

Committee Agenda



Epping Forest District Council

Area Planning Subcommittee East Wednesday, 15th January, 2014

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 15th January, 2014
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Jackie Leither - The Office of the Chief Executive
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564756

Members:

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

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/FILMING 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. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

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.

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 or otherwise indicate to the Chairman before the start of the meeting.

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 (or filmed) and will be capable of repeated viewing (or another use by such third parties).

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

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

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

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 18)

To confirm the minutes of the last meeting of the Sub-Committee, held on 4 December 2013 (attached).

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

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

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

7. DEVELOPMENT CONTROL (Pages 19 - 76)

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

Background Papers:

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

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

8. DELEGATED DECISIONS

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

9. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement

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

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

report rather than decision.

Background Papers

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

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

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

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

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

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

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

Further Information?

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

Area Planning Subcommittee East 2013-14
Members of the Committee:



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

Committee: Area Planning Subcommittee East **Date:** 4 December 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.12 pm

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

Other Councillors:

Apologies: K Avey, A Boyce, T Church, Mrs A Grigg and Mrs J H Whitehouse

Officers Present: J Shingler (Principal Planning Officer), M Jenkins (Democratic Services Assistant) and G J Woodhall (Democratic Services Officer)

67. WEBCASTING INTRODUCTION

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

68. WELCOME AND INTRODUCTION

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

69. MINUTES

RESOLVED:

That the minutes of the meeting held on 6 November 2013 be taken as read and signed by the Chairman as a correct record.

70. DECLARATIONS OF INTEREST

- (a) Pursuant to the Council's Code of Member Conduct, Councillors J Philip and Mrs S Jones declared a non pecuniary interest in the following item of the agenda by virtue of having attended the opening event at the restaurant. The Councillors had determined that they would remain in the meeting for the duration of the discussion and voting thereon:

- EPF/1613/13 19B Forest Drive, Theydon Bois, Epping CM16 7EX

71. ANY OTHER BUSINESS

The Chairman agreed for the submission of a late report regarding Confirmation of Tree Preservation Order EPF/17/13, Ongar Bridge, High Street, Ongar.

TPO/EPF/17/13 was made on 16 July 2013 to protect a line of four mature Sycamore trees (T1 – T4), standing on the river bank along the northern site boundary of this former allotment open space. The four trees were of significant landscape importance, prominently positioned on the riverbank, close to the main bridge into Ongar. It was advised that at the time the order was served, two of the trees, T3 and T4, had been destroyed and T1 had been damaged but not seriously. No objections had been received. The modification to the order was to control requirements for replacement should a later application to remove trees be deemed acceptable.

The Sub-Committee agreed that, in the interests of public amenity, the order be confirmed with modifications by the omission of T3 and T4.

RESOLVED:

That Tree Preservation Order EPF/17/13 be confirmed with modifications.

72. DEVELOPMENT CONTROL**RESOLVED:**

That the planning applications numbered 1 – 5 be determined as set out in the schedule attached to these minutes.

73. PROBITY IN PLANNING - APPEAL DECISIONS, 1 APRIL 2013 TO 30 SEPTEMBER 2013

The Sub-Committee received the Probity in Planning Appeal Decisions 1 April 2013 to 30 September 2013 report.

The report advised the decision making committees of the results of all successfully allowed appeals. The purpose was to inform the sub-committees of the consequences of their decisions in this respect and particularly where an award of costs may have been made against the Council.

In recent years, the Council's performance had been 30.9% in 2009/10, 36.6% in 2010/11, 28.8% in 2011/12 and 27.7% in 2012/13. Since 2011/12 there had been two local indicators, one which measured all planning application type appeals resulting from committee reversals of officer recommendations (KPI55) and the other which measured the performance of officer recommendations and delegated decisions (KPI54).

Over the period 1 April 2013 to 30 September 2013, the Council received 37 decisions on appeal, 14 were allowed (40%) with 4 out of 20 allowed (20%) under KPI54 and 10 out of 15 (66.67%) under KPI 55. 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 10 cases of which 5 were connected to Area plans East Sub-Committee.

Costs

During this period, there was one successful finalised award of costs made against the Council. It involved London Lodge West, Copped Hall Estate, Epping. The appeal for cost was successful against the Council's withdrawal of an enforcement notice and listed building enforcement notice after taking legal advice regarding the wording of the requirements for compliance with the notices, several months after the appeal was made. New, differently worded notices, were re-issued, but the Planning Inspector considered that it was not expedient to serve the first notices in the form they were in. This amounted to unreasonable behaviour and caused the appellant to incur unnecessary expense in appealing. The cost amounted to £1,376.00.

Members attention was brought to the recent appeal changes allowing planning inspectors to award costs against a party that had behaved unreasonably even in neither the Council or the appellant had applied for costs. Whilst performance in defending appeals had improved during the last couple of years, members were reminded that in refusing planning permission justified reasons sound and defensible were needed.

RESOLVED:

That the report regarding Probity in Planning – Appeal Decisions, 1 April 2013 to 30 September 2013 be noted.

74. DELEGATED DECISIONS

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

CHAIRMAN

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Report Item No: 1

APPLICATION No:	EPF/1549/13
SITE ADDRESS:	Former Allotments Coopers Hill Chipping Ongar Essex CM5 9EE
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Change of use to car wash and valeting facility (Sui Generis). Provision of car wash building and office building, new surfacing and waiting area. New gates, upgraded access and retention of existing access and landscaping.
DECISION:	Refused Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552013

REASON FOR REFUSAL

- 1 The proposed development is within the Green Belt where development is inappropriate and by definition harmful, the proposed car wash facility and structures are contrary to the aims and objectives of policy GB2A of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- 2 The proposed development is located within the functional flood plain in flood zone 3. The proposed development would be at high risk of flooding and would increase flood risk elsewhere due to a reduction in on site drainage and flood water storage, therefore the proposals are contrary to policy U2A of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- 3 The proposal would create a substandard access on a stretch of highway where the main purpose is carrying of traffic between centres (it is a main distributor highway). Vehicles using the access would introduce a further point of traffic conflict to the detriment of highway safety contrary to policies ST2 and ST4 of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- 4 The access proposed is too close to the adjacent access, which serves an existing car wash and café. The proposed access would appear as a singular wide access, resulting in confusion and conflict between vehicles . Furthermore the access does not allow sufficient room for a vehicle to approach the carriageway at right angles, leading to oblique manoeuvres which will cause confusion and delay on Coopers Hill, creating a hazard to the detriment of highway safety and contrary to policies ST2 and ST4 of the Adopted Local Plan and Alterations and the objectives of the NPPF.

- 5 The proposals fail to demonstrate that the development proposed can take place without harm to protected trees onsite. Therefore the proposals are unacceptable in principle and contrary to policy LL10 of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- 6 The proposed development would result in a use and structures that would appear incongruous and visually intrusive in the street scene to the detriment of the character of the area and contrary to policies CP2, DBE1 and DBE4 of the Adopted Local Plan and Alterations and the objectives of the NPPF.

Report Item No: 2

APPLICATION No:	EPF/1613/13
SITE ADDRESS:	19B Forest Drive Theydon Bois Epping Essex CM16 7EX
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	(i) Retention of new shopfront and entrance doors. (ii) Retention of raised external paving for disabled access and outside customer seating area.
DECISION:	Granted 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=552330

CONDITIONS

- 1 Details of the types and colours of the external finishes for the low level wall and railings shall be submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the works for the wall and railings. The wall and railings shall be implemented in accordance with such approved details.
- 2 The folding doors of the shopfront hereby approved shall not be open outside of the hours of 08.00 and 21.00 hours.
- 3 Outside the hours of 08.00 and 23.00 no food and drink shall be served and no tables and chairs shall be placed within the raised paving area hereby approved.
- 4 No amplified music shall be played at the site when the folding doors hereby approved are open.

Report Item No:3

APPLICATION No:	EPF/1949/13
SITE ADDRESS:	MSK Stores Ltd The White House Market Place Abridge Essex RM4 1UA
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Retrospective application for retention of new side entrance to shop, including steps and ramped access.
DECISION:	Granted 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=554113

CONDITIONS

NONE

Report Item No:4

APPLICATION No:	EPF/1953/13
SITE ADDRESS:	1 Tuttleby Cottages Manor Road Lambourne End Romford Essex RM4 1NA
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Proposed single storey side extension and conservatory to rear.
DECISION:	Granted 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=554152

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 render and roof tile to be used for the external finishes of the proposed extension and conservatory, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The existing hedge on the east boundary, positioned alongside the proposed side extension, shall be retained (or treated and replanted as necessary after works are completed), and shall be subsequently retained on a permanent basis.

Report Item No: 5

APPLICATION No:	EPF/2099/13
SITE ADDRESS:	Brook Cottage Mutton Row Stanford Rivers Ongar Essex
PARISH:	Stanford Rivers
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Part one and part two storey rear extension, and provision of an enlarged porch at the side. (Revised application to EPF/0223/13)
DECISION:	Granted 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=554854

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 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 4 Access to the site shall only be via the existing bridge to the south of the site. Details of any additional access point for any vehicles, whether temporary or permanent, shall be submitted to and approved by the Local Planning Authority prior to being installed or used.

AREA PLANS SUB-COMMITTEE 'EAST'

Date 15 January 2014

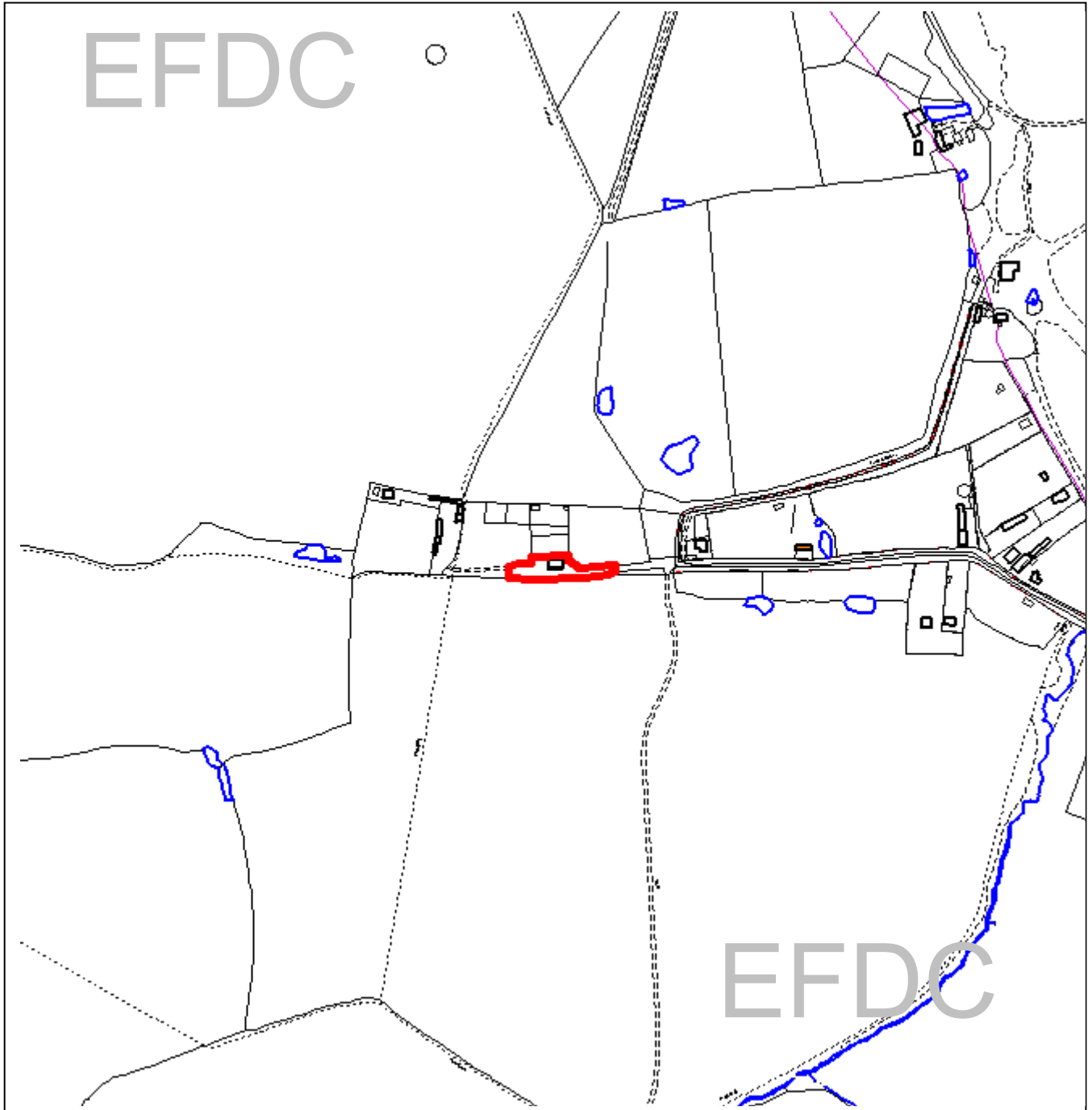
INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/1912/13	Top View Farm Curtis Mill Lane Navestock Romford Essex RM4 1HS	Grant Permission - Time Limited Use (With Conditions)	20
2	EPF/2052/13	27 Purlieu Way Theydon Bois Epping Essex CM16 7EH	Grant Permission (With Conditions)	28
3	EPF/2075/13	Brook House Farm Barn Epping Lane Stapleford Tawney Romford Essex RM4 1 ST	Grant Permission (With Conditions)	34
4	EPF/2245/13	Land adjacent to 171 High Road North Weald Bassett Epping Essex CM16 6EB	Grant Permission (With Conditions)	42
5	EPF/2280/13	The Maltings Matching Green Essex CM17 0QE	Refuse Permission	50
6	EPF/2322/13	44 Hoe Lane Abridge Essex RM4 1AU	Grant Permission (With Conditions)	58
7	EPF/2362/13	21 Stewards Close Epping Essex CM16 7BU	Grant Permission (With Conditions)	66
8	EPF/2443/13	First Floor Workshop 156 High Street Ongar Essex CM5 9JJ	Grant Permission (With Conditions)	72



Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/1912/13
Site Name:	Top View Farm, Curtis Mill Lane Navestock, RM4 1HS
Scale of Plot:	1/5000

Report Item No: 1

APPLICATION No:	EPF/1912/13
SITE ADDRESS:	Top View Farm Curtis Mill Lane Navestock Romford Essex RM4 1HS
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Miss Sally Weedon
DESCRIPTION OF PROPOSAL:	Stationing of mobile home for agricultural worker (retrospective)
RECOMMENDED DECISION:	Grant Permission - Time Limited Use (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=553812

CONDITIONS

- 1 The use hereby permitted shall inure for a temporary period of 3 years from the date of this decision and the mobile home and any associated residential paraphernalia shall be removed from the site on or before that date.
- 2 The occupation of the mobile home hereby approved shall be limited to a person solely or mainly working, in agriculture, at Top View Farm and to any resident dependants.

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

Description of Site:

The application site comprises land part of a smallholding, Top View Farm, where a mobile home is stationed. The smallholding comprises 1.56 hectares where a large number of animal pens have been erected. Top View Farm is accessed off Curtis Mill Lane, a largely unmade byway off Murthering Lane. It is situated approximately 1.3km from the junction of Curtis Mill Lane with Murthering Lane.

14.43 hectares of land to the north of the site that is part of Forty Acre Farm are leased to the applicant for a period of 20 years, expiring in June 2030. The lease includes breaks at 5, 10 and 15 years. Rent is £416.44 per calendar month. The land is divided into approximately 6 grazing paddocks.

Description of Proposal:

The application proposes the stationing of the existing mobile home in its present position. It is proposed on the basis of it providing accommodation for an agricultural worker at Top View Farm (the applicant) together with her immediate family.

The mobile home has a ground area of some 88m².

Relevant History:

The relevant history is planning enforcement led. Planning enforcement investigation ENF/1051/06 into stationing of the mobile home is still open. An application to station the home, EPF/1700/07, was refused permission on the basis that it is inappropriate development in the Green Belt and no agricultural need for the development was demonstrated. A subsequent planning application for the development was submitted the following year, ref EPF/1879/08, and refused for a similar reason. An appeal against that decision was dismissed and a planning enforcement notice requiring the removal of the mobile home issued in December 2009. The notice became effective in February 2010 following the withdrawal of an appeal against it.

A further application to station the mobile home, ref EPF/1653/10 was submitted and refused for reasons similar to those the 2008 application was refused. The following year another similar application was submitted, ref EPF/0164/11. It was refused for similar reasons. An appeal against that decision was dismissed.

No action has been taken to secure compliance with the enforcement notice as the occupant has continued to liaise with the Planning department and it was evident that the agricultural business (which is appropriate in the Green Belt) was being actively pursued and expanded to overcome the previous reasons for refusal and it was not considered expedient to take action.

Policies Applied:

The National Planning Policy Framework provides the policy context for considering this application and the following Local Plan and Alterations policies are relevant and consistent with the NPPF.

CP2	Quality of Rural and Built Environment
GB2A	Development in the Green Belt
GB17A	Agricultural Workers Dwellings

Consultation Carried Out and Summary of Representations Received

As with previous applications, this application was advertised by way of a site notice displayed adjacent to the site. No responses were received.

There are no immediate neighbours.

STAPLEFORD ABBOTTS PARISH COUNCIL: Objection

“The Parish Council would like to object on the grounds that 2 appeals have already been rejected, one in September 2010 and the other in August 2011. This would also be an encroachment on the green belt and set a precedent if the mobile home is allowed to stay. There is also evidence that shows it is not a viable business.”

Main Issues and Considerations:

The stationing of the mobile home is inappropriate development in the Green Belt, however, policy allows for it on a temporary basis to provide accommodation for an agricultural worker at a viable agricultural enterprise.

Throughout the life of the investigation, over 7 years, the Planning Enforcement Team has found the agricultural business at Top View Farm has grown. This is acknowledged in the most recent appeal decision but it was found that net income remained well below the typical farm workers salary of around £14k - £15k plus National Insurance. Consequently the Inspector found the business unviable and that it was only the additional income of the applicant's partner, a builder, that a reasonable income was achieved.

The applicant now provides evidence in the form of accounts that demonstrates a very significant increase in egg sales since the appeal decision, although the income from a livery enterprise at Forty-Acre Farm has remained static and represents only 25% of the income of the business as a whole. Net profit is now £23,748, much higher than the typical farm workers salary.

Whether this now overcomes the reasons for refusing to allow the appeal is a matter on which advice was sought from an agricultural consultant who has repeatedly provided advice to the Council in the matter of the development and who gave evidence for the Council at the appeal. That advice is set out below:

Findings at Site Visit:

"The principle enterprise at Top View Farm is the flock of laying chickens which have now moved to a new building located on the western side of the holding and to the rear of the small yard area of more long established buildings. In this new location [the Applicant] has constructed a mono-pitch roofed and sheeted poultry house complete with laying boxes and roosting areas which is linked to a converted prefabricated container the whole now providing capacity for some 1,000 laying birds as confirmed by the DEFRA Egg Inspector.

Poultry utilising the new building have access to approximately 2 acres of ranging areas subdivided into a number of paddocks with electric fencing although currently a pony is also kept on part of this land. Adjacent to the poultry house is another unit constructed out of an insulated lorry body which has been satisfactorily converted to provide an area equipped with an electric egg grader and weighing equipment with facilities for packing eggs by hand on to trays and boxes.

The main yard formed by the majority of the other buildings on site is comprised of a collection of buildings utilising mainly second hand materials. These buildings, the adjacent areas of hard standing and moveable poultry coups now has a tidier and more functional appearance notwithstanding the diverse range of construction materials used. In addition a new hay barn measuring some 20ft x 15ft has been constructed.

In total the yard has capacity for 6 ponies of which 3 are at livery and some 12 pens in a run of 'attached' pens and sheds which are mainly utilised by the various fancy breeds of poultry kept by [the Applicant]. The remaining part of the yard area comprising a collection of moveable poultry coups and pens which together with pens in the adjacent paddock provide for approximately a further 15 or so individual enclosures

In the paddock area between the buildings and the mobile home where previously there were 2 poultry sheds one of these has recently collapsed in the high winds just a few weeks ago and is now to be cleared from the site.

To the north of Top View Farm lies the 35 acres or thereabouts of land rented from [owner of Forty Acre Farm] and utilised by approximately 12 horses kept on DIY liveryes. [the Applicant] explained that she had now relinquished the farm buildings at Forty Acre Farm relying solely on grass liveryes and making hay and haylage under contract off this land.

In terms of the stock currently held on the land at the time of my inspection the number of laying birds was down to some 400-500 birds and [the Applicant] explained that with the majority of her birds are now reaching the end of their laying cycle, she had recently sold off the unproductive chickens and would be restocking to increase numbers back to the target 1,000 birds in the spring of 2014.

The number of horses on the holding remains at 6 ponies at Top View Farm of which 3 are owned by [the Applicant] and 3 are liveryes. Some 12 horses on DIY grass liveryes being kept on the adjacent grassland forming part of Forty Acre Farm.

The numbers of rare breed and fancy breed chickens and poultry are also somewhat lower than at other times with probably no more than 200 birds comprising laying hens, cockerels and young chicks on the land. There are also 10 goats' mainly pygmy goats and crossbreeds which are bred with the young goatlings sold as pets. A small number of geese are also being raised for the Christmas trade.

Changes to the business:

[the Applicant] advised that following the last planning inquiry she had decided to relinquish the buildings at Forty Acre Farm and focus the core of the business at Top View Farm. She also erected the new building for the laying hens so as to substantially increase poultry numbers at Top View. Coupled with this she has negotiated a number of useful contracts for the sale of eggs with her main customers being two local bakeries and two cafés as well as a number of farmers markets and other outlets to ensure that she has a good and steady market for her eggs. With the increased number of birds her partner is also now spending more time working on the holding and less time off site.

Policy considerations:

Taking account of the Local Plan Policy GB17 and also the National Planning Policy Guidance (NPPF) I consider that the key issue as expressed in the NPPF at para 55 is whether or not there is:-

'An essential need for a rural worker to live permanently at or near their place of work in the countryside'.

To demonstrate essential need I consider that there are three principle matters to be addressed; that the functional need requires the worker to live on site; that the enterprise provides full time employment for at least one worker and that the proposed enterprise is economically sustainable.

Finding in respect of Functional Need:

I acknowledge that at the time of my visit poultry numbers were lower than they have been during the past 12 months, based on the submitted accounts. However taking a broader view of livestock numbers typically on the holding I consider that to attend to the day to day management of the poultry and ponies and other livestock both in respect of breeding stock, incubating eggs and so on together with the need to be on hand to deal with any emergencies that may arise that there would be a functional need for someone to be resident at Top View Farm and generally residing within sight and sound of the principle livestock buildings and paddocks. Furthermore the

respective welfare codes of practice for keeping livestock would not be satisfactorily met without someone living in close proximity at most times.

Finding in respect of provision of Full Time Employment:

It has been recognised on previous occasions that the amount of work at Top View Farm with the numbers of poultry, ponies, horses and other livestock and activities generally on site that the business would provide full time work for at least one person and I consider this situation to remain.

Finding in respect of Economic Sustainability:

I have considered the accounts produced for the year to 5.4.13 together with the summary sheet showing a breakdown in analysis of the accounts for the years 2008-2013.

There has been a considerable increase in turnover in the past 12 months principally due to the increase in the numbers of laying poultry kept and increasing egg sales. As such whilst the day to day running costs of the enterprise have increased only marginally, particularly with casual labour payments, the overall net profit of the enterprise has now increased to just over £23,000.00.

On the basis that the business is capable of sustaining this level of net profitability into the future, and that this will allow sufficient surplus for any necessary reinvestment in building repairs, improvements and a replacement mobile home as well as allowing for any fluctuations in income from the individual income streams then the business is likely to be able to sustain itself in the future and meet the reasonable expectations of the applicants.

Overall Findings and Recommendations:

It is now 5 years since I first visited Top View Farm and I have therefore been able to assess the business and the applicant's intentions over a reasonable time frame. Whilst I continue to have some reservations with regard to the long term future of the holding including for example the degree of security offered in respect of the land at Forty Acre Farm and the slightly less than robust construction of some of the earlier buildings at Top View Farm the applicants have nevertheless made considerable strides over the intervening time to establish themselves on the holding.

In particular there is now a recognition that poultry numbers need to be maintained at or around 1,000 laying birds, with the ancillary fancy bird enterprise and the DIY liveries and hay/haylage sales all contributing important income streams to help achieve a viable and sustainable enterprise.

My overall conclusion however, is that the business has reached a point sufficient to achieve the necessary thresholds for the granting of a temporary consent for the retention of the mobile home in order that the applicants may now consolidate the business and ensure its future sustainability.

On balance therefore notwithstanding the reservations expressed I conclude that it would be appropriate for the granting of a temporary consent for a rural worker and I understand a period of some 3-4 years has been discussed."

Conclusion:

The NPPF was brought into effect following the 2011 appeal decision and is much more supportive of rural enterprises. The application of Local Plan policy must be consistent with the NPPF.

The agricultural enterprise has changed in its detail since the appeal decision and has grown to a significant extent. Previously it was found that there is a functional need for an agricultural worker to live on the land and that the work generated by the business was sufficiently large to employ one person full time. However, the financial viability of the business was not demonstrated. The significant growth has been found to resolve the matter of financial viability. It is has been demonstrated to the satisfaction of the Council's agricultural consultant that the enterprise served by the mobile home is viable.

Notwithstanding the finding that the proposal now meets all the tests for permitting an agriculturally tied dwelling on the land, the substantial and recent increase in income may well not turn out to be sustainable in the longer term. Even if it were, a mobile home would not normally be acceptable as a permanent dwelling due to its poor appearance. In the circumstances, while it is now appropriate in policy terms to grant planning permission, it is necessary to limit any consent given to a temporary period as well as restricting its occupation to an agricultural worker at Top View Farm and their immediate family. This conclusion is consistent with the findings of the Council's agricultural consultant.

The Parish Council has raised concern about the possibility of a precedent being set in the event of planning permission being granted. In fact, it is very unlikely that giving a consent in these circumstances and under such terms would set any precedent since they are so closely related to the specific facts of this case.

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

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

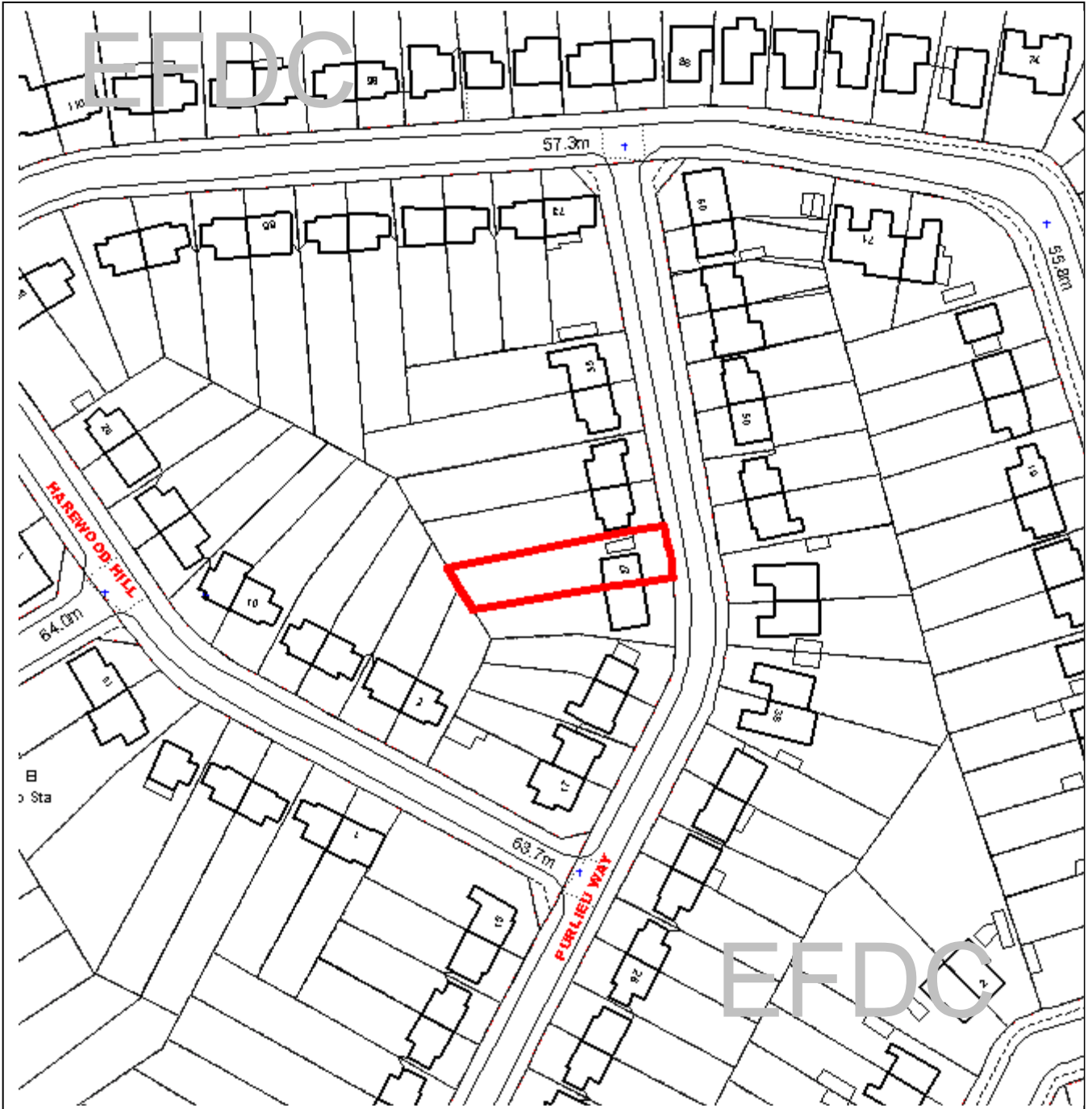
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Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/2052/13
Site Name:	27 Purlieu Way, Theydon Bois CM16 7EH
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/2052/13
SITE ADDRESS:	27 Purlieu Way Theydon Bois Epping Essex CM16 7EH
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Daniel Wilson
DESCRIPTION OF PROPOSAL:	Two storey and single storey side and rear extensions.
RECOMMENDED DECISION:	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=554637

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 at first floor level in the flank elevations 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.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

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

Description of Proposal:

This application seeks planning permission for part two, part single storey side and rear extensions.

The side extension would be approximately 2.9m in width, retaining a distance of approximately 1.35m to the boundary at the front of the site (approx. 0.8m at the rear). At ground floor the garage accommodated within the extension would sit flush with the main front wall. At first floor level, the extension would be recessed from the main front elevation by approximately 0.7m. The extension would have a hipped pitched roof, similar to the style of the existing dwelling. At the rear, a valley would be created between two hipped gables, to reduce the bulk of the roof whilst maintaining the use of the pitch.

Description of Site:

The application site comprises a semi detached dwelling situated on the western side of Purlieu Way. The adjoining dwelling has been extended to the side, as have others in the street including at no. 31.

Neighbouring 29 Purlieu Way is set at a lower ground level and has an extension to the rear of its garage at ground floor level, which is accessed from a side door. The extension accommodates a WC and a utility room and connects, via glazed door, to the kitchen.

Relevant History:

None.

Policies Applied:

Adopted Local Plan and Alterations

GB2A – Development in the Green Belt
GB7A – Conspicuous Development
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Impact of New Buildings

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

Notification of this application was sent to Theydon Bois Parish Council and to 7 neighbouring properties.

The following representations have been received to date:

THEYDON BOIS PARISH COUNCIL. Objection. We object to this application specifically owing to the two storey element to the rear which would extend beyond the natural building line. We are concerned that the proposal would materially and unacceptably harm the amenity of the neighbouring property at number 29 Purlieu Way; there would be a significant impact upon the light to number 29. It should be noted that the impact of the proposal in this location would be exacerbated owing to the significant difference in the ground levels between the two properties (we calculate that the ground levels at 27 are circa 1 metre higher than those at 29).

29 PURLIEU WAY. Strong Objection. The proposed extensions would block natural light and would overlook our patio, invading our privacy. A large portion of our garden would be cast into

shadow a lot earlier in the day than is currently experienced. 27 Purlieu Way sits over a metre higher than no. 29 and an amount of sunlight permeates between our garages. At present, we have to use artificial light in our kitchen and utility room until about 10am. If this application proceeds we will lose considerable light to our landing and rear rooms and will have to use more artificial light (costing more in fuel bills). The proposal to build 3m beyond the existing building line would remove light from our conservatory and patio area. Flora and fauna in our garden would also be affected.

We note that there are no extensions that extend beyond the [rear] building line that make up the triangle in Harewood Hill, Dukas Avenue and Purlieu Way.

42 PURLIEU WAY. Objection – concerned about access and parking during construction.

Issues and Considerations:

The main issues to be considered are the impacts of the proposed extensions on neighbouring amenity and on the character and appearance of the area.

Neighbouring Amenity

Concern has been raised by both the occupier of no. 29 and the Parish Council regarding the impact of the proposed rear extension on the amenities enjoyed by the occupiers of 29 Purlieu Way. The extension, which would be situated to the south of no. 29 would impact upon the outlook and natural light levels within this neighbouring property. The affected rooms within no. 29 which are closest to the site boundary would be the utility room, WC and kitchen. At first floor level is the bathroom. Due to the non-habitable uses of these rooms, the reduction in amenity would not justify the withholding of planning permission.

Of greater significance is the impact of the proposed development on the garden and conservatory areas of the neighbouring property. The conservatory is situated some distance from the boundary and has windows on both the rear and side elevations. The patio area is situated between this conservatory and the boundary and also extends further into the garden. However, at the time of day that the sun would be positioned behind the extension, it would be at its highest point in the sky. It is, therefore, not considered that there would be a detrimental loss of light caused by the proposed development.

With regard to outlook, the extension would be a considerable addition to the dwelling that would be highly visible from the neighbouring property. However, given the size of the neighbouring garden and the non-habitable use of the rooms within no. 29 that would be most affected, it is not considered that the reduction in amenity would be so serious as to justify withholding planning permission. Windows are proposed in the flank elevation – at first floor level these would serve an en suite bathroom and a secondary bedroom window. It will be necessary to ensure that these windows are fixed closed and obscure glazed and this will be reasonable, given the use of the rooms which the windows serve and will prevent overlooking.

With regard to the adjoining neighbouring dwelling at no. 25, the extension closest to this boundary would be single storey, with a flat roof. The height of the single storey element of the extension would be 3m and the two storey element of the extension would be set off the boundary by a distance of approximately 2.8m. Due to the height of the ground floor extension and the set back of the remainder of the extension, it is not considered that there would be any material harm to the occupiers of this neighbouring dwelling. A first floor side window is proposed in the extension and the same consideration applies to this window as those on the other side, with regard to limitations on opening and glazing.

Character and Appearance

The proposed development would improve the appearance of the dwelling and would balance the pair of semis, as the adjoining dwelling has been similarly extended in the past.

A gap of over one metre would be retained between the side of the extension and the side boundary with no. 20, thereby retaining adequate space between the buildings.

Conclusion:

In light of the above appraisal, it is considered that the extension would have an acceptable appearance. Whilst there would be some impact on the amenities of neighbouring properties, it is not considered that this would be so serious as to justify withholding planning permission. It is, therefore, recommended that planning permission should be granted.

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

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

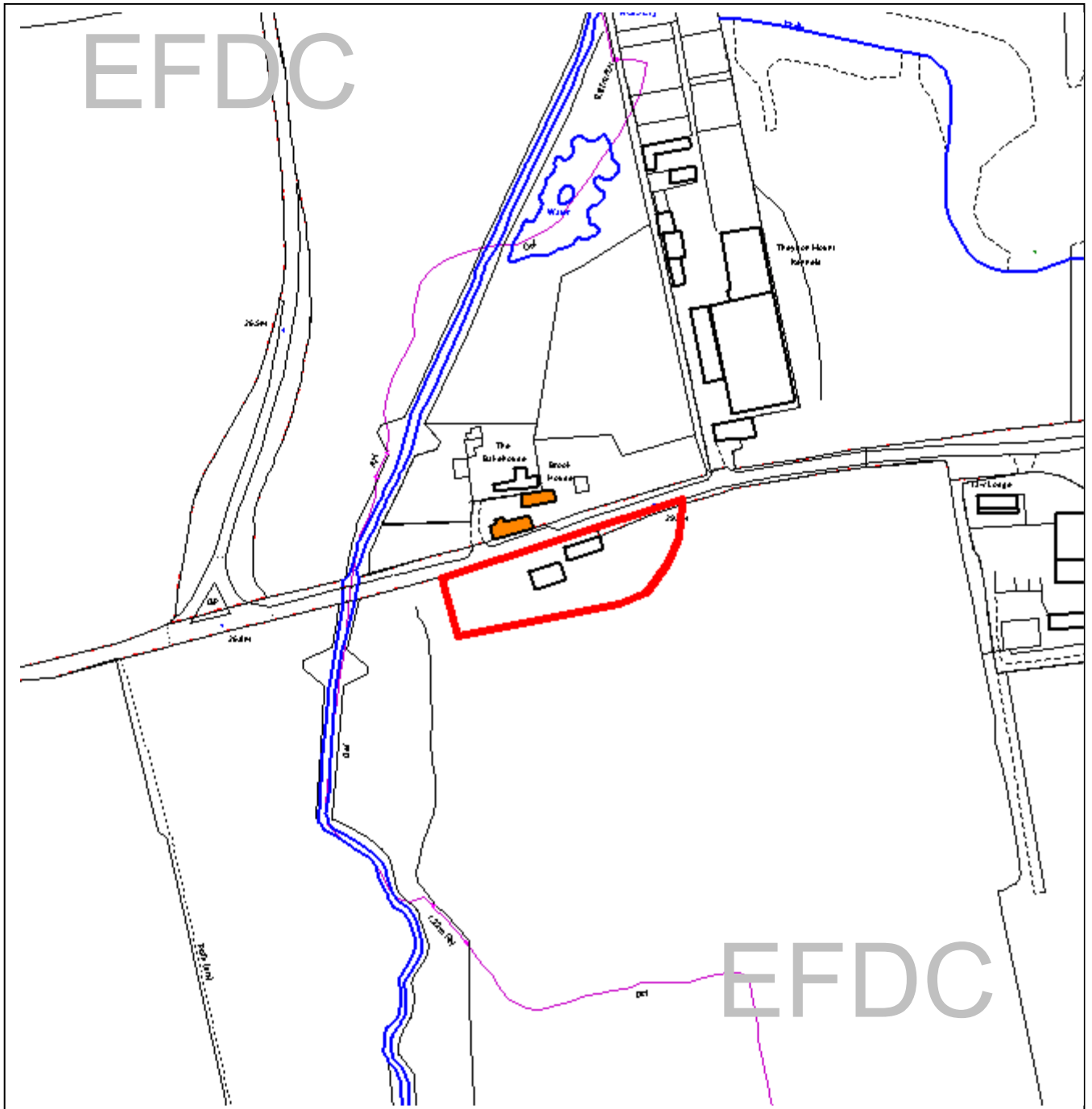
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Epping Forest District Council

AGENDA ITEM NUMBER 3



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Application Number:	EPF/2075/13
Site Name:	Brook House Farm Barn, Epping Lane Stapleford Tawney, RM4 1ST
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2075/13
SITE ADDRESS:	Brook House Farm Barn Epping Lane Stapleford Tawney Romford Essex RM4 1ST
PARISH:	Theydon Mount
WARD:	Passingford
APPLICANT:	Mr Alex Parker
DESCRIPTION OF PROPOSAL:	Private stables and log store.
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=554753

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 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.
- 4 The stables shall be used for the stabling of horses within the ownership of the landowner or in association with the residential dwellinghouse known as Brook House Farm Barn, Epping Lane, RM4 1ST and not for any commercial purposes including livery.
- 5 No external lighting shall be installed without the prior written approval of the Local Planning Authority.
- 6 Details of the means of storing and disposing of manure shall be submitted to and approved in writing by the Local Planning Authority and completed in accordance with these details prior to first occupation of the stables.

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

Description of Site:

The application site is located on the southern side of Epping Lane, opposite Brook House and the entrance to The Bakehouse. It is an area of approximately 0.14 hectares comprising a vehicle access point and two barns, one being the dwellinghouse and the other due to be demolished by the 1st February 2013 as part of the permission for the conversion of barn to dwelling approved under EPF/1074/11.

To the rear is a parcel of land under the applicant's ownership that is currently used for the grazing and exercise of 3 miniature ponies.

Description of Proposal:

Planning permission is sought for the erection of a private stables and log store.

The stable and log store building would be rectangular shaped, 18.5m deep by 5.5m finished with a gable to one end at a ridge height of 4m and a cat slide hip to the northern end facing the road with an eaves height of 1.5m sloping away for 4.5m to the ridge at 4m.

The materials are traditional in that oak feather edge boarding and stock brick plinths would be used for the walls and clay pantiles for the roof.

The stables would be sited towards the western end of the site, within the existing residential curtilage approximately 24m from the main dwelling, 6m back from the road and adjacent to the post and rail fence to the south enclosing the grazing land to the rear.

It would consist of a horse shelter, 2 loose boxes, a hay barn/tack room and a log store.

Relevant History:

EPF/0076/10 - Change of use of traditional barn to one residential dwelling, erection of single storey extension to barn in connection with conversion to dwelling and demolition of adjacent utilitarian agricultural building. Approved 16/03/2010

EPF/0174/11 - Change of use of traditional barn and conversion to single dwelling house including adjustment of position on site and extension, ancillary works and removal of utilitarian agricultural building, landscaping and site improvements – Approved 20/04/2011

EPF/1063/11 - Application for approval of details reserved by condition 2 'Materials' and conditions 5 -9 'Contaminated land', condition 10 'Screen walls/fences', condition 13 'Discharge of water', condition 14 'Surface water drainage', condition 15 'Disposal of foul sewage' and condition 16 'Methodology' of planning permission EPF/0174/11. (Change of use of traditional barn and conversion to single dwelling house including adjustment of position on site and extension, ancillary works and removal of utilitarian agricultural building, landscaping and site improvements) – Conditions 2, 5, 10, 13, 14, 15 and 16 discharged; Conditions 6 and 7 (Contaminated Land) discharged in part Conditions 8 and 9 (Contaminated Land) not discharged.

Polices Applied:

CP2 Protecting the Quality of the Built Environment
GB2A Development in the Green Belt
GB7A Conspicuous Development

RST4 Horse keeping
RST5 Stables
DBE4 Design in the Green Belt
DBE9 Loss of amenity
LL2 Inappropriate rural development
HC12 Development affecting the setting of listed buildings

NPPF

Consultation Carried Out and Summary of Representations Received

3 letters were sent out to neighbouring occupiers and a site notice displayed on a telegraph pole opposite the site dated 16.10.13. 2 objections were received and are summarised below:

BROOK HOUSE:- Stables would be oversized; Lead to an invasion of privacy; would not be against the stables if they were located further back on land the applicants have purchased behind their barn.

THE BARN:- Impact on the Metropolitan Green Belt; cramped appearance representing overdevelopment; prominent and intrusive; loss of openness; should be smaller and located on land to rear of the site; Loss of residential amenity; Access issues; Drainage issues.

THEYDON MOUNT PARISH COUNCIL – OBJECTION – The Council has the following concerns regarding this planning application:

1. Insufficient acreage to support the proposed stables
2. The intrusion to neighbours

Issues and Considerations:

The main issues of this application are:

1. Principle of horse keeping and stables and impact on the Green Belt
2. Design
3. Living conditions of neighbours
4. Impact on the setting of the Listed Building
5. Land drainage
6. Response to representations made

Principle of horse keeping and impact on the Green Belt

Paragraph 81 of the NPPF states that “*local planning authorities should plan positively to enhance the beneficial use of the Green Belt*” through, amongst other things, providing “*opportunities for outdoor sport and recreation*”. Furthermore, paragraph 89 states that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*”.

Horse keeping has long been recognised as an outdoor sport/recreational use and as the size of the proposed stables is not considered to be excessive. To this end, it is considered that this would not constitute inappropriate development within the Green Belt.

Local Plan policy RST5 states that:

Stables will be permitted provided that:

- (i) They do not have a significantly adverse impact upon the character and appearance of the landscape and are appropriate in scale, location, design, materials and landscaping; and*
- (ii) The amount of horseriding that is likely to result would not lead to excessive highway danger on and across roads; and*
- (iii) The amount of horseriding that is likely to result would not have a significantly adverse impact on the management, ecology or public use of open spaces (e.g. Epping Forest) and rights of way; and*
- (iv) They are of a size adequate to meet the welfare requirements of the number of horses intended to use them; and*
- (v) Adequate car parking is provided.*

Given the size and location of the proposed stables, it is considered that the application complies with the above requirements.

Policies RST4 & 5 set out the criteria for assessing such a proposal. The use for domestic horse keeping is generally appropriate for the Green Belt.

There may be some use of the surrounding roads and paths, but this is not unusual in rural areas. There will be no commercial use of the site, and this is purely for the domestic stabling of family horses, and this can be conditioned as such.

The dimensions of the stables are in keeping with the recommended standards in the Local Plan, and there is sufficient other land to the rear of the site for the welfare and exercising of the horses (approximately 0.6ha).

In addition, once the existing agricultural barn has been removed from the site this would improve its openness and the addition of this stable block would not materially detract from the open character of the area.

Whilst objections have been raised in relation to its size and location, its positioning, whilst closer to the road and neighbouring buildings, is considered to be less conspicuous when viewed as part of the group of buildings sharing the road frontage.

The land slopes away from north to south and locating the stable building on the field to rear as suggested by objectors, would, it is considered, spread built form into the surrounding countryside to the detriment of its openness.

Therefore, despite concerns to the contrary, the proposal is considered to comply with policies GB2A, GB7A, RST4 and RST5 of the adopted Local Plan and Alterations and paragraph 81 of the NPPF.

Design

The design and materials are considered appropriate, and are commonplace in this area, and would have no adverse impact in this rural area.

The colour of the materials can be conditioned to assist with the building integration into the rural landscape.

The proposal is considered to comply with policies DBE1 and LL2 of the adopted Local Plan and Alterations.

Living conditions of neighbours

The stables would be located approximately 15m from the nearest neighbouring occupier at The Barn across the road on the northern side of Epping Lane. Their views would be of a building 5.5m wide and 18.5m deep but only 1.5m high to the eaves at its nearest point. The roof slopes away for further 4.5m so the full ridge height would only be apparent at a distance of in excess of 19m.

In addition, there is existing tree planting to the front of the site, and whilst sparse during colder months, would for most parts of the year aid in softening any potential visual impact the building would have when viewed from across the road especially as the trees mature.

It is not considered that the proposed building would result in a material invasion of neighbouring occupiers' privacy due to the factors detailed above.

Concern has been raised regarding existing access arrangements. Approved plans under EPF/0174/11 show that the access was to be re-sited so that it was not directly opposite a floor to ceiling front window of the occupiers of The Barn as the headlights from cars leaving the site would shine directly into the habitable room it served.

However, although the plans show the entrance in a different position on the approved plan, no condition was attached to the permission requiring the repositioning of it and as such it can remain in situ as shown on the plans submitted with this application.

No other occupiers of neighbouring properties would be materially affected by the proposal.

The proposal is considered to comply with policies DBE2 and DBE9 of the adopted Local Plan and Alterations

Impact on the setting of the Listed Building

Both The Barn and Brook House opposite are Grade II Listed Buildings. Given the design of the stables and the distance from these two buildings, it is not considered that the proposed development would materially impact on the setting of these two buildings and would comply with policy HC12 of the adopted Local Plan.

No objections have been by the Council's Conservation Officer consulted on the application.

Land Drainage

The Council's Land Drainage Officer has been consulted on the application. The site does not lie in an Epping Forest District Council flood risk assessment zone and the development would only cause negligible increase in surface water run off so a Flood Risk Assessment is not required although the proposal does not consider the disposal of surface water.

However, no objections have been raised subject to a condition requiring surface water drainage details to be agreed prior to commencement of works. This can be added to any permission given.

Response to neighbour and Parish Council representations

The objections raised by both neighbours and Parish Council have been considered within the main body of the report.

Conclusion

For the reasons laid out above this application 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: Steve Andrews
Direct Line Telephone Number: 01992 564109**

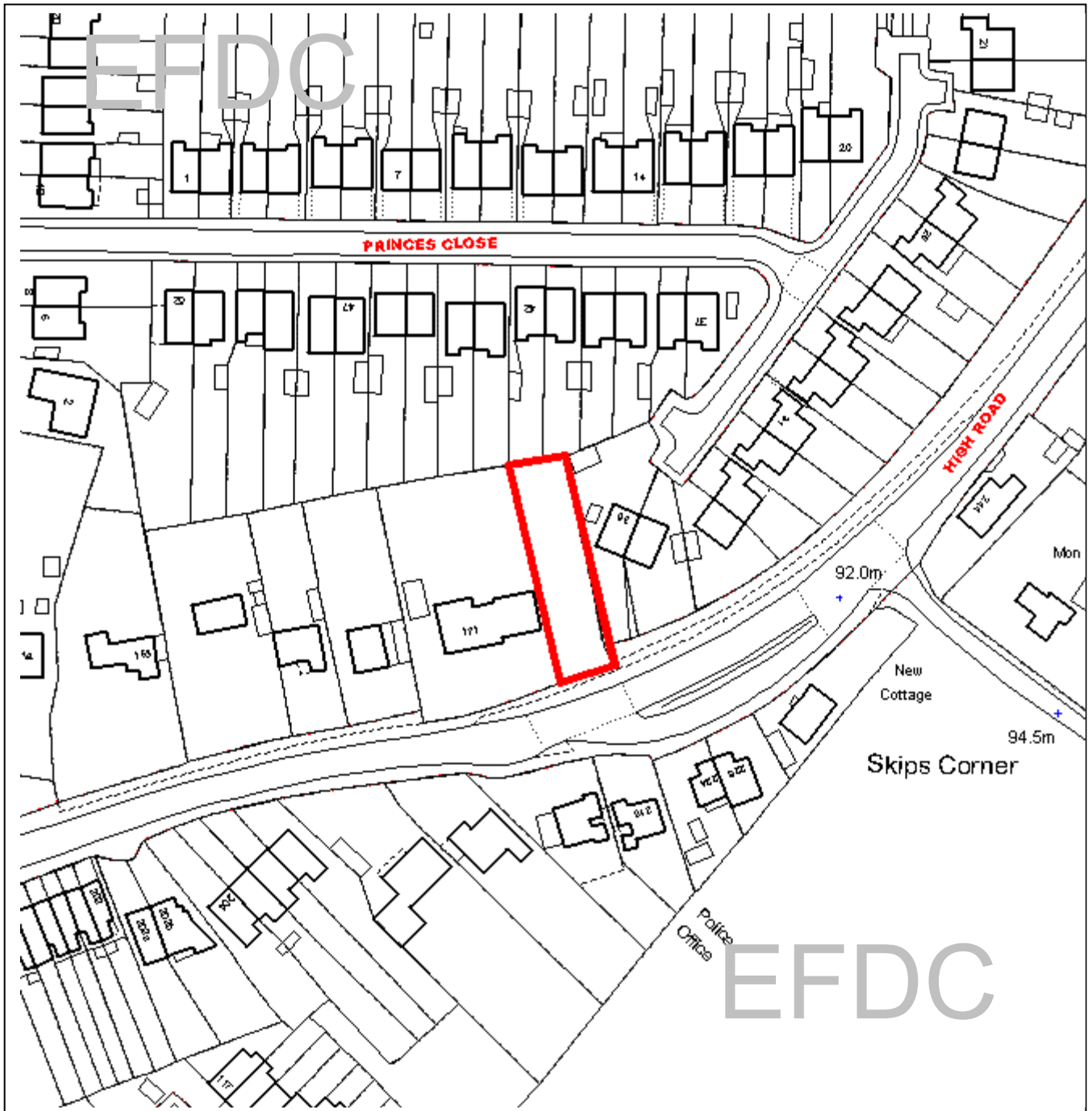
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AGENDA ITEM NUMBER 4



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Application Number:	EPF/2245/13
Site Name:	Land adjacent to 171 High Road North Weald Bassett, CM16 6EB
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2245/13
SITE ADDRESS:	Land adjacent to 171 High Road North Weald Bassett Epping Essex CM16 6EB
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Chris Trussell
DESCRIPTION OF PROPOSAL:	Erection of detached house with 4 bedrooms. (Revised application to EPF/1722/13.)
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=555772

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: 839/01, 839/02c, 839/03d, 839/04c, 839/05b, 839/06c
- 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 by the Local Planning Authority, in writing. 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) in the] flank elevation(s) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is 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.
- 6 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local

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

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

- 7 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

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

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

- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 10 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 11 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 13 Prior to the commencement of works on site, the boundary between the two properties shall be erected. This is to ensure that the alder tree in the rear garden of 171 High Road is protected from damage during construction works.
- 14 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

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

Description of Site:

The application site is a roughly rectangular plot measuring approximately 11m in width and 45m in depth located on the northern side of the High Road within the built up area of North Weald. The plot currently forms part of the side garden of number 171 which is within the same ownership. NO.171 is an uncharacteristically wide chalet bungalow within a spacious plot. The eastern boundary of the site forms the rear/side boundary of number 36 Princes Close and there are other residential properties to the rear. To the front of the site is a narrow area of green sward and there are more residential properties on the opposite side of the High Road. The site is not within the Green Belt or a Conservation Area. There are a number of trees within the site, none of which are protected.

Description of Proposal:

The proposal is for the erection of 1 detached two-storey 4-bedroomed property and the creation of a new vehicular access. The proposed house incorporates an integral garage and the first floor is largely within the roof space with two pitched roofed dormer windows to the front and rear. The house has a hipped pitched roof with a short ridge, and is 7.5 metres to the apex. The eaves height is 3.5 metres. There is 1 side facing first floor window but this serves the stairs only. The proposal retains a 1 metre gap between the dwelling and the flank boundary on each side of the property.

The proposal is very similar to a reserved matters application that was approved in January 2008 (and therefore lapsed in 2010) The only change is that the proposed integral garage has been enlarged such that it meets the current adopted size standard to count as a parking space.

The current application follows the refusal at committee of a similar proposal (EPF/1722/13) that was set 1 metre further back on the site.

Relevant History:

Outline planning permission for the erection of a detached dwelling on this site was granted in 2005 under reference EPF/1342/04

A reserved matters application EPF/0098/07 was refused due to the scale and bulk of the proposal and a revised, significantly reduced scheme EPF/2560/07 (very similar to that now proposed) was approved in January 2008.

EPF/1722/13 Erection of a detached house with 4 bedrooms- Refused at committee for the following reason:- The proposed dwelling, due to its scale and position in relation to the rear facing windows and garden of no 36 Princes Close, would be overbearing and result in an unacceptable loss of outlook, causing harm to the residential amenity of the occupants of that dwelling, contrary to policy DBE2 and DBE9 of the adopted Local Plan and Alterations.

SUMMARY OF REPRESENTATIONS

13 neighbouring properties were consulted

No site notice was required.

The following responses were received:

PARISH COUNCIL –The Parish Council continues to OBJECT to this application on the grounds that the proposal is overdevelopment, the access to the dwelling is unsafe as vehicles would have to cross over a the Greensward / Highway Verge. If you look at the Highway lay out there is currently a Ghost Island in place which will make the ingress and egress for vehicles accessing the property unsafe, and also for other vehicles using the road and having to wait whilst vehicle turned in or out of the property.

36 PRINCES CLOSE – Strong objection Our garden faces southeast – the proposed development would be facing north and be approx 13 feet away from our Kitchen (corner to corner). Therefore our property would look directly onto this proposed development despite the plans being revised causing a visual intrusion and have a large impact on our property.

The new development would significantly overshadow our garden in its entirety especially only being 1 meter away from our boundary wall and also now with the extended garage wall. The loss of light will particularly noticeable during the months where the sun is lower in the sky. The proposed development still suggests that this will cover 75% of the length of our garden which will not only shadow but will result in a severe loss of natural light to the garden and lounge and again will be a visual intrusion. Our master bedroom will also still suffer from a loss light due the positioning of our house and the height of proposed development. The development still remains larger in height than the property adjacent (171 High Road). The revised plans still suggest that the view from our bedroom window will be a brick wall, which will affect our visual amenity. In addition still the positioning of the windows will result in a loss of privacy not only within the bedroom but in the garden too by overlooking. The revised plans suggest that the boundary wall will be removed which covers 75% of our garden. This will cause detrimental affect to our well-established trees and shrubs. Highway safety - We still feel quite strongly that access to and from this proposed development would be hazardous. The access to this new dwelling is on a bend and therefore visibility is impaired. We still feel that this proposed development is not compliant with section PPG3 Planning and Affordable Housing. We feel the proposed development still remains out of scale and character with the joining properties. It will impact greatly on our privacy, light,

outlook and quiet and private enjoyment of our garden. The design is also detrimental to the street scene. We also feel that there will be not enough amenity space for the size of this development.

Policies Applied:

Adopted Local Plan and Alterations

CP1 Achieving sustainable development objectives

CP2 Protecting the quality of the Rural and Built Environment

CP7 Urban Form and Quality

DBE1 Design of New Buildings

DBE2 Effect on Neighbouring Properties

DBE3 Design in Urban Areas

DBE6 Car Parking in New Development

DBE8 Private amenity space

DBE9 Loss of amenity

LL10 Adequacy of provision of landscape retention

LL11 Landscaping Schemes

ST1 Location of Development

ST2 Accessibility of Development

ST4 Road Safety

ST6 Vehicle Parking

The above policies form part of the Council's 1998 Local Plan. Following the publication of the National Planning Policy Framework (NPPF), policies of this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the NPPF. The above policies broadly consistent with the NPPF and are therefore afforded full weight.

Issues and Considerations:

Suitability for residential development

The site lies within the residential area of North Weald and is currently garden land. The NPPF states "Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area"

The Local Plan is currently being formulated but the position that is generally adopted is that the redevelopment of gardens is not inappropriate if the proposed scheme conforms with the general character of the area. It is considered that the existing garden plot of number 171 is uncharacteristic of the gardens in the locality and that the proposal for an additional dwelling on the plot is in line with the pattern of development along the High Road and would not be out of keeping with the area.

Design, visual amenity and streetscene

The proposed dwelling has been designed to fit well within the street scene between the bungalow (with rooms in the roof) at No171 and the properties in Princes Close which side on to the site and are two storey in design. The basic design is the same as that approved in 2008, although the integral garage has been amended following consultation with Highways, in order to meet current adopted standards. The proposal sits well on the plot, maintaining a metre gap to each flank boundary and will not be over dominant or out of character with the surrounding area. The proposed garage element of the proposal extends forward of the main elevation of the house but it is still 5 metres from the front boundary of the site and will not be harmful to the character or amenity of the area, which has no distinct building line.

Both the donor property and the proposed new property will have more than adequate usable private amenity space and the proposal cannot be considered overdevelopment.

Impact on residential amenity

The proposed dwelling is sited such that it will not result in any loss of light or amenity to the donor property no.171. The main concern is the impact on No 36 Princes Close as the rear elevation of that property faces the side of this site at an angle. The position of the new dwelling is such that despite its relative proximity there will be no direct overlooking of windows or of private amenity space and although the relationship is unusual, with approximately 6 m between the two rear corners of the properties it is considered as previously (in 2008) that there is sufficient space between the buildings to prevent excessive loss of light and outlook. It is clear that the proposed dwelling will result in some overshadowing of the rear garden of number 36 in the latter part of the day, but this is currently overshadowed to some extent by the existing trees and hedges along the shared boundary and it is not considered that the impact would be so great as to warrant refusal of the application. In addition this impact was assessed on the application in 2008 including a site visit to the neighbour's property to view from their garden and rear windows and was considered acceptable. Whilst the proposed garage element is different, and extends further along the shared boundary, this is a single storey element and will not have a significant additional impact. When the last application EPF/1722/13 was refused at committee Members were asked to suggest a way forward - it was implied that if the siting were returned to that approved in 2008 this would likely overcome the objection. The applicant has taken on board this suggestion.

Parking and highway safety

The proposal provides adequate space within the site for the parking of two vehicles and for turning within the site, so that vehicles can enter and exit the site in a forward gear. The access is on a gentle bend in the road but adequate visibility is available in both directions. The Parish Council has again raised concerns with regard to what they refer to as a "ghost island" and the Highways officer was asked to look specifically at the safety issue raised and has provided the following statement, "The application was previously approved by Highways and EFDC; the applicant has provided enough parking and turning in line with current standards, and the access provides very good visibility onto the High Road. The chevron road markings at this locality have no bearing on the proposed access as they are purely to separate vehicles around the bend. Consequently the proposal is not detrimental to highway safety, efficiency or capacity at this location."

Subject therefore to conditions the proposal is considered acceptable in highway safety and parking terms. It should be noted that the application considered by committee in October was not refused on highway grounds. Indeed the minutes state "Members accepted that in the absence of an objection from County Highways with regard to safety there were not grounds to refuse on that basis. Members however considered the alteration to the development and its siting and felt that due to its proximity to the rear of number 22 and its length along the shared boundary it would have an unacceptably overbearing impact and result in loss of outlook harmful to the residential amenity of the occupants of that property"

Trees

There are a number of trees within the site, none of which are preserved. The larger trees at the rear of the site are to be retained and will be protected during construction.

The neighbour has raised concern that loss of the trees on the boundary may result in harm to the structure of their house, however the trees could be removed without the need for any consent and this is not a matter of weight in the consideration of this application.

Flood Risk

The site is not within Flood Zones 2 or 3 but is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water run off. A flood risk assessment is therefore required and can be the subject of a condition. The impact of one additional dwelling on the existing sewer and drainage system is again not considered to be a matter of significant weight.

Conclusion

This application is very similar to that approved in 2008, the only difference being that the garage element has been amended to meet current standards. The proposal fits well within the street scene and makes good use of the land in this relatively sustainable location. The proposal has been amended since the refusal in October to reposition the building 1 metre further forward on the plot back to the position approved in 2008 and in accordance with the suggestion of the sub-committee. It is therefore considered that the previous reason for refusal has been overcome. The proposal is considered to be in accordance with the NPPF and the adopted policies of the Local Plan and is recommended for approval 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:

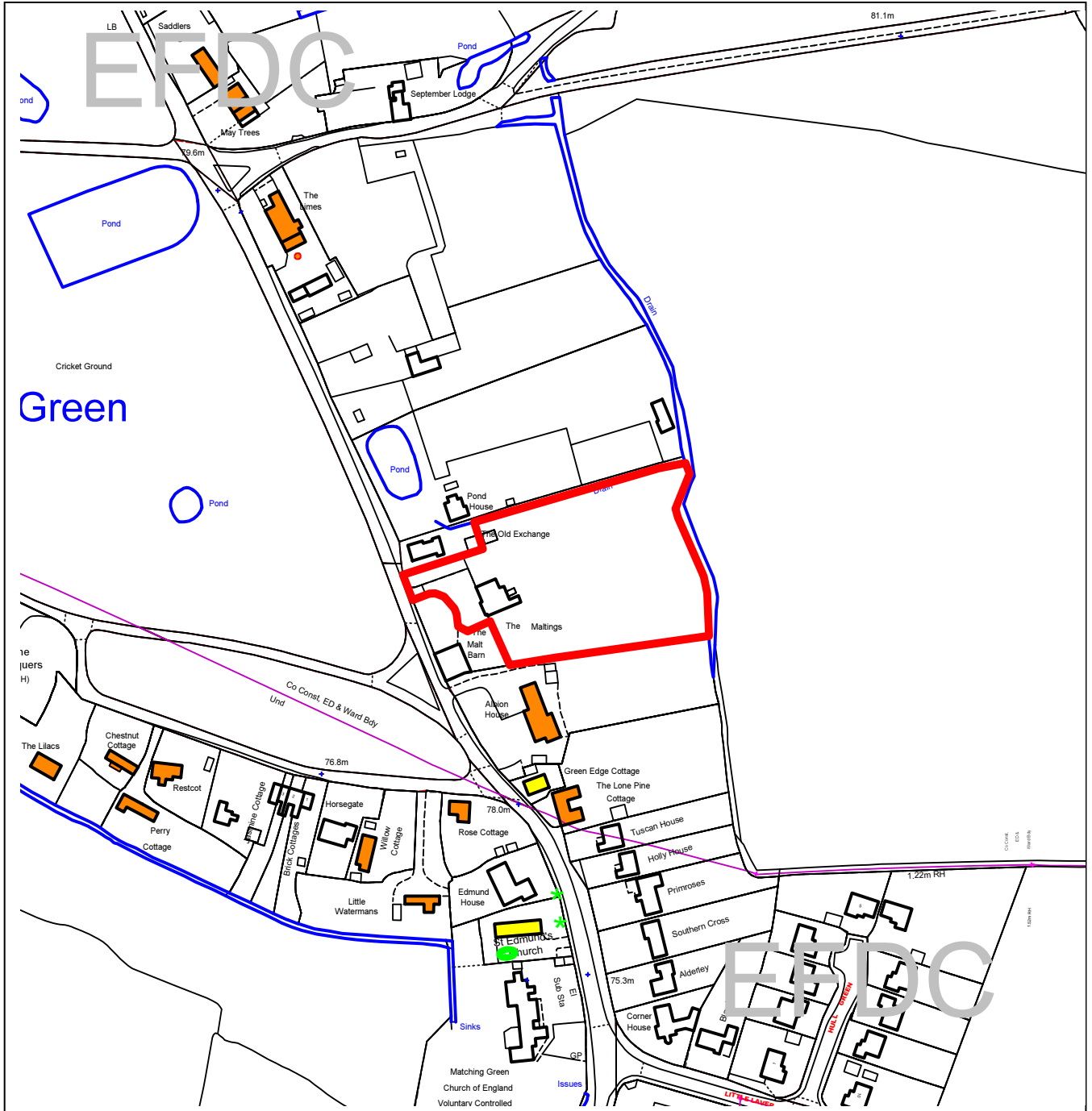
***Planning Application Case Officer: Mrs Jill Shingler
Direct Line Telephone Number 01992 564106***

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



Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/2280/13
Site Name:	The Maltings, Matching Green CM17 0QE
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/2280/13
SITE ADDRESS:	The Maltings Matching Green Essex CM17 0QE
PARISH:	Matching
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr T Porter
DESCRIPTION OF PROPOSAL:	Proposed 3 no. detached dwellings.
RECOMMENDED 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=555998

REASON FOR REFUSAL

- 1 The proposed development would not constitute a limited infill within a village and as such would be inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweigh this harm. Therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.
- 2 The principle of the proposed development and the design of the dwellings would be detrimental to the character and appearance of the conservation area and would harm its significance as a heritage asset, contrary to the guidance contained within the National Planning Policy Framework and policies HC6 and HC7 of the adopted Local Plan and Alterations.
- 3 The proposed development would intensify the use of the existing substandard access, which cannot achieve the required vehicular visibility splays of 2.4 metres x 90 metres. Therefore the development would result in an unacceptable degree of hazard to all road users to the detriment of highway safety, contrary to the guidance contained within the National Planning Policy Framework and policy ST4 of the adopted Local Plan and Alterations.
- 4 The proposed development falls within the threshold for affordable housing provision. As the proposal fails to make provision for affordable housing, or justify the lack of affordable housing, the development is contrary to policies H5A, H6A and H7A of the adopted Local Plan and Alterations.

This application is before this Committee since it would otherwise have been refused under delegated powers by the Director of Planning and Economic Development, but there is support from the relevant local Parish/Town Council (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(I))

Description of Site:

The application site is a detached residential property with a large rear garden located on the eastern side of the green in Matching Green village. The front of the site has been subdivided to separate off The Malt Barn, which was previously an outbuilding associated with The Maltings and is now a separate residential dwelling. The site is located within the Metropolitan Green Belt and the Matching Green Conservation Area, and also falls within an EFDC flood risk assessment zone.

Description of Proposal:

Consent is being sought for the erection of three detached four bed houses with associated parking and amenity space. The proposed dwellings would vary in form and layout and would measure:

Plot A:

- A maximum of 14.9m in width;
- A maximum of 13.3m in depth;
- A maximum ridge height of 8m.

Plot B:

- A maximum of 16.8m in width;
- A maximum of 9.3m in depth;
- A maximum ridge height of 7.4m.

Plot C:

- A maximum of 16.7m in width;
- A maximum of 10.8m in depth;
- A maximum ridge height of 8.6m.

The development would be served by the existing access to The Maltings via a newly created roadway that would be sectioned off from the donor property's garden. Each proposed dwelling would benefit from two off-street parking spaces.

Relevant History:

EPF/1699/07 - Separation of the Malting Barn to be used as a separate dwelling including conversion of garage to habitable room – refused 28/09/07

EPF/0027/08 - Separation of the Malting Barn to be used as a separate dwelling (revised application) – refused 13/03/08 (appeal allowed 31/10/08)

Consultation Carried Out and Summary of Representations Received:

4 neighbouring properties were consulted and a Site Notice was displayed on 28/11/13.

PARISH COUNCIL – Strongly support this application and feel it would be a much needed boost and asset to the village.

THE MALT BARN, MATCHING GREEN – Support this application as it would not impact on the green and would not damage the countryside and as it would enhance the village.

ALBION HOUSE, MATCHING GREEN – Object as this is overdevelopment and inappropriate in this area, it would involve the removal of trees in a conservation area, due to parking concerns, and as it does not retain the ethos of the conservation area or the Green Belt.

POND HOUSE, MATCHING GREEN – No objection.

ROSE COTTAGE, MATCHING GREEN – Object due to the impact on the conservation area, the Green Belt, neighbours amenities and due to increased traffic movements.

Policies Applied:

CP2 – Protecting the quality of the Rural and Built Environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
H5A – Provision for affordable housing
H6A – Site thresholds for affordable housing
H7A – Levels of affordable housing
HC6 – Character, appearance and setting of conservation areas
HC7 – Development within conservation areas
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
RP4 – Contaminated land
RST3 – Loss or diversion of rights of way
ST1 – Location of Development
ST4 – Road safety
ST6 – Vehicle Parking
U2B – Flood risk assessment zones

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.

Issues and Considerations:

The main issues that arise with this application are the principle of the development, the impact on the Green Belt and conservation area, the design and impact on the surrounding area, the impact on the amenities of neighbouring and future residents, and with regards to highway safety and parking provision.

Principle of development:

The proposed new dwellings are located within the rear garden of The Maltings, which fronts onto Matching Green, however the new houses would be constructed solely behind the donor property and would constitute 'backland development'. Residential gardens are specifically excluded from the definition of Previously Developed Land as stated within Annex 2 of the NPPF, and both the NPPF and previous Government announcements state that inappropriate development of residential gardens should be resisted. Whilst in some instances the redevelopment of garden areas can be considered acceptable where it fits with the traditional pattern of development in an area, this particular proposal is considered to constitute 'garden grabbing'.

Green Belt:

The main argument put forward by the applicant is that, within paragraph 89 of the NPPF it is stated that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (amongst others):*

- *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”.*

There is no argument that Matching Green constitutes a ‘village’, and there has been a recent appeal decision at Pond House, Matching Green (EPF/2136/12) where the Planning Inspector concluded that the erection of a new house within the side garden of this house would constitute ‘limited infilling’. Whilst the applicant has referred to this recent decision, it is not considered that this appeal is comparable to this proposal.

The new house subject to the aforementioned appeal was located between Pond House and Tall Trees and followed the existing building line. This was highlighted within the Inspector’s appeal decision as it is stated that *“the appeal scheme is for a single house in an established row of houses overlooking the Green in the village centre. I consider this can reasonably be regarded as limited infilling in a village”.* They go on to state that *“I consider this would have a very limited impact on the openness of the Green Belt because, as an infill development, it would be contained within the existing envelope of built development in Matching Green and seen in the context of the existing village development”.*

In contrast to the appeal decision, this application is for three dwellings to be erected in the undeveloped rear garden behind the ‘established row of houses overlooking the Green’ and it would not be ‘contained within the existing envelope of built development’ or ‘seen in the context of the existing village development’. The proposed development would create a separate collection of houses to the rear of the established built form of the village and the redevelopment of this site would set a dangerous precedent for intensive additional development to the rear of several houses on this side of the Green (the majority of which benefit from long rear gardens and the ability to provide access to these areas). Such development would clearly constitute encroachment into the countryside and would be harmful to the openness of the Green Belt and is not considered to be either ‘limited’ or an ‘infill’. Therefore this would constitute inappropriate development within the Green Belt and there are no very special circumstances that would clearly outweigh the harm from the proposal.

Conservation area:

The application site is located within the Matching Green Conservation Area. The adopted character appraisal for the conservation area outlines the special interest of the area and the factors which contribute to its character. The appraisal demonstrates how, historically, the pattern of development has been along the edges of the Green, with development increasing the settlement density by infilling, but not the overall area. The 20th century saw housing developments appear on the edge of the settlement, however, the historic infill development pattern has remained in the village core surrounding the Green. It is considered that the erection of 3 large, detached houses to the rear of the established, historic building line on this side of the Green is unacceptable in principle as it will begin to erode the character of the area by spreading beyond the historic pattern of development.

In addition, the long view between The Maltings and The Old Exchange is important to the area as it sets the buildings within their wider, open landscape setting. The proposed buildings will obstruct this view, to the detriment of the appearance of the conservation area. The character appraisal states that open grassed spaces are integral parts of the character of the area and should be retained where possible.

Design and impact on the surrounding area:

With regards to the design of the proposed dwellings, their height and general massing of the new houses does not respect the surrounding buildings. The Maltings and The Old Exchange are buildings of one and a half storeys, and although the differing ridge heights seen throughout the area provide visual interest, at two storeys the proposed houses will be visually dominant in this part of the conservation area, particularly given their overall bulk.

A high standard of design is expected within conservation areas in order to uphold the quality in the design of historic buildings. The Design and Access Statement does not show that adequate consideration has been afforded to the character or appearance of the conservation area in terms of the overall design and placement of the proposed buildings. The NPPF requires applicants to identify the significance of any heritage assets affected by the proposal and how it would impact on this significance.

Whilst the impact from this would be limited due to the location of the properties to the rear of the established built form on this side of Matching Green, given the relatively open nature and spacing between the dwellings that front onto the Green, and the two storey height of the proposed dwellings, views of these houses would be obtained from the highway and public green.

Amenity considerations:

Given the size of the application site, the proposed properties would be located sufficient distance from any neighbouring properties, including the donor property, to ensure that there would be no direct loss of amenity to surrounding residents.

Although there would be some increase in activity and noise associated with three new dwellings in this location, particularly from the increased use of the existing vehicle access and new roadway, this would not be considered excessively harmful.

Whilst the plot sizes and level of amenity space for the new dwellings would not reflect the generous plots common on this side of Matching Green, they would nonetheless meet the requirements as laid out within Local Plan policy DBE8.

Highways/parking:

The proposed new dwellings would be served by the existing vehicle crossover that currently serves The Maltings and would involve the installation of a new roadway. As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide the required vehicular visibility splays of 2.4m x 90m. The main reason for this is because the original plot has been subdivided and The Malt Barn, which was previously part of The Maltings, is now in separate ownership. As such, the existing access is considered to be substandard, and the creation of three new dwellings to be served by this substandard access, where there is a lack of visibility, would result in an unacceptable degree of hazard to all road users, to the detriment of highway safety. Therefore this application would fail to comply with Local Plan policy ST4.

Any dwelling with 2+ bedrooms is expected to provide a minimum of 2 resident vehicle parking spaces and 0.25 visitor spaces (rounded up). Given that Matching Green is not considered to be a 'sustainable location', the full parking requirements would be required in this instance. Although there are only two designated resident parking spaces for each dwelling shown on the plans, there would be adequate space on the access road/turning area to provide an additional visitor space. As such, it is considered that there is sufficient off-street parking provided to serve this development.

Other matters:

The application site lies within an EFDC flood risk assessment zone and is of a size where it is necessary to improve existing surface water runoff. As such, a flood risk assessment is required, which can be suitably dealt with by condition.

There are a number of trees on site, which are protected by being located within a designated conservation area. Whilst the applicant has provided a tree report and an Arboricultural Method Statement, additional reports will need to be submitted for approval by way of a condition. This is because, at this stage, all the applicant is required to do is to show that the development is feasible without a detrimental impact on trees. Following permission being granted, additional information is required to show exactly how the works will be undertaken without loss of, or damage to, the retained tree. It is therefore considered that, subject to conditions, the development would not detrimentally impact on the existing landscaping and would comply with policies LL10 and LL11.

The application site is not located in a settlement with a population greater than 3,000 and is a greenfield site (as residential gardens are specifically excluded from the definition of Previously Developed (Brownfield) Land) that is greater than 0.1ha in size. As such, in accordance with policy H6A, any application for two or more dwellings will require 50% affordable housing provision. No such provision has been put forward as part of this application and no justification as to why affordable housing should not be provided on site (or via a financial contribution). Therefore the proposed development is contrary to policies H5A, H6A and H7A.

Conclusion:

In light of the above, the application site is not considered to constitute a 'limited infill within a village' and as such would be inappropriate development within the Green Belt. Furthermore both the principle of developing this site, and the specific design of the dwellings, would be detrimental to the character and appearance of the conservation area and would harm its significance as a heritage asset; the development would result in the intensification of use of a substandard access where there is a lack of visibility, which would result in an unacceptable degree of harm to all road users; and there has been no provision made, or justification against, affordable housing being provided on the site. No very special circumstances exist that clearly outweigh the above identified harm.

As such the proposed development would fail to comply with the guidance contained within the National Planning Policy Framework and Local Plan policies CP2, GB2A, HC6, HC7, ST4, H5A, H6A, and H7A and is therefore recommended for refusal.

Is there a way forward?

As the proposal constitutes inappropriate development within the Green Belt and the principle of the works would be detrimental to the character and appearance of the conservation area, there is no way forward unless there are sufficient very special circumstances that clearly outweigh this harm.

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***

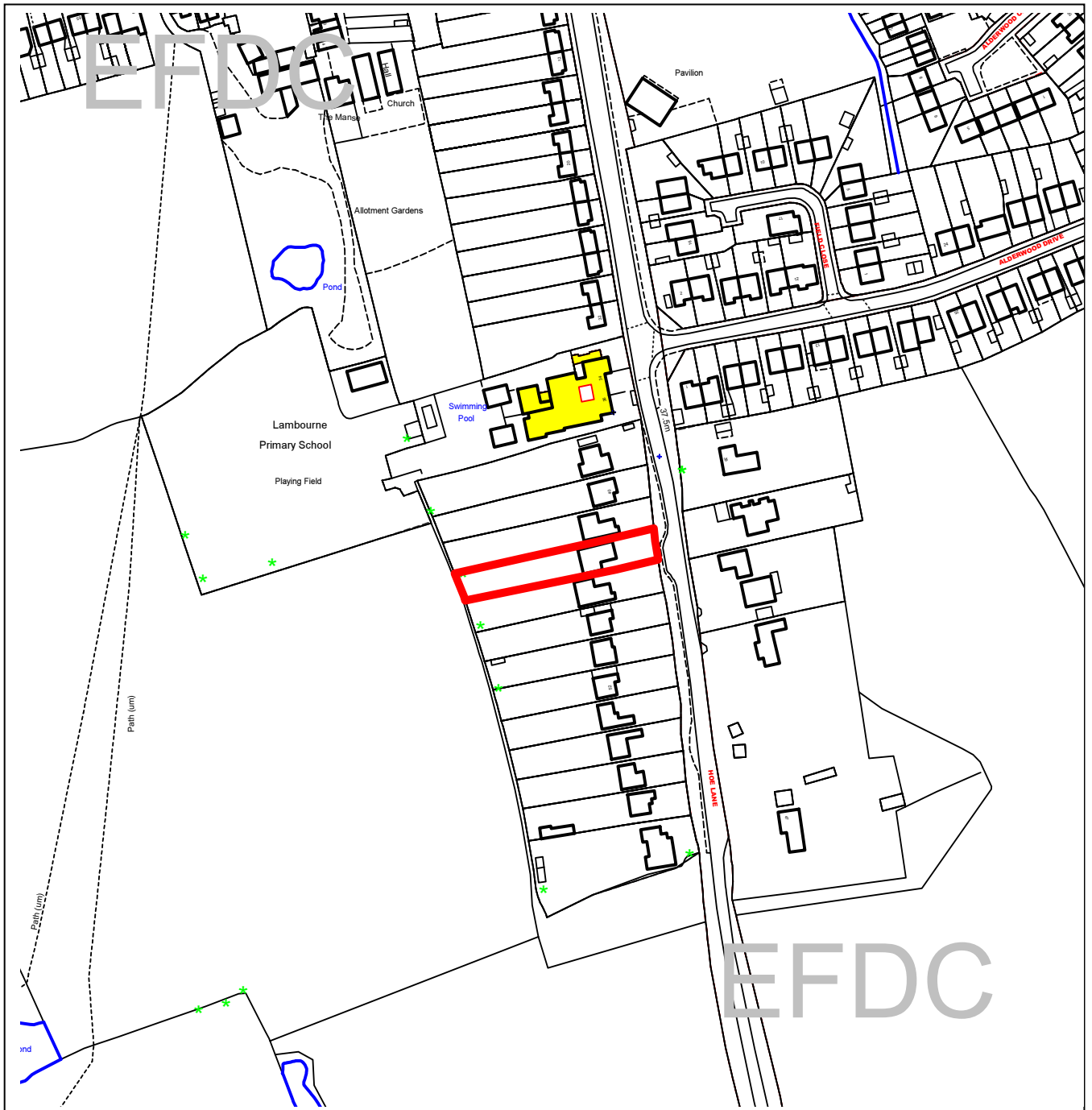
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 6



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Application Number:	EPF/2322/13
Site Name:	44 Hoe Lane, Abridg RM4 1AU
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/2322/13
SITE ADDRESS:	44 Hoe Lane Abridge Essex RM4 1AU
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Matthew Phillips
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and erection of replacement dwelling (Revised application to EPF/0803/13)
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=556331

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the following drawing numbers : 13-001/01 rev A, 13-001/02 rev A, 13-001/03 rev A, 13-001/04 rev A, 13-001/05 rev A and 13-001/06 rev A
- 3 The proposed window openings in the south facing elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition. The glazing of any external door in the south facing elevation that is glazed or partially glazed shall be obscure and shall be permanently retained in that condition.
- 4 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no enclosure or balcony shall be formed at any time on the roof of that part of the ground floor which projects beyond the first floor rear and side elevations. That roof shall not be used for sitting out and no tables, chairs or other furniture shall be placed on that roof.
- 5 The railings and balustrades of the Juliette balconies indicated on drawing no. 13-001 03 rev A shall be fitted to the window openings they are shown to enclose within 6 months of the substantial completion of the development. Thereafter those window openings shall be permanently enclosed by the railings and balustrade hereby approved or alternative railings and balustrade of identical overall size in an identical position.

- 6 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 rear extension permitted by Class A of Part 1, Schedule 2 to the Order AND no addition to or enlargement of the roof generally permitted by Class B of Part 1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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 site is situated on the west side of Hoe Lane and views of it are partially obscured by trees at the site boundary together with an elevated position in relation to the road. The site includes a bungalow with an L shaped plan sited close to the site boundaries with 42 and 46 Hoe Lane. The front main wall of the house is set back from the carriageway of Hoe Lane by some 17m. The land is set approximately 1m above the level of Hoe Lane. Levels rise to the south and fall to the north of the site, with no 42 Hoe Lane some 500mm lower and 46 some 500mm higher than the site. No. 42 is a substantial two-storey house as is no 40, further to the north. Both houses were recently constructed with the relevant planning permissions being given between 2008 and 2012.

No 46 is a bungalow situated on higher land that has been extended across its entire rear elevation such that it projects considerably beyond the rear elevation of the bungalow at the application site. It has also been extended to the front on the boundary with the application site. The front addition provides a covered car parking area.

The street scene comprises a mix of individually styled bungalows and two storey houses. Land beyond the rear garden boundary is in the Green Belt. The locality is not part of a conservation area.

Description of Proposal:

It is proposed to redevelop the site to provide a 5 bedroom 2 storey detached house.

The house would be set a minimum of 1m from the boundary with both neighbours.

The front elevation would be set some 4.5m rear of the front elevation of the recently constructed house at 42 Hoe Lane. In relation to no. 46 Hoe Lane, the front elevation at ground floor would be 7m forward of the principal front elevation of 46 Hoe Lane and just under 8m forward of its covered parking area on the site boundary. At first floor, however, the flank elevation adjacent to the boundary with 46 Hoe Lane would be set a minimum of 4.5m from the site boundary for a distance of 5.6m rear of the principal elevation of the proposed house.

The rear elevation of the house would be set 6m forward of the rear elevation of no. 46 and 3.3m beyond the rear elevation of 42 Hoe Lane. The upper level rear elevation would be recessed a further 1.5m.

A parking/vehicle turning area would take up the front garden area with boundary treatment remaining as existing. The parking area would provide convenient off-street parking for at least 6 cars

In terms of its appearance the proposed house would have a hipped roof with a large front dormer at the apex of the front roof slope over the principal elevation. Since the first floor to the front of the house would be set much further off the boundary with 46 Hoe Lane than the ground floor, the principal elevation of the house would be off-set towards the boundary with 42 Hoe Lane. The rear elevation would be dominated by a central gable feature at roof level. At first floor inward opening patio doors to bedrooms. Juliette balconies in front of the patio doors would prevent egress onto a flat roofed ground floor rear projection extending 1.5m from the first floor wall. A low parapet would enclose the area of flat roof.

The main roof would be hipped but would terminate in a large area of flat roof 9m above ground level.

First floor windows to the flank elevations facing both neighbouring houses would serve bathrooms. No flank windows are proposed at ground floor. A door in the northern flank would serve a kitchen.

Relevant History:

EPF/0803/13 Demolition of existing dwelling and erection of replacement dwelling. Refused on the basis that the degree of projection of the two-storey flank forward of the front elevation of 46 Hoe Lane in close proximity to the common boundary would result in the house having an over-dominant relationship to no. 46 that would appear excessively overbearing.

Recent history for the locality is also a material consideration with recent planning permissions being given for houses of similar scale, design and siting in relation to neighbouring houses at nos. 40, 42 and 54 Hoe Lane. The consents have all been implemented.

Policies Applied:

The NPPF sets the primary policy context for assessing the proposal. The following Local Plan and Alterations policies are relevant and consistent with the policies of the NPPF. Accordingly, they are given full weight.

CP1, CP3 – CP5 & ST1 Sustainable development policies
CP2 Protecting the Quality of the Rural and Built Environment
CP7 Urban Form and Quality
H2A Previously Developed Land
DBE1 New developments required to respect their setting.
DBE2 Effect on Neighbouring Properties.
DBE3 Design in Urban Areas.
DBE8 Provision of private amenity space.
DBE9 Amenity considerations on neighbouring residents.
LL10 Retention of trees
LL11 Landscaping
ST4 Road safety
ST6 car parking.
GB7A Conspicuous development within or adjacent to the green belt

Summary of Representations:

NEIGHBOURS: 8 consulted and responses received from 3, summarised as follows.

46 HOE LANE: Objection – reasons summarised as follows:

- The size of the proposed two-storey building will be overbearing in comparison to the size of our bungalow. This will result in a cramped appearance in the street scene and would be detrimental to our residential amenities by reason of overshadowing, loss of light and outlook.
- The increased size of the footprint of the house will be too imposing on our property.
- The revised plans have not reduced the size of the development. In fact they show the development further back and the front of the development further forward than the existing property. The visual impact on 46 would be the same as the previously refused proposal.
- The side wall of the house would be out of scale to the appearance of the bungalow and the building will look bulky compared to our house.
- Loss of light to the bungalow. Please note, our side hall window by the car port, which is not shown on the submitted plans, allows light into our house and the proposal would greatly reduce the light received.
- When 42 was developed, to reduce impact on the bungalow at 44 the entire side of the new house was stepped back. We should be given the same consideration. Such a solution would mitigate the impact of the proposal.
- Much of the flank adjacent to 46 would be 2-storey. Only the front part has been reduced to single-storey.
- A previous proposal for a 2-storey extension to 48 Hoe Lane was refused permission – EPF/0162/96. The subsequent approved extension was single-storey – EPF/0765/96.
- The development would make our property look out of place as the remaining bungalow in this part of Hoe Lane.

Martyn Pattie Architects, acting for the occupant of 46 Hoe Lane repeated the above objections more formally. Further comments are:

- The new application also introduces a gabled glazed dormer to the front giving it very much a three storey appearance, which is not an improvement over the previous application and emphasizes the height more particularly in relationship to the adjoining bungalow at No.46.
- We are also concerned that with the design of the new house, it is shown with a flat roofed section at first floor level, and whilst the French doors to the rear are shown with Juliet balconies, it is clear that if these are not installed then the flat roof will give rise to being used as a balcony and will directly overlook our clients' garden. There should be a condition to any consent stating that the flat roof should not be used for any purpose other than maintenance.

58 HOE LANE: Objection: “Having reviewed the plans we feel that the development still encroaches on the occupants of 46 Hoe Lane. The front of the building has been reduced, however the roof and side elevation remains virtually unchanged and we would again suggest a building more in keeping with number 42 Hoe Lane would be appropriate.”

62 HOE LANE: Objection:

1. The size of the development will be overbearing and result in a loss of light to 46 Hoe Lane.
2. The development will be detrimental to the amenities of 46 Hoe Lane.

3. 46 Hoe Lane will look cramped, out of scale and out of place in the street scene.
4. We previously owned 48 Hoe Lane and had planning permission refused for a 2 storey extension on the basis that it would be harmful to the amenities of 46.
5. The footprint for the proposed development is too large and imposing. It needs to be scaled down.

LAMBOURNE PARISH COUNCIL: No Objection.

Issues and Considerations:

The site is previously developed land within the urban area of Abridge therefore the principle of the development is acceptable. Because of its size and the size of the plot in which it would be situated the proposed house would provide a good standard of accommodation for its occupants with car parking provision in excess of the adopted Vehicle Parking Standards. It would not appear conspicuous from the adjacent green belt. The main issues to consider in assessing this proposal are its consequences for the character and appearance of the locality and the living conditions enjoyed by the occupants of neighbouring houses. In giving these matters consideration it is necessary to assess whether this proposal overcomes the reasons for refusal of a previous proposal.

Character and Appearance:

The design of the proposed house is of similar scale to recently constructed houses at 40 and 42 Hoe Lane and its bulk would not be inconsistent with the character of the locality.

The combination of its bulk and siting in relation to the neighbouring bungalow at 46 Hoe Lane would give it a very dominant appearance. The consequences for the street scene would be mitigated by a number of factors including the siting of no. 46 at somewhat higher level than the application site, the distance the proposed house would be set back from the carriageway and the degree of screening from trees on the boundary with Hoe Lane. As a consequence, the visual impact of the proposed house would be acceptable when seen from the street.

When seen from within the front garden of 46 Hoe Lane and, to a lesser extent, from the front garden of 48 Hoe Lane, its significant projection forward of the nearest corner of no 46 would be very apparent. It would be less noticeable when seen from the street due to screening on the site boundary with the highway together with the elevated position of the front garden level in relation to the highway. The visual impact of the proposal when seen from the houses to the south, and particularly no. 46, would be significantly mitigated by the distance the forward part of the first floor would be set in from the site boundary, at least 4.5m, together with the fact the site is set at lower level than 46 Hoe Lane.

Those facts would achieve a relationship would respect the setting of 46 Hoe Lane and consequently safeguard the character and appearance of the locality.

Amenity:

At its rear elevation the proposed house would have an acceptable relationship to the neighbouring houses. A narrow flat-roofed ground floor projection could give rise to excessive overlooking of neighbours if used as a balcony but that can be resolved through the imposition of a condition preventing such use and requiring the installation and permanent retention of proposed Juliet balconies guarding first floor French windows opening onto the flat roofed area.

At the front elevation, the degree of proposed projection forward of the nearest corner of no. 46 together would not result in it appearing excessively overbearing. That is because the first floor would be set well away from the common boundary with no 46, at least 4.5m. That set in would be

for a distance of 5.6m rear of the front elevation, a distance that would ensure that part of the first floor adjacent to the site boundary would not appear overbearing to a degree that would cause excessive harm to the living conditions of 46.

The loss of light to a hall window pointed out by the neighbour would arise, however, since that window does not serve a habitable room and other habitable rooms have their own windows that would not be affected by the proposal, little weight can be given to that matter.

Conclusion:

The revised proposal overcomes the objections to the scheme previously refused. It would safeguard the character of the locality by respecting the setting of 46 Hoe Lane and it would not cause excessive harm to the living conditions of 46 Hoe Lane. It is therefore recommended that planning permission be granted.

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

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

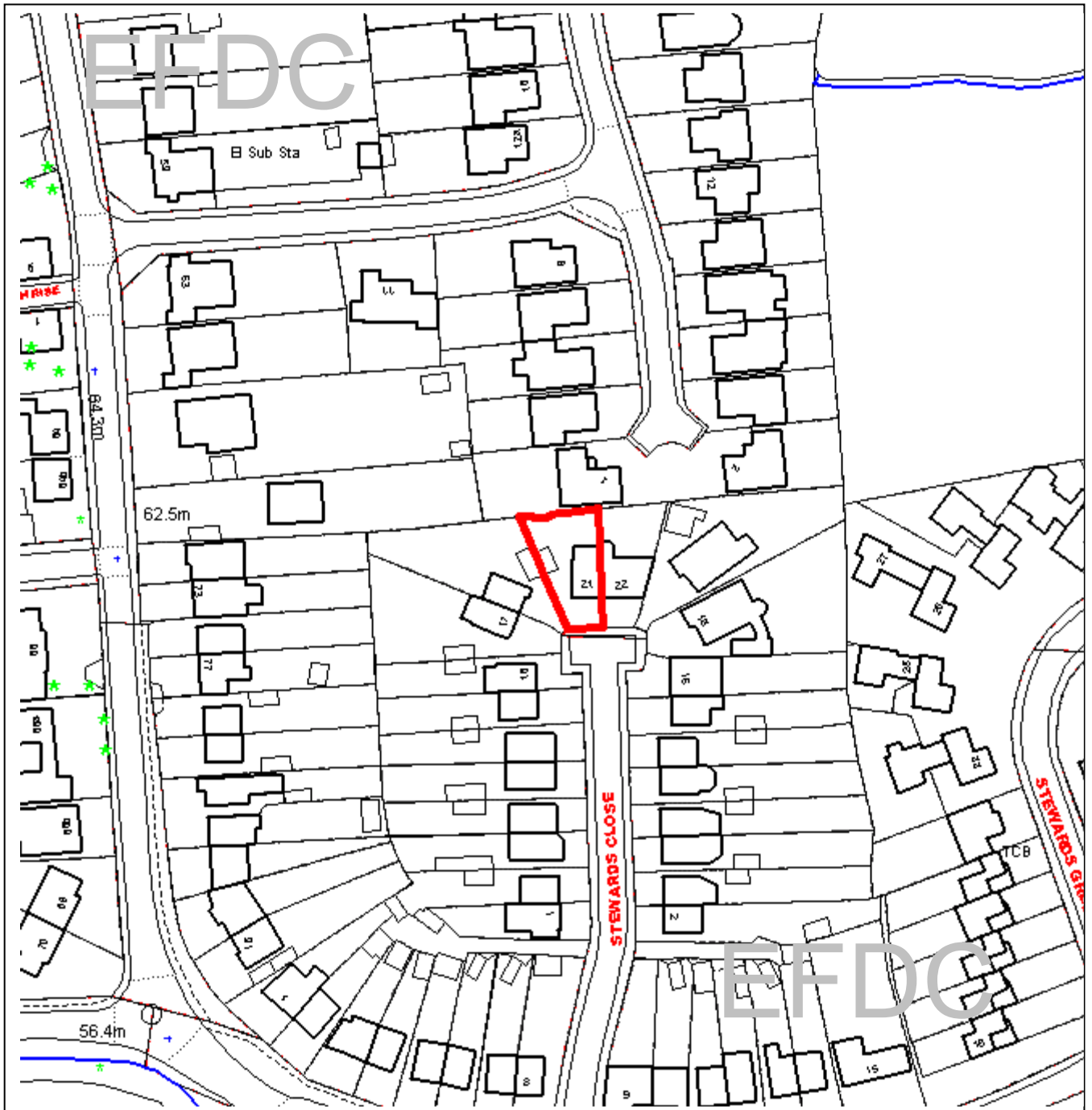
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Epping Forest District Council

AGENDA ITEM NUMBER 7



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Application Number:	EPF/2362/13
Site Name:	21 Stewards Close, Epping CM16 7BU
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/2362/13
SITE ADDRESS:	21 Stewards Close Epping Essex CM16 7BU
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr E Field
DESCRIPTION OF PROPOSAL:	Two storey side extension. (Revised application to EPF/1775/13.)
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=556590

CONDITIONS

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

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

Description of Site:

Stewards Close is a cul-de-sac of dwellings located on the outskirts of Epping. The road ascends steadily towards a turning area at the top of the cul-de-sac. No21 is located to the north of the turning area and is a two-storey semi-detached dwelling with a hipped roof. The house is set approximately 1.0m above the level of the road. The house is also bordered to the west by a residential dwelling; this is set at an angle to No21 and the common boundary line is angled such that both sites are wedged shaped and narrower to the front. The house is served by a garage which is set towards the rear side of the house.

Description of Proposal:

The applicant seeks consent to extend the dwelling on the side elevation over two storeys. This is a revised application following the refusal of consent for a similar previous application (EPF/1775/13). This application was refused under delegated powers for the following reason;

“The proposed extension, by reason of the excessive expanse of roof in forming a gabled roof above, would result in a dwelling which would be excessively prominent, particularly when considering the elevated position of the site and, as such, would fail to enhance the existing streetscene. Such an extension would fail to respond to local character and this would be to the detriment of the visual amenity of the area, contrary to Policies CP2 and DBE10 of the adopted Local Plan and Alterations and national guidance contained in the NPPF”.

This application has been amended following discussions with officers by hiping the roof to reduce the bulk and prominence.

Relevant History:

EPF/0693/98 - Two storey side extension, single storey rear extension and front porch. Grant Permission – 23/06/99.

EPF/1775/13 - Two storey side extension. Refuse Permission – 15/10/13.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Amenity

DBE10 – Design

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:

TOWN COUNCIL: Objection. The extension is more than double the width of the existing size and will aesthetically imbalance this pair of semi detached houses. This house would be visible from the whole street owing to its position. The schemes unusual gable end will be visible from the front. Concern about the blank wall facing the neighbours and that a door would require access onto the neighbouring property as a gap of just 1.0m would exist from the end wall to the common boundary. The proposed scheme would remove two parking spaces from the property (one garaged and on the driveway). Concern that the scheme will result in a loss of amenity to neighbours through its visual impact.

19 STEWARDS CLOSE: Objection. Concern about a wall being built and we will not be able to access our property. Loss of light to bedroom lounge and hallway. No drawings to view what my property will look like in comparison to the extended house. Concern about the levelling of the ground. The building will be out of character and will result in a loss of privacy to our property. Concern about disturbance during the proposed works.

EPPING SOCIETY: Objection. The proposal is still overbearing to the adjacent neighbours. The proposed addition will look out of place in the streetscene. It would be more appropriate to have it single storey to the front and stepping back to two storeys, like at No16.

Issues and Considerations:

The main issues to consider is whether the previous reason to refuse consent has been overcome and the comments received from consultees.

Design

The previous reason to refuse consent was a design issue as the conventional way to extend such houses is to match the existing hip roof on the extension. The previously proposed gable roof would have resulted in an excessively prominent dwelling in the streetscene, particularly as the house is on an elevated position. In line with the requirement of Paragraph 187 of the NPPF and in engaging proactively with applicants, the Local Authority had advised that an amendment of this nature would render the extension visually acceptable given that the Town Council had not objected to the scheme. However the Town Council have altered their position and now object to the revised scheme and as such the application is presented to Members.

Officers are satisfied that this amendment renders the proposal acceptable. The Town Council has expressed concern that the proposed side extension is more than double the width of the existing and this would imbalance this pair of houses. The existing front elevation measures 5.5m wide and the proposed extension at the front would be 2.7m wide whilst it will be 5.5m wide at the rear. It is not considered that the proposal unacceptably unbalances the pair when viewed from the street.

The Town Council are also concerned that the site is very visible within the street and the unusual diagonal gable will be visible. The road does rise towards the application site but it is not considered that the addition of a side extension will have any serious impact. The applicant has splayed the flank wall outwards in order to increase internal floorspace, but again this is not considered a serious design flaw such that permission should be refused. The splayed nature of the extension will not in reality be as prominent as it looks on the elevation drawings which by definition has no perspective.

Amenity

The only neighbour to be potentially impacted upon by the bulk of the extension is the neighbour to the west, No19. The addition would bring built form closer to the boundary but would retain a gap of 1.0m as policy requires. Much of the additional built form will be to the front of this house but it is not considered that it would result in an excessive loss of light to windows. Furthermore owing to the angle that each house is set at it is not considered that there would be an excessive loss of outlook from No 19. Views down the Close would not be excessively impacted on and as such the blank wall of the extension is not a concern. There would be no loss of privacy with this proposal. The Town Council has expressed the view that the side door is an issue of concern. The reasoning seems unclear as side doors are a common feature of dwellings. It is stated that a gap of 1.0m is not sufficient to exit the property without crossing the common boundary but this should not be the case. A gap of 1.0m along the side boundary of dwellinghouses is not unusual.

There is a neighbour to the rear of the site but no serious impact on their amenity is envisaged. It is not considered there would be an excessive loss of amenity to any neighbours and the scheme is acceptable from this perspective.

The adjacent neighbour has also expressed concern that the plans indicate a low level wall between the extension and the boundary. It has been stated that restrictive covenants prevent such structures. Under planning legislation the applicant could construct a wall along the boundary up to 2.0m in height as permitted development but neither these rights nor any planning permission, if granted, would override restrictive covenants. If one is in place that would be a matter for the applicant and the neighbour to resolve. Concern is expressed that the wall would prevent access for a vehicle to No19; however it is noted that the wall is shown stopped adjacent to the front edge of the extension. In any case this is not a planning matter. Disturbance during the works is quoted as another concern. This is not a significant planning matter and any disturbance would be temporary. Issues of excessive disturbance are covered by separate legislation where recourse would be possible for neighbours. The proposed levelling of the ground to accommodate

the extension does not raise any planning issues and would ensure the extension is constructed as per the submitted plans.

Parking

The existing garage on the site would be demolished. Parking space for two vehicles would be retained to the front of the house and this is adequate.

Conclusion:

The proposed amendments render this extension acceptable in planning terms. 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***

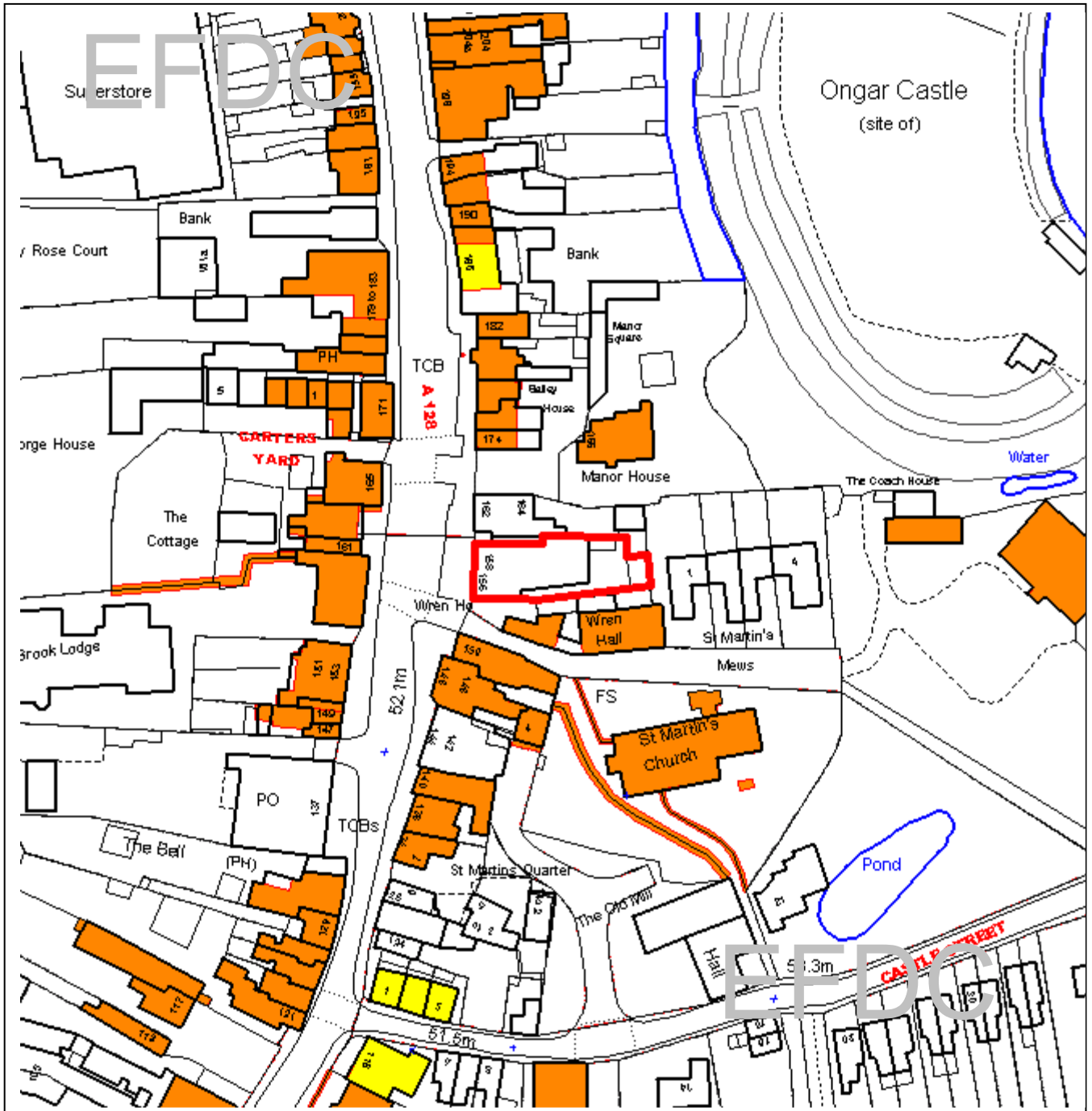
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Epping Forest District Council

AGENDA ITEM NUMBER 8



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Application Number:	EPF/2443/13
Site Name:	First Floor Workshop, 156 High Street Ongar, CM5 9JJ
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/2443/13
SITE ADDRESS:	First Floor Workshop 156 High Street Ongar Essex CM5 9JJ
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Peter Selvey
DESCRIPTION OF PROPOSAL:	Conversion and loft extension of outbuilding and first floor workshop to form four 2 bed and one 1 bed residential units. Cycle store and refuse store. Private terraces/gardens/patios. Including new roof dormers and conservation rooflights. (Revised application to EPF/1952/13)
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=556893

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall take place until samples of the types and colours of the external finishes 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 development hereby permitted will be completed strictly in accordance with the approved drawings nos: MDP.PS/01; MDP.PS/02A; MDP.PS/03A
- 4 Prior to the commencement of the development hereby approved, details of refuse storage shall be submitted to the Local Planning Authority for Approval in writing. Prior to the first occupation of the flats hereby approved, the refuse store shall be provided in accordance with the agreed detail and retained thereafter.
- 5 Prior to the commencement of the development hereby approved, details of cycle storage shall be submitted to the Local Planning Authority for Approval in writing. Prior to the first occupation of the flats hereby approved, the cycle storage shall be provided in accordance with the agreed detail and retained thereafter.

- 6 Prior to the first occupation of the dwellings hereby approved, the Developer shall provide and implement a Travel Information and Marketing Scheme for sustainable transport, which shall previously have been agreed with Essex County Council.

This application is before this Committee since it has been 'called in' by Councillor Keska (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h)) and 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 comprises a two storey building (formerly occupied by 'Peter the Pleater' as a retail unit at ground floor level with a workshop above. The building includes a small three storey element towards the rear of the main part of the building, beyond which are a couple of ground floor projections. The ground floor of the front part of the building is presently occupied by a children's soft play/café use.

The adjacent buildings, Wren House and Wren Hall are listed. There are residential dwellings to the rear. The site is located within the Chipping Ongar Conservation Area.

Description of Proposal:

This application seeks planning permission for the conversion of the outbuilding at the rear of the site and the upper floors of the main building to provide 4 x 2 bed and 1 x 1 bed dwellings. The existing outbuilding and rear addition would also be extended, to link together. The addition of railings to create a terrace and dormer windows within the side roof slopes are also proposed.

The main differences between this proposal and that which was approved in 2012 are the addition of conservation roof lights to the front elevation, the addition of dormers and further roof lights in the side roof slope, an additional set of doors onto the roof terrace, the removal of the stairs at the rear of the building leading down from the terrace and the raising of the roof of the linked extension and the addition of a further door in its side. The rear elevation, at first floor level windows would be replaced with a door and roof lights would be added.

An additional flat would be accommodated as a result of the changes to the building and the units would be split level.

Relevant History:

EPF/1254/11. Change of use of ground floor from shop (A1 Use Class) to a mixed use comprising children's soft play area (D2 Use Class) and coffee shop (A3 Use Class). Approved 24/10/2011.

EPF/1445/12. Conversion of first floor workshop to three 1 and 2 bed flats and existing outbuilding to a 1 bed flat. Approved 23/11/2012.

EPF/1952/13. Conversion and loft extension of outbuilding and first floor workshop to four x 2 bed and one x 1 bed residential unit including cycle store, refuse store and private terraces/gardens. Withdrawn.

Policies Applied:

Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP6 – Achieving Sustainable Urban Development Patterns

CP7 – Urban Form and Quality

H2A – Previously Developed Land

TC3 – Town Centre Function

ST6 – Vehicles Parking

HC6 – Development affecting Conservation Areas

HC12 – Development affecting the Setting of a Listed Building

DBE1 - Design

DBE 2, 9 – Amenity

DBE3 – Development in Urban Areas

DBE6 – Car Parking

DBE8 – Private Amenity Space

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

Notification of this application was sent to Ongar Town Council and to 43 neighbouring properties. The consultation on the application is not due to expire until 21st December 2013, which is after the date of writing this report. Any representations subsequently received will be verbally reported to the Committee.

The following representations have been received to date:

ONGAR TOWN COUNCIL. Not yet received.

2 ST MARTINS MEWS. Objection. I am concerned about the windows that will face across into my rear garden. I now note that they have applied for 'private terraces/gardens/patios. Including roof dormers and conservation roof-lights'. I am objecting to the terraces/gardens/patios so that privacy can be retained in our gardens but as I mentioned in my previous correspondence, perhaps obscured glass could be used in the windows that look directly across the rear gardens into St Martins Mews? This would retain our privacy in our gardens. Also concerned regarding the lack of any allocated parking.

Issues and Considerations:

The main issues to be considered are the impacts of the alterations to the approved scheme on the amenities presently enjoyed by the occupiers of neighbouring dwellings and on the character and appearance of the area.

Neighbouring Amenity

Concern has been raised by a resident in Martin's Mews (to the rear of the site) regarding overlooking for the windows and roof terrace. The roof terrace would be very similar to that previously approved, although the staircase would be removed. There would be additional opportunities for overlooking arising from the introduction of the dormer windows. However, it is not considered that this would be material in relation to the overlooking that would exist from the first floor.

The following consideration was applied to the 2012 consent: The adjacent properties Wren Hall and Wren House appear to be in commercial use. Properties to the rear of the site, St Martins Mews, are dwellings, with the closest to the site being 1 St Martins Mews with its private garden to the rear. The terraced areas for the first floor flats would be set a distance of approximately 13 metres from the boundary with this property. As the terrace and stairs would face onto the flank elevation of this dwelling, it is not considered that any reduction to privacy would be material. There are first floor windows in the side wall of 1 St Martins Mews – however the degree of separation between these windows and the terrace/stairs is such that there would be no serious reduction in privacy. In relation to the first floor window, this would be located some 12m from the garden boundary, loosely in line with the rear wall of the dwelling, It is not considered that overlooking from this window would be to a greater degree than from existing first floor windows from other dwellings within St Martin's Mews.

Character and Appearance

The addition of the dormers would alter the appearance of the building more significantly than the alterations previously approved. However the front dormers which were the subject of the previous application have since been deleted from the proposal and the side dormers have been redesigned to delete the pitched roofs. Although the side elevation would be visible from footpaths through the conservation area and from the settings of listed buildings such as Wren Hall and St Martins Church, their design is considered acceptable. It is not, therefore, considered that there would be any material harm caused to the character and appearance of the area or to the setting of the listed buildings.

Other Matters

Parking – Concern has been raised regarding the lack of parking provision for the development. Whilst this situation is the same as in relation to the approved scheme, there would now be an additional flat provided and potentially therefore a slightly increased demand for parking. However, given the proximity of the site to shops and services within Ongar High Street, this is considered acceptable.

Conclusion:

In light of the above appraisal, it is considered that the proposed conversion and alterations/extension would constitute an acceptable form of development. It is, therefore, recommended that planning permission be granted.

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

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

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