

# Committee Agenda



## Epping Forest District Council

### **Area Planning Subcommittee East Wednesday, 17th April, 2013**

You are invited to attend the next meeting of **Area Planning Subcommittee East**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 17th April, 2013  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Mark Jenkins - The Office of the Chief Executive  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Tel:  
01992 564607

#### **Members:**

Councillors A Boyce (Chairman), Mrs S Jones (Vice-Chairman), K Avey, Mrs H Brady, W Breare-Hall, T Church, 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. MINUTES (Pages 9 - 36)**

To confirm the minutes of the last meeting of the Sub-Committee, held on 20 March 2013 (attached).

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

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

**6. ANY OTHER BUSINESS**

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

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

**7. DEVELOPMENT CONTROL (Pages 37 - 80)**

(Director of Planning and Economic Development) To consider planning applications

as set out in the attached schedule

Background Papers:

- (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.
- (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

## 8. DELEGATED DECISIONS

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

## 9. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement

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

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

Background Papers

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

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

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

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

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

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

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

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

### **Can I speak?**

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

### **Who can speak?**

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

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

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

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

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

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

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

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](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 2012-13  
Members of the Committee:



Cllr Boyce	Cllr Avey	Cllr Brady	Cllr Breare-Hall	Cllr Church
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Cllr Gode	Cllr Grigg	Cllr Jacobs	Cllr Jones	Cllr Keska
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Cllr McEwen	Cllr Morgan	Cllr Philip	Cllr Rolfe	Cllr Stellan
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Cllr Waller	Cllr Whitbread	Cllr Janet Whitehouse	Cllr Jon Whitehouse
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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee East   **Date:** 20 March 2013

**Place:** Council Chamber, Civic Offices, High Street, Epping   **Time:** 7.30 - 9.55 pm

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

**Other Councillors:** -

**Apologies:** Mrs S Jones, P Gode and Mrs J H Whitehouse

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

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### 77. 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.

### 78. 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.

### 79. APOLOGIES FOR ABSENCE

The Vice-Chairman had tendered her apologies for the meeting, so the Chairman sought a nomination for a replacement for the meeting.

**Resolved:**

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

### 80. MINUTES

**Resolved:**

(1) That the minutes of the meeting held on 20 February 2013 be taken as read and signed by the Chairman as a correct record.

**81. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Morgan declared a personal interest in the following items of the agenda by virtue of the applicant being a neighbouring Farmer. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2404/12 New House Farm, Little Laver Road, Moreton;
- EPF/2405/12 New House Farm, Little Laver Road, Moreton; and
- EPF/2406/12 New House Farm, Little Laver Road, Moreton.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda by virtue of his daughter being a pupil at St John's School until June 2013. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2350/12 St John's Secondary School, Bury Lane, Epping.

(c) Pursuant to the Council's Code of Member Conduct, Councillors H Brady and M McEwen declared a personal interest in the following items of the agenda, by virtue of being acquainted with the applicant. The Councillors had determined that their interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2404/12 New House Farm, Little Laver Road, Moreton;
- EPF/2405/12 New House Farm, Little Laver Road, Moreton; and
- EPF/2406/12 New House Farm, Little Laver Road, Moreton.

(d) Pursuant to the Council's Code of Member Conduct, Councillor H Brady declared a personal interest in the following item of the agenda, by virtue of being the District Council ward member. The Councillor had determined that her interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0049/13 Land bordered by Mount End/Road, Theydon Mount.

(e) Pursuant to the Council's Code of Member Conduct, Councillor K Avey declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0036/13 217 High Street, Epping.

**82. ANY OTHER BUSINESS**

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

**83. DEVELOPMENT CONTROL****Resolved:**

(1) That the planning applications numbered 1 – 12 be determined as set out in the schedule attached to these minutes.

**84. DELEGATED DECISIONS**

The Sub-Committee noted that schedules of planning applications determined by the Director of Planning and Economic Development under delegated authority, since the

last meeting, had been circulated and could be inspected at the Civic Offices.

The Sub-Committee was informed that Theydon Bois Parish Council had submitted an objection to a planning application in its Parish, but the application was granted under delegated authority by Officers when it should have been submitted to the Sub-Committee for determination. The Principal Planning Officer stated that the Council was seeking legal advice regarding this particular planning decision.

**85. PROTOCOL FOR PLANNING SITE VISITS**

The Chairman informed the Sub-Committee of the proposed new protocol for Planning Site Visits, which would be considered at the next meeting of the District Development Control Committee. The Sub-Committee expressed their gratitude for the work undertaken by Members and Officers in revising the Protocol.

**CHAIRMAN**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0085/13
<b>SITE ADDRESS:</b>	42 Ladywell Prospect Sawbridgeworth Hertfordshire CM21 9PT
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/07/06 T1 - Birch - Fell
<b>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=544872](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544872)

**REASON FOR REFUSAL**

1. Although it is recognised that the tree is close to the house and produces pollen and other irritants, these issues are not sufficient to justify felling. The loss of such a visually important tree's existing and potential visual amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1558/09
<b>SITE ADDRESS:</b>	North Barn New Farm Drive Abridge Essex RM4 1BU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings (Resubmitted application)
<b>DECISION:</b>	Deferred

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=503931](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=503931)

Members deferred this application in order to carry out a site visit.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2256/12
<b>SITE ADDRESS:</b>	The Railway Arms Station Approach Theydon Bois Epping Essex CM16 7HR
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the Railway Arms Public House to be replaced by 4 No. 1 bed flats and 6 No. 2 bed flats with associated parking.
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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=543541](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543541)

**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: 745-PL-01D, 745-PL-02A and, in respect of tree removal only, drawing no DFC1375\_TPP.
3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
4. There should be no obstruction above 600mm within a 2m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
5. Prior to first occupation of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
6. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5

metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

7. Prior to first occupation of the development details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the permanent closure of the existing redundant vehicular access incorporating the reinstatement to full height of the kerbing and footway. The approved details shall be implemented within 3 months of the proposed new access being brought into use.
8. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
9. 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.
10. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
11. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
12. 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.
13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - 1...the parking of vehicles of site operatives and visitors;
  - 2...loading and unloading of plant and materials;
  - 3...storage of plant and materials used in constructing the development
  - 4...the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - 5...measures to control the emission of dust and dirt during construction, including wheel washing; and
  - 6...a scheme for recycling/disposing of waste resulting from demolition and construction works.
14. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 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.



**Subject to the completion, by 29 March 2013, of an agreement under S106 of the Town and Country Planning Act 1990 in respect of a contribution of £42,838.25 towards the provision of community facilities within the Parish of Theydon Bois and a contribution of £11,885 towards the provision of education within the District. Should the S106 agreement not be completed by the end of that day Officers are instructed to reassess the merits of the proposal and are given authority to refuse to grant planning permission under their delegated powers.**

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2350/12
<b>SITE ADDRESS:</b>	St Johns C of E Secondary School Bury Lane Epping Essex CM16 5EN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of conditions 24 and 25 of planning permission EPF/2295/11 (reserved matters application for demolition of school and erection of new school and residential development of 149 dwellings, including 38 affordable dwellings) to reduce the number of cycle parking spaces to be provided for the new school from a minimum of 322 to a minimum of 80 and to increase the number of permanent car parking spaces from a maximum of 44 spaces to a maximum of 76 spaces.
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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=543989](http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543989)

**CONDITIONS**

1. The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
  

School site: DPA/201 Rev. 05, DPA/202 Rev. 05, DPA/203 Rev. 05, DPA/204 Rev. 02, DPA/301 Rev. 02, DPA/302 Rev. 01, DPA/303 Rev. 02, DPA/401 Rev. 03, DPA/402 Rev. 03, DPA/501 Rev. 01, MCA0508/02b, MCAA0508/03C, 04C, 05C, 06C

Residential Site: 1331-P001, 1331-P004, 1331-P005, 1331-P006, 1331-P007A, 1331-P009, 1331-P010, 1331-P014, 1331-P015, 1331-P016, 1331-P017C, 1331-P019, 1331-P020, 1331-P024, 1331-P025, 1331-P026, 1331-P027, 1331-P028, 1331-P029, 1331-P031, 1331-P032, 1331-P033, 1331-P034, 1331-P035, 1331-P036, 1331P101-C
2. The materials for the school development hereby approved shall be those set out in the schedule of materials drawing DPA/701 Rev. 1. Details of the types and colours of the external finishes for the approved housing development shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development of the housing, and the development shall be implemented in accordance with such approved details.

3. All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
4. Wheel washing facilities detailed in the submitted site logistics plan and method statement shall be used during the school construction to clean all vehicles leaving the site.

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

5. The radii of the new road off Tower Road shall be the maximum possible, within the land ownership of the applicant and the details of this shall be submitted to, and agreed in writing by, the Local Planning Authority, prior to commencement of development of the residential element of the development.
6. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within 12 months from the occupation of such dwelling.
7. Any new planting by the vehicular access to plots 40 and 41 shall be set back outside of a sight splay of 2m x 31m.
8. Where existing trees in close proximity to the roadway are retained, details of protective measures to ensure the roadways/footpaths are constructed to an adequate standard shall be submitted to, and agreed in writing by, the Local Planning Authority. The works shall then be completed in accordance with these agreed measures.
9. Any trees proposed within the highway shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and sited clear of all underground services and visibility sight splays.
10. The development of the residential area and the public open space (green wedge), must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a

timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

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

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

11. If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
12. The approved landscaping scheme for the school site shall be implemented in accordance with the agreed details and the approved Management Plan by MCA Architects Ltd dated 26/11/2012. 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.
13. A Landscape Management Plan for each phase of development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of each phase of the development for its permitted use. The landscape management plan shall be carried out as approved.
14. The landscape scheme shall include full details of the proposed drainage for the playing fields and an associated swale pond including levels, layout and planting proposals for the pond.
15. No development within each phase of development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.

16. Prior to any works, including works of demolition or site clearance, on any phase of development, a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) for that phase shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
17. The public foot/cycle paths to link the school and residential development on the site and shown on the approved plans shall be implemented and retained in accordance with the approved scheme.
18. The garaging and parking spaces shown on the approved plans shall be provided prior to the first occupation of the development and shall be retained thereafter for the parking of residents and visitors vehicles.
19. The school hereby approved shall not be occupied until an access and car park management strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved strategy shall thereafter be implemented unless otherwise agreed in writing with the Local Planning Authority.
20. The school hereby approved shall not be occupied until space has been provided within the site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site clear of the highway, including provision for school buses. Such space shall be adequate to allow all vehicles to enter and leave the site in forward gear. It shall be retained thereafter free of any impediment to its designated use.
21. The scheme for improving the quality of the playing fields (including ground levelling and drainage and maintenance) submitted under EPF1444/11, or any subsequent scheme agreed in writing by the Local Planning Authority in consultation with Sport England, shall be implemented in accordance with the submitted details prior to occupation of the site.
22. The school hereby permitted shall not be occupied until a scheme for the community use of the school's sports facilities (including the sports hall, hard courts, and playing fields) has been submitted to and approved by the Local Planning Authority in consultation with Sport England. The scheme as approved shall be implemented unless otherwise approved in writing by the Local Planning Authority. The approved scheme shall be reviewed at not less than 3 year intervals to include the resubmission to, and approval in writing by, the Local Planning Authority.
23. The school hereby permitted shall not be occupied until a scheme for the community use of the school buildings has been submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented unless otherwise agreed by the Local Planning Authority. The approved scheme shall be reviewed at not less than 3 year intervals to include the resubmission to, and approval by, the Local Planning Authority.
24. The school hereby permitted shall not be occupied until provision has been made for a minimum of 80 secure covered cycle spaces in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

25. No more than 76 permanent car parking spaces shall be provided for staff and visitors within the new school site hereby permitted. Any proposals for the dual use of hard surfaced areas to provide additional parking out of school hours or for special events shall not be implemented without the prior written approval of the Local Planning Authority.
26. Prior to the occupation of the new school hereby permitted, a school travel plan, including arrangements for its monitoring and updating, shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The approved travel plan shall be implemented in accordance with an approved programme.
27. The existing school buildings shall not be demolished until the replacement school has been substantially completed.
28. No external lighting shall be installed within the grounds of the proposed school unless a scheme for its provision has first been submitted to and approved in writing by the Local Planning Authority.
29. Highway works in connection with this development shall be carried out in accordance with the details set out in the Legal Agreement under section 278, dated 18 July 2011 or any subsequent variation.
30. No part of the residential or school developments shall commence until details of on site drainage works to serve that part of the development have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed.
31. The existing pond and associated planting shall be protected during the course of the construction works from damage arising from the works. The landscaping scheme shall include plans and specifications for the protection measures (which shall include measures intended to retain existing water levels in the pond during and after the works) and a programme of implementation and monitoring of the pond protection measures.
32. All rear facing first and second floor windows in Apartment blocks A7 Plot numbers 2-6, 21-25 and 26-30 shall be obscured glazed and fixed shut to a height of 1.7 metres above internal floor height and thereafter retained as such.

**And subject to the completion within 1 month of the date of any resolution to grant permission, of a deed of variation to the existing Unilateral and legal agreements under section 106 in relation to EPF/1603/11 and EPF/2295/11 to ensure that they apply to the new consent.**

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2370/12
<b>SITE ADDRESS:</b>	National House 121 High Street Epping Essex CM16 4BD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Roof alterations and change of use from B1 to C3 for the rear portion of the building to provide 6 flats with the front portion of the building remaining in B1 use.
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=544042](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544042)

**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: 1207/01 Rev: PL1, 1207/02 Rev: PL1, 1207/03 Rev: PL1, 1207/04 Rev: PL3, 1207/05 Rev: PL3, 1207/05 Rev: PL3, 1207/08 Rev: PL1 (Existing Floor Plans), 1207/08 Rev: PL1 (Existing Site Plan), 1207/09 Rev: PL1
3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building, or as otherwise stated within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
4. The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents, staff and visitors vehicles.

*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))*

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2404/12
<b>SITE ADDRESS:</b>	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of units 2a, 3a and 7C1 to Class B2 use and alterations to previously approved lean to extensions (EPF/0359/08) to facilitate change of use
<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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=544170](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544170)

Members voted to grant permission subject to the alteration to condition 1 to further restrict the hours of operation to the hours as below. However 4 members of the Committee then stood to exercise their right to require the application to be referred to the District Development Control Committee for determination.

The application is therefore referred to DDCC with a recommendation from the Sub Committee to grant consent with the conditions set out below.

**CONDITIONS**

1. The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 09.00 - 17.00 hours Monday to Friday and 09.00 - 13.00 on Saturdays
2. No external storage or working outside shall take place at any time in connection with the uses hereby approved unless otherwise agreed by the Local Planning Authority.
3. The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
4. The uses hereby approved shall be contained within the buildings outlined on the submitted plan No 1198/1B and there shall be no further conversions of buildings at the site to non agricultural commercial activities, other than those approved by this application or application EPF/2405/12, including "building 5" currently in use for ancillary agricultural storage.



5. The premises referred to on the approved plan No 1198/1B as Units 2A, 3A and 7C1 shall be for the following stated B2 purposes, 2A Pitfield Brewery, 3A Joinery Workshop, 7C1 Vehicle Restoration, and for no other purpose in Use Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order).
6. Within four months of the date of this decision, details of equipment to suppress and disperse fumes and odours emitting from unit 3A shall be submitted to the Local Planning Authority for approval. The equipment shall be installed within three months as agreed. The equipment shall be effectively operated and maintained for as long as the use continues.
7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2405/12
<b>SITE ADDRESS:</b>	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of units 3B, 3C, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use.
<b>DECISION:</b>	Refer to District Development Control Committee

**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=544171](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544171)

Members voted to change condition 1 to reduce the hours of use to match those agreed for the previous application (EPF/2404/12).

The initial motion on the Officer's recommendation to grant permission was lost. A motion to refuse the application (with reasons) was tied, at which point 4 members of the Sub Committee stood before the Chairman could exercise his casting vote, and as a result it was agreed that the application be referred to District Development Control Committee with no recommendation.

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2406/12
<b>SITE ADDRESS:</b>	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed grain storage building.
<b>DECISION:</b>	Refer to District Development Control Committee

**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=544172](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544172)

Members did not discuss this proposal and voted to refer the application to District Development Control Committee with no recommendation.

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2465/12
<b>SITE ADDRESS:</b>	Willow House The Street Sheering Essex CM22 7LR
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment of the northern part of the site creating two detached dwellings with a new vehicular and pedestrian access from The Street via a vehicular bridge.
<b>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=544444](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544444)

Members were advised that the independent assessment of required financial contribution towards affordable housing had concluded that £207,777 was required and that the applicant had agreed to pay this figure via a legal agreement should the application be approved. However the application was refused.

**REASON FOR REFUSAL**

1. The application site is located within the Metropolitan Green Belt and the erection of two dwellings constitutes inappropriate development. There are no very special circumstances that clearly outweigh this harm and as such the development is contrary to the guidance contained within the National Planning Policy Framework and policy GB2A of the adopted Local Plan and Alterations.

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0036/13
<b>SITE ADDRESS:</b>	217 High Street Epping Essex CM16 4BL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of front window shutter and box
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=544675](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544675)

Members took the view that given the current economic state, the need to encourage and support small business in the High Street and the specific current issues with regard to this particular site with regard to crime and vandalism in this location in close proximity to a nightclub, the application could be supported, but that as it was not a form of development that would normally be considered acceptable in the Conservation Area only a temporary consent for a period of 5 years should be granted so that the need for the development could be reassessed at that time.

**CONDITIONS**

1. This consent shall inure for a temporary period of 5 years after which the shutter and shutter box shall be removed and the shopfront made good.

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/0049/13
<b>SITE ADDRESS:</b>	Land Bordered by Mount End/Mount Road Theydon Mount Epping Essex CM16 7PL
<b>PARISH:</b>	Theydon Mount
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of land for horsekeeping and the erection of 4 wooden stables and associated storage on a concrete slab base.
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=544751](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544751)

**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 following approved drawings:
  - OS Map referenced 2011\_2058512;
  - Elevations and floor plan on Chart Timber Buildings drawings dated 16.10.12; and
  - Block Plan of Proposed Stable Layout dated 30/11/12.
3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
4. The stable block hereby approved shall not be used for any business or commercial purpose, including use as a livery.
5. Prior to first use of the development, a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
6. No unbound material shall be used in the surface treatment of the vehicular access within 6.0 metres of the highway boundary.

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.

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/0297/13
<b>SITE ADDRESS:</b>	Nine Ashes Farm Rookery Road High Ongar Ingatestone Essex CM4 0LD
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>DESCRIPTION OF PROPOSAL:</b>	Minor material amendment to development approved under planning permission EPF/2543/11 (Change of use from Agricultural to use for residential purposes (Use Class C3a) and for the construction of 8 semi detached three bedroom houses. Demolition of existing redundant buildings on the site. (Revised application) To include details of approved non-material alterations (EPF/1738/12 and EPF/0127/13) and correction of ownership certificate
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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=545791](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545791)

**CONDITIONS**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
3. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ETW 01 rev.B; ETW 03 rev.B; ETW 04 rev.E; ETW 10 rev.J; and ETW 20 rev.E
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no side extensions generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
5. No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.



6. 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 in writing 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]

7. 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]

8. 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]

9. 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.
10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. the parking of vehicles of site operatives and visitors;
  2. loading and unloading of plant and materials;
  3. storage of plant and materials used in constructing the development;
  4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  5. measures to control the emission of dust and dirt during construction, including wheel washing; and
  6. a scheme for recycling/disposing of waste resulting from demolition and construction works.
11. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
12. Prior to occupation of the proposed development, the Developer shall submit and have approval in writing from the Local Planning Authority a Travel information and Marketing Scheme for sustainable transport. The developer shall be responsible thereafter for the provision and implementation of the scheme in accordance with the approved details.
13. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

**Subject to the completion, by 5 August 2013, of a legal agreement under S106 of the Town and Country Planning Act 1990 in respect a financial contribution of £21,000 towards the provision of affordable housing within the District and a financial contribution of £4,000 towards off-site highway works. Should the legal agreement NOT be completed by 5 August 2013 Delegated Authority is given to the Director of Planning and Economic Development to refuse planning permission.**

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## AREA PLANS SUB-COMMITTEE 'EAST'

Date 17 April 2013

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

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3	EPF/2452/12	The Old School House Coppice Row Theydon Bois CM16 7DL	Grant Permission (With Conditions)	59
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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1558/09
<b>SITE ADDRESS:</b>	North Barn New Farm Drive Abridge Essex RM4 1BU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr & Mrs K G & H E Hart
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings (Resubmitted 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=503931](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=503931)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions of buildings generally permitted by virtue of Schedule 2, Part 1, Classes A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 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]

- 5 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 in writing 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]
- 6 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 in writing 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]
- 7 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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 in writing. The approved monitoring and maintenance programme shall be implemented.
- 8 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.



*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))*

**This item was deferred from the last meeting to allow members to carry out a site visit. The original report is reproduced below.**

**Description of Site:**

The application site is an area of approximately 0.25 hectare, upon which there is a large hay barn. The hay barn is part two part single storey. The appearance of the hay barn is somewhat domestic, with a main entrance leading into an area with a staircase leading up to the first floor. There are several openings in the barn and there is an integral cart lodge. The floor level of the barn varies with the site and accordingly, the internal floor is staggered, although only by a couple of steps. At the time of the site visit, the barn was mainly empty. A few items of furniture were stored in the barn and there were a number of tools, which the owner advised were used for maintaining the boundary fencing.

**Description of Proposal:**

This application seeks planning permission for the conversion of an agricultural barn to a single four bedroom dwelling. Minor elevational alterations are also proposed comprising fenestration changes, the insertion of roof lights and the addition of a solar panel of approximately (2.7 x 3m) on the rear roof slope.

The barn was erected with the benefit of planning permission granted in 1998. The Applicant advises that the barn was substantially completed by June 1999 and used (by the Applicant) for the storage of hay until 2002. The Applicant has provided an aerial photograph of the constructed barn, taken on 6<sup>th</sup> September 1999 and the barn is also visible within the Council's own aerial photographs taken in 2000.

**Relevant History:**

EPF/0789/98. Agricultural building. Approved 24/08/98.

In April 2006, planning permission for a barn on the site opposite (at Red Cottage) was refused on the basis that the application failed to supply sufficient information to justify that the barn was demonstrably necessary for the purposes of agriculture and that the building would be an incongruous addition to the area, having a harmful effect on the green belt.

EPF/2268/07. Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings. Refused December 2007 for the following reason:

*Due to the limited agricultural use of the barn following its construction within the last ten years, there is insufficient evidence to satisfy the Council that the works within the last ten years were not completed with a view to securing a residential use of the building, contrary to policy GB8A of the Adopted Local Plan and Alterations.*

**Policies Applied:**

**Adopted Local Plan and Alterations**

DBE1 – Design of new buildings

DBE2/9 Impact on neighbours  
DBE4 – Development in the green belt  
DBE8 – Private amenity space  
GB2A – Development in the green belt  
GB8A – Change of use or adaptation of buildings  
GB9A – Residential conversions  
ST4 – Road safety  
ST6 – Vehicle parking

### **Summary of Representations:**

Notification of this application was sent to Lambourne Parish Council and to 2 neighbouring residents. Due to the passage of time for which the planning application has been lodged, the views of the Parish Council were recently sought again. The comments received are listed below:

LAMBOURNE PARISH COUNCIL. Objection. *The Parish Council have discussed the above application and **Object** to this application.*

It was agreed at the meeting of Lambourne parish council that took place on 16th January 2013 that our comments of 21<sup>st</sup> September 2009 still stand as we do not consider that the green belt issues have in any way been overcome. As before, our recommendation is that you should refuse this application.

Our previous comments were as follows;

*It is felt that this planning application has not addressed the concerns that were raised in the original planning application (EPF/2268/07) and therefore the comments from this planning application still stand as follows:*

*“The plans state that this barn is redundant and not needed, and therefore the owners wish to convert it to a house. However, we understand that a local person has been in contact with the owners, interested in purchasing this barn to use it for agricultural purposes and this offer was declined. Therefore this barn is not redundant as it appears to be needed for agricultural purposes in the vicinity. It also states that this barn was built in 1998 which is misleading as the building works did start in 1998 but it was not finished until approximately 2001.*

*Since this barn was built there has been no evidence that this building has ever been used for agricultural purposes. It is felt locally that in appearance this barn resembles a house, and the intention of the owner has always been to build a home on this piece of land and the original plans for a barn were a means to this end. It is also believed that a fireplace and staircase were built originally in the barn which is not the usual internal features for a barn and therefore reiterates the intention for the building from the start”*

*The conversion of this agricultural barn would also have an impact on the greenbelt as there will be a dwelling plotted on the greenbelt as opposed to an agricultural barn and there will have to be vehicles accessing the property on the greenbelt.*

To our previous comments we wish to add that ‘North Barn’ has never been used as a barn for the agricultural purpose on which the original application to build it was based. Moreover, it is common knowledge that the agricultural land which the barn was meant to serve was sold off shortly after the barn was constructed. We would also remind the planning department that the parish council previously pointed out that in its very appearance this building resembled more a house than a barn, and local reports of a fireplace and stairs constructed internally reinforce this opinion. In our view, all of the above would appear to indicate that by initially building a barn and leaving it empty, the owners only ever intended to create for themselves a new dwelling within the green belt.

In our view, 'North Barn', cannot be referred to as a 'redundant agricultural barn' - as can old farm barns which after years of service on an agricultural holding are converted into dwellings when no longer suitable for modern farm use. We would ask what evidence the owners have in order to be able to claim that this barn is redundant. If they do not need it themselves as they originally claimed they did, has it been advertised for use as an agricultural barn or offered for sale for this purpose? As we previously reported to the planning department, an offer to purchase the barn was made by a local farmer who wanted to use it for agricultural purposes, but this was rejected by the owners. We now understand that this same farmer is still keen to purchase the barn for agricultural use at an agricultural price.

In a situation where no agricultural use for a barn, built in the green belt on the grounds of agricultural need, can after all be found, the obvious course of action, in our opinion, is that it should be demolished. If this application for conversion to a residence is now granted, the expectation for anyone wishing to construct a new dwelling within the green belt would be that they only have to gain permission to build an agricultural barn, leave it unused for the purpose of agriculture and wait until such a time as the planners agree to its conversion to a house

We wish to add that we are surprised that a local person now writes wholeheartedly in support of the barn's conversion. We would draw to the attention of the planning department that they should have on file a letter previously written to them by this same person who then objected to the barn being converted.

In conclusion, we are at a loss to understand how the granting of this application conforms to National Planning Policy. By failing to protect the green belt which is our prime concern, in no way does this decision reflect the current policy of Localism, whereby local people should have a greater say in the development within their own community. There is little point in consulting the parish council for our views on local planning matters if the opinions and local information we provide, as responsible elected representatives of the community, are ignored.

CHALET KENNELS, NEW FARM DRIVE. Objection. We maintain our assertion that the construction of this barn was undertaken with a view to gaining its conversion to a residential property and the financial gains this will bring. At the time of the last planning application, when the applicants representative attempted to demonstrate that the works were not completed on this basis, the Council considered that this demonstration failed the policy test. We believe that position has not changed and therefore is still relevant. The barn has been put to no use since 2002 a fact agreed upon in 2007. Although the claim was made in 2007 that the land it served had been sold off and therefore the use of the barn was no longer required, there has been no attempt to gain an occupier - a period of marketing would be appropriate to demonstrate this position. Issues of traffic generation are not relevant to agricultural use, as this would not require planning consent. As owners of surrounding land we have concerns about how any future use may impact on our existing commercial operations – currently we farm the surrounding fields, keep pigs and run a successful kennels to the south of the barn. These uses will potentially impact upon the residential amenities of any future occupant of that barn and we wish to avoid a situation whereby our existing commercial uses become the subject of objection by a future occupiers and thus our business operations become compromised or unable to expand.

NORTH LODGE, NEW FARM DRIVE. No Objection. "I write to advise you that I have NO objection to the above application submitted by Mr. and Mrs Hart who own the barn at the top end of New Farm Drive . I did not object to the above application when consulted in 2009 nor since. I would appreciate that you pass these comments onto the Parish Council who are misinformed. There is little evidence to support the view that conversion of the Hart's barn to residential use would have any detrimental effect on the amenity we now "enjoy" in the lane outside my house. The addition of another property constructed in a manner consistent with and sympathetic to its location would, I feel be positive. I have lived in North Lodge since spring 2002 and there is little

doubt that the lane has changed in character, largely as a result of the business activities of my next door neighbour. There is no longer a quiet ambiance to protect and, in any event, the addition of another house will have little impact on overall levels of traffic in the lane.

I understand that this application will be brought to the planning committee for decision, due to the Parish Council's repeated objection. This is surprising, as this decision appears to have been made in support of and for the benefit of Mr. Gilbert who has objected to the Hart's application.

My sense is that Mr. Gilbert is indifferent, even contemptuous, of the planning process and does exactly as he pleases, with no regard to planning laws or their officers, seeking retrospective planning permission only requested to do so as a result of enforcement activities. I believe that his house, then " Red Cottage " was the huge subject of just such a process but ultimately gained UNANIMOUS support from the Parish Council despite Mr. Gilbert's egregious attitude to planning law. After such a fiasco I was asked to sign a letter to confirm that I was happy for the house to remain, which I did, after the committee were of a mind to demolish it. !. Even though it stood 2 meters higher than the plans, seriously impacting on my own property. I understand that the Parish Council voiced no objection to all further retrospective planning applications submitted by Mr. Gilbert. Such disparity of views are difficult to appreciate and are noted. Contrary to the above it would appear that the Hart's have followed all proper planning procedures and my understanding is that the proposed redevelopment of the barn is consistent with current local and national guidelines and meet with approval from the Planning Department of the local council. Therefore, there is no logical basis for further objections or refusals."

### **Issues and Considerations:**

The main issues in this case are:

1. Whether the buildings are capable of conversion without any major or complete reconstruction;
2. Whether the conversion is acceptable in terms of green belt policy;
3. Whether there would be any adverse impact on the amenities of the occupiers of neighbouring dwellings;
4. Whether the proposed physical alterations to the building would have an acceptable appearance;
5. Whether the proposed dwellings would have adequate amenity space; and
6. Highway and parking matters.

Consideration of the above matters is largely the same as when the 2007 planning application was considered, with the exception that it can now, far more clearly, be demonstrated that the building was constructed more than ten years ago, which does change the consideration of the proposed use in relation to Green Belt polices. The principle for the conversion of buildings within the Green Belt, set out in policy GB8A of the local plan, which is generally consistent with guidance contained within the NPPF, which states that the re-use of buildings of permanent and material considerations is given below. However, the local plan policy does include additional criterion, which are not repeated within the National Planning Policy Framework and accordingly only limited weight may be applied to those criteria when determining planning applications.

Furthermore since the previous planning application was refused, a further issue relating to the proximity of the site to a suspected landfill location has been identified. This matter has necessitated very careful and thorough consideration by both the Applicant and the Council's Contaminated Land Officer, working in association with planning officers. This issue is explained under 'point 7', below.

1. Capability of building for conversion

Policy GB8A of the local plan alterations requires that the building is of permanent and substantial construction and capable of conversion without major or substantial reconstruction. The building is of recent construction and appears to be easily capable of conversion for residential use without the need for major or complete reconstruction. To the contrary, the only changes proposed are the insertion of windows, many of which would replace existing openings within the barn and other elevational changes.

## 2. Green belt policy

In addition to the above, policy GB8A also requires that the use would not have a materially greater impact on the green belt than the present use and the associated traffic use would not be harmful to the countryside. It is considered that the traffic arising from a residential use would be less than for an agricultural or commercial use and accordingly, there would be less of an impact.

Policy GB8A also requires that the Council is satisfied that works within the last ten years were not completed with a view to securing a use other than that for which they were ostensibly carried out. It is on the basis of this criterion that the previous planning application was refused. However, it is now the case that the barn has been erected for a period in excess of ten years and the requirements of these policies are satisfied.

Objections are raised against the proposed conversion on the basis that the barn could be used for agricultural purposes by another party. However, there is no requirement within the Local Plan that requires that agricultural uses are considered in preference to residential use, nor that the building is redundant. It is, not, therefore, considered that the existence of an interested party who could make agricultural use of the barn provides justification for withholding planning permission.

Policy GB8A does states that preference will be given to employment generating uses such as recreation, tourism, small workshops and storage. In this instance, due to the location of the barn at the end of a narrow lane which runs through the kennels site, it is considered that the vehicular movements arising from an employment generating use would be harmful. Finally, this policy states that where possible, conversions will employ sustainable design and construction techniques, as set out in policy CP4. As limited building works are proposed, there is a limit to the extent of sustainable design and construction which may be possible. However a solar panel is proposed on the rear roof slope. As this faces in a westerly direction the sun it receives will be limited, but should be sufficient to ensure that it is productive, in the absence of a south facing roof slope.

Furthermore, policy GB9A states that residential conversions of rural buildings worthy of retention will not be permitted unless either it has been demonstrated that business reuse is unsuitable, or the residential conversion is a subordinate part of a business scheme or the development is for the purposes of agriculture, horticulture or forestry. It is considered that due to the limited vehicular access to the site, re-use for business purposes would not be practical. Furthermore, this policy has only limited consistency with the NPPF, which although it offers support and encouragement for business enterprise within rural areas also encourages additional housing development.

## 3. Amenities of neighbouring properties

Due to the location of the building in relation to neighbouring property, it is not considered that there would be a material loss of residential amenity. The window proposed in the side of the master bedroom would be located approximately 20 metres from the site boundary and would not, therefore, result in any material overlooking of this neighbouring property.

#### 4. Appearance

The external alterations proposed to the building involve the insertion of windows and a solar panel and the addition of a wall and doors/windows to the existing cart lodge. The proposed solar panels would be located to the rear of the building and would not, therefore, be visible from the lane. Whilst they would cover a large area of the roof, it is considered that their environmental benefits outweigh their appearance. The remaining alterations are minor in scale and it is not considered that they would harm the appearance of the building.

#### 5. Amenity Space

DBE8 of the local plan requires that new dwellings have an adequate area of private amenity space. The site around the barn extends approximately 30 metres to the rear and is considered to be ample space.

#### 6. Highway and parking matters

The barn would be accessed from the private narrow lane, which forms a continuation of New Farm Drive and is the access to the barn at present. It is considered that the proposed use would attract fewer vehicular movements than the agricultural use and accordingly, the retention of the existing access is considered to be acceptable. There is a gravel area to the front of the barn which would provide off street parking for several vehicles.

#### 7. Land Contamination

As the application relates to a barn conversion, the structure of the barn must remain intact. The barn is located in an area that EFDC's records indicate was formerly a hazardous landfill. Ground investigation undertaken to date has indicated that waste materials are likely to extend beneath the building. A ground investigation by the developer has recorded concentrations of volatile organic compounds (VOCs) in monitoring standpipes.

Usually the investigation and remediation of contaminated land is a matter which is reserved for post-approval consideration, as a requirement of a planning condition. However, in this case because the barn is already built (and therefore options to remediate the land are restricted to those that can practicably be undertaken around the building in situ. This issue was further compounded by the location of the suspected contamination, directly below the building, which removes options which are otherwise usually available including the erection of a 'cut off' wall to prevent the spread of contaminated land.

The Council has sought the opinion of an external consultant to establish whether or not it is feasible to undertake necessary works to ensure suitable land quality in a worse case scenario. The issue of feasibility is important, as if necessary works were not feasible, or financially proportionate to the development proposed, then the imposition of a planning condition requiring the works to be undertaken would not comply with guidance issued by central Government.

The Council's consultant has confirmed that:

*The investigation data indicates that there is a potential risk to future residents from soil vapour, in particular chlorinated solvents. On the basis that no active gas flows have been identified, it is considered that the vapours could enter the building via diffusion to the ground surface beneath the building and then migrate into the building via passive diffusion or flow driven by pressure differences (such as the stack effect which causes a pressure difference created by heating the building). The location and concentration of the chlorinated solvent source have not been identified.*

*It is possible that further site investigation and monitoring could be carried out to define the source and better define the risk (potentially demonstrating that the risks from vapours are acceptably low).*

*Alternatively the potential risk to future residents could be mitigated by installing a vapour barrier over the floor slab in combination with a passive venting layer (void former/ ventilation pipes). If such remediation measures are implemented, verification and validation to confirm that the membrane and void former have been properly installed should be carried out and reported to the Local Authority.*

*On this basis it would be possible to remediate the site appropriately to allow the risks from vapours to be controlled. The costs of this are likely to be commensurate with the scale of the development.*

Planning Officers are, therefore able to recommend that this is a matter which may adequately be dealt with by planning condition, if approval is given.

#### **8. Other Matters raised by Third Parties**

Concern has been raised by the occupiers of adjacent land regarding the potential for conflict between their existing commercial and agricultural activities and the residential use of this site. However, the immediate visibility of the site is characterised by a mix of residential, agricultural, and equine uses along with the commercial kennels and it is considered that future residential occupiers of the barn would benefit from an acceptable degree of amenity.

Because of the scale of the dwelling within the Green Belt and the scope for considerable additions without the need for express planning permission, it is necessary to remove permitted development rights for future extensions/additions to the dwelling in order that prior consideration may be given to the impacts of such additions in the future.

#### **Conclusion**

The proposed conversion of this barn for residential use accords with Local Plan policies. The previous reason for refusal relating to the original intentions of those constructing the barn is no longer relevant, due to the passage of time which has now lapsed. A matter which arose regarding land contamination in the interim period has been considered by both officers of the Council and the Applicant at great length and is capable of being dealt with by the imposition of a planning condition. 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:***

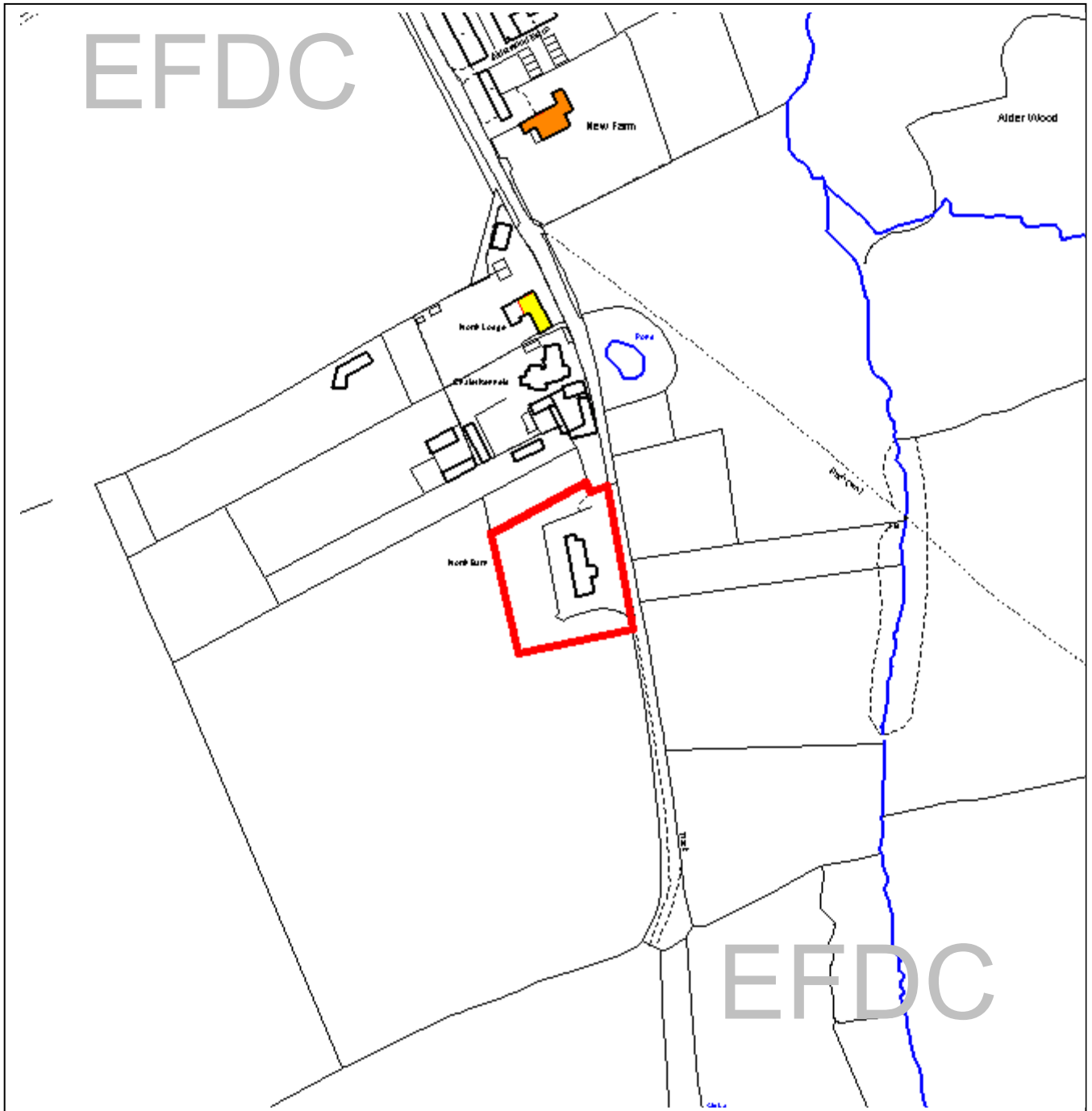
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

***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>	<b>1</b>
Application Number:	EPF/1558/09
Site Name:	North Barn, New Farm Drive Abridge, RM4 1BU
Scale of Plot:	1/2500



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2451/12
<b>SITE ADDRESS:</b>	32 Piercing Hill Theydon Bois Epping Essex CM16 7JW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Robert Webb
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed replacement 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=544381](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544381)

**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: 1267/01, 1267/03, 1267/05, 1267/06, 1267/07 and Moore Partners drawing number MP/PH/01
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes, including Natural slate for the roof, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing 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 tool. 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.
- 5 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 6 No development shall take place until details of levels have been submitted to and approved in writing by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 7 Notwithstanding the Moore Partners Arboricultural Report dated 26-07-2012 submitted with the application, no development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 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.
- 9 The development hereby approved shall not be commenced until details of the means of enclosure of all site boundaries have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within three months of the substantial completion of the development unless otherwise agreed in writing by the Local Planning Authority.
- 10 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 11 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 12 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.
- 13 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 08.00 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.
- 14 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed prior to the commencement of the development and the installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 15 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 enlargement or extension to the house hereby approved or its roof generally permitted by virtue of Class A or Class B of Part 1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

*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 Site:**

The application site is situated on the west side of Piercing Hill. Land levels fall relatively sharply from north to south along this part of Piercing Hill. They rise more gently to the west. There are no preserved trees within the vicinity of the application site and it is not in a conservation area. The site is part of a built up enclave within the Green Belt that is characterised by large detached houses set in large gardens, although the houses typically extend close to the width of their plot.

At the site is a two-storey detached house with L-shaped footprint. It has a single-storey garage addition to the south elevation. The existing house is not listed and it is not included in the District Council's list of buildings of special local architectural or historic interest.

Detached houses of a similar or larger scale are situated north and south of the site. The levels along Piercing Hill are such that no 31 is at significantly lower level than the application site while no 33 is at significantly higher level. Houses at 31, 32 and 33 Piercing Hill are set a similar distance from the road; between 17m and 20m. Due to their orientation in relation to the road the houses have a staggered arrangement with the greater bulk of the house at 32 set rear of the rear elevation of 31. The L-shaped footprint results in the house being more closely aligned with the flank of 33 Piercing Hill at the common boundary.

Vehicular access is at the south east corner of the site, adjacent to the access to 31 Piercing Hill and controlled by gates.

### **Description of Proposal:**

It is proposed to erect a replacement two-storey house with accommodation in the roof and a basement of the same footprint as the house. It would be sited approximately 19m from the boundary with Piercing Hill. The submission shows the proposed house set a minimum of 4.8m from the site boundary with 31 Piercing Hill and 1.2m from the boundary with 33. Adjacent to the boundary with 31 Piercing Hill the house would have a depth of some 11m while adjacent to the boundary with 33 its depth would be just over 15m. Its rear elevation would extend some 7.5m beyond the rear elevation of 31 but be set 3.5m forward of the rear elevation of 33 Piercing Hill.

The house would be of traditional design with steeply pitched roofs and good symmetry to the central section, which would have a crown roof with a pair of small dormer windows to the front and rear roof slopes. A substantial northern wing with strong front and rear gables would give that part of the house adjacent to higher land at 33 a stronger vertical emphasis.

The proposed house would step down to 1½ storeys adjacent to the lower land level at 31 Piercing Hill. As a consequence the full two-storey part of the building would be set just over 9m from the site boundary with no. 31.

Vehicular access arrangements would be unchanged.

### **Relevant History:**

EPF/1456/12 Proposed replacement dwelling. Withdrawn following Officer advice in respect of the design of the proposal.

### **Policies Applied:**

CP2	Quality of Rural and Built Environment
CP3	New Development
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB15A	Replacement Dwellings
RP5A	Adverse Environmental Impacts
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes
ST6	Vehicle Parking

National Planning Policy Framework (NPPF)

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted. 4

Site notice posted: No, not required

Responses received: Responses were received from the occupants of 3 neighbouring properties and one interested party. They all object to the proposal and their submissions are summarised below.

28 PIERCING HILL: Strong objection

By constructing a large basement in a relatively small plot the proposal will exacerbate an existing problem of “excessive water drainage” in the locality which will affect my property and others lower down the hill. The District Council did not properly address the matter of drainage in the locality when considering previous developments at 31 and 31a Piercing Hill. If consent is given for this development there would be disastrous consequences for all neighbouring properties.

### 31 PIERCING HILL: Objection

1. The proposal would appear more prominent in the openness of the Green Belt than the existing house, especially when viewed from the street.
2. The proposed chimney stack on the right hand extension will be more prominent when viewed from the street and impact on openness of the Green Belt.
3. The proposed front extension will be more prominent than the one it replaces and will have a greater impact on the Green Belt when viewed from our property.
4. The roofs will be higher than those replaced and will have a greater impact on the Green Belt when viewed from our property and the street.
5. The proposed basement will increase the risk of flooding our house and garden. We already suffer from excess water from natural springs close to the boundary with 32. This has already increased some 80% since no. 33 constructed a swimming pool, all trees on the boundary with 32 were removed and global warming has continued. The basement is not necessary and will interfere with the natural water table. We will seek legal advice and submit a hydrological and flood assessment by 5 March, but believe the owner of 32 should pay for it. The District Council has not properly considered the matter of flood risk in relation to previous developments in the locality. [no hydrological and flood assessment has been submitted at the time this report was prepared – 4 April]
6. The submission shows disregard for adjoining neighbours. My house is particularly vulnerable to the impact of water due the natural fall in ground level from the site.
7. The house should have natural slate roof covering rather than plain clay tiles.
8. Flank windows will lead to overlooking. They should be obscure glazed.
9. The case made for the development in the submitted design and access statement understates its impact on the Green Belt and the drawings do not appear to be entirely accurate.

We request you treat this letter as two objections since it is signed by myself and my husband and we have the same opinions/objections in relation to this development.

### WESTWOOD, 34 PIERCING HILL: Objection

The proposal will exacerbate the impact of previously implemented development in the locality on ground water levels and the risk of flooding. The District Council has ignored evidence of the problems residents’ homes presently suffer as a consequence of building works. The hill cannot cope with any further excavations and the District Council is not doing anything to check the problems with water levels.

The proposal is out of keeping with the road and disproportionately large in relation to the size of the plot.

Construction can be disruptive and damaging to the road.

#### 7 WOODLAND WAY: Strong objection

A recent Heritage Asset Review for the District Council recommended the creation of a conservation area in Theydon Bois that includes the application site. The existing house and its neighbours are included in an update of the Local List of buildings of local architectural or historic importance. The Heritage Asset Review has been adopted as the evidence base for the emerging local plan. In view of the historic and architectural importance of 32 Piercing Hill and its location within a conservation area we object to its demolition. The loss of the house would be the loss of a heritage asset and an individually locally listed building and would have a harmful impact on the character of the group of houses it forms part of.

#### THEYDON BOIS PARISH COUNCIL: Objection

“We acknowledge the changes which the Applicant has made to the design which is a significant improvement upon the original proposal. The Victorian Villa style is to be welcomed as it is more in keeping with the surroundings and the adjacent properties comprising the Manor Villas. This is particularly important given that the property is situated with the proposed new Conservation Area for Theydon Bois and there has also been a recommendation from EFDC’s Planning Consultants that the property and the neighbouring Manor Villas should be designated for inclusion on the Local List. In view of these matters, the application warrants ‘special consideration’ and the property must fully respect its setting.

Our reasons for objection are as follows:

1. The proposal includes a large scale basement area the scale of which requires fundamental reconsideration. There are well known and severe drainage issues in this area of Piercing Hill. We are concerned that this major subterranean development will exacerbate the existing drainage problems to the severe detriment of the amenity of neighbouring properties.
2. The Design and Access Statement proposes a plain tiled clay roof. Examination of the adjacent Manor Villas will reveal that they have slate roof coverings and we feel that in order that the property sits appropriately within the context of the adjacent Villas that like roofing materials should be used.
3. Concern has been expressed about additional overlooking of the adjacent property at 31 Piercing Hill due to the proposed fenestration in the flank wall.”

#### **Main Issues and Considerations:**

The main issues raised by the proposal are whether the proposal is inappropriate development in the Green Belt, design, impact on living conditions and consequences for flood risk in the locality.

#### **Green Belt:**

Planning policy allows for the erection of replacement houses in the Green Belt provided they are not materially larger than that to be replaced and do not have a materially greater impact on the openness of the Green Belt. Key facts for assessing compliance with policy are the comparative above ground volume and heights of the existing and proposed buildings. The volume of the proposed basement is not relevant to any assessment of impact on openness and consequently it is not appropriate to take it into account when assessing whether the proposed house is materially larger than the existing house.

At its front elevation the existing house has a maximum eaves height of 6.3m and a maximum ridge height of 9.4m. Other elevations do not have materially different maximum heights.

The corresponding heights of the central section of the proposed house, which makes up its greatest visual bulk, are 5.9m and 8.9m. The northern wing adjacent to the site boundary with 33 Piercing Hill would have an eaves height of 5.9m and a ridge height of 9.5m. The 1½ storey component adjacent to 31 Piercing Hill would have a maximum eaves height of 5m and ridge height of 7.9m.

In comparison with the existing house, the overall height of the proposed house at its front elevation is lower, although the degree of difference is not great. When seen from other elevations, e.g. from the lower ground to the south at 31 Piercing Hill, the northern wing of the proposed house would appear marginally higher but the main bulk of the house which would be nearer the boundary with 31 would appear lower. Furthermore, the overall front to rear depth of the proposed house would not be materially different to that which presently exists.

A comparison of the above ground volumes of the existing and proposed houses reveals that of the existing house is 1450m<sup>3</sup> and that of the proposed house would be 1487m<sup>3</sup>. The 37m<sup>3</sup> increase in volume amounts to some 2.5% of the original volume. On that basis the volume of the proposed house is not materially different to that of the existing house.

Having regard to the key facts, the proposed house is found to not be materially larger than the existing house above ground level (where it could have a consequence for openness) and it is found to have no greater impact on the openness of the Green Belt than the existing house. As a consequence, the proposed house would not conflict with the purpose of including the locality in the Green Belt and is found to not be inappropriate development.

Design:

The Council's Conservation Officer has been consulted on the proposed development and her advice is summarised as follows.

*The house to be demolished has been recommended for inclusion in the Council's Local List of buildings of special architectural or historic interest and the locality has been recommended for inclusion in a new conservation area within Theydon Bois. Consequently the demolition of the existing house would result in the loss of a non-designated heritage asset. I therefore object to the demolition of the existing house.*

*No objection is raised against the design of the proposed house. It respects the scale and architectural character of the locality, however the roof covering should be slate rather than a plain tile as proposed in order that it better respects the established character of the locality.*

In respect of the finding that the existing house is a non-designated heritage asset, it is important to understand that finding does not give the house any statutory protection from demolition. Notwithstanding the desirability of sustaining heritage assets, it is a fact that no listed building consent or planning permission is required to demolish the existing house.

Adopted Local Plan policy does not relate to non-designated heritage assets. The National Planning Policy Framework states the effect of an application on a non-designated heritage asset should be taken into account and a balanced judgement made having regard to the scale of harm of loss of the heritage asset.

In this case the value of the house stems from its contribution to the group of houses known collectively as Manor Villas. The loss of the house will, of itself, harm the group value of the buildings it forms part of, although the contribution it makes to the group value is limited by the fact

that the building is only visible from the street. The harm the loss of the existing house would cause to the group value of Manor Villas should therefore be balanced by the contribution the proposed house would make. As indicated above, a previous proposal was withdrawn following Officer advice that the correct balance would not be achieved. The current submission is a radical change that would strike the right balance since the design of the proposed building would be of high quality that respects the design of the group of houses it would form part of. It would therefore make a positive contribution to the local character.

On the basis that the replacement building would be well designed and make a positive contribution to local character the proposal and consequent loss of the existing house is acceptable. Even though there is no statutory protection for the existing building, its replacement is justified on the design merits of the proposal. Appropriate external materials, including the use of slate for the roof, can be secured through the imposition of a suitable planning condition. The proposal therefore complies with the heritage policies contained within the NPPF.

#### Living Conditions:

The only two neighbours whose living conditions could be affected by the proposed house are 31 and 33 Piercing Hill. There would be no harm to the amenities of 33 Piercing Hill since the house would be in approximate alignment with its flank and set on significantly lower ground.

The scale of the house would be clearly appreciated from no 31 Piercing Hill, however, since it would not be materially larger than the existing house and would be sited in the same position as the existing house with a greater degree of separation from the common boundary it is found the bulk of the proposal would not appear any more overbearing than the existing house. Any overbearing impact that would exist would be mitigated by the distance separating the proposal from the site boundary, the limitation of the height of the house to 1½ storeys where it is nearest the site boundary and by the width of the garden of 31 Piercing Hill, some 25m.

Concern has been raised in respect of the potential for overlooking of 31 Piercing Hill from flank windows. There would be a pair of ground floor living room windows in the southern flank of the proposed house that would look to the site boundary, beyond which is the side elevation of no 31, which contains a first floor window that looks directly into the site. The potential for overlooking from the ground floor windows would be possible to mitigate by appropriate boundary treatment, which can be secured by condition. Clearly, this would also safeguard the privacy of the proposed house from overlooking from existing windows in no. 31.

Other flank windows looking to no 31 that could potentially cause excessive overlooking are first floor side elevation windows in the northern wing of the proposed house. Appropriate boundary treatment and landscaping would be adequate to prevent any overlooking since a distance of some 25m would separate them from the flank window of no. 31. This can be secured by condition.

Overall, it is found that, subject to the imposition of suitable conditions the proposal would not cause excessive harm to the living conditions of neighbours.

#### Flood Risk:

The application site is not within any Environment Agency designated flood risk zone therefore no flood risk assessment is required prior to making a decision on the proposal. However, the concerns of residents and the Parish Council in relation to this issue are recognised and have been given weight. The Council's Engineering, Drainage and Water Team has been consulted on the proposal and provided advice, which is summarised as follows:



*The site is within a District Council designated flood risk zone and the Council is investigating surface water flooding in the area. The geology of the area is predominantly clay therefore soak away drainage may not be suitable at the site. In the circumstances, and given the inclusion of a basement as part of the proposal, it is strongly recommended that a standard land drainage condition is imposed on any consent given together with a bespoke condition requiring prior approval of surface water drainage and subsequent implementation of such approved details. The submissions pursuant to the conditions must take into account any potential impact of the basement structure. A standard informative in relation to basements is also recommended drawing the applicant's attention to his liability for possible civil litigation.*

The advice therefore makes clear the matter of flood risk in this location can properly be dealt with by appropriate planning conditions.

The matter of flood risk has, in the course of dealing with the application, been put to the applicant's agent for consideration. The agent has experience dealing with such matters and has referred to a house with basement presently under construction in Loughton which he dealt with. The construction, which was approved by the Council, is specified by the agent, who makes clear it is designed to deal with both potential collapse of ground and drainage. The agent's response makes clear the precise technical solution to drainage issues is yet to be designed and agrees the appropriate context for resolving the matter is within an application for approval of details pursuant to conditions.

Having regard to the advice of the Council's Engineering, Drainage and Water Team and the considered response of the applicant's agent it is found that the matter of flood risk can properly be dealt with by appropriate planning conditions.

Other matters:

Having regard to records of historic use of the application site there is little potential for the ground to be contaminated and any unexpected land contamination can be properly dealt with by a suitable condition.

The proposal makes proper allowance for landscaping, which, notwithstanding the submission of an arboricultural report with the application, should be secured by appropriate conditions.

**Conclusion:**

The proposal is not inappropriate development in the Green Belt and would be a suitable replacement for a non-designated heritage asset. No harm to living conditions of neighbours would be caused by the proposal subject to conditions. The matter of flood risk and other matters can also be properly dealt with by suitable planning conditions. Accordingly, the application is considered to be in compliance with the NPPF and adopted Local Plan and it is 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:***

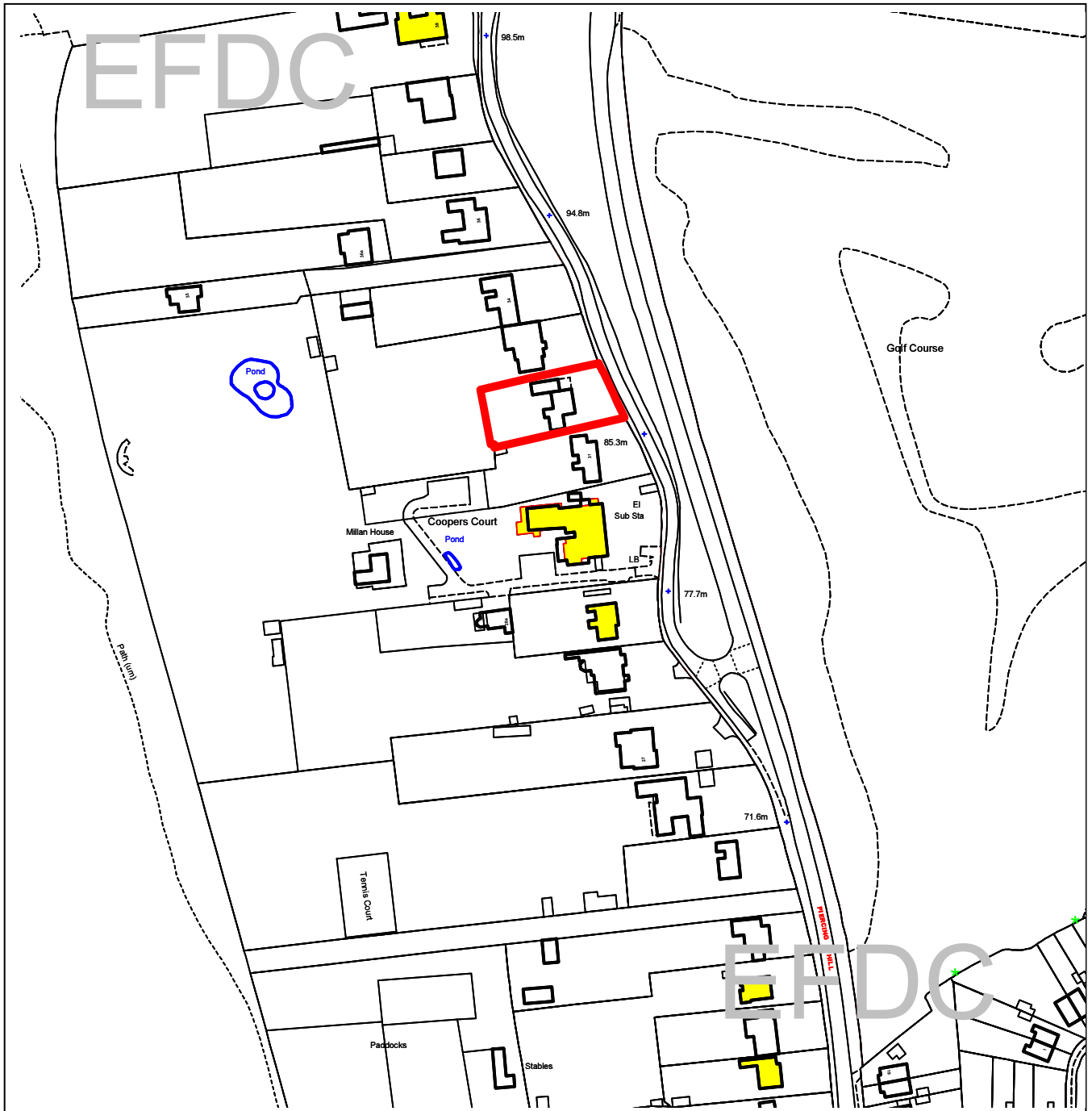
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

***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>	2
Application Number:	EPF/1451/12
Site Name:	32 Piercing Hill, Theydon Bois CM16 7JW
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2452/12
<b>SITE ADDRESS:</b>	The Old School House Coppice Row Theydon Bois Epping Essex CM16 7DL
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Peter Gauntlett
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of existing building into 2 houses (1 x 4 bed, 1 x 3 bed) including a single storey side extension, loft conversion and alterations to elevations, together with provision of second vehicular access and 2 car spaces per 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=544382](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544382)

**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 take place until samples of the types and colours of the external finishes, including windows, doors, and surface materials on hardstandings, 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.
- 3 Roof lights to be inserted in the roof slope shall be those of a Conservation style ie flush with the roof plane.
- 4 Further details of the provision of a first floor and its relationship with existing high widows in the front elevation of the building shall be submitted to and approved by the local planning authority before any work commences on site. Once approved these details shall be implemented in full.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in

accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) 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 Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.
- 8 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 9 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.
- 10 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1223/04E; 1223/05F; 1223/03a; 1463.2.
- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B, C, D and E shall be undertaken without the prior written permission of the Local Planning Authority.

*This application is before this Committee because the recommendation for approval is contrary to more than two objections received from neighbours which are material to the planning merits of the proposal - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (f)).*

### **Description of Proposal:**

Conversion of existing building into 2 houses (1 x 4 bed and 1 x 3 bed) including a side extension, loft conversion, and alterations to elevations, together with the provision of a second vehicular access and 2 car spaces per dwelling.

### **Description of Site:**

A 19<sup>th</sup> century single storey building with high ceilings. It was formerly used as a school but is now in use as a watchmaker's office and store. The site lies in the Green Belt but adjoins the urban settlement of Theydon Bois with houses lying opposite on the other side of Coppice Row. The building is locally listed but does not lie in a conservation area.

### **Relevant History:**

EPF/964/06 – Approval granted for a single storey side extension to offices.

EPF/1873/08 - Approval granted for a revised proposal for a single storey side extension to offices.

EPF/2250/11 - The above 2008 approval for a side extension to offices was renewed for a further 3 years.

EPF/632/12 - This application proposed conversion to 4 flats including a side extension and dormer windows at first floor. This application was withdrawn after officers indicated that it was unlikely to be approved – see below.

### **Policies Applied:**

GB2A – Development in the Green Belt  
GB8A - Change of use or adaption of buildings  
GB9A – Residential conversions  
DBE9 – Loss of amenity.  
ST4 – Road safety.  
ST6 – Vehicle parking.  
HC13A – Local list of buildings  
National Planning Policy Framework.

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – No objections in principle but we wish to make the following comments. 1) We have concerns about the proposed additional access on to Coppice Row because the site slopes upwards and the gradient at this point does not lend itself easily to an access point. Careful attention must also be paid to landscaping. 2) The large 'arched' windows are a key architectural feature of the building. We note that these are to be retained but that 'the central section will have a blank panel behind to hide the floor junction'. We do have concerns about the impact this feature will have on the character of the building and we feel it is inappropriate.

NEIGHBOURS – 14 properties consulted and 15 replies received:-.

THEYDON BOIS ACTION GROUP – Object to this application which involves a substantial extension, along with change of use to residential, which could threaten its status as a historic, locally listed building. This little village school house dates back to 1840, it forms an important part of the newly designated conservation area for Theydon Bois, and is entirely within the Green Belt. We have no objection in principle to the building being converted from business use to a single

residential unit, with no loft conversion/velux windows or further extensions, and with a sympathetic internal conversion. The proposed conversion to two dwellings, however, with two gardens and two lots of comings and goings, would have a detrimental impact on this sensitive setting backing on to St Mary's churchyard. The application is contrary to policy GB2A (inappropriate development), GB8A, and GB9A, of the Local Plan as well as the NPPF. GB8A is breached in that 3 approvals have been granted for an office extension when it is now proposed to use this approved extension to facilitate an alternative residential development. GB9A is breached in that the large increase in footprint of the proposed extension, the loft conversion with velux windows, combined with conversion to residential use, represent unsympathetic changes to the external appearance, character and fabric, and surroundings, of this Green Belt building. The building is one of the few heritage structures left in our village which serves to reflect the age and development of the village, and it is also highly visible to those passing through Theydon Bois. We therefore urge you to refuse this application in its current form.

42, DUKES AVENUE - object – the building is a well known landmark, it is locally listed building in a suggested conservation area. I am concerned that any extension, alteration could affect the local listing of the property, or its inclusion in proposed conservation area. The insertion of a new first floor would diminish the open spatial character of the property, and the new floor means that the middle part of high arched windows would be obscured by a panel. Subdivision of the property would also be evident from two doors in the main facade and the formation of a new boundary to provide 2 garden areas. In conclusion the proposal provides alterations/adaptations that detract from the property's appearance and architectural integrity.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – they refer to the architectural and historic value of the building as highlighted above. The proposal to allow the previously approved office extension to be used for residential purposes would contravene policy GB8A (iv). While the removal of dormers in this revised scheme is welcomed the proposed extension is large and disproportionate to a building in the Green Belt. The intensification of use would cause harm to the peace and tranquillity of the adjacent churchyard cemetery, local wildlife site, and Epping Forest. A second vehicular access would be a hazard. Any change to residential use should be carried out without further extensions.

THORNEYSIDE, COPPICE ROW - we have lived opposite the old school house for over 20 years. It is a building well regarded by long term residents of Theydon Bois, some of whom will have been educated there. The proposal is a sympathetic development of the building, with the applicant taking care to retain much of the buildings character. It should not impact adversely on the adjacent forest, church or properties. We therefore support this application.

TROTWOOD, 49, COPPICE ROW I write on behalf of my father who generally supports this conversion on the proviso that the plans retain the buildings physical features, are on the same footprint, and that the extra access is deemed acceptable.

24, HEATH DRIVE; 1A, THE GREEN; 14, MORGAN CRESCENT; 23, DUKES AVENUE; 38, ORCHARD DRIVE; 7, WOODLAND WAY; 57B, MORGAN CRESCENT – all object on similar grounds to those of the Theydon Bois Action Group (TBAG)TBAG.

67, WOODLAND WAY – This old school is part of the history of Theydon so should not be touched. The heritage of Theydon should not continue to be eroded away.

THE QUEEN VICTORIA, COPPICE ROW – Do you really want to tear down this historic building. If it were turned into residential use, with no exterior alterations and sympathetic internal alterations then that would be fine.

20, BLACKACRE ROAD – very concerned that the character of the village would change – old character buildings should not be threatened in my opinion because they add value and atmosphere to the surroundings.

ESSEX COUNTY COUNCIL HIGHWAYS – No objections subject to 3 conditions requiring access to be built in a specified manner, provision of a residential travel information pack for sustainable transport, and details to be supplied to show surface water being prevented from entering the highway.

EFDC TREES AND LANDSCAPE SECTION – No objection to the revised application. The development including the extension would have a minimal effect on off site trees in the adjoining churchyard, subject to appropriate tree protection conditions being imposed.

EFDC CONSERVATION OFFICER - The Old School House is a locally listed building. It was constructed in the 1840s and extended in the 1890s and again in 1903. It forms an important group within the village alongside St Mary's Church.

Please note that the property is not within a designated conservation area as suggested in some of the letters of objection. The conservation areas within the District were reviewed in May 2012 by consultants appointed by the Council in order to provide robust and up-to-date information on some of the District's heritage assets which will inform the new Local Plan. A report was produced containing the consultant's recommendations including the designation of a new conservation area in Theydon Bois, of which the Old School House would form a part. The report has been 'signed-off' by Members and adopted into the Local Plan Evidence Base becoming a consideration in the planning process. It does not, however, carry the same weight as formal conservation area designation and the HC6/HC7 policies would not apply. The building, and the area, are non-designated heritage assets and are afforded some protection under para.135 of the NPPF.

I have no objection in principle to the conversion and reuse of this building as two dwellings. The previous submission for four dwellings was considered unacceptable but two dwellings can be quite comfortably accommodated on the site. The proposed side extension has previously been agreed and the permission renewed (EPF/0964/06, EPF/1873/08, EPF/2250/11). Despite its relatively large size, it is of a sympathetic design and will provide a degree of balance to the front elevation of the building, so no objections are raised to this. The conversion will provide a viable and secure future for the building and will ensure its continued maintenance and repair. It is a building of particular local significance being of historical, aesthetic and high communal value so its adaptive reuse and conservation for future generations is supported.

In addition, the proposed alterations would not render it void of its local listing status as the alterations are not considered unsympathetic. It would still retain its character and appearance as the old schoolhouse serving the village of Theydon Bois. Nor would the alterations harm the significance of the area which has been identified as one worthy of conservation area designation.

I do have some concerns regarding the insertion of the first floor. It is understood that this is required to provide the necessary living accommodation for the two houses, however, the blank window lights resulting from the insertion of the floor across the windows could have a detrimental impact on the appearance of the building. If the floor were to be recessed from the windows on the front elevation, rather than installing a blank panel behind the middle section of the windows, this may be more acceptable as the floor will be less visible and the outer appearance of the windows will remain unchanged. I, therefore, recommend a condition is added to the permission requesting that the detail of the first floor in relation to the windows on the front elevation is agreed with the LPA so alternative solutions can be explored and an acceptable design arrived at.

I also have concerns that its residential conversion would result in future occupiers requesting the construction of additional buildings within the curtilage of the building, in particular garages and garden outbuildings. These buildings could cause substantial harm to the significance and setting of the building but I assume permitted development rights will be removed for these properties should permission be granted.

If the application is approved, samples of the external materials, further details of windows and doors, and types and details of hardstanding should be covered by condition, as well as further details of the relationship between the inserted first floor and front windows. A condition should also state that the rooflights shall be of a conservation style, i.e. lying flush with the roof plane.

This is supported by policy HC13A of our Local Plan and Alterations (1998 and 2006).

SUPERINTENDENT OF EPPING FOREST, CITY OF LONDON – The Conservators have no observations to make.

### **Issues and Considerations:**

#### *Background*

This application follows on from the withdrawal of a previous scheme (EPF/0632/12) for extensions, alterations and change of use of the building to 4 dwellings. This previous application was considered unsatisfactory because of the extent of alterations proposed, particularly dormer windows; 4 dwellings was an overdevelopment of the site in the Green Belt, private gardens were too small, and parking and access arrangements were unacceptable. The current proposal does provide for significant improvements with only 2 dwellings being proposed, dormers removed, and two sets of acceptable parking and amenity areas being provided for the two units.

Although previous permissions have been granted for an extension to the existing use as a watchmaker's office and store the applicants state they are now finding the property has an inadequate layout to provide useful space for their commercial needs, as well as being expensive to run. They wish to locate to a smaller and more efficient unit on a more manageable estate. Officers do concur that not only is the existing building large, it has very high ceilings, and given its age it is an unlikely premises for a small firm to occupy from a maintenance point of view.

#### *Heritage issues*

This building is not only an attractive building, it clearly has an historic value to many people living in Theydon Bois, some of whom went to school in this building. It is desirable therefore that it is retained but also that it houses a viable use which can afford its upkeep and repair. In statutory terms it is only a locally listed building – it could be demolished without any approval, or more likely it could be left vacant and in disrepair. In this context a balance has to be struck between finding a viable use but without undue alterations being carried out to the building. The Council's conservation officer views are set out in full above and she feels that an acceptable balance has been achieved. Her main concern, which has also been repeated by several objectors, is the effect of the new internal first floor being positioned across some of the large high windows in the building. The applicants proposed a panel in these window to hide this new floor - but the conservation officer feels a condition can be imposed to consider this detail further, and such a condition is proposed.

#### *Green Belt*

Several of the objections received argue that the residential use of the proposed extension, which has been previously approved as an office extension, is a clear contradiction of policy GB8A concerning change of use or adaption of buildings in the Green Belt. Part of this policy seeks to



prevent new buildings in the Green Belt being used for purposes (e.g. as dwellings) which are different from the purpose for which they were initially granted planning permission (e.g. an agricultural building). However, in this instance the approved extension has not already been built, and the Council could now refuse to allow this extension to be built for alternative residential use. However, the extension proposed is the same size and design as previously approved, and clearly these previous approvals are a material consideration in assessing the current application. The Conservation officer also feels that the proposed extension is not only of an appropriate design but that it will also provide more balance to the front elevation. Although the extension is significant in Green Belt terms it will help provide for a viable use to assist in the retention and upkeep of this heritage building. The site lies on the edge of the urban settlement of Theydon Bois, and not in a more isolated rural location. For these reasons therefore the proposal does not materially detract from the open character of the Green Belt.

#### Other issues

Some objectors are concerned that the more intensive use as two dwellings will impact on the adjoining churchyard and Epping Forest. However, use as two dwellings will have a relatively low impact, and it is noted that the Superintendent of Epping Forest, and the Council's tree officer, do not raise objections in this respect. In terms of loss of employment the building is not a suitable one for continued commercial use, both in terms of the need to maintain a locally listed building and its peripheral location. In addition most representations received do not object in principle to a residential conversion. Finally, Essex CC Highways state that the design of the proposed second access is satisfactory.

#### Conclusions:

It is likely that the current user of the property will vacate the building at some point in the near future, not least because its repair and upkeep would be an overhead cost that would be difficult for a small firm to sustain. The proposed extension and adaption to 2 dwellings does provide a viable use which should secure the retention and upkeep of the building – but without the character of the building being lost. For these reasons, and those set out elsewhere in this report, the proposal is consistent with local plan policies, and conditional planning permission is recommended.

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

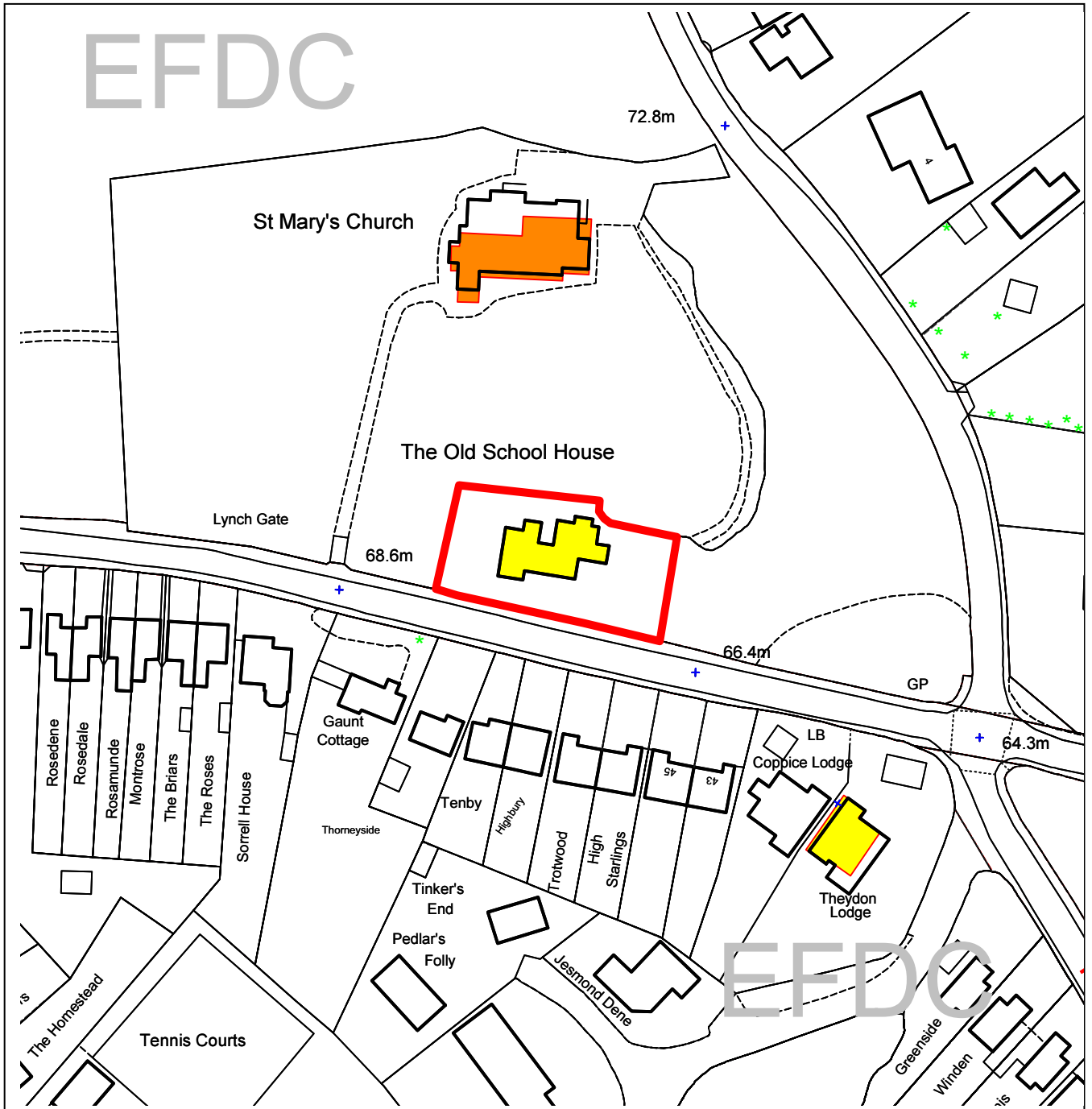
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

***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/2452/12
Site Name:	The Old School House, Coppice Row Theydon Bois, CM16 7DL
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2470/12
<b>SITE ADDRESS:</b>	65 Forest Drive Theydon Bois Essex CM16 7HB
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Clive Montgomery-Smith
<b>DESCRIPTION OF PROPOSAL:</b>	Two and one storey side and rear extensions to house.
<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=544461](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544461)

**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.

*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 Site:**

The application site is situated on the west side of Forest Drive, close to its junction with Dukes Avenue, Theydon Bois. Land rises from the road and falls very gently to the north such that land at 67 Forest Drive is approximately 200mm lower than the application site. There are no preserved trees in the vicinity of the site and the locality is not part of a conservation area.

The site comprises of a two-storey semi-detached house with a side entrance that has a large box-dormer addition to the side roof slope at first floor. The attached neighbour, 63 Forest Drive, also has a box dormer addition to the side roof slope at first floor. The unattached neighbour, no 67, which is of similar design, has a first floor side addition that continues rearward to link with a part two-storey, part single-storey rear extension. The extended house at no 67 projects 1.5m beyond the rear elevation of the house at the application site.

Nos 65 and 67 Forest Drive are separated by the width of a driveway at 65 and a footpath at 67. The drive leads to a detached garage in the rear garden.

### **Description of Proposal:**

It is proposed to construct single and two-storey additions to the house that would wrap around the rear elevation and the rear 4.7m length of the flank elevation. A single-storey rear extension across the entire rear elevation would project 4m. A part single, part two-storey side extension rear of the existing box dormer would continue rear of the house a distance of 4m and be attached to the proposed rear extension. The single-storey element of the side extension would project to the site boundary with 67 Forest Drive, while the two-storey component would be set in from the site boundary a distance of 1m.

### **Relevant History:**

None

### **Policies Applied:**

CP2	Quality of Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions

NPPF

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted. 7

Site notice posted: No, not required

Responses received: No response received from neighbours.

Theydon Bois Parish Council: Objection

“The second storey element goes beyond the building line to the rear with number 67 Forest Drive and we consider that this would have an overbearing impact upon the amenity of the neighbour. For this reason we object to the application.”

### **Main Issues and Considerations:**

The main issues raised by the proposal are design and impact on the living conditions of the immediate neighbours.

#### Design:

The proposal would maintain the visual gap with 67 Forest Drive through setting the side extension over 7m rear of the front elevation of the house and maintaining an appropriate degree of separation between the site boundary and the flank of its two-storey component. The bulk of the proposal as a whole would be proportionate to the scale of the house. Its traditional detailed design, which includes pitched roofs to all its components and specifies external materials to match those of the existing house, would complement the appearance of the house. As a consequence the proposal would safeguard the character and appearance of the locality.

#### Living Conditions:

The 4m deep single-storey extension would not be harmful to those of the attached neighbour, which would continue to receive good daylight and would not find the addition excessively overbearing.

The two-storey rear projection of the side extension would be too remote from the attached neighbour to cause harm. However, as pointed out by the Parish Council, it has the potential to appear overbearing when seen from 67 Forest Drive.

Key facts to consider when assessing the impact of the proposal on no. 67 are the degree of separation of the first floor of the side extension from the site boundary, the distance separating it from rear elevation windows in no 67 and the distance the side extension would project beyond the rear elevation of 67.

As stated above, the first floor of the side extension would be set 1m from the site boundary. Since the garden boundary is not parallel with the flanks of the houses but turns towards no 65, the maintenance of a 1m set in takes the first floor bulk further from the flank alignment of 67. As a consequence, at the rear elevation of the proposal its first floor flank would be set 2.5m from the flank alignment of 67. Where it is level with the rear elevation of 67 the distance separating it from the first floor flank would be 2m.

The approved drawings of the side/rear extension to no 67 show its rear elevation windows are set in 850mm from the flank of the extension such that the distance separating them from the first floor of the proposed extension would be 2.85m.

The proposed extension would project 2.5m beyond the rear elevation of 67 Forest Drive. Having regard to the above facts about the degree of separation from the proposal from no. 67 it is found the two-storey component of the proposal would not break an imaginary 45 degree line taken from the nearest corner of no. 67 and would be sited well beyond a similar line taken from any window in the rear elevation of no 67. The combination of a limited rearward projection beyond the rear elevation of 67 and setting the first floor beyond relevant 45 degree lines would prevent the proposal from appearing overbearing when seen from 67 Forest Drive. It would also ensure no material impact on daylight received at its rear elevation.

Overall, notwithstanding the slight difference in levels between 65 and 67 Forest Drive of not more than 200mm, the relationship between the proposed two-storey extension and 67 Forest Drive is found to safeguard the living conditions of the occupants of no. 67.

### **Conclusion:**

The proposal would be acceptable in design terms and is found to safeguard the living conditions of both immediate neighbours. It complies with relevant planning policy and it is 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: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

***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/2470/12
Site Name:	65 Forest Drive, Theydon Bois CM16 7HB
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0403/13
<b>SITE ADDRESS:</b>	59 - 61 High Road North Weald Epping Essex
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Kenneth Day
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of three dwellings in place of existing printworks building.
<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=546453](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546453)

**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: 1291/01, 1291/02, 1291/05g, 1291/11a, 12391/15a
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window opening in the first floor northern flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place until details of surface water disposal, including means of preventing surface water draining onto the public highway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 The parking areas shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

- 7 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 8 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]
- 9 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 in writing 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]
- 10 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 in writing 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]

- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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 in writing. The approved monitoring and maintenance programme shall be implemented.
- 12 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.
- 13 Prior to first occupation of the development, the new vehicle access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 14 Prior to occupation of the proposed development, a Residential Travel Information Pack for sustainable transport, as approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator, shall be provided to each new household.
- 15 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 16 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 08.00 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.
- 17 No development shall take place until details of levels have been submitted to and approved in writing by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

*This application is before this Committee since it has been 'called in' by Councillor Stallan (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h)) and since it is 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 Site:**

The application site is a long established printworks building (B2 use) located on the north western side of the High Road, North Weald. The existing printworks consists of a part two storey and part single storey detached building with a front parking area and rear 'yard'. The site is still operational, however it has been marketed for the last 5 months without any interest in its occupation for B2 purposes.

To the northeast of the site is a row of terraced residential dwellings with further residential properties beyond. To the east of the site is the North Weald shopping parade. To the south west of the site is North Weald Methodist Church and to the north west of the site is a detached residential bungalow. Immediately behind the application site is an area of land that dog-legs behind No's. 63-69 High Road (and the bungalow to the rear of these), which is also within the applicant's ownership and is subject to a separate planning application for the erection of a single detached bungalow.

The application site is located within an EFDC flood risk assessment zone.

### **Description of Proposal:**

Consent is being sought for demolition of the existing building and the erection of a terrace of three dwellings. These would have a total width of 14.4m and a maximum depth of 9.8m (including the 800mm front projection on the south western most property) and would have a single dual pitched roof with a central ridge reaching a maximum height of 8.3m. The south western property would benefit from a gable ended front projection at ground floor (by 500mm) and first floor (by 800mm), and a small first floor bay window. The central and north eastern properties would benefit from 1.2m wide pitched roofed front dormers, and all three properties would include 1.7m wide pitched roofed rear dormers. The two end houses would utilise the two existing vehicle crossovers and the central property would be served by a proposed new vehicle access. All three dwellings would have separate vehicle parking and private amenity space.

### **Relevant History:**

EPO/0179/56 - Printing workshop – approved/conditions 05/03/57

EPO/0336/65 - Extension at printing works – refused 17/02/67

EPO/0148/69 - Toilet block and double garage – approved/conditions 10/06/69

EPF/1517/76 - Details of first floor addition and alterations to elevations – approved/conditions 05/01/77

EPF/0310/77 - Revised details of first floor addition and alteration and elevations – approved/conditions 02/05/77

EPF/0527/84 - Store shed/toilet, ornamental well and greenhouse on small holding – approved/conditions 11/06/84

EPF/1310/00 - Demolition of existing buildings and erection of new medical centre with car parking and ancillary works – approved/conditions 15/11/00

EPF/1576/03 - Erection of front and boundary railings with brick piers – approved/conditions 30/01/04

EPF/0400/13 - Erection of single bungalow on land to rear – currently under consideration

### **Consultation Carried Out and Summary of Representations Received:**

24 neighbouring properties were consulted and a Site Notice was displayed on 08/03/13.

PARISH COUNCIL – No objection.

10 GEORGE AVEY CROFT – Object due to parking and highway issues.

18 GEORGE AVEY CROFT – Object as this is an overdevelopment of the site, is not in keeping with surrounding properties, and due to parking and highway concerns.

4 HARRISON DRIVE – Object due to parking and highway concerns.

### **Policies Applied:**

CP2 – Protecting the quality of the Rural and Built Environment

DBE2 – Effect on neighbouring properties

DBE3 – Design in urban areas

DBE8 – Private Amenity Space

DBE9 – Loss of amenity

H2A – Previously developed land

E4A – Protection of Employment Sites

E4B – Alternative uses for Employment sites

ST1 – Location of Development

ST4 – Road safety

ST6 – Vehicle Parking

U2B – Flood risk assessment zones

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded appropriate weight.

### **Issues and Considerations:**

The main issues that arise with this application are the principle of the development in this location, the loss of the existing employment site, the design and impact on the surrounding area, the impact on the amenities of neighbouring and future residents, and with regards to highway safety and parking provision.

#### **Principle of development and loss of employment:**

Policies CP3 and ST1 encourage development in sustainable urban locations that are well served by public transport and local facilities and both National guidance and Local Plan policies promote the reuse of previously developed land. North Weald is an existing built up urban area with local facilities and amenities within walking distance and, whilst not particularly frequent, there is a bus service that runs along the High Road. The application site consists of a B2 printworks building that is still currently being used for commercial purposes, and as such it does fall within the definition of 'previously developed (brownfield) land' as set out within the National Planning Policy Framework (NPPF).

Notwithstanding the above, the proposed redevelopment of this site would result in the loss of employment. Local Plan policies E4A and E4B deal with the loss of employment sites outside of

the defined employment areas (such as this site). Policy E4A has four criteria to consider when assessing redevelopment or change of use of employment sites. These require it to be shown that:

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

It is stated that the site has been marketed for the past five months without any interest for continued B2 use. To justify this, a letter from Mr Lloyd-Williams, Residential & Commercial Letting Agents, has been submitted stating that:

*“The office accommodation (the application site), which is in North Weald, is more difficult to find a tenant for as it is not in an established office area and away from the Underground in Epping. People do not like to rent offices in a non office location”.*

*“Even in the recognised office location such as Harlow, Epping, Loughton and Romford there are problems with lack of demand”.*

*“I cannot see the demand for offices increasing in this area for the next few years as there is still more office accommodation coming onto the market with firms and businesses failing”.*

*“In my view the situation will prevail for many years even if there is a slow emergence from the general economic recession”.*

*“The property has been widely marketed since 19<sup>th</sup> September 2012 with no viewings. In my opinion even if it is marketed for another nine months to a year I do not see a change in the situation”.*

*“It is noted that the premises were used as a Printing Works and therefore has the benefit of B2 Use but the demand for that use is poor and I have the old Print Works in Epping High Street empty with no takers”.*

Although it could be argued that the submitted letter does not justify a ‘demonstrable lack of market demand’ and it has been argued before that anything less than twelve months does not constitute ‘a long period’, there have been a number of small employment sites similar to this within the District that have justified a lack of market demand and therefore some weight can be attached to the above.

Notwithstanding the above concerns, only one of the four criteria has to be demonstrated to justify the loss of employment. Whilst the application site is located within a mixed use area containing residential properties (houses and flats), shops, and community facilities (the adjacent church and nearby Town Hall), the surrounding area is predominantly residential in character and the site immediately adjoins residential properties to the north. Although the established printworks may not cause undue noise and disturbance to neighbouring residents, the site falls within the B2 Use Class (General Industry), which would allow for alternative uses that could cause far greater disturbance, such as car repairs or concrete crushing for example, without requiring planning consent. As such, the continued B2 use of this site is considered unsuitable to this location.

It should be noted that Central Government recently revealed that from Spring 2013, for a temporary three year period, planning permission will not be required for a change of use from B1(a) office to C3 residential purposes. This is claimed to be “*as part of a package of measures to support economic growth*”. Although the proposed development would not fall into the designation of this permitted change, planning permission is not required for a change of use from B2 to B1, and therefore the building itself could potentially be changed to residential (C3) use without requiring planning consent. Although this new permitted change would not allow for the proposed redevelopment of the site, this would nonetheless allow for the building itself to be altered and the employment use to cease without the need for planning permission, and therefore this does form a material planning consideration that should be given some weight.

In addition, the employment Policies in the NPPF are far less strict about loss of employment uses than the Local Plan Policies and it is considered therefore that only relatively limited weight can be afforded to policies E4A and E4B.

*Design and impact on the surrounding area:*

The application site is located between a single storey church and a terrace of two storey dwellings. The existing building is a part two storey part single storey building of no architectural merit that is something of an eyesore within the street scene. The proposed new dwelling would be a terrace of two storey buildings with rooms in the roof served by front and rear dormers. The overall height of the buildings is approximately 200mm higher than the neighbouring buildings to the northeast, and some 1m higher than the highest part of the church to the southwest, and would retain significant separation between the neighbouring buildings. This would ensure that the proposed development would not appear overbearing or out of character with the street scene.

The design of the proposed dwellings is relatively traditional, however does incorporate some more interesting visual features including a first floor projection, small first floor bay window and circular window within the south western gable. Given the mix of styles and designs within the locality, it is considered that the proposed development would not harm the overall character and appearance of the surrounding area and would be a visual improvement over the existing building.

*Amenity considerations:*

The proposed dwellings would only extend some 700mm beyond the rear wall of the neighbouring residential dwelling and would be located a minimum of 1m and maximum of 6m from the shared boundary, and some 5m from the closest point of the neighbouring dwellinghouse. Given the increased height over and above the existing building there would be some impact on the levels of light reaching the neighbour’s garden, however the proposed development would follow the building line and height of the existing street scene and as such this would be a similar situation to others within the High Road. It is therefore not considered unduly detrimental to the amenities of this neighbouring resident.

Given the shape of the application site, the proposed gardens and that of No. 63 High Road run at an angle to the rear of the houses. As a result of this there would be an element of overlooking from the new first floor and rear dormer windows and neighbouring rear gardens, however this layout mirrors the existing layout of the rear gardens of No. 63-69 High Road, which all result in/suffer from a similar level of overlooking. A certain level of overlooking of rear gardens is expected in built up areas such as this, and therefore it is not considered that this is unduly harmful to existing and future residents.

The proposed two bed dwellings would be expected to be served by a minimum of 60 sq. m. of private amenity space to comply with Local Plan policy DBE8. The proposed dwellings would be served by rear and rear/side gardens measuring either 63 or 76 sq. m., which exceeds this expected size.

Parking:

The proposed dwellings would all benefit from 2 off-street parking spaces at the front and side of each property that would be served by the two existing, plus one new, crossovers. Given the limited size of the site vehicles would not be able to manoeuvre on site, and therefore they would need to either reverse onto or off of the site, however this is similar to several other sites within the locality and is not considered unacceptable by Essex County Council Highways. A similar situation was recently granted on appeal at No. 69 High Road, whereby the Planning Inspectorate recognised that *“there would not be room to manoeuvre on site so it would be necessary for vehicles to reverse on or off (the site)”* however the Inspector goes on to state that *“I have seen no evidence of any accidents being attributed to a reversing manoeuvre related to an access. I accept that the proposed parking and access may not be ideal. Nonetheless, in the general context of the existing accesses on the road and the small number of vehicle movements that would be involved I am not persuaded that there would be material harm to highway safety or the free flow of traffic”*. As such, it is considered that the parking and access arrangements for the development are sufficient.

Other matters:

The application site lies within an EFDC flood risk assessment zone and is of a size where it is necessary to improve existing surface water runoff. However land drainage issues can be suitably dealt with by way of conditions.

The application site, due to its use as a printers and the presence of a 170 sq. m. infilled pond, is potentially contaminated. However suitable conditions can be imposed to deal with this issue.

**Conclusion:**

The existing B2 use is considered unsuitable for this predominantly residential location, and redevelopment of this previously developed site for housing purposes is considered an improvement over the existing use. There would be no undue harm to the amenities of neighbouring residents or to the character and appearance of the street scene, and all relevant amenity, parking and highway requirements have been met. As such the proposed development is considered to comply with the relevant Local Plan policies and is therefore recommended for approval.

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

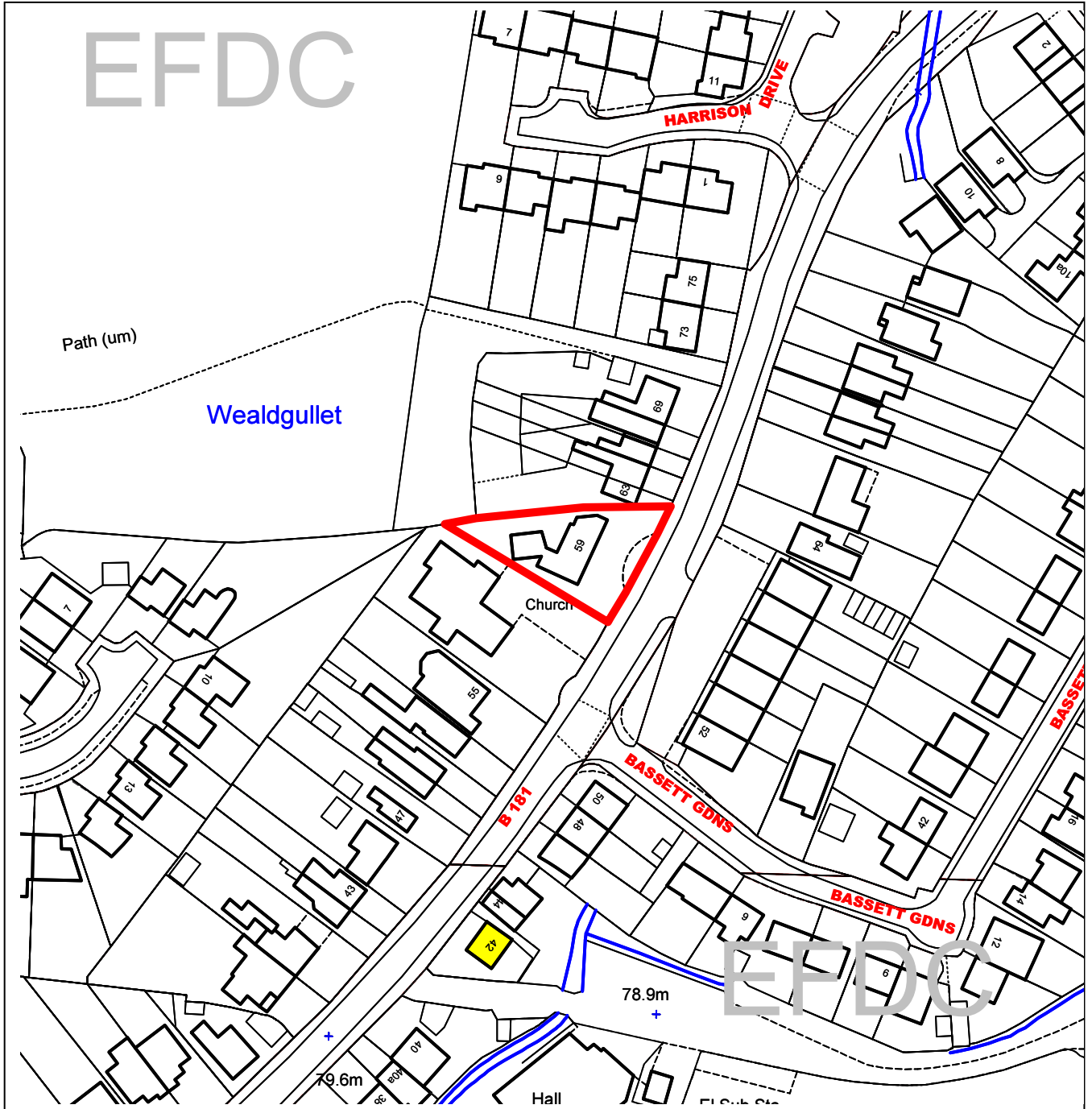
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](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/0403/13
Site Name:	59 - 61 High Road, North Weald Epping,
Scale of Plot:	1/1250

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