

Committee Agenda



Epping Forest District Council

Area Planning Subcommittee West Wednesday, 5th June, 2013

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 5th June, 2013
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Adrian Hendry - The Office of the Chief Executive
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564246

Members:

Councillors Ms Y Knight (Chairman), A Mitchell MBE (Vice-Chairman), R Bassett, R Butler, Mrs R Gadsby, Ms H Kane, Mrs J Lea, Mrs M Sartin, Ms G Shiell, Mrs P Smith, Ms S Stavrou, A Watts, Mrs E Webster and J Wyatt

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 SUBCOMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 22)

To confirm the minutes of the last meeting of the Sub-Committee held on 8 May 2013 as a correct record (attached).

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

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

7. DEVELOPMENT CONTROL (Pages 23 - 88)

(Director of Planning and Economic Development) To consider the planning applications 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. PLANNING PROTOCOL - SITE VISITS (Pages 89 - 94)

To consider the attached report.

9. PROBITY IN PLANNING - APPEAL DECISIONS, OCTOBER 2012 TO MARCH 2013 (Pages 95 - 144)

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

10. DELEGATED DECISIONS

(Director of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members' Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

11. EXCLUSION OF PUBLIC AND PRESSExclusion

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 Sub-Committee before leaving.

What can I say?

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

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

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

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

How are the applications considered?

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

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

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

Further Information?

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

Area Planning Subcommittee West 2013-14

Members of the Committee:



Cllr Knight

Cllr Mitchell

Cllr Bassett

Cllr Butler

Cllr
Gadsby

Cllr Kane



Cllr Lea

Cllr Sartin

Cllr Shiell

Cllr
Stavrou

Cllr Smith

Cllr Watts



Cllr Wyatt

Cllr
Webster

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee West **Date:** 8 May 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.45 pm

Members Present: Mrs P Smith (Chairman), Ms Y Knight (Vice-Chairman), Mrs J Lea, A Mitchell MBE, Mrs M Sartin, Ms G Shiell, Ms S Stavrou, A Watts, Mrs E Webster and J Wyatt

Other Councillors: -

Apologies: R Bassett, Mrs R Gadsby and Ms H Kane

Officers Present: J Godden (Planning Officer), C Neilan (Landscape Officer & Arboriculturist), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

85. 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.

86. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

87. MINUTES

Resolved:

(1) That the minutes of the meeting of the Sub-Committee held on 3 April 2013 be taken as read and signed by the Chairman as a correct record.

88. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor S-A Stavrou declared a personal interest in the following items of the agenda, by virtue of being acquainted with the applicants and having advised them in the past. The Councillor had determined that her interest was non-pecuniary and would leave the meeting for the consideration of the application and voting thereon:

- EPF/0394/13 Netherhouse Farm, Sewardstone Road, Chingford; and
- EPF/0457/13 Netherhouse Farm, Sewardstone Road, Chingford.

89. ANY OTHER BUSINESS

The Sub-Committee noted that there was no other urgent business for consideration at the meeting.

90. TPO/EPF/23/12 KNOLLY'S NURSERY, PICK HILL, WALTHAM ABBEY

The Principal Landscape Officer presented a report to confirm a tree preservation order at Knollys Nursery, Pick Hill in Waltham Abbey.

The Principal Landscape Officer reported that a planning application had been received to redevelop the area of the existing house and derelict glasshouses, and to extend development into the adjacent field. As part of the application process, a tree survey had been submitted by the applicant which categorised a number of the trees as 'B' quality, but these trees were suitable for retention and consideration should have been given to designing the development around them. The submitted layout plans did not appear to have taken the retention of any of the surveyed trees into account and indeed the majority of the trees on the site were shown to be removed. The trees were considered to be under a direct threat of being felled hence an order was made on those trees deemed suitable for legal protection. The planning application was subsequently refused.

The Principal Landscape Officer informed the Sub-Committee that, although the planning application had been refused, these trees still required legal protection by this order as the trees were likely to be felled otherwise. In making the order, it would highlight to the applicants the important trees on the site and, should they choose to submit further applications for development, this should assist them in designing a new layout with the retention of these trees. It was therefore recommended that the Sub-Committee should confirm the order without modification.

Resolved:

(1) That Tree Preservation Order TPO/EPF/23/12 at Knollys Nursery, Pick Hill in Waltham Abbey be confirmed without modification.

91. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

Resolved:

(1) That the planning applications numbered 1 – 11 be determined as set out in the schedule attached to these minutes.

92. DELEGATED DECISIONS

The Sub-Committee noted that details of planning applications determined by the Director of Planning & Economic Development under delegated authority since the last meeting had been circulated to all members and were available for inspection at the Civic Offices.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/0090/13
SITE ADDRESS:	Thatched House Harlow Road Roydon Harlow Essex CM19 5HH
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	TPO/EPF/82/10 T1 (T2 on TPO) - Horse Chestnut - Fell
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544912

CONDITIONS

1. A replacement tree of a, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Report Item No: 2

APPLICATION No:	EPF/0583/13
SITE ADDRESS:	187 Honey Lane Waltham Abbey Essex EN9 3AX
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
DESCRIPTION OF PROPOSAL:	TPO/EPF/02/83 T1 - Cypress - Fell T2 - Cypress - Fell
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547277

CONDITIONS

1. A replacement tree of a, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
2. The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

Report Item No: 3

APPLICATION No:	EPF/0072/13
SITE ADDRESS:	Rear of 15-16 Sewardstone Road Waltham Abbey Essex EN9 1PQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Redevelopment of the site to provide 1no x 3 bed and 1no x 2 bed with 2 parking bays.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544830

Ministers agreed the recommendation to grant consent but considered that it was important, in the interests of encouraging economic growth, to require the development commence within 12 months. The first condition was amended accordingly.

CONDITIONS

1. The development hereby permitted must be begun not later than the expiration of one year beginning with the date of this notice.
2. No development shall take place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
3. The bicycle store shown on the approved plans shall be provided prior to the first use of either of the flats and retained thereafter free of obstruction for that use.
4. The parking and refuse /recycling storage area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles and for the storage of refuse and recycling for both flats.
5. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: W03, W04, W05, W06,, W07, W08, W09.

Report Item No: 4

APPLICATION No:	EPF/0108/13
SITE ADDRESS:	Tylers Cross Nursery Epping Road Nazeing Waltham Abbey Essex EN9 2DH
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing Lower Nazeing
DESCRIPTION OF PROPOSAL:	Change of use of land surrounding glasshouse as indicated, from agricultural to Sui Generis use as a scaffold and paving storage yard.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545012

CONDITIONS

1. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2240-A1-P-101 Rev: A, 2240-A1-P-102 Rev: A
2. The premises shall be used solely for a scaffold yard and/or a paving yard and for no other purpose.
3. Any outdoor storage, storage containers or temporary structures shall not exceed a maximum height equivalent to a single standard shipping container, unless otherwise agreed in writing by the Local Planning Authority.
4. The uses hereby permitted shall not be open for business purposes outside the hours of 06:00 to 18:00 on Monday to Friday, 06:00 to 13:00 on Saturday and at no time on Sundays and Bank/Public Holidays.
5. Within three months of the date of this decision, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
6. None of this area shall be used for LGV overnight parking.

Report Item No: 5

APPLICATION No:	EPF/0109/13
SITE ADDRESS:	Tylers Cross Nursery, Epping Road Nazeing Waltham Abbey Essex EN9 2DH
PARISH:	Roydon
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Change of use of existing agricultural and glasshouse store and workshops to B2 use.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545013

CONDITIONS

1. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2240-A1-P-301 Rev: A, 2240-A1-P-302 Rev: A
2. The premises shall be used solely for B2 or B8 use and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
3. Within three months of the date of this decision, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
4. Any outdoor storage shall not exceed a maximum height equivalent to a single standard shipping container, unless otherwise agreed in writing by the Local Planning Authority.
5. The uses hereby permitted shall not be open for business purposes outside the hours of 06:00 to 18:00 on Monday to Friday, 06:00 to 13:00 on Saturday and at no time on Sundays and Bank/Public Holidays.
6. No parking of LGV's shall occur on the site at any time.

Report Item No: 6

APPLICATION No:	EPF/0228/13
SITE ADDRESS:	Marston Group 37 Sun Street Waltham Abbey Essex EN9 1EL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Proposed change of use of 2nd floor from existing offices (B1) into apartments (C3) to provide 8 flats
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545511

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: 893 001-007 and the submitted location plan.
3. 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.

Report Item No: 7

APPLICATION No:	EPF/0363/13
SITE ADDRESS:	1 Banes Down Nazeing Essex EN9 2NU
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Proposed new 2 bedroom bungalow dwelling with rear terrace area.
DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546193

REASON FOR REFUSAL

1. The proposed new dwelling is a cramped form of development which adversely affects the amenities of the street scene, due to its siting and width, contrary to policies CP2 and DBE9 of the adopted Local Plan and Alterations.
2. The proposed new dwelling would adversely affect the amenities of the neighbouring property at No 36 Maplecroft Lane by reason of its overbearing impact due to its siting and proximity to the site boundary, contrary to policy DBE10 of the adopted Local Plan and Alterations.

Positive and Proactive Statement

In refusing this application, Committee Members identified a way forward in that a revised scheme which has a 1m gap to each side boundary may be acceptable. It may also be possible to set the dwelling back from the boundary with No 36 Maplecroft Lane.

Report Item No: 8

APPLICATION No:	EPF/0394/13
SITE ADDRESS:	Netherhouse Farm Sewardstone Road London E4 7RJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Change of use of existing training centre building to a restaurant (Use Class A3)
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546411

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: 12069/1A, 12069/2, 12069/3C, 12069/4B
3. The finishes of any external alterations hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
4. The restaurant hereby permitted shall not be open to customers outside the hours of 11:00 to 23:00 on Sunday to Thursday and 11:00 to 00:00 on Fridays and Saturdays.
5. Any outside dining areas, including that shown on Plan Ref: 12069/4B, shall not be open to the public outside of the hours of 11:00 and 21:00 Monday to Sunday.
6. The use hereby approved shall not commence 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. This should include an Environmental Health assessment on what landscape facilities are needed to attenuate noise.

7. The parking area shown on Plan Ref: 12069/3C shall be marked out and provided prior to the first use of the development and shall be retained free of obstruction for the parking of staff and customer vehicles.
8. 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.

9. Prior to use of the site as a restaurant, details of odour suppression and dispersal equipment and noise mitigation devices shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment/devices shall thereafter be installed and be in full working order prior to commencement of use, and shall be retained and maintained thereafter.
10. Prior to commencement of the use, details of the proposed cycle store shall be submitted to and agreed in writing by the Local Planning Authority. The cycle store shall thereafter be installed and retained in accordance with the approved details prior to the restaurant being opened to the public.
11. All works and ancillary operations relating to the approved development, 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.

Report Item No: 9

APPLICATION No:	EPF/0457/13
SITE ADDRESS:	Netherhouse Farm Sewardstone Road London E4 7RJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	Grade II listed building application for change of use of existing training centre building to a restaurant (Use Class A3)
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546771

CONDITIONS

1. The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 12069/1A, 12069/2, 12069/3C, 12069/4B
3. The finishes of any external alterations hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Report Item No: 10

APPLICATION No:	EPF/0399/13
SITE ADDRESS:	Richmonds Farmhouse Parsloe Road Epping Green Epping Essex CM16 6QB
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Removal of two of the three outbuildings and replace with a proposed annex and to move the granary.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546433

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 proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling shown as Richmond Farm on the approved plans.
3. No development shall take place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
4. Additional drawings that show details of proposed new windows, doors, eaves, verges and the proposed decking, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works.

Report Item No: 11

APPLICATION No:	EPF/0408/13
SITE ADDRESS:	Richmonds Farm Parsloe Road Epping Green Epping Essex CM16 6QB
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Grade II listed building application for removal of two of the three outbuildings and move the granary.
DECISION:	Grant 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=546490

CONDITIONS

None.

AREA PLANS SUB-COMMITTEE 'WEST'

5 June 2013

INDEX OF PLANNING APPLICATIONS

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Report Item No: 1

APPLICATION No:	EPF/0587/13
SITE ADDRESS:	High Beech C Of E Primary School Mott Street Waltham Abbey Essex
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Ms Julie Harper
DESCRIPTION OF PROPOSAL:	TPO/EPF/18/93 G3 - Ash x 3, Sycamore x 1 - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547311

CONDITIONS

- 1 Prior to the felling hereby agreed, the details of the replacement tree, or trees, of a number, species, size and in an appropriate position shall be approved in writing by the Local Planning Authority. The tree or trees shall then be planted within one month of the implementation as agreed, unless varied with the prior written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

This application is before Committee since all applications to fell protected trees are outside the scope of delegated powers

Description of Site

These four trees stand within a triangular group of trees, on a steeply sloping corner at the front of this school site. They are part of the heavily wooded character of the area and are clearly visible from the entrance drive leading to the main school buildings. The trees have been selected from at least 15 individuals of varying size and quality in this untended piece of land. The trees are among the less publicly important individuals but add to the green presence of the tree group..

Description of Proposal

G3. Ash x 3, Sycamore. Fell tree to ground level

Relevant History

The TPO/EPF/18/93 was made in 1993 to protect the most important trees on site and these trees were included as a group on grounds of their collective contribution to the screen along this part of the boundary. It is unlikely that they would have justified protection on their own merits.

There is a landscape scheme in draft form designed to provide a 'quiet teaching area' with seating, raised beds and a pond in this otherwise unusable area. A discussion has been had with the Principal Planning Officer who was willing to consider a modest pond of about 5 - 6 square metres as permitted development. It should be noted that anything larger than this would require planning permission.

Policies Applied

LL9: Felling of preserved trees. The Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the trees.

Summary of Representations

WALTHAM ABBEY TOWN COUNCIL objected on the grounds that there is no justification for felling these trees

Issues and Considerations

The reasons given for the application are summarised, as follows:

A proposal to develop this area into a 'quiet ' teaching area with seating, raised beds and a pond necessitates felling 3 ash trees and a sycamore to ensure that there is sufficient light and reduced leaf fall. The four trees in question are of poor quality and low amenity value. The area in question has never been developed previously and I feel that the children would benefit enormously from the development

Planning considerations

Amenity value

The group of over 15 trees vary in value and during a pre-application site discussion these four were selected for removal primarily due to their low quality whilst making better provision for the retained better specimens. In the case of the sycamore, its position is now interfering with the crown of the large ash; a dominant feature of this well treed area.

Replacement planting

The landscape scheme proposes extensive boundary mixed native hedge replanting with Hornbeam, Hawthorn, Hazel, Spindle, Field maple and Holly amongst existing self sown trees. This boundary screen will provide improved screening from neighbouring properties and other benefits in the greater variety of species and their various floral, autumn coloration and evergreen characteristics.

Other planning considerations

It is clear that the project has the best interests of the pupils in mind, where the opportunity for outdoor learning is being encouraged. This is to be supported, where appropriate, but must not

give clearance for a major engineering undertaking. Some concern was noted at the apparent size of the pond shown on the unscaled sketch of the landscape proposal. Providing this is amended to an appropriate scaled size not exceeding 3 metres at its widest dimension and does not threaten the root zones of the more important retained trees, then good use of this area must be seen as a laudable aim.

Conclusion

The application is recommended for approval on the basis that these trees are not publicly important and that their removal is outweighed by the benefits enjoyed by pupils and better growing conditions for the retained trees. A replacement hedgerow will adequately mitigate for the loss of these mediocre individuals. It is, therefore, recommended to grant permission to fell all four trees on the grounds that the reason given justifies the need for the trees' removal. The proposal in this part is in accordance with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling then a condition requiring appropriate replacements as part of the full scheme and a condition requiring 5 days written notice prior to the works commencing should be attached to the decision notice.

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:

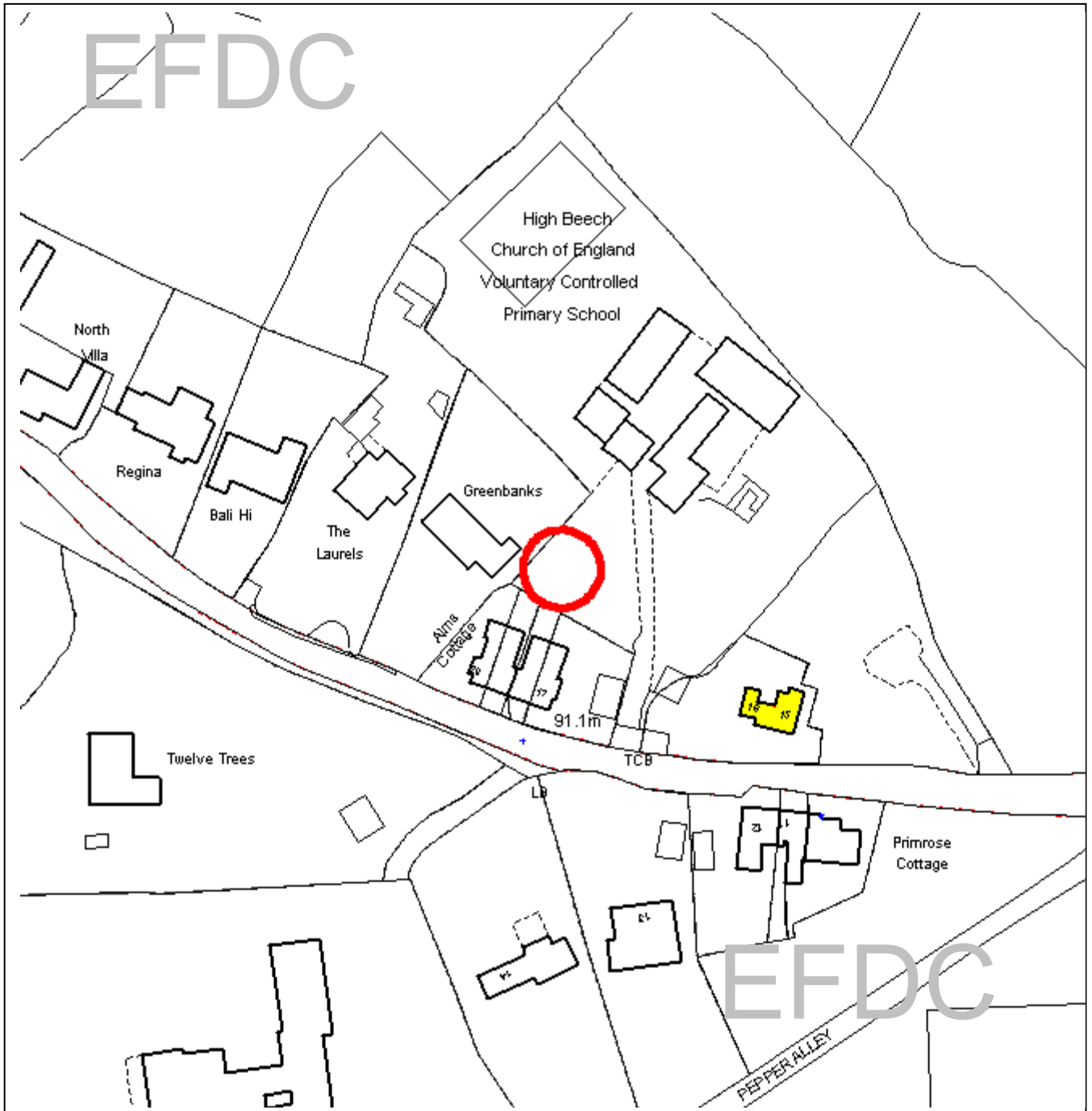
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/0587/13
Site Name:	High Beech C Of E Primary School Mott Street, Waltham Abbey
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0752/13
SITE ADDRESS:	11 Wheelers Green Middle Street Nazeing EN9 2LF
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Robin Sinden
DESCRIPTION OF PROPOSAL:	TPO/EPF/23/83 T1 - Horse Chestnut - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=548170

CONDITIONS

- 1 Prior to the felling hereby agreed, the details of the replacement field maple tree, of a size and in an appropriate position shall be approved in writing by the Local Planning Authority. The tree shall then be planted within one month of the implementation as agreed, unless varied with the prior written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The Local Planning Authority shall receive in writing, 5 working days prior notice of felling.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Site:

The tree stands on the front boundary, close to the street. It is a major local feature close to the junction with Hoe Lane.

Description of Proposal:

Horse chestnut. Fell.

Relevant History:

TPO/EPF/27/04 was a strategic order, protecting the most prominent trees in the village. Originally this was part of a much larger group but only 2 are now left. An adjacent tree on highway land was uprooted last year

Policies Applied:

Epping Forest District Local Plan and Alterations, LL08 & 09: Pruning and felling of preserved trees.

Summary of Representations:

NAZEING PARISH COUNCIL: Leave to the Arboricultural Officer.

BARNFIELD; Strongest possible objection. This substantial tree is a real local asset. He doubts that there is any real danger. Suspects concern arises from loss of companion. That tree was clearly rotten. This one shows no sign of weakness or instability. Doubts any hidden defect could be so severe as to threaten real danger. Suggests mixed motives. Felling is unnecessary and unjustified, a great loss to the community and to wildlife.

Issues and Considerations:

Introduction

The application is supported by a professional assessment from Urban Tree Experts, who are not otherwise associated with the application. The report was commissioned in the wake of the collapse of the nearby tree. It is based on a visual tree assessment together with an internal survey of the stem using a Picus tomograph and a resistograph.

The principal findings are the presence of a small fruiting body (*Ganoderma applanatum*) between two of the stem buttresses; minor pockets of decay in the stem (at an early stage of invasion) and weak unions between several of the leading stems. This fungus is ultimately a destroyer of trees, but it can progress slowly, and be tolerated for many years particularly if a tree is otherwise vigorous. It found the tree safe to remain, but only subject to:

1. Visual inspections on a regular, annual basis but also after severe weather;
2. 3 yearly decay detection surveys; and
3. Cable bracing to guard against failure of the stem unions.

The application is based on the owner's concern about the state of the roots, which cannot be surveyed, the need for expensive cable bracing and repeat inspections and the tree's relatively short safe useful life expectancy, particularly given the stress on horse chestnuts now as a result of infestation by the leaf miner. The owner is willing to replace it, but would rather plant a native field maple.

Discussion

The visual importance of the tree is not disputed, nor that in early summer it looks splendid and is a significant local asset. There is also no case to fell it as an immediate hazard. However added to the incipient decay in its stem the possibility that its root system is more seriously decayed cannot be entirely discounted. The owner reports the presence of honey fungus in the lawn close to its base last autumn. Honey fungus is believed to have been a contributory cause to the loss of the other trees from the group. It also has stem unions that are not ideal; given the location the owner would be in an indefensible position were he not either to install cable bracing, or to apply to reduce the crown. Given the generally reduced life expectancy for horse chestnut, given the presence of the leaf miner in such numbers and the increasing prevalence of bleeding stem canker of this species across the district the issue is whether the accepted prominence of the tree

justifies requiring the owner to go to those lengths set out above to keep it or whether a replacement offers the better option in the medium/ long term?

Conclusion

It is considered that the balance favours replacement. While this is a notable tree and local landmark and the owner's safety concerns are not proven, its Safe Useful Life Expectancy is not likely to be long, and would be dependent upon both bracing or surgery and regular inspections, including on the progress of the internal decay. The owner has stated his willingness to plant a new tree, and favours the native field maple, which would make a good replacement.

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: Christopher Neilan
Direct Line Telephone Number: 01992 564117***

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

Report Item No: 3

APPLICATION No:	EPF/0176/13
SITE ADDRESS:	The Mulberries and Poplars Farm Hamlet Hill Roydon Harlow Essex CM19 5JY
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Peter Barker
DESCRIPTION OF PROPOSAL:	Change of use to enable the retrospective expansion of established bus and coach depot including: parking of 10 buses or coaches and 9 staff vehicles; use of buildings Q and R for the repair and maintenance of agricultural vehicles, buses and coaches and the storage of tools and equipment associated with the repair and maintenance of agricultural vehicles, buses and coaches; the use of part of building S for staff toilets; the outside repair of buses and coaches within designated area between buildings Q and R; and planting of 2 x 10m deep native tree belts.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545314

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3212/1A, 3212/4 and 3212/5.
- 2 Within 3 months of the date of this consent I a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), shall be 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.
- 3 Any gates erected at the access to the site shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

- 4 There shall be no obstruction above 600mm in height within a 2.4m wide parallel 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 within 3 months of the permission hereby granted and thereafter retained.
- 5 No unbound material shall be used in the surface treatment of the vehicular access within 10m of the highway boundary with the site.
- 6 The site shall be used for the parking of a maximum of 10 buses/coaches or minibuses, unless otherwise agreed in writing by the Local Planning Authority and these shall be parked in the locations shown on the approved plan no. 3212/4.
- 7 Only buses coaches and minibuses operating from this site and the adjacent Poplars Farm depot and farm machinery used in farming of the land belonging to the Barker family as outlined in blue on the application drawings shall be maintained and repaired at the site.
- 8 Within three months of the date of this approval, all materials, vehicles/caravans and other open storage at the site other than operational buses/coaches and miniibuses shall be cleared from the site and thereafter there shall be no open storage of any kind within the site.
- 9 The bus and coach depot use hereby approved shall be used only as an extension to the existing bus and coach depot on the adjoining Poplars Farm as shown on drawing no. 3212/4, with access for buses and coaches to be taken through the existing vehicular access at Poplars Farm and shall not be sold or let as separate business.

This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a)) and since it has been 'called in' by Councillor Penny Smith (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of Site:

The application relates to a roughly square site measuring approximately 75m x 75m located on the southern side of Hamlet Hill, within the Metropolitan Green Belt. The site contains 2 buildings currently used as storage in connection with the repair and maintenance of farm vehicles and buses, between which lies a vehicle lift used for inspecting and working on agricultural vehicles and coaches. A third building located towards the front of the site adjacent to the eastern boundary with Gladwyn's Farm is vacant and in a state of disrepair.

There is a tall conifer hedge along the front boundary. The adjacent site to the west (Poplars Farm) is in the ownership of the same family and has a lawful use as a bus depot. The site is currently in use for the parking of buses and coaches and for the storage of caravans and farm vehicles and there are some old cars, machinery and building materials around the site as well as a caravan in residential use.

Immediately to the east of the site is a residential property known as Gladwyn's, which is in different ownership.

The site can either be accessed through the adjacent Poplars Farm site or via an existing access at the eastern side of the site, where there are metal gates set back from the site frontage.

Description of Proposal:

The application is an amended retrospective application to retain the existing unauthorised use of the land as an extension of the adjacent bus depot, (Barker Bus) for:-

- the open storage of coaches and staff parking,
- the use of two existing buildings for storage in connection with the repair and maintenance of coaches and farm machinery and storage of parts and tools.
- It is suggested that the third building, set close to the road frontage, would be used as a staff toilet facility.

The proposals include the provision of significant new tree planting to the side and rear of the site and it is proposed to utilise only the existing access to the adjoining depot, with no separate access to the application site.

Relevant History:

The site and the adjoining land to the east and south (Gladwyn's Farm) were the subject of an enforcement notice in 1981, which required: 1) the discontinuance of use of the land and buildings for the purpose of storing, stationing, maintaining and repairing motor vehicles and parts of motor vehicles other than motor vehicles and parts of motor vehicles used solely for agricultural purposes in connection with the working of Gladwyn's Farm, Hamlet Hill, Roydon. 2) To remove from the land and buildings situated thereon all motor vehicles and equipment brought thereon in connection with said use.

A subsequent planning application for that use was refused and the appeal dismissed.

Although that enforcement notice is still extant, given its age and that the unauthorised use has changed in nature, rather than simply prosecute the owner for contravention of the notice, Officers gave the applicant the opportunity to apply for the change of use.

An application EPF/0606/12 for the change of use to a bus depot and also for the storage of 6 touring caravans and the stationing of staff toilets was submitted. This application was refused, under delegated powers, on 13th June 2012 for the following reason:

"The proposed use which includes substantial open storage and parking of large vehicles including buses and caravans is inappropriate development in the Green Belt, harmful to openness of the Green Belt and contrary to the purposes of the Green Belt. Very special circumstances sufficient to outweigh the harm to the Green Belt from the development do not exist. The development is therefore contrary to the Green Belt principles set out in the National Planning Policy Framework and to Policy GB2a of the adopted Local Plan and Alterations."

Following this refusal, a revised Enforcement Notice covering the application site and adjoining land within the applicant's ownership was served on 31st July 2012. It came into affect on 9th September 2012 and allowed six months from that date for compliance.

The Enforcement notice requires:

- The cessation of use of caravans/mobile homes for residential purposes.
- The removal of the caravans/mobile homes from the land and removal of any foundations

- Cessation of use of the land for the parking of buses, coaches, farm vehicles not connected with the agricultural working of the land, ancillary staff vehicles, the stationing of portable toilets and the storage of caravans
- The cessation of the use of the land for the repair and maintenance of buses, coaches and farm vehicles not connected with the agricultural working of the land
- The removal of all buses, coaches, farm vehicles not connected with the agricultural working of the land, ancillary staff vehicles, portable toilets and caravans from the land and the removal of all resultant debris and materials from the land.

The period for compliance ended on 8th May 2013.

The applicant initially appealed against the enforcement notice, but subsequently withdrew that appeal so the current uses are in contravention of this valid notice.

The applicant met with planning officers to discuss whether there was a possible way forward. The result is this amended application which no longer includes the storage of caravans or the siting of temporary toilets, and provides significantly more information about the link between this site and the existing business and the surrounding farmland. It was agreed that the Council would not seek to prosecute for non compliance with the bus related element of the enforcement notice, subject to this application being approved.

Summary of Representations

A site notice was erected and 7 neighbouring properties and the Roydon Residents Association were written to. No neighbours responded but the following comments were received.

PARISH COUNCIL - No Objection – Support a business that has been trading for in excess of 30 years.

39 TEMPLE MEAD, ROYDON - I use Barkerbus when they run excursions for the elderly of Roydon and surrounding areas. If the land they use to store their vehicles had to be returned to agricultural use the community would lose a valuable asset, because Barkerbus tailor their service to our area.

GREEN VIEW, 1 CHURCH MEAD, ROYDON - I understand that the Barker Family - owners of Barkerbus have submitted a retrospective planning application for the plot of land, which has been in their ownership for some 8 years or so, and adjacent to their main depot.

Whilst the land is designated Green Belt, I do not see any reason why it should not be considered in the context of many other similar sites in the surrounding area which are used for 'business' purposes. Barkerbus are a small business which provides not only a service to the local community, I have used them, they have a wider community value in providing a service for schools and the disabled. At a time when every support needs to be given to such businesses, I would hope that the Members of Epping Forest District Council will support this application. I wish to register my support of the retrospective application.

ROYDON ROYAL NAVAL ASSOCIATION - We are a local Association of Royal Navy Veterans and have been dependent on Barker Bus for our social and member outings. Our members are mainly over 65 and without our local coach service we would find it extremely difficult to arrange the different venues for us to visit. They have never let us down; always been prompt and on time and have been fair in the hire of a coach and travel costs. We know that they have never complained about going out of their way to either pick up or drop our members off, knowing that security for our senior citizens on our streets is paramount. At these times when it is so important to emphasise local services for the community, we look towards using Barker Bus well into the future and we are unanimous in our support for the need to have them located on this site.

ROYDON PRIMARY SCHOOL - Barkerbus are a local firm who provide invaluable services to the community, including provision of home to school transport. We feel that their application should be allowed.

NAZEING PRIMARY SCHOOL - As Head teacher of a local primary school, Barker Bus has served our school community well, taking groups of pupils on various educational visits and school journeys. We can always rely on this local family run coach company, who are approved by Essex County Council and are happy to support their planning application.

Policies Applied:

The NPPF:

It is considered in addition that the following relevant policies of the adopted Local Plan and Alterations are in accord with the NPPF and are therefore to be accorded significant weight.

The most relevant Local Plan policies are:

- CP1 achieving sustainable development
- CP2 protecting the quality of the rural and built environment
- CP3 New development
- GB2A Green Belt
- GB8A Change of use of buildings
- RP5A Environmental Impacts
- E11 Employment uses elsewhere
- E15 Resist consolidation
- E12a farm diversification
- LL1 Rural Landscape
- LL2 Inappropriate rural development
- LL10 Landscape provision and retention
- LL11 Landscaping Schemes
- ST1 Location of development
- ST2 Accessibility of development
- ST4 Road Safety
- ST6 vehicle Parking

Issues and Considerations:

The main factors which need to be considered are impact on the Green Belt, highway safety, sustainability, residential amenity and visual amenity.

Green Belt

The site is within the Metropolitan Green Belt and its only authorised use is agricultural, it is not, as stated in the NPPF, classed as brownfield land or previously developed land. Whilst the change of use of buildings within the Green Belt can be appropriate, the main aspect of this application is the open storage of 10 coaches and this element is clearly inappropriate and by definition harmful to the Green Belt. There is also actual harm to openness as the vehicles parked on site physically take up space and have a visual impact on openness. For the proposed use to be considered acceptable, national and local policy makes it clear that there need to be very special circumstances which are sufficient to outweigh this harm.

The applicant's agent has put forward an argument that the harm is limited as the land is already despoiled from previous unauthorised use by the previous owner for lorry parking and soil

screening and dumping of demolition waste. However that use was never authorised and the then owner was prosecuted by this authority 9 times in total to secure the removal of those uses.

The applicant's agent also considers that there are very special circumstances sufficient to outweigh the harm from the development and has set out the following:

1. Reuse of existing buildings is appropriate development.
2. Barkerbus needs additional space to park buses and no other sites are available either in the applicant's ownership or in the locality
3. Refusal would cause serious harm to the local economy, contrary to the NPPF.
4. The proposed development is part of a diversification from agriculture which continues to benefit the farm and the local landscape. Farm diversification is supported by policy as it can ensure the continuance of farming use and the stewardship of land. The revised application (in which the applicant has changed from solely Mr Barker to "The Barker Family") shows that there is about 34 hectares of agricultural land within that family ownership. The fields are laid to grass and bounded by hedgerows, although the land is not actively farmed, it is managed under a Countryside Stewardship scheme which offers payments to farmers to protect and enhance the environment and wildlife. The farm, even relying on unpaid labour from Mr Peter Barker, made a profit of only £462 in the last published accounts. The argument is therefore that the continued operation of the Barkerbus business, which can only take place if they can expand, is necessary to enable the continued stewardship of this land.
5. The bus and coach services provided meet an important local community need and their loss would be contrary to Para 70 of the NPPF and adopted Local Plan Policy CF12
6. Refusal of Planning permission would result in more private car use and/or its replacement by a less sustainably located bus operator. It should therefore benefit from the presumption in favour of sustainable development in the NPPF.
7. New landscaping carried out around the southern and eastern boundaries of the site in connection with the development would significantly enhance biodiversity and landscape character.

The Planning Officer's comments on these issues is as follows:

1. It is accepted that the reuse of substantial buildings can be appropriate development, where this does not result in other harm, such as open storage and excessive traffic movements. The two main buildings within this part of the site are substantial and capable of reuse, the third building, located toward the front of the site is a dilapidated block work and timber structure, that has recently been part repaired and reroofed and may be capable of reuse. It is considered that the reuse of these buildings for storage/facilities in connection with the adjacent bus depot would not be inappropriate.
2. It is clear that the business has outgrown its original site; it is not physically possible to park all the buses owned and run by the business within the original bus depot area. The business has expanded gradually into the application site since the land was purchased from the previous owner in 2004 despite the fact that there was an enforcement notice on the land at the time of the purchase, and the previous owner had been prosecuted on some seven occasions for failure to comply with the notice.
3. The fact that this application is retrospective should not influence the decision. The question is whether, had the applicant applied for change of use of the land to allow the expansion of his

business in a controlled manner and with suitable conditions and landscaping, such a proposal would have been considered acceptable.

4. The case here has to some extent been clouded by the other uses that have been introduced within the wider site in the applicant's ownership, which include the open storage of caravans and the use of caravans for residential purposes. These issues can be resolved by the existing enforcement notice. Whilst the open storage/parking of coaches on Green Belt land is clearly inappropriate, it is accepted that this is an existing established business that does provide a local service and rural employment, which is broadly in line with the requirements of the NPPF. The agent's argument on this point therefore is valid and a material consideration.

5. However, it is difficult to see this expansion as true farm diversification, as it is clear that the main income is in fact from the bus business and the farm (which is not actively farmed) is perhaps a secondary business. However, there is evidence that the land is maintained under a stewardship scheme and the continuation of the bus business may help enable the continuation of this stewardship.

6. Maintaining the bus operation at one site rather than trying to split it over two sites, is clearly preferable on sustainability terms. As well as operationally, the owner and operator of the business lives opposite this site, providing security and reducing traffic movements.

7. The proposed landscaping will enhance the site and mitigate some of the visual intrusion from the proposed coach parking.

On balance, it is considered that taken all together these factors, which individually may not make a strong case, are sufficient to outweigh the harm to the Green Belt that results from the development.

Highway Safety

Although the development results in an increase in traffic movements, the Highway Authority state that the use has not resulted in any highway capacity or efficiency issues and there have been no recorded accidents associated with the use or access within the last 3 years. Furthermore, the application allows for improvements to be made to the access and visibility to the advantage of all road users. On this basis there is no objection to the proposal on highway grounds subject to the imposition of suitable conditions.

Sustainability

As touched on above and vouched for by local schools and others, the bus depot is well located to provide services for residents of Roydon and Nazeing reducing distances travelled, The operator also lives adjacent to the site reducing traffic movements. The link with the stewardship of the adjoining farmland is seen as a benefit with regard to long term sustainability issues.

Residential amenity

The nearest residential property to the extended site on the same side of the road is Gladwyn's Farm. The application includes a 12m wide belt of tree planting between the yard area and the boundary with Gladwyn's and it is not considered that there would be undue harm to residential amenity given that the authorised use of the site is a farmyard with repair and maintenance of farm machinery. No objections to the proposal have been received.

Visual Amenity

The site is well screened from the road by an existing high conifer hedge. The proposals include the introduction of new tree planting belts of native species in three staggered rows that, in time, will reduce the impact of the site from longer views from the east or south. The applicant's agent has had discussions with the Council's landscape officer and subject to suitable size specimens being planted and suitable aftercare being provided, effective screening can be achieved. A condition requiring further details of planting and maintenance is suggested. The site itself is currently in a very poor state with old vehicles, caravans, building materials and other detritus left around the site. Whilst much of this is covered by the enforcement notice, it is considered that conditions requiring the removal of these within 6 months of any consent will help to improve the openness of the site, ensure that the depot has suitable manoeuvring space for the buses and farm machinery and generally improve the visual amenity of the site. Conditions can also be added to prevent any further open storage at the site and to restrict the areas used for parking and coach parking to prevent further incursion into the open area.

Conclusion

The use of the site is contrary to Local and National Green Belt policy and entails the consolidation of an existing inappropriate use within the Green Belt, but on balance, it is considered the circumstances of this particular site, which will enable the continuation of a long standing established local business and achieve highway improvements and improvements to the visual amenity of the area (beyond those that could be achieved by simple enforcement action), are sufficient very special circumstances to outweigh the harm to the Green Belt. The application is therefore recommended for approval subject to conditions.

Should planning permission be granted, the Enforcement section will continue to work to secure the removal of the other unauthorised activities from the site.

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:

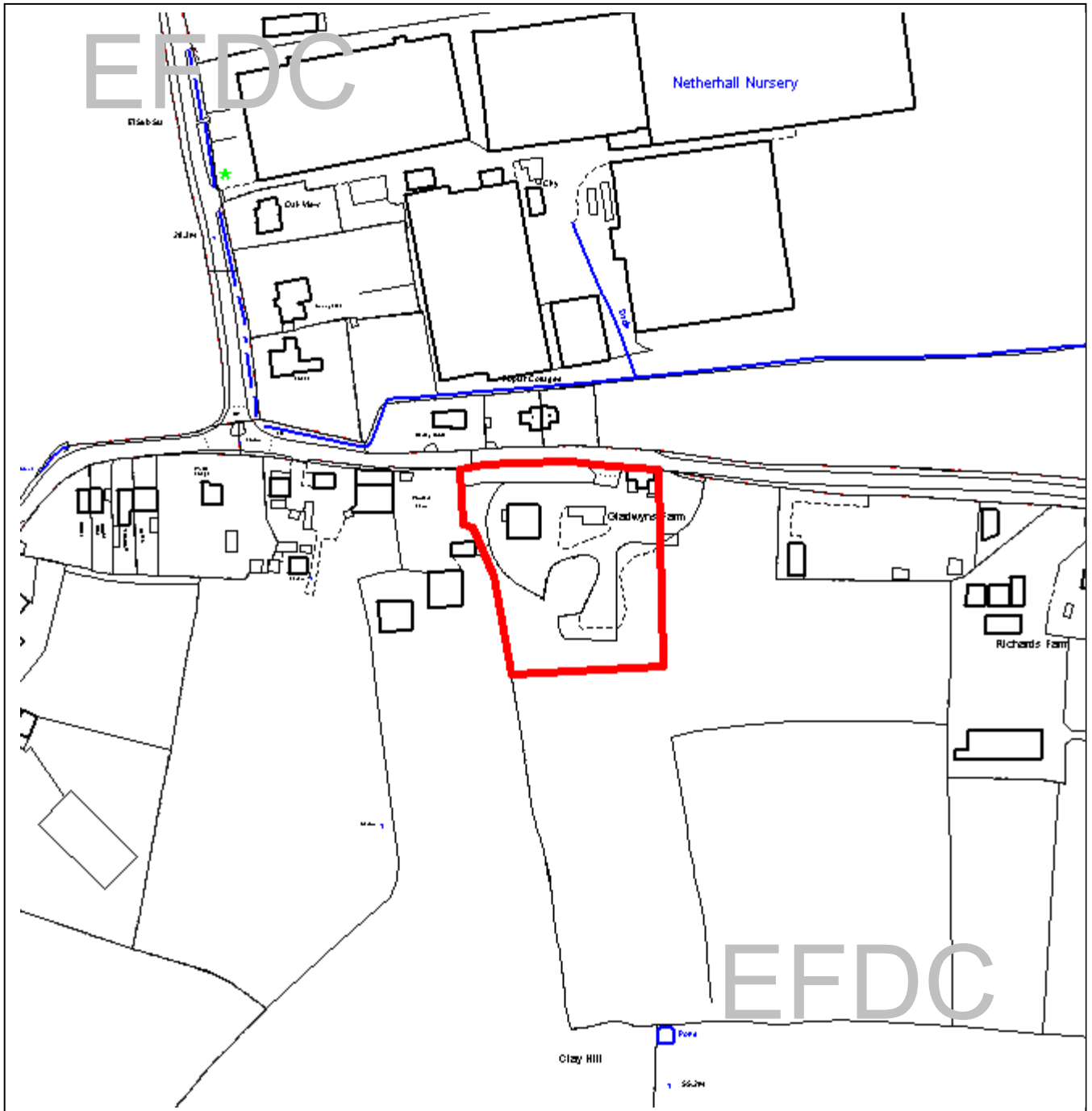
***Planning Application Case Officer: Mrs Jill Shingler
Direct Line Telephone Number 01992 564106***

Or if no direct contact can be made please email:



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	3
Application Number:	EPF/0176/13
Site Name:	The Mulberries and Poplars Farm Hamlet Hill, Roydon, CM19 5JY
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0711/13
SITE ADDRESS:	Hailes Farm Low Hill Road Roydon Harlow Essex CM19 5JW
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr M Bowden
DESCRIPTION OF PROPOSAL:	Retrospective application for the change of use from B8 (Storage and Distribution) to Sui Generis Use as a bus/coach garage.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547931

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Location Plan licence no. 100047474, Block Plan licence no. 100047474
- 2 Within three months from the date of this decision, details of the proposed new tree planting, including positions or density, species and planting sizes and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.
- 3 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years from the date of this decision, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 4 Within three months from the date of this decision, details of all external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, all external lighting shall be installed and maintained in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.
- 5 There shall be no outdoor storage, with the exception of the storage and parking of vehicles, within the site.
- 6 All vehicle maintenance and repair must take place within the workshop, and shall not take place within the yard area.
- 7 Within three months from the date of this decision, details of a suitable parking area shall be made available and once approved, be retained on site for the parking of staff and visitors vehicles.
- 8 The site shall only be used for the parking of a maximum of 31 buses/coaches or minibuses, unless agreed in writing by the Local Planning Authority.
- 9 Only buses, coaches and minibuses operating from this site shall be maintained and repaired at the site.

This application is before this Committee 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 0.25 hectare former B8 (Storage and Distribution Site) located on the western side of Low Hill Road and accessed from Glen Faba Road. The site is predominantly laid to hardstanding with three detached buildings consisting of a workshop, an office, and a drivers' room. The site is located within the Metropolitan Green Belt.

Description of Proposal

Retrospective consent is being sought for the change of use of the site from B8 Storage and Distribution use to Sui Generis Use as a bus/coach garage. The site has been occupied by Galleon Travel 2009 Ltd. since January 2013 following the refusal of retrospective consent EPF/0925/12 for the extension of the existing hardstanding for the parking of vehicles at Ricotta Transport, Tylers Cross. The company has a Public Service Vehicle Operator's Licence for up to 31 vehicles, and currently has no more than 25 vehicles on site at any one time. The application involves no alterations (retrospective or otherwise) to the existing buildings on site or any extension of the existing hardstanding. However the applicant does propose additional planting along the eastern boundary to help screen the site from the adjacent Burles Farm.

Relevant History:

EPR/0004/52 - Use of land as general merchants & stores dump – approved/conditions 29/02/52
EPO/0098/64 - Motor dismantling & salvage of vintage & private vehicles for restoration – refused 14/08/64
EPO/0410/69 - Warehouse – approved/conditions 09/09/69
EPF/0740/75 - Details of extension to warehouse – approved/conditions 04/08/75

EPF/0274/86 - Change of use of land and buildings from retail warehouse and storage to fence and pallet makers workshop and storage – refused 28/04/86
EPF/0465/86 - Change of use of land and buildings from retail warehouse and storage to premises for the assembly, storage and retail of double glazed windows – refused 30/05/86
EPF/1948/00 - Change of use of agricultural land to 4 wheel drive off road training centre – refused 09/02/01 (appeal dismissed 28/06/01)
EPF/0272/04 - Conversion of existing detached stable building into 1 x four bedroom dwelling – refused 04/05/04
EPF/0273/04 - Conversion of existing barn into 1 x three bedroom two storey dwelling – refused 04/05/04
EPF/0125/05 - Conversion of existing warehouse into new office space and conversion of existing barn to three bedroomed residential dwelling – approved/conditions 23/03/05 (not implemented)

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
CP3 – New development
GB2A – Development in the Green Belt
GB7A – Conspicuous development
GB8A – Change of use or adaptation of buildings
DBE9 – Loss of amenity
E4A – Protection of employment sites
RP5A – Adverse environmental impacts
ST4 – Road safety
ST6 – Vehicle parking

The above policies form part of the Council's 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 full weight.

Summary of Representations:

3 neighbouring properties were consulted and a Site Notice was displayed on 26/04/13.

PARISH COUNCIL – None received.

THE ROYDON SOCIETY – No objection to the use of the yard, however concerned about the size of vehicles using the site, the suitability of the surrounding roads and the access to the site, the potential flood risk from damage to roadside ditches, and due to other damage resulting from the large vehicles using the surrounding roads (such as to fences, etc.).

WHITE GABLES, LOW HILL ROAD – No objection to use of site for a coach hire business, however concerned about the following:

- Use of the site 24 hours a day, 7 days a week and disturbance from current hours of operation.
- Width of the highway and ability of large vehicles to be able to turn into the site.
- Potential flooding issues from infilling of the ditch adjacent to Hailes Farm.
- Damage done to the existing grass verges in the surrounding area.

2 DOWNE HALL COTTAGE, LOW HILL ROAD – Object due to the insufficient roads leading to, and access serving, the site, highway safety concerns, and regarding highway flooding concerns resulting from damage to ditches.

BURLES FARM, LOW HILL ROAD – Object due to the impact on the surrounding roads, the damage to highway ditches, and the damage to surrounding fences.

99 PARKFIELD – Object due to the impact on the surrounding roads and the resulting noise and pollution. This proposal adds to the existing traffic impacts from UK Salads.

Issues and Considerations:

The main issues to determine are the impact on the Green Belt, on the surrounding neighbours, and with regards to impact on the public highway.

Green Belt:

The application site was formerly used as a Haulage company under its lawful Class B8 use (storage and distribution) and contained the three buildings currently on site. The National Planning Policy Framework (NPPF) outlines what does not constitute inappropriate development, which includes:

“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.

It also states that:

“Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

...

- *The re-use of buildings provided that the buildings are of permanent and substantial construction”.*

The change of use of this site and the buildings occurred in January 2013 and did not involve the erection or alteration to any of the existing buildings, the laying of any additional hardstanding, or the change to any other structures within the site. The buildings are clearly ‘of permanent and substantial construction’ as the change of use has already taken place, and as such the only consideration is whether the new use has a greater impact on the openness of the Green Belt than the former use.

Although a bus/coach garage does not fall within the same use class as a haulage depot, they are quite similar uses nonetheless. Aerial photographs have been provided by the applicant dated 2005, 2006, 2009 and 2011, all of which show a number of large vehicles parked/stored on the site. This can also be seen on the Council’s own 2007 and 2009/2010 aerial photographs of the site. Traffic movements from a haulage depot (or any other B8 use) would also be comparable to the proposed bus/coach depot (see below for more detail). As such it is not considered that the proposed use of the site is more harmful to the Green Belt or surrounding area than the former B8 use.

The lawful B8 use is fairly unrestricted in terms of operating hours, storage capacity, lighting, etc., and as such there is very little control against this use. However, the approval of the proposed depot use would allow for conditions to be imposed to control the site. It is also proposed to plant additional landscaping to screen the site from neighbouring properties, which could also be controlled through this application. The ability to impose such conditions would reduce the level of harm to the Green Belt and the surrounding area.

Impact on neighbouring properties:

The application site is within a relatively isolated location, however it does nonetheless have nearby neighbouring properties. These consist of:

- Jalma (to the west) and Sunnyfields (to the south), which appear to be residential dwellings.
- The Conifers to the southwest, which is a lawful industrial site.
- White Gables to the southeast, which is a residential dwelling and a lawful site for the storage of vehicles in connection with a vehicle and driver hire business.
- Burles Farm to the east, which appears to be the farmhouse and farmyard for the still operational farm.
- Hailes Farm(house) to the immediate west of the site, which is owned and occupied by the two directors of the company.

There are some further residential dwellings approximately 315m to the east along Low Hill Road, and the large horticultural nursery sites some 300m to the south, a large proportion of which are currently intensely used by UK Salads.

Given the location and former use of the site, it is not considered that the proposed change of use results in any additional detrimental impact over the previous lawful B8 use. Furthermore, conditions could be imposed on any decision to obtain greater control and to reduce the impact on neighbour's amenities over the previously unrestricted use. All vehicle maintenance and repairs are carried out within the large workshop, which limits the level of audible noise and disturbance from such activity.

Highway concerns:

The biggest concerns expressed by nearby occupants are regarding the suitability of the surrounding road network and the impact the proposed use has on this.

Low Hill Road is a very narrow road that is not suitable for large vehicles, although the road does widen when it becomes Netherhall Road. This road served the lawful B8 use on this site, which utilised large articulated lorries, the nearby industrial site and vehicle storage site, and both the neighbouring farm and the nearby horticultural nurseries. All these sites either do already, or could result in intense traffic movement of both small and large scale vehicles. As such, the existing roads currently serve a relatively high number of vehicle movements, including large scale vehicles, and it is not considered that this site unduly exacerbates this. The previous lawful use as a haulage yard resulted in articulated lorries using the surrounding roads for several years, and it is not considered that the proposed use has significantly altered this situation.

The current Public Service Vehicle Operator's Licence for the site allows up to 31 vehicles, although it is stated that there are no more than 25 vehicles on site at any one time. The site caters for local bus and school services, long-distance coach tour, and rail replacement services. It is stated that the average vehicle movements are as follows:

Buses:

- Monday-Friday – 7 vehicles leaving between 07:00 and 08:00 and returning between 18:00 and 19:00.
- Saturday – 4 vehicles leaving around 08:00 and returning around 18:00
- No movements on Sundays and Bank/Public holidays.

Coaches:

Coaches on site cater for a variety of tours ranging from day and evening trips to long distance, European tours. The vehicle movements of these are fewer, however are not time/day specific and each coach can often be off-site for 7 to 10 days at a time.

Rail replacement:

Predominantly evening and weekends but needs to respond flexibly to need at relatively short notice.

Concern has been expressed about the ability for large vehicles to turn off of Low Hill Road and into the application site without damaging the highway ditch or neighbouring boundary treatments, and also reference has been made to similar issues elsewhere on the surrounding public highway. As previously stated, this site was previously used as a haulage yard for large articulated lorries, as can be seen in previous aerial photographs, all of which presumably had to negotiate the Glen Faba Road/Low Hill Road junction and did so without complaint. It is not considered that the proposed bus/coach depot use has significantly altered this situation. Damage to highway verges and ditches may not specifically be from vehicles using this site, particularly considering the activities taking place on other surrounding sites, and nonetheless these issues would be dealt with through other means (such as through enforcement by Essex County Council Highways or Land Drainage).

The existing site benefits from an extremely wide access onto Glen Faba Road, which is a dead end road that carries no through traffic, and the junction of Glen Faba Road and Low Hill Road has very good sight lines. As such, it is not considered that there is any highway safety or usage concerns relating to the proposed (retrospective) change of use.

Other considerations:

The other material considerations in this application are the benefits that the proposed development would have on retaining employment use on the site and the surrounding area. Galleon Travel 2009 Ltd currently employs 2 directors, 15 drivers, 3 engineering staff, 2 full time and 1 part time office staff, and 1 yard hand. Furthermore, the company currently operates sustainable transport to the local community through local bus services, school transport, rail replacement services, and transportation for various community groups and organisations.

The NPPF puts great emphasis on promoting sustainable economic growth and supporting existing businesses and states that "*the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth*" and that planning should "*support existing business sectors, taking account of whether they are expanding or contracting*". Furthermore, it also seeks to "*promote the retention and development of local services*" and to "*guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs*". As such, the benefits of ensuring the continuance of this business, which provides a key sustainable transport service to the District and surrounding areas, should be given significant weight.

Conclusion:

The proposed development would not constitute inappropriate development harmful to the openness of the Green Belt and would assist in the continuation of an employment use that provides a valuable sustainable transport service to the local area. The impact on surrounding neighbours and on the local highway network would not be significantly worse than the previous lawful B8 use of the site' and therefore the application is considered to comply with the NPPF and the relevant Local Plan policies and is recommended for approval.

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

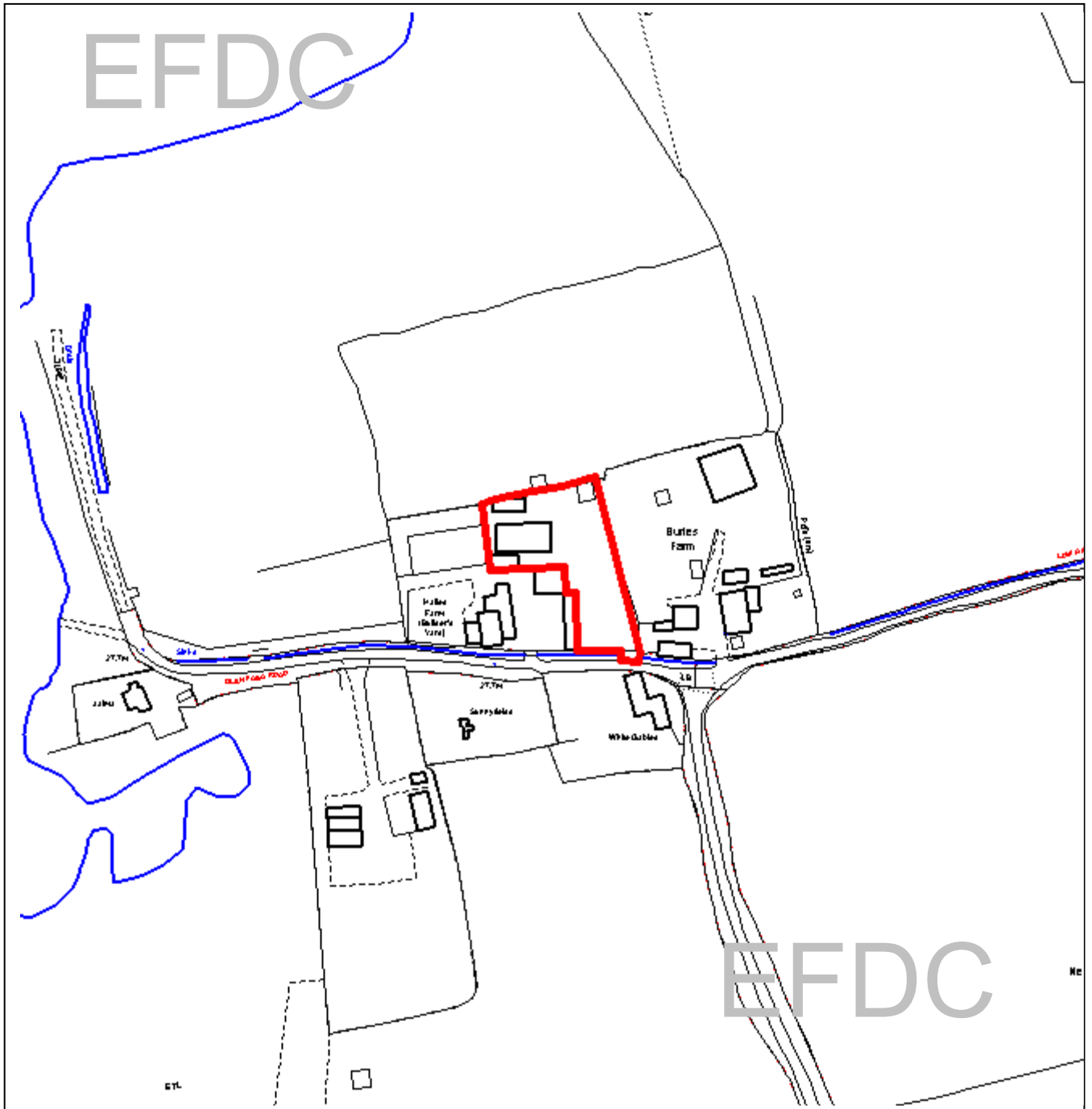
**Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228**

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	4
Application Number:	EPF/0711/13
Site Name:	Hailes Farm, Low Hill Road Roydon, CM19 5JW
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/0329/13
SITE ADDRESS:	Fernhall Farm Fernhall Lane Waltham Abbey Essex EN9 3TJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	The Administrators of the Estate of Mrs Mary Ethel Ellis
DESCRIPTION OF PROPOSAL:	Change of use of west barn and side barn to a residential dwelling with link extension and change of use from agriculture to residential.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545971

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: The submitted location plan, MKB213 01, 02, 03C and 04B (03C and 04B received amended on 15/05/13)
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 No boundary treatment shall be erected on or adjacent to the site, other than that which has previously been submitted and agreed in writing by the Local Planning Authority.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules

of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 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]
- 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 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]
- 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 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]

- 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 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.
- 10 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.
- 11 Prior to the commencement of development a Great Crested Newt Survey shall be submitted to the Local Planning Authority for approval. If the survey finds the species to be present in the vicinity a scheme of mitigation and relocation, including a timetable for the work, shall be further submitted as part of this condition for approval and the agreed mitigation/relocation shall be carried out in accordance with the agreed timetable unless otherwise agreed in writing.
- 12 Prior to the commencement of development a scheme of mitigation for Barn Owls shall be submitted to the Local Planning Authority for approval. The scheme of mitigation, including a timetable for the work, shall be submitted as part of this condition for approval and the agreed mitigation shall be carried out in accordance with the agreed timetable unless otherwise agreed in writing.
- 13 The proposed site clearance works shall be undertaken outside the bird breeding season (March - August inclusive) unless otherwise agreed by the Local Planning Authority.
- 14 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 15 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.
- 16 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.

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:

Fernhall Farm is located at the junction of Fernhall Lane and Long Street. The site is in an isolated location and is within the boundaries of the Metropolitan Green Belt and the Upshire Conservation Area. The site comprises a listed farmhouse, a listed barn, listed Granary structure and ancillary modern farm barns. The layout is a fairly typical farmyard setting. There are two access roads into the site, one from the junction of the roads and a new access to the south of the house from Fernhall Lane. The immediate area is characterised by sparse development dotted in open swathes of arable farmland.

The barn is timber framed on a brick plinth with a 20th century tiled roof. There is a side projection with gabled roof to the rear of the structure and the end two bays form a two storeyed stable. The barn contains a number of original fittings, particularly in the stable section, and the carpentry features are typical of post medieval Essex Barns.

Description of Proposal:

Consent is sought to convert the barn (West Barn) to a residential dwelling. This would provide a four bedroom unit and would include the conversion of part of the modern farm building at the site (Side Barn). The building would have the appearance of a typical converted barn and would be served by a residential curtilage to the rear of the site. Access would be gained from the southern accessway.

Policies Applied:

- CP1- Achieving Sustainable Development Objectives
- CP2- Protecting the Quality of the Rural and Built Environment
- CP3- New Development
- CP5- Sustainable Building
- GB2A- Development in the Green Belt
- GB7A- Conspicuous Development
- GB8A- Change of Use or Adaptation of Buildings
- GB9A- Residential Conversions
- HC6- Character, Appearance and Setting of Conservation Areas
- HC7- Development within Conservation Areas
- NC4- Protection of Established Habitat
- RP4- Contaminated Land
- H2A- Previously Developed Land
- H4A- Dwelling Mix
- DBE1- Design of New Buildings
- DBE2- Effect on Neighbouring Properties
- DBE4- Design in the Green Belt
- DBE8-- Private Amenity Space
- DBE9- Loss of Amenity
- LL1- Rural Landscape
- LL2- Inappropriate Rural Development
- LL10- Adequacy of Provision for Landscape Retention
- LL11- Landscaping Schemes
- ST4- Road Safety

ST6- Vehicle Parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Relevant History:

EPF/2231/11 - Agricultural determination for a new farm access track and gate. Permission Not Required - 14/11/2011.

Summary of Representations:

TOWN COUNCIL: Objection. Overdevelopment in the Green Belt.

4 neighbours consulted and site notice displayed – 0 replies received.

CONSERVATORS OF EPPING FOREST: Objection. Concern about traffic movements and impact on the character of the Green Belt.

Issues and Considerations:

The main issues to consider relate to the Green Belt/Conservation Area location of the site, design and appearance, amenity and the comments of consultees.

Green Belt

Policy GB8A of the adopted Local Plan allows for a change of use of buildings provided they meet the following criteria;

- (i) The building is:
 - (a) of permanent and substantial construction; and
 - (b) capable of conversion without major or complete reconstruction; and
 - (c) in keeping with its surroundings by way of form, bulk and general design;
- (ii) The proposed use would not have a materially greater impact than the present use of the Green Belt;
- (iii) The use and associated traffic generation would not have a significant detrimental impact on the character or amenities of the countryside;
- (iv) The Council is satisfied that works within the last 10 years were not completed with a view to securing a use other than that for which they were ostensibly carried out;
- (v) the use will not have a significant adverse impact on the vitality and viability of a town centre etc.

This policy further states that preference will be given to employment generating uses such as recreation, tourism or workshops. However in light of the recently adopted NPPF first preference to commercial use can now be discounted and residential accepted as a first option.

The application has been accompanied by a Structural Appraisal Report and Timber Frame Survey by Bidwells. It is clearly apparent on site that the building is in a reasonable state of repair and would lend itself well to conversion without major works. There are a number of openings which will be utilised in the conversion. The submitted reports indicate that there will be a need for some new boarding, works to the brick plinth and replacement/splicing of existing and removed structural timbers. This is not uncommon with such a development but it is evident that the overall form of the building would not be excessively altered, save for the fact that the use will change. It

is considered that the building is of permanent construction and its conversion would not require major reconstruction. The conversion is well designed and would be in keeping with its surroundings.

Such developments should not have a materially greater impact on the Green Belt and traffic movements should not detract from the character of the countryside. In terms of built form the only addition would be a small extension linking the West Barn to the Side Barn. There would be the creation of a residential curtilage which would result in an encroachment into open countryside. However it is reasonable that such a use is served by an area of private amenity space. It is not excessive and what is proposed is logical in terms of meeting this need. The proposal would result in the creation of a new residential unit in an area which could not be considered a sustainable location. However the reuse of an existing building, the provision of much needed housing and the economic benefits of the scheme are all sustainable objectives in their own right and as recognised in the NPPF. Recent Government changes to permitted development rights now permit the change of use of agricultural buildings to various uses, including B1 and B8 uses. Therefore it is considered that the location of development in the Green Belt, and its unsustainability, should be afforded diminished weight. There are enough sustainability attributes to this proposal to render the principle of conversion to residential acceptable.

Design and Appearance

The building is listed and the site is within the Upshire Conservation Area. The matter of design has been covered in some detail in the Listed Building application and is generally acceptable subject to conditions. The conversion would not detract from the character of the area.

Neighbour Amenity

The rear amenity space is a reasonable size and would remain sufficiently private. There is one immediate neighbour, the farmhouse, but this proposal would have no impact on the amenity of residents of this property.

Trees and Landscaping

No tree survey information has been provided with this application. The only significant trees are those around the large pond on site – although none of these are marked on any plans. The site is within a Conservation Area, as such, all trees are protected. The reuse of this building should not require any tree works. Therefore it is expected those trees around the pond to be retained – any works to them will require 6 weeks prior notification to the Local Planning Authority. Hard and soft landscaping conditions are also deemed necessary.

Concern has been expressed by the Trees and Landscaping section that the access to the barn was originally approved for farm machinery, and to remove conflict between farm machinery and residential traffic on the original access road. The concern is that the approval of this scheme may lead to more pressure for another “agricultural traffic only” lane. It is the case that this lane was approved on the proviso that it would be used for farm traffic and to remove conflict. The approval of this scheme would result in both farm machinery and residential traffic using this lane. However the access has resulted in farm machinery no longer using the dangerous access point to the site which is adjacent to the junction. There are much better visibility splays at the new access point and although this was approved to remove vehicle conflict this is not considered a strong enough reason to withhold consent. The overall principle of the scheme and its discernible benefits should be given great weight. The laneway is not particularly long and does not excessively impact on the open character of the Green Belt or the special setting of the Conservation Area.

Ecology

A Phase I Ecological Survey has been submitted. This identifies the potential presence of Great Crested Newts in a nearby pond and the presence of Barn Owls in the agricultural buildings. As the development will result in the loss of the barn as a place of shelter for the owls and the works will also potentially impact on Great Crested Newts in the vicinity, mitigation strategies for these species is a reasonable requirement to be secured by condition. The Phase I report also advises that the works should be undertaken outside the bird breeding season as the site offers ideal conditions for nesting. The application will be conditioned accordingly.

Land Drainage

The site is within an Epping Forest Floodzone. The Land Drainage section of the Council have no objection to the proposal but point out that Land Drainage Consent would be required and that a condition agreeing foul and surface water drainage is necessary.

Highways

Essex County Council Highways section has been consulted but there are no highway concerns in connection with this development.

Contaminated Land

The site is potentially contaminated given its previous history and as such the standard conditions are necessary.

Archaeology

The Historic Environment Officer of Essex County Council Historic Environment Team has identified the above planning application on the barns at Fernhall Farm, as having archaeological implications. The Historic Environment Record shows that the historic barn (EHER 33699) proposed for conversion is listed, and is on the First Edition Ordnance Survey Map. Recent work published in the East Anglian Archaeology: Research and Archaeology: A Framework for the Eastern Counties 2. Research Agenda and Strategy states that the East Anglian Farmstead is a crucial and understudied component of the East Anglian Landscape. This area was of major international importance in the development of farming practises and the High Farming tradition when new ideas culminated in significant alterations in the design and layouts of farm buildings. As historic fabric, features and fittings, elucidating the history and use of the buildings may survive, it is important that such elements are preserved by record by means of a historic building survey prior to the commencement of conversion works. A heritage assessment was submitted with the application, comprising photographs and plans. This assessment should be presented as a report for submission to the HER. This can be agreed by condition.

Permitted Development Rights

It is deemed reasonable and necessary to remove permitted development rights for further extensions and outbuildings which could have an adverse impact on the Green Belt or the character of this Listed Building.

Conclusion:

The proposed development of this site for residential purposes is deemed acceptable. The principle is agreeable and the submitted particulars are satisfactory. The recommendation is therefore approval with conditions.

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

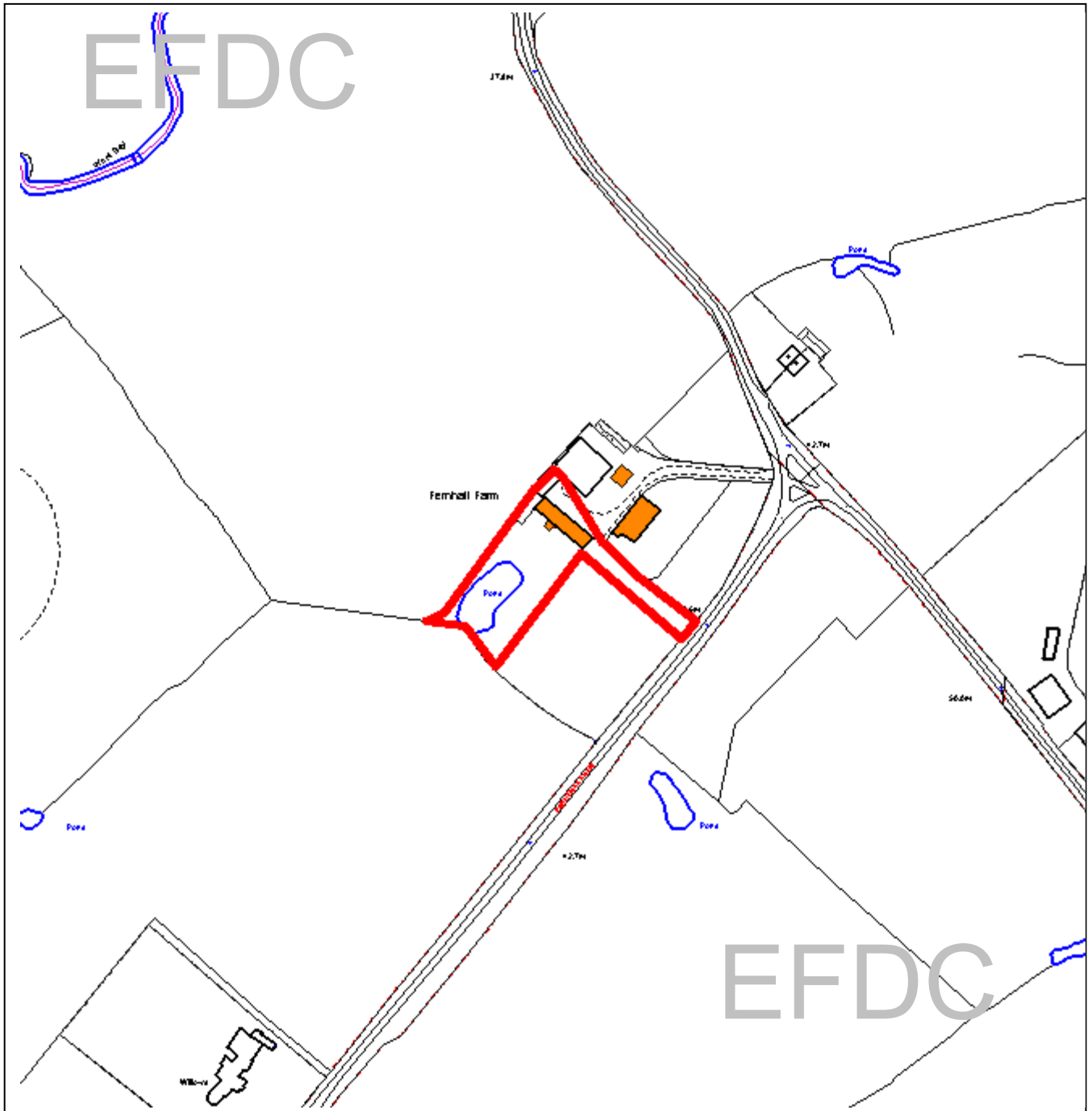
Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	5 & 6
Application Number:	EPF/0329/13 and EPF/0352/13
Site Name:	Fernhall Farm, Fernhall Lane Waltham Abbey, EN9 3TJ
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/0352/13
SITE ADDRESS:	Fernhall Farm Fernhall Lane Waltham Abbey Essex EN9 3TJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	The Administrators of the Estate of Mrs Mary Ethel Ellis
DESCRIPTION OF PROPOSAL:	Grade II listed building consent for a change of use of west barn and side barn to residential dwelling with link extension
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546150

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 No development shall take place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 A sample panel of brickwork shall be constructed on site showing the brick bond, mortar mix and pointing profile to be used for new brickwork to be approved by the Local Planning Authority.
- 4 Additional drawings that show details of proposed new windows, doors, eaves, verges, cills, structural openings and junctions with existing buildings in section and elevation at scales between 1:2 and 1:20 as appropriate shall be submitted to and approved by the Local Planning Authority prior to the commencement of works.
- 5 Additional drawings that show details of proposed changes to walls, floors and roof to address building regulation requirements in section at scales between 1:2 and 1:20 as appropriate shall be submitted to and approved by the Local Planning Authority prior to the commencement of works.
- 6 Sections showing new floors in relation to the existing timber frame shall be submitted to and approved by the Local Planning Authority prior to the commencement of works.

- 7 Additional drawings of new boundary treatments and any hard landscaping shall be submitted to and approved by the Local Planning Authority prior to their installation.
- 8 Details of any new flues, pipes, extracts or meter boxes shall be submitted to and approved by the Local Planning Authority prior to their installation.
- 9 Any new external pipes and rainwater goods shall be in painted metal
- 10 Historic fixtures and fittings, including internal boarding, shall be retained unless otherwise agreed in writing with 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:

Fernhall Farm is located at the junction of Fernhall Lane and Long Street. The site is in an isolated location and is within the boundaries of the Metropolitan Green Belt and the Upshire Conservation Area. The site comprises a listed farmhouse, a listed barn, listed Granary structure and ancillary modern farm barns. The layout is a fairly typical farmyard setting. There are two access roads into the site, one from the junction of the roads and a new access to the south of the house from Fernhall Lane. The immediate area is characterised by sparse development dotted in open swathes of arable farmland.

The barn is timber framed on a brick plinth with a 20th century tiled roof. There is a side projection with gabled roof to the rear of the structure and the end two bays form a two storeyed stable. The barn contains a number of original fittings, particularly in the stable section, and the carpentry features are typical of post medieval Essex Barns.

Description of Proposal:

Listed Building Consent is sought to convert the barn (West Barn) to a residential dwelling. This would provide a four bedroom unit and would include the conversion of part of the modern farm building at the site (Side Barn). The building would have the appearance of a typical converted barn and would be served by a residential curtilage to the rear of the site. Access would be gained from the southern accessway.

Policies Applied:

HC10 – Works to a Listed Building

HC12 – Development Affecting the Setting of a Listed Building

Relevant History:

EPF/2231/11 - Agricultural determination for a new farm access track and gate. Permission Not Required - 14/11/2011.

Summary of Representations:

TOWN COUNCIL: Objection. Overdevelopment in the Green Belt.

4 neighbours consulted and site notice displayed – 0 replies received.

Issues and Considerations:

The main issue to consider is whether this proposal preserves or enhances the special character of this Listed Building or the group of buildings.

The conversion of these buildings has been the subject of pre-application discussions between the applicant, the Local Planning Authority and Essex County Council's Historic Buildings Advisor. It has been generally agreed in principle that the conversion of the West Barn is acceptable and would ensure its long term preservation. The development, in essence, is similar to countless such conversions which have been undertaken within the jurisdiction of this council area, and no doubt beyond. There has been some deliberation about how this conversion will take shape and these issues of debate can be considered in turn.

The Granary Building

The site contains a Granary building which is also a listed structure. The proposal does not contain any plans for this building. It is stated that this building is beyond economic repair and cannot be reconstructed. The Listed Buildings Advisor is of the opinion that the future of this Granary building should be addressed as part of this application. It is clear on site that the building is in a very poor state of repair and detracts from the setting of this group of buildings. The applicant has applied for the reuse of another building and the insurance of its long term future is the issue to be assessed. Although it would be desirable for this proposal to include plans for the Granary it is not considered that this is totally necessary to the overall acceptability of this scheme. From an economic perspective Central Government is placing a greater onus on Local Planning Authorities to ensure that the right development is brought forward without delay. It is not considered that the reuse of this building is of such concern as to be a reasonable justification for withholding consent for a scheme which would generate some moderate local economic activity. Its current poor state would not seriously affect the overall character of the scheme applied for, as the immediate area also contains modern farm buildings. The site contains a mix of buildings and this application is simply to find a long term use for one of the buildings. If the development preserves or enhances its setting/the building there are no clear Listed Building grounds to withhold consent.

Yard Boundary

The site plan indicates that the boundary line would cut through the farmyard. Concern has been expressed that fencing would impact negatively on the special setting of this group of buildings. The Agent for the Applicant has clarified that the boundary through the farmyard would remain open. This can be secured by condition and is an acceptable arrangement.

Historic Fabric

Concern has also been expressed that the originally submitted plans would result in the loss of historic fabric, particularly to the stable section of the building which contains a large number of original fittings. It has been agreed between the parties that the amount of fittings originally shown as being removed will not now be taken out. As such, a condition is necessary ensuring that historic fixtures and fittings are retained, including internal boarding.

Openings

The number of external openings has been reduced to an acceptable level. This will ensure that the traditional character of the barn, long sweeps of weatherboarding with only occasional openings, will be retained.

Design of the Side Link

A link building is proposed joining the West Barn to the Side Barn. It has been agreed that the roof will be finished in aluminium, allaying previous concerns about a felt finish. A condition will be attached to the decision notice ensuring that a superior quality of materials is used in the development of this site.

Conditions

A number of conditions have been suggested and all meet the six tests for a condition as laid out in Circular 11/95. This will ensure a sensitive development and that concerns expressed by the Authority's advisors at Essex County Council have been noted and responded to by the applicant. Further, the Local Planning Authority have been positive and proactive in working with the applicant in ensuring that concerns have been addressed and that this scheme can be put before Members with Officer support.

Conclusion:

Amendments received in plan form during the course of this application have addressed initial issues with the scheme. A number of restrictive conditions are necessary largely agreeing materials and the retention of historic fabric. However subject to these conditions the development is acceptable from a Listed Building perspective.

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: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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

Report Item No: 7

APPLICATION No:	EPF/0339/13
SITE ADDRESS:	The Green Man Public House Broomstick Hall Road Waltham Abbey Essex EN9 1NH
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Churchill Retirement Living Ltd
DESCRIPTION OF PROPOSAL:	Redevelopment to form 28 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping
RECOMMENDED DECISION:	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=546033

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: 40013WA-PL01 to 40013WA-PL07 and 120287.
- 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(s) on first and second floors that service the communal hallways along the rear elevation shall be entirely fitted with obscured glass and shall be permanently retained in that condition.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as

appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 7 Prior to development, including works of demolition or site clearance, tree protection measures shall be installed in accordance with Barrell Tree Consultancy - Arboricultural Impact Appraisal and Method Statement dated February 2013. The development shall be carried out in accordance with this approved document unless the Local Planning Authority give its written consent to any variation.

- 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 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 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.
- 15 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 16 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.

- 17 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. This approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 18 The proposed development hereby approved shall be carried out in accordance with the proposals in the Flood Risk assessment prepared by Mott MacDonald dated February 2013 unless otherwise agreed in writing with the Local Planning Authority.
- 19 The proposed development hereby approved shall be carried out in accordance with the Ecological Appraisal & Building Inspections prepared E.P.R dated January 2013 unless otherwise agreed in writing with the Local Planning Authority.
- 20 The facades of the development shall be provided with sufficient double glazing and acoustically treated ventilators, or other means of ventilation that will provide adequate ventilation with the windows closed, as detailed within the AS7287.130214.N/A, provided by Alan Sauders Associates.
- 21 Details of the proposed double glazing and acoustically treated trickle ventilators, or other means of ventilation, shall be submitted to and agreed in writing by the Local Planning Authority and installed before any proposed residential development is occupied. The double glazing and trickle vents should be installed correctly to ensure that they provide the correct level of acoustic insulation.
- 22 The development hereby permitted shall only be occupied by persons aged 60 years or over or, in the case of couples living together as a single household, where one occupier is aged 60 or over and the other occupier is aged 55 or over.
- 23 Prior to first occupation of the development the following details shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- A. The access arrangements as shown in principle on drawing no.40013WA-PL02 to include, if a bell-mouth access is to be formed, two pedestrian crossing points with appropriate tactile paving across the access.
- B. The provision of two pedestrian crossing points with appropriate tactile paving across The Gladeway at its junction with Farm Hill Road.
- C. The provision of two pedestrian crossing points with appropriate tactile paving across Broomstick Hall Road, adjacent to the mini-roundabout, with the possibility of utilising and upgrading the existing refuge island in width and with tactile paving.
- D. The provision of a flag and pole with integral telematics, raised kerbs and new bus cage with "No Waiting" plate to Essex County Council specification at the existing bus stop immediately outside the site on the northern side of Broomstick Hall Road.
- E. The provision of raised kerbs to Essex County Council specification at "The Green Man" bus stop on the south side of Farm Hill Road.
- The approved scheme of works shall be implemented prior to first occupation of the development.

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 application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))

Description of Site:

The application site is located on the corner of Broomstick Hall Road and 'The Gladeway' within the built up urban area of Waltham Abbey. The site itself is mainly regular in shape, relatively level and is just over half an acre in size.

The site presently consists of a public house known as 'The Green Man' which is positioned within the south western corner of the site fronting onto Broomstick Hall Road. The building is three stories with accommodation within the roof and is externally finished from facing brickwork. To the rear of the public house is a two storey detached outhouse with a single storey extension. A large hard surface car park and a beer garden are used in association with the use of the site. A medium size timber paling fence is located on the side and rear boundaries of the site.

The subject site is predominantly located within a well established residential area that comprises of a wide variety of built forms and styles. Victorian terraces are located along the northern side of Broomstick Hall Road which abuts the eastern boundary of the site. A mixture of semi detached dwellings and detached dwellings along with some terrace style dwellings are located to the north and west of the site. A large three storey flatted development is located south west of the subject site known as Cobbinsbank which fronts onto Farm Hill Road.

The application site is not located within the Metropolitan Green Belt or a Conservation Area and it is not within the setting of any listed buildings. The site falls predominantly within Flood Zones 1 and 2 with a small element of the southern boundary falling within Flood Zone 3.

Description of Proposal:

This proposal is to erect a part 1, 2 and 3 storey 'U' plan shaped block to provide 28 Category II sheltered apartments for the elderly with provision of a lodge manager's office on site along with communal facilities and associated car parking and landscaping. The existing public house along with associated buildings and facilities would be removed to make way for the proposal.

The new building will provide 18 one-bedroom and 10 two-bedroom apartments, a density of 125 dwellings per hectare. The apartments are accessed off internal corridors from within the building itself.

Communal facilities include an owner's lounge, reception area, wellbeing suite, office, guest suite, refuse area, and a laundry room.

The proposed vehicle access will be located in a similar position to the existing access off Broomstick Hall Road, although at a slightly repositioned point. The entrance driveway to the development would lead via an underpass to a car parking area for ten vehicles within the north eastern corner of the site. In addition, a provision for a dedicated mobility scooter store is proposed within the carpark, to provide secure storage. A further pedestrian access point into the development is via 'The Gladeway'

Small communal garden areas and hard paved areas provide private amenity space to the rear of the building.

Relevant History:

EPF/0689/96 - Erection of children's play area in present beer garden (approved)

EPF/0003/91 - Installation of internally and externally illuminated advertisement signs (approved)

EPF/0234/87 - Change of use and alterations of existing stable block to lounge and dining area (approved).

EPF/1710/86 - Outline application for erection of freestanding bedroom blocks (Refused).

EPF/1143/81 - First floor rear extension for accommodation for landlord over ground floor rear extension to replace kitchen and beer store (approved)

EPF/1019/81 - Single storey extension to provide toilet accommodation (approved)

EPF/1232/76 - Use of land for car park (approved)

Policies Applied:

Local Plan policies relevant to this application are:

CP1 Achieving sustainable development objectives
CP2 Protecting the quality of the rural and built environment
CP3 New development
CP5 Sustainable buildings
CP6 Achieving sustainable urban development patterns
CP7 Urban form and quality
DBE1 Design of new buildings
DBE2 Detrimental effect on existing surrounding properties
DBE3 Design in urban areas
DBE6 Car parking in new development
DBE8 Private amenity space
DBE9 Loss of Amenity
LL10 Protecting existing landscaping features
LL11 Landscaping scheme
ST1 Location of development
ST2 Accessibility of development
ST4 Highway safety
ST6 Vehicle parking
H1A Housing Provision
H2A Previously developed land
H3A Housing density
H5A Provisions for affordable housing
H6A Site thresholds for affordable housing
H7A Levels of affordable housing
U2A Development in flood risk areas
U2B Flood risk assessment zones
CF2 Health care facilities
CF12 Retention of community facilities
I1A Planning obligations

The above policies form part of the Council's 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 full weight.

Summary of Representations

WALTHAM ABBEY TOWN COUNCIL - Object

Concerns were raised with regard to overdevelopment, lack of parking facilities and privacy issues to local properties.

Neighbours

Adjoining property occupiers notified and a site noticed displayed. One representation was received from the following occupier:

1 BROOMSTICK HALL ROAD – Objects

The proposed development would result in an adverse impact on the rights of light.

Issues and Considerations:

The main planning issues are considered to be:

- Principle of development
- Design and appearance
- Neighbouring amenities
- Highway safety, traffic Impact, parking and access
- Landscape and trees
- Flood Risk and Drainage
- Contaminated land
- Affordable housing provision
- Health care provision

Principle of development

The site lies outside the Metropolitan Green Belt, Employment Area and Commercial Areas and is, therefore appropriate for residential development. The principle of residential development is therefore considered acceptable in land use terms and the provision of additional housing is consistent with Policy H1A and HC2A as the application site is within an established urban area and would result in the re-use of previously developed land.

Sheltered housing provides independence for vulnerable, elderly and disabled residents. Category 2 sheltered housing provides grouped dwellings for less active elderly persons with communal facilities and a resident warden. The layout of the units provides standard sized bedrooms, living rooms, bathrooms and kitchens.

A report prepared by D.C.A outlined the need for private retirement housing within the Epping Forest District. The report concluded that there is a demographical change in terms of an increasing ageing population within the district and that there is a significant level of unmet market demand for sheltered housing. It is generally accepted by officers that this is the case.

However, the current use is a public house, which constitutes a community facility. Local Plan policy CF12 states that:

Permission will only be granted for proposals which will entail the loss of a community facility where it is conclusively shown that:

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

A commercial viability report was submitted as part of this application. It is officer's opinion that the report demonstrates that an extensive marketing campaign of the site was undertaken over the past couple of years which shows that due to the lack of interest; there was very little demand for the site as a public house. In addition, the report provides evidence that the retention of the pub in its current form is no longer viable and that there remains a great number of community facilities which include a substantial number of public houses (13 in total) within the surrounding locality. Officers are satisfied that the applicant has demonstrated sufficient evidence to outweigh the harm of a loss of a community facility.

The development site is located within a very built up, predominantly residential area that is close to Waltham Abbey town centre and other local facilities. Furthermore there are very good transport links within this area (specifically access to the M25 and other major roads) and bus services. The closest train station is within Waltham Cross, which is not within walking distance (particularly for elderly residents), however this is a short bus journey. It is considered that, in principle, this is a sustainable location for sheltered housing for the elderly. As such, it is considered that the redevelopment of this site would constitute a sustainable development in transport/location terms which is in accordance with Local Policies CP1 and ST1.

The principle of residential development for the site is in accordance with the Adopted Local Policies and the National Planning Policy Framework. it would make the most efficient use of available land by virtue of its sustainable urban location and that it would re-use a previous developed parcel of land in which its current use is no longer appropriate or in this case viable.

Design and appearance:

Following on from the above, new development should be of a high standard in terms of its design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

The development site is within a prominent location at the junction of Honey Lane, Farm Hill Road, Broomstick Hill Road and The Gladeway. Whilst this does ensure that a larger (three storey) feature building could be suitable for the corner of this site, it also means that the design or the building (including its overall bulk and scale) will need to be sensitively considered.

It is acknowledged that the building does have a large footprint and massing due to its 2/3 storey form. However, the mix of materials to the elevations, which includes the use of orange coloured brickwork, white painted weatherboarding and render and brown coloured roof tiles, together with the variation in ridge heights, projecting bays and the breaking up of the facades of the building will contribute to reducing its visual prominence within the street.

The building would be of a traditional design incorporating local features and materials to complement the existing street scene. The elevations that will front the public domain onto the High Street and 'The Gladeway' as a result of its siting and juxtaposition of the building heights

and setbacks will limit the bulk and scale of the building and it is considered to be appropriate having regard to the nature of the immediate surrounding buildings.

The density for this site will be 125 dwellings per hectare. Local policy states that new developments will achieve a net site density of 30-50 dwellings per hectare. Although the development is high density, it is in a neighbourhood where there are examples of other relatively high-density developments, specifically the large flatted development south west of the site known as Cobbinsbank. It is therefore considered that the density is, on balance, acceptable.

The Council's policy seeks to ensure an adequate amount of conveniently located amenity space is provided in new residential developments which is usable in terms of its shape and siting. However, the Local Plan does state that these standards may be relaxed where *"the development comprises sheltered housing for the elderly where the amenity space will be a visual amenity rather than an area required for active recreation"*.

The development provides small communal amenity space areas around the 'U' shaped building and centrally positioned near the main entrances into the building.

Whilst the amenity areas will be restricted in some areas around the plot, a robust planting scheme could provide attractive garden areas for the future residents. Furthermore all of the principal habitable rooms to the units would have an outlook over areas of soft landscaping. In addition, south of the site is a large open green area used as a public recreational area and a small public park with a war memorial. Officer's experience of declining planning applications on amenity space grounds have generally not been supported on appeal and despite the building footprint take-up of the site, the overall provision of amenity space on the site is therefore considered acceptable.

Neighbouring amenities:

Due consideration has been given regarding the potential impact the proposal would have on the amenities enjoyed by adjoining occupiers in relation to loss of privacy, loss of light and visual blight.

Turning to the impact of overlooking, it is noted that the proposal includes windows on all floors including dormer windows within the roof slopes on all elevations apart from the north eastern flank elevation. As such there would be no direct overlooking into habitable room windows of number 1 Broomstick Hall Road which is north-east of the site. The design of the building has accounted for this and there would be a minimal impact in term of overlooking into the rear private garden area of this property from windows on the rear façade of the proposal.

It is also considered that there would not be a significant amount of harm in terms of potential overlooking to the rear of the site to the properties north known as 2-8 'The Gladeway'. The only habitable room windows that are proposed along the rear façade of the development are setback over 25 metres from the rear facades of the adjoining properties. This distance meets the minimal standard under the Essex Design Guidance.

However it should be noted that there are a couple of windows that are located within 15 metres of the rear facades of the adjoining properties. These windows though service the communal hallways within the development and in order to minimise any overlooking, it will be conditioned that these windows be obscured glazed.

In terms of the potential impact to the adjoining property known as Elmsdown which is located south west of the site, on the other corner with The Gladeway, officers consider that there would not be a greater material change in relation to overlooking into their flank habitable windows compared with the current situation. However it is noted that the proposal would be able to directly overlook the rear garden area of Elmsdown. Nevertheless, given that there is public highway

between the two sites and that some minor overlooking of rear garden areas is expected within built up residential areas, this would not amount to significant harm.

The applicant submitted a Daylight and Sunlight Study prepared by Right of Light Consulting. Officers confirm that the report concludes that there would be low impact in terms of a loss of daylight and sunlight to adjoining properties habitable room windows and private garden areas.

In terms of scale, it is officer's opinion that the development would respect the neighbouring properties on the northern and eastern boundaries because the building steps down and by reducing its height, bulk and massing accordingly, it relates well to the neighbouring properties. As such it is considered that the development would not be visually intrusive or be overbearing to the extent that it would result in an unneighbourly development.

Highway safety, traffic impact & vehicle parking

The Adopted Council parking standards recommends warden assisted sheltered accommodation should provide, as a minimum, 1 space per dwelling, 1 space per eight dwellings for cycle storage and 1 mobility scooter space for every two units. This would mean that the parking requirements for 28 retirement flats would be:

- 28 parking spaces
- 4 secure cycle parking spaces
- 14 mobility scooter spaces

A total of 10 parking spaces are proposed for the use of residents and visitors, with vehicular access being taken from the new access off Broomstick Hall Road. The applicant's transport statement shows that parking occupancy rates at similar developments is akin to the level of parking provision proposed or slightly lower.

The application was referred to County Council highways officer who stated that the amount of off street parking is reasonable. It is officer's opinion that as the site enjoys a good location in terms of access to a range of services and public transport, the standard can be reduced and the level of parking is therefore, on balance acceptable in this location. It is clearly in the developer's interests to ensure that they provide adequate parking space, and they have provided evidence that this low level is generally sufficient. Members will recall that in the case of other developments of this type submitted in other parts of similar built up areas of Epping Forest District, the applicant's demonstration of parking level and need have convinced the Planning Inspector at appeal.

The applicants have submitted a Transport Assessment and the Highway Authority has raised no objection to the proposals subject to conditions. The siting of the single vehicle access point is in a similar position to the present access into the site. Therefore, no objection is raised to its location. There would be no significant impact on the surrounding highway network from the traffic generated from the proposed development. The site is in a good position of accessibility in terms of access to a range of services and public transport.

However in saying this, the highway authority have requested works to be undertaken outside of the site to improve the accessibility to the bus stop and the surrounding area to benefit not just the occupiers within the proposed development, but to the benefit of all surrounding residents. The proposed works that are required are as follows:

- The provision of two pedestrian crossing points with appropriate tactile paving across The Gladway at its junction with Farm Hill Road.
- The provision of two pedestrian crossing points with appropriate tactile paving across Broomstick Hall Road, adjacent to the mini-roundabout, with the possibility of utilising and upgrading the existing refuge island in width and with tactile paving.

- The provision of a flag and pole with integral telematics, raised kerbs and new bus cage with “No Waiting” plate to Essex County Council specification at the existing bus stop immediately outside the site on the northern side of Broomstick Hall Road.
- The provision of raised kerbs to Essex County Council specification at “The Green Man” bus stop on the south side of Farm Hill Road.

These works are relevant to the development which can be covered by conditions on the planning approval in the interest of improving access to public transport necessitated by the development.

Landscape and trees:

An Arboriculture Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy in February 2013 was submitted as part of the application.

This information was referred to Council’s landscape officer who stated that they had no objection to the proposal subject to conditions being placed on the planning permission requiring that further details of hard and soft landscaping and tree protection measure be submitted prior to any works commencing on site.

Flood risk and drainage:

The site falls predominantly within Flood Zones 1 and 2 with a small element of the southern boundary falling within Flood Zone 3.

As such, a Sequential Test and a Flood Risk Assessment was produced by the applicant and formed part of the application. Officers deemed that the Sequential Test was appropriate. The application was referred to the Environmental Agency who stated that the Flood Risk Assessment had demonstrated that a safe dry access can be provided via ‘The Gladeway’. In addition it has been demonstrated that finish floor levels will be set no lower than 22.23 metres above ordnance datum and that there is no other fluvial flood risk concerns. However the Local Authority is responsible for assessing surface water flood risk on the site. Hence the application was referred to Council’s Engineering and Drainage officer. The officer had no objections to the proposed development subject to the installation of a drainage system to the specifications detailed within the Flood Risk Assessment.

Land contamination

The Geo-Environmental geotechnical ground investigation report prepared by Jomas Associates Ltd in January 2013 identified contaminants that require further investigation. However this can be remediated and as such, the Council’s contaminated land officer has requested that standard land contamination conditions be placed on any granted permission that require full surveys before any works are commenced on site.

Environmental services:

The application was referred to Council’s environmental health officer who stated that the applicant has prepared a comprehensive noise report to investigate the issue of traffic noise. As such there were no objections to the scheme subject to conditions that the development is constructed in accordance with the noise report.

A communal refuse area is located internally within the building. Environmental Services raise no objection to the amount of storage bins and their location is also acceptable for collection purposes.

Affordable housing provision:

It is officer's opinion that this form of development would not be suitable for on-site affordable housing provision, but instead would be subject to a financial contribution in lieu of on-site affordable housing. The Local Plan states that the amount "should reflect the subsidy that a developer would have provided had the affordable housing been achieved on site". As this development would be for more than 15 residential units and is located within a settlement with a population greater than 3,000, Local Plan policy H7A seeks "at least 40% of the total number of units to be affordable".

The applicant has provided a fully costed appraisal and has indicated that they are willing to pay a contribution in lieu of on-site affordable housing provisions. However the exact amount is still being negotiated between officers and the agent. The final figure is being finalised and will be verbally presented at the meeting.

Health care provision:

The application was referred to the North Essex Primary Care Trust who had not made any formal comments at the time of preparing this report. A follow up telephone conversation with the Trust concluded that they would hope to make some formal comments before this application is heard at the Area Committee Meeting. These comments will be verbally passed on at the meeting if received.

Conclusion:

The proposal, on balance, is considered to be appropriate by officers in terms that it would not result in a significant impact to the character and appearance of the surrounding area and the street scene, nor result in harm upon the amenities enjoyed by adjoining property occupiers. The proposal is in accordance with the policies contained within the Adopted Local Plan and Alterations and the National Planning Policy Framework. The development is therefore recommended to be approved subject to the suggested conditions and for the applicant to enter into a legal agreement requiring a financial contribution in lieu of on-site affordable housing.

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

***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	7
Application Number:	EPF/0339/13
Site Name:	The Green Man Public House, Broomstick Hall Road, Waltham Abbey, EN9 1NH
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0376/13
SITE ADDRESS:	145 Honey Lane Waltham Abbey Essex EN9 3AX
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Peter Lampe
DESCRIPTION OF PROPOSAL:	Retrospective application for the retention of a wooden shed in rear garden.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546291

CONDITIONS

- 1 The proposed building shall only be used for purposes incidental to the enjoyment of the dwellinghouse and shall not be used to operate a trade or business which would bring the use beyond incidental.

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:

No145 Honey Lane is a semi detached dwellinghouse and this is the character along the road. Gardens are relatively deep and the flank boundaries are demarcated by traditional garden fencing.

Description of Proposal:

The applicant seeks consent to retain garden shed. The building has a floor area measuring 5.3m x 5.6 and has a flat roof to a height of 3.0m. The building has a brick plinth and wood panelled walls.

Relevant History:

No relevant history.

Policies Applied:

DBE1 – Design

DBE2 - Amenity

CP2 – Protecting the Quality of the Rural and Built Environment

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary of Representations:

3 neighbours consulted – 2 replies received.

143 HONEY LANE – Objection. We are the neighbours at 143 Honey Lane but unfortunately are unable to find our letter advising us of this planning application.

We would like to object to the application on the following grounds:

- 1) The "shed" is considerably larger and taller than an average shed. This casts an over-bearing status over our garden. It should be noted the "shed" takes over almost the entire width of the garden.
- 2) It is unsightly and not in keeping with it's surrounding, looking almost "DIY" in construction.
- 3) We are concerned over the use of this "shed" which has more of the appearance of a workshop. We have already witnessed use of this domestic garden to store a number of pieces of large commercial plant machinery, with the associated noise, mess and unsightly appearance and are very concerned that this "shed"/workshop will be used for a commercial purpose/machinery workshop.
- 4) We have witnessed and have photographic evidence of large gas bottles used on the premises and left for a considerable length of time. This shows they are happy to have hazardous items within a few feet from our garden/house, with the associated risks to me and my family.
- 5) We are concerned about the detrimental effect this building could have on our house with its over-bearing presence on our garden.
- 6) Finally we are concerned at the nature of the construction of the unit which has two extremely large workshop type doors from floor to roof (3 metres?) in addition to the "normal" front door. If this was to be used as a normal shed, why the huge access point?

IF this "shed"/workshop is allowed to stay, against our wishes, we would ask that it has strict restrictions in place to prevent it being used as a mechanical type workshop. No commercial use, compressed air equipment (air guns/compressors etc), storage of gas bottles/cylinders, as this domestic/residential rear garden has already been used for commercial plant machinery and associated equipment, to the detriment of the area.

1 HARLTON COURT – Objection. My back garden is only small so the shed would block light in to the back of my house also my house is built on a much lower level to the garden that the shed would be built on so the shed would be above my first floor bedroom window height, maybe they can build the shed at the side of their house or somewhere else in the large garden or the height of the shed be reduced.

TOWN COUNCIL: Objection. Concern about the overall size and clarification about the use.

Issues and Considerations:

The main issues to consider relate to design and amenity. The comments of consultees will also be assessed.

Design

The garden store which is the subject of this application has been largely constructed and is in position. Permitted development regulations allow the construction of an ancillary outbuilding to a height of 2.5m. This building is approximately 0.50cm higher than a permitted development building. The building is quite large, given the size of the garden, but in design terms it is fairly typical of such structures. It is not considered that the additional height seriously detracts from the character of the immediate area.

Amenity

Concern has been expressed about the overbearing nature of the building from residents at 143 Honey Lane and 1 Harlton Court. In relation to No143, the building is located at the rear of the garden and although there would be some overshadowing of the back of the neighbouring garden this would not seriously impinge on amenity. The building is only circa 5.3m deep and as such would not appear excessively overbearing.

The shed is located to the west of No1 Harlton Court adjacent to public amenity land and any impact would be negligible.

The issue has also been raised about the use of this building and that it may be for a workshop. The planning system permits a wide range of uses of buildings and land "incidental to the enjoyment of the dwellinghouse". This would include a private workshop. This would only become a planning matter if the applicant operated a business from the site and the associated activity resulted in a material change of use of land, effectively creating a new planning unit. The point when a change from an ancillary use to a commercial use takes place is a matter of fact and degree which would have to be determined. In the case where an application would be required the planning merits could be assessed. However this does not appear to be the intention here and a condition preventing the commercial use of the building should guard against this likelihood.

Conclusion:

The retention of this building is acceptable subject to an appropriate condition preventing a separate business use.

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: Mr Dominic Duffin

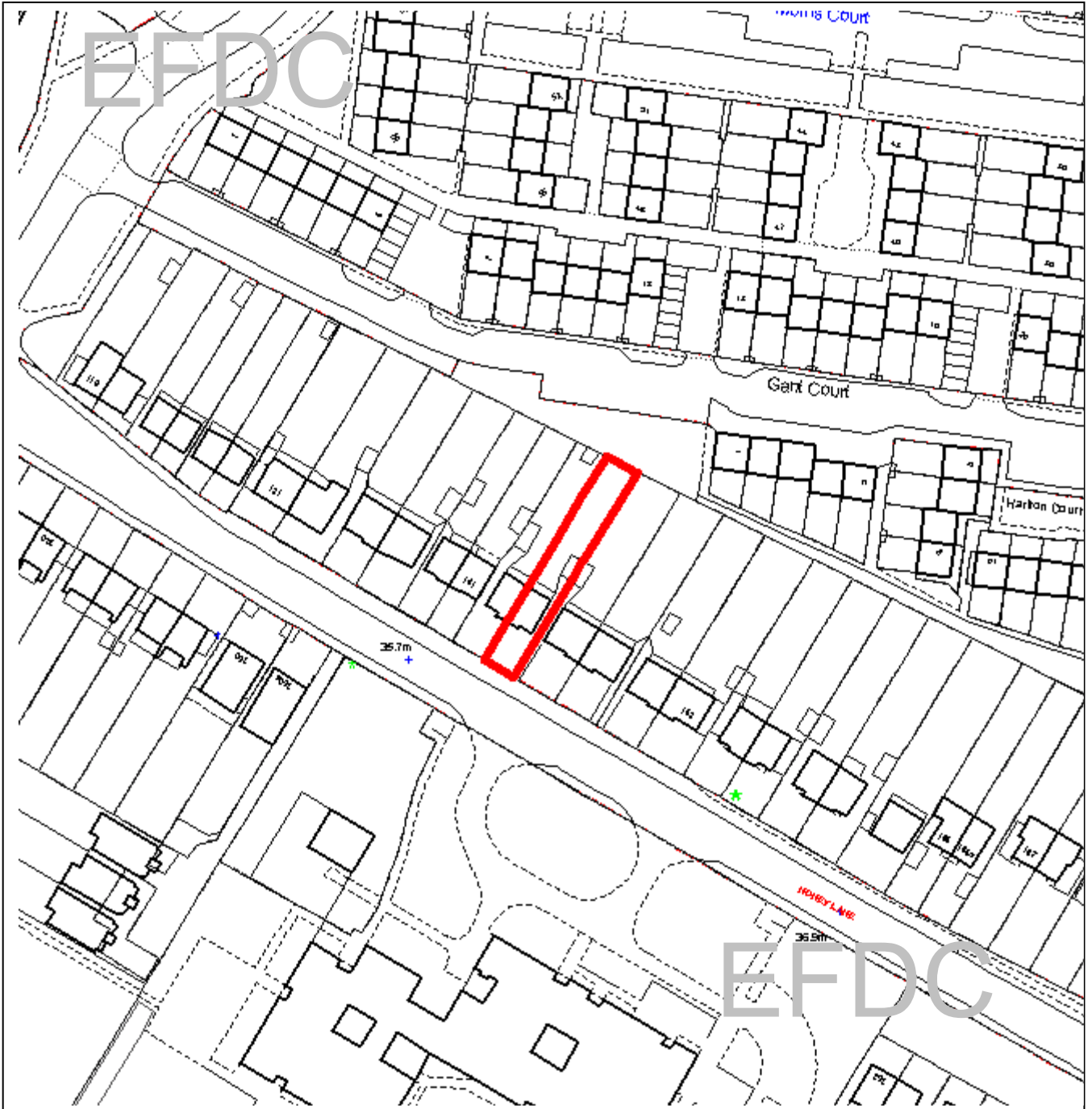
Direct Line Telephone Number: (01992) 564336

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	8
Application Number:	EPF/0376/13
Site Name:	145 Honey Lane, Waltham Abbey EN9 3AX
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/0492/13
SITE ADDRESS:	83 Upshire Road Waltham Abbey Essex EN9 3PB
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
APPLICANT:	Ms Joanne Page
DESCRIPTION OF PROPOSAL:	Extension to pavement and grass verge crossing
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546930

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 crossover, shall be of a similar appearance to those of the existing crossover 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:

No83 Upshire Road is the end house on a terrace of four two storey dwellings. The property is currently served by an existing 2.5m wide crossover to the highway. This passes over the footpath and a grass verge which is adjacent to this Class III type road. Part of the grass verge exists to the front of the property and there is a parking space adjacent to this on the roadway.

Description of Proposal:

The applicant seeks consent to extend the crossover across the entire width of the frontage of the house (6.3 wide). This would involve the removal of the area of grass verge and the parking space.

Relevant History:

EPF/0995/79 - Formation of a vehicular access. Grant permission - 17/08/1979.

Policies Applied:

ST4 – Road Safety

ST6 – Vehicle Parking

CP2 – Protecting the Quality of the Rural and Built Environment

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary of Representations:

5 neighbours consulted – 2 replies received.

85 UPSHIRE ROAD: Comment. Regarding the extension of driveway access at 83 Upshire Road. As this will result in the loss of the parking space - and lack of parking is an issue for this side of the road as some houses are not permitted driveways - I feel it only fair that we all get a say in this matter. Please send a letter to 87, 89, 91, 93, 95, 97, 99, 101 Upshire Road accordingly. These houses are not permitted driveways and therefore the loss of a parking space would have the greatest impact on them.

87 UPSHIRE ROAD: Objection. I am writing to you reference No.83 Upshire Road applying for the cross over the grass verge .We have been told by Epping Forest Council for the last 18 years that the piece of grass verge belongs to the Corporation of London and that there is a number of pipe works running underneath this verge which would make it impossible for us to cross. We feel to take another parking space from us is just unacceptable, as we do not have enough parking spaces for our stretch of road for the houses 85 to 103.

TOWN COUNCIL: Objection. Concern about road safety and the loss of a parking space.

DIRECTOR OF HOUSING SERVICES: Objection. An extension to the crossover "would result in the loss of a parking space on the Upshire Road". Our policy in housing is to refuse requests to create crossovers or extensions to crossovers where it would lead to the loss of a parking space. They have not to my knowledge asked Housing Management for permission to extend the crossover. As an ex Council property they will need our consent as well as highways and your own permission.

Issues and Considerations:

The main issues to consider relate to the loss of the parking space and road safety. The comments of consultees are another material consideration.

The consideration of this proposal basically boils down to two competing factors. Firstly, the loss of a parking space to the front of the property and secondly any impacts the extension of the crossover would have on road safety.

Essex County Council Highways Section has provided comments in relation to this proposal. This states that the "*proposal will remove one off street parking space but this is considered to be acceptable as it vastly improves the applicant's visibility to the traffic approach side, consequently improving highway safety for all highway users*". Concern has been expressed that the loss of the parking space will result in exacerbated parking issues in the vicinity, as some of the houses do not have off street parking. It is obviously the case that there would be one less parking space locally. It is also clear that the verge is subject to some ad hoc parking. The Housing Section of the

Council has also raised concern and outlined how their consent would also be required. Officers have formed the view that the improvements to road safety should take precedence in this instance. It is not considered the loss of one space would seriously impact on parking provision in the area. It is clear that the parking space to the front of this property, and ad hoc parking on the adjacent verge, is leading to hazardous road conditions when occupants are exiting this drive.

It is accepted that the consent of the Housing Section of the Council may be required but this would be a separate matter to planning. An informative shall be attached to the decision letter informing the applicant of this requirement.

Conclusion:

The proposed development would improve road safety at this location. It is therefore recommended that consent is granted subject to conditions.

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

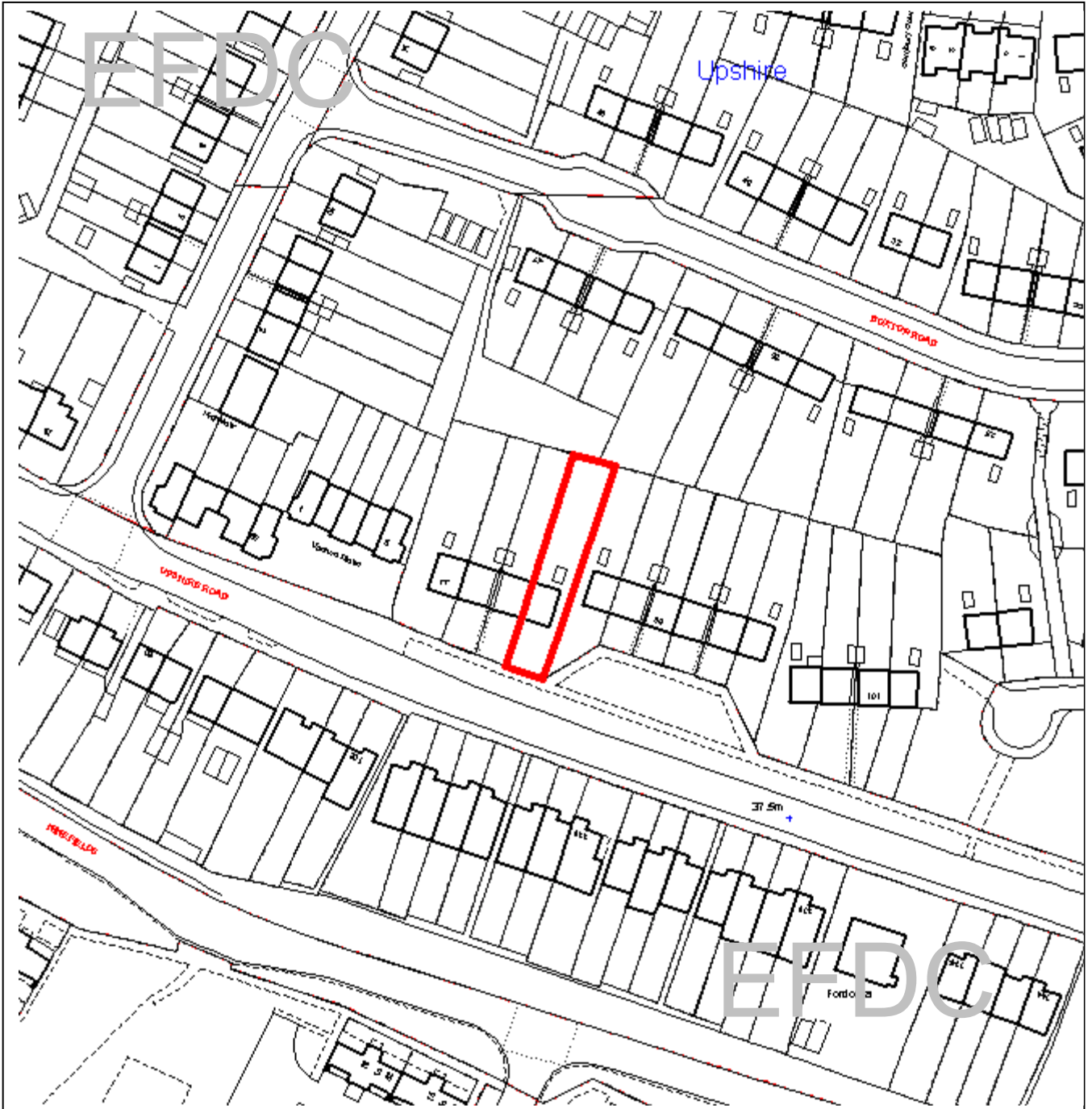
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	9
Application Number:	EPF/0492/13
Site Name:	83 Upshire Road, Waltham Abbey EN9 3PB
Scale of Plot:	1/1250

Report Item No: 10

APPLICATION No:	EPF/0495/13
SITE ADDRESS:	Willow Lea Clyde Road Roydon Harlow Essex EN11 0BE
PARISH:	Roydon
WARD:	Lower Nazeing Roydon
APPLICANT:	S Hannaford
DESCRIPTION OF PROPOSAL:	Extensions to bungalow
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546952

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the northern first floor 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.

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:

A detached bungalow located on the south eastern end of Clyde Road. The existing bungalow is the last property on this side of the road and is therefore adjacent to the Lea Valley Regional Park public footpath and the lake beyond this. All the surrounding dwellings to this property are full height, two storey houses.

Description of Proposal:

Consent is being sought for a first floor extension atop the existing bungalow to create a two storey dwelling with rooms in the roof space. The proposal also includes the demolition of the existing attached garage and its replacement with habitable space to a 1.6m increased width. The extended property would have a flat topped pitched roof reaching a maximum height of 8.5m that would include two side dormer windows (overlooking the adjacent lake).

Relevant History:

EPF/1239/81 - Lounge Extension – approved 13/11/81

Policies Applied:

GB7A – Conspicuous development
DBE9 – Loss of amenity
DBE10 – Residential extensions

The above policies form part of the Council's 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 full weight.

Consultation Carried Out and Summary of Representations received:

2 neighbouring properties were consulted. No Site Notice was required.

PARISH COUNCIL – Object. Overdevelopment of site.

LEA VALLEY REGIONAL PARK AUTHORITY – No objection

Issues and Considerations:

The main issues to be considered are the impact on neighbour's amenities and with regards to the design.

Amenity:

The proposed roof enlargement would significantly increase the height of the existing building however there would be no significant change to the footprint of the building. As such, the proposed enlarged dwelling would remain roughly in line with the rear wall of the neighbouring resident, which is a full two storey dwelling. Whilst the proposed additions would extend approximately 3.8m beyond the front wall of the neighbouring dwelling, this would benefit from a 2.75m gap between the houses and would sit at an angle to the neighbouring property. Due to this, the proposed extensions would fall well short of the 45 degree line of the closest neighbouring window. As such, it is not considered that the proposal would result in any excessive harm to the neighbour's amenities through a loss of light or visual outlook.

The only upper storey windows facing onto the neighbouring property would serve bathrooms and can therefore be conditioned to be obscure glazed. Such conditions would ensure that the proposed development does not result in any undue loss of privacy or overlooking.

Design:

Clyde Road contains a varied mix of types and designs of dwellings, with a predominance of one-and-a-half storey and two storey properties. The adjacent neighbour to the north is a full two storey dwelling with a ridge height approximately 200mm higher than the proposed extended property. The existing bungalow on this site is rundown, of no architectural merit and currently appears somewhat at odds with the larger houses surrounding it. Although the proposed extended property would have a flat topped pitched roof and is fairly deep, it is of a fairly standard design that would not be out of keeping with the street scene.

Given the application site's location at the end of Clyde Road, adjacent to the Lea Valley Regional Park/public footpath, it is very visible from the adjacent public Park/lake. The increased height and insertion of several glazed windows and dormers within the flank elevation overlooking the lake would result in the dwelling being more visually prominent than the existing bungalow, however the extended property would nonetheless be viewed within the context of the surrounding dwellings, several of which (including the neighbour to the north) reach a height greater than that proposed here. It is considered understandable that the occupants of the site would wish to make full use of the views over the Park/lake, the presence of the windows in this flank elevation is not considered to be unduly harmful to the character and appearance of the Park or the adjacent Green Belt.

Other considerations:

The proposed development would result in the loss of the existing garage, and therefore the loss of an off-street parking space. However it was seen during the Planning Officer's site visit that two cars could be parked within the, albeit limited, front garden without highway safety issue. As the application site is located at the end of a private road with adequate space to manoeuvre it is considered that sufficient parking space can be retained despite the loss of the existing garage.

The Parish Council has objected to the application due to 'overdevelopment' of the site. Whilst the proposed extensions are relatively large when compared to the existing bungalow, the current bungalow on site is extremely small and is somewhat out of character with the larger surrounding dwellings. The proposed extensions would not significantly extend the footprint of the existing building and would result in a property similar in size to surrounding dwellings. As such, it is not considered that this proposal would constitute overdevelopment of the site.

Conclusions:

Due to the above, it is considered that the proposed extensions would not be unduly detrimental to neighbours amenities, would respect the character and appearance of the street scene, and would not harm the adjacent Lea Valley Regional Park or Green Belt. As such, the application complies with the relevant Local Plan policies and is therefore recommended for approval.

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

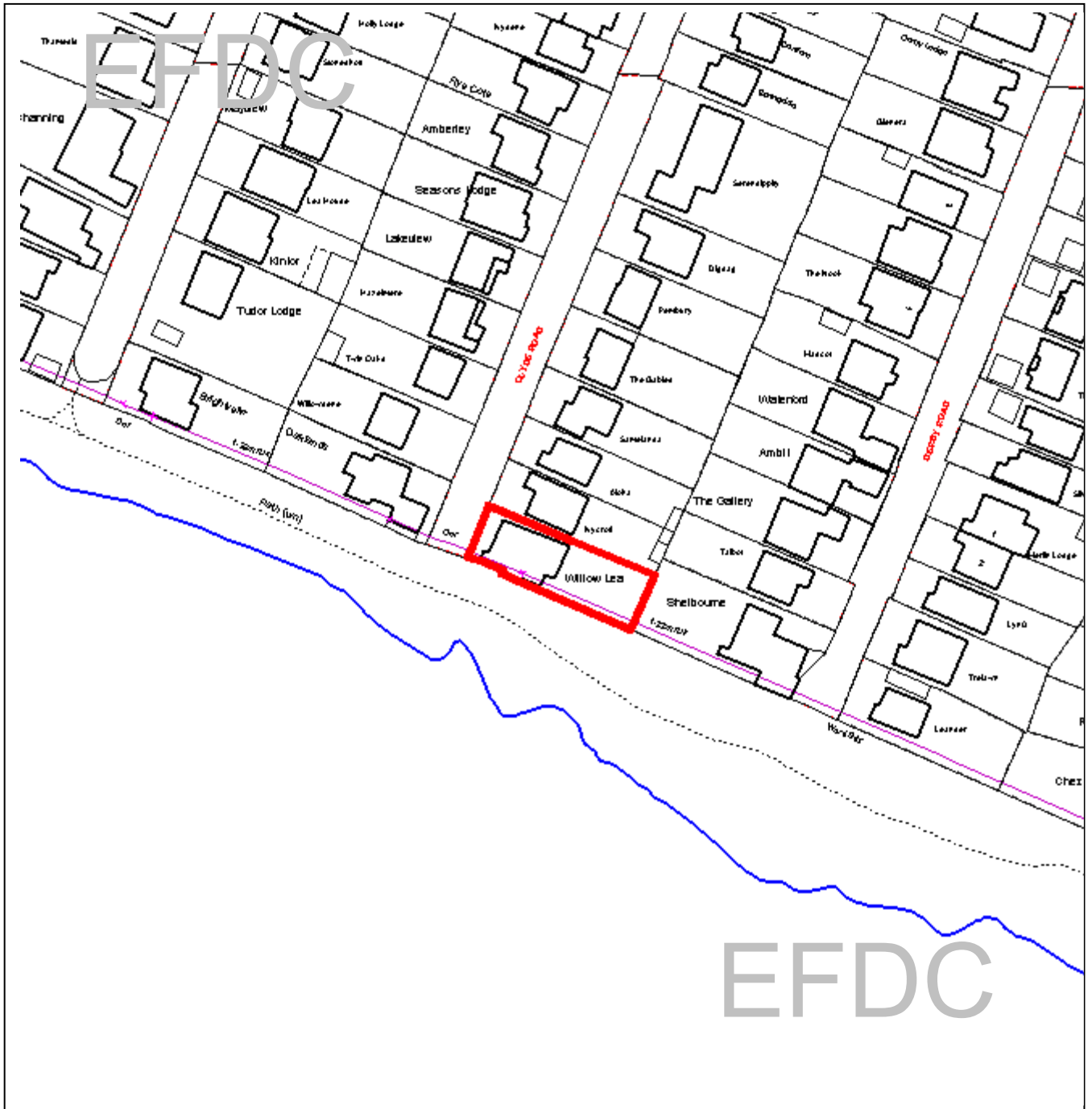
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	10
Application Number:	EPF/0495/13
Site Name:	Willow Lea, Clyde Road Roydon, EN11 0BE
Scale of Plot:	1/1250

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Report to Area Plans Subcommittees East, West and South

***Date of meeting(s): 22 May, 5 and 12 June
2013***



**Epping Forest
District Council**

Subject: Planning Protocol – Site Visits

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

Recommendation(s):

- (1) To consider prepared guidance on undertaking planning site visits which forms supplementary information for the Council's Planning Protocol;
- (2) That the Planning Subcommittees be asked to note and follow this guidance in undertaking future site visits; and
- (3) To note that this guidance has been published on the Council's website and will be sent to members, applicants and objector (if known) when a site visit is organised

Report Detail

1. At a meeting of the District Development Control Committee on 27 March 2013 consideration was given to further guidance for both members and public attending site visits to avoid the perception of pre-determination and to ensure that there is a consistent approach during each visit.
3. This guidance is attached as Appendices 1 and 2 to this report. It has been split into two documents, one aimed at members and the second at other interested parties. These documents form supplementary guidance to the Council's Planning Protocol. The guidance brings together information from the protocol.
4. It was agreed that an item be placed on each planning committee to reiterate the process for future visits. It will also be sent to members, applicants and objectors (if known) when a site visit is organised.
5. It was agreed by the Assistant Director of Planning and Economic Development that officers would also meet to ensure a consistent approach by officers. The subcommittee are asked to note the guidance and officers will attend the meeting to answer specific questions on the guidance.

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Epping Forest District Council

Guidance for Members at Site Visits

Formal site visits may be requested by any Planning Committee. These can be requested either before a planning meeting or resolved at the meeting concerned. However, these consume resources and delay determination of an application. It is good practice to consider site visits only where there is a substantial benefit to the decision-making process, e.g. when the impact of the proposed development is difficult to visualise from prior inspection from a public place, or from the plans and the supporting material; or it is particularly contentious.

It is recognised that Councillors are subject to lobbying on specific applications. In such cases, it is essential that care is taken to maintain the Council's and its members' integrity so as to protect the credibility of the planning process.

Councillors are asked to bear in mind the following guidance when undertaking planning site visits so as to avoid the perception of pre-determination.

- Site visits should be undertaken at an agreed predetermined time and conducted in a single group with a planning officer present at all times.
- Members of the committee concerned are encouraged to attend site visits.
- The site visit is managed by the Chairman, Vice-Chairman or planning officer present. The Chairman or Vice Chairman will remind Councillors of the guidance at the beginning of each visit. Members of the committee or subcommittee should not enter into discussions with interested parties, such as the applicant, the agent or neighbours during the visit.
- Councillors/Planning Officers should not allow interested parties to use the site visit as an opportunity of lobbying members of the committee. It is made clear to other parties at the outset that the purpose is to gather information and to view the site only.
- Any questions from Councillors should be limited to questions of fact and directed, in the first instance, to the planning officer present and not directly to interested parties present.
- In the interests of fairness to all parties, members as a single group should consider the desirability of viewing an application site from more than one property when the site visit is arranged.
- Councillors must ensure that the application is not determined at the site visit
- Councillors should avoid acceptance of any hospitality at a site visit which could be misinterpreted by third parties;

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Planning Site Visits

Guidance for Applicants, Agents and interested parties



**Epping Forest
District Council**

Formal site visits may be requested by any Planning Committee. These can be requested either before a planning meeting or resolved at the meeting concerned. However, these consume resources and delay determination of an application. Site visits will only normally be considered where there is a substantial benefit to the decision-making process, e.g. when the impact of the proposed development is difficult to visualise from prior inspection from a public place, or from the plans and the supporting material; or it is particularly contentious.

It is recognised that Councillors are subject to lobbying on specific applications by Applicants, agents and other interested parties. Our Councillors follow guidance when undertaking planning site visits so as to avoid the perception of pre-determination.

- Site visits will be undertaken at an agreed predetermined time and conducted in a single group with a planning officer present at all times.
- You will not be allowed to use the site visit as an opportunity of lobbying Councillors who are members of the committee. It will be made clear to other parties at the outset that the purpose of the site visit is to gather information and to view the site only.
- The site visit is managed by the Chairman, Vice-Chairman or planning officer present. Councillors will not enter into discussions with interested parties during the visit.
- Councillors concerned are encouraged to attend site visits.
- Councillors may ask questions of fact which will be directed, in the first instance, to the planning officer present and not directly to interested parties present.
- In the interests of fairness to all parties, Councillors will consider the desirability of viewing an application site from more than one property when the site visit is arranged if this is appropriate.
- The planning application is not determined at the site visit.
- Councillors will not normally accept any hospitality at a site visit as these could be misinterpreted by third parties.

Further Information:

Email: democraticservices@eppingforestdc.gov.uk

Tel: 01992 564249 and ask for the Committee Officer for the relevant Subcommittee which is shown on the front sheet of the agenda.

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Report to Area Plans Sub-Committee

Date of meeting: East – 22 May 2013
West – 5 June 2013
South – 12 June 2013

Subject: Probity in Planning – Appeal Decisions, 1 October 2012 to 31 March 2013

Officer contact for further information: Nigel Richardson (01992 564110).
Democratic Services Officer: Mark Jenkins (01992 564607)

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Planning & Economic Development) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals (i.e. those , particularly those refused by committee contrary to officer recommendation. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
2. In recent years the Council performance has been 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07, 29% in 2007/08, 40.3% for 2008/09, 30.9% in 2009/10, 36.6% in 2010/11, 28.8% in 2011/12 and 27.7% in 2012/13.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

Performance

4. Over the six-month period between October 2012 and March 2013, the Council received 43 decisions on appeals (40 of which were planning related appeals, the other 3 were enforcement related).
5. KPI 54 and 55 measure planning application decisions and in total, out of this 40, 15 were allowed (37.5%). Broken down further, KPI 54 performance was 6 out of 25 allowed (24%) and KPI 55 performance was 9 out of 15 (60%).

Planning Appeals

6. Out of the 15 planning appeals that arose from decisions of the committees to refuse

contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following 8 cases:

Area Committee South

EPF/0131/12	Outline Planning Application for two semi detached two storey dwelling houses.	Land to rear of 74-78 Walnut Way, B Hill
EPF/0334/12	Demolish existing dwelling, pool building and detached garage and erect replacement two and a half storey detached dwelling and a detached single storey garage block.	Willow Park Farm Millers Lane, Chigwell
EPF/2371/11	Change of use of former tool shop (A1 retail shop) to A3 (restaurant/café) use - amended proposal now showing details of refuse store and extraction duct.	22 Forest Road Loughton
EPF/2103/11	Variation of condition 7 ' no windows other than any shown' of planning approval EPF/2003/10 (Minor material amendment on EPF/0485/09 (detached house), numerous alterations including addition of basement level)	Beagles Hut Retreat Way, Chigwell
EPF/1045/12	Two storey side and rear extension.	82 Princes Road, B Hill

Area Committee East

EPF/0843/12	Extensions, alterations and change of use of commercial premises to four flats, including ancillary works. (Revised application)	Electron House 17A Hemnall Street, Epping
EPF/0369/12	Demolition of existing garage and store shed and construction of four storey side extension. (Revised application)	Treetops Care Home Station Road, Epping
EPF/0001/12	Change of use of premises from A1 (Retail) use to a shared use A3 (Restaurant and Cafe) and A5 (Hot Food Takeaway)	74-76 High Street, Epping
EPF/1153/12	Replacement of New House Cottages with a single dwelling house and provision of a new access. (Amended application to EPF//0988/10 to include an orangery to rear)	New House Cottages Little Laver Rd, Moreton

7. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision. As this is now highlighted

as a separate performance target (KPI 55) it therefore potentially comes under more scrutiny. Whilst 60% is the wrong side of the target for KPI55, Members may be more satisfied to know that for the year end, the target of 50% has been achieved.

8. Out of 3 enforcement notice appeals decided, 1 was allowed and 2 were dismissed. These are as follows:

Allowed:

ENF/0402/06	The material change of use of the land to a private travellers/gypsy site.	Holmsfield Nursery Meadgate Road, Nazeing
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Dismissed

ENF/0796/10	Erection of a boundary wall, gates and piers in excess of 1m high adjacent to a highway	Olivers Daws Hill Waltham Abbey
ENF/0408/11	Without planning permission the change of agricultural land to (D2) Assembly and Leisure use facilitated by the erection of a marquee in the position and laying of a hard standing surrounded by block paving.	Mulberry House Chelmsford Road High Ongar

Costs

9. During this period, there were 4 successful finalised award of costs made against the Council. Circular 03/2009 Costs Awarded in Appeals and Other Planning Proceedings advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Costs therefore are rarely awarded against the appellant. The costs were as follows:-

- *Beagles Hut, Retreat Way, Chigwell*: Appeal against a minor material amendment to a planning permission, concerning the insertion of a small stairway window and a variation of another approved window, which was refused at Area Plans Committee South. This was always going to be a difficult appeal to defend because the impact was so minimal, despite the officers best efforts to make a case. The Inspector concluded that the decision had been unreasonable and resulted in unnecessary cost to the appellant, which was settled at £7,912.
- *Land Adjacent Horseshoes Farm, London Road, North Weald*: Appeal against refusal of planning permission for an additional grain store. (The decision was reported in the previous April to September 2012 report – the cost claim was not finalised until afterwards). The Inspector considered the Council had been unreasonable in respect of the second reason for refusal regarding potential increase in traffic movements and resultant impact on neighbouring property from noise and disturbance. The inspector concluded that a restriction on the use of the grain store by condition would have overcome this concern. He therefore concluded a partial award of costs against the Council, which was settled at £4,340.
- *The Mulberries, Hamlet Hill, Roydon*: The appeal for cost was successful against the Council's withdrawal of an enforcement notice after it emerged that the notice did not cover all the unauthorised uses taking place on the site. The Inspector considered it was

not therefore expedient for the Council to have issued it in the first place and awarded costs which amounted to £5,389.

- *74-76 High Street, Epping*: Change of use from A1 shop to shared use of A3 (restaurant and cafes) and A5 (hot food takeaways). Both reasons for refusal in respect of firstly, the impact on the proliferation of Class A3 and A5 uses on the health of the town centre and secondly, harm to residential amenity were not in the opinion of the Planning Inspector substantiated in the Council's defence and therefore judged to be unreasonable behaviour. The full award of costs against the Council amounted to £4,146.

10. Members attention is brought to the fact that the three planning application refusals that resulted in costs against the Council were, in this case, committee reversal decisions.

Conclusions

11. Whilst performance in defending appeals has improved during the last couple of years, Members are reminded that in refusing planning permission there needs to be justified reasons that in each case must be relevant, necessary, but also sound and defensible so as to avoid paying costs. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of the relevant issues to balance out in order to understand the merits of the particular development being applied for.

12. Finally, at previous request of the Planning Services Scrutiny Standing Panel, appended to this report are the 9 appeal decision letters that were allowed, despite Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, along with their respective refusal decision notices.

13. A full list of appeal decisions over this six month period appears below.

Appeal Decisions October 2012 to March 2013

Allowed With Conditions

Buckhurst Hill

1	EPF/0950/12	Loft conversion including dormers to front, back and sides of property.	6 Fernside
2	EPF/1045/12	Two storey side and rear extension.	82 Princes Road
3	EPF/0131/12	Outline Planning Application for two semi detached two storey dwelling houses.	Land to rear of 74-78 Walnut Way

Chigwell

4	EPF/2103/11	Variation of condition 7 ' no windows other than any shown' of planning approval EPF/2003/10 (Minor material amendment on EPF/0485/09 (detached house), numerous alterations including addition of basement level)	Beagles Hut Retreat Way
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Epping

- | | | | |
|---|-------------|--|--------------------------------------|
| 5 | EPF/0843/12 | Extensions, alterations and change of use of commercial premises to four flats, including ancillary works. (Revised application) | Electron House
17A Hemnall Street |
| 6 | EPF/0369/12 | Demolition of existing garage and store shed and construction of four storey side extension. (Revised application) | Treetops Care Home
Station Road |
| 7 | EPF/0001/12 | Change of use of premises from A1 (Retail) use to a shared use A3 (Restaurant and Cafe) and A5 (Hot Food Takeaway) | 74 - 76 High Street |

Loughton

- | | | | |
|----|-------------|--|-------------------|
| 8 | EPF/1431/12 | Loft conversion, including change of hipped roof to hipped gable and rear dormer. | 61 Tycehurst Hill |
| 9 | EPF/0746/12 | Two storey side extension, demolition and replacement of garage into habitable room. (Revised application) | 50 York Hill |
| 10 | EPF/2371/11 | Change of use of former tool shop (A1 retail shop) to A3 (restaurant/café) use - amended proposal now showing details of refuse store and extraction duct. | 22 Forest Road |

Moreton, Bobbingworth and the Lavers

- | | | | |
|----|-------------|--|---|
| 11 | EPF/1153/12 | Replacement of New House Cottages with a single dwelling house and provision of a new access. (Amended application to EPF//0988/10 to include an orangery to rear) | New House Cottages
Little Laver Road |
|----|-------------|--|---|

Waltham Abbey

- | | | | |
|----|-------------|---|-----------------------------|
| 12 | EPF/1007/12 | Change of use of land for the stationing of a mobile home (log cabin) for residential use in connection with existing stable use. | Horizon Oaks
Church Road |
|----|-------------|---|-----------------------------|

Allowed Without Conditions

Buckhurst Hill

- | | | | |
|----|-------------|--|-----------------|
| 13 | EPF/1512/12 | Proposed two storey side and rear extension. | 82 Princes Road |
|----|-------------|--|-----------------|

Chigwell

14	EPF/0334/12	Demolish existing dwelling, pool building and detached garage and erect replacement two and a half storey detached dwelling and a detached single storey garage block.	Willow Park Farm Millers Lane
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Theydon Bois

15	EPF/1435/12	Erection of a garage.	Beechwood Forest Side
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Dismissed

Buckhurst Hill

16	EPF/1254/12	Loft conversion with front dormer window, together with permitted development rear dormer windows.	10 Russell Road
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Chigwell

17	EPF/0392/12	Continuation of use of buildings A, B, C, E, F & G and land within the application site for the purposes of storage with ancillary office (Use Class B8).	Willow Park Farm Millers Lane
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18	EPF/1120/12	Erection of single storey rear extension with swimming pool. (To house under construction)	36 Stradbroke Drive
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Epping

19	EPF/1679/12	Single storey side and rear extensions, roof alterations including raising the ridge level to allow for first floor accommodation with front and rear dormer windows.	51 Bower Hill
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Loughton

20	EPF/0485/12	Erection of two bedroom one and a half storey detached dwelling with one off street car parking space. (Revised Application)	Land to rear of 92 and 94 Roding Road
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21	EPF/1737/12	Addition of electric front gate across existing parking space, in connection with alterations to front area to create two more parking spaces.	17 Station Road
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22	EPF/0919/12	Demolition of existing single storey rear extension and erection of two storey rear extension. (Previously approved in 1998)	91 York Hill
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Nazeing

23	EPF/2160/11	Variation of condition 3 on planning	Holmsfield Nursery
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		permission EPF/0849/10 to allow for hard standing to be installed on area of land to overcome land contamination issues. (Retention of use of site for eight private gypsy plots to replace previous temporary consent.)	Meadgate Road
24	EPF/0083/12	Demolition of existing glass houses and vehicle workshops and erection of a replacement building to provide modern vehicle workshops and storage units.	Burleigh Nursery Hoe Lane
25	EPF/0304/12	Certificate of lawful development for proposed side and rear extensions and alterations.	Dene Nursery Road
26	EPF/0186/12	Demolition of the existing bungalow and construction of a new dwelling with associated works.	26 Old Nazeing Road
North Weald Bassett			
27	EPF/2547/11	Extension to existing grain storage facilities.	Land adj Horseshoe Farm London Road
28	EPF/0729/12	Replacement of existing garage and replacement with a new two-storey residential two bed annex.	158 High Road
29	EPF/0999/12	Part ground floor and two storey rear extension and conservatory to rear.	Willow Cottage Hastingwood Road
Roydon			
30	EPF/0678/12	Subdivision of existing property into two.	Derwent Cottage Epping Road
31	EPF/2167/12	Loft conversion and associated works.	17 Barn Hill
Sheering			
32	EPF/2536/11	Retrospective Grade II listed building consent for alterations to lean-to on the western side of the coach house courtyard, to form a new lean-to structure.	Durrington House Sheering Lower Road
Theydon Mount			
33	EPF/2185/11	Change of use of land and the erection of stables on a concrete slab base.	Land Bordered by Mount End/ Mount Road
Waltham Abbey			
34	EPF/2416/11	Development of solar park together with inverter building and security fencing. (Resubmitted application)	Netherhouse Farm Sewardstone Road

35	EPF/1882/12	Extensions and alterations to provide granny annexe and family accommodation in the roof space. Raising the existing wall plate 1050mm above first floor level.	152 Crooked Mile
36	EPF/1796/12	First floor side and two storey/single storey rear extensions	75 Honey Lane
37	EPF/0912/12	Rear first floor extension. (Revised application)	Oakdale 3 Woodgreen Road
38	EPF/2447/11	Outline application for the erection of a new block containing two retail units at ground floor with four flats at first and second floor, to the rear of no 54 Sun Street.	Land Rear of 54 Sun Street
39	EPF/1364/12	Formation of 3 building plots in garden of existing house and erection of 3 no. three bedroom houses.	214 Upshire Road
40	EPF/0246/12	Conversion and extension of redundant pub into a mixed use development comprising A1 retail at ground floor and 4 residential units above.	11 Sun Street

Enforcement Appeals Allowed: With Conditions

1	ENF/0402/06	The material change of use of the land to a private travellers/gypsy site.	Holmsfield Nursery Meadgate Road, Nazeing
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Enforcement Appeals Dismissed

2	ENF/0796/10	Erection of a boundary wall, gates and piers in excess of 1m high adjacent to a highway	Olivers Daws Hill Waltham Abbey
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Enforcement Appeal: Dismissed, but Varied

3	ENF/0408/11	Without planning permission the change of agricultural land to (D2) Assembly and Leisure use facilitated by the erection of a marquee in the position and laying of a hard standing surrounded by block paving.	Mulberry House Chelmsford Road High Ongar Ongar Essex
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Appeal Decision

Site visit made on 14 January 2013

by **J L Cheesley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 February 2013

Appeal Ref: APP/J1535/A/12/2182259
17A Hemnall Street, Epping, Essex CM16 4LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian A Croxford against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0843/12, dated 30 April 2012, was refused by notice dated 4 July 2012.
 - The development proposed is change of use, extension and conversion of commercial premises to four flats including ancillary works.
-

This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes that issued on the 16th January 2013.

Decision

1. The appeal is allowed and planning permission granted for change of use, extension and conversion of commercial premises to four flats including ancillary works at 17A Hemnall Street, Epping, Essex CM16 4LS in accordance with the terms of the application, Ref PL/EPF/0843/12 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the planning application form.
 - 3) Before the first occupation of the building hereby permitted the window in the south western first floor flank elevation of the rear section of the building shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor level of the room in which it is situated and shall be permanently retained in that condition.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos 2873/1, 2873/2A, 2873a, 2873b and the Location Map.
 - 5) The parking area shall not be used for any purpose other than the parking of vehicles.
 - 6) No development shall take place until a site investigation of the nature and
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extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Main Issues

2. I consider there to be three main issues:

the effect of the proposal on the living conditions of future occupiers with particular reference to amenity space and refuse storage;

the effect of the proposal on highway safety and the free flow of traffic in the surrounding area; and

whether the proposal would constitute overdevelopment to the detriment of the character of the surrounding urban environment.

Reasons

3. The proposal includes the extension and alteration of a commercial property into four flats. The appeal site lies close to the town centre within a row of primarily residential properties in an area of otherwise mixed development.
4. The proposed demolition of the existing side extension would provide little amenity space for future residents. It would not provide the level of amenity space required by Policy DBE8 in the Epping Forest Local Plan Alterations (2006). However, I note that the Council has accepted elsewhere that flats in similar urban locations can provide a low level of amenity space. From my observations, due to the proximity of public open space, the urban location of the site and the type of development proposed, I consider that the proposed small amount of outside space would be acceptable in this particular instance.
5. The proposal includes a refuse storage yard. This would be a small area, which may not be sufficiently large for all refuse storage needs on the site. Nevertheless, the limited outside space would allow for further outdoor storage if necessary and it would be reasonable to assume that refuse bins could be placed to the side of the parking area on collection days without encroaching onto the road. Thus, I consider that the proposed refuse storage arrangements would be satisfactory.
6. The appeal site lies on a one-way stretch of Hemnall Street where on-street parking is restricted. It is clear to me that being so close to the High Street, the appeal site lies within an area where there is likely to be pressure for

parking. I note that a number of residential properties in this area have off-street parking provision and further along Hemnall Street there is some on-street residents parking and restricted public parking.

7. The proposal includes retaining the existing three parking spaces at the front of the property. I note this would fall short of the nine spaces required under Local Plan Policy ST6 and the Vehicle Parking Standards (2009). The Council has accepted that a reduction in the parking standards may be considered in urban locations, but considers the proposed level to be too much of a reduction.
8. I consider that the location of the appeal site close to public transport provision and services and the nature of the development is such that the site characteristics are in accordance with the objectives of the Vehicle Parking Standards as regards an appropriate site for a lower level of off-street parking provision. In my opinion, the provision of just three car parking spaces would not be such as to have any noticeable effect on highway safety and the free flow of traffic.
9. For the above reasons, I have found that the proposal would not have an adverse effect on the living conditions of future occupiers or highway safety. Whilst the site is restricted, I consider that there would be satisfactory provision for parking, refuse storage and amenity space. Thus, I conclude that the proposal would not constitute overdevelopment to the detriment of the urban environment. Therefore, the proposal would be in accordance with Local Plan Policy CP7, which seeks to maintain the environmental quality of urban areas and prevent overdevelopment.
10. In reaching my conclusion, I have had regard to all other matters raised upon which I have not specifically commented including examples of other developments and Appeal Decisions.

Conditions

11. Apart from a standard time condition and a condition requiring conformity with the plans, the Council has suggested four conditions. In the interest of visual amenity, I consider it reasonable and necessary to impose a condition regarding conformity with the materials specified on the planning application form.
12. I consider it reasonable and necessary, in the interest of the amenity of neighbours, to impose a condition regarding restrictions to a first floor flank window.
13. I consider it reasonable and necessary to impose a condition regarding the retention of the parking area, in the interest of highway safety. I note that, due to its historic use, the site may be contaminated. Thus, I consider it reasonable and necessary to impose a condition regarding contamination remediation. I do not consider the proposed condition is enforceable. In the interest of precision and enforceability, I have amended the suggested conditions where appropriate to accord with the principles in Circular 11/95.

J Cheesley

INSPECTOR

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Appeal Decision

Site visit made on 13 November 2012

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 December 2012

Appeal Ref: APP/J1535/A/12/2179282
22 Forest Road, Loughton, Essex, IG10 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Eldar Properties Ltd against the decision of Epping Forest District Council.
- The application Ref PL/EPF/2371/11, dated 17 November 2011, was refused by notice dated 25 April 2012.
- The development proposed is a change of use of ground floor from A1 (retail shop) to A3 (restaurant/café).

Decision

1. The appeal is allowed and planning permission is granted for a change of use of ground floor from A1 (retail shop) to A3 (restaurant/café) at 22 Forest Road, Loughton, Essex, IG10 1DX in accordance with the terms of the application, Ref PL/EPF/2371/11, dated 17 November 2011, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Before the use hereby permitted begins a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the use begins. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions.
 - 3) Before the use hereby permitted begins details of measures to suppress noise from mechanical equipment and of sound attenuation between the premises and the flat above shall be submitted to and approved in writing by the local planning authority. The approved measures to suppress noise from mechanical equipment shall be installed before it is first operated and shall thereafter be retained. The approved sound attenuation shall be installed before the use begins and shall thereafter be retained.
 - 4) Other than on the day of collection any refuse storage bins shall only be kept in the location shown on drawing no PAS/ELD/02A.
 - 5) The premises shall not be open for customers outside of 0700 to 2300 hours on Mondays to Fridays, 0900 to 2300 hours on Saturdays and 1200 to 2230 hours on Sundays and Public Holidays.



Main Issues

2. The main issues are the effect of the proposal on the existing retail use of the premises and on the vitality and viability of Loughton High Road town centre and whether adequate arrangements would be made for the storage of refuse and the control of odours.

Reasons

Vitality and viability

3. Loughton High Road is one of the principal town centres in the District according to Policy TC1 of the Epping Forest District Local Plan and Alterations. The appeal site is in a peripheral location outside of the defined key frontage so that Policy TC4 does not apply.
4. Paragraph 11.48a confirms that uses within Class A3 are appropriate in a town centre. As it falls within this category the proposal would contribute towards making the centre an attractive and useful place to shop, work and visit throughout the day and evening. Subject to other factors criterion (i) of Local Plan Policy TC3 indicates that such uses should be permitted. Given the already slightly fragmented nature of town centre uses along Forest Road and the nature of the proposal a stretch of 'dead' daytime frontage would not result. There would therefore be no conflict with criterion (iv).
5. Representations deplore the loss of a retail unit and comment that there are ample catering establishments in the near vicinity. However, the proposal would comply with relevant development plan policies aimed at protecting the function of the town centre. Indeed, it is acknowledged that food and drink outlets can add to the range of uses offered and are therefore complementary. Moreover, it is not the role of the planning system to set limits on the numbers of restaurants and cafes in any given locality.
6. After a period of vacancy the premises commenced trading as a hairdresser in May 2012. Relevant policies do not refer to whether or not there is a current Class A1 use and do not require a period of marketing. It is also difficult to see how granting permission for the proposal might, in itself, threaten the successful growth of the fledgling business. This is more likely to depend on other factors and would not be likely to alter the existing lease arrangements. It is not unusual for commercial buildings to have alternative uses and it is also understandable that owners would wish to have flexibility.
7. Even if Class A3 uses command higher rentals there is no policy objection to the loss of a retail use in this location. In the light of this whether or not any permission is taken up within the standard time limit is of little relevance in planning terms. Realistically the existence of permission for a different use of No 22 is unlikely to be the source of anxiety. In any case, the National Planning Policy Framework establishes that significant weight should be placed on the need to support economic growth.
8. The key point is that the proposed use would not harm the vitality and viability of Loughton High Road town centre and, in this context, the effect on the existing retail use of the premises would be insignificant. There would be no conflict with the development plan in this respect.

Refuse storage and odours

9. Provision would be made for the storage of refuse at the rear of the site. As is general practice the bins would be taken out on the day of collection along a narrow alley between the appeal site and 24 Forest Road. Notwithstanding its width, the slight 'dog leg' and the protruding pipes and gutters it was demonstrated that it would be practical to move containers along this route. Indeed, this is what happens at the moment. Therefore it would be most unlikely for any operator to be compelled to leave black sacks on the pavement thereby reducing amenity and with the attendant risk of attracting vermin.
10. This path also provides a right of way for No 24 and an escape in the event of fire. However, by siting the bins at one end neither of these would be impeded. A condition could ensure that only this area was used for refuse storage. The appellant company indicates that the path is within its ownership but the adjoining owner believes that the bins would actually be sited on his property. Any such dispute is not a planning matter and there is no definitive evidence that satisfactory arrangements for refuse storage could not be made.
11. Food waste would be kept immediately at the end of the gardens of houses in Smarts Lane. It is not unusual for this to occur close to residential properties in or around town centre locations. No objections to this aspect of the proposal have been raised by the Environmental Health Officer. Whilst much might depend on the type of waste and the frequency of emptying there is nothing to indicate that the enjoyment of the adjoining areas would necessarily be spoilt by the smell that might arise.
12. The layout plans indicate that the kitchen would be at the rear and that a flue would protrude from the roof over 10m away from the first floor flat. The Council is critical of the height of the duct in relation to this accommodation but because the end user is unknown these details are illustrative. What they do show is that there would be scope for satisfactory extraction arrangements to be made and there is no technical objection on this ground. This matter could therefore be covered by condition.
13. Adequate arrangements would be made for the storage of refuse and the control of odours. There would be no conflict with Local Plan Policy DBE9 which requires that changes of use do not result in an excessive loss of amenity for neighbouring properties.

Other Matters

14. Parking demand is high along Forest Road near to the appeal site and in the daytime the number of spaces available is restricted. However, any use of the premises would generate traffic and some requirement for parking. Compared to the current use and the earlier tool hire shop the proposal would be likely to bring about additional activity in the evening. That said, this is a town centre location where this is to be expected and there are public car parks nearby. As such, limited weight should be attached to these concerns.

Conditions

15. In order to safeguard living conditions and ensure that the use operates properly conditions are required in relation to details of fume extraction equipment, attenuation of plant and sound insulation between the ground and first floors. As indicated the location of the refuse bins should be secured. A

condition requiring details of foul drainage from the kitchen including a grease separator is also sought. However, the suggested wording refers to the Building Regulations indicating that this is a duplication of other controls.

16. The Council also seeks to agree the opening times of the use. This is to prevent potential late night nuisance and to establish whether it can be open for part of the working day. Both of these are legitimate objectives but neither would be infringed by imposing the hours of operation broadly as set out in the original application. These have been altered slightly to provide a better balance between commercial and residential interests. This course of action also has the benefit of providing certainty to any potential occupier.

Conclusions

17. The proposed use would cause no harm in respect of the main issues identified and there are no other material considerations which outweigh this finding or the conformity with the development plan. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR



Appeal Decision

Site visit made on 13 November 2012

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 December 2012

Appeal Ref: APP/J1535/A/12/2179057
74-76 High Street, Epping, Essex, CM16 4AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Willowcity Estates plc against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0001/12, dated 19 December 2011, was refused by notice dated 7 March 2012.
 - The development proposed is a change of use of premises from A1 (shops) use to a shared use of A3 (restaurants and cafes) and A5 (hot food takeaways).
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use of premises from A1 (shops) use to a shared use of A3 (restaurants and cafes) and A5 (hot food takeaways) at 74-76 High Street, Epping, Essex, CM16 4AE in accordance with the terms of the application, Ref PL/EPF/0001/12, dated 19 December 2011, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The premises shall not be open for customers outside of 0900 to 2300 hours on Mondays to Saturdays and 1200 to 2230 hours on Sundays and Public Holidays.
 - 3) Before the use hereby permitted begins a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the use begins. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions.
 - 4) Before the use hereby permitted begins details of measures to suppress noise from mechanical equipment shall be submitted to and approved in writing by the local planning authority. The approved measures shall be installed before any mechanical equipment is first operated and shall thereafter be retained.
 - 5) Before the use hereby permitted begins details of refuse storage shall be submitted to and approved in writing by the local planning authority. The approved storage shall be put in place before the use begins and shall thereafter be retained.

EPPING FOREST DISTRICT COUNCIL

05 DEC 2012

PLANNING SERVICES

Application for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on the vitality and viability of Epping town centre and on the living conditions of surrounding residents with particular regard to noise and activity at night.

Reasons

Vitality and viability

4. For many years 74-76 High Street traded as a furniture shop but this has now closed. The building was occupied by a charity shop at the time of my visit. Epping town centre is one of the principal centres in the District according to Policy TC1 of the Epping Forest District Local Plan and Alterations. The appeal site is outside of the defined key frontage so that Policy TC4 does not apply.
5. Paragraph 11.48a confirms that uses within Classes A3 and A5 are appropriate in a town centre. As it falls within this category the proposal would contribute towards making the centre an attractive and useful place to shop, work and visit throughout the day and evening. Subject to other factors criterion i) of Local Plan Policy TC3 indicates that such uses should be permitted. Epping is also characterised as having a "buoyant evening economy" with an interesting mix of uses. The proposed use would enhance this function.
6. However, the Council is critical of the proliferation of similar uses clustered at the southern end of the High Street. The appellant lists a total of 13 premises within Use Classes A3 and A5 and there is also a night club. However, these are spread over quite a wide area. Their presence is also balanced by the Tesco store almost opposite the appeal site which is described as one of the 'anchors' of the town centre. Furthermore, planning policies set no percentage limits and paragraph 11.52a makes it plain that outside key frontages proposals should be assessed against other policies, including Policy TC3.
7. Criterion (iv) indicates that proposals should be refused if they would result in stretches of 'dead' daytime frontage. The appeal premises are flanked by retail uses so a continuous row of non-retail units would not occur. Indeed, this end of the town centre is not wholly commercial as there are breaks formed by residential properties. These 'gaps' do not appear to have affected its overall attractiveness as the area was busy in the middle of the day. In any case, the use might be open in the daytime rather than solely in the evening. Even if that were not the case the proposal in isolation would not be so 'lifeless' as to deter activity to the extent that permission should be withheld.
8. A planning obligation has been submitted which provides that the site will remain open between 1200 and 1500 hours on Mondays to Saturdays. This is partly in response to paragraph 11.44a of the Local Plan but it is difficult to compel any business to stay open at certain times. Moreover, the clause does not require the proposed catering use to be fully open to customers so that it might be complied with by making only a token effort to trade. All of that said, as indicated above, this provision is not necessary to make the development acceptable in planning terms.

9. Some representations comment that there are already too many food shops and that saturation point has been reached. However, the proposal would comply with planning policies aimed at protecting the function of the town centre. Indeed, it is acknowledged that food and drink outlets can add to the range of uses offered and are therefore complementary. Furthermore, it is not the role of the planning system to set limits on the numbers of restaurants, cafes or takeaways in any given locality.
10. To sum up, the proposal would not detract from the vitality and viability of Epping town centre. It would also accord with relevant development plan policies including Local Plan Policy TC3.

Living conditions

11. As previously mentioned there is residential accommodation nearby although none above this single storey building. There is some evidence that the existing uses undertaken at this end of the High Street give rise to disturbance. The Council argues that the proposal would have an adverse cumulative impact. On the other hand, this is a town centre location where a degree of disruption is to be expected and the environment can be differentiated from quieter suburban or rural areas.
12. There may come a point at which more of the same would make living conditions intolerable for those in the vicinity. However, having regard to the size of the building, the hours proposed and the relationship with the closest housing the proposal would not cross that particular bridge. Indeed it seems likely that activities arising from the proposed use would be subsumed within the existing conditions that prevail. The appellant's survey on a Saturday found pedestrian activity associated with other evening uses and a considerable amount of passing traffic. In this context the effect of the proposal would be insignificant in terms of noise and activity at night.
13. Uses of this kind can give rise to odours but given the separation from neighbours and the nature of the unit there would be scope for this to be covered by condition. According to the Council the area is well served by litter bins and this is a matter covered by other legislation. As such, reservations about further debris do not amount to a compelling planning objection.
14. Consequently the proposal would not harm the living conditions of surrounding residents. There would be no conflict with Local Plan Policy DBE9 which requires that changes of use do not result in an excessive loss of amenity for neighbouring properties or with Policy RP5A which seeks to avoid adverse environmental impacts.

Other Matters

15. The Council alludes to parking issues without being specific but local residents refer to high levels of existing parking demand for the limited spaces along the High Street. However, any use of the premises would potentially generate traffic and some requirement for parking. Compared to a retail use the proposal would be likely to bring about additional vehicle movements in the evening. That said, this is a town centre location where this is to be expected and where visitors would normally rely on public car parks. As such, limited weight should be attached to these concerns.

Conditions

16. In order to safeguard living conditions and ensure that the use operates properly conditions are required to secure details of fume extraction equipment, attenuation of plant and refuse storage. There is no clear indication that drainage details are required by means of a planning condition given other legislation. The hours of use should also be specified to tally with those applied for in order to provide a balance between commercial and residential interests. The wording adopted would not prevent staff being on the premises outside those times for the purposes of opening or clearing up.

Conclusions

17. The proposed use would cause no harm in respect of the main issues identified and there are no other material considerations which outweigh this finding or the conformity with the development plan. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR



Appeal Decision

Site visit made on 1 February 2013

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 February 2013

Appeal Ref: APP/J1535/A/12/2184495

**Land to the rear of 74, 76 and 78 Walnut Way, Buckhurst Hill, Essex
IG9 6HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Ramsay against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0131/12, dated 15 February 2012, was refused by notice dated 25 July 2012.
 - The development proposed is described on the application form as an outline planning application for two semi-detached 2-storey dwelling houses.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of two semi-detached 2-storey dwelling houses on land at the rear of 74, 76 and 78 Walnut Way, Buckhurst Hill, Essex IG9 6HX in accordance with the terms of the application Ref PL/EPF/0131/12, dated 15 February 2012, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.
3. Although the address of the site on the application form lodged with the Council is given as 74 Walnut Way, from my inspection of the plans I consider that the land lies to the rear of 74, 76 and 78 Walnut Way. I have therefore used the *revised address in the above header and in my decision.*
4. While the main parties have described the proposal as in the above header, I have referred to it in my decision as the erection of two semi-detached 2-storey dwelling houses, which includes the act of development.
5. The application was submitted in outline form with all matters reserved for subsequent approval. I have assessed the proposal on that basis.

Main issues

6. The main issues are the effect of the proposed development on the character and appearance of the local area and on the living conditions of the occupiers of nearby residential properties with particular regard to privacy.

Reasons

7. The site lies within an area of mixed character with 2-storey houses generally facing the road, a short parade of retail and commercial units with residential accommodation above, a railway station and frontage vehicle turning area, and a derelict electricity generating station, all nearby. From what I saw, no particular style, type or size of building appears to predominate in the local area with a linear pattern of housing generally facing the adjacent road.
8. The proposal is to erect a pair of semi-detached 2-storey houses on the rearmost part of the back gardens of 74, 76 and 78 Walnut Grove. In doing so, the appeal scheme would introduce a substantial built form into generally undeveloped garden space. The indicative Block Plan shows the new addition set back from Station Way with frontage parking and a garden mainly at the rear. Although layout is reserved for later approval, the width and depth of the plot would allow a new building of the size and type shown on the illustrative plan to be accommodated with sufficient space around it to maintain adequate visual separation with neighbouring properties. As such, the new addition would sit comfortably within a modest-sized plot and relate reasonably well to nearby buildings including those fronting Walnut Way. Although smaller than some nearby properties, the site would not be so restricted in size as to be uncharacteristic in the local area.
9. Some mature trees and vegetation within the site could be lost as a result of the proposal. If that is the case, replacement planting of sufficient quality, over time, could adequately compensate for any potential loss of vegetation. This matter could be considered under landscaping details yet to be submitted and approved with conditions imposed at this stage to cover additional planting, boundary treatment and surface materials. With those safeguards in place, an appropriate landscaped setting to the proposed dwellings and their relationship to the local street scene and existing houses could be secured.
10. The overall scale and height of the new addition could be considered and controlled at the reserved matters stage, as could its appearance. The appellants indicate that the broad design and scale of the proposal would be likely to reflect the general style and size of existing houses. The exact details could take account of, and ensure a complimentary relationship with, the nearby existing properties.
11. With regard to access, the Council raises no objection to the proposal on highways grounds. The appeal scheme would be likely to include on-site parking and there is no convincing evidence before me that the proposal would lead to unacceptable problems associated with on-street parking, traffic congestion or highway safety. With a condition in place to ensure pedestrian visibility at the entrance to the site, and relocation of the existing street lighting column on the Station Way frontage, if necessary, I share the Council's view that the site could be accessed safely with adequate visibility for highway users. On the information before me, and with means of access a reserved matter, I have no reason to depart from that view.
12. Taking into account all of the above points, I consider that with appropriate safeguards, the proposal could be accommodated on the site and be successfully integrated into the established pattern of development, including

the properties along Walnut Way. Subject to detailed design, the proposal would be in keeping with the character and appearance of the local area. Therefore, it would not conflict with Policies CP2 and CP7 of the Epping Forest District Local Plan and Alterations (LP). These policies seek to ensure that new buildings respect their setting and that development maintains, conserves and improves the environmental quality of the built environment.

Living conditions

13. As the proposal is in outline form with all matters reserved, the positioning of windows, and the scale and height of the new built form is for future consideration. If the new building is orientated broadly north south and, as the Council suggest, is 2-storey and includes first floor rear-facing habitable room windows then the proposal could lead to overlooking of the adjoining rear gardens of nearby properties, notably 70, 72 and 74 Walnut Way. It is not certain that this arrangement would come to pass. However, with limited layout and vehicle parking options available and an objection raised by a local resident to the loss of privacy, the possibility is one that needs to be taken into account at this stage.
14. In my experience, overlooking of this type is common characteristic of the relationship between houses positioned side-by-side in urban areas. Having viewed the site from the rears of Nos 74 and 78, there appears to be a considerable level of mutual overlooking of adjacent rear gardens from the rear-facing windows of Nos 70 and 72 and the appeal properties. In those circumstances, I am persuaded that the size and arrangement of the site would allow a pair of semi-detached houses to be set out in such a way that the additional overlooking possible would be unlikely to significantly impact on the living conditions of the occupiers of nearby houses.
15. There could be some loss of sunlight to the rear gardens of the appeal properties later in the day due to the overshadowing effect of the new built form. The extent and duration of overshadowing would be likely to be limited and so any loss of sunlight would not be appreciable. As a reasonably generous distance would be likely to separate the new addition from the back of Nos 70 and 72, the new building would be unlikely to cause any significant loss of light to the rear outdoor space and rear windows of these properties.
16. Therefore, I conclude that the proposal would not materially harm the living conditions of the occupiers of nearby properties. It accords with an underlying aim of LP Policies CP7 and DBE9, which is to safeguard residential amenity.

Other matters

17. There may be some disruption, albeit it temporary, during construction although this can be limited through an appropriate management plan and secured by condition. There is nothing before me to indicate that the proposal would lead to the loss of wildlife habitats or cause material harm to such interests, including birds.
18. The Council raises no objection to potential noise and general disturbance arising from the proposal and I, too, find the appeal scheme acceptable given its acceptable relationship to existing development. I have carefully considered the representations made by interested parties and recognise that the scheme

would result in some change within the local area. However none of the points made outweigh my conclusions under the main issues.

Conditions

19. In addition to the standard outline planning permission conditions, I have also attached a condition requiring that the development be carried out in accordance with the approved plan for the avoidance of doubt and in the interests of proper planning. In the interests of highway safety, conditions are imposed to require appropriate visibility splays be provided at the site's access and, if appropriate, relocation of the existing street lighting column on the Station Way frontage. Restrictions on the times in which construction may take place and to require wheel washing are necessary to protect the living conditions of local residents. Accordingly, conditions are imposed requiring that a Construction Method Statement be approved and to limit the times in which construction and associated deliveries may occur.
20. To ensure the satisfactory appearance of the development, conditions are imposed with regard to landscaping details. For the same reason, and to safeguard the health and longevity of trees and landscaping on and near to the site, a condition is necessary for an appropriate survey to be carried out before works start. Given the existence of a power station nearby and the presence of a fuel store, a condition requiring that a site investigation be carried out to establish the nature and extent of any contamination is necessary to safeguard the health and safety of those engaged in the construction of the approved development and its subsequent occupation.
21. The conditions largely reflect those suggested by the Council, which I have amended, where necessary, in the interests of clarity and to more closely reflect national guidance. In addition, I have imposed a further requirement that drainage details be agreed to ensure satisfactory arrangements for foul and surface water disposal.

Conclusion

22. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: The drawing which shows the location of the site edged red.
- 5) No structure, erection or planting shall be placed in front of a line from a point 1.5 metres measured along the centre line of the access to serve the development hereby permitted from the nearer edge of the highway, to points measured 1.5 metres in each direction along the nearer edge of the highway from the centre line of that access.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for the relocation of the existing street lighting column located on the highway frontage of the site. The approved scheme shall be completed before any of the dwellings hereby approved are occupied. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place, including any works of site clearance or other site preparatory work 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 the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8) Construction hours and deliveries associated with the development hereby permitted shall be restricted to 0730 to 1830 hours on Monday to Friday, 0800 to 1300 hours on Saturday, with no working on Sundays, Bank and Public Holidays.
- 9) No development shall take place, including site clearance or other site preparatory work, until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. Where appropriate, the hard landscape works shall include: proposed finished levels or contours; means of enclosure; car parking layout; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers and densities where appropriate; and an implementation programme.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees, shrubs, hedges or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 11) No ground clearance, demolition or construction work (including any tree felling, tree pruning, earthworks, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall commence until an Arboricultural Implication Assessment (AIA) and Tree Constraints Plan (TCP) has been submitted to and approved in writing by the local planning authority. The AIA and TCP shall be produced in accordance with British Standard BS5837: 2012, *Trees in Relation to Construction: Recommendations* and shall be submitted to the local planning authority concurrently with the detailed site layout. Development shall be carried out in accordance with the approved details.
- 12) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology, which has been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and, on completion, a verification statement shall be submitted in writing to the local planning authority. Development shall not begin until the verification statement has been approved in writing by the local planning authority.
- 13) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of the contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures. Development shall not recommence until a verification statement confirming that the site has been remediated in accordance with the approved measures has been approved in writing by the local planning authority.
- 14) No development shall take place until there has been submitted to and approved in writing by the local planning authority a detailed scheme for the disposal of foul and surface water from the site, which includes sustainable drainage measures. The approved scheme shall be completed before any of the dwellings hereby approved are occupied. Development shall be carried out in accordance with the approved details.



Appeal Decision

Site visit made on 8 November 2012

by **C J Leigh BSC(HONS) MPHIL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 November 2012

Appeal Ref: **APP/J1535/D/12/2183635**

82 Princes Road, BUCKHURST HILL, Essex, IG9 5DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Commerford against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1045/12 was refused by notice dated 24 July 2012.
 - The development proposed is two storey side & rear extension.
-

Decision

1. The appeal is allowed and planning permission granted for a two storey side & rear extension at 82 Princes Road, BUCKHURST HILL, Essex, IG9 5DZ in accordance with the terms of the application, Ref PL/EPF/1045/12, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) Before the first occupation of the extension hereby permitted the 1.8m high privacy screen shown in drawings 3T and 4T shall be erected and fitted with obscured glass and shall thereafter be permanently retained in that condition.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan LPB, SP1T, SP2T, 1T, 2T, 3T and 4T.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers, with particular reference to outlook and light.

Reasons

3. The proposed extension to the property would bring the terrace of housing closer to the adjoining property of 80 Princes Road at ground and first floors. There would be a gap retained to the boundary at first floor, which would increase towards the rear of the appeal property. The existing large ground floor extension to No. 80 means the proposed first floor extension to No. 82 would be most appreciable only from the first floor rear windows to No. 80.

4. From having regard to the submitted drawings and observations at the site visit it is apparent that the step-in of the proposed extension at first floor would be sufficient to ensure the outlook of the adjoining property is not adversely affected. This would further mean that the depth of the extension at first floor would not impact upon the outlook from the neighbouring house. For similar reasons I consider that, on the basis of the information before me, there would not be any material effect on the levels of light received to the first floor windows of the adjoining house.
5. In coming to the above conclusions I have had regard to the rearward projection of the other property to the east of No. 80. I consider the outlook and levels of light to No. 80 would still be of sufficient quality even having regard to that projection. The fact that No. 80, and the rest of the adjoining housing, faces south assists in providing a good degree of outlook and natural light. I further note that no objection has been raised to the proposed extension by the occupiers of the neighbouring houses.
6. There is a difference in floor levels between the appeal property and No. 80, with the result that steps down to the garden are necessary from the proposed ground floor extension at the rear. This leads to a raised rear living area compared to the garden of No. 80. The submitted drawings show a privacy screen alongside these steps, which I judge sufficient to ensure there would not be an unreasonable degree of overlooking to the neighbour.
7. On the main issue it is considered that the submitted drawings and observations at the site visit lead to the conclusion that the design, scale and siting of the proposed extension would not be harmful to the living conditions of the adjoining occupiers. Thus, the proposal would comply with the requirements of Policy DBE9 of the adopted Epping Forest District Local Plan 1998, which requires new development to not result in excessive loss of amenity for neighbouring properties, and with the core planning principles of the National Planning Policy Framework.
8. The design and scale of the proposed extension would relate well to the host property and to the wider area, and so retain the character and appearance of the terrace and the street.

Conclusion and conditions

9. Planning permission is therefore granted. I have attached the Council's suggested condition requiring matching materials, to ensure a satisfactory appearance to the proposed extension. A condition is necessary to ensure provision and retention of the privacy screen shown on the drawings, to ensure no overlooking to the adjoining property. I have also attached a condition specifying the approved drawings since it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

C Leigh

INSPECTOR



Appeal Decision

Site visit made on 24 September 2012

by **C J Anstey BA (Hons) DipTP DipLA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 November 2012

Appeal Ref: **APP/J1535/A/12/2177252**

The Beagles Hut (now known as no. 57), Retreat Way, Chigwell, IG7 6EL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Weston Homes (Housing) Ltd. against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2103/11, dated 13 October 2011, was refused by notice dated 29 February 2012.
 - The application sought planning permission for minor material amendment on EPF/0485/09 (detached house) - numerous alterations including addition of basement level without complying with a condition attached to planning permission Ref PL/EPF/2003/10, dated 10 November 2010.
 - The condition in dispute is No 7 which states that: *Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of and Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in walls or roof slopes of the development hereby permitted without the prior written approval of the Local Planning Authority.*
 - The reason given for the condition is: *To safeguard the privacy of adjacent properties.*
-

Decision

1. The appeal is allowed and planning permission is granted for minor material amendment on EPF/0485/09 (detached house) - numerous alterations including addition of basement level at The Beagles Hut (*now known as no. 57*), Retreat Way, Chigwell, IG7 6EL in accordance with application Ref PL/EPF/2103/11, dated 13 October 2011, without compliance with condition number 7 previously imposed on planning permission PL/EPF/2003/10, dated 10 November 2010, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition:
 - 1) Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of and Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plans (reference WH74b/10/25.01 Rev G and WH74b/10/30.01 Rev E) shall be formed at any time in walls or roof slopes of the development hereby permitted without the prior written approval of the Local Planning Authority.

Application for costs

2. An application for costs was made by Weston Homes (Housing) Ltd against Epping Forest District Council. This application is the subject of a separate Decision.

Main Issue

3. The effect that varying the disputed condition to allow changes to the approved fenestration would have on the living conditions of neighbours, having regard to the previously approved scheme.

Preliminary Matters

4. The appeal application involves various changes to the approved fenestration at ground and first floor level. These changes were incorporated into the dwelling which was completed in March 2012 and is now occupied.
5. It is evident from the material submitted that the Council is not opposed to most of these changes. I agree with the Council's findings on these aspects of the scheme, given that they are either ground floor windows, obscure glazed or overlook woodland.
6. The Council, however, is concerned about the effect of the insertion of a new window over the stair-well and the enlargement of the window to Bedroom 3 at first floor level in the front elevation of the dwelling on the privacy of the occupiers of dwellings on Woolhampton Way.

Reasons

7. The previously approved scheme allows for the insertion of two sizeable bedroom windows at first floor level in the front elevation of the appeal dwelling. From these windows it would have been possible to look out towards the rear of the properties on Woolhampton Way. Clearly a judgement was taken at the time the application was determined that such windows would not significantly affect the level of privacy enjoyed by those living on Woolhampton Way. Given the substantial distance between these two window and the Woolhampton Way properties I have no reason to disagree with this view.
8. I accept that the addition of several more first floor windows in the front elevation of the appeal property, or a large increase in the areas of glazing, may have given rise to justified concerns about overlooking or the perception of being overlooked. However the changes are not of this order. The window over the stairwell is small and views out are limited because of its high-level position, whilst the increase in the width of the Bedroom 3 window is relatively modest. Consequently I do not believe that these changes make a material difference to the levels of privacy that would have been enjoyed in and around the properties on Woolhampton Way if the previously approved scheme had been implemented.
9. I conclude, therefore, on the main issue that varying the disputed condition to allow various changes to the approved fenestration would not have an undue impact on the privacy of neighbours. Consequently the appeal scheme accords with the objectives of *Policies DBE2 and DBE9* of the *Epping Forest District Local Plan* which seek to protect the living conditions of those living nearby. These findings constitute compelling grounds for allowing the appeal. None of

the other matters raised outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector

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Appeal Decision

Site visit made on 5 February 2013

by **Mike Moore BA(Hons) MRTPI CMILT MCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 March 2013

Appeal Ref: APP/J1535/A/12/2185957

New House Cottages, Little Laver Road, Moreton, Ongar, CM5 0JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Clarkson Partnership against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1153/12, dated 12 June 2012, was refused by notice dated 26 September 2012.
 - The development proposed is amendments to application PL/EPF/0988/10 for replacement of New House Cottages with a single dwelling house and provision of a new access and orangery.
-

Decision

1. The appeal is allowed and planning permission is granted for amendments to application PL/EPF/0988/10 for replacement of New House Cottages with a single dwelling house and provision of a new access and orangery at New House Cottages, Little Laver Road, Moreton, Ongar, CM5 0JE in accordance with the terms of the application, Ref PL/EPF/1153/12, dated 12 June 2012, and the plans submitted with it, subject to the following conditions:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development falling within Schedule 2, Part 1, Classes A, B, C, D and E shall be carried out without the written approval of the local planning authority.
 - 2) The landscaping scheme for the site approved under Ref. EPF/2625/10 shall be fully implemented, including all tree and hedge planting shown, within 12 months of the date of this permission. If within a period of 5 years from the date of planting any tree, shrub or plant is removed, uprooted or destroyed or becomes seriously damaged or defective another tree, shrub or plant of a similar species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives written approval to any variation.
 - 3) Once established, the boundary hedging in the approved scheme of landscaping shall be maintained at a height of not less than 1.5m.

Main Issues

2. The main issues are:

- Whether the proposal is inappropriate development in the Metropolitan Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy.
- The effect of the proposed development on the openness of the Green Belt; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal site was originally occupied by a pair of semi-detached cottages. Planning permission was granted in 2010 for their replacement by a single dwelling. A detached garage block was permitted separately in 2011. The cottages have been demolished and I saw on my visit that a replacement dwelling and garage block had been constructed. The dwelling incorporates a single storey rear orangery which was not included in the planning permission for the house. Permitted development rights for extensions were withdrawn by a condition of the 2010 permission and the appeal application is in effect seeking planning permission for a dwelling that includes the orangery. Some development had been carried out before the application was submitted and in the circumstances I have considered the proposal as retrospectively made.
4. The site is within the Metropolitan Green Belt where the Framework indicates that the construction of new buildings is inappropriate except where, amongst other matters, it involves the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. In this case the residential use remains the same.
5. Policy GB2A of the Epping Forest District Local Plan Alterations (LP), adopted in 2006, indicates that planning permission will not be granted for new buildings in the Green Belt unless, amongst other things, it is a replacement dwelling that accords with LP Policy GB15A. The latter permits such a proposal where it would not be materially greater in volume than that which it replaced, it would not have a greater impact on the openness of the Green Belt than the original dwelling and it would not result in the size of the garden exceeding that which it replaced. On the last point, the development has not led to a larger garden.
6. The Council calculates that the permitted dwelling would result in an increase of about 10% in volume compared with the two semi-detached houses and an approved, unimplemented extension. Having regard also to the removal of existing outbuildings and the permitted development allowance for both original dwellings, the appellants estimate that the permitted building would result in a 2 cubic metre decrease. They also state that the orangery results in a 4% increase in floorspace of the permitted dwelling while the Council indicates that it would add 5% to the volume.
7. The LP is broadly consistent with the Framework in its approach but does not offer detailed guidance as to when an increase in volume would become material. The basis on which a replacement dwelling would be materially larger will therefore depend on the particular circumstances of the case. Whichever way it is calculated the orangery does not add significantly to the size of the building as permitted. I recognise that the Council consider that the permitted dwelling is the maximum

that is acceptable, but in my view the addition of the orangery is not so significant that a material increase in size over the original dwellings has occurred. As such, I conclude that the proposal is not inappropriate development in the Metropolitan Green Belt.

8. Openness is an essential characteristic of the Green Belt. The appeal site is in an isolated setting of generally flat open countryside with fields to the front and rear. It is close to a small hamlet of farm buildings and dwellings at Newhouse. The development has resulted in the removal of outbuildings that were more dispersed on the site than the new dwelling and garage.
9. The orangery has the appearance of a conservatory and is of limited size. The site is on a gentle bend in the road so that, although the orangery is at the rear of the dwelling and boundary vegetation may provide screening in due course, it can be seen from the road at the side of the property. The orangery does not extend any further rearwards than the 2-storey north wing of the building and is seen against the backdrop of that when viewed from the road. In this context, the addition of the orangery when considered with the permitted dwelling has not resulted in a material loss of openness. I therefore conclude that the openness of the Green Belt has not been harmed by the development.
10. As the development is not inappropriate and would not harm openness there is no need to balance any harm against other considerations in terms of the third main issue. Accordingly, the development accords with the aims of the Framework and LP Policies GB2A and GB15A.
11. There is concern at the loss of two smaller dwellings in this rural location. Nonetheless, the principle of a single, larger replacement dwelling was accepted by the earlier planning permission and the additional presence of the orangery does not materially alter this. The approved house is a substantial building and prominent as a result. However, the existing permission required a landscaping scheme by condition, which as it matures would change the visual impact of the development and ensure that it would not significantly harm the character and appearance of the countryside. Landscaping has taken place at the site but it is not clear that this is the scheme required by the Council. On a precautionary basis, therefore, conditions to secure the implementation of this as intended should be attached to a permission for the appeal scheme. I have varied the timescale suggested by the Council for implementation of the landscaping to include the next planting season. None of the other matters raised are of such significance that they would outweigh the considerations that have led to my conclusions on the main issues.
12. In addition to the landscaping conditions I have considered those suggested by the Council in the light of the advice in Circular 11/95. Conditions relating to the closure of the original access and the surface treatment of the new access are unnecessary as these aspects of the development have already taken place. Given the size of the dwelling in comparison with the previous structures on the site and the need to safeguard the openness of the Green Belt, a condition withdrawing some permitted development rights is both reasonable and necessary. As the development has already taken place, reference to tree protection and retention in a condition is unnecessary.
13. For the reasons given above I conclude that the appeal should be allowed.

M J Moore

INSPECTOR

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Appeal Decision

Site visit made on 18 September 2012

by **Chris Frost BSc(Hons) DipLD FLI CBiol MSB MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 October 2012

Appeal Ref: APP/J1535/A/12/2177114

Treetops Care Home, 23-25 Station Road, Epping, Essex CM16 4HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Treetops Care Home against the decision of Epping Forest District Council.
 - The application Ref: PL/EPF/0369/12, dated 21 February 2012, was refused by notice dated 9 May 2012.
 - The development proposed is the construction of a four storey extension following the demolition of an existing garage and store.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a four storey extension, following the demolition of an existing garage and store, at Treetops Care Home, 23-25 Station Road, Epping, Essex CM16 4HH in accordance with the terms of the application Ref: PL/EPF/0369/12, dated 21 February 2012, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect that proposed extension would have on the appearance, character and amenity of the area.

Reasons

3. Station Road has a mixed residential character with detached, semi-detached and terraced houses along with apartments and, on the appeal site, a care home. The Treetops Care Home has evolved, by way of past extensions, from what appears to have been one or two residential units into what is now a single building. There is some architectural unity that has been achieved by providing a colour washed exterior with matching roof treatments. To the north-west there is a recently constructed apartment building and to the south-east a terrace of 3-storey properties known as Woodlands. Together, this group of buildings present a substantial built frontage along Station Road and this is set behind a number of protected mature trees.
4. The proposed extension would consolidate this built frontage by closing the gap between the Treetops Care Home and Woodlands from its existing width of about 11.5m to about 3.5m. The proposed extension would match the external appearance of the Treetops Care Home and would be set back slightly from the

main front elevation. The roof height would be lower than that of the parent building.

5. There is little doubt that the already substantial building at Treetops, which has a significant presence in the street scene, would become more substantial and significant if the proposed extension was to be built. However, this would be seen in the context of the very substantial building to the north-west and Woodlands to the south east, which also presents a substantial frontage to Station Road. In this context, the proposed addition, with its matching exterior and subservient position would not gain an inappropriate presence or appear out of place. Furthermore, the retention of a gap between the end of the extension and the site boundary would serve to preserve a feeling of separation from Woodlands. While existing Ginkgo trees to the rear of the extensions would become obscured, because of their position these trees are not prominent in the street scene. Accordingly, the shielding of these trees would not have a significant effect on the street scene.
6. Saved policy DBE1 of the Epping Forest District Adopted Local Plan sets out what is required to help make new development acceptable. DBE1(i) deals with matters of architectural design. There is little to suggest that existing features are not adequately respected, particularly as the extension reflects aspects of the parent building such as external appearance, window details and roof details. DBE1(ii) deals with significance in the street scene and as I have already acknowledged the significance of the care home would increase. However, the extension would reflect the appearance of the parent building and would appear appropriate to its setting. DBE1(iii) deals with materials and these would be acceptable as they would replicate those of the parent building.
7. Saved policy CP7 of the Epping Forest District Local Plan Alterations deals with urban form and quality. This has a number of aims including the protection and enhancement of urban areas and the avoidance of over-development and unsympathetic change. At CP7(iv) it also refers to the use of higher densities where compatible with the character of the areas concerned and urban design controls. Here a higher density of development would be achieved by extending an existing building in a way that reflects the form and character of the parent building. This would be in accord with CP7(iv). Otherwise, the changes proposed would be compatible with saved policy CP7 and while the care home, which is already a prominent feature of Station Road, would gain in prominence, there is good reason to find that the enlarged building would not appear out of context or otherwise excessive or unacceptable in terms of the appearance, character and amenity of the area.
8. The compliance of the scheme with the development plan suggests that planning permission should be granted and the development would also be compatible with the aim of encouraging sustainable growth that is set out in the Nation Planning Policy Framework. There are no other matters that are sufficient to indicate that planning permission should be withheld.
9. Various conditions are suggested. Other than time limits and compliance with plans, conditions are suggested in relation to:
 - a) window design on the flank elevation: this is necessary to protect privacy.
 - b) Matching materials: these are indicated on the plans so a separate condition is unnecessary.

- c) The protection of trees: this is necessary in the interests of visual amenity.
- d) Hours of construction; this is necessary in the interests of residential amenity.
- e) Wheel cleaning: this is necessary in the interests of highway amenity and safety.

Chris Frost

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 09-3319-05; 09-3319-06 A; 09-3319-09 C; 09-3319-10 B.
- 3) Prior to the first occupation of the development hereby approved, all window openings in the flank elevation shall be fitted with obscured glass and shall have fixed frames to a height of 1.7m above the floor of the room in which they are installed. Thereafter the windows shall be retained as constructed.
- 4) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement for the whole site has been submitted to and approved in writing by the local planning authority. Thereafter 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 written consent to any variation.
- 5) No construction or demolition work and ancillary operations including vehicle movements on the site which are audible at the boundary of noise sensitive property shall take place outside the hours of: 08:00 to 18:30 Monday to Friday; 08:00 to 13:00 Saturday; and at no time during Sunday or Bank Holidays or Public Holidays, unless otherwise agreed in writing by the local planning authority.
- 6) No development shall take place until details of wheel washing and other cleaning facilities along with criteria for their use during construction have been submitted to and approved in writing by the local planning authority. Thereafter the approved cleaning facilities shall be installed prior to the commencement of development and used in accordance with the approved details, unless the local planning authority gives written consent to any variation.

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Appeal Decisions

Hearing held on 9 January 2013

Site visit made on 9 January 2013

by Roger Clews BA MSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 February 2013

Appeal A – Ref: APP/J1535/A/12/2181575

Willow Park Farm, Miller's Lane, Chigwell, Essex IG7 6DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tariq Hussain against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0334/12, dated 16 February 2012, was refused by notice dated 25 July 2012.
 - The development proposed is to demolish existing dwelling, pool building and detached garage and erect a replacement two-and-a-half-storey detached dwelling and a detached single-storey garage block.
-

Appeal B – Ref: APP/J1535/A/12/2181576

Willow Park Farm, Miller's Lane, Chigwell, Essex IG7 6DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tariq Hussain against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0392/12, dated 27 February 2012, was refused by notice dated 25 July 2012.
 - The development proposed is continuation of use of buildings A, B, C, E, F & G and land within the application site for the purposes of storage with ancillary office (use class B8).
-

Decisions

Appeal A – Ref: APP/J1535/A/12/2181575

1. The appeal is allowed and planning permission is granted to demolish existing dwelling, pool building and detached garage and erect a replacement two-and-a-half-storey detached dwelling and a detached single-storey garage block at Willow Park Farm, Miller's Lane, Chigwell, Essex IG7 6DG in accordance with the terms of the application Ref PL/EPF/0334/12, dated 16 February 2012, subject to the conditions in the schedule on pages 8 and 9 of this decision.

Appeal B – Ref: APP/J1535/A/12/2181576

2. The appeal is dismissed.

Reasons

Appeal A – Ref: APP/J1535/A/12/2181575

Main issues

3. The main issues in Appeal A are:
 - (a) whether or not the proposed development is inappropriate development in the Green Belt or would harm the openness of the Green Belt; and
 - (b) whether or not the proposed development would respect its setting and the character and appearance of the surrounding area.

Inappropriate development?

4. At paragraph 89, the *National Planning Policy Framework* [NPPF] advises that the replacement of a building is not inappropriate development in the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces. There are similar provisions in policies GB2A and GB15A(i) of the *Epping Forest District Local Plan*.
5. In this case, the existing house to be demolished has a footprint of about 265 square metres [sqm] and a volume of some 1,530 cubic metres [cum]. It would be replaced by a new house with corresponding measurements of some 367sqm and 2,749cum. While the two buildings would have the same use, there can be no dispute that the new house would be materially larger than the existing one.
6. However, there is a very large single-storey building about 3m away from the side of the existing house, containing a games room and lounge-bar area, a gymnasium and a swimming pool. There is also a double garage situated a similar distance away from the house. Because of the proximity of these buildings to the house, and the fact that they provide for domestic activities very closely related to the residential use of the house itself, I agree with the appellant that they should be considered as part of the building to be replaced for the purposes of the NPPF and Local Plan tests.
7. Considering the proposal on this basis, the total footprint to be replaced is about 625sqm and the total volume is some 3,043cum. The total footprint of the replacement development (house plus garage block) would be about 511sqm and its total volume about 3,081cum. Thus there would be a substantial reduction, of about 20%, in footprint and a marginal increase of 38cum in volume. But since the increase in volume would be only about 1.2%, the new building could not be said to be materially larger than the one it is to replace.
8. Criterion (ii) of policy GB15A requires that the replacement dwelling should not have a greater impact than the original on the openness of the Green Belt. The new house would be some 2m higher than the highest part of the existing dwelling on the site and it would have a longer roof ridge, which in combination with its increased volume would give it a significantly greater overall bulk. However, the harm which this would cause to the openness of the Green Belt would be balanced by the substantial reduction in the area of land covered by buildings. As a result, even after taking into account the substantially lower height of the pool and bar building compared with the new house, in my view the overall effect of the development on the openness of the Green Belt would

be neutral. Thus there would be no conflict with Local Plan policy GB15A(ii) or with that aspect of policy GB7A which also seeks to protect the Green Belt's openness.

9. On this basis, I conclude that the proposed development would not be inappropriate development in the Green Belt, and so would not conflict with NPPF policy 89 or with Local Plan policies GB2A and GB15A.

Effect on character and appearance

10. The house and the other buildings on the site date from the mid-1980s. While the house appears to have been designed in imitation of a rural vernacular style, overall the buildings have little architectural merit and the Council have raised no objection in principle to their replacement.
11. Miller's Lane contains buildings in a range of different styles, including traditional timber barns, simple rendered and gabled bungalows, a more formal single-storey dwelling probably dating from the 19th century, and, in and around Miller's Close, a group of two-storey houses of typical post-war appearance. At the former kennels site opposite Willow Park Farm, planning permission has recently been granted for a new dwelling in a style reminiscent of the Arts and Crafts movement.
12. In the wider rural area around Chigwell, there is a similar variety in the character of the buildings. Particularly noticeable is the presence of a significant number of large houses of fairly recent date, some standing in large grounds. These tend to espouse either an Arts and Crafts design idiom, like the new house permitted at the kennels site, or, more typically, a neo-Georgian style.
13. The proposed dwelling at Willow Park Farm would be a further example of the latter. The design is well-proportioned and the front and rear elevations would each present a pleasing symmetry, while the proposed materials (predominantly brick, stone and slate), would be similar to those found on other buildings in the area. The garage block would be built in a consistent style and would appear appropriately subordinate to the house.
14. Perhaps most importantly, it is proposed that the construction of the new dwelling would be accompanied by a re-modelling of the landscaping on the site¹. The new house would be set further back into the site than the existing house and there would be a new, more formal pattern of hard and soft surfacing, together with new tree- and hedge-planting, in front of it. All this would provide a fitting setting for the formal architecture of the house itself.
15. The Council would prefer an architectural treatment that reflects the rural vernacular. However, I consider that the proposed design would fit in appropriately with the wide variety of building styles found in the surrounding area. While the new house would make a significant architectural statement, its site is sufficiently large that it would not appear overly ostentatious.
16. For these reasons I conclude that the development proposed under Appeal A would respect its setting and the character and appearance of the surrounding area, and would not conflict with Local Plan policies GB7A, DBE1 and DBE4. In

¹ As illustrated in the Landscape Assessment by Open Spaces Consultants, dated 8 October 2012, which was submitted with the appeal.

summary, these policies, which are consistent with the NPPF, require that new development, in the Green Belt and elsewhere, respects its setting in terms of character, detailed design and external materials, is appropriately sited within the street scene and the wider landscape, and has no excessive adverse impact on rural character or visual amenity.

Conditions

17. The conditions in the schedule on pages 8 and 9 below are based on those suggested by the Council and discussed at the hearing. Condition 2 is needed for the avoidance of doubt and in the interests of proper planning. Condition 3 is necessary because the basis on which planning permission is being granted for the proposed buildings is as replacements for the existing buildings. Conditions 4 and 5 are needed to define the scope of the planning permission in accordance with the planning application, for the avoidance of doubt in future and to ensure that the residential use does not expand into the surrounding countryside.
18. Conditions 6 to 10 are necessary to ensure that the external appearance of the proposed development and the hard and soft landscaping are appropriate to its rural location in the Green Belt, and that there is no excess surface-water run-off from the driveway and vehicle turning area. Condition 11 is needed to ensure that adequate protection is given to any protected species that may be present on the site. Condition 12 is necessary in the interests of highway safety, condition 13 in order to safeguard the living conditions of neighbouring residents and condition 14 to ensure that adequate provision for car-parking is retained.
19. Finally, condition 15 is needed, notwithstanding the appellant's objections, in view of the fact that the site lies in the Green Belt and the proposed development is permitted on the basis that the replacement buildings would not be materially larger than those being replaced. Allowing extensions or outbuildings to be built as permitted development would undermine that justification. However, I see no need for the condition to prevent a hard surface being laid to the side of or behind the new house and so I have removed the reference to Class F from the Council's suggested condition.
20. The Council had also suggested a series of conditions requiring possible contamination of the site to be investigated and remediation measures to be carried out if contamination was found. But I see no reason to think that the site to be developed has been part of the working area of the farm, except perhaps in the distant past when harmful contamination is unlikely to have occurred. Consequently I consider those conditions to be unnecessary.

Appeal B – Ref: APP/J1535/A/12/2181576

Main issue

21. The main issue in Appeal B is the effect of the use for which planning permission is sought on the character and amenities of the surrounding area, which lies in the Green Belt.

Effect on character and amenities of the area

22. The buildings which are the subject of Appeal B include four large agricultural barns and two former stable blocks. They are currently used by Mr Hussain

and his son in connection with their property and development business. I saw during my site visit that the buildings contain a wide variety of vehicles, machinery and tools, building materials and accessories, domestic furniture and white goods. Parts of the stable buildings also appear to be used to provide office, kitchen and toilet facilities.

23. The access to the site is off Miller's Lane, some 200m south of its junction with Gravel Lane. While Gravel Lane is a fairly busy traffic route, I saw during my site visit that Miller's Lane is a quiet country lane, with infrequent traffic. It is subject to a weight restriction preventing its use by vehicles over 7.5 tonnes except for access to premises along it.
24. There is no evidence that the current use of the buildings involves large-scale activity or a large number of vehicle movements, and there is no record of any road accidents associated with it. I was told that Mr Hussain and his son typically leave the premises in the morning to travel to the sites where they are working, and return in the evening. There are occasional deliveries or collections of materials from the premises but these are infrequent. This account is supported by the absence of any complaints or objections from neighbours or the local highway authority in respect of the current use.
25. However, in reaching a decision on this appeal I have also to consider what could happen if Mr Hussain were to sell the property, or indeed if the nature of his business were to change. The number and sizes of the buildings involved mean that they could potentially accommodate quite a substantial storage and distribution business. TRICS figures provided to the Council by the local highway authority indicate that a comparable land-use of this size in an urban area could generate up to 80 vehicle movements a day.
26. While fewer movements would normally be expected at a rural site such as this, even half that number is likely to represent a considerable increase in the amount of traffic using Miller's Lane, on the evidence before me. Because of the nature of a B8 use it is also likely that a high proportion of the vehicles would be HGVs, which are normally prevented from using the lane. These two factors would, in my view, have a significant, harmful impact on the quiet, rural character of Miller's Lane. That impact could well be exacerbated by noise from vehicle movements and other activities within the site.
27. In reaching this view, I accept that if the buildings were to revert to agricultural use, this would also be likely to result in increased traffic movements to and from the premises and increased activity on the site. But the frequency of agricultural traffic and the intensity of agricultural activity tend to vary according to the seasons, whereas a B8 use would most likely generate constant traffic flows through the year. Moreover, unlike storage and distribution premises and their associated traffic, farming activities and agricultural vehicles are characteristic features of rural areas. For these reasons, a reversion to agricultural use would not have the harmful effects on the character and amenities of the area that a B8 use could cause.
28. If planning permission were to be granted, a condition could be imposed preventing the storage of materials outside the buildings on the site. But any resulting benefit to the openness of the Green Belt and the character and appearance of the area would, in my view, be outweighed by the harmful effects I have identified.

29. Mr Hussain submitted a Unilateral Undertaking after the hearing, the effect of which would be to prevent the buildings from being used except by a person resident at Willow Park Farm, or by a company controlled by such a person, in the event that planning permission were granted. However, this would not prevent a future increase in the intensity of the activity and frequency of vehicle movements associated with a B8 business on the site. Similarly, a personal permission preventing the use being carried out by anyone other than Mr Hussain and his son would not prevent such intensification of use from occurring in the future. In any event, on the evidence before me in this case I do not find the strong compassionate or other personal grounds which Circular 8/93 advises are needed to justify such a personal permission².
30. For these reasons, I conclude that the use for which planning permission is sought under Appeal B has the potential to cause significant harm to the character and amenities of the surrounding area, which lies in the Green Belt. Although the current level of use does not have this harmful impact, no means of ensuring that the proposed B8 use would not do so in future has been demonstrated to exist. Consequently, granting planning permission would conflict with Local Plan policies GB8A(iii) and ST4(iv), which seek to ensure that any proposed use does not have a significant detrimental impact on the character and amenities of an area.
31. Whatever the outcome of Appeal B, there is no evidence that the Council are contemplating taking action against Mr Hussain's existing use of the site. Nonetheless, I am aware that section 3 of the NPPF supports the sustainable growth of business and enterprise in rural areas, including through conversion of existing buildings, an objective that would be met by the Appeal B proposal. On the other hand, the NPPF also advises that planning should take account of the different character of different areas, protecting the Green Belt and recognising the intrinsic character of the countryside. These objectives would be compromised by the proposed development and I consider that the resulting harm would clearly outweigh any benefits in terms of promoting the growth of business and enterprise. Hence the proposal would not represent sustainable development, for which the NPPF advises there is a presumption in favour.

Conclusions

32. For the reasons given above, and having had regard to all other matters raised, I conclude that Appeal A should succeed, and planning permission should be granted subject to conditions, but that Appeal B should be dismissed.

Roger Clews

Inspector

² See Circular 11/95: *The Use of Conditions in Planning Permissions*, paragraph 93.

APPEARANCES

FOR THE APPELLANT:

Mr I Coward BA(Hons):MA MRTPI Collins and Coward Planning & Development
Consultancy
Mr W Hussain Appellant's son
Mr C Biss RIBA BB Partnership Ltd
Mr K Law RIBA BB Partnership Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mrs K Smith BA(Hons) MA MRTPI Epping Forest District Council
Cllr John Knapman Epping Forest District Council

INTERESTED PERSON:

Cllr Richard Alvin Chigwell Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Copy of Council's letter of notification of the hearing arrangements, and list of persons notified.
- 2 Copy of decision notice, plans and committee report for application Ref EPF/1771/12 - Land adjoining Rest Harrow, The Kennels, Miller's Lane, Chigwell.
- 3 Unilateral Undertaking dated 30 December 2012 by Mrs Nasim Hussain and Svenska Handelsbraken AB Co UK to the Council [NB withdrawn and replaced by the Unilateral Undertaking referred to in paragraph 30 of this decision].
- 4 Land Registry register extract for title number EX221679: Willow Park Farm, Miller's Lane, Chigwell.
- 5 Copy of the local highway authority's response to consultation on application Ref EPF/0392/12, dated 14 June 2012.
- 6 Copy of an email from Mr M Lane, local highway authority development management officer, to Mrs Smith, dated 9 October 2012.

PHOTOGRAPHS SUBMITTED AT THE HEARING

- 1 Sheet containing two photographs of the former kennels site on the opposite side of Miller's Lane from the appeal sites.

**SCHEDULE OF CONDITIONS FOR THE DEVELOPMENT PERMITTED UNDER
APPEAL A – Ref: APP/J1535/A/12/2181575**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Except as otherwise required by any of the following conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: ESA-1000, ESA-201 Rev B, ESA-210 Rev B, ESA_300 Rev D, ESA_301 Rev C, ESA_302 Rev C, ESA_303 Rev D, ESA_304 Rev A and ESA_310 Rev B.
- 3) No later than six months after the date of substantial completion of the dwellinghouse hereby permitted, the existing house, the adjacent pool and bar building and the adjacent garage as shown on drawing No ESA-201 Rev B shall all be demolished in their entirety and all materials resulting from the demolition shall be removed from the site.
- 4) No residential use shall take place except within the area inside the red line identifying the application site on drawing No ESA_300 Rev D.
- 5) The building identified as building D on drawing no. ESA-201 Rev B shall only be used as ancillary accommodation for the approved dwellinghouse and shall not be occupied as a separate residential unit.
- 6) 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. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of levels have been submitted to and approved in writing by the local planning authority. The submitted details shall show 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 access-ways and landscaped areas. Development shall be carried out in accordance with the approved details.
- 8) No development or site clearance shall take place until a scheme of soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include a statement of the methods, including a timetable, for its implementation (linked to the development schedule) and indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- 9) The soft landscaping 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 five 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.
- 10) No development shall take place until details of the extent of the driveway and vehicle turning area for the development, together with the proposed surfacing materials and the means of surface water drainage, have been submitted to and approved in writing by the local planning

authority. Development shall be carried out in accordance with the approved details, and the approved surface treatment and means of surface water drainage shall be completed prior to the first occupation of the development or within one year of the substantial completion of the development hereby approved, whichever occurs first.

- 11) No development shall take place until surveys have been undertaken to check for the presence of bats and Great Crested Newts on the site and the surveys have been submitted to and approved in writing by the local planning authority. If the surveys reveal that bats and/or Great Crested Newts are present on the site, no development shall take place until details of proposed mitigation works and a timetable for their implementation have been submitted to and approved in writing by the local planning authority. All the approved mitigation works shall be carried out in accordance with the approved details and timetable.
- 12) No development shall take place until wheel-washing facilities for vehicles leaving the site during construction works have been installed. The installed facilities shall be used to clean vehicles immediately before they leave the site.
- 13) No construction/demolition works or ancillary operations, including vehicle movements on site which are audible at the boundary of the appeal site, shall take place outside the hours of 0730 to 1830 on Mondays to Fridays and 0800 to 1300 hours on Saturdays and no such works or operations shall take place at any time on Sundays or on bank or public holidays unless otherwise agreed in writing beforehand by the local planning authority.
- 14) 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), the garages hereby approved shall be retained so that they are capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 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 of the dwellinghouse permitted by virtue of Classes A and B of Part 1, Schedule 2 to the Order and no development permitted by Class E of Part 1, Schedule 2 to the Order shall be carried out.

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