application. Whilst walking and cycling should be encouraged it has to be acknowledged that the location of the site does not lend itself to these modes. A travel plan may be secured by planning condition, which can be a useful tool by which to encourage car sharing and other alternative modes to individual car travel.

The new access into the site would adjoin the existing access road through the site, into Boarded Barns Farm.

### Design

Although this application only seeks outline planning permission a great deal of information has been submitted in relation to the design of the proposed buildings in Phase 1 of the development.

The detail indicates that the proposed buildings would be two storey in height with a pitched roof above. The elevations would be finished in a mix of brick and black stained shiplap cladding with grey metal louvres to the windows. The clay tiled roofs would contain photovoltaic or solar water heating panels.

The application states that buildings within the development would have a maximum (to ridge) height of 8.2 metres.

Whilst the detail provided is indicative only it is considered that it is representative of a sympathetic and carefully considered design, which would complement and enhance the setting of the site, which is rural and sylvan in its character.

### Neighbouring Amenity

The proposed redevelopment would not result in any material reduction in amenity to nearby neighbouring residents in terms of loss of light, privacy or outlook. Although the built development would move closer to Boarded Barns Cottages, the indicative drawing places the building at such an angle that there would be no overlooking - this may be ensured at reserved matters stage. Furthermore, the Illumination Impact Profile submitted in relation to the roundabout indicates that there would not be an increase in light levels at this residential property beyond that of natural moonlight.

### Car Parking

The application proposes 16,054m<sup>2</sup> of internal B1(a) floor space. The Council's adopted parking standards require the maximum provision of one space per 30m<sup>2</sup>, which would result in the proposed development having a maximum of 535 spaces. The application proposes 521 spaces. This is considered to be acceptable, bearing in mind the Council's standard and the location of the site, which is likely to result in a reliance on journeys by car.

The standard would also require the provision of a minimum of 240 cycle spaces. However, given the location of the site it is considered highly unlikely that large numbers of staff or visitors will cycle there. The application proposes 156 cycle spaces and it is considered that the location of the site justifies an exception to the normal standard. This is, therefore, considered acceptable.

A minimum of 19 spaces for powered two wheelers (motorcycles) is also required by the standard and the application proposes 25.

### Impact on Listed building

Within the application site is a Grade II former stable block, which was historically an outbuilding associated with Boarded Barns Farm (which comprises a Grade II listed farmhouse and several listed outbuildings). The stable block has subsequently been incorporated into the Business Park.

The Council's Conservation Officer has been consulted on the planning application and has provided the following comment:

*I do not have any objection to the principle of the outline application. It shows the stable block as being retained and minimal disruption to Boarded Barns Farm. I believe that the listed building will benefit from having the modern link removed, but any work to carry this out or any repair work to the listed building will need listed building consent.*

*I will have more concerns when the detailed application is submitted. The hierarchy of buildings surrounding the listed stable block will need careful consideration. We would not like to see buildings greater than two storeys surrounding the listed building. The design and materials of any surrounding buildings will need to be appropriate for the setting of the listed building.*

*Details will also need to be submitted for any change to the access for Boarded Barns Farm.*

It is, therefore, considered that subject to sympathetic and considerate design within the preparation of the detailed plans, the proposed redevelopment would not cause harm to the setting of this listed building and, to the contrary, presents an opportunity to remove existing sympathetic additions and enhance its setting.

### Other Matters

*Trees and Landscaping* - The Council's Arboricultural Officer has been consulted on the application and has commented as follows: The proposal involves the removal of trees (particularly to accommodate the new roundabout access) however this is largely confined to less important trees, and none of the best. There is a good and comprehensive landscape scheme, including many more trees to be planted than are to be lost, although of course it will take time for them to become established. The application is outline, and the development is to be in 3 phases, but would suggest that it would be advantageous to get as much as possible of the landscaping up front. If not we need a clearer understanding of what will be done in each phase, and how it will be left if the further phases are not implemented. In relation to the submitted material it is acceptable on a technical level, but I would like to see the Landscape Statement, landscape Management and Maintenance Plan and the Tree Protection Method Statement make clear reference to the appointment of project specialists, who will have responsibility for controlling the implementation, and for liaison with the LPA. These matters may be secured by the use of planning conditions.

*Contaminated land* – Due to its former use as a pesticide research and development facility, the presence of radioactive marker labelling laboratories and later industrial sites, the site has been identified as being potentially contaminated. There are some omissions within the submitted Phase 1 study and accordingly it is necessary, if planning permission is granted, to impose planning conditions requiring further studies, investigations and, where necessary, mitigation

*Flood Risk* – The site is not located within a designated flood risk area. However, due to the scale of the development proposed, it is necessary to avoid generating any additional surface water run-off and to seek improvements to the existing situation. This may be secured through the imposition of a planning condition, if consent is granted. The Environment Agency raises no objection to the planning application, subject to the imposition of planning conditions.

### Conclusion:

In light of the above appraisal, it is considered that although the proposed development would constitute an inappropriate development within the Green Belt, it would be justified by the very special circumstances which would mitigate the harm caused by the inappropriateness. These very special circumstances include the history of the site, the nature of the buildings within the site, many of which are incompatible with their lawful planning use and also the identification of the site within the Employment Land Review as an established employment site within the District. The District contains few existing employment areas and the proposed development provides an opportunity to both retain and expand Fyfield Business Park, to secure its longer term future. On

balance, it is considered that the proposed development would not be unduly conspicuous within the Green Belt. Subject to the imposition of planning conditions, the development would not cause serious harm to visual amenity, neighbouring amenity, to the setting of the listed building, to landscaping, flood risk or highway safety. It is, therefore, recommended that planning permission be granted.

***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: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

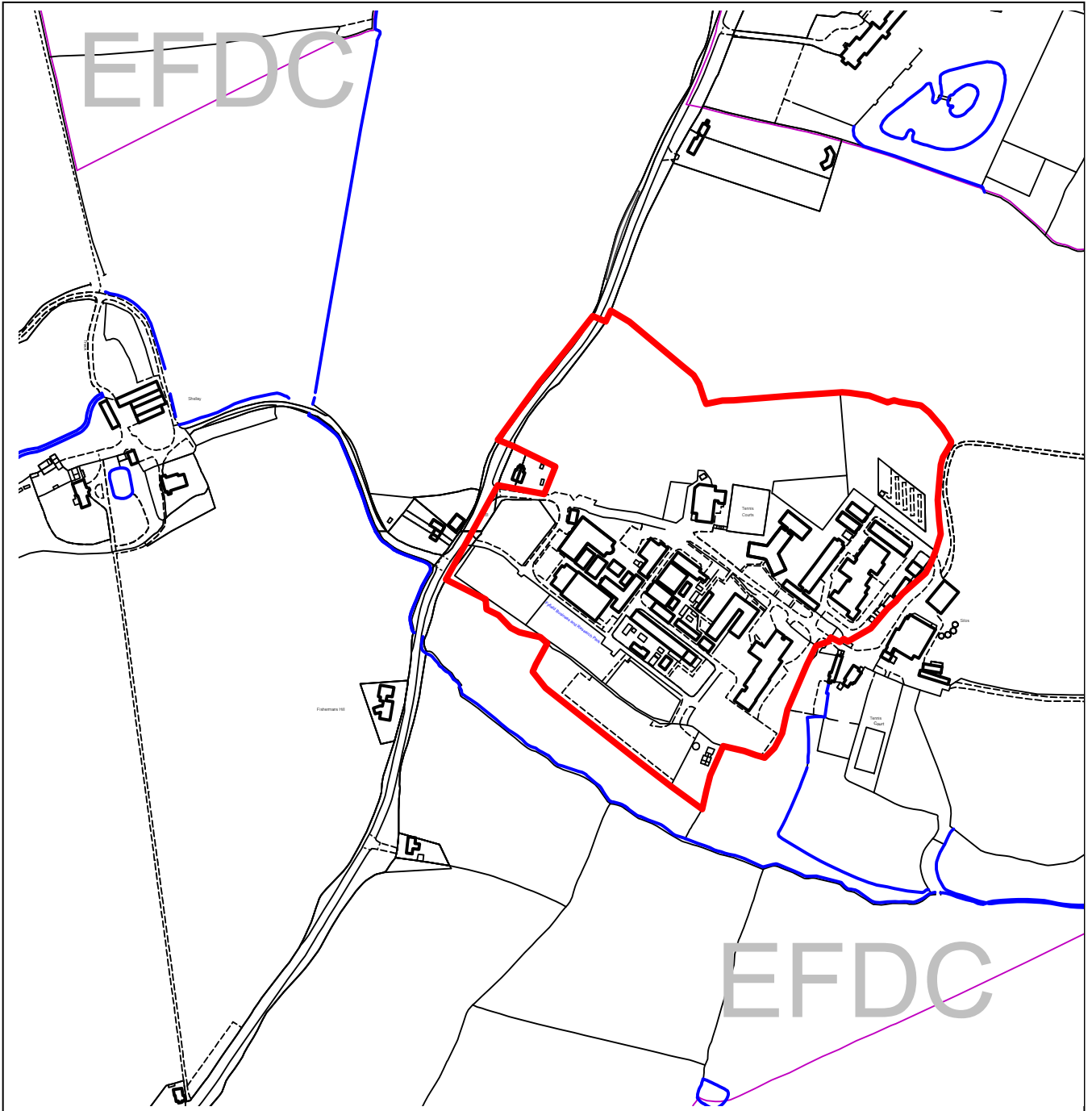
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/0207/11
Site Name:	Fyfield Business and Research Park, Fyfield Road, Ongar, CM5 0GN
Scale of Plot:	1/5000

**Report Item No:2**

<b>APPLICATION No:</b>	EPF/1381/11
<b>SITE ADDRESS:</b>	Bantham And Ongar Bowls Club Weald Bridge Road North Weald Bassett Epping Essex CM16 6GP
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Bantham & Ongar Bowls Club
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of condition 5 of planning permission ref: EPF/1563/99 to allow the Bowls Club to be used for other sporting activities (Construction of new bowls club including details of new clubhouse, bowling green access road, car park and siting of temporary clubhouse)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AnitellM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=529470](http://planpub.eppingforestdc.gov.uk/AnitellM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529470)

**CONDITIONS**

- 1 The premises shall be used solely for purposes within Use Class D2 (e) and for no other purpose (including any other purpose in Use Class D2 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.
- 2 No amplified music shall be played within the clubhouse premises at any time.
- 3 No form of amplified sound shall be permitted on the site, either within the building or outside at any time.
- 4 No form of external lighting shall be erected on site without the submission of a detailed scheme and such scheme shall be agreed in writing by the Local planning Authority prior to any works in connection with lighting commencing.
- 5 The approved car park shall be retained for visitors to the site at all times and shall not be used for any other purpose whatsoever.

- 6 The use hereby permitted shall not be open to customers/members outside the hours of 10am -11pm seven days a week.
- 7 The outdoor areas of the site shall not be utilised for any sporting or leisure activity except bowling, unless otherwise agreed in writing by the Local Planning Authority.

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

**Additional Information:**

The application was deferred from the Area Plans Sub Committee West meeting dated 14<sup>th</sup> September 2011 and Officers were requested to obtain further information on the proposed use and long term intention of the site so that a full assessment could be made regarding the impact on neighbouring amenities. The applicant was contacted and the following correspondence received (quoted in full):

**Further to the planning application which was deferred at the last meeting of the Area Planning Subcommittee East on Wednesday 14<sup>th</sup> September 2011, as Chairman of the Bantham & Ongar Bowls Club I am responding with the information requested**

- a) **I would stress that the intention behind the application is to enable the Club to explore other possible revenue sources, within the correct legal framework, by utilising the club house, stress only the club house, for other indoor sports involving local indoor sporting organisations, such as;**

**Table Tennis**

**Darts**

**Judo**

**Karate – other martial arts**

**Cribbage and other card games i.e. bridge and whist**

- b) **as to future developments it is not for me or any other individual to decide.**

**Bantham & Ongar Bowls Club is run by a Committee voted in annually by the membership at an Annual General Meeting. This is accordance with the Rules and Constitution of the Club. Decisions relating to prime interests of the Club are voted upon at AGM's. in accordance with the democratic process the majority vote carries.**

- c) **the possible use of any of the outdoor areas for alternative sport and recreation is a misconception voiced by certain members of the Planning Committee.**

**As a club, Bantam and Ongar, does not lease areas other than the club house, bowling green and car park. It is certainly not the intention to utilise the bowling green thus detracting from the prime interest of bowling.**

**J.T. HEPPEL  
CHAIRMAN  
23<sup>rd</sup> September 2011**

It is considered that this information clarifies the situation and members are reminded that the amenities of neighbours are protected by the existing restrictive conditions that apply to the site and are to be retained should planning permission be granted. In addition, following concerns raised at the previous committee, officers are recommending the addition of a further condition which prevents the use of the outdoor areas of the site for any sport of leisure use other than bowling.

### **ORIGINAL REPORT**

#### **Description of Proposal:**

Consent is being sought for the removal of condition 5 of planning permission EPF/1563/99 for the construction of new bowls club including details of new clubhouse, bowling green, access road, car park and siting of temporary clubhouse. This condition reads:

**The proposed permanent clubhouse hereby approved shall only be used in connection with the use of the site for bowling and shall not be used for any other function whatsoever.**

**Reason: The use of this building for any other function may be prejudicial to local amenities.**

The application proposes that this condition be removed to allow for the clubhouse to be used for other uses within Use Class D2. Whilst primarily this would allow for other sporting activities to take place, D2 use also covers leisure and recreational activities such as cinemas, music halls, dance halls, etc.

#### **Description of Site:**

The application site is a bowls club located on the eastern side of Weald Bridge Road. The site contains a clubhouse, car park and bowling green. To the west of the site is a large residential area, with Hows Mead located almost directly opposite the access to the site, and to the north, east and south are open fields. The site is located within the Metropolitan Green Belt.

#### **Relevant History:**

EPF/1563/99 - Construction of new bowls club including details of new clubhouse, bowling green access road, car park and siting of temporary clubhouse – approved/conditions 05/04/00  
EPF/1523/10 - Change of use of site to Bowls Club and other Class D1 and D2 uses including other indoor and outdoor recreational activities and leisure uses. Hire of club house for entertainment and social activities for local community. Hire of club house for meetings and conferences for local community activities and small scale medical centre – withdrawn 11/01/11

### **Policies Applied:**

GB2A – Development in the Green Belt  
DBE9 – Loss of amenity  
RP5A – Adverse environmental impacts  
RST1 – Recreational, sporting and tourist facilities  
RST22 – Potentially intrusive activities  
ST4 – Road safety

### **Summary of Representations:**

42 neighbouring properties were consulted and a Site Notice displayed on site.

PARISH COUNCIL – Object as this would be detrimental to the amenities of adjacent residents by way of noise, increased vehicle movements and increased use of the site.

27 WEALD BRIDGE ROAD – Object due to the impact on surrounding residents.

29 WEALD BRIDGE ROAD – Object as this will become a nightclub and result in anti-social behaviour.

37 WEALD BRIDGE ROAD – Object due to the impact on surrounding residents.

45 WEALDBRIDGE ROAD – Object due to the increase in noise and movement and due to increased traffic.

55 WEALD BRIDGE ROAD – Object due to increased noise and traffic and impact on surrounding residents.

73 WEALD BRIDGE ROAD – Object as there is no requirement for additional premises for 'halls' and 'sports facilities'.

7 HOWS MEAD – Object due to the impact on surrounding residents and due to increased traffic and parking issues.

47 WEALD BRIDGE ROAD – Concerned that there may be increased noise after 10pm.

4 HOWS MEAD – No objection

### **Issues and Considerations:**

This condition appears to have been imposed as the original application (EPF/1563/99) for the site put forth an argument that there was a need in the area for a bowling club. The Officer's report on that application states *"it is clear from correspondence received regarding the previous submission and with this application that there is a demand locally for a bowling club particularly in the light of the closure of a number of long standing clubs in the area. The application is supported by the Council's Recreational Services and it can be seen also from third party consultations that local support does exist for this proposal"*.

There appears to be some confusion from local residents as to the extent of this application or what may result from the proposal. There are several mentions of nightclubs, discos and other late night venues being run from the site, as well as other alternative uses. The application simply

proposes the removal of the condition restricting the clubhouse to bowls use only, however would not allow for any use outside of Use Class D2 (such as a nightclub or drinking establishment). This confusion has not been helped by the letter sent to local residents by the Bowls Club, which read “we hope the type of events we wish to allow our clubhouse to be used for will be an asset to the local community, for example adult educational classes, meetings, small conferences”. These uses actually fall within Use Class D1 and the applicant has been informed that such uses would not be permissible if this application were approved since it does not propose any use within Use Class D1.

Notwithstanding the confusion of the applicants and neighbouring residents, the removal of this condition would allow for alternative leisure uses such as concert and music halls and dance halls, which could impact on the amenities of neighbouring residents. However, regardless of the outcome of this application, the site would still be restricted by all other conditions on planning permission EPF/1563/99, which include:

- 6. No amplified music shall be played within the clubhouse premises at any time.**
- 7. No form of amplified sound shall be permitted on the site either within or outside any building at any time.**
- 8. No form of external lighting shall be erected on site without the submission of a detailed scheme and such scheme shall be agreed in writing with the LPA prior to any works in connection with lighting commencing.**
- 15. The use hereby permitted shall not be open to customers/members outside the hours of 10am to 11pm, seven days a week.**

These restrictions would still apply to any other uses on the site, and would effectively protect against the site being used as a dance hall, etc. However, due to the concerns of neighbours it is possible as part of this application to vary the other conditions on planning permission EPF/1563/99, or impose a new condition, restricting the type of D2 use that could take place. Members are advised Use Class D2 is split into separate subcategories (i.e. a concert hall is D2 (b) and a dance hall is D2 (d)). Indoor and outdoor sports and recreation (excluding those involving motorised vehicles and firearms, which are not included in any Use Class) falls within category D2 (e).

Given that outdoor sport and recreation does not constitute inappropriate development within the Green Belt, and sporting use currently takes place on the site, it is not considered that allowing alternative sports to take place within the clubhouse would be any more detrimental to the Green Belt or surrounding area than just a Bowls use.

Concern has been raised by local residents about increased traffic movements and parking provision. As previously stated, the current use of the site is for sporting activities (albeit restricted to Bowls use) and, whilst currently not intensely utilised, the use of the site for other sporting activities would not cause any detrimental increase in traffic. There is adequate parking available on site to cater for the clubhouse and the parking requirements for a general sports use would not be any different from a pure Bowls use.

### **Conclusion:**

Whilst it is considered that an unrestricted D2 use on this site could result in a detrimental impact on surrounding residents due to noise and other disturbance/nuisance, a restrictive condition

stating that the site could only be used for D2 (e) use and for no other purposes, including any other uses within Class D2, would ensure that the site is not utilised for any other, more harmful, uses. Furthermore, the original decision contains other restrictive conditions controlling amplified music, lighting and opening times, which would still be enforceable in respect of any alternative uses resulting from this application. As such the application is recommended for approval, subject to the above condition.

***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:***

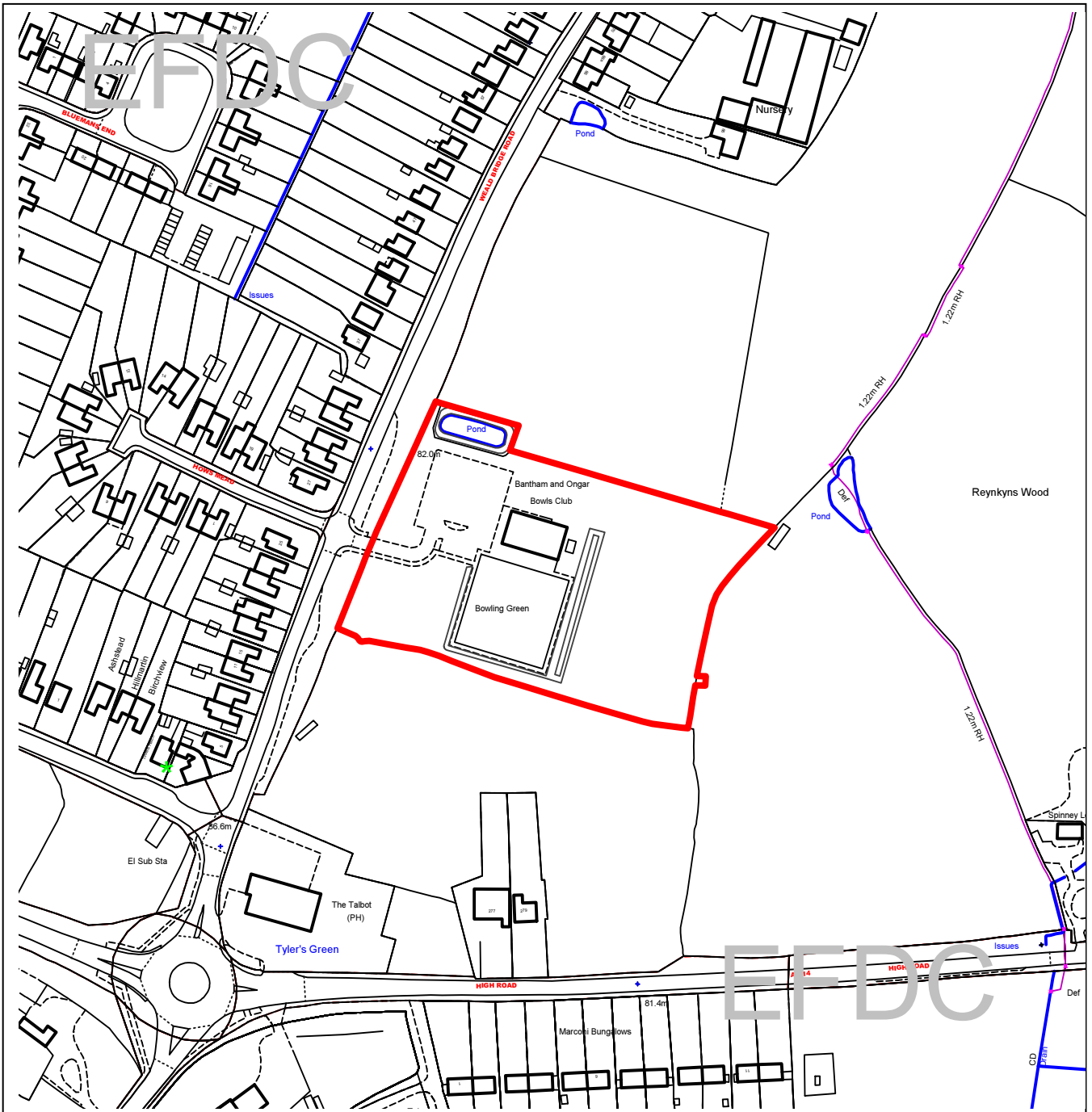
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>2</b>
<b>Application Number:</b>	EPF/1381/11
<b>Site Name:</b>	Bantham And Ongar BOWLS Club, Weald Bridge Road, North Weald Bassett, CM16 6GP
<b>Scale of Plot:</b>	1/2500



**Report Item No:3**

<b>APPLICATION No:</b>	EPF/1407/11
<b>SITE ADDRESS:</b>	Former Moor Hall Stables Moor Hall Road North Matching Essex
<b>PARISH:</b>	Matching
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Ms Wendy Catton
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use and conversion of former stables building to provide a two bedroom dwelling.
<b>RECOMMENDED DECISION:</b>	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=529574](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529574)

**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: 1116/P/01, 1116/P/02 Rev: A, 1116/P/03 Rev: A, 1116/S/01, 1116/S/02 Rev: A
- 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 windows in the northern flank elevation shall be entirely fitted with tinted glass and shall be permanently retained in that condition.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, C and E shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) 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 and retained thereafter. 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.
- 7 The new landscaping to be planted to the north of the building shall be installed in accordance with the details agreed under condition 6 prior to first occupation of the dwelling hereby approved.
- 8 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.
- 9 The stable building to the north of the application site shall only be used as stabling incidental to the enjoyment of the dwellinghouse hereby approved and shall not be utilised for any commercial purposes or for any other use ancillary to the enjoyment of the dwelling, unless otherwise agreed in writing by the Local Planning Authority.

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

**This application was deferred from the last Plans Committee to enable a Member Site Visit to take place.**

**The original committee report is reproduced below**

**Description of Proposal:**

Consent is being sought for the conversion of a former stables building into a two bed dwelling. The proposed conversion would involve the reinstatement of the former pitched roof, insertion of glazed doors and windows within existing openings, the insertion of a new door, window and four conservation rooflights within the southern elevation, the creation of a private amenity space within

an existing paddock, and parking and cobbled amenity area within the existing stable yard. Access to the property would be via the existing access into the stables.

### **Description of Site:**

The application site is a stable building within the former Moor Hall Estate, although it is now stated for use as storage. Access to the site is directly off of Moor Hall Road and shared with Morgans Farm, and is controlled by a secure metalled gate. The application site also incorporates the stable building attached to Morgans Farm, although no change of use is proposed for this building. To the east of the site is an existing ménage and Moor Hall Farm, which is also owned by the applicant. Directly north of the building is Morgans Farm (not within the applicant's ownership), which was granted consent to convert and extend an existing stable building to provide stables on the ground floor and an agriculturally tied residential property above. Unfortunately the works that took place on site differed from the approved scheme and resulted in a complete two storey dwelling which, due to time immunity, was exempt from enforcement action and is not restricted for occupation by an agricultural worker. The application site is located within the Metropolitan Green Belt

### **Relevant History:**

Whilst there is a long history to the entire Moor Hall Estate site (and the adjacent Morgans Farm site, which is part of the same planning file), none are 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  
GB7A – Conspicuous development  
GB8A – Change of use or adaptation of buildings  
GB9A – Residential conversions  
E4A – Protection of employment sites  
E4B – Alternative uses for employment sites  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST4 – Road safety  
ST6 – Vehicle parking

### **Summary of Representations:**

4 neighbouring residents were consulted and a Site Notice displayed on 01/08/11, and the 4 neighbours were re-consulted when amended plans were received.

PARISH COUNCIL – Object to the application on the grounds of overdevelopment of an agricultural site for residential purposes, loss of amenity to adjacent property and increased activity to existing access.

MORGANS FARM, MOOR HALL ROAD – Object due to the overlooking that would result from this development, loss of outlook from their property, increased traffic movements and activity on the shared drive and adjacent land, the increased height would impact on their outlook and block views of the access gate (and therefore pose a security risk), and the further loss of agricultural land [the objection also referred to concerns regarding the neighbours health and the loss of value to their property, however these are not material planning considerations].

- **Additional comments re: amended plans/additional information** – Do not consider that the amended plans have overcome any of the previous concerns.

64 HAINAULT ROAD, CHIGWELL – Object as this would be in very close proximity to an existing house.

### **Issues and Considerations:**

Whilst PPG2 states “*the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there*”, paragraph 3.8 states that “*the re-use of buildings inside the Green Belt is not inappropriate development providing:*

- (a) It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;*
- (b) Strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);*
- (c) The buildings are of permanent and substantial construction, and are capable of conversion within major or complete reconstruction; and*
- (d) The form, bulk and general design of the buildings are in keeping with their surroundings.*

These are reflected within Local Plan policy GB8A, and residential conversions are also subject to policy GB9A. This policy states that “*residential conversions of rural buildings worthy of retention will not be permitted unless:*”

- (i) It has been clearly proven by the applicant that business reuse in line with policy GB8A is unsuitable; or*
- (ii) The residential conversion is a subordinate part of a scheme for business re-use; or*
- (iii) It is for the purposes of agriculture, horticulture or forestry.*

It then goes on to state that “*conversion for residential use must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically or adversely affected. This includes features such as new curtilages, boundary treatment (including walls and fences), windows, door openings and chimneys*”.

The originally submitted plans raised serious concerns with Planning Officers due to the impact regarding loss of amenity to the neighbouring residents at Morgans Farm and the future occupiers of the application site, the lack of any ‘private’ amenity space (primarily due to overlooking from Morgans Farm) to be provided, the possibility that the building would be largely or completely reconstructed, and the lack of justification for alternative business use. Due to this, amended plans and additional information were submitted to overcome these concerns. Further consultation with neighbours and the Parish Council was undertaken on this.

### **Green Belt:**

As stated above, the conversion of existing buildings within the Green Belt can be considered as ‘not inappropriate development’, providing there is no greater impact on the openness and character of the Green Belt. The proposed conversion of this building would involve the installation of a pitched roof to incorporate a partial first floor in the building. This would raise the highest part of the building from 4.1m to 6.3m and concern was originally expressed that this may result in substantial or complete reconstruction of the building. However the building has been in place for a number of years and is of substantial construction. Photographic evidence has been provided showing that the building formerly had a similar pitched roof (and therefore would have sufficient foundations to support this additional structure), and a plan has been submitted clearly indicating that all four original walls to the building will be retained. Therefore, should any of these walls be removed, then enforcement action could be taken against the applicant.

Given that the pitched roof would be reinstated in line with that previously seen on the building, and would be relatively shallow pitched, it is not considered that this addition would be unduly detrimental to the openness or character of the Green Belt.

The subdivided areas of land and various boundary treatments are existing on site, and therefore this development would not result in additional enclosing of land. Furthermore, the site at present is used for storage purposes so the proposed access road and area of car park is already used for these purposes. Furthermore, it is not considered that a single residential dwelling would result in any detrimental intensification of use of the site over and above the current lawful use.

The proposed residential dwelling would largely be served by the existing openings within the building, and it is not considered that the introduction of a door and window or conservation roof lights would be detrimental to the appearance of the Green Belt. Whilst the glazed wall within the eastern elevation would be fairly dominant and domestic in appearance, this is not considered harmful enough to warrant refusal.

#### Alternative business use:

As stated within policy GB9A, before a building within the Green Belt is considered for open market housing it should be assessed for business use. The justification provided for this state the following:

- There is a lack of market demand for business units in this locality. It is stated by Alan Howick of Howick & Brooker Partnership Ltd. Estate Agents that there is no sufficient demand for business accommodation in this area and that "*there presently exists a number of other 'former farm buildings' schemes within the region offering similar facilities and not fully occupied and insufficient demand to justify the provision of further business accommodation*".
- The application site is located in close proximity to residential properties and the intensification of use for business purposes would detrimentally impact on neighbouring amenities.
- The location is a semi-rural area with limited access and the increased traffic resulting from business use would be detrimental to the character of the area.

#### Amenity considerations:

The application site sits directly opposite an existing residential property known as Morgans Farm. The front elevation of this neighbouring two storey building faces the application site and contains the main private amenity space to the immediate north of the application site. The existing stable building is located 20.8m from the front wall of Morgans Farm, and 10.4m from the shared boundary. The Essex Design Guide recommends that there should be a 25m wall to wall distance between properties (which generally relates to rear walls, however given the unusual layout of these properties the distance would apply to the front walls in this instance), and 15m distance between the (rear) wall of a dwelling and a shared boundary between private amenity space. The proposed development falls short of this guidance.

The amended plans have removed the rooflights within the northern roof slope, have moved the private amenity space to the southern portion of the site (within the existing paddock), and proposes to install tinted windows within the northern flank wall. It is also proposed to put new planting in along the inside of the existing 1.8m close boarded fence between the two properties.

With regards to loss of amenity to the neighbouring residents, the only first floor windows facing the neighbouring property would be low level windows within bedroom 2, which given their position

could only be looked out of if laying on the floor. Whilst concern has been raised by the neighbours regarding loss of privacy from the front windows, being that these are ground floor windows (with the exception of that referred to above), are 20.8m from the neighbours flank wall, and would be partially screened by the existing 1.8m fence and the additional planting, these would not result in an undue loss of privacy to the neighbour's property.

Regarding the loss of privacy to the future occupiers of the site, which is of greater concern given the abundance of first floor windows in Morgans Farm that face the site, the introduction of additional windows within the southern elevation and proposed tinted glazing would ensure that the main windows to the habitable rooms in the new dwelling do not suffer from an undue loss of privacy. The amenity area overlooked by the neighbouring property would be the courtyard area to the north, which would be a 'public' area and would not form the future residents' sole amenity space. Furthermore this would be partially screened by additional landscaping. As such it is considered that this has adequately overcome any concerns regarding loss of privacy and overlooking.

Whilst the neighbouring residents have objected to the raising of the roof and the impact this would have on their visual amenities (in particular as this would block their view of the front gates, which they consider is a security risk), the new roof would have a relatively shallow pitch and is sufficient distance from the neighbour to ensure it would not result in a loss of light or be visually dominant. The front gate to the site (which is shared by both Morgans Farm and the application site) is a large metal gate with a telecom entry system. Given this situation it is not considered that a direct view of the gates is required for security purposes, and this issue borders on an objection on the 'loss of a view', which is not a material planning consideration.

The amended plans have relocated the private amenity space to the south of the proposed dwelling to ensure it is not overlooked by the residents of Morgans Farm. However there are still concerns regarding its ability to provide 'private amenity space'. The garden would be bordered by an existing post and rail fence with a new hedge planted behind this. The existing fence is relatively low and open and is bounded by the access roads to Morgans Farm and Moor Hall Stables. Whilst a hedge could be grown to a sufficient height to offer privacy to this amenity space this would take some time to establish. The only other option would be to erect a high, solid boundary treatment (such as a close boarded fence), which would likely be out of character and detrimental to the openness, character and appearance of this rural Green Belt location. Notwithstanding this, the 'private amenity space' at Morgans Farm is located at the front of the house and is not particularly private, and entry to the site is restricted via the electric front gate, so there would not be a significant level of through traffic overlooking this garden area. As such, on balance, it is considered that this is acceptable.

#### Sustainability:

The site is in a very unsustainable location, as it is not well served by local facilities. However the addition of one additional dwelling (in sustainability terms) would not be considered unduly detrimental, and various consents have been granted on surrounding sites for similar developments, despite their location.

#### Highways/parking:

The proposed development would utilise the existing access and parking area currently serving the former stables building, which are of an acceptable size and location to meet the requirements for a single dwelling. It is not considered that the use of the building as one residential property would result in a significant increase in vehicle movements over and above the lawful use of the site.

Other matters:

The application site incorporates the stable block attached to Morgans Farm and indicates that this would remain as stables. As this forms part of the development site a condition would be required to ensure they remain as personal stables incidental to the enjoyment of the new dwellinghouse rather than as a separate commercial stable building or changed to any other ancillary residential use. Such commercial works could result in a conflict with the use of the building as a dwelling (i.e. given the shared access), and change of use of this building could result in a loss of amenity to the attached neighbouring dwelling.

Concern has been raised by the Parish Council and neighbouring residents regarding the loss of agricultural land and overdevelopment of this site. As previously stated, the conversion of a building within the Green Belt is not in itself an inappropriate development and would not result in overdevelopment as the building already exists. Furthermore the building and adjacent land is currently used as stables and storage and therefore does not constitute 'agricultural land'. It is appreciated that the applicants have intensively developed The Engine House on the adjacent land to the application site, however this does not have any bearing on the planning application being assessed here.

**Conclusion:**

The former stable building is located within relatively close proximity to the neighbouring property at Morgans Farm and has caused much concern regarding the impact on amenities of both the neighbouring and future residents of the site. Furthermore the development would be served by a garden that would not be particularly 'private'. However, in light of the above, it is considered that these issues are not significant enough to warrant refusal and as such the development, on balance, is considered acceptable 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:***

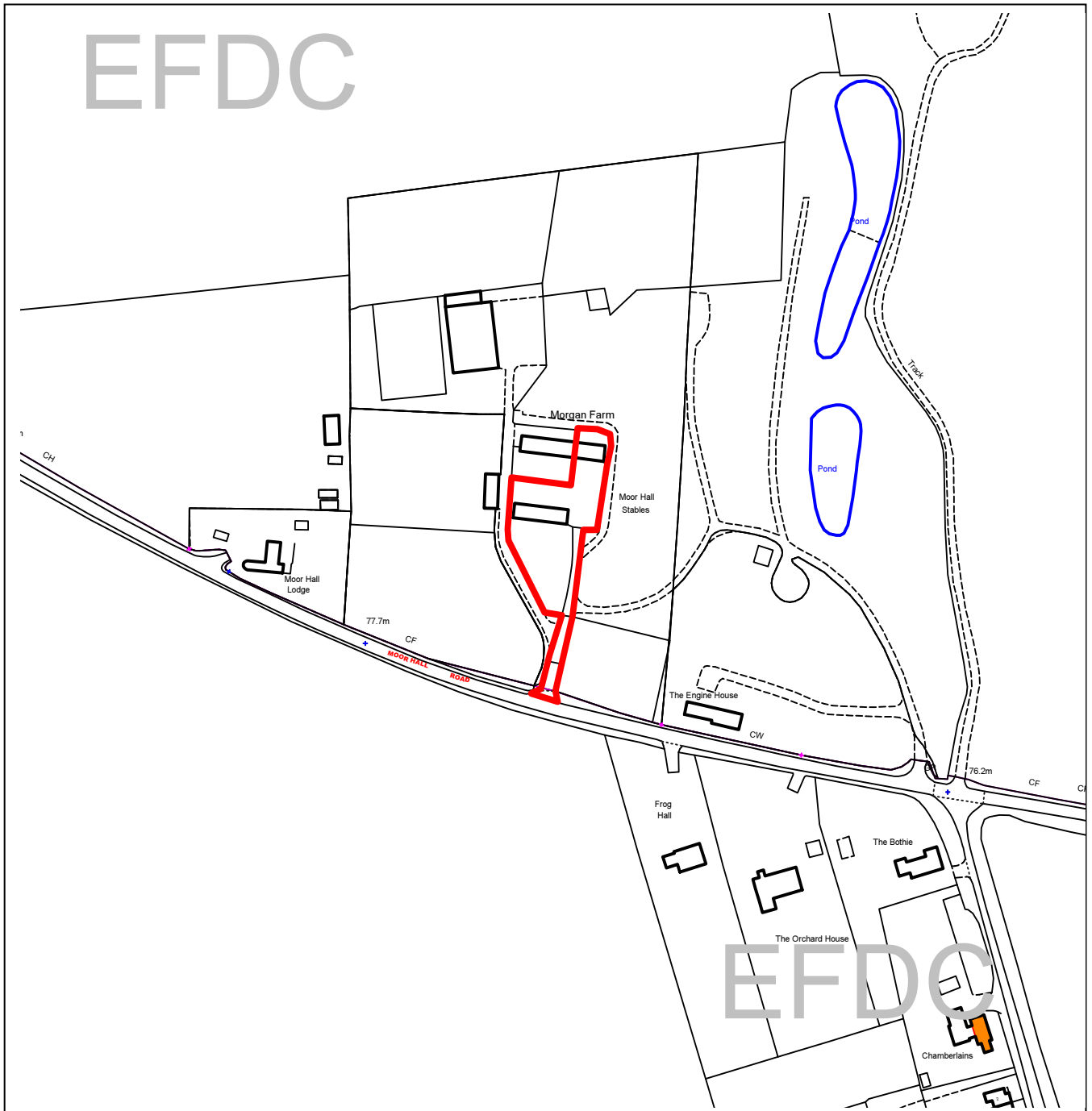
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1407/11
Site Name:	Former Moor Hall Stables, Moor Hall Road North, Matching,
Scale of Plot:	1/2500



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1467/11
<b>SITE ADDRESS:</b>	Nine Ashes Farm Rookery Road High Ongar Ingatestone Essex
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr Stuart Harding
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from Agricultural to use for residential purposes (Use Class C3a) and for the construction of 10 no. semi detached three bedroom houses. Demolition of existing redundant buildings on the site.
<b>RECOMMENDED DECISION:</b>	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=529774](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529774)

**REASON FOR REFUSAL**

- 1 The proposed dwellings would constitute inappropriate development within the Green Belt, which would be harmful by definition. No very special circumstances exist to outweigh this harm to the Green Belt. Accordingly, the proposed development would be contrary to Policy GB2A of the adopted Local Plan and Alterations.
- 2 The proposed development, due to its density, massing and layout would be out of keeping with the pattern of nearby residential development to the detriment of the character and appearance of the rural area, contrary to Policies CP3(v), DBE1 and DBE4 of the adopted Local Plan and Alterations.
- 3 The proposed development would fail to provide any affordable housing, of which there is a considerable shortage within the District, contrary to Policies H5A, H6A and H7A of the adopted Local Plan and Alterations.
- 3 The residential development of this site, in a location isolated from existing urban settlements would not be sustainable. The proposal is, therefore, contrary to policies CP1, CP3, CP6, CP7 and ST1 of the adopted Local Plan and Alterations.

*This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))*

### **Description of Proposal:**

This application seeks planning permission for a residential development of ten semi-detached dwellings, which would be located on a secondary access road to the South East of Nine Ashes Road. The proposed dwellings, which would be fairly similar in footprint to others along Nine Ashes Road, would have accommodation across two storeys, with the first floor being partially contained within the roof space at the front of the dwellings. Each dwelling would have a kitchen, WC and lounge/dinner at ground floor level and three bedrooms and a family bathroom at first floor level. The dwellings would be finished in red brick and cream renders, with red clay tiles on their roofs.

The dwellings would each have maximum width of 7.1m, a maximum depth of 10.4m and a maximum height of 8.2, slightly lower than existing adjacent dwellings.

Each dwelling would have a rear garden approximately 9 metres in width (slightly more to Plot 1 which would extend to the rear of 1 Nine Ashes Farm Cottages) and varying in depth from 14 to 24 metres.

Two car parking spaces would be provided to the front of each dwelling, following an amendment to the initially submitted scheme in order that a substantial landscaped area may be provided along the front boundary of the site with Nine Ashes Road.

### **Description of Site:**

The application site is located on the eastern side of Nine Ashes Road, to the south of the junction with King Street. The site contains several redundant agricultural buildings. There is an area of open agricultural land to the east of the site, to the north and south are residential properties.

The rear of the site is visible from Nine Ashes Road to the South East of the site, across open land.

### **Relevant History:**

- EPF/2074/01. Change of use from agricultural to storage/light industry. Refused 08/03/02 for the following reason:

*The proposed development is of a scale that would result in significant increased activity on the site leading to additional disturbance detracting from the amenities of nearby residential properties and from the area as a whole, contrary to the requirements of policies GB8, E12 and DBE9 of the adopted Local Plan.*

- EPF/0015/03. Change of use to light industrial and storage and distribution (B1c and B8) uses. Refused 04/06/03 for the following reasons:

*The proposed change of use of the application buildings is considered unacceptable due to the impact such use would have upon the open character and amenities of this rural area by reason of noise, disturbance and traffic generation contrary to Policy GB8 of the District Local Plan.*

*The proposed commercial use of these rural buildings would lead to additional highway dangers for pedestrians in the immediate vicinity particularly given the layout, condition and inadequacies of the surrounding highway network contrary to policies GB8 and T17 of the District Local Plan.*

- EPF/2188/04. Change of use from agricultural to residential use and the building of 3 no. detached blocks containing 12 no. units with associated parking. Demolition of existing barn. Refused 16/03/05 for the following reasons:

*The application site is located within the Metropolitan Green Belt wherein there is a presumption against new development. The redevelopment of the site for residential purposes is inappropriate development in the Metropolitan Green Belt which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.*

*The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4 and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.*

*The proposals would result in the loss of a number of established and mature poplar trees which make a valuable contribution to the visual amenities of the area and would therefore be contrary to policy LL10 of the adopted Local Plan.*

This was subsequently DISMISSED at appeal. Reasons: Inappropriate development in the Green Belt, non-sustainable location and undesirable precedent.

- EPF/2232/05. Demolition of existing buildings and redevelopment with 10 no. dwellings (Revised application). Refused 17/03/06 for the following reasons:

*The application site is located within the Metropolitan Green Belt wherein there is a presumption against new development. The redevelopment of the site for residential purposes is inappropriate development in the Metropolitan Green Belt which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.*

*The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4, and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.*

- EPF/1419/09. Change of use from agricultural use to B1, B2 and B8 use. Refused 28/09/09 for the following reasons:

*The proposed change of use is unacceptable due to the impacts the uses would have upon the open character and amenities of this rural area by reason of disturbance and traffic generation contrary to Policies CP2(i); ST4 (iv) and GB8A (iii) of the Adopted Local Plan and Alterations.*

*Insufficient information has been submitted to enable full consideration of the impact of the proposed development on trees within the application site, contrary to policy LL10 of the Adopted Local Plan and Alterations.*

*The proposed change of use is unacceptable due to the impacts the uses would have upon the amenities of the occupiers of neighbouring dwellings by reason of noise, disturbance and traffic generation contrary to Policies RP5A and DBE9 (iv) of the Adopted Local Plan and Alterations.*

- EPF/2156/09. Change of use from agricultural use to B1 and B8 use. (Revised application). Refused 24/02/2011 for the following reason:

*The proposed development would result in an unacceptable intensification of use of the site resulting in increased activity and traffic movements in an around the site, harmful to the character and amenity of the rural residential area. This proposal would therefore be contrary to policies CP3 and GB8A of the adopted Local Plan and Local Plan Alteration.*

Appeal subsequently dismissed due to inaccuracies between submitted plans - the Inspector did not consider, or express an opinion upon, the planning merits of the case.

### **Policies Applied:**

#### Core Policies

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  
CP9 - Sustainable Transport

#### Design and the Built Environment

DBE1 – Design of New Buildings  
DBE2 – Detrimental Effect of Existing Surrounding Properties  
DBE4 – Development in the Green Belt  
DBE6 - Car Parking  
DBE8 – Private Amenity Space  
DBE9 – Excessive Loss of Amenity for Neighbouring Properties

#### Housing

H2A – Previously Developed Land  
H3A – Housing Density Mix  
H4A - Dwelling Mix  
H6A - Site Thresholds for Affordable Housing  
H7A - Levels of Affordable Housing

#### Landscape and Landscaping

LL1 – Character, Appearance and Use  
LL7 – Promotes the Planting, Protection and Care of Trees  
LL10 – Adequacy of provision for Retention  
LL11 – Landscaping Schemes

#### Sustainable Transport

ST4 – Road Safety  
ST6 – Vehicle Parking

#### Heritage Conservation

HC12 – Development affecting the setting of Listed Buildings

### Green Belt

GB1 – Green Belt Boundary

GB2A – Development in the Green Belt

GB7A - Conspicuous Development

### Implementation

I1A - Planning Obligations

### Recycling and Pollution

RP4 - Development of Contaminated Land

### **Summary of Representations:**

Notification of this planning application has been sent to High Ongar Parish Council and to 38 neighbouring residents. The following representations have been received:

HIGH ONGAR PARISH COUNCIL. Support. The Parish Council strongly recommends that this application be approved. Planning will be aware of the severe objections recorded by the Parish Council and the overwhelming objections from local residents for previous applications for change to industrial use. The Parish Council would also like to remind you that when this last came before the Planning Committee the change of use to industrial was rejected (12 against - 2 abstentions). This was on the grounds of residents' views and in addition the Committee suggested they wished the applicant to consider a small housing development in keeping with the nearby houses of which residents were in favour. No doubt this latter from the Parish Council together with letters from local residents supporting this application will show the strong feeling in favour of this application being approved.

WALNUT TREE COTTAGE, 263 NINE ASHES ROAD. Support. Such development would be in keeping with the residential area.

ROOKERY COTTAGE, ROOKERY ROAD. Support. We strongly support this application as an alternative to the recent application for change of use to industrial use. When that was considered by the Committee it was overwhelmingly rejected and they suggested the applicant consider a small housing development in keeping with the nearby houses, of which residents were in total agreement. This application must meet that criteria.

244 NINE ASHES ROAD. Support. Residential development is far better and more in keeping than the previous application for industrial use.

THE ROOKERY, ROOKERY ROAD. Support. In principle, I support the change of use from agricultural to residential and support the plans as currently outlined.

2 NINE ASHES FARM COTTAGES. Objection. In particular, my objections relate to the impact of such a development on the quality of life of those already living in this beautiful area. Clearly any large building project is likely to involve considerable noise for its duration, which will significantly impact upon those of us living in the direct vicinity of the farm buildings. The building works will also bring the possibility of pollution and the need to connect with the mains sewer system or to install a septic tank. The volume of transport is likely to increase, as is the proportion of heavy goods vehicles for the delivery of building materials. Already, this area experiences significant traffic and there have been accidents - increasing the volume of traffic will increase the risk to many families in this rural area. Housing in the form of a cul-de-sac is not in keeping with the location, where the surrounding residencies are generally only built to the depth of a single house.

RATCLIFF HOUSE, 217 NINE ASHES RD. Objection. The attached bus timetables are dated 2009 and outdated by two years and I cannot remember ever (in the 16 years I've lived here) seeing a bus or anyone waiting for a bus (other than schoolchildren being picked up by dedicated school buses) at the bus stop in the photos. There are claims that the previous use meant there was farm traffic and that 10 new houses with at least 20 cars will produce less noise and movement. This is all speculation. Again in the 16 years I've lived here I've never seen any farm traffic movement in or out of the farm, the farms they may previously have supported in the very distant past are long since broken up. Any comparison of traffic movements from probably 20+ years ago is invalid against potential traffic movements today. The site has insufficient off road parking for the 20+ cars 10 houses will generate which will lead to cars being left parked on the road causing hazards at what is already a blind turn into Nine Ashes Road. The landscape report is badly prepared and presented. The application is for 10 x 3 bed semi detached houses, the report mentions 10 x 2 bed houses throughout. This application to build a small housing estate a great distance from a town is misguided, so far from shops and with no pathways, lights or mains drainage. This proposal for 10 houses on a small piece of land is overcrowding, I thought that permission had been previously granted for 4 houses-why the need now for 10?

### **Issues and Considerations:**

The main issues in this case are the principle of the proposed development, acceptability of the development in the Green Belt, in accordance with policy GB2A of the Local Plan; the impact of the proposed use on neighbouring amenity, the design of the development, the impacts on the surrounding highway infrastructure trees and landscaping matters and sustainability. This appraisal will have regard to all material considerations, including the planning history of the site and the comments received from third parties.

### **Principle for Residential Development**

Policy H3A of the Local Plan seeks a net density across new residential developments of at least 30-50 dwellings per hectare. Whilst the proposed development would only achieve 20 dwellings per hectare, the character of surrounding residential development is at an even lower density and it is not considered that this site would be suitable for development at the density level suggested within the Local Plan. Furthermore, whilst Policy H4A of the Local Plan seeks a mix of dwelling sizes, the proposed 3 bed dwellings would complement surrounding properties and is considered suitable within this rural settlement.

Policy H5A of the Local Plan seeks the provision of affordable housing on suitable development sites and the thresholds are set in Policy H6A. This site, due to its size and the number of dwellings, should be providing affordable housing and in accordance with Policy H7A, 50% of the units should be affordable. Whilst it is accepted that the site is poorly provided for in terms of supporting infrastructure (for example local shops and services, public transport links) and as a result may not be suitable for the on-site provision of affordable housing, there is an acute demand for affordable housing within the District. Accordingly, it is considered necessary that if planning permission is granted, a financial contribution towards the provision of off-site affordable housing is provided in lieu of the onsite provision of 5 dwellings. This may be secured by a legal agreement between the Applicant and the Council. However, the Applicant has advised that the viability of the proposed development would not support the provision of a contribution towards affordable housing provision. They advise that the scheme has been designed to minimise the number of dwellings required on the site and that to include a reasonable contribution towards affordable housing would require at least an additional two houses into the scheme.

### **Acceptability within the Green Belt**

The site is located entirely within the Metropolitan Green Belt. Within the Green Belt, Policy GB2A of the Local Plan identifies types of development which are appropriate. Redevelopment for

the purposes of residential use is not identified and it, therefore inappropriate within the Green Belt, by definition. Small affordable residential developments may be acceptable in the Green Belt, subject to a number of criteria including that the development has the support of the local parish council (which this scheme does). However, as the development is for open market housing, that policy exception is not relevant.

Aside from the issue of appropriateness within the Green Belt, the matter of how conspicuous the development would appear must also be considered. Despite the potential for a landscaped 'buffer' to be created along the boundary of the site with Nine Ashes Road, the development would remain clearly visible. It would also be visible from the rear, across open farmland. As discussed above, the proposed development would be denser than surrounding residential development - whilst the footprints of the proposed dwellings are roughly comparable with those of neighbouring properties, the plot widths are considerably smaller (to retrain plot widths as existing within Nine Ashes Road would reduce the number of dwelling which the site could accommodate to 6). It is considered that, in relation to existing development, the proposals would appear cramped and, as a result out of character with the rural area. Whilst the existing buildings are unattractive, they are typical farm buildings and not out of place in this location.

It is, however, acknowledged that the conspicuousness of the new development may be reduced (although not wholly mitigated) by sympathetic and comprehensive mature landscaping to the front and rear boundaries of the site. This matter will be discussed in further detail later in this report.

#### Neighbouring Amenity

The nature of the development, which loosely forms a continuation of the existing development along Nine Ashes Road, would not cause any material harm to the occupiers of neighbouring dwellings.

One local resident has comments on the potential for noise and disruption to be caused to local residents during the construction of the proposed development. Some level of disruption to neighbouring residents is likely due to the scale of the development proposed. However this would not justify the withholding of planning permission. Due to the close proximity to neighbouring residential properties, it is considered necessary to impose a condition which would allow the Council to approved details to minimise harm, for example to include hours of construction, the provision of wheel washing facilities and dust controls. This should ensure that disruption to nearby neighbouring residents is kept to a minimum, if planning permission is granted.

#### Design and Appearance

The detailed design of the proposed dwellings, although different to existing dwellings within Nine Ashes Road, adopts similar and complementary features. As a result, the height, width, detail and palette of external finishes of the proposed buildings is considered acceptable.

However, as discussed above the proposed development would have a significantly higher density than that of the existing development along Nine Ashes Road. As a result there would be greatly reduced gaps between dwellings in the new development and it is considered that this would result in the proposal having a cramped appearance that is not in keeping with the rural character of the locality.

The layout of the proposed dwellings is also considerable different to threat nearby, which follows a simple and traditional ribbon development layout, along Nine Ashes Road. The proposed development would be linked to Nine Ashes Road by a private access road and the development would be staggered to accommodate the access road, such that plot no.07 would sit well forward of its immediate neighbour at plot no.06. As identified by a neighbouring resident, this would have

the effect of creating a cul-de-sac style layout, which is out of keeping with the traditional pattern of development in this area.

### Highways Matters

Officers from Highways at Essex County Council have been consulted on the planning application and have suggested some modifications to the layout, which the Applicant has agreed to.

The application proposes a single vehicular access from Nine Ashes Road, leading into a secondary access road within the application site, which would serve each dwelling. Also proposed is a footpath link, leading from the application site to the nearby bus stop situated outside 267-269 Nine Ashes Road.

Highway Officers have advised that the proposed development will generate less traffic than the lawful use of the site potentially could and the access is well served with good visibility and geometry onto Rookery Road. They also advise that the removal of one of the existing accesses into the site and the proposed footway link to the bus stop will improve highway safety and accessibility for the site and the locality.

Highway Officers do not, therefore, raise any objection to the proposed development, subject to the imposition of a number of planning conditions and also subject to the completion of a legal agreement to secure the provision of the proposed footpath link to the nearby bus stop and to regulate the construction of the highway works. The legal agreement will also require the submission of detailed engineering drawings for approval and safety audit.

### Trees and Landscaping

Few trees exist within the application site, which has been largely cleared following the submission of earlier planning applications. However, the planting of a comprehensive landscaping scheme will be essential to soften the impacts of this proposed development and to minimise its conspicuousness within the Green Belt and to minimise any hardening/urbanisation of the existing street scene. In particular, it is anticipated that considerable planting will be required on the land to the front of the proposed access road and also along the rear boundary of the site. For example, boundary treatments along the rear will be required to be green, rather than a typical close boarded timber fence (although some harder landscaping may be discreetly accommodated in the interest of security).

Usually, landscape conditions require the agreement of details prior to the commencement of the development and its implementation within a planting season of occupation. However, in this case, if planning permission is granted the provision of landscaping will be essential in minimising harm to the street scene and wider area. On this basis, the Council Landscape Officer has advised that a phased approach could be adopted in relation to the delivery of the landscaping, that would see some of the hardier and more substantial planting taking place around the site boundaries prior to the commencement of the development and therefore having a chance to establish throughout the construction and occupation of the development. Such a condition is considered to be justified for the reasons discussed and is considered to fully comply with the tests for imposing a planning condition set out within Circular 11/95.

### Sustainability

The site is not well located with regard to access to public transport, shops and facilities and, as previously argued and upheld at appeal, is not a sustainable location for residential development. The proposal is, therefore contrary to the principles of policy CP6 of the Local Plan, which encourages sustainable development.



## Other Matters

*Conservation* - The surrounding agricultural land is not specifically mentioned in the listed for the nearby listed buildings and on this basis it is not considered that change of use of the land would be seriously harmful to their setting, subject to the use of high quality and sympathetic building materials.

*Education* - The Schools, Children and Families Directorate at Essex County Council has been consulted on this planning application. They have confirmed that whilst there is sufficient capacity within nearby early years and secondary education establishments, there is an existing deficit within High Ongar Primary School. Accordingly, if planning permission is granted, then the County has identified a need for a payment of £29,859 to cover the cost of the additional places associated with the future occupiers of the proposed development.

*Flooding and Land Drainage* - The site does not lie within an Environment Agency of EFDC flood zone. However due to the scale of the proposed development, if planning permission is granted then it will be necessary to impose conditions to ensure that the Council is able to approve the proposed details for surface water drainage and foul drainage.

*Contaminated Land* - Due to the previous use of this site as a farmyard and also due to the presence of made ground, the land is potentially contaminated. Accordingly, if planning permission is granted then planning conditions requiring contaminated land surveys, investigations and mitigation are necessary.

## Planning Obligations

If planning permission is granted, then it will be necessary for the developer to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990, to secure the following matters:-

Highways – the provision of a footpath to link the proposed development to the existing bus stop located to the south of the site, on the eastern side of Nine Ashes Road.

Education – a contribution of £29,859 towards additional primary education places necessitated by the proposed development.

Affordable Housing – the Applicant has declined to propose a contribution towards off-site affordable housing. As discussed within this report, it is the case officers view that, if planning permission is granted, a substantial contribution should be made in lieu of on-site provision.

It is considered that all of the obligations discussed above would comply with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations, in that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

## **Conclusion:**

In light of the above appraisal, it is considered that the proposed development would constitute an inappropriate development within the Green Belt. The site has a fairly lengthy and unsuccessful planning history and there is clearly considerable support from both the Parish Council and local residents for this development. Whilst it is accepted that the current disused agricultural site is unsightly and has raised local concern regarding other possible future use, alternative uses require planning permission and can be controlled. These factors do not amount to a case for very special circumstances for permitting the development. There are, within the District, any number of

similarly derelict agricultural sites and to allow redevelopment in this manner in the absence of very special circumstance would set a worrying precedent.

Furthermore, aside from the matter of appropriateness, the density of the dwellings proposed would result in the development appearing at odds with the character and pattern of surrounding development, which retains considerable more space between buildings and the site is not a sustainable location for this form of development.

Finally, the application would fail to make provision for affordable housing for which there is considerable need within the District) contrary to Local Plan policy.

For these reasons, it is recommended that planning permission be refused.

***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:***

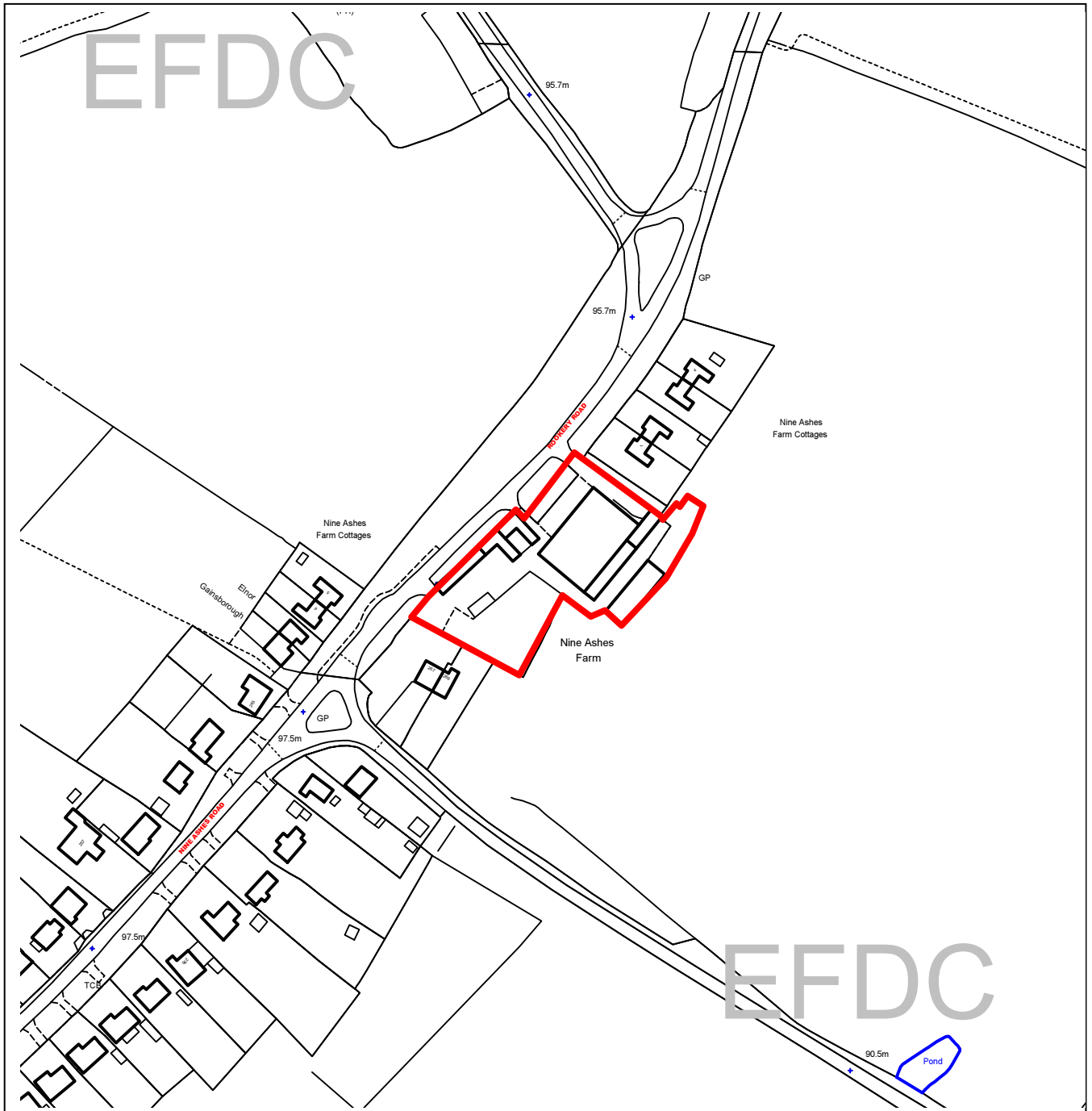
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/1467/11
Site Name:	Nine Ashes Farm, Rookery Road, High Ongar, Ingatestone
Scale of Plot:	1/2500

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1589/11
<b>SITE ADDRESS:</b>	Land adj 38 Onslow Gardens Ongar Essex CM5 9BQ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Dave Evans
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed new three bedroom dwelling. (Amended application)
<b>RECOMMENDED DECISION:</b>	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=530211](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530211)

**CONDITIONS**

- 1 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.
- 2 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.
- 3 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.
- 4 prior to the first occupation of the dwelling the street lighting column, currently situated in the footway to the front of the site, shall be relocated such that it does not obstruct access to the parking spaces shown. 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.

- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
  
- 6 All construction/demolition works and ancillary operations, 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 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.

Reason: To ensure that the open aspect of the adjacent footpath is maintained, and in the interests of visual amenity.

*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:**

The applicant seeks planning permission to amend a recent planning permission for the construction of a new 2 bedroom dwelling ref: EPF/0951/11.

The only change to the scheme from that of which has already been granted permission, is the inclusion of a rear dormer window in order to provide additional living accommodation to provide a third bedroom within the new dwelling.

No other physical changes are proposed in relation to the building footprint, size and scale of the new dwelling from of which has already been granted permission.

Once again, two parking spaces are to be provided on the hard surface area towards the front of the new dwelling and a rear garden of approximately 13 x 7 metres would be provided to the rear.

It should be noted that since the planning application was submitted to the Council, the applicant has started works on the addition of the dormer window and is nearing completion.

**Description of Site:**

The application site forms the side part of the plot occupied by 38 Onslow Gardens, a semi detached bungalow located within an area characterised by semi detached bungalows. To the side of the site is a public footpath with dwarf walls. On the opposite side of the footpath is a pair of semi detached dwellings, similar in style to 38 Onslow Gardens. However, the nearest dwelling has a recently constructed substantial side extension (not shown on the submitted plans). There

is a side window within this extension which (according to its planning permission, serves a bedroom). To the rear of the site is a playing field which lies within the Metropolitan Green Belt.

38 Onslow Gardens has a certificate confirming that a development including a three metre deep flat roofed rear extension and a large flat roofed box dormer would be lawful..

**Relevant History:**

EPF/2196/10. - Certificate of lawful development for a proposed single storey flat roof extension and flat roof rear dormer. (Certificate issued 13/12/10).

EPF/2195/10 - Erection of a new two bedroom detached dwelling. (refused 23/12/10)

EPF/0494/11 - Erection of a new two bedroom dwelling. (Revised application) (withdrawn 15/4/11)

EPF/0951/11 - Proposed new two bedroom dwelling (approved 21/7/11)

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New Development  
CP4 – Energy conservation  
CP5 – Sustainable building  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private Amenity Space  
DBE9 – Loss of amenity  
LL10 – Adequacy of Provision for Retention of landscaping  
LL11 – Landscaping Schemes  
GB7A Conspicuous Development  
ST4 – Road Safety  
ST6 - Vehicle Parking

**Summary of Representations:**

Notification of this application was sent to Ongar Town Council and to 6 neighbouring residents.

The following representations have been received:

ONGAR TOWN COUNCIL: Objection:

Ongar Town Council has always been concerned that too dense a residential accommodation is built on this site and feels that the additional third bedroom and associated roof works and the dormer window might exacerbate its concerns for what is still felt to be a sensitive site.

The Council is also concerned that works envisaged in this application, especially the configuration of the ground floor and the installation of roof works and dormer window appear to have been commenced prior to the granting of planning permissions.

This is something that causes this Council real concern and we feel that the probity of the planning legislation is undermined by this kind of action.

NEIGHBOURS:

30 ONSLOW GARDENS: Objection: The proposed development has already been completed and it now forms a row of terrace style housing which is out of character to the surrounding area.

**Issues and Considerations:**

Given that planning permission has already been granted for a new dwelling on the site, the only issues to be addressed is whether the amendment to include a rear dormer window, which allows a further bedroom is appropriate in terms of design and appearance and whether it would cause a harmful impact to the amenities of adjoining occupiers.

**Design and appearance:**

On balance, although it is not a well designed feature particularly when considering that this is part of a new dwelling rather than a later addition as permitted development) it does broadly meet the guidelines within policy DBE10 in that it would be set below the ridgeline, and be set off the eaves and although large it does not extend the full width of the roof..

In contrast to the rear dormer window on the adjoining property of number 38 which was a lawful development and didn't require planning permission, the proposed dormer window is smaller in terms of its size and scale.

Although it could be seen from the public footpath that abuts the site, the majority of it would not be seen from the highway.

The proposal to include a rear dormer window as an amendment to the recently granted permission for a new dwelling on the site would not result in a detrimental impact to the character and appearance of the surrounding locality and the street scene. The design and appearance of the development is considered to be acceptable.

**Neighbouring amenities:**

It was concluded under the previous granted permission that the proposed dwelling would not result in any significant harm to the amenities of adjoining occupiers in relation to a loss of privacy, loss of light or visual blight sufficient to warrant a reason for refusal.

Similarly the proposed dwelling with the inclusion of a rear dormer window would not result in a harmful impact to the amenities of adjoining property occupiers. It is noted that the dormer window would have the potential to overlook into adjoining garden areas however this is not an uncommon occurrence within built up residential areas. As a result of the dormer window, there would be no direct overlooking into adjoining habitable room windows.

**Other issues:**

The amendment to include a rear dormer window would in turn result in the new dwelling consisting of 3 bedrooms instead of 2. This would make no difference in relation to the amount of off street parking spaces required for a new dwelling. The adopted parking standards require 2 off street parking spaces for a 2 or more bedroom dwelling. The applicant has provided 2 off street parking spaces meeting the above requirements.

It is also considered that there would still be enough private garden area to the rear of the site to meet the recreational needs of future residents as a result of an additional bedroom within the new dwelling,

Whilst it is regrettable that the development has continued without planning permission, this is not in itself grounds for refusal of planning permission and the application must be determined as if the works had not been carried out.

**Conclusion:**

In light of the above appraisal, it is considered on balance that the amendment to include a rear dormer window to the new dwelling in order to provide an additional bedroom within the roof space is acceptable. It would not result in a harmful impact upon the character and appearance of the surrounding area and the street scene. The development is therefore in accordance with the policies contained within the Adopted Local Plan and Alterations and for this reason it is recommended that planning permission be granted subject to conditions, including the removal of permitted development rights for further extensions.

***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: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337***

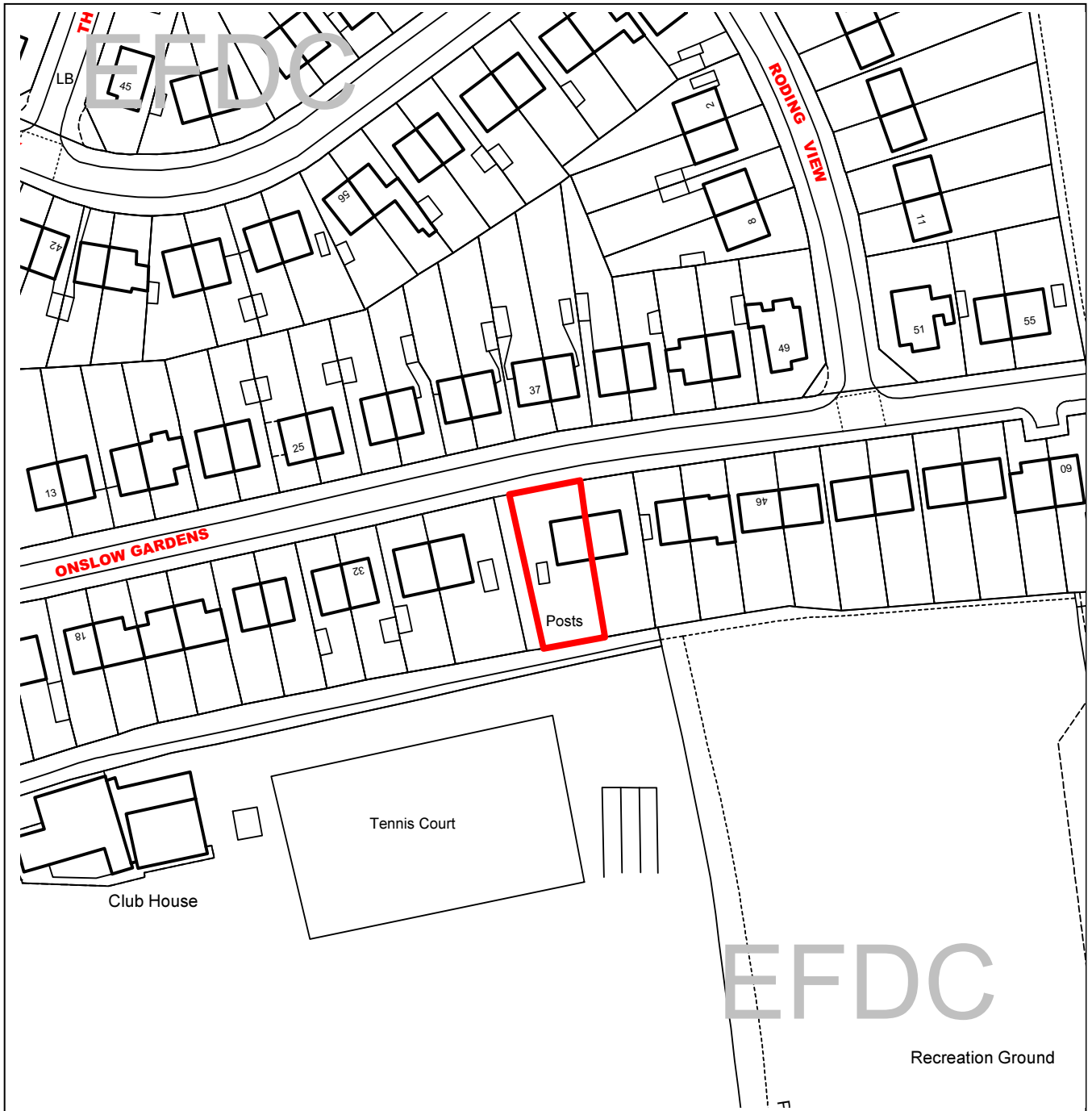
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/1589/11
Site Name:	Land Adj 38 Onslow Gardens, Ongar, CM5 9BQ
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1661/11
<b>SITE ADDRESS:</b>	Spotted Dog 2 Ivy Chimneys Road Epping Essex CM16 4EL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Spotted Dog Ivy Chimney Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing public house and construction of an eight unit residential development.
<b>RECOMMENDED DECISION:</b>	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=530390](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530390)

**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: EEU\_100, EEU\_200 Rev: A, EEU\_201 Rev: A, EEU\_202, EEU\_205 Rev: A, EEU\_206 Rev: A, 5075/1, 5075/2
- 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 window openings in the flank elevation of the dwelling shown as No. 1 on the submitted plans 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 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.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) 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.
- 7 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.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 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 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.
- 15 There shall be no structures or vegetation erected or installed that exceeds 600mm within the 1m strip of open land as shown on Plan No. EUU\_201 Rev: A.

**And subject to a S106 legal agreement to be completed within 6 months requiring the developer to upgrade the two bus stops in close proximity to the site and to make a financial contribution of £40,000 to upgrade the nearby public play area as required by the proposed development.**

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

**ADDITIONAL INFORMATION:**

The application was deferred from the Area Plans Sub Committee East meeting dated 12<sup>th</sup> October 2011 for Officers to discuss with Essex County Council Highways whether the proposed £40,000 financial contribution could be used for highway improvement works.

The application was assessed by an ECC Highways Officer, which included two separate Site Visits (despite familiarity with the site as it is on said Officers weekly route into the District Council Offices), and has been subject to further discussions between District and County Officers. Whilst it is appreciated that Members are concerned about the wider highway safety and parking concerns in Ivy Chimneys, the development assessed here does not give rise to additional problems. The existing access would be widened and the front boundaries of the proposed dwellings set back from the edge of the highway by 1m, to allow for improved sight lines from this access. This is considered to be an improvement to highway safety as it would result in a safer access and improved visibility from this site. Furthermore, whilst currently vacant, the sites former use as a public house would have resulted in a significantly higher level of vehicle movements than the proposed eight dwellings.

As stated within Circular 05/05: Planning Obligations, a S106 Agreement is a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms.

However such agreements must be:

- (i) *Relevant to Planning;*
- (ii) *Necessary to make the proposed development acceptable in planning terms;*
- (iii) *Directly related to the proposed development;*
- (iv) *Fairly and reasonably related in scale and kind to the proposed development;*
- (v) *Reasonable in all other respects.*

As the proposed development would actively improve highway safety in this area, it is not considered that a financial contribution to be made for highway improvement (over and above the

upgrading of the two bus stops as stated within the original Committee Report) would be “*necessary to make the proposed development acceptable in planning terms*”, “*directly related to the proposed development*”, or “*fairly and reasonably related in scale and kind to the proposed development*”. Therefore it is considered by both District and County Officers that there is no justification for a financial contribution to be made for highway improvements in this instance.

Further to the above, there are currently no ECC Highway schemes to which a financial contribution of £40,000 could be utilised. Parking within Ivy Chimneys has previously been assessed by ECC however it was concluded that insufficient land exists to make any real improvements to this. Ivy Chimneys was not included within the recent Epping Parking Review and Ivy Chimneys Road is not currently on the Road Safety Team’s list of roads to be addressed. The criteria for the Road Safety Team is four accidents within a 100 metre radius of each other within a 3 year period. This situation has not occurred on Ivy Chimneys Road.

it is not considered that there is sufficient justification in this instance to require a financial contribution to go towards highway safety improvements, and indeed to do so may be considered illegal.

The upgrading of the play area , as explained in the officers report is necessary to make the development acceptable in planning terms, relevant to planning, related to the proposed development and fair and reasonable and the £40,000 towards this is therefore an appropriate Section 106 contribution.

## **ORIGINAL REPORT:**

### **Description of Proposal:**

Consent is being sought for the demolition of the existing public house and the construction of eight residential dwellings with associated car parking to the rear. The dwellings would be a single terrace of eight no. 4 bed properties with a staggered building line. The dwellings would all be 5.5m wide and 10m deep, with the exception of the two end properties (plot no’s. 1 and 8), which would reach a depth of 10.8m. The dwellings would have pitched roofs to ridge heights of 9m (which would be staggered due to the change in land levels) and would incorporate front dormer windows and rear rooflights, with plots 1 and 8 having front and rear gables and side dormer windows. There would be a gated car park to the rear of the site containing 20 parking spaces, which would be served by the existing access

### **Description of Site:**

The application site is a two storey detached public house, currently vacant, with former beer garden and car park on the southern side of Ivy Chimneys Road, on the edge of Ivy Chimneys (which itself forms the edge of the town of Epping). The public house and front part of the beer garden are not located within the Metropolitan Green Belt, however the car park and rear section of the beer garden are.

### **Relevant History:**

EPO/0539/60 - Car park – approved 07/02/61

EPU/0072/62 - Extension to saloon bar – approved 21/08/62

EPU/0116/71 - Toilet block entrance and kitchen – approved 19/10/71

EPF/1082/83 - Extension to public house – approved/conditions 23/09/83

EPF/1282/89 - Retention of open fronted brick barbecue and change of use of part of rear field to children’s play area and overflow car park – refused 09/10/89

EPF/2523/10 - Outline application for the demolition of existing public house and erection of 9 no. three bedroom dwellings – withdrawn 21/01/11

**Summary of Representations:**

18 neighbouring properties were consulted and a site notice was displayed on 26/08/11.

TOWN COUNCIL – This proposal involves the loss of a community asset and would also lead to an increased population of young people in the area. Committee request the Planning Authority to consider requesting a Section 106 agreement in the sum of £40,000 to provide part of the funding to upgrade the nearby public play area. Committee also request consideration be given to providing greater architectural interest in the design of the front elevations of these dwellings.

GREENACRES, IVY CHIMNEYS ROAD – Object due to the impact on highway safety.

4 IVY CHIMNEYS ROAD – Object as this would be visually overbearing, an inappropriate design for the area, would result in traffic problems and highway safety issues.

13 IVY CHIMNEYS ROAD – Support the application if traffic calming measures are put in on Ivy Chimneys Road. With the addition of 8 houses this raises the likelihood of a fatality on this road.

**Policies Applied:**

CP2 – Protecting the quality of the Rural and Built Environment  
CP3 – New development  
CF12 – Retention of Community facilities  
GB2A – Development in the Green Belt  
H2A – Previously developed land  
H3A – Housing density  
H4A – Dwelling mix  
E4A – Protection of Employment Sites  
E4B – Alternative uses for Employment sites  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private Amenity Space  
DBE9 – Loss of amenity  
ST1 – Location of Development  
ST4 – Road safety  
ST6 – Vehicle Parking  
U3A – Catchment effects  
I1A – Planning Obligations

**Issues and Considerations:**

The main issues that arise with this application are:

- Principle of development
- Loss of the community use
- Loss of the employment use
- Design, layout and impact on street scene
- Impact to neighbouring amenity
- Parking and highway matters
- Landscaping issues

### Principle of development loss of employment and community use

The application site is a former public house located on the very edge of the town of Epping (in Ivy Chimneys). The site constitutes Previously Developed Land (PDL) and, whilst there is no presumption that land that is previously-developed is necessarily suitable for housing development, there is a national annual target set out in PPS3 that “at least 60 per cent of new housing should be provided on previously developed land”, which is reflected locally within policy H2A that seeks to deliver “at least 70% of all new housing on previously developed land”.

Regardless of a site’s designation as PDL one of the key considerations for housing development is sustainability issues. The site is located on the very edge of Epping. It is served by local buses with links to Epping Tube Station and the town centre. There are local facilities (Ivy Chimneys Primary School), however the tube station and town centre are a considerable walk from the site. Notwithstanding this though, it is considered that on balance the site is relatively well located in terms of sustainable transport.

Although the rear part of the site is located within the Metropolitan Green Belt, the proposed buildings are not. The parts of this development that encroach into the Green Belt are the car park and access road and the rear sections of gardens. As the access and car park exist at present it is not considered that their continued use would be any more detrimental to the openness or character of the Green Belt. The proposed gardens would be roughly in line with the established rear boundary line of the adjacent properties, and as such this encroachment into the Green Belt is similarly not considered inappropriate.

### Loss of the community facility

Public Houses are known as a social meeting place and considered in policy terms to be a community facility. Policy CF12 seeks to ensure community facilities will only be lost where it is conclusively shown that:

- i) *The use is no longer needed or no longer viable in its current location; and*
- ii) *The service, if it is still needed, is already, or is to be, provided elsewhere and accessible within the locality to existing and potential users.*

*Where planning permission is granted for proposals that will entail the loss of community facility, the Council will consider favourably alternative uses which fulfil other community needs.*

This policy then goes on to state that “*the Council may require the provision of a commuted sum, by means of a legal agreement, as a contribution towards the maintenance or upgrading of other local community facilities where these relate directly to the proposed development*”.

The applicant has stated within the Design and Access Statement that the pub became commercially unviable and closed in November 2009, and since this time the premises has been burgled (with 95% of the essential equipment for the running of the pub being stolen), flooded, and the building insurance has lapsed. There are known problems from Enterprise Inns (the brewery) supporting and financing their pubs, and as a result of this the level of expenditure required to reopen the pub ensures that the site is not commercially viable for this use. Further to this, Planning Officers are aware that the pub has been closed for some time and prior to its closure there were well known problems with its running and retention. Whilst the majority of other public houses within Epping are a considerable distance from the site, it could be argued that the service from this community facility is met by The Forest Gate Inn, which is within walking distance of the site.

Whilst no evidence has been provided as to why alternative uses to fulfil other community needs cannot be provided at this site, such needs are usually put forward by the Town Council. No such alternative community needs (i.e. a shop, community hall, etc.) have been highlighted as essential



by the Town Council and therefore are not considered to be required at this location. However the Town Council have requested that a £40,000 contribution be made to fund the upgrading of the nearby public play area.

This type of community benefit is justified to both outweigh the previously identified loss of a community facility and as the creation of eight additional four-bed (family) dwellings on this site would add pressure to the existing play area. Whilst no calculations have been provided by the Town Council as to how they arrived at the requested sum, the provision of a financial contribution for this use would meet the tests of policy CF12 and therefore, if Members consider this relevant, then such a contribution can be justified.

### Loss of the Employment use

In respect of employment policies, Policy E4A permits changes of non-designated employment sites to housing, subject to an independent appraisal demonstrating the following criteria being met:

- i) *That the site is particularly poorly located in relation to housing or access by sustainable mean; or*
- ii) *There are material conflicts with adjoining land uses; or*
- iii) *Existing premises are unsuitable in relation to the operation requirements of a modern business; or*
- iv) *There is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the plan period,*

*and there are very significant development or infrastructure constraints, making the site unsuitable or uneconomic for employment purposes.*

Apart from the above issues regarding the viability of the site as a public house, the only other reference to the loss of employment is the applicant's statement that "*when fully operational, the pub employed two staff and family members who never received wages. Hence there is no loss of employment as the pub has already closed*". The objectives of this policy are not to protect specific jobs but to ensure that existing employment sites as a land use are not lost except when appropriate. Whilst it is appreciated that the pub is vacant and therefore does not currently employ any persons, and it is accepted that when last open may have provided limited employment, the reuse of the site for the lawful use, or for alternative employment purposes, could provide additional employment to this area. However there has been no evidence provided to show that the site has been marketed for any significant period for reuse as a pub, and no alternative business uses explored.

Notwithstanding the above, whilst the site is well located in respect of local housing, in terms of accessibility the site has a peripheral location on the edge of the town of Epping and is situated on the fairly busy Ivy Chimneys Road, where there is little scope for safe on-street parking and established conflicts during peak school times. Furthermore, given the close proximity to residential dwellings it is considered that a more intense business use (i.e. offices) would be more harmful to the amenities of surrounding residents than the proposed housing. Furthermore, the existing access to the site is fairly poor and any intensification of use of this would likely be considered unacceptable.

The above issues raised by the applicant with regards to the financial viability of the site and lack of support from the brewery indicate that the site is no longer viable for use as a public house. Whilst the evidence to justify this is slim, Planning Officers are aware that the site has experienced problems in the past at retaining a viable pub.

Whilst the information submitted regarding the unsuitability of the site for business re-use is somewhat lacking, it is considered that, on balance, the site would not be suitable for reuse as a

public house or for alternative business use and therefore the application complies with this Local Plan policy.

#### Design, layout and impact to street scene

The proposed dwellings would be three storeys in height (the second floor being located within the roof slope) with traditional Essex pitched roofs. Whilst the style of the houses is modern and contemporary they would be reasonably traditional in form. External materials would also be mainly traditional consisting of fair faced brickwork and render walls with a slate tiled roof. The building line would be staggered and roofline cascading to reflect the topography of the land, built form of the surrounding area and to break up the expanse of built form.

Whilst the overall design of the dwellings is not repeated in the surrounding properties in the locality, Ivy Chimneys Road contains a wide mix of properties in a variety of size and styles and as such it is not considered that this proposal would be detrimental to the street scene. Whilst the proposed development would consist of a continuous run of dwellings, the buildings would be set in 3.8m and 8.7m from the site boundaries, which would retain an element of openness with views obtainable from the road of the countryside behind.

Given the size of the proposed dwellings each property should have 100 sq. m. of private amenity space. The majority of the houses have approximately 60/70 sq. m., which falls short of that suggested in the supporting text to policy DBE8. Notwithstanding this, given the relatively large front gardens and surrounding open spaces within walking distance, the reduction in private amenity space in this instance is considered to be acceptable. However, this strengthens the requirement to provide a financial contribution to improve the nearby public play area, particularly as these will be family housing.

#### Impact to neighbouring amenity

The adjacent neighbour would be located some 5.8m distance from the flank wall of the closest dwelling. Due to this it is not considered that there would be any undue loss of light or visual amenity to this neighbour. The overall bulk and scale of the development would be greater within the street scene than the existing pub, and therefore this would generally impact on the visual amenities of surrounding residents living opposite. However, the design and appearance is considered acceptable and it is not visually intrusive. The public house is in the middle of a residential area and has a large parking area and a beer garden. Its use can lead to disturbance to the neighbourhood particularly when people are leaving at night, so there is an argument that in comparison, a residential development overall is less likely to result in undue harm to the amenity of residents. However, officers conclude on this point that the redevelopment of the site for housing would not have any greater undue impact on neighbouring amenities than the existing or previous use of the site.

#### Parking and Highway matters

The proposals would provide 20 off-street parking spaces to the rear of the site, within the area of land previously used as a car park for the pub. This meets the requirements of the Essex County Council Vehicle Parking Standards (16 spaces for the future residents and 4 visitor spaces) and is therefore considered acceptable. Access would remain unchanged from that which presently exists and the design of the development (in particular the 1m set back of the front boundaries) would improve the sight lines to this existing access point. Whilst the access is still not up to current requirements the redevelopment of the site to eight dwellings would result in a reduction in vehicle movements from its current lawful use as a public house. Therefore, overall, this application would improve the highway safety of the site.

As the proposed development would increase the use of the nearby bus stops a legal agreement should be sought requiring works to be undertaken to improve these stops. The works required are as follows:

- The provision of raised kerbs to current Essex County Council specification for the west bound bus stop.
- The provision of a hard standing pad with raised kerbs for the east bound bus stop.

### Landscaping Issues

There are no significant trees or vegetation on site that require protection however, given the scale of the development, details of hard and soft landscaping should be submitted and approved to soften the impact of the buildings on this edge of town location.

### Other matters

The development is of a size where it is necessary to avoid generating additional runoff and provides the opportunity to improve existing surface water runoff. As such a Flood Risk Assessment is required, but this can be controlled by condition.

The layout is considered acceptable with regards to bin storage and collection.

Due to the presence of Made Ground there is the potential for contaminants to be present on the site. As this development is for residential use with private gardens the proposal is considered a particularly sensitive receptor. Therefore a contaminated land investigation is required to protect the health and safety of any future residents.

### **Conclusion:**

The proposed development is considered, on balance, to comply with the relevant Local Plan policies. Whilst the level of evidence provided regarding the loss of the pub and general employment site is somewhat lacking, other factors are considered material as to the possible reuse of the site for community or business purposes. As such the proposed development is recommended for approval, subject to conditions and a legal agreement requiring works to be undertaken to the two nearby bus stops and a financial contribution to redevelop the local play area.

***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:***

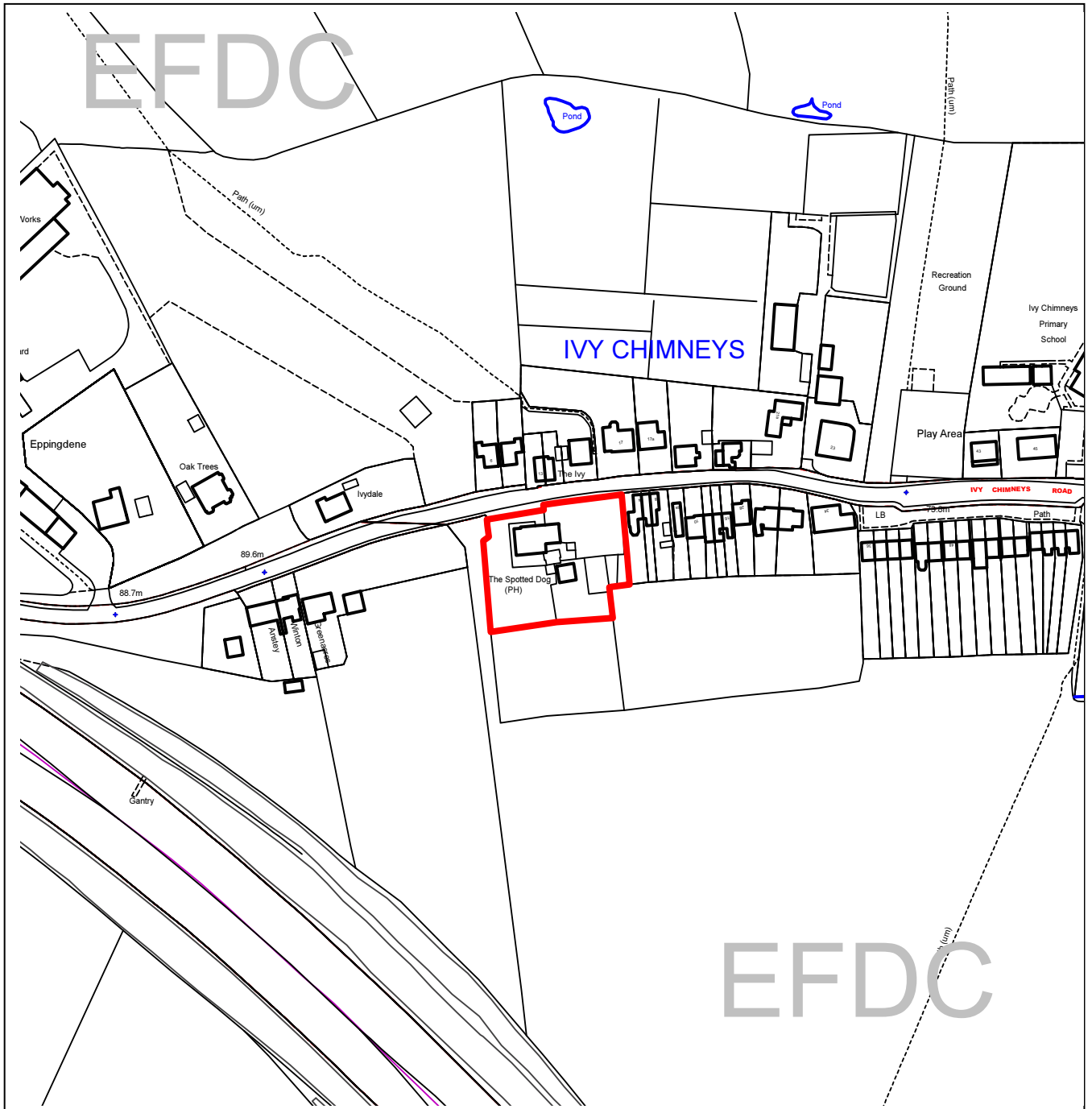
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/1661/11
Site Name:	Spotted Dog, 2 Ivy Chimneys Road Epping, CM16 4EL
Scale of Plot:	1/2500

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1668/11
<b>SITE ADDRESS:</b>	The Old Granary Copped Hall High Road Epping Essex CM16 5HS
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr L Joiner
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed single storey extension.
<b>RECOMMENDED DECISION:</b>	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=530397](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530397)

**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 samples 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

**Description of Proposal:**

Erection of a linked extension to existing dwelling to provide a living room, enabling the existing space to be reconfigured to provide 2 additional bedrooms. The proposed square lounge addition has a pyramidal roof and is linked to the existing building by a small glazed flat roofed link that will also act as the entrance porch to the building. The proposals also include reroofing the existing building with red clay tiles and roofing the addition to match.

### **Description of Site:**

The Old Granary, is an old grain store building that was converted with planning permission to a dwelling in 1998. It lies within the Copped Hall Conservation Area but is not listed. It is unusual in that it stands about a metre off the ground supported on Staddle Stones. It is a single storey black boarded building with a slate roof. The property lies to the north of the Copped Hall Mansion, within a group of a number of converted buildings and associated garages. The property is surrounded by trees within an irregularly shaped garden and is not readily visible from any public area.

### **Relevant History:**

EPF/1242/97 Conversion of Granary to dwelling – Allowed on appeal

EPF/1689/98 Retention of raised terrace – Approved

EPF/1736/98 Domestic shed- Approved

EPF/0136/00 Detached outbuilding comprising two double garages (1 for the granary and 1 for Stableyard cottage- approved

### **Policies Applied:**

GB2A Green Belt

HC6 Character appearance and setting of Conservation Areas

HC7 Development within Conservation Areas

HC14 Copped Hall

DBE9 Loss of Amenity

DBE10 Residential Extensions

### **Summary of Representations**

Parish Council –Object- Proposed new roof tiles are out of keeping with surrounding properties; overdevelopment of the site; harmful effect on conservation area.

4 neighbouring properties were consulted and a site notice was erected, the following representations have been received:

Willow Cottage Copped Hall – Object. The existing building is built on staddle stones making extension impossible without spoiling the original features. The design is inappropriate and harmful to the conservation area and the building. The proposal will make the property a 3 bed unit which will cause more traffic past my house causing noise and disturbance. The development fails to maintain the building in a way that is sensitive to its original design.

1 Hall Barns, Copped Hall – Object The building is of agricultural interest. The proposed extension will not incorporate stone staddle stones and includes a glass link that is out of character. The increased number of bedrooms will result in more noise and disturbance.

The Old Kennels, Copped Hall - Concerned that the design of the extension will detract from the building and the conservation area.

### **Issues and Considerations:**

The main considerations are the impact on the Metropolitan Green Belt, the design and impact on the Conservation Area and any possible impact on neighbouring residential amenity.

### Green Belt.

The building is an existing dwelling and both national guidance and local policy allows for “limited” extensions to dwellings in the Green Belt. The proposed addition adds approximately 40% to the size of the dwelling, and it is considered that on this small and previously unextended property the scale of the addition is not excessive. The property is not isolated, it forms part of the plethora of buildings within this part of the Conservation Area and the impact on openness of the green Belt is limited.

### Design in the Conservation Area.

Policies HC6 and HC7 of the adopted Local Plan require that new development is sympathetic to the character and appearance of the conservation area and is not detrimental to it.

The design of the addition has been carefully considered and is felt to be a suitable and appropriate solution to extending this unusual raised building. It leaves the original building virtually unchanged, retaining its character and adds a visually separate and subordinate element linked by an inobtrusive glazed structure. This is a method of extension that is often used on historic buildings. The Conservation officer has considered the proposal and advised that the development is acceptable in architectural terms. The use of clay tiles is appropriate to the location, it is a material generally used on buildings within the conservation area and the exact tile to be used can be controlled by condition to ensure that it is suitable.

The proposed addition is to be sited behind the existing building and will not be visually prominent within the conservation area, the detailing proposed is appropriate and the development will not adversely effect the character of the Conservation Area.

The development will not have any impact on the trees within the site, which are to be retained to maintain privacy and visual amenity.

### Impact on Residential Amenity.

Concern has been raised that the proposal changes what is currently a one bedroom dwelling to a 3 bed family dwelling, increasing the possible number of people occupying the property, thereby increasing traffic movements and leading to increased disturbance. The gravel access drive to the dwelling runs adjacent to the boundary of Willow Cottage. Whilst there is a possibility that there will be increased use of the site, the use remains residential and the potential increase in movements is not considered so great as to cause significant harm to residential amenity.

Overdevelopment. It has been suggested that the proposal amounts to overdevelopment of the site. The garden area of this property excluding the access drive is over 600 square metres. If extended the dwelling will have just 5 habitable rooms, giving a requirement for about 100sq m of garden to meet our current amenity space standards. It is not considered that this can be regarded as overdevelopment.

### **Conclusion**

In conclusion, the proposed addition is well designed and appropriate to the existing building and will not detract from the quality of the conservation area or cause excessive harm to neighbouring residential amenity, as such it is considered to comply with the policies of the Local Plan and Alterations and is 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: Jill Shingler  
Direct Line Telephone Number: 01992 554106**

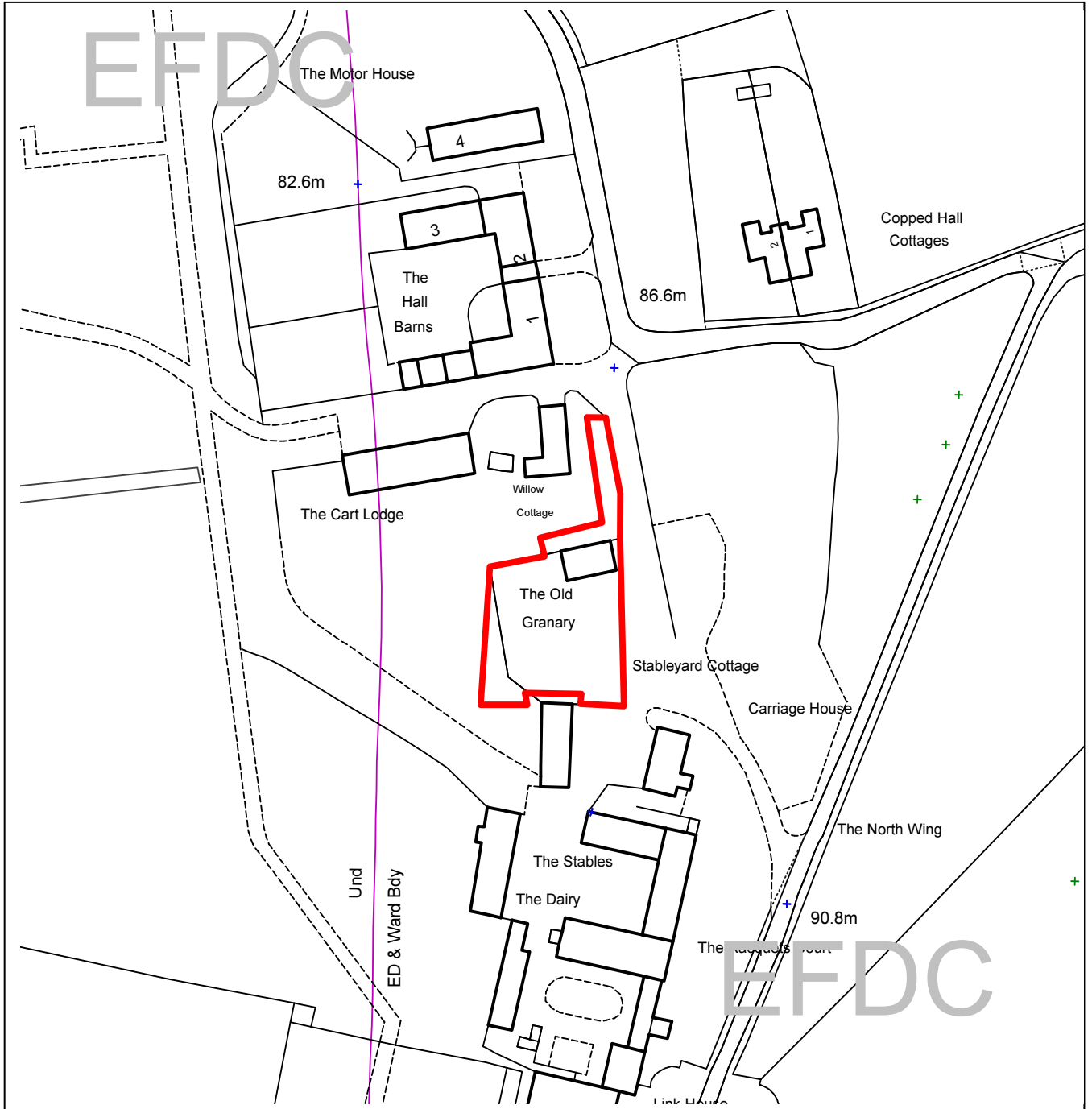
**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**





# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>7</b>
Application Number:	EPF/1668/11
Site Name:	The Old Granary, Copped Hall, High Road, Epping, CM16 5HS
Scale of Plot:	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1933/11
<b>SITE ADDRESS:</b>	Chase Farm Vicarage Lane North Weald Essex CM16 6AL
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Daniel Jones
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of building on site of former agricultural buildings for small scale storage (Units 15A-D) (Units 16A-G) and as a workshop (Unit 15E) (B8 storage and B1 light industrial uses only).
<b>RECOMMENDED DECISION:</b>	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=531386](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531386)

**REASON FOR REFUSAL**

- 1 The proposal constitutes inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist to clearly outweigh this harm, and therefore the development is contrary to PPG2 and policy GB2A of the adopted Local Plan and Alterations.

*This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))*

**Description of Proposal:**

The applicant seeks retrospective consent for the erection of a new building for B8 (storage) and B1 (light industrial) use. The building has a total floor area of 312 sq. m. and reaches a height of 3.5m. The building is divided into B1 use (Unit 15E) and B8 use (Units 15A-D and 16A-G).

The applicant seeks permission through this application, and EPF/1934/11, to regularise the site however, unlike the previous applications, there would no longer be any B2 use or car repairs taking place on site. Units 20, 29 and 50 are to be removed from site, and the front and rear garden areas of the agriculturally tied bungalow will be reverted back to residential curtilage.

### **Description of Site:**

Chase Farm is an isolated cluster of units accessed from Vicarage Lane in relatively close proximity to an area of glasshouse/nursery developments. The site is well established, is within the Green Belt and has relatively good vehicular access.

The site comprised an assortment of 71 units, plus 2 garages. 11 units serving as workshops, three units serving as office accommodation and the remainder of the units serving as storage. The site has a number of consented B8 uses with ancillary B1 functions, and Essex County Council have granted consent for Junk to Clear, a small scale waste disposal service, to operate from the site. To partially comply with the extant Enforcement Notice the B2 uses and car repairs on site have ceased, and some of the unlawful buildings are to be/have been removed.

The applicant proposes an informal parking layout throughout the site consisting of 35 spaces (to serve the Units dealt with by this application and those subject to EPF/1934/11) and opening times of 8am to 6pm Monday to Saturday and no opening on Sunday or bank holidays.

### **Relevant History:**

EPF/0478/06 – Change of use of redundant agricultural building for B8 storage with ancillary B1 purposes – Approved  
ESS/47/08/EPF and EPF/2222/08 – County Council application for retrospective consent for use of land for temporary storage and distribution of wastes from house clearance – Approved  
EPF/2107/09 – Retrospective application for change of use of buildings to B1, B2, B8 and car repairers – refused 09/12/10 (appeal dismissed 08/06/11)  
EPF/1934/11 – Continued use of former agricultural buildings for small scale storage (Units 6A-C); (Units 7A and B); (Units 21-28); (Units 30-32); (Unit 44); (Unit 43 storage yard) and workshops (Unit 14); (Units 40-42) and parking areas (B8 storage and B1 light industrial uses only) – currently under consideration

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and urban environment  
GB2A – Development in the Green Belt  
DBE1 – Design of new buildings  
DBE4 – Design in the Green Belt  
ST1 – Location of development  
ST2 – Accessibility of development  
ST4 – Road safety  
ST6 – Vehicle parking

### **SUMMARY OF REPRESENTATIONS:**

2 neighbouring properties were consulted and a Site Notice displayed on 04/10/11:

PARISH COUNCIL: Objects on the grounds that the proposal is detrimental to the amenities of local residents by reason of additional traffic movements and over development. When the property was used as a farm the site had substantially less traffic movements to and from the site.

### **Issues and Considerations:**

The main consideration is whether the retention of the building for B1 and B8 purposes is acceptable in this location and whether it would give rise to significantly unacceptable impacts to neighbouring amenity, local highways or the Green Belt beyond those generated by the lawful use

of the site. The previous application for the retrospective change of use of the entire site for B1, B2, B8 and car repair purposes was refused for the following reason:

*The development results in an over intensification of the use of the site, resulting in increased traffic movements and parking, harm to the amenity of neighbours and the visual amenity of the rural area contrary to policies CP2, GB8A, ST1 and ST2 of the adopted Local Plan and Alterations.*

This application was subsequently dismissed on appeal, with the main reasons for this being due to the erection of new, replaced and extended buildings erected for B1, B2 and B8 purposes, and as the site would be unrestricted in terms of its use so, whilst at that time predominantly used for B8 storage purposes, could have been more intensely used for B1 and B2 purposes. It was concluded that such a change would “*result in a scale of activity detrimental to the amenity of neighbouring users or to the character and appearance of this rural area*”.

#### Green Belt:

Within the previous appeal decision the Planning Inspector stated that “*it is clear that some buildings have been demolished and replaced, and other constructed where no buildings previously stood*”. He goes on to conclude that “*the proposals amount to inappropriate development in the Green Belt, and that in accordance with national policy there is a presumption against this development unless very special circumstances apply. The appellant has not put forward any particular circumstances, other than a wish to regularise the situation that has occurred. This includes the construction of buildings which do not have the benefit of planning permission. This cannot be said to amount to the very special circumstances necessary, and to do so would encourage the wider abuse of the planning system and the controls on development which apply in the Green Belt*”.

The only further arguments put forward in this application is that the new building replaces a previous agricultural building of a similar footprint and therefore would not be any more harmful to the openness of the Green Belt. Whilst a previous agricultural building may have stood within this location, this would have been an appropriate use within the Green Belt. The simple act of demolishing this building and erecting a new building for B1 and B8 purposes (which by definition are inappropriate development within the Green Belt), would be contrary to PPG2 and Local Plan policy GB2A. Clearly the previous agricultural building was incapable of successful conversion (which may have been considered acceptable), however the presence of a previous building on the land is in no way very special to this site and would not clearly outweigh the harm from this sizeable building. As such the proposed retention of this inappropriate development would be contrary to Central Government guidance and Local Plan policy GB2A.

#### Neighbouring Amenity:

The Planning Inspector previously stated that “*the predominant existing use for storage, much of it in the form of individual short-term tenancies, may not generate significant volumes of traffic sufficient to generate noise and disturbance resulting in an unacceptable loss of amenity for the occupiers of The Acorns (the closest neighbouring property)*”, however his main concern was that “*there is no certainty that that would remain the case if the units became used for offices under Class B1(a), or industry under Classes B1(a) of B2*”.

Unlike the previous application, which simply applied for a mixed B1, B2, B8 and car repair use throughout the entire site, this application has specified the uses of each individual unit. This equates to approximately 75% for B8 use and 25% for B1. As such, should planning consent be granted, then this would be for the individual use of each specific unit, and a condition could be added to restrict the permitted change of use within the Use Class. This would therefore limit the

majority of the building under consideration here to B8 use, which was previously considered by the Inspector to not cause “*an unacceptable loss of amenity*” to the neighbour.

### Access And Parking

Despite the previous reason for refusal, there has been no objection raised by Essex County Council Highways Officers regarding the proposal. A transport survey was undertaken on the site by the applicant in July/August 2010, to which daily vehicle counts ranged from 17-44. It is considered by ECC Highways that the activities have a significantly lower amount of movements than would usually be anticipated and that the access and local highway network is more than capable of accommodating the vehicle movements without adverse impact. Furthermore, as stated by the Planning Inspector, when predominantly used for B8 storage the site is unlikely to “*generate significant volumes of traffic*”.

Concerns were previously raised by Members regarding vehicles turning right out of the site, as access to the A414 is not available via a right turn. Although Highways would not permit a no-right turn sign on the road opposite the access, as this is not factually correct, the applicant has provided no right turn signs within the site on the access road to deter visiting traffic from turning right.

The Essex County Council Vehicle Parking Standards requires 5 vehicle parking spaces for this application (3 for the B1 Units and 2 for the B8), with a requirement of 11 spaces for the Units being considered under EPF/1934/11. The entire site contains at least 35 parking spaces, which is over and above the 16 required by the Vehicle Parking Standards, and therefore this is considered acceptable. However, notwithstanding this level of car parking on site, there have been previous complaints regarding the parking of vehicles along the access road to the site. A condition requiring fencing to be installed along the access road would prevent the overspill parking which historically caused concern.

### Conclusions

The previous application for the entire site was considered unacceptable and dismissed by the Planning Inspector as the erection of new and replacement buildings for business purposes constitutes inappropriate development that, by definition, is harmful to the openness of the Green Belt. As no very special circumstances exist that clearly outweigh this previously identified harm, the application is still considered contrary to PPS2 and Local Plan policy GB2A and is therefore recommended for refusal. The extant Enforcement Notice on the site requires the removal of this unlawful building so once refused the matter will be re-taken up by Planning Enforcement.

***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:***

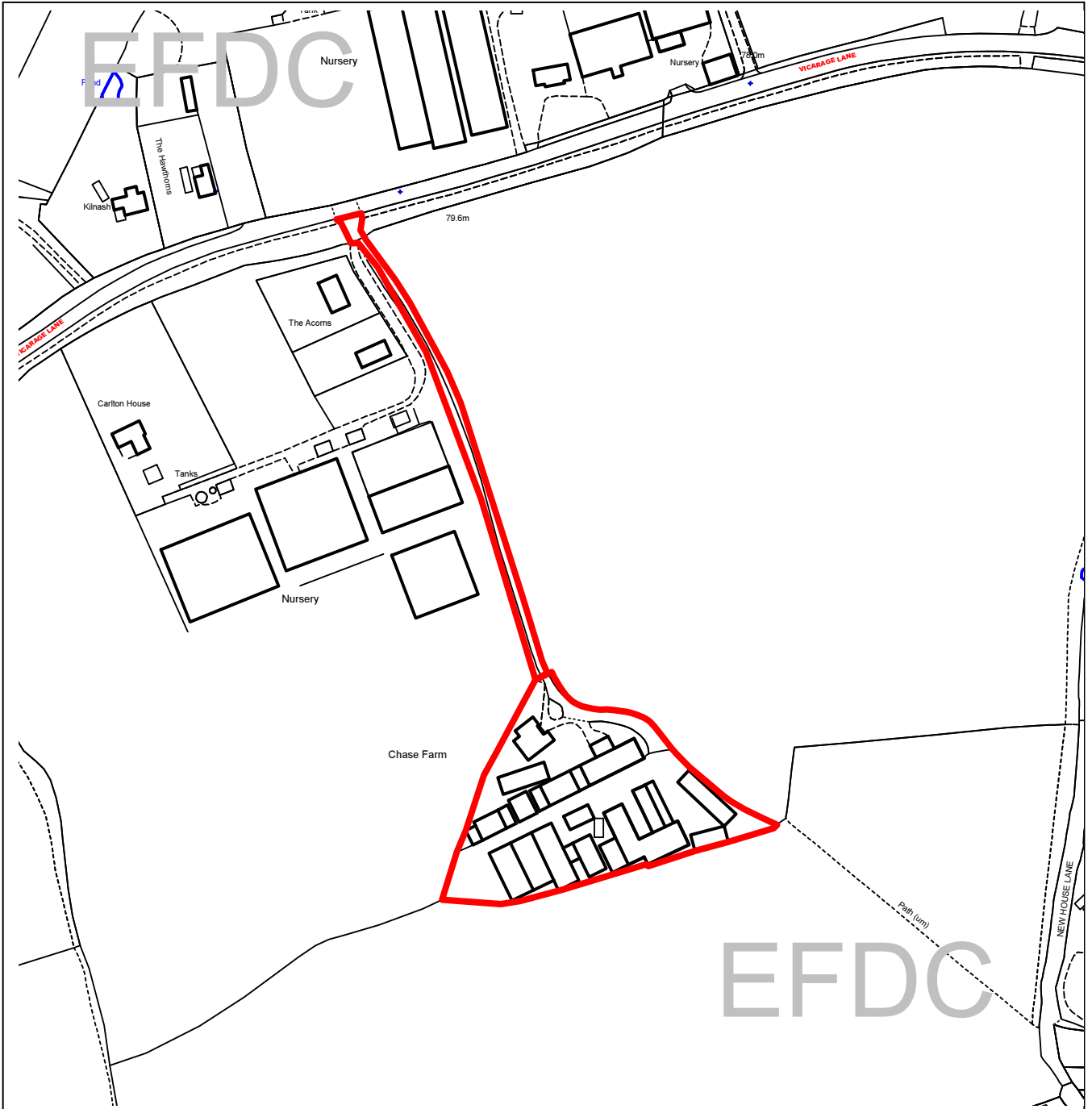
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/1933/11
Site Name:	Chase Farm, Vicarage Lane, North Weald, CM16 6AL
Scale of Plot:	1/2500

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1934/11
<b>SITE ADDRESS:</b>	Chase Farm Vicarage Lane North Weald Essex CM16 6AL
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Daniel Jones
<b>DESCRIPTION OF PROPOSAL:</b>	Continued use of former agricultural buildings for small scale storage (Units 6A-C); (Units 7A and B); (Units 21-28); (Units 30-32); (Unit 44); (Unit 43 storage yard) and workshops (Unit 14); (Units 40-42) and parking areas (B8 storage and B1 light industrial uses only).
<b>RECOMMENDED DECISION:</b>	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=531387](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531387)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1489/11 Rev: B, 1489/12 Rev: A, 1489/13 Rev: A.
- 2 There shall be no open storage or open working onsite or along the access at any time.
- 3 Units 6A to 6C, 7A and 7B, 21 to 28, 30 to 32, 43 and 44 (inclusive), as shown on Plan Ref: 1489/11 Rev: B, shall be used solely for B8 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.
- 4 Units 14, 40 to 42 and 44 (inclusive) shall be used solely for B1 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.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of

Part 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 The units hereby permitted shall not be open, operate or accept deliveries outside the hours of 8am to 6pm on Monday to Saturday and not at all on Sundays or Bank/public holidays.
- 7 The parking areas shown on the approved plan shall be retained free of obstruction for the parking of staff and visitors vehicles.
- 8 Within 3 months from the date of this notice, details and drawings of fencing and landscaping along the access shall be submitted to the Local planning Authority. The agreed fencing shall be erected in accordance with these details within 6 months of the date of its approval and the agreed planting implemented in the first planting season. The fencing and planting shall be retained and maintained in accordance with the approved details thereafter.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Proposal:**

The applicant seeks retrospective consent for the continued change of use of former agricultural buildings to a B1 (business) and B8 (storage and distribution) and associated car parking.

The buildings to be retained for B1 use are Unit 14 and Units 40-42. The buildings to be retained for B8 use are Units 6A-C, Units 7A and B, Units 21-28, Units 30-32, Unit 44 and the storage yard known as Unit 43.

The applicant seeks permission through this application, and EPF/1933/11, to regularise the site however, unlike the previous applications, there would no longer be any B2 use or car repairs taking place on site. Units 20, 29 and 50 are to be removed from site, and the front and rear garden areas of the agriculturally tied bungalow will be reverted back to residential curtilage to comply with the requirements of the extant Enforcement Notice.

### **Description of Site:**

Chase Farm is an isolated cluster of units accessed from Vicarage Lane in relatively close proximity to an area of glasshouse/nursery developments. The site is well established, is within the Green Belt and has relatively good vehicular access.

The site comprised an assortment of 71 units, plus 2 garages. 11 units serving as workshops, three units serving as office accommodation and the remainder of the units serving as storage. The site has a number of consented B8 uses with ancillary B1 functions, and Essex County



Council have granted consent for Junk to Clear, a small scale waste disposal service, to operate from the site. To partially comply with the extant Enforcement Notice the B2 uses and car repairs on site have ceased, and the unlawful buildings (Units 20, 29 and 50) are to be/being removed.

The applicant proposes an informal parking layout throughout the site consisting of 35 spaces (to serve the Units dealt with by this application and those subject to EPF/1933/11) and opening times of 8am to 6pm Monday to Saturday and no opening on Sunday or bank holidays.

### **Relevant History:**

EPF/0478/06 – Change of use of redundant agricultural building for B8 storage with ancillary B1 purposes – Approved  
ESS/47/08/EPF and EPF/2222/08 – County Council application for retrospective consent for use of land for temporary storage and distribution of wastes from house clearance – Approved  
EPF/2107/09 – Retrospective application for change of use of buildings to B1, B2, B8 and car repairers – refused 09/12/10 (appeal dismissed 08/06/11)  
EPF/1933/11 – Retention of building on site of former agricultural buildings for small scale storage (Units 15A-D) (Units 16A-G) and as a workshop (Unit 15E) (B8 storage and B1 light industrial uses only) – currently under consideration

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and urban environment  
GB2A – Development in the Green Belt  
GB8A – Change of use or adaptation of buildings  
ST1 – Location of development  
ST2 – Accessibility of development  
ST4 – Road safety  
ST6 – Vehicle parking

### **SUMMARY OF REPRESENTATIONS:**

2 neighbouring properties were consulted and a Site Notice displayed on 04/10/11:

PARISH COUNCIL: Objects on the grounds that the proposal is detrimental to the amenities of local residents by reason of additional traffic movements and over development. When the property was used as a farm the site had substantially less traffic movements to and from the site.

### **Issues and Considerations:**

The main consideration is whether the retention of the above specified units for B1 and B8 purposes are acceptable in this location and whether they would give rise to significantly unacceptable impacts to neighbouring amenity, local highways or the Green Belt beyond those generated by the lawful use of the site. The previous application for the retrospective change of use of the entire site for B1, B2, B8 and car repair purposes was refused for the following reason:

*The development results in an over intensification of the use of the site, resulting in increased traffic movements and parking, harm to the amenity of neighbours and the visual amenity of the rural area contrary to policies CP2, GB8A, ST1 and ST2 of the adopted Local Plan and Alterations.*

This application was subsequently dismissed on appeal, however the main reasons for this appear to be due to the level of new, replaced and extended buildings erected for B1, B2 and B8

purposes, and as the site would be unrestricted in terms of its use so, whilst at that time predominantly used for B8 storage purposes, it could have been more intensely used for B1 and B2 purposes. It was concluded that such a change would “*result in a scale of activity detrimental to the amenity of neighbouring users or to the character and appearance of this rural area*”.

#### Green Belt:

Whilst the previous application and appeal dealt with the retention of the entire site, this application only relates to the previous agricultural buildings that have been converted and their retention for B1 and B8 use (with the new/rebuilt units being considered under EPF/1933/11). Policy GB8A permits the change of use of buildings if a number of criteria are met. The buildings have proved to be capable of conversion as this application is retrospective in nature; the uses are contained within existing units and can be secured by condition to prevent additional impact to the openness of the Green Belt. Planning permission was previously approved for the change of use of former agricultural buildings on the site for B8 and ancillary B1 purposes, and it is not considered that the change of use of these buildings (or retention of) would be inappropriate development within the Green Belt.

PPS7 states that Local Planning Authorities should “*where relevant, give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*”. Furthermore, Central Government are currently encouraging sustainable economic development and puts top priority on encouraging and protecting business use. As the site is currently an employment site catering for several small businesses, the cessation of use of the buildings for B1 and B8 use would result in the loss of several jobs/businesses.

#### Neighbouring Amenity:

The Planning Inspector previously stated that “*the predominant existing use for storage, much of it in the form of individual short-term tenancies, may not generate significant volumes of traffic sufficient to generate noise and disturbance resulting in an unacceptable loss of amenity for the occupiers of The Acorns (the closest neighbouring property)*”, however his main concern was that “*there is no certainty that that would remain the case if the units became used for offices under Class B1(a), or industry under Classes B1(a) of B2*”.

Unlike the previous application, which simply applied for a mixed B1, B2, B8 and car repair use throughout the entire site, this application has specified the uses of each individual unit. This equates to approximately 75% for B8 use and 25% for B1. As such, should planning consent be granted, then this would be for the individual use of each specific unit, and a condition could be added to restrict the permitted change of use within the Use Class. This would therefore limit the majority of the buildings under consideration here to B8 use, which was previously considered by the Inspector to not cause “*an unacceptable loss of amenity*” to the neighbour.

#### Access And Parking

Despite the previous reason for refusal, there has been no objection raised by Essex County Council Highways Officers regarding the proposal. A transport survey was undertaken on the site by the applicant in July/August 2010, to which daily vehicle counts ranged from 17-44. It is considered by ECC Highways that the activities have a significantly lower amount of movements than would usually be anticipated and that the access and local highway network is more than capable of accommodating the vehicle movements without adverse impact. Furthermore, as stated by the Planning Inspector, when predominantly used for B8 storage the site is unlikely to “*generate significant volumes of traffic*”.

Concerns were previously raised by Members regarding vehicles turning right out of the site, as access to the A414 is not available via a right turn. Although Highways would not permit a no-right turn sign on the road opposite the access, as this is not factually correct, the applicant has provided no right turn signs within the site on the access road to deter visiting traffic from turning right.

The Essex County Council Vehicle Parking Standards requires 11 vehicle parking spaces for this application (7 for the B1 Units and 4 for the B8), with a requirement of 5 spaces for the replacement Units being considered under EPF/1933/11. The entire site contains at least 35 parking spaces, which is over and above the 16 required by the Vehicle Parking Standards, and therefore this is considered acceptable. However, notwithstanding this level of car parking on site, there have been previous complaints regarding the parking of vehicles along the access road to the site. A condition requiring fencing to be installed along the access road would prevent the overspill parking which historically caused concern.

### **Conclusions**

The main issues previously stated by the Planning Inspector were regarding the erection/extension of buildings within the Green Belt for an inappropriate use, and due to the potential impact that the site could have on neighbouring residents if altered to a more intensive B1 and B2 use. The current proposal is simply to retain the use of the former agricultural buildings for B1 and B8 purposes (and therefore does not propose any new buildings within this application), with the individual Units specifically named as to their Use Class (with 75% being B8). As such, and subject to relevant conditions, the application is considered to comply with Local Plan policies and Government Guidance 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:***

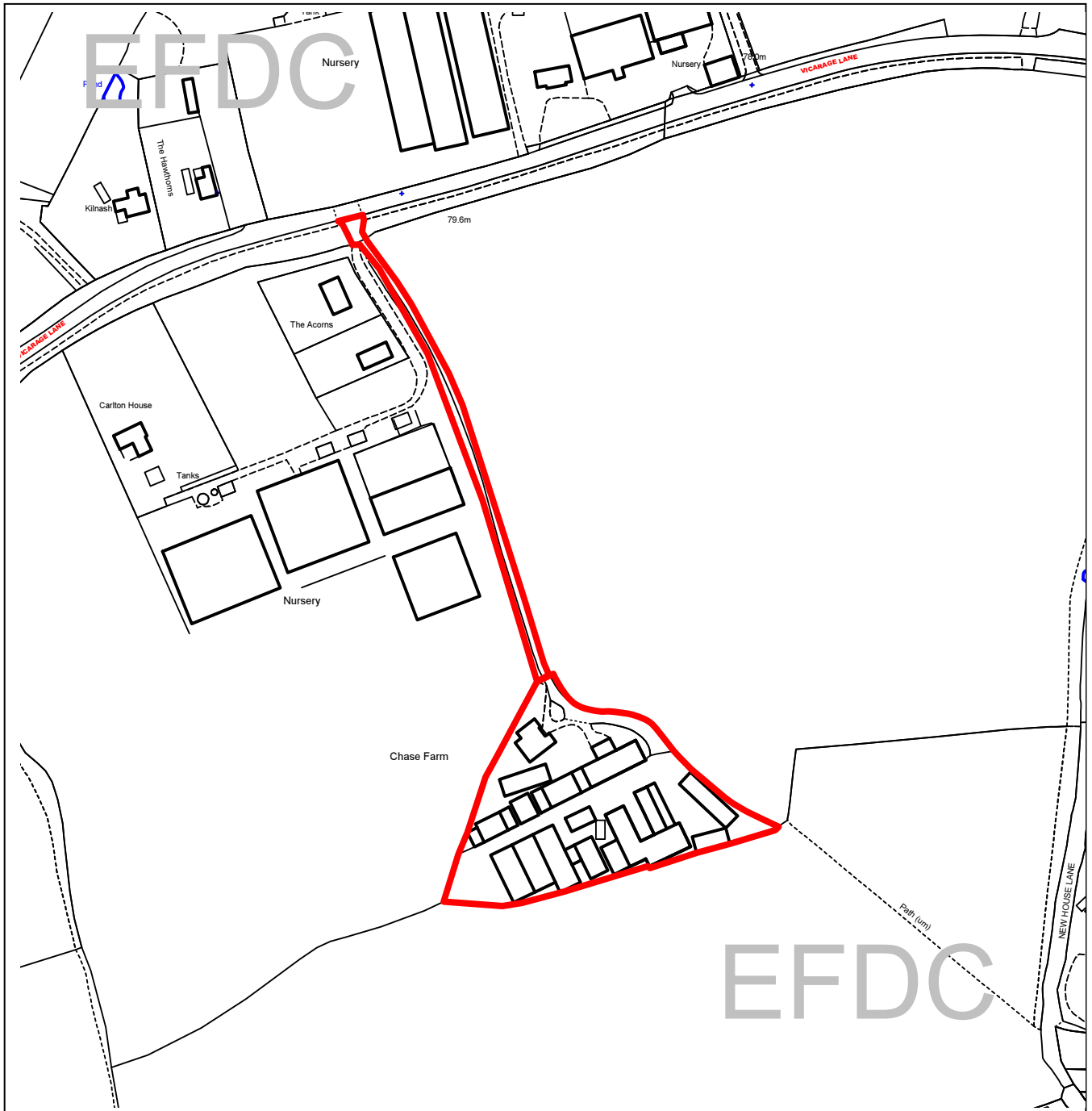
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/1934/11
Site Name:	Chase Farm, Vicarage Lane, North Weald, CM16 6AL
Scale of Plot:	1/2500