

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 18th June, 2014

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 18th June, 2014
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Mark Jenkins(Directorate of Governance)
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564607

Members:

As appointed at Annual Council on Tuesday 10 June 2014.

**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 - 6)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 7 - 18)

To confirm the minutes of the last meeting of the Sub-Committee, held on [date] (attached).

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

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

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

7. DEVELOPMENT CONTROL (Pages 19 - 86)

(Director of Governance) 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 Governance) 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'

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 14 May 2014
East

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.05 pm
High Street, Epping

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

Apologies: Mrs S Jones, K Avey, T Church, P Gode and Mrs J H Whitehouse

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

103. 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.

104. 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.

105. VICE-CHAIRMAN OF SUB-COMMITTEE

The Chairman had tendered her apologies for the meeting, so the Vice Chairman assumed Chairmanship of the Sub-Committee, the Chairman then sought a nomination for Vice Chairman of the meeting.

RESOLVED:

That Councillor R Morgan be elected Vice Chairman for the duration of the meeting.

106. MINUTES

RESOLVED:

That the minutes of the meeting held on 9 April 2014 be taken as read and signed by the Chairman as a correct record.

107. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

108. ANY OTHER BUSINESS

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

109. EPF/2660/13 119 THEYDON PARK ROAD, THEYDON BOIS

That the Sub-Committee reviewed their decision on the application EPF/2660/13 in the light of additional factual information, representations by the applicant and legal advice.

On 12 February 2014 this Sub-Committee refused to remove an extant section 52 legal agreement attached to planning permission ref EPF/1127/82. The proposal was put forward under application EPF/2660/13.

Planning permission EPF/1127/82 permitted the use of a building within the Theydon Park Road Chalet Estate as a dwelling house. No conditions limiting the use were included on the permission but its occupation was restricted to named individuals by an s52 Agreement. Those persons have since passed away and as a consequence, the agreement in effect prohibits the use of the dwelling house for its lawful purpose.

Consequently, the applicants' only recourse was to seek a judicial review of the decision or to apply to the Upper Tier Land Chamber under s84 of the Law of Property Act 1925 for the agreement to be removed. Both courses of action would involve significant legal costs and the applicant would therefore almost certainly seek to recover them from the Council if he were successful. The Council would be liable for its own legal costs in defending its position against such an application.

The Council would be at risk of an award of costs if it was found to have been unreasonable in refusing to remove the agreement and therefore causing the applicant to apply for judicial review or to the Lands Tribunal.

The applicant had put the Council on notice that he intended to make an application to the Upper Tier Land Chamber but had agreed to delay the application until after this meeting of the Sub-Committee.

If the Council refused to lift the s52 Agreement it would be required at any hearing to set out what planning purpose it seeks to achieve by preventing the occupation of the house by seeking to retain in leisure use.

Following the earlier refusal officers have now researched the planning status of the other properties within the estate and it could be seen that the majority of the properties have had either planning permission for unrestricted residential use or have established a lawful residential use. No other property was found to have a similar s52 agreement restricting occupation in any way.

Furthermore, many of the permanent dwellings on Theydon Park Road have been established through express planning consent by the Council throughout the last fifty years. As such the position of the Council on this road had been favourable to unrestricted residential use.

Further Legal advice had been sought and the Council had been advised that if an application was made to the Upper Tribunal there would be a very good prospect of the s52 agreement being discharged on the basis that it was now obsolete.

RESOLVED:

Members noted that in light of the new information presented in the report, it was agreed to remove the legal agreement so as to allow the dwelling to be used permanently by persons other than those mentioned in the aforementioned legal agreement.

110. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 4 be determined as set out in the schedule attached to these minutes.

111. 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.

112. PROBITY IN PLANNING - APPEAL DECISIONS, 1 OCTOBER 2013 TO 31 MARCH 2014

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions for the period 1 October 2013 to 31 March 2014.

In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation). The purpose was to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

Since 2011/12, there had been two local indicators, one of which measured all planning application type appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measured the performance of officer recommendations and delegated decisions (KPI 54).

Over the six-month period between 1 October 2013 and 31 March 2014, the Council received 48 decisions on appeals (46 of which were planning related appeals, the other 2 were enforcement related).

KPI 54 and 55 measure planning application decisions and out of a total of 46, 18 were allowed (37%). Broken down further, KPI 54 performance was 4 out of 23 allowed (17%) and KPI 55 performance was 13 out of 22 (59%). One other case was allowed, but it was recommended for approval by officers and supported by Area Plans Committee East but unusually an appeal was lodged against non-determination, despite District Development Control Committee supporting an approval (Application EPF/2404/12).

Whilst performance in defending appeals had improved during the last couple of years, Members are reminded that in refusing planning permission there needed to

be justified reasons that in each case must be relevant, necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there were objections from local residents, these views (and only when they are related to the planning issues of the case) were one of a number of the relevant issues to balance out in order to understand the merits of the particular development being applied for.

RESOLVED:

That the report regarding Probity in Planning – Appeal Decisions 1 October 2013 to 31 March 2014 be noted.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/2494/13
SITE ADDRESS:	Stone Hall Downhall Road Matching Green Harlow Essex CM17 0RA
PARISH:	Matching
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Demolition of existing timber construction Use Class B1 units and replace with new Use Class B1 units and 6 no. 3 bedroom cottages including 3 affordable units. Amended proposal with revised access arrangements (EPF/2343/12)
DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557190

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:211/S/100, S/101, P/11B, P/012A, P/013A, P/014A, P/015A, P/016A, P/017A, P/018A, P/025, P/026, 354.12.3C, 03/002A, 03/001A, 03/004, 03/005.
- 3 The materials used shall be those set out in the application (letter dated 17 February 2014 from 3Square Design Ltd) unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of foul 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.
- 5 No development shall take place until wheel washing facilities for vehicles leaving the site during construction works have been installed in accordance with drawing No. 211/P/026. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 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 the B1 units hereby approved shall be used only for uses falling within the B1 use and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.

- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The B1 use hereby permitted shall not operate outside the hours of 0.800 to 20.00 on Monday to Saturday and 10.00 to 16.00 on Sundays and Bank/Public Holidays.
- 9 The development shall be carried out in accordance with the submitted Tree Protection Plan and Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 10 No development shall take place, including site clearance or other preparatory work, until a landscape method statement and schedule of timing of landscape works has been submitted to and approved in writing by the Local Planning Authority for the implementation of the approved landscape scheme (drawing no. 354.12.3C). The scheme shall be implemented in accordance with the approved details of method statement and timetable. 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.
- 11 There shall be no external storage in connection with the approved B1 business use.
- 12 The parking areas for the B1 uses, shown on the approved plans shall be provided prior to the first use of any of the B1 units hereby approved and shall be maintained free of obstruction for the parking of vehicles in connection with the approved B1 uses thereafter and shall not at any time be used for the storage or parking of vehicles unconnected with the businesses operating at the site.
- 13 Prior to first occupation of the development, the access arrangements, as shown on Create Consultants Engineers Ltd drawing no. 03/001/ Rev A, shall be agreed with the Highway Authority and the shown visibility splays shall be retained in perpetuity. The approved details shall be implemented prior to first occupation of the development.
- 14 Prior to the first occupation of the development, the existing vehicular access to the south of the site shall be permanently closed off with the highway verge being fully reinstated.
- 15 No unbound material shall be used in the surface treatment of the vehicular access within 10m of the highway boundary.
- 16 Prior to commencement of 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.

- 17 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.
- 18 Prior to commencement of development details of phasing of the development including timing of demolition of the existing buildings, and erection of the replacement units and housing, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed phasing plan unless alternative phasing is agreed in writing by the Local Planning Authority.
- 19 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 20 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 21 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 22 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 23 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval in writing. The approved monitoring and maintenance programme shall be implemented.
- 24 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 25 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

And subject to the applicant first entering into a legal agreement under section 106 of the Town and Country Planning Act before 27th May 2014 (unless a longer period for the determination of the application is agreed with the applicant prior to that date) to secure three of the proposed residential units as affordable rented accommodation.

Report Item No: 2

APPLICATION No:	EPF/2693/13
SITE ADDRESS:	191 Hoe Lane Lambourne End Essex RM4 1NP
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Agricultural barn building.
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=558130

Members considered, having visited and viewed the site and the building, that its domestic design and position, within the residential curtilage were not consistent with the stated intended use of the building for agricultural purposes. The application was therefore refused.

In addition, Members requested that enforcement action be taken to secure the removal of the building.

REASON FOR REFUSAL

- 1 The building is not considered reasonably necessary for the purposes of agriculture within the unit and the development is therefore inappropriate and harmful to the openness of the Green Belt. This is contrary to policies GB2A and GB11 of the adopted Local Plan and Alterations and the aims and objectives of the National Planning Policy Framework.

Report Item No: 3

APPLICATION No:	EPF/0255/14
SITE ADDRESS:	Land Adjacent 1 Gun Cottage Abridge Road Theydon Bois Epping Essex CM16 7NN
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Proposed conversion of stable block to a 2 bed single storey dwelling.
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=559594

The presenting officer explained that a revised drawing had been received identifying the proposed residential curtilage and that therefore should Members wish to approve the development then the wording of conditions would need to be amended.

Members considered the scheme, but were concerned at the further intrusion of residential development into the Green Belt. They considered that the changes to the building together with the creation of a garden area and the use of the garden area, with domestic parking and paraphernalia, would significantly change the character of the site from an appropriate rural use to an inappropriate residential development and that this was clearly harmful to the character and openness of the green Belt and contrary to the intentions of both Local Plan Policy and the NPPF. Members did not consider that these were issues that could be overcome by the use of conditions and the application was therefore refused.

REASON FOR REFUSAL

- 1 The proposed changes to the external appearance of the building together with the change of use of the building and the land to residential use, which will introduce residential parking and paraphernalia such as garden features, play equipment, washing lines, dustbins etc. will change the rural character of the site, such that there will be harm to the Green Belt and to the purposes of including land within the Green Belt. The development is therefore contrary to the National Planning Policy Framework and to policies GB2A, GB8A and CP2 of the adopted Local Plan and Alterations.

Report Item No: 4

APPLICATION No:	EPF/0371/14
SITE ADDRESS:	2 Heath Drive Theydon Bois Epping Essex CM16 7HL
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Two storey side/rear extension and single storey rear extension.
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=560177

Members discussed the proposal but considered that the width and depth of the proposed extension together with the height of the ridge and the design would result in a development that fails to respect the design of the existing building and would be overly prominent in the street scene. The application was refused.

Members discussed whether there was a possible way forward and advised that a narrower side extension, set further forward and perhaps designed similar to the recent addition to no. 4, would be more in keeping with the dwelling and the locality and more likely to be considered favourably.

REASON FOR REFUSAL

- 1 The proposed development, in particular, the double storey side and rear extension, due to its size, bulk and scale would result in a disproportionate addition to the house that is significantly out of character with its appearance. It would therefore detract from the appearance of the house and the street scene, contrary to policies CP2 and DBE10 of the adopted Local Plan and Alterations.

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AREA PLANS SUB-COMMITTEE 'EAST'

Date 18 June 2014

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/0538/14
Site Name:	18 Tower Road, Epping, CM16 5EL
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/0538/14
SITE ADDRESS:	18 Tower Road Epping Essex CM16 5EL
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Mark Thomas
DESCRIPTION OF PROPOSAL:	First floor rear extension over existing ground floor extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=560953

CONDITIONS

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

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

Description of Site:

The application site contains a detached dwelling with front/rear facing gabled roof and single storey projection to the rear. Tower Road generally contains a mix of dwelling styles but this immediate area is characterised by single detached dwellings, both bungalows and two storey properties.

Description of Proposal:

The applicant seeks consent to extend the dwelling on the rear elevation above the existing single storey. The extension would follow the gable form and would have a floor area measuring 6.0m wide x 2.9m deep.

Relevant History:

No relevant history.

Policies Applied:

Policy CP2 – Protecting the Quality of the Rural and Built Environment
Policy DBE9 – Loss of Amenity
Policy DBE10 – Design of Residential Extension

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

SUMMARY OF REPRESENTATIONS:

5 neighbours consulted: 0 replies received.

TOWN COUNCIL: Objection. Concern about impact on the adjacent neighbour as a side facing window will be totally obscured by the proposed extension.

Issues and Considerations:

The main issues relate to design and amenity.

Design

The proposed design is to continue the form of the main house by extending its bulk and form along the single storey addition. From a design perspective this is reasonable and fairly conventional. There would be no detrimental impact on the character or appearance of the area.

Amenity

The proposed extension would result in a two storey wall as opposed to a single storey on the flank side facing No16. However the wall would be set over a metre from the adjacent property and although there would be an increase in overshadowing of a ground floor window, it would not seriously encroach on amenity.

The Town Council has objected to this scheme raising concern that the development will result in the construction of a flank wall close to the boundary which will obscure a side facing window on no. 16. This side facing window is high set and also a subsidiary form of light to the room it serves. The rear facing window serving the same room will be unaffected and there would be no loss of outlook from it. The extension would be set slightly behind the two storey extension on No20 and would have no serious impact on amenity. No objection has been received from either neighbour.

Conclusion:

The proposed scheme is considered acceptable and it is therefore recommended for approval with conditions.

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

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

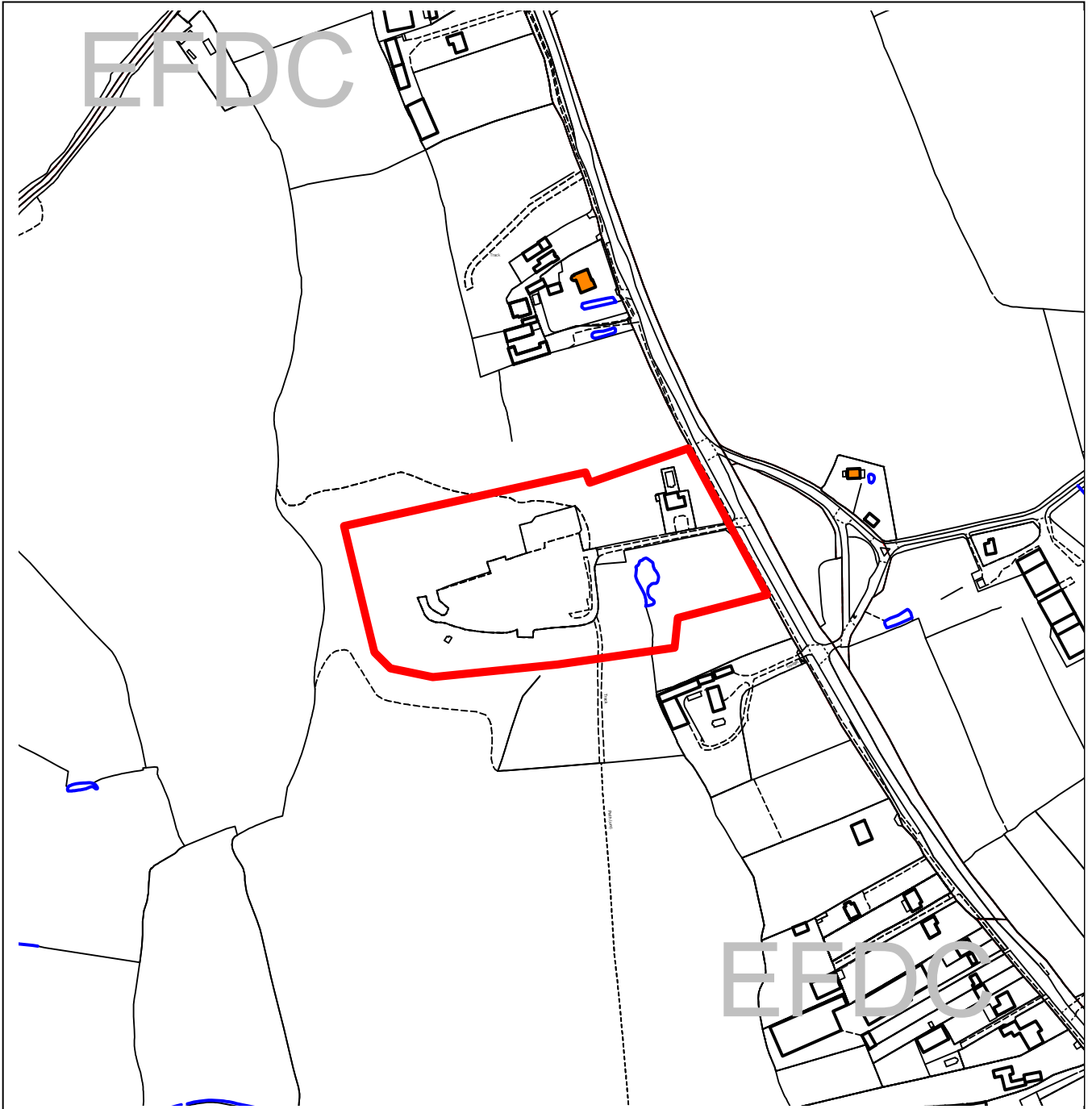
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/0604/14
Site Name:	High House Farm, Stapleford Road Stapleford Abbots, RM4 1EJ
Scale of Plot:	1/5000

Report Item No: 2

APPLICATION No:	EPF/0604/14
SITE ADDRESS:	High House Farm Stapleford Road Stapleford Abbots Romford Essex RM4 1EJ
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Banner Homes Central Ltd
DESCRIPTION OF PROPOSAL:	Redevelopment to erect a total of eight dwellings, inclusive of a replacement farmhouse, a parish room, plus an associated access, provision of garaging and car parking (Amendment to an extant planning permission reference EPF/1374/06)
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=561258

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: PL/010751/01 Rev. B; PL/010751/02 Rev. C; PL/010751/03 Rev. C; PL/010751/04 Rev. B; PL/010751/05 Rev. B; PL/010751/06 Rev. A; PL/010751/07 Rev. C; PL/010751/08 Rev. A; PL/010751/09 Rev. B; PL/010751/10 Rev. A; PL/010751/11 Rev. D; PL/010751/12
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to the commencement of development, details of screen walls and fences shall be submitted to the Local Planning Authority for approval in writing and shall be erected, in accordance with approved details, prior to the first occupation of any dwelling hereby approved.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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.

- 6 Prior to the commencement of any works a Phase I Habitat Survey shall be submitted to the Council. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species surveys shall be carried out. These surveys should be submitted to the Council. Should the protected species surveys reveal the presence of protected species, or their breeding sites or resting places on the site, then a detailed mitigation strategy shall be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Council for approval in writing. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 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]

- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 14 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 15 Prior to first occupation of the proposed development the accessway shall be constructed to a minimum width of 5.5 metres for at least the first 12 metres from the back edge of the carriageway.
- 16 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 17 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.
- 18 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.

Subject to planning obligations (set out below) to be secured by unilateral undertaking.

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section P4, Schedule A (d) of the Council's Delegated Functions).

Description of Site:

The application site has been cleared following the grant of both outline and reserved matters consent for a development of 7 dwellings. That planning permission remains extant as works did commence.

Formerly, the application site comprised a group of derelict farm buildings set back from the main road and a detached house (2,048 square metres footprint) closer to the road. Access to these buildings was via a 40 metre roadway from Stapleford Road. The site ownership extends beyond these buildings to include some 40 hectares of agricultural land, west of Stapleford Road and includes two public footpaths. The land falls north to south with the site of the former derelict farm buildings occupying the higher ground.

The whole site is in the Metropolitan Green Belt as is the surrounding area. The more built up area of Stapleford Abbots is to the south-east towards the junction with Bournebridge Lane. The village hall and primary school are 1.2 kms north, along Stapleford Road.

Description of Proposal:

This application seeks planning permission for a similar development, but comprising 8 detached dwellings along with the Parish Room.

The development would comprise seven dwellings at the end of the access with a farmhouse style dwelling as the focal point at the top of the entrance and dwellings resembling converted barns

along either side. Along the site frontage with Stapleford Road will be the Parish Room and the detached dwelling which will replace the farmhouse.

Relevant History:

EPF/1374/06. Outline application for the demolition of agricultural /industrial complex and the erection of 6 new dwellings and 1 replacement dwelling. (Revised application). Approved 24/01/2007.

EPF/2565/07. Reserved matters application for the erection of 6 new dwellings, 1 replacement dwelling and a parish room. Approved 14/02/2008.

Subsequent applications made for approval of details reserved by planning conditions.

Policies Applied:

Adopted Local Plan and Alterations

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE4 – Design in the Green Belt
DBE6 – Car Parking in New Development
DBE8 – Private Amenity Space
DBE9 – Excessive Loss of Amenity to Neighbouring Properties
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
LL11 – Landscaping Schemes

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 Stapleford Abbots Parish Council.

The application has attracted the following responses:

STAPLEFORD ABBOTTS PARISH COUNCIL. No objection.

Issues and Considerations:

Planning permission was granted for the development of 7 dwellings on this site, following the Committee's acceptance of the case for very special circumstances put forward by the then Applicant. The circumstances were the removal of large, unsightly near derelict former farm buildings and a large area of hardstanding from the site that was an eyesore in the landscape. The new build housing layout was shown to members to be more compact and based upon a "manor-house" estate layout, with a larger manor house surrounded by smaller "farm-worker" houses to create a courtyard development, more suitable to a rural landscape. The overall footprint would be much smaller by as much as almost 45%. Other benefits included the financial provision of £100,000 towards affordable housing, a new parish meeting room at the entrance to the site and the offer of gifting land on the opposite side of Stapleford Road as a future village green to the Parish Council. Part of the site also has a history of unauthorised tipping, which has altered the contours of the land rear of the current buildings. A planning condition on the outline permission requires the applicant to repair and re-grade the land to its natural level. Finally, the outline consent agreed a schedule of improvements to public footpaths on the wider land to the south that stretches as far as Bournebridge Lane.

The approved development remains capable of implementation and accordingly, what must now be considered is any additional impact of the development now proposed by comparison with that approved, in terms of Green Belt, Highways and Design.

Green Belt

The proposal would involve the addition of a further dwelling to the seven that have previously been approved.

The buildings would loosely occupy the same part of the site as those previously approved and would have a reduced floor area. The approved development covers a combined footprint of approximately 2,070m² and this revised development would cover a slightly smaller footprint of approximately 1,890m².

Building heights within the revised development would be loosely the same as that previously proposed, with some being slightly taller and others slightly lower. The most significant difference would be the reduction in the maximum height of the Parish Room from 8.9m to 5m.

Overall, it is not considered that the impact on the Green Belt would be materially greater than that of the previous scheme.

Highways

Officers at Essex County Council have been consulted on the proposed development and raise no objection subject to the imposition of planning conditions.

Design

The design concept to the layout remains similar to that of the approved reserved matters application, in that the largest house sits at the head of the access road thereby terminating the vista from the main approach road and acting as the manor house. The rest of the houses act in design terms as associated ancillary buildings, although clearly separate houses with their own garages and gardens.

The quality of design is considered to be high, comprising well proportioned buildings, with sufficient space around them and incorporating attractive architectural detailing, including full height sections of glazing to the barns at plot 3 and 7 with more subservient detailing to the

buildings on either side. At the site entrance the Parish Room and dwelling at Plot 1 would appear as gatehouses to the development, providing strong sense of enclosure.

Planning Obligations

The original consent was subject to a number of planning obligations, including:

- A contribution of £100,000 towards the provision for Affordable Housing, prior to the first occupation of a residential dwelling;
- The leasing of land on the opposite side of Stapleford Road (terms of lease set within the unilateral undertaking as a 99 year lease with annual rent of £1) to the Council, prior to occupation of more than 5 dwellings;
- The leasing of the Parish Room land to the Council (terms of lease set within the unilateral undertaking as a 99 year lease with annual rent of £1), prior to occupation of more than 5 dwellings;
- The submission of a schedule of improvements to public footpaths to the Country Council, prior to the first occupation of a residential dwelling;
- The carrying out of those improvement works to public footpaths prior to the first occupation of more than 5 dwellings; and
- To enter into an agreement with the County Council to create new footpaths.

The matters secured by the undertaking were (along with the removal of the farm buildings) key to the Council accepting the case for very special circumstances for allowing this inappropriate development within the Green Belt. Accordingly it is necessary that these are also secured through this new planning permission.

At the time of writing the report, the Applicant has advised that they will shortly be submitting a revised unilateral undertaking for consideration by the Council's Senior Lawyer prior to the date of the Committee meeting.

Conclusion:

In light of the above appraisal, it is considered that this scheme would have an attractive appearance and would not cause any greater harm to the Green Belt than that which has been previously approved and remains capable of implementation. Accordingly, subject to the planning obligations discussed above being appropriately secured, it is recommended that planning permission be given. The recommendation will be subject to planning conditions imposed in relation to the previous scheme that remain relevant.

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:

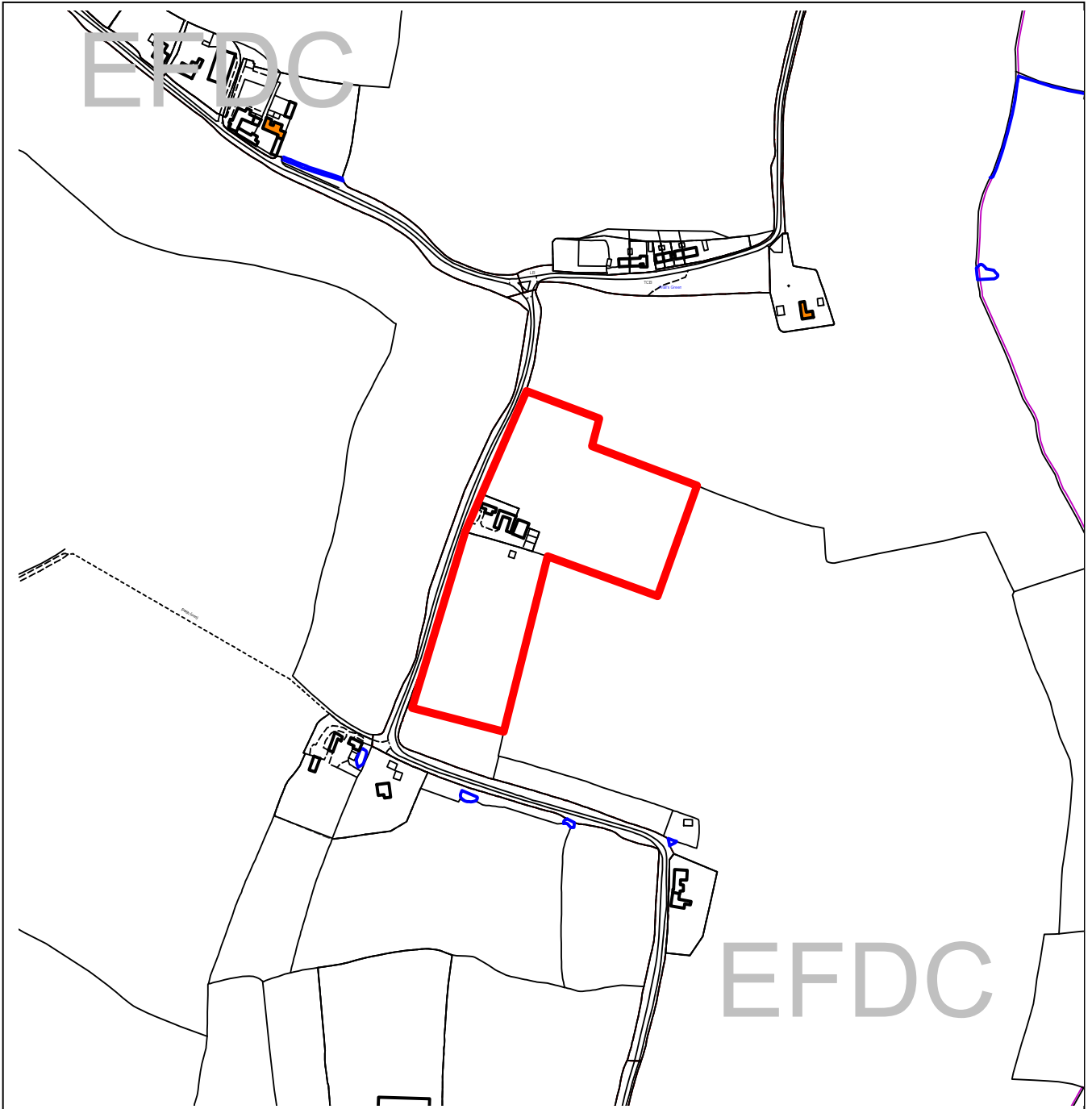
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564103***

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



Epping Forest District Council

AGENDA ITEM NUMBER 3



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Application Number:	EPF/0657/14
Site Name:	Greenacres, Bassetts Lane Walls Green, Willingale, CM5 0QL
Scale of Plot:	1/5000

Report Item No: 3

APPLICATION No:	EPF/0657/14
SITE ADDRESS:	Greenacres Bassetts Lane Walls Green Willingale Essex CM5 0QL
PARISH:	Willingale
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr William Lowe
DESCRIPTION OF PROPOSAL:	Variation of condition number 2 'Personal occupation' of EPF/0050/96 (Stationing of residential mobile home) to allow additional named persons and their resident dependants to occupy the site.
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=561490

REASON FOR REFUSAL

- 1 The application site is located within the Metropolitan Green Belt and the stationing of mobile homes for residential purposes constitutes inappropriate development harmful to the Green Belt. The proposed variation of the personal occupation condition would constitute a change in the material planning considerations since the original planning permission was granted and as no very special circumstances have been submitted that clearly outweigh the harm from the use of the site for residential purposes, the proposal would constitute inappropriate development contrary to the guidance contained within the National Planning Policy Framework and policies CP2, GB2A, GB5 and H10A of the adopted Local Plan and Alterations.

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

Description of Site:

The application site is a previous horticultural site that has a personal consent for a gypsy pitch for Mr Lowe and his dependants. The site is located on the eastern side of Bassetts Lane, which is a very narrow, single track road. The site is located within the Metropolitan Green Belt.

Description of Proposal:

Consent is being sought for the variation of condition number 2 of EPF/0050/96, which reads:

This consent shall inure solely for the benefit of the applicant (William Lowe) and the mobile home hereby approved is to be occupied solely by the applicant and his dependants during the applicant's lifetime only.

This variation would allow for Mr Lowe senior's family to reside on the site. It has been suggested by the applicant that the varied condition could read:

"The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: William Lowe, William and Susan Cathleen Lowe, Jim and Joanne Scamp".

Relevant History:

EPF/0050/96 - Stationing of residential mobile home – approved/conditions (subject to S106 Agreement) 18/11/96

EPF/1175/08 - Removal of mobile home with extension and replacement with single storey dwelling – refused 24/11/08 (dismissed on appeal 23/09/09)

EPF/2351/09 - Retrospective application for access, new gate and posts and hardcore area – approved 22/03/10

EPF/0823/12 - Change of use of land to site 4 no. new gypsy pitches – refused 25/06/12

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB5 – Residential moorings and non-permanent dwellings

H10A – Gypsy caravan sites

ST1 – Location of development

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

Consultation Carried Out and Summary of Representations Received:

47 neighbours were consulted and three Site Notices were displayed on 17/04/14.

PARISH COUNCIL – Object to the application for following reasons:

"The application seeks the variation of condition number 2 'personal occupancy' of EPF/0050/96 (Stationing of residential mobile home) to allow for resident dependants to occupy the site. The original planning consent EPF/0050/96 was approved as part of an agreement to correct a planning infringement elsewhere in the village and settled under a section 106 agreement. The conditions were accepted by the applicant at the time and this acceptance by definition was conditional to the granting of planning consent. Further, local residents were assured that the approval of EPF/0050/96 was of limited scope and duration. Should this variation be approved the development and occupation of the site would extend beyond those assurances.

There have been a number of other planning applications submitted for this site, one of which was referred to the Planning Inspectorate on appeal, EPF/1175/08 refers. In the Planning Inspector's determination confirmation was given that the current planning approval for one mobile home was temporary and finite and at some stage in the future this temporary planning permission will

terminate and the residential use of the site will cease. The applicants proposed revised wording of condition number 2 is unacceptable in that current occupancy would never lapse nor would there be any control over the level of occupancy and development on this site. This determination is not supporting the appeal that concluded that to extend the domestic curtilage further would constitute inappropriate development in the Green Belt. The Parish Council supports this view.

The Design and Access Statement of the application contends that 'the site has planning permission as a caravan site'. This is untrue, planning permission to site a single mobile home for a limited duration does not designate the site as a caravan site. Accordingly we believe that the current siting of a second mobile home is unauthorised development and planning permission is required, particularly as it would significantly extend further the domestic curtilage of the site from its current boundary. Willingale Parish Council believe that the siting of a second mobile home on this site will have a detrimental impact on the Green Belt. We do not believe the current circumstances have changed since planning application EPF/0823/12, which was refused on the basis that:

'The application site is located within the Metropolitan Green Belt, and the application constitutes inappropriate development harmful to the openness of the Green Belt and the overall character of this rural location. Furthermore, the application is located in an unsustainable location not well served by local services. Insufficient exceptional circumstances exist that clearly outweigh this harm and therefore no very special circumstances exist to allow for permanent or temporary consent. As such the development is contrary to the National Planning Policy Framework and policies CP1, CP2, GB2A, GB5, H10A and ST1 of the adopted Local Plan and Alterations'.

26 letters have been received from residents in Willingale objecting to the proposal for the following reasons:

- This constitutes inappropriate development that would be harmful to the Green Belt.
- The previous reason for refusal is still relevant to this proposal.
- There are no exceptional or very special circumstances.
- The Gypsy status of Mr Lowe and his family is questioned as they all moved from permanent houses.
- Mr Lowe (senior) does not currently live on site and the current occupants are in breach of the existing planning conditions.
- The current consent is only temporary, whereby this variation would result in a permanent site.
- There is the potential for further expansion/enlargement of the site and this would set a dangerous precedent for similar development elsewhere.
- The application site is in an unsustainable location and would put greater pressure on local services.
- The development would increase traffic movements on this small, single track road and would be detrimental to highway safety.
- The proposal would devalue nearby properties.

Issues and Considerations:

Unlike the previously refused planning application for the change of use of the site for the stationing of four new gypsy pitches this application simply proposes to retain the existing permission but vary the condition to allow for Mr Lowe senior's family members to reside on the site.

This application has resulted due to enforcement action taken against the breach of condition as Mr Lowe (senior) is not currently residing on the site however William Lowe (junior), Susan Cathleen Lowe, Jim and Joanne Scamp, along with their resident dependants, are currently on site within two mobile homes. Despite the increase in the number of mobile homes on the site it is not considered that this involves a material change in use of the land and therefore this second mobile home is not subject to this application.

Legal considerations:

The applicant states within their Design & Access Statement that “*given there is no change of use taking place and no new development this cannot be inappropriate development in the Green Belt and therefore there is no justification in limiting the permission to just one member of the extended family. Not amending the condition to read as above would fail the tests of necessity and reasonableness set down in the National Planning Practice Guidance*”. As a result of this assertion it is not considered necessary by the applicant to provide a ‘very special circumstance’ case.

Counsel advice was obtained on this issue and it has been confirmed that the scope of jurisdiction when considering an application under section 73 of the Town and Country Planning Act (a ‘variation of condition’ application) is, in principle, more limited than when considering a full planning application as the Council should only determine the application solely by reference to the condition(s). However the Annex A Summary Table at paragraph 19 of the Planning Practice Guidance (2014) states that section 73 applications should be considered against:

“Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission”.

As such, in respect of the variation of a personal condition such as this, it must be ascertained whether very special circumstances exist at the time of determining the section 73 application as the material planning considerations will have changed since the original planning permission was granted.

Material Planning Considerations:

The application site is located within the Green Belt where the presumption is against inappropriate development unless there are very special circumstances that clearly outweigh this harm. The stationing of caravans for residential purposes does not fall within the acceptable uses of the Green Belt as laid out within the National Planning Policy Framework (NPPF) and Local Plan policy GB2A, and therefore by definition is harmful to the openness of the Green Belt. The supplementary guidance provided within the ‘Planning Policy for traveller sites’ (PPTS) confirms in paragraph 14 that “*traveller sites (temporary or permanent) in the Green Belt are inappropriate development*”. This has been upheld in several appeal decisions, Court cases and Government statements.

The existing consent is solely for the benefit of Mr William Lowe (senior) and his dependants during his lifetime only, which is restricted/controlled by condition 2, which reads:

This consent shall inure solely for the benefit of the applicant (William Lowe) and the mobile home hereby approved is to be occupied solely by the applicant and his dependents during the applicant’s lifetime only.

Reason: Permission is granted in view of the personal circumstances of the applicant.

One of the main reasons that the existing pitch was allowed was that Mr Lowe's previous place of residence, which was a mobile home at Rockhills Farm, Willingale, ceased residential use and was removed from the site. This was achieved through the use of a Section 106 legal agreement. Therefore the current permission was granted based on Mr Lowe's personal circumstances, and was effectively a 'trade-off' for the removal of his previous site located elsewhere in Willingale. Due to this the site only benefits from a temporary permission for Mr Lowe's lifetime. It was these very special circumstances that were considered to clearly outweigh the temporary harm from the current use of the site.

The applicant proposes to vary the personal consent to include William Lowe (junior), Susan Cathleen Lowe, Jim and Joanne Scamp, along with their resident dependants. As such the Council now needs to ascertain whether very special circumstances exist at this time in order to determine this variation, as the material planning considerations have now changed since the original planning permission was granted.

Despite being contacted with the request of providing information regarding the personal circumstances of the additional occupants, the applicant has refused to put forward any such very special circumstances case to justify this inappropriate development. Therefore the proposed variation of condition 2 would constitute inappropriate development which, by definition, is harmful to the Green Belt. As no very special circumstances exist to clearly outweigh this harm, the proposal is contrary to the guidance contained within the National Planning Policy Framework and Local Plan policies CP2, GB2A, GB5 and H10A.

Conclusion:

The material planning considerations have changed since the original planning permission as the variation of condition 2 of EPF/0050/96 would allow for additional residents to reside on the site and would significantly decrease the temporary nature of the existing consent. As no very special circumstances have been put forward that clearly outweigh the harm from this inappropriate development the proposal would, by definition, be harmful to the Metropolitan Green Belt. As such the application fails to comply with the guidance contained within the National Planning Policy Framework and policies CP2, GB2A, GB5 and H10A of the adopted Local Plan and Alterations and therefore the application is recommended for refusal.

Is there a way forward?

Should sufficient very special circumstances exist then these should be explained so that a judgement can be made as to whether they are sufficient to clearly outweigh the harm to the Green Belt.

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

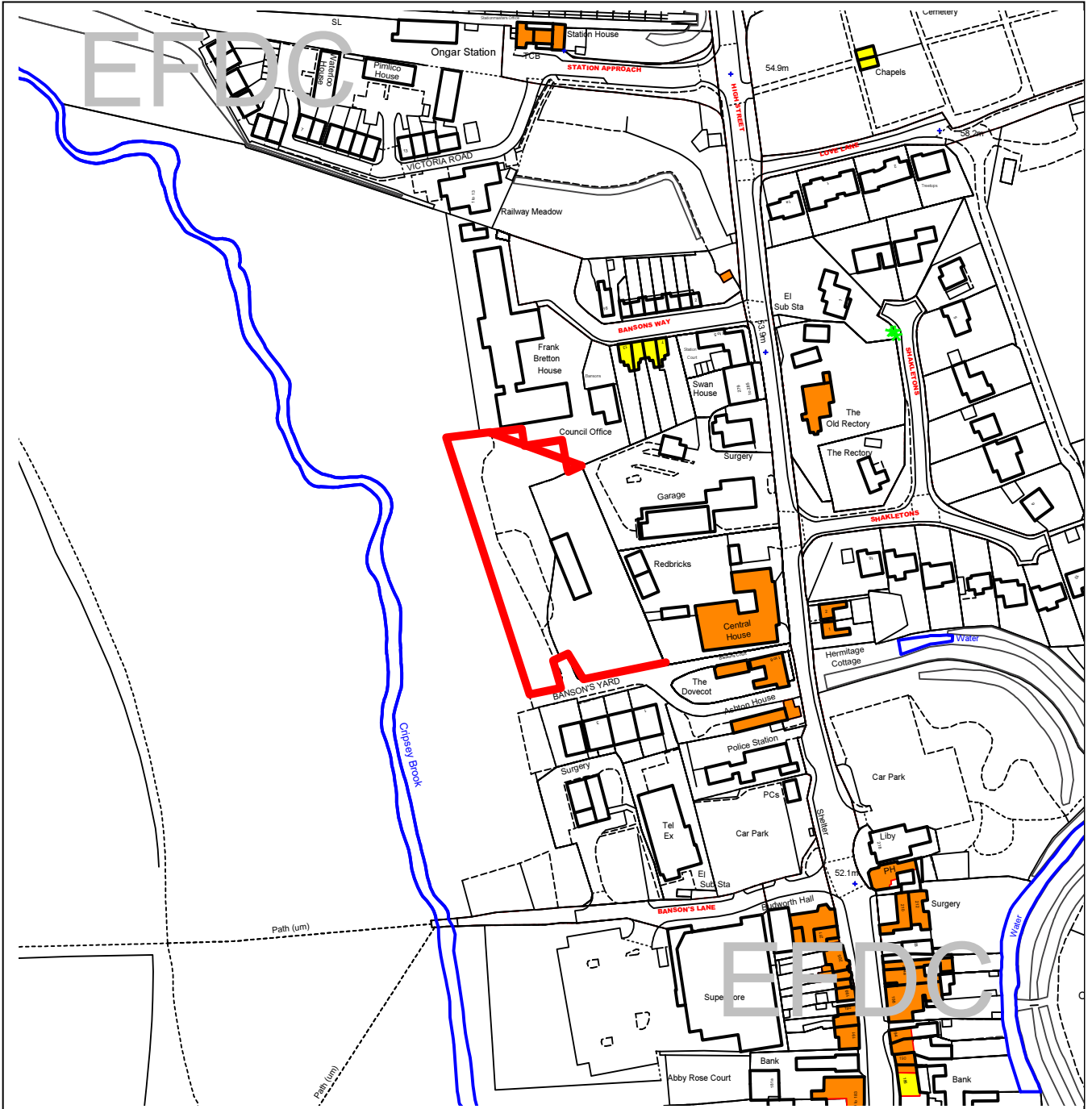
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/0723/14
Site Name:	Bansons Yard, High Street Ongar, CM5 9AA
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0723/14
SITE ADDRESS:	Bansons Yard High Street Ongar Essex CM5 9AA
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Jaimie Wragg
DESCRIPTION OF PROPOSAL:	Minor material amendment to approval EPF/0461/13 (for the redevelopment of hand car wash site including demolition of existing structures and hard standing and erection of 14 no. dwellings, including garages, parking, roadway, drainage and all ancillary works.)
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=561771

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: SU-0011-12-MAS.01 Rev.G; SU-0011-12-MAS.02 Rev.C; SU-0011-12-MAS.03 Rev.D; SU-0011-12-350/352.01 Rev.B; SU-0011-12-350/352.02 Rev.C; SU-0011-12-350/352.03 Rev.C; SU-0011-12-350/352.04 Rev.B; SU-0011-12-350/352.05 Rev.C; SU-0011-12-Gar.01 Rev.A; SU-0011-12-Gar.02 Rev.A; SU-0011-12-Gar.03; SU-0011-12-Gar.04; and S240/Sk205 Rev.B.
- 3 Materials of construction for the approved development shall be as per details approved under application EPF/1870/13 on 16th October 2013, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The development shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy submitted with application reference EPF/0461/13, unless otherwise agreed in writing by the Local Planning Authority.
- 5 Tree protection works shall be implemented onsite in accordance with details approved under application EPF/2507/13 on 19th December 2013, unless otherwise agreed in writing by the Local Planning Authority.

- 6 Hard and Soft Landscaping works shall be implemented onsite in accordance with details approved under application EPF/2379/13 on 13th December 2013, unless otherwise agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 8 The development shall proceed in accordance with the Construction Method Statement approved under application EPF/2352/13 on 13th December 2013, unless otherwise agreed in writing by the Local Planning Authority.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 10 The programme of archaeological works shall proceed in accordance with details approved under application EPF/2352/13 on 13th December 2013, unless otherwise agreed in writing by the Local Planning Authority.
- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Classes A, B and E of Part 1 and no installation of micro generation equipment generally permitted by virtue of Classes A, B, H and I of Part 40 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 12 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 13 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 15 The development shall proceed in accordance with the Lighting Scheme approved under application EPF/1870/13 on 16th October 2013, unless otherwise agreed in writing by the Local Planning Authority.
- 16 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.
- 17 The development shall proceed in accordance with the crib wall details approved under application EPF/2537/13 on 29th January 2014, unless otherwise agreed in writing by the Local Planning Authority.
- 18 The development shall proceed in accordance with the surface water drainage details approved under application EPF/2380/13 on 13th January 2014, unless otherwise agreed in writing by the Local Planning Authority.
- 19 Provision shall be made for education improvements within the local area as per details approved under application EPF/2537/13 on 29th January 2014, unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Site:

The application site is a roughly rectangular site located to the rear of the properties fronting the High Street, accessed from the High Street by two narrow un-adopted accesses and is approximately 0.5ha in size. The site is currently used as carwash/car sales and there are single storey buildings located on the site, surrounded by metal palisade fencing and construction fencing. The application site is located just outside of the Ongar Conservation Area and partly

within the Ongar Town Centre boundary. Central House, the property to the east is Grade II listed. The site itself is relatively level, though it is down a slope from the High Street and falls away at the western edge of the site and from here there is a slope down towards Cripsey Brook. The site is partly within the Green Belt, with the Green Belt boundary protruding into the site around the neighbouring buildings which are outside of the Green Belt boundary. The area to the west is within the ownership of the Applicants but outside of the application site. This area is an overgrown area, informally used for recreational purposes and is partly within Flood Zone 3. There are business/industrial units to the south of the site, a mix of residential and business to the east and a sheltered housing block to the north of the site.

Description of Proposal:

Planning permission was given last year for the redevelopment of the hand car wash site including the demolition of existing structure and hard standing and erection of 14 no. dwellings, including garages, parking, roadway, drainage and all ancillary works. The development comprised a row of terraced and semi-detached properties with one detached property. The proposed houses would have steeply pitched roofs, with rooms within the roof slopes, and will be a mix of 4 and 5 bedroom properties.

A road was proposed along the western edge of the site with the houses fronting this road overlooking the Cripsey Brook, and the road was to be gated with a brick wall fronting the business units opposite. A balancing lagoon was also proposed as part of the development which would be located on the land between the proposed housing and Cripsey Brook and this forms part of the application site.

Following the approval of the original application, Bloor Homes identified a potential issue for the future purchaser of plots 13 & 14 (closest to Frank Bretton House) relating to the manoeuvring of vehicles in front of the garage, which has been made even tighter by the retaining structure at the boundary. Accordingly, an amendment is proposed repositioning the turning head and altering the arrangement of plots 9 -14.

Notably, parking in the form of a garage with a space adjacent would be provided to the rear of plots 11 and 12 and to the side of plot 13 and the parking for plot 14 would be reduced from a double garage with two spaces in front to a single garage with a single space in front.

Relevant History:

EPF/0461/13. Redevelopment of hand car wash site including demolition of existing structures and hard standing and erection of 14 no. dwellings, including garages, parking, roadway, drainage and all ancillary works. Approved 19 June 2013.

Several applications have subsequently been submitted for approval of details reserved by planning conditions.

Representations Received:

Notification of this application was sent to Ongar Town Council and to 85 neighbouring residents.

The following representations have been received:

ONGAR TOWN COUNCIL. No objection. Ongar Town Council do not object to this application provided that it complies with the requirements of the Local Plan.

Policies Applied:

Local Planning Policies of the Adopted Local Plan and Alterations in conformity to the NPPF

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 - New buildings
DBE2 - Neighbouring Amenity
DBE3 – Design in Urban Areas
DBE4 – Design in the Green Belt
DBE6 - Car Parking
DBE7 – Public Open Space
DBE8 - Private Amenity space
H2A – Previously Developed Land
H3A – Housing Density
H4A - Dwelling Mix
H5A – Provision for Affordable Housing
H6A – Site Thresholds for Affordable Housing
ST1 – Location of development
ST4 - Parking
ST6 – Highway Safety
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping Schemes
NC4 – Protection of Established Habitat
GB2A – Development within the Green Belt
GB7A – Conspicuous Development within the Green Belt
HC6 – Character, Appearance and Setting of Conservation Areas

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Issues and Considerations:

The principle of the development has been agreed through approval of the earlier application EPF/0461/13. The assessment of the material planning considerations in that case are set out at Appendix 1.

For this current application, the main issue for consideration is the impact of the proposed alterations to the approved development on design, residential amenity, highways and landscaping. Other considerations should not be materially affected.

Design

The alterations to the development are minor and would not result in considerable change to its overall character and appearance.

Residential Amenity

The proposed alterations would not result in a reduction to the levels of amenity that would be enjoyed by the occupiers of the proposed dwellings, nor to the level of amenity presently enjoyed by the occupiers of nearby dwellings.

Highways

Officers at County Highways have been consulted on the proposal and do not raise any objection.

Planning conditions may be imposed to ensure that highway requirements approved in relation to the previous proposal are undertaken.

Landscaping

The Council's Landscaping Officer has been consulted on the application and has no objection to the proposed revisions to the approved scheme.

Planning conditions may be imposed to ensure that landscaping works approved in relation to the previous proposal are undertaken.

Conclusion:

In light of the above appraisal it is considered that the proposed alterations to the approved scheme are acceptable and accord with local and national planning policies. It is, therefore, recommended that planning permission be granted, subject to matters previously secured by 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 Katie Smith
Direct Line Telephone Number: (01992) 564103***

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

Appendix 1: Appraisal of Application EPF/0461/13 (as provided within the Officer's Report to Committee)

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

- Principle of the Development
- Character and Appearance
- Impact on the Green Belt
- Impact on Neighbouring Amenity
- Highway and Parking Issues
- Landscaping
- Ecology

Principle of the Development

The application site is located on the edge of the built up area of Ongar, close to the High Street with the shops, services, facilities and transport links the High Street offers within walking distance of the site. The site is in a sustainable location in terms of the location of new development within the District.

The site is also (partly) previously developed land and redevelopment of such sites is promoted by Local and National policies. The NPPF contains the presumption in favour of sustainable

development. The redevelopment of the site to residential, removing the existing uses at the site is also more in keeping with the mixed residential/business nature of the surrounding area.

The proposal results in a net site density of 38 dwellings per hectare (dph) which accords with local policy H3A which suggests between 30-50 dph. In addition the proposal is for larger family homes within the town centre which is considered a welcome addition to the area. The proposal also includes parking (including visitor parking) private amenity areas and access down towards Cripsey Brook. Although the proposed private amenity area is slightly lower than policy DBE8 dictates, given this edge of urban location with easy access to the adjacent countryside, this is considered acceptable.

The proposed development falls below the thresholds for an affordable housing provision and this proposal therefore does not include any affordable housing provision.

Generally, notwithstanding the further discussion below, residential development on this site in principle is acceptable.

Character and Appearance

Three different house types are proposed all with rooms within the roof facilitated by pitched roof dormers and/or gables. The properties have a good level of detailing with string courses; exposed rafter ends under the eaves; brick lintels above the windows and exposed beam detail in the gables. This all provides a good level of interest to the properties and provides cohesion across the row. The houses have a maximum height of 10.5m, with the attached properties a width of 5m and depth of 10m. The detached property has a width of 8.5m and a total depth of 9.5m including a front bay projection and single storey element to the rear.

8 of the properties have inset balconies within the front gables, which take advantage of the views across countryside to the west and no dormers are proposed to the rear relying on rooflights instead, which also reduces any potential overlooking issues to the rear.

The proposed development results in a linear development towards the western side of the site with the rear gardens behind closest to the High Street. There is one garage proposed on the opposite side of the new road and gateway which is considered to form an attractive 'gateway' to the development, almost appearing as a gatehouse to the development. The design of the proposed layout and actual design of the houses follows the principles of the Essex Design Guide. The steep roof pitch, prominent gables, well proportioned pitched roof dormers and parking located to the side/rear are very typical of the Essex Design Guide. Pushing the parking to the rear of the properties reduces the dominance of parking within the development, and where the parking area is to the rear for plots 5, 6, 7 and 10 the garages are well overlooked by the proposed properties to aid security.

The garage designs are relatively standard pyramid roof designs with up and over doors. The detached house garage, located adjacent to Frank Bretton House and the garage adjacent to the entrance gates have the addition of a cupola which again adds interest and diversity to the roofscape.

The site is adjacent to the Ongar Conservation Area and currently does not make any contribution to the character or appearance of the adjacent Conservation Area. The Council's Conservation Officer has no objection to the proposal, as it is not considered to have an adverse impact on the setting of the Conservation Area or of the adjacent Grade II listed Central House. The proposed houses, as outlined above, have been sensitively designed taking account of traditional forms and detailing.

The Conservation Officer has highlighted the proposed materials as the proposed pantiles, plain tiles and soft red bricks do reflect the vernacular. However, the proposed roof coverings are concrete and synthetic slate which will mimic the appearance of traditional materials but do not have the same characteristics or degree of visual interest. Equally the proposed uPVC windows will not uphold the level of visual detail and quality of traditional and historic properties with timber windows. Although the use of high quality traditional materials is always encouraged, given that the site is not within the conservation area and will, on the most part, only be viewed in relation to the rear of Central House which comprises predominantly of later additions, the proposed materials for this proposal, in this location are acceptable particularly given the overall design and detailing of the proposed properties.

Green Belt

The western part of the site is within the Green Belt, with all bar plots 1-3 partly in the Green Belt, broadly the front parts of the houses will be within the Green Belt boundary. The Green Belt boundary is slightly unusual along the west side of Ongar as it kinks in at the application site but the business units to the south and Frank Bretton House to the north are excluded from the Green Belt although the proposal does not extend beyond these building lines of the neighbouring built form. Therefore although partly within the Green Belt the proposal will read as part of the Ongar Town Centre and is not considered to result in any significant detrimental harm to the character and openness of the Green Belt in this location particularly given the neighbouring built form.

The proposal will be viewed from the surrounding area against the context of the built up area of Ongar and although a far more prominent development than the existing low level buildings, the proposal is not considered to result in an overly conspicuous development when viewed from the surrounding Green Belt land.

The proposal also includes a retaining crib wall to the western boundary of the application site which, dependent on design (discussed in further detail below), will improve the wider appearance of the site once suitably landscaped.

The National Planning Policy Framework (NPPF) lists exceptions to inappropriate development within the Green Belt. This list includes '*limited infilling in villages,*' and '*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use*'. This proposal can be classed as an infill development on previously developed land and is considered inline with National Green Belt policy.

Neighbouring Amenity

The nearest residential units are within Frank Bretton House directly to the north of the site and Basons Court located on the High Street at the access to the development site. In general terms due to the distances to the nearest residential properties the proposal is not considered to result in any significant loss of light, outlook or privacy to any neighbouring property.

The proposal is directly adjacent to the south corner of Frank Bretton House with the garage for plot 14, 2m from the flank wall of the building. Although close to the side of Frank Bretton House the eaves height of this garage is 2.2m and there does not appear to be any immediately adjacent flank windows to this part of Frank Bretton House in any event. In addition, the dwelling for plot 14 is some 6.5m from the shared boundary and therefore reducing any potential impact on the amenity of the occupiers of Frank Bretton House.

Although it is appreciated the existing view for occupiers of Frank Bretton House will change, the appearance of the site is presently poor and the development will improve its appearance.

There may be some overlooking from Frank Bretton House over the new properties but this will be mitigated by the existing (and proposed to be retained) trees along the boundary of the site and in any event any over looking will be in the main to the rear garden areas of the properties and therefore is not considered to result in any significant impact on amenity.

With regards to the residents at Basons Court, the built form of the development is not considered to result in any impact to this property. Although the access is alongside these properties the proposal is likely to result in similar or less traffic movements than the existing use of the site and this may result in a better level of amenity for these residents.

In addition the removal of the current uses and buildings at the site are considered to result in an improvement to neighbouring amenity, particularly visual amenity as the site will be much improved visually.

Highway Issues and Parking

The Essex County Council Highways Officer has raised no objection to this scheme. The site has two possible accesses that serve a mixture of uses including the application site. The proposed development, at worst will likely generate a comparable level of traffic to what the existing use could potentially generate which is minimal in capacity terms and imperceptible on the Highway network in this location. The accident history for this location has been investigated and there are no recorded accidents within the last 3 years associated with either access. Consequently the Highway Authority concludes that the proposal will not have a detrimental effect on highway safety, capacity or efficiency at this location.

Neighbouring businesses have raised concerns with regards to construction traffic and the potential issues that may arise, particularly given the presumably lengthy construction period. The Highways Officer has suggested a condition to ensure suitable access arrangements to the application site in connection with the demolition/construction operations, to include a one way system to prevent vehicles conflicting at the access points onto the High Street, wheel washing facilities for the duration of the development to prevent the deposition of mud and debris onto the public highway, turning and offloading facilities for delivery/construction vehicles provided for within the limits of the application site together with an adequate parking area for those employed in developing the site. This is considered acceptable given the location and specific circumstances of the site and given the concerns raised by the neighbouring businesses and this will mitigate against any potential disruption to the neighbouring businesses during the construction period.

2 parking spaces have been provided for each dwelling which meets the Essex County Council Parking Standards suggested minimum of 2 parking spaces per dwelling for any dwelling with 2 bedrooms or more. 3 visitor parking spaces have also been provided in a lay-by adjacent to the access road, which is 1 less than that suggested by the Parking Standards, but given this location close to the town centre it is not considered that this 1 space under provision is a significant issue.

Landscape Issues

A tree survey has been submitted with this application which shows there are no trees on site. There are trees on adjacent land, but these can be adequately protected during any development activities so that they are retained. The Tree and Landscaping Officer has no objection to the development but has raised an issue with regards to the 'crib wall' which forms the boundary between the development and the grassland leading to the river. The reason for the concern is to assess the visual impact on this when viewed from the wider Metropolitan Green Belt area to the west, this is particularly important as public rights of way cross the adjacent fields. Further information has been requested from the Applicant with regards to the detail of the crib wall and

this can be conditioned to ensure that in terms of the impact of the crib wall on the wider area the proposal is acceptable.

The Tree and Landscape Officer raised initial concerns with regards to the insufficient information submitted regarding the area of open space which was to be transferred to the Town Council, however as stated above this element has now been removed from the application. There is a protected tree on this land and the Tree Officer has raised concerns with regards to the protection of this tree during development, particularly with regards to the balancing lagoon located on this land, but a construction method statement could be added as a condition to ensure that the protection of this tree is taken into account as part of the application.

Subject to the condition above and a tree protection, landscaping and details of the crib wall condition the proposal is considered acceptable in terms of the landscape issues.

Ecology

An Ecological Assessment was submitted as part of the application which suggests that there is no significant biodiversity or conservation value either existing or the potential for this value. The Ecology report has not taken into account the area of the application site which includes the balancing lagoon and therefore additional information has been requested to cover this area with particular focus on slow worms which are known to populate the area to north and south of the site. In addition further information has been requested with regards to the trees lining the banks of the brook as, although outside of the application site it may be suitable for bats and this may inform a lighting scheme for the new development. Conditions can be added to any permission to ensure that appropriate mitigation takes place if necessary.

Other Issues

- Education:

Due to the size of the scheme, Essex County Council Education has calculated that a contribution of £11,408 is required towards student transport given that the nearest secondary schools are over 3miles away and this can be covered by a condition to ensure this money is paid and the applicants are aware of this request.

- Refuse

It is intended that the bins will be stored to the rear of the properties and a plan has been provided to show how occupiers will bring the bins to the front of the properties for collection which is considered acceptable.

- Flood Risk

The development is of a size where it is necessary to avoid generating additional runoff and the application was accompanied with a flood risk assessment and drainage strategy which the Council's Land Drainage team have found acceptable subject to a condition ensuring that the development is carried out in accordance with the submitted details.

Conclusion:

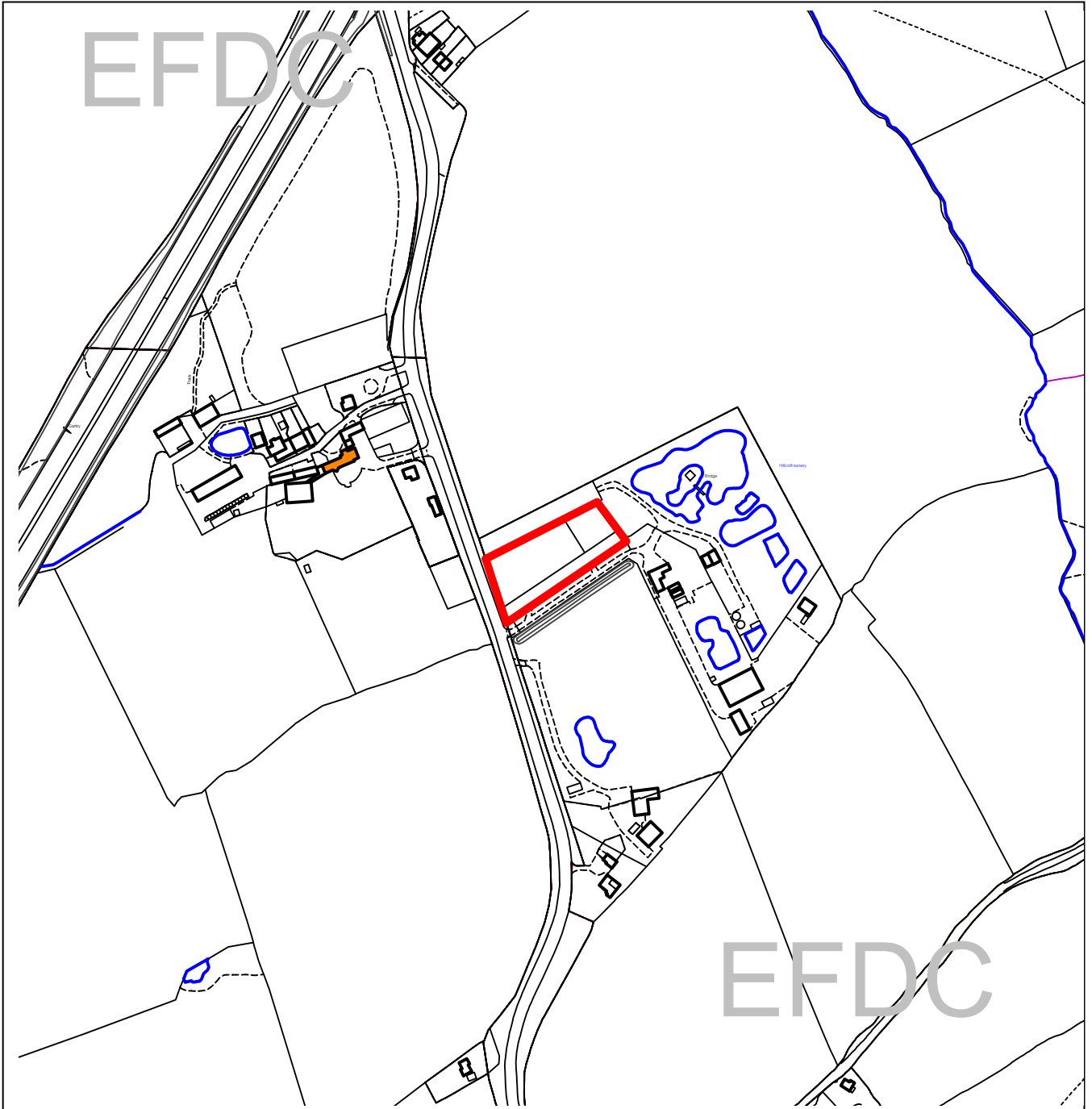
In light of the above appraisal, it is considered that the principle of the proposed development is acceptable. The proposal is considered an acceptable design with no significant harm to the adjacent conservation area or listed building. The proposal is not considered to result in any significant harm to neighbouring amenity and the existing infrastructure can absorb a new development of this size although it is acknowledged that there is a justified need for an education contribution that represents the community benefit necessitated by this development. The proposal makes an efficient use of this site in a sustainable location that has both National and Local planning policy support. It is therefore recommended for approval subject to conditions.

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Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/0744/14
Site Name:	Mossford Green Nursery, Abridge Road Theydon Bois, CM16 7NR
Scale of Plot:	1/5000

Report Item No: 5

APPLICATION No:	EPF/0744/14
SITE ADDRESS:	Mossford Green Nursery Abridge Road Theydon Bois Epping Essex CM16 7NR
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Owen Rowland
DESCRIPTION OF PROPOSAL:	Change of use of land to allow stationing of up to 15 motorhomes/camping/caravan pitches for recreational use.
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=561835

CONDITIONS

- 1 Occupation of the site shall be restricted to recreational uses only for a maximum of 15 touring caravans, motorhomes or tents in any combination, with no permanent occupation, no static caravans and no fixed structures or hardstanding allowed at any time whatsoever.
- 2 Visitors to the site shall be restricted to stays no greater than 28 consecutive days in duration.

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site is a roughly rectangular parcel of land fronting Abridge Road. The site is located within the Green Belt to the west of Mossford and Hillcroft Nurseries and to the north of residential properties known as High View and Countisbury.

The site is well landscaped with mature trees within the site and mature well established boundary treatments.

Description of Proposal:

The applicant seeks consent to permit use of the land for up to 15 touring caravan/motor home pitches for leisure and recreation and a refuse storage area.

Relevant History:

EPF/1431/13 – Change of use of land to allow stationing of up to 25 caravans/motorhomes pitches
– Refused for the following reasons:

- 1) The proposed use of the site as a camping/caravan site for up to 25 pitches with associated paraphernalia would have an unacceptable impact on the character and openness of the Green Belt and, as such, is inappropriate development. The applicant has failed to justify very special circumstances to provide a departure from usual policy, contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- 2) The provision of further recreational camping/caravanning sites would be contrary to the objectives of policy RST32 that clearly presumes against such further provision in the District. The application is not supported by any evidence to suggest further accommodation is required or that it is required in this location. The proposals are therefore contrary to the Adopted Local Plan and Alterations and the objectives of the NPPF.

The applicant was advised of the following for a way forward:

Were the applicant able to demonstrate clear need for additional motorhome accommodation;

a) in the Theydon Bois area,

b) with a proposed scale of need that correlates with the number of units proposed,

Then this may prove very special circumstances. However, the existing application lacks sufficient details to approve a departure from usual policy.

Policies Applied:

Local Policies:

CP2 – Protecting the quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB7A – Conspicuous development

RST32 – Leisure caravans and camping

National Planning Policy Framework

The Caravan Sites and Control of Development Act 1960 is also relevant. These Regulations set out that the use of a site greater than 0.5 acre for up to 5 caravans and 10 additional tents is lawful without consent.

Summary of Representations

6 neighbouring properties were notified and a site notice was erected on the front of the site.

Responses as follows:

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY: Objects. 15 Pitches are clearly established without permission and there is a previous refusal, these grounds of refusal still apply, therefore the Society recommends refusal of this application.

THEYDON BOIS PARISH COUNCIL:

Objection: We have noted the planning officer's reasons for refusal of application EPF/1431/13 and do not see any reason or circumstance why that decision would be overturned in this application.

We have previously expressed concern that some of the caravans onsite have tended to be of a permanent nature rather than touring caravans.

To assist Members in assessing the Parish Council's comments, the applicants have asked that I report to Members the Parish Council comments from the previous application. The previous application was for 25 pitches as opposed to the current 15.

THEYDON BOIS PARISH COUNCIL COMMENTS ON PREVIOUS APPLICATION:

No objection in principle to a genuine touring caravan facility on this site, we do have some comments of fundamental importance as follows:

- Communication with enforcement has suggested this was a Caravan Club 'Certified' site i.e. a five van site for use by Members, thus being Permitted Development. This would mean;
- A maximum of 5 caravans, motor caravans or trailer tents at any one time.
- Visitors must be members
- Visitors must be touring for leisure
- No caravan or motor caravan shall stay for more than 28 days at a time
- Sites are for recreational use and not for storage or permanent sited vans
- No tents on site

We have concerns that some of the conditions have been disregarded. In particular the length of time some caravans have remained in situ (in excess of the aforementioned 28 days), that storage facilities have been made available on the site and that some of the caravans are not touring but have some degree of permanency.

We must stress we do not wish to see any form of permanent site for static caravans on this site and any consent must be strictly conditioned to permit genuine touring caravans for holiday purposes not exceeding 28 days.

Clarification was sought as whilst the response from Theydon Bois stated no objection, the content of the comments was less clear. Theydon Bois then clarified:

Following report which we made to EFDC Enforcement about the use of this site as a caravan park we were advised that as a Licensed Caravan Club site permitted development rules enabled the provision of up to five pitches. It is not altogether clear how permitted development for five pitches morphed into an apparent acceptance of the legality of 15 pitches! However in a sense and subject to the constraints of the site we have no objection to the number. Our concern is that any approval must be made watertight by way of conditions ensuring genuine use for holiday touring caravans and it is the use rather than the number of pitches which is of the utmost importance. We definitely do not wish to see this morphing further into a permanent site or for static caravans.

Issues and Considerations:

The main issues to be addressed relate to the previous reasons for refusal set out above.

Green Belt:

The existing site is permitted development, therefore beyond the scope of application of planning policy. The Camping and Caravan Regulations allow for 15 pitches without planning permission, however the restriction on this is that only 5 of these pitches may be occupied by motorhomes/caravans.

Outdoor recreational uses in the Green Belt may be acceptable with associated small scale buildings, if the use preserves the openness of the Green Belt and the use does not conflict with the purposes of including land in the Green Belt.

A camping/caravanning site would clearly require a rural setting, and the proposals would result in no structures or hardsurfacing beyond that which presently exist. Also any associated infrastructure such as refuse storage can also only be considered small scale.

The proposals as revised seek only 15 pitches as opposed to 25. This is not an increase in users beyond what already takes place, but would mean these users could occupy motorhomes or touring caravans as opposed to tents.

The current application is accompanied by supporting evidence not previously supplied. The documentation supplied includes correspondence from the Camping and Caravanning Club that confirms their membership includes 75% of Members with caravans or motorhomes as opposed to 18% with tents. The applicant has also supplied three years of summary attendance sheets for the site, from the Camping and Caravanning Club. These span 2011-2013 and clearly show a significant attendance onsite of caravans and motorhomes but very little uptake of pitches for tents. The applicant has also supplied a statement setting out that following the previous application, he is not applying for more pitches, but instead for a greater degree in flexibility for those pitches in place, to meet the demand he has. He has indicated that this demand is usually due to the location of the site, with good access to London and transport links and location relative to the Olympic sites, Epping Forest, the Lea Valley Rafting Centre and London attractions.

Officers have reviewed the revised application and attach significant weight to the fact the site would be more flexible in use than present, but not at any greater scale of activity than could currently arise. The proposed change would allow an existing rural business to meet what Officers consider to be a demonstrated tourism demand. This is likely to have further economic benefits in the District, albeit not significant, these should not be disregarded. The proposals at this scale would have only marginally greater impact on openness than the existing enterprise as capacity is the same as that of the present site. The revised scheme can not be any busier or occupied than is already lawful, it is merely more likely to be successful. Successful diversification in the rural economy is encouraged where it does not result in harm to openness. Officers are of the opinion that with the additional information supplied, a reduced scale occupation of the site by motorhomes is justified and that the reduced scheme has only limited impacts on the Green Belt.

Leisure and recreation:

Policy RST32 relates to the stationing of touring or static caravans and the use of land for camping. The policy is clear in that it sets out areas where this would be acceptable on the Proposals map and that development of this nature will not normally be permitted in any other parts of the District.

Three such sites were designated under policy RST32. Roydon Mill Camping, Lee Valley Campsite and Elms Camping in Lippitts Hill. The Elms site has since closed due to the retirement of the managers. The text that supports the policy indicates that at the time of drafting the policy an additional site may be required in the River Stort/Lee Valley area, but that any such application should be supported by research demonstrating the need for the facility.

Time has lapsed since the policy was drafted and one site has closed.

The NPPF seeks to allow more flexibility for new enterprise and indeed encourages rural diversification. The current application now provides annual figures that demonstrate the site has been occupied on average by 2-3 touring caravans/motorhomes per week. It is likely however, that this demand is seasonal, not spread evenly across the calendar year. This figure is likely to have been higher at peak season and vacant at times of low season. It is clear the demand could easily exceed 5 units in any one week.

Design and appearance:

Design is not relevant for a change of use application. The appearance of the site from the street would be largely unchanged due to the size of the boundary treatment erected. This screens the site behind from view.

Neighbouring amenities:

The neighbouring properties are well separated from the application site to the south, and offset to the north-west. The revised scheme is for no greater degree of occupation or use than is already possible at 15 pitches, therefore no concerns are raised.

Highway Safety

The access would remain unchanged from what presently exists, but with an increased frequency of large vehicle movements. There are no concerns raised as the access has to achieve set standards in order to be given a licence under permitted development.

Other Matters

The submission of this application allows the Council the opportunity to resolve some existing concerns. There has been concern expressed that the site may be occupied in a more permanent manner or for purposes not recreational. Officers suggest that to overcome these concerns, this application allows the opportunity to attach appropriate conditions. Officers suggest the restriction of the use of the pitches to touring caravans, motorhomes or tents only, with no permanent occupation permitted, and no use of static caravans or permanent, fixed structures at any time whatsoever. This application also allows opportunity to restrict any one visit to the site to a maximum of 28 days, as permitted by the Camping and Caravanning Regulations and no longer. Members should be aware that there are several other low key camping and caravan sites within the District which operate as permitted development.

Approval of this proposal may be seen as setting a precedent for this kind of change which is strictly contrary to policy REST32, and could result in pressure for more recreational caravans being sited within the Green Belt. Such applications would need to be considered on their individual merits.

Conclusion:

The revised scheme is at a reduced scale from that previously refused and would permit only a similar scale of activity as is lawful already, but with greater flexibility. Officers therefore consider the scheme to have no greater impacts to the Green Belt, neighbouring properties, access arrangements or landscaping than those which currently exist, and as such exception to usual recreational policy has been justified, therefore approval is recommended.

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

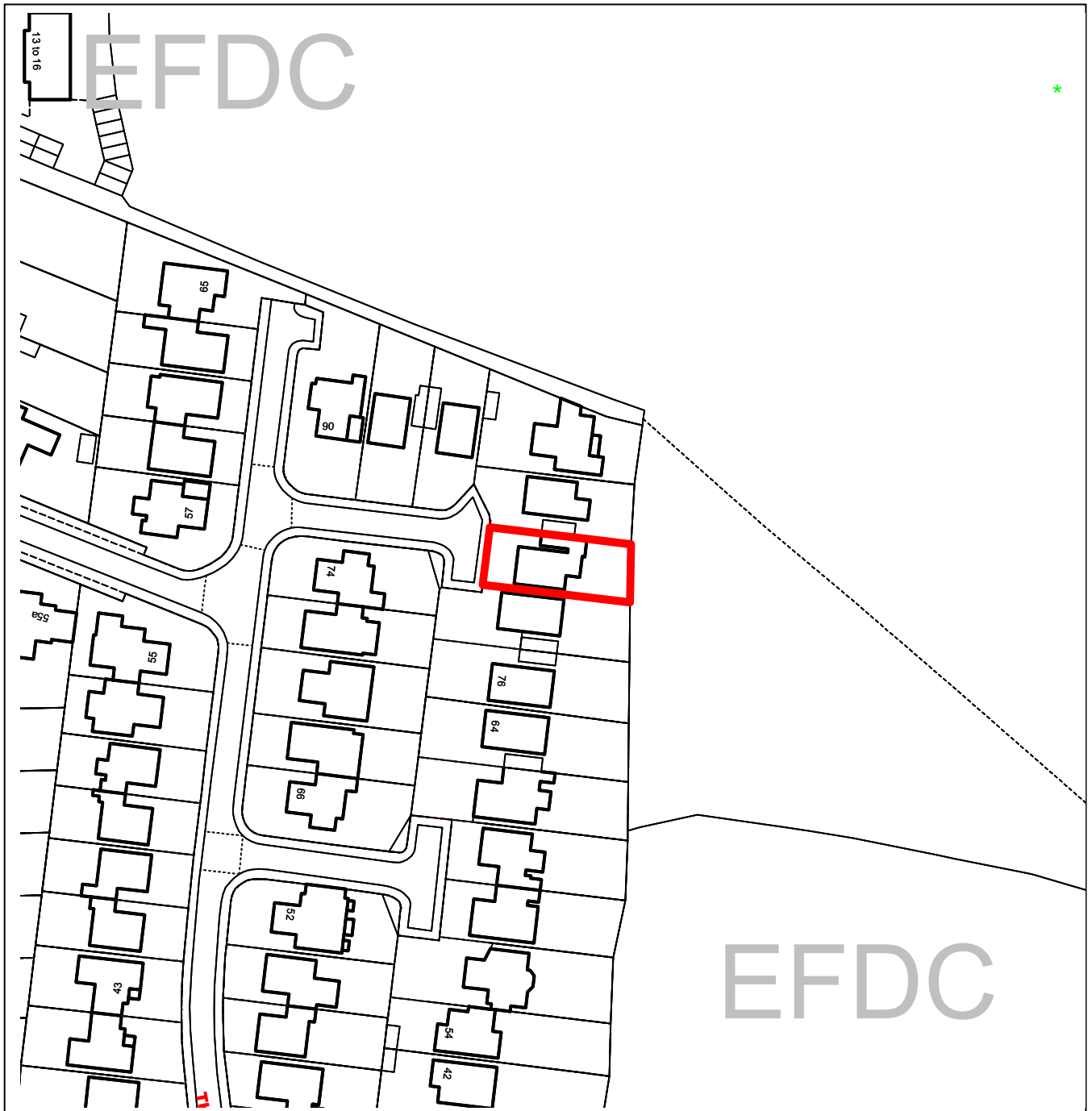
**Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: 01992 574481**

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



Epping Forest District Council

AGENDA ITEM NUMBER 6



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Application Number:	EPF/0803/14
Site Name:	80 The Orchards, Epping CM16 7AT
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0803/14
SITE ADDRESS:	80 The Orchards Epping Essex CM16 7AT
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Raife Jones
DESCRIPTION OF PROPOSAL:	Installation of three first floor north facing windows contrary to condition restricting windows being installed in north elevation on EPF/1320/76 (Erection of rear extension).
RECOMMENDED DECISION:	Grant Permission (with conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562074

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 Prior to first occupation of the development hereby approved, the dormer window openings within the northern elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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

Description of Proposal:

Consent is being sought for the installation of three windows within the northern flank wall of a side dormer extension. This dormer is currently under construction and, whilst holes have currently been left, no windows have yet been inserted (at the time of the Officer's Site Visit on 2nd June 2014). The proposed windows would be similar in appearance to those in the southern side dormer window, which do not require consent, and would serve two bedrooms and a hallway. The original plans received were for two windows, however since the submission the applicant decided to increase this to three. Amended plans have been requested for this alteration.

Description of Site:

The property is a detached bungalow located within the built up area of Epping. It is not within the Green Belt, a conservation area, or any other designated area.

Relevant History:

EPF/1320/76 - Erection of rear extension – approved/conditions 15/11/76

CLD/EPF/0261/14 - Certificate of lawful development for 2 proposed side dormer windows in a loft conversion – lawful 03/04/14

Policies Applied:

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

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

Consultation Carried Out and Summary of Representations received:

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

TOWN COUNCIL – Object to this application. They feel the dormer extension itself which has been granted a Lawful Development Certificate is ugly and detrimental to the street scene. Committee feels that the addition of windows to the dormer will result in intrusive overlooking of the neighbouring property contrary to Policy DBE9.

It will also set a precedent in this street which would likely lead to a proliferation of ugly and intrusive dormer extensions and ruin the aesthetic quality of the street as a whole.

The Orchards is an example of a particular period of urban design in the early 1970's that placed the emphasis on open spaces around properties (hence no boundary fences or hedges) and a uniform external design. There have been a number of recent applications that seek to add unattractive dormers to the roofs of the bungalows and other extensions in this location which detract from the original design and the streetscene as a whole.

Issues and Considerations:

The dormer window extensions and roof alterations, with the exception of the two proposed north facing window openings are lawful under current legislation, meaning that no planning permissions is required (CLD/EPF/0261/14) and are currently under construction. The northern dormer currently being constructed includes openings for the proposed windows, however at the time of the Officers site visit these were not installed. Should this application be refused then these openings could be infilled and finished in matching tiles to create the lawful 'blind dormer'.

The plans for the roof extensions originally submitted for the CLD included the windows proposed here, however these were removed because of a previous condition on EPF/1320/76 that reads:

No fresh window openings shall be made in the north elevation of the building.

Due to this condition, the proposed window openings within the northern elevation of the dormer require planning permission. However it is only these windows that require consent, not the box dormer, and therefore the main issues to be considered are the appearance of these windows and the impact on neighbour's amenities.

Design:

The side dormer window constitutes permitted development, along with that in the southern roof slope, however unlike the southerly dormer window this can only be a 'blind dormer' under permitted development. Such a large blind dormer is in itself somewhat incongruous and unsightly as the bulky roof addition would not be broken up by areas of glazing, as is the case with the southern dormer window.

The introduction of windows within this dormer would mirror that in the southern roof slope and would be more visually appealing than the lawful structure alone. Therefore the proposal would be beneficial to the overall character and appearance of the street scene.

Amenity:

The lawful dormer is located on the flank roofslope facing No. 82 The Orchards. Given the location of the proposed window openings there would be limited views into the neighbour's rear garden and some overlooking to neighbours' properties. As the proposed windows are secondary windows serving large bedrooms or a window serving a hallway then these can be conditioned to be obscure glazed and fixed shut, much as that required on the southern dormer. This would sufficiently overcome any concerns regarding loss of privacy to neighbouring residents.

Other considerations:

The Town Council have objected to the proposal in part because they consider the dormer itself to be ugly and detrimental to the street scene, however the dormer extension does not require planning permission and therefore is not under consideration here.

Conclusions:

The proposed development would not be detrimental to the character and appearance of the area and would be more visually appealing than the lawful blind dormer extension. Subject to the obscure glazing of the windows there would be no undue loss of privacy or overlooking to neighbouring residents and therefore this application complies with the relevant Local Plan policies and is recommended for approval.

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

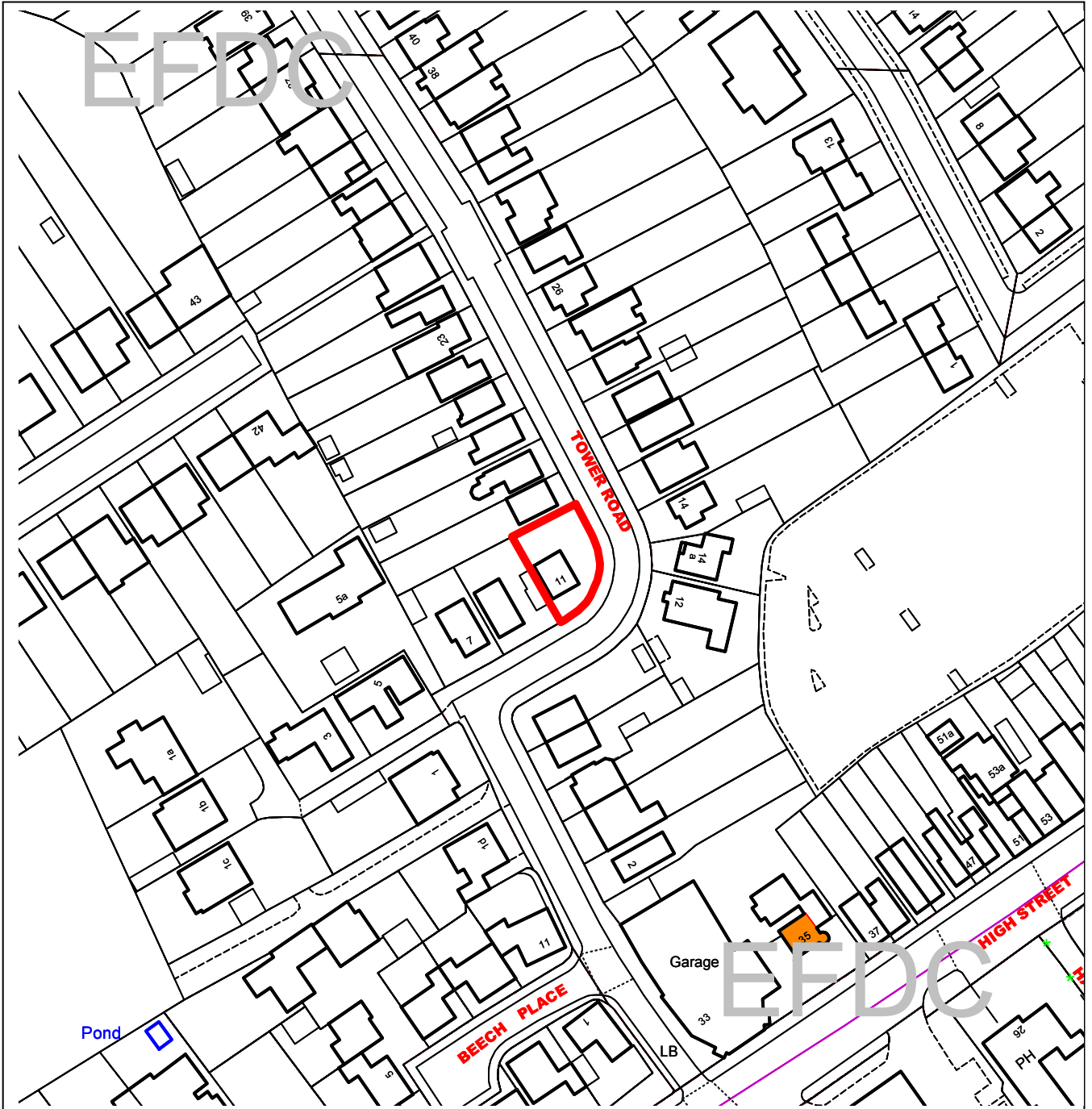
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

AGENDA ITEM NUMBER 7



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Application Number:	EPF/0879/14
Site Name:	11 Tower Road, Epping CM16 5EL
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0879/14
SITE ADDRESS:	11 Tower Road Epping Essex CM16 5EL
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr & Mrs Jones
DESCRIPTION OF PROPOSAL:	Two storey rear extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562318

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 The proposed window openings in the southern and west elevations at first floor level shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No further window openings shall be installed in the southern elevation (rear elevation) of the house without the prior written approval of the Local Planning Authority.

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

Description of Site:

The application site is located on a corner of Tower Road and as such has no immediate neighbour to the east as the road curves around this boundary. The house is detached, two storey, with a front facing gabled roof. There is a garden area to the side and rear serving the house and a paved area for the parking of vehicles on the back boundary.

The immediate neighbouring property to the west (No9) is also occupied by a two-storey dwelling with a side facing gabled roof. This property has a garage on the common boundary and is separated from the application site by a close boarded fence.

Owing to the sites position on a corner a residential property is located on the rear boundary (No13). As such the flank wall of this dwelling runs parallel to the rear boundary of the site. There is a fall in land levels of approximately 0.50m from the application site to No13. The house has a number of side facing windows and is also separated from the application site by close boarded fencing.

Description of Proposal:

The applicant seeks consent to extend the dwelling on the rear elevation over two storeys. The extension would follow the form of the dwelling by continuing the existing ridge and eaves level. The proposed addition would be 4.0m deep and would include new window openings in all three elevations including at first floor level.

Relevant History:

EPF/0716/86 – Extensions and Alterations. Grant Permission - 18/07/1986. (Never constructed).

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenity
DBE10 – Residential extensions

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.

Consultation Carried Out and Summary of Representations Received:

TOWN COUNCIL – Objection. Committee noted that two objections had been received from neighbours. Committee object to this scheme as there would be an excessive loss of amenity to neighbours through overlooking.

7 neighbours consulted – 3 replies received.

9 TOWER ROAD: Objection. Concern about visual impact from the extension when viewed from our property. The extension will be overbearing and bulky. Concern about loss of light to our property. Concern that the proposed extension will result in the loss of our holly tree. The proposed extension would have a side facing door facing our property and we feel this is unnecessary. Concern that the two first floor side facing windows will lead to overlooking.

13 TOWER ROAD: Objection (2 Letters). Concern that the extension is two-storey and will encroach on my property. Concern that there will be overlooking of my kitchen and garden. Concern about loss of daylight if this extension is built. Concern about a funnelling effect from the wind between the extension and the holly tree. Concern about overlooking from both the first floor window and the two ground floor windows, owing to the drop in ground levels.

There is a mistake in the plans as they suggest that my property is two-storey the entire way back when in fact the first floor at the rear is set back 1500mm from the ground floor. I have a concern that there will be a loss of privacy to my rear facing bathroom window.

15 TOWER ROAD: Objection. Concern about loss of light to our property and that the extension and rear facing window will lead to overlooking. Concern about impact on the amenity of our neighbours.

Issues and Considerations:

The main considerations relate to design, impact on the streetscene and neighbour amenity.

Design/ Streetscene

The site is on a corner plot and as such plays a fairly prominent role in the streetscene as both the front and flank walls are open to views. The road contains a mix of styles although it largely consists of detached dwellings and around this corner they are set on more spacious plots than the surrounding area. In design terms the extension would follow the existing form of the building and raises no significant issues. At 4.0m the depth is not considered particularly excessive. Furthermore the addition would be set reasonably well back from the road and as such would not significantly alter the existing streetscene. It is unusual for a rear extension to play any role in the character or appearance of a streetscene but this is the case here owing to the corner plot. However this extension could proceed without serious detriment to the character of the area. From a design/streetscene perspective what is proposed is considered acceptable and the use of matching materials would ensure a suitable finish.

Amenity

Objections have been received from three neighbouring properties and the Town Council which state that this proposal would have a material impact on the amenity of residents should it proceed.

Concern has been expressed from the occupants of No9 that the extension would have an adverse impact on amenity. It is firstly stated that the extension will be overbearing and result in a loss of light. The proposed extension will extend the flank wall for some 4.0m along the common boundary and it will be clearly discernable from the garden area. It was noted on site that the garden serving the house was shallow. However it is also quite wide and this would reduce any potential overbearing impact to some degree. Furthermore the extension would retain a gap of 1.0m to the common boundary. Although there will be some impact from the extension when viewed from the garden area it is not considered to be excessively overbearing. Owing to the distance from the extension to the house there would be no serious loss of light to windows.

The occupants at No9 also express concern that the proposed side facing windows would result in overlooking. It is noted that these windows serve a bathroom and an en-suite and these can reasonably be conditioned as obscure glazed. Furthermore they are high set. It is not considered that overlooking would result. Further concern is expressed about the fact that a side facing door is proposed but it is difficult to envisage any serious impact on amenity from this arrangement of the ground floor. It is also stated that the proposed scheme will result in the loss of the holly tree in the garden of No9. However there is no clear evidence that this would be the case and the tree is not protected or of significant public amenity value and as such this is not grounds for refusal.

Objections have also been received from the occupants of No15 which is located just to the north of No13 (the property at the northern common boundary). This house is separated from the application site by another property and such an existing scenario will ensure that there will be no serious loss of amenity to occupants of this dwelling or that serious overlooking would occur.

Two objection letters were received from the occupants of No13. Concern is firstly expressed that the proposed extension will be overbearing when viewed from No13. It was noted on site that the side facing wall of No13 is served by a number of windows. Although the extension will bring the wall closer to the common boundary it will not appear excessively overbearing. Although there will be an increase in overshadowing of the kitchen window in the early part of the day it would not be highly material. The existing fence is already relatively close to the kitchen window and serious loss of amenity would not occur.

Concern is also expressed that the two windows on the ground floor will be moved closer to this kitchen window. While this may be the case, it is a regular occurrence for properties to have side facing windows in close proximity to each other. The difference in this case is that as opposed to having side facing windows facing each other, one set of windows will be rear facing. In truth the applicant could exercise permitted development rights to extend the ground floor by 4.0m and this would not require planning consent. Although this concern from No13 is noted it is not considered a valid reason to withhold consent in this instance.

The plans include a first floor window in the rear elevation and this will be positioned closer to the common boundary than the existing first floor window in the rear wall. It is accepted that if this window was to be glazed with clear glass there would be a material loss of amenity, particularly to the rear garden of No13. It is noted that the submitted plan from the applicant has indicated the option of obscure glazing the window if the Council considered this necessary. This would have to be the case and another condition ensuring that no further windows were installed in the rear elevation would also be necessary. It is considered that such provisos would render this element, on balance, acceptable. An obscure glazed window already faces No13 and it must be assessed whether the moving of a similar window closer to the boundary would result in a material loss of amenity, bearing in mind it would be similarly obscure glazed. It is not considered that such a scenario would excessively impact on the amenity of occupants of No13. Members should be aware that the perception of overlooking is a valid material consideration even if it is concluded that no direct overlooking would result. However, it is not considered that in this instance perceived overlooking would be so great as to warrant refusal. As stated, any serious impact can be controlled by appropriate conditions.

It is stated that the proposed plans are erroneous in that they indicate that No13 is entirely two-storey. The submitted plans indicate the footprint of the neighbouring properties and this is acceptable. Owing to the tight angle between the proposed window and the rear facing bathroom window on No13, and the fact that both would be obscured glazed, it is not accepted that the construction of this extension would result in a loss of privacy to the bathroom window at No13.

The proposal retains 2 parking spaces and adequate private amenity space to the side of the property.

Conclusion:

The proposed design of the extension is considered acceptable and it would have no serious impact on the character of the streetscene. The concerns of neighbours and the Parish Council are noted and have been given appropriate weight. However it is considered that from an amenity viewpoint the extension is acceptable, and any material impact can be controlled by condition. It is therefore recommended that consent is granted subject to conditions.

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

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

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



Epping Forest District Council

AGENDA ITEM NUMBER 8



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Application Number:	EPF/0934/14
Site Name:	66 Bower Hill, Epping CM16 7AW
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0934/14
SITE ADDRESS:	66 Bower Hill Epping Essex CM16 7AW
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr & Mrs S Barron
DESCRIPTION OF PROPOSAL:	Proposed dwelling to rear of 66 Bower Hill, Epping.
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=562476

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 Prior to first occupation of the development hereby approved, the proposed window opening(s) on the first floor of the western flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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.
- 7 No development, including works of demolition or site clearance, shall take place until foundation details have been submitted to the Local Planning Authority and approved in writing. These shall consist of piles and an above ground beam design. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until driveway details have been submitted to the Local Planning Authority and approved in writing. These shall consist of an above ground, no dig construction with a porous finish and included an Arboricultural supervision timetable. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 No services shall be installed within the root protection area of the Monterey Cypress unless the Local Planning Authority gives its prior written approval.
- 10 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 11 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.
- 12 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.

- 13 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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 corner of Bower Hill and Allnuts Road within the town of Epping. The site is rectangular in shape and has a gradual slope that falls away from the rear towards the front and across it from north to south. The site is one of the larger sites within the surrounding area consisting of approximately 1044 square metre.

Located towards the front of the site and facing onto Bower Hill is a double storey detached dwelling house externally finished from facing brickwork. Vehicle access to the site is via the existing crossover along Bower Hill which provides off street parking on the hard standing area in front of the dwelling house. Located along the side and rear boundaries is a medium size timber paling fence and mature vegetation that provides screening for a private garden area to the rear of the site. The site contains three well established trees that are protected by tree preservation orders. Two of the protected trees are located in the front garden along the southern boundary whilst the third is located in the north western corner of the site within the rear garden.

The site is located in a well established built up area that comprises a mixture of residential buildings that vary in styles and size. A block of residential units adjoins the southern boundary of the site, pairs of semi-detached buildings are located to the rear and opposite it and detached buildings are located to the north. Principal elevations of buildings generally have consistent setbacks from the highways with small open aspects. The site is not located within the green belt or a conservation area and it is not within the setting of any listed buildings.

Description of Proposal:

Planning permission is sought to subdivide part of the existing rear garden area to the rear of the site and construct a double storey detached dwelling house.

The dwelling house, including its single storey side element, would have maximum dimensions measuring 8m wide by 8.3m in depth. It would have a gable roof form with a maximum height to its ridge of 7.7m. It would be externally finished from facing brickwork and plain roof tiles.

The dwelling would be set back 9m from the highway, 5m from the southern rear boundary and 6.1m from the western side boundary that it would share with number 1 Allnuts Road.

A new crossover along Allnuts Road is proposed to provide vehicle access to the site. Two off street parking spaces would be provided on the hard standing area towards the front of the dwelling. Approximately 114sqm of private amenity space is proposed to the rear and side of the new dwelling house.

Relevant History:

EPF/0679/91 - Outline Application for erection of dwelling and garage (refused and dismissed at appeal 3/1/92)

EPF/1185/92 - Outline application for erection of detached dwelling and garage (refused 26/1/93)

EPF/0471/93 - Outline application for the erection of a detached house and garage (refused and dismissed at appeal 19/4/94)

EPF/0047/98 - Detached chalet bungalow (refused 9/6/98)

EPF/1591/08 - Two storey side extension and single storey rear extension (approved 2/10/08)

EPF/1960 - Single storey side extension and replacement rear dormer (approved 23/12/09)

EPF/1186/13 - Proposed dwelling in the rear garden of No. 66 Bower Hill, Epping (withdrawn 29/7/13)

EPF/2289/13 - Proposed dwelling to rear of 66 Bower Hill, Epping. (Revised application to EPF/1186/13) (withdrawn 22/1/14)

Policies Applied:

Local Plan policies relevant to this application are:

CP1 Achieving sustainable development objectives
CP2 Protecting the quality of the rural and built environment
CP3 New development
CP5 Sustainable buildings
CP6 Achieving sustainable urban development patterns
CP7 Urban form and quality
DBE1 Design of new buildings
DBE2 Detrimental effect on existing surrounding properties
DBE6 Car parking in new development
DBE8 Private amenity space
DBE9 Loss of Amenity
LL10 Protecting existing landscaping features
LL11 Landscaping scheme
ST1 Location of development
ST2 Accessibility of development
ST4 Highway safety
ST6 Vehicle parking
H1A Housing Provision
H2A Previously developed land
H3A Housing density

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

Summary of Representations

EPPING TOWN COUNCIL - Object

Committee objects to this application because it does not address the issues of overlooking and overdevelopment of the site which were a significant feature in the previous application.

NEIGHBOURS:

Adjoining neighbours notified by mail. Three objections received from the occupiers of the following properties:

4 ALLNUTS ROAD, EPPING – Object

- The building would not reflect the space and layout of properties that are established within the locality and therefore result in an overdevelopment and intensification of the site.
- The proposal would result in another example of garden grabbing and a form of backland development.
- The design and appearance of the proposed development is out of keeping with the character and appearance of the surrounding locality.
- Due to the excessive size and scale and the position of the proposal, it would result in excessive harm to amenities enjoyed by adjoining property occupiers in relation to visual blight, overshadowing and overlooking.
- The proposal would have a detrimental impact to the protected cypress tree and bring added pressure to its future survival if the development is allowed
- Additional vehicle sin the locality would result in addition pressure on parking within surrounding highways.

6 ALLNUTS ROAD, EPPING – Object

- The arboricultural report and tree schedule submitted are inaccurate.
- The proposal would have a detrimental impact to the future of the protected cypress tree towards the front of the property.
- The proposal by reason of its inappropriate size and siting would result in harm to the amenities of adjoining property occupiers, particular in relation to overlooking, and visual blight.
- It would result in a loss of existing open views from adjoining properties.
- The proposal is inappropriate and unsympathetic to the appearance and character of the surrounding locality.
- Inadequate provisions for private amenity space and parking.
- The proposal would result in further kerbside parking on surrounding highways and create a new vehicle crossover that would be detrimental to highway safety and increase traffic congestion.
- The proposal is an unacceptable overdevelopment of the site involving in a loss of garden area and the open aspect of the neighbourhood.

8 ALLNUTS ROAD, EPPING - Object

- The proposed would result in direct overlooking of properties opposite the site.
- The proposed is not in keeping with the character of the surrounding locality as its roof form is higher than number 1 Allnuts.
- The height, position and depth of the proposal will have a detrimental impact on adjacent properties and looked squashed in appearance.
- The proposal would be detrimental to the protected cypress tree.
- It would have a lack of useable amenity space to meet the needs of future residents.
- The proposal is a three bedroom house if you include the study and not a two bedroom house as indicated within the submission.
- The proposal would add to the already difficult parking and traffic movements within the surrounding locality.
- The proposal would be out of keeping with the character and appearance of the street scene and the surrounding locality.

Issues and Considerations:

The main planning issues are considered to be:

- Principle of development
- Design and appearance
- Amenity space & living conditions
- Highway and parking impacts
- Landscaping
- Neighbouring amenities

Principle of development:

The site lies outside the Metropolitan Green Belt, Employment Area and Commercial Areas and is, therefore appropriate for residential development. The principle of residential development is therefore considered acceptable in land use terms and the provision of additional housing is consistent with Policy H1A and HC2A as the application site is within an established urban area and would result in the re-use of previously developed land. In addition it should be noted that the NPPF does not preclude development within garden land and permits such development provided that the character and appearance of the area is respected.

The development site is located within a very built up, predominantly residential area that is close to Epping town centre and other local facilities. Furthermore there are very good transport links within this area with the Epping Underground Tube Station (Central Line) within walking distance from the site.

As such, it is considered that the development of this site would constitute a sustainable development in transport/location terms which is in accordance with Local Policies CP1 and ST1. The principle of residential development for the site is in accordance with the Adopted Local Policies and the National Planning Policy Framework.

Design and appearance:

Paragraph 58 of The Framework states that development proposals should respond to local character, reflect the identity of their surroundings, and optimise the potential of sites to accommodate development. Local policies DBE1 and CP2 are broadly in accordance with the above requiring that a new development should be satisfactorily located and is of a high standard in terms of its design and layout. Furthermore, the appearance of new developments should be

compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

In relation to the siting of the development, the new dwelling house would be set back further from the highway than the adjoining property of No. 1 Allnuts however it would still be relatively consistent with front building line within the Road. The area to the front of the dwelling would be hard paved to allow for parking. Whilst this would inevitably give this part of the street scene a more built up appearance, the proposal would not appear out of place in the context of surrounding development, as in several cases other dwellings in the locality have large areas of hard standing to the front of properties. In addition, the dwelling house would also maintain a sense of visual separation with properties either side and avoid a terrace effect within the street scene.

It is noted that the height of the proposed dwelling would be approximately 0.7 of a metre higher than the ridgeline of the adjoining property of No. 1 Allnuts. Although it would be preferable for the height of the proposed ridge to be identical to the adjoining ridge height to provide a better transition within the street scene, on balance it is considered that the overall height of the new dwelling house would be acceptable. It is considered that the difference in height would not be highly noticeable given the separation distance of over 8m between the two dwellings and that the new dwelling would be further setback from the highway than the adjoining dwelling. In addition the large protected cypress tree which is between both properties would dwarf both dwellings drawing the eye away from the difference in height levels between the buildings.

The building has been designed to complement the surrounding locality incorporating local features and materials. The overall scale and proportion of the dwelling is considered appropriate

Taking these factors into account, it is considered that on balance the proposed dwelling house would not appear unduly cramped in comparison with surrounding development and would not cause material harm to the appearance of the street scene or the character of the area generally.

Amenity space and living conditions

The Council's policy seeks to ensure an adequate amount of conveniently located amenity space is provided in new residential developments which is usable in terms of its shape and siting. The supporting text within local policy DBE8 suggests that 20sqm for each habitable room should be provided.

Approximately 114sqm of amenity space has been provided to the rear and side of the dwelling. The amount, size and shape of the space provided are considered to meet the recreational needs of future occupants.

The proposal would be consistent with the objectives of the Framework to ensure that a new development achieves a good standard of amenity for future occupants of the building.

Highway safety, traffic impact & vehicle parking

The Adopted Council parking standards recommends that for a two or more bedroom dwelling, a minimum of 2 vehicle spaces are required. The level of parking may be reduced if the site enjoys a good location in terms of a range of services and public transport.

In addition, the Adopted Council parking standards state that the preferred parking bay size for a parallel parking space should be 5.5m by 2.9m.

Two off street parking spaces of a sufficient size have been proposed on the hard standing area in front of the dwelling. As such the proposal meets the required standards and therefore would not

lead to undue kerbside parking. The development would not result in further traffic congestion or have a detrimental impact upon highway safety.

Landscaping:

As already mentioned within this appraisal, the large cypress towards the front of the site is protected by a TPO, and has significant amenity value. The new house, driveway and potentially, new services will be within and around the rooting area of the tree.

Council's landscape officer has considered this and has no objections to the proposed development subject to a number of conditions requiring further details to be submitted before the carrying out of any works on site. Such information includes showing further details of the foundations of the building, materials of the hard standing area and tree protection measures in order to ensure the future survival of the protected tree during and after the construction of the dwelling.

Neighbouring amenities:

Due consideration has been given to the potential harm the proposal would have on the amenities enjoyed by adjoining occupiers.

Firstly, in respect to a loss of privacy through overlooking, it is considered that no excessive harm would be caused. No flank windows facing the host dwelling or on the first floor of the rear elevation are proposed and as such there would be no direct overlooking of habitable rooms or private garden areas to either the host dwelling or the residential units to the rear of the site. It is noted that flank windows are located on the first floor facing No. 1 Allnuts Road that will serve a landing area and a bathroom. These windows would be obscured glazed via way of planning conditions to prevent any direct overlooking to No. 1 Allnuts Road.

In addition to the above, there is an approximate distance of 25m between the principal elevation of the new dwelling and the dwellings adjacent the site on the opposite side of Allnuts Road. Given this distance, and the fact that the Essex Design Guidance allows for dwellings to front one another, it is considered that the dwelling house would not result in excessive overlooking of the properties opposite it.

The relative position, orientation and the separation of the proposed dwelling house in relation to the adjoining properties are such that there would not be excessive overshadowing to private garden area or habitable room windows.

In relation to the concerns raised about impact upon view lines, it should be noted that there is no right to view lines and that a development can only be refused if it is considered to be visually intrusive. It is considered that the proposal would not be visually intrusive, overbearing or an unneighbourly development.

The development would not result in excessive harm to the amenities enjoyed by adjoining property occupiers.

Other issues:

The application was referred to Council's drainage officer who had no objection to the proposal however stated that the development 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 runoff. Therefore a planning condition should be added if permission was to be granted requesting further details of surface water runoff.

Conclusion:

The proposal is considered to be appropriate in terms of its design and appearance within the street scene. In addition it would not result in excessive harm to the amenities of adjoining property occupiers. The application is in accordance with the local policies contained within the Adopted Local Plan and Alterations and the National Planning Policy Framework and is therefore recommended for approval.

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

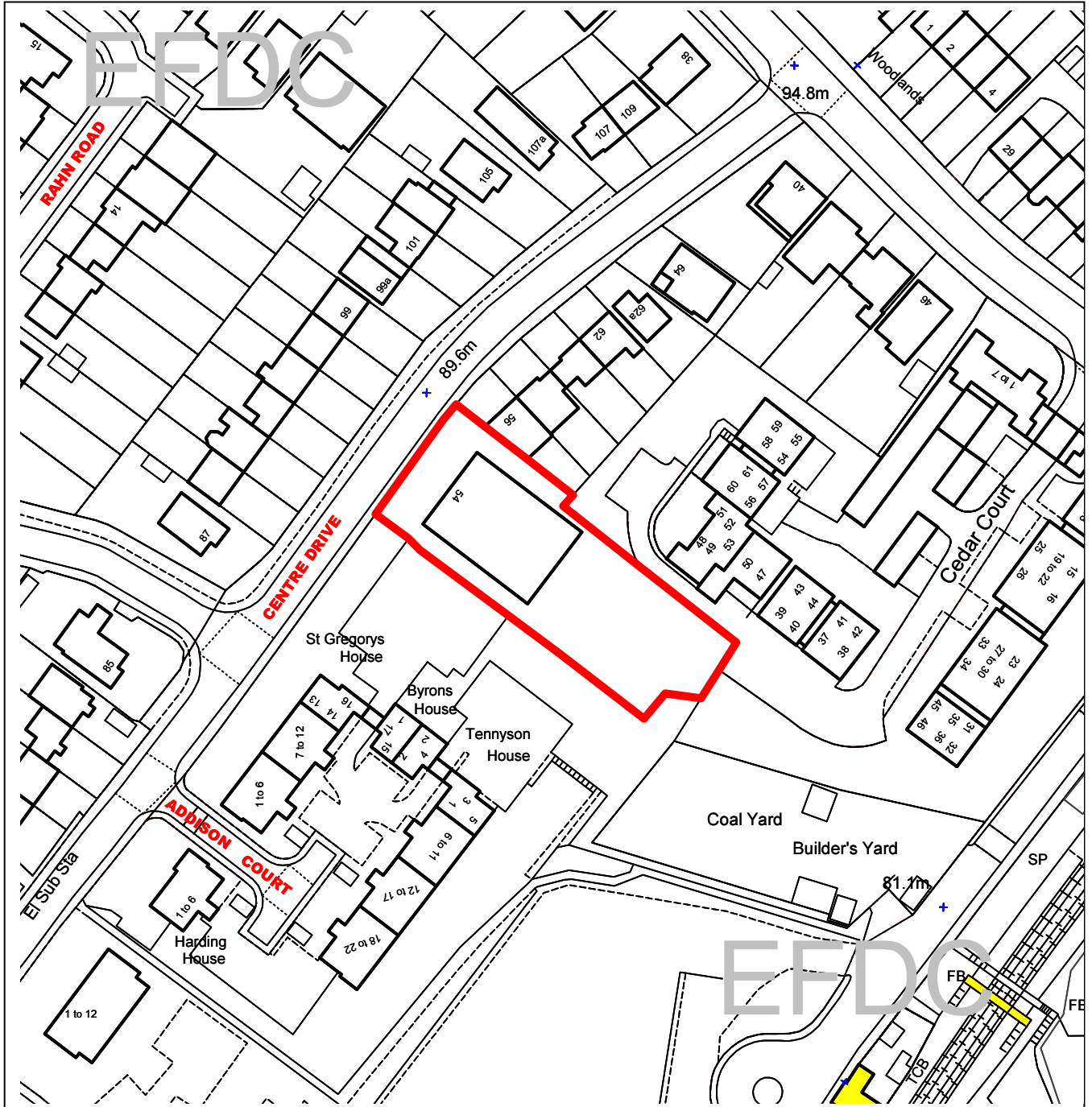
***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

AGENDA ITEM NUMBER 9



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Application Number:	EPF/0987/14
Site Name:	54 Centre Drive, Epping CM16 4JF
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/0987/14
SITE ADDRESS:	54 Centre Drive Epping Essex CM16 4JF
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Chelsteen Homes Ltd
DESCRIPTION OF PROPOSAL:	Demolition of commercial/industrial premises and construction of 14 no. two bedroom apartments and associated works. (Revised application to EPF/2565/13)
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562690

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: 7934/01, 7934/02, 7934/03, 7934/05, 7934/06, 7934/07, 7934/08, 7934/09, 7934/10, 7934/11, 7934/12, 7934/13, 7934/14, 7934/DS02, 7934/DS03, 7934/DS04, 7934/DS05, 7934/DS06, 7934/DS07, 7934/DS08, 01
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes 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 openings in the flank elevations of units 5/10 and 8/13 as shown on plan ref: 7934/05, shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 10 Prior to occupation of the development, there shall be no obstruction above ground level within a 2.4m wide parallel band visibility spay as measured from and along the nearside edge of the carriageway across the entire site frontage (excluding existing trees). Such vehicular visibility splays shall be retained free of any obstruction at all times (excluding existing trees).
- 11 Prior to the first occupation of the development, the access road shall be constructed to a width of 5 metres for at least the first 6 metres from the back of the footway and provided with an appropriate dropped kerb crossing of the footway. No unbound material shall be used in the surface treatment of this first 6 metres of vehicular access.
- 12 Prior to the first occupation of the development, details incorporating the reinstatement to full height of the footway and kerbing within the redundant vehicle crossover to the south of the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented and retained in accordance with the approved details.

- 13 The development shall be carried out in accordance with the approved flood risk assessment and drainage strategy. Prior to occupation of the development a maintenance schedule shall be submitted to and agreed in writing by the Local Planning Authority and shall be adhered to thereafter.
- 14 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 15 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]
- 16 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 17 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 18 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 19 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.
- 20 The development shall be carried out in accordance with the recommendations contained within the approved bat survey, including the use of bat bricks in the build and the stated mitigation measures if bats are found during demolition/construction.
- 21 The refuse storage facility shown on the approved drawings shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local planning Authority.

And the completion by the 30th July 2014 (unless otherwise agreed in writing by the Local Planning Authority) of a legal agreement under section 106 of the Town and Country Planning Act to secure a contribution of £22,749 (index linked to April 2014 costs) towards the provision of primary education within the area, to secure highways works to existing bus stops, and to ensure that Residential Travel Information Packs are provided to future residents. In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would cause harm to local education service and to the capacity of existing transport services by generating additional demand that cannot be accommodated within existing capacity.

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

Description of Site:

The application site currently contains a large detached office building and associated car park that has been vacant for a number of years. The site is located on the south eastern side of Centre

Drive and is surrounded on most sides by existing residential properties, including Addison Court to the southwest and Cedar Court to the east. To the rear (southeast) of the site is a builder's yard, with Epping Train Station beyond this.

The site slopes down from west to east and contains a group of preserved trees along its road frontage. The site is also within a designated employment area, however Local Plan policy E1 (employment areas) is no longer compliant with the National Planning Policy Framework and therefore will not be provided any weight in this application.

Description of Proposal:

Revised application for the demolition of the existing office building and the erection of a new block of 14 no. two bedroom apartments with associated works. The proposed apartment block would be a U shaped block arranged around a courtyard amenity area and would measure a maximum of 21.8m in width and 31.4m in depth. The proposed building would be three storeys reaching a maximum height of 13m above existing ground level.

This revised application differs from the previously refused scheme through the relocation of the building so that the proposed access road now runs adjacent to the shared boundary with No. 56 Centre Drive and due to the altered design of the proposed building. Whilst the previous proposal was a modern, contemporary design, this revised scheme is a more standard building with pitched roofs and traditional detailing.

Relevant History:

Whilst there are several applications in the 1950's and the 1970's regarding the employment premises on site, and a single application in 1998 for the installation of air-conditioning units, the only directly relevant application to this proposal is:

EPF/2565/13 – Demolition of commercial/industrial premises and construction of 14 no. two bedroom apartments and associated works – refused 14/02/14

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
CP7 – Urban form and quality
H2A – Previously developed land
H3A – Housing density
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U3A – Catchment effects
RP4 – Contaminated Land

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

Consultation Carried Out and Summary of Representations Received:

66 neighbours were consulted and a Site Notice was displayed on 23/05/14. This report has been produced prior to the expiration of the consultation period. As such, any further comments received will be verbally reported to Members at Committee.

TOWN COUNCIL – Object. Whilst they recognise changes to the access road and roof design have been addressed, they feel the objections expressed in the previous application are still valid. The previous objection is as follows:

- 1. The proposed development, due to its inappropriate size and scale would cause an excessive loss of amenity for neighbouring properties due to its visual impact, overlooking from new flats and loss of daylight, contrary to policies CP7 and DBE9.*
- 2. The proposed development, by reason of its inappropriate size, scale and siting in close proximity to the neighbouring property number 56, would result in an unneighbourly relationship. The existing building is sited 5.5m from number 56 and is two storeys high whereas the proposed scheme is 1.8m from number 56 and 3 storeys high, contrary to policies DBE9, DBE2 and DBE1.*

Main Issues and Considerations:

The key issues within this application are the suitability of the site for such a development, amenity considerations, design, impact on the preserved trees, and regarding highway and parking concerns. The previous application was refused for the following reason:

- 1. The proposed building, due to its height and position just 1.8m from the flank boundary with number 56 combined with its excessive depth beyond the rear elevation of number 56, would have an adverse visual impact on the outlook from the rear of number 56 and be overbearing and oppressive such that there would be an excessive loss of amenity to the occupants of that property, contrary to Policy DBE9 of the Adopted Local Plan and Alterations.**
- 2. The flat roofed design of the proposed development and its detailing fails to respect the character of the area, is out of keeping with the streetscene and as a result is harmful to the character and amenity of the area, contrary to policies CP2, CP7 and DBE1 of the Adopted Local Plan and Alterations.**

In order to address the above reasons for refusal, this revised scheme proposes to relocate the new building some 4.5m from No. 56 Centre Drive by providing the access road adjacent to the shared boundary between the two properties. The courtyard within the centre of the building would remain, which breaks up the expanse of depth of the proposed building when viewed from the neighbour's property, and the two protruding sections of the building (closest to No. 56) would be lower in height with the proposed pitched roof incorporating the third floor accommodation. Given these alterations it is considered that the proposed revised scheme has adequately mitigated the previously identified harm and would now comply with Local Plan policy DBE9.

The second major change to the proposed scheme is the altered design. Whereby the previous application was more contemporary, incorporating a flat roofed design with modern detailing, this revised scheme now proposes a more standard designed building with pitched roofs and traditional detailing. The south-western 'main' section of the building would be a full three storeys with a pitched roof, however the two protruding sections would be lower in height with the third

storey being incorporated into the roof space. This would result in a stepped appearance that would infill between the two storey neighbour at No. 56 Centre Drive and the three storey block of flats known as St. Gregory's House. The revised design would be more in line with the guidance contained within the Essex Design Guide and would better reflect the overall character and appearance of the surrounding area. As such, this alteration would sufficiently overcome the second reason for refusal on the previous application.

The 'possible way forward' stated by Members regarding the previous refusal is as follows:

"Members considered whether there was a way forward and it was clear that the principle of the redevelopment was welcomed. They suggested that a more traditional pitched roofed design would be more in keeping and that repositioning away from the boundary with Number 56 by moving the access road to that side of the building would significantly improve the scheme and reduce the adverse impact on residential amenity".

Due to the above it is considered that this revised scheme successfully overcomes the previous reasons for refusal to EPF/2565/13 and complies with the suggested way forward. All other considerations are relatively unchanged from the previous application, however are nonetheless assessed in full below.

Suitability of site:

The application site is a former industrial premises with ancillary offices located within the urban area of Epping. The site is within a predominantly residential area and is well served by public transport and local facilities as it is within walking distance from both the designated town centre and Epping Underground Station. There are also various bus routes serving the local area. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development. The principle of further development within the type of location is considered to accord with this presumption and therefore this should be afforded significant weight. Furthermore, the redevelopment of this site would constitute the reuse of previously developed land. Both the NPPF and Local Plan policy H2A encourage the reuse and intensification of use of such sites; however applications still need to be assessed on their individual merits.

Although the site is located within a designated employment site, and Local Plan policy E1 resists the loss of such sites without suitable justification, this policy does not comply with the NPPF and as such no weight is attached to this policy. Notwithstanding this, it is understood that the existing industrial premises has been vacant for a number of years and significant marketing has taken place to attempt to bring the site back into employment use.

Furthermore, given its location in close proximity to residential dwellings, it is considered that the use of the site for residential purposes would be more in line with the character of the area than the existing business use. To the immediate southeast and west of the site are large residential apartment buildings, which are more intensely developed and of a greater scale than this proposal. As such, it is considered that the principle of redeveloping the site for housing is acceptable.

Amenity considerations:

The revised residential building would be located 4.5m from the shared boundary with No. 56 Centre Drive and, due to the more traditional design, would have pitched roofs that pitch away from the neighbouring property. As such, the increased distance from the boundary and pitched roof design would ensure that the revised scheme would not be unduly detrimental to this neighbour's amenity.

The existing building has a number of upper storey windows within the flank and rear windows of the front three storey block that overlook the neighbouring gardens to the northeast and face the windows of flats in Cedar Court (albeit at a distance of around 30m). The proposed apartment building also proposes flank and rear upper storey windows, however these have been specifically laid out to reduce the overlooking of the neighbours to the northeast.

Within the front section of the U shaped building there would be a single small secondary window on each floor, which would predominantly overlook the roof of the neighbour's single storey side/rear extension, although it may offer some views into the rear garden. As a secondary window these can be conditioned to be obscure glazed. Within the central section of the new building there would be a number of habitable (kitchen/dining room) and non-habitable (bathroom) windows that face the neighbouring property and overlook the courtyard. Whilst there would be some overlooking of the neighbours rear garden as a result of these, they would be located some 16.5m from the shared boundary and therefore would not result in any excessive loss of privacy. Within the rear section of the U shaped building there would be habitable windows and a balcony on each of the upper storeys, however these balconies and the dining room windows would be screened by the building itself. The windows closest to the shared boundary would be small windows serving the kitchens of the flats and, due to the increased distance from the shared boundary and limited width of these windows, the view from these windows would be limited to the neighbours flank wall and garage roof.

The introduction of rear windows closer to Cedar Court than the existing upper floor rear windows is not considered to be unduly harmful to the residents of this neighbouring apartment building, as the windows that would be overlooked are visible from the road and parking area serving Cedar Court along with the parking area that serves the existing site. Therefore the privacy of these windows is already compromised and visible from (semi) public view and any additional overlooking resulting from this development would not be considered any more harmful.

Each of the fourteen apartments would be served by a private balcony or terrace area, and there would be a communal courtyard along with a grassed area to the front of the site. These amenity areas are considered sufficient to serve the needs of future residents of the site.

Landscaping:

There is a Tree Preservation Order (TPO/EPF/25/93) which protects 4x lime trees along the road frontage of the site. The front wall of the proposed new building would be in roughly the same location as that of the existing building and the relocation of the building would have no additional impact on these trees. The proposed access road and delivery/visitor parking spaces to the front of the site would replace the existing access road and large area of hardstanding and therefore would not be any more harmful to the preserved trees than existing.

Some non-preserved existing trees would be removed as part of the proposed development, all of which have little amenity value, and additional planting and landscaping will be undertaken. Therefore, subject to suitable conditions, this proposal is considered acceptable with regards to landscaping.

Parking provision/Highways:

The Essex County Council Vehicle Parking Standards require two parking spaces for every 2+ bed residential unit, plus 0.25 visitor spaces per unit (rounded up). The proposed development would provide 24 resident parking spaces plus 2 visitor parking spaces to the front of the site. Whilst this is under the standard requirement (which would be 30 resident spaces and 4 visitor spaces), the Parking Standards states that "*reductions of the vehicle standard may be considered if there is development within an urban area that has good links to sustainable transport*". Given the proximity

to Epping Underground Station and Epping Town Centre it is considered that this slight reduction in parking provision would be acceptable in this instance.

The proposed residential development would be served by the existing access and would provide a sufficient parking/turning area to the rear of the site. As such the proposal would not be detrimental to highway safety or the free flow of traffic on Centre Drive. However the introduction of additional residential accommodation of this scale would necessitate the need for bus stop improvements to the two existing bus stops located in the vicinity of the site and the provision of Residential Travel Information Packs for future residents. These issues can be dealt with by way of a S106 agreement.

Other Matters:

Flooding:

The proposed development is of a size where it is necessary to avoid generating additional runoff, and where the opportunity should be taken to improve existing surface water runoff. A flood risk assessment was submitted with the application, which is considered acceptable and therefore, subject to the development being carried out in accordance with this FRA, the proposal would not result in any additional flood risk on or off of the site.

Education:

As the proposed development would provide 14 two bedroom properties this would potentially impact on the existing education service of the area. According to the latest information available to Essex County Council's Early Years and Childcare Team there is likely to be sufficient pre-school places available to serve the needs of the proposed development. With regards to primary school provision the Priority Admission School for the development would be Ivy Chimneys Primary School, which has permanent capacity for 315 pupils. The latest forecasts published show that by the academic year 2017/18 there are likely to be 314 pupils on roll, and the wider Epping Group 2 Forecast Planning Group shows that there is likely to be a deficit of 84 places by 2017/18. Forecasts indicate that there is likely to be sufficient places at secondary school level to meet the needs of secondary school children generated by the proposed development.

Due to the above, a financial contribution of £22,749, index linked to April 2014 costs, would be required in order to mitigate the impact of the proposed development on primary education provision. Such a contribution can be secured through a S106 agreement.

Contaminated Land:

Due to the application site's former uses as a timber yard, vehicle repair workshop, plant hire depot and rubber factory, along with the presence of Made Ground and Infilled Ground, there is the potential for contaminants to be present on this site. This has been confirmed within the submitted Phase 1 and exploratory investigation report undertaken by Wisser Environmental Ltd in July 2013. Notwithstanding the submitted report, further detailed research is required in order to identify all potentially contaminating uses and potential pollutant linkages under Phase 1 and a detailed Phase 2 site investigation will also be required. These can be dealt with by condition.

Ecology:

A bat survey undertaken by JD Ecology was submitted which makes recommendations concerning what must be done if bats are found during construction. Furthermore, this document recommends the use of bat bricks in the build to increase biodiversity. These recommendations should be followed, which can be controlled by way of a condition.

Refuse:

The proposed refuse area is located in the ground floor of the rear section of the building, however Environmental Services state that this is too great a distance from the edge of the highway to enable the bins to be collected by EFDC Waste Services. The applicants are aware of this and have stated that the management company will be responsible for presenting the bins to a suitable collection area. On this basis the proposal is considered acceptable.

Conclusion:

In light of the above the proposal would constitute a sustainable development that makes more efficient use of a currently vacant, brownfield site. The relocation of the building and redesign of the scheme have successfully overcome the previous reasons for refusal and as such it is considered that the proposal complies with the relevant policies and guidance and is therefore recommended for approval.

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

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

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