



***District Development Management Committee
Wednesday, 24th February, 2016***

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 24th February, 2016
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Gary Woodhall
The Directorate of Governance
Tel: 01992 564470
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, H Brady, R Butler, J Hart, R Jennings, S Jones, H Kauffman, J Knapman, Y Knight, A Mitchell, G Mohindra, C C Pond and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

16:00

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Senior Democratic Services Officer 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 then 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

then you should move to the upper public gallery.

Could I please also remind Members and Public Speakers to activate their microphones before speaking.”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)

(Director of Governance) General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

(Director of Governance) To be announced at the meeting.

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23 JULY 2002)

(Director of Governance) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

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

6. MINUTES (Pages 7 - 22)

To confirm the minutes of the last meeting of the Committee held on 2 December 2015.

7. EPF/2254/15 PYRLES LANE NURSERY, LOUGHTON (Pages 23 - 40)

(Director of Governance) To consider the attached report for the outline consent for the demolition of the existing tree/plant Nursery and the erection of up to 36 dwellings, of which 15 will be affordable units (DEV-021-2015/16).

8. EPF/1891/15 - THE PADDOCK, GROVE LANE, CHIGWELL (Pages 41 - 50)

(Director of Governance) To consider the attached report for the demolition of the existing stables & warehouse, and the erection of 8 dwelling houses & associated landscaping (DEV-018-2015/16).

9. EPF/2701 - LAND AT BROWINGS FARMHOUSE, GRAVEL LANE, CHIGWELL (Pages 51 - 62)

(Director of Governance) To consider the attached report for the erection of a two-bedroom dwelling house (DEV-020-2015/16).

10. EPF/2197/15 - 15 OAKWOOD HILL INDUSTRIAL ESTATE, OAKWOOD HILL, LOUGHTON (Pages 63 - 72)

(Director of Governance) To consider the attached report for the installation of 2-storey business units – part single & part 2-storey café – together with associated welfare facilities and parking (DEV-017-2015/16).

11. EPF/3058/15 - THE DRUMMONDS, SIDNEY ROAD, THEYDON BOIS (Pages 73 - 78)

(Director of Governance) To consider the attached report for the removal of condition 3, garage for storage of motor vehicles, for planning permission EPF/1286/91 – Two-storey side extension to form 'granny annexe' (DEV-019-2015/16).

12. 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.

13. EXCLUSION OF PUBLIC AND PRESSExclusion

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

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	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. A map showing the venue will be attached to the agenda.

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.

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 and 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.eppingforesdc.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'

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 2 December 2015

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.10 pm

Members Present: B Sandler (Chairman), B Rolfe (Vice-Chairman), A Boyce, R Jennings, H Kauffman, J Knapman, Y Knight, A Mitchell, G Mohindra, C C Pond, J M Whitehouse, D Dorrell, J Lea and J Philip

Other Councillors: -

Apologies: H Brady, R Butler, J Hart and S Jones

Officers Present: N Richardson (Assistant Director (Development Management)), P Pledger (Assistant Director (Housing Property)), G J Woodhall (Senior Democratic Services Officer) and J Leither (Webcasting Officer)

38. WEBCASTING INTRODUCTION

The Senior Democratic Services Officer reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

39. 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 Committee, in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning Committee meetings.

40. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23 JULY 2002)

The Committee noted the following substitutions for this meeting:

- (i) Councillor Dorrell for Councillor Butler;
- (ii) Councillor Lea for Councillor Hart; and
- (iii) Councillor Philip for Councillor Jones.

41. DECLARATIONS OF INTEREST

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

42. MINUTES**Resolved:**

(1) That the minutes of the meeting held on 4 November 2015 be taken as read and signed by the Chairman as a correct record.

43. EPF/1531/15 - GARAGES COURT NORTH OF 52 STEWARDS GREEN ROAD, EPPING

The Assistant Director of Governance (Development Management) presented a report for the erection of four affordable homes with nine parking spaces at the Garages Court north of 52 Stewards Green Road in Epping.

The Assistant Director advised the Committee that this application had been deferred by Area Plans Sub-Committee East on 9 September 2015, with a request that additional information concerning parking displacement and parking surveys be provided. These surveys had now been carried out and the Highways Authority had been re-consulted. The additional information within the report was highlighted to the Committee.

The Assistant Director stated that the application site was currently occupied by a group of 14 garages arranged in two blocks across an entrance court with a grassed strip to the front. The garages were located to the north of Stewards Green Road and served residents in the local area. The proposal was for the construction of four terrace dwellings facing the road with private amenity space to the rear, and the provision of nine parking spaces. The buildings would be similar in design to the terrace of properties to the south and would be affordable rented units as the land was owned by the Council.

The Assistant Director reported that Officers had concluded the proposed scheme represented a small brownfield development at a sustainable location which would have no serious impact on the amenity of neighbours. Whilst the loss of the garages and some parking displacement was recognised as an issue, it was considered that this would not lead to serious parking issues in the immediate vicinity. Furthermore, this concern was outweighed by other positive attributes of the development, including the provision of much needed affordable housing. Therefore, it had been recommended to grant planning permission, subject to the conditions listed in the report and an extra standard condition to limit the hours of working at the site during construction.

The Committee noted the Summary of Representations received in relation to the application. There had been three letters of objection received from residents in Stewards Green Road, and the Town Council had offered no objection to the scheme. The Committee heard from an Objector and the Applicant's Agent, who suggested the provision of a resident's off-street parking scheme in Stewards Green Road be investigated, before proceeding to debate the application.

A local Member for Epping Hemnall informed the Committee that Area Plans Sub-Committee East had requested a parking survey to be undertaken during daylight hours to ascertain the problems with commuter parking in the area. The overnight surveys conducted by the Applicant did not meet the requirements of the Merton Parking Survey Methodology used by the Applicant and the surveys should have been conducted between 7.00am & 8.00am and 6.00pm & 7.00pm. The Member had no objections to the design of the houses and welcomed the suggestion to

investigate the possible provision of a resident's off-street parking scheme in the area.

Other Members also felt that the timings of the survey did not give any indication of the commuter parking problem in the area. It was highlighted that the problem of commuter parking in this area was not unique within Epping; commuters would park a considerable distance from the Tube station and then walk to catch their trains. Anecdotal evidence was given concerning the inability to park in Stewards Green Road one Friday morning at approximately 10.30am about a year ago. In addition, there were possibly seven vehicles being displaced from the garages and that this area had a strong case for the implementation of a resident's parking scheme. Some Members had also requested dropped kerbs and repairs to the pavements from damage caused by commuter parking.

The Assistant Director added that the consultants had chosen the timings of the survey to be those when the need for residents' parking was greatest, i.e. during the night, and this was normal practice. The proposal was requesting permission for nine parking spaces to serve four dwellings; the Council could not ask for three parking spaces per dwelling. The implementation of dropped kerbs and repairs to damaged pavements were a highways issue that was beyond the remit of planning.

However, some Members felt that the Highways Authority had agreed the timings of the parking surveys, the results of which had removed parking as a planning issue in this instance, and it was not possible to condition the construction of a Residents Parking Scheme. There was no guarantee that the occupied garages were being used to store cars and the need for affordable housing was becoming desperate throughout the District. It was accepted that parking was a planning issue, and amenity issues were also of importance. However, the conclusion of the report that the amount of potential parking displacement was outweighed by the sustainable means to help meet housing need within the District was also highlighted.

As a result of the concern of the Committee with local parking issues, an extra condition was proposed to undertake an off street parking assessment of Stewards Green Road, once work had commenced, with its findings reported to the Director of Communities.

Resolved:

(1) That planning application EPF/1531/15 for the Garages Court north of 52 Stewards Green Road in Epping be granted permission, subject to the following 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: 612 040 PI 01a, 02a, 03b, 04a, 05a, 06a, 07a, 08, 09, 10.
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. 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.
5. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
6. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
7. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
9. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved 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.]

10. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

11. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

12. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the

development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

13. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition
14. Prior to the first occupation of the development the access arrangements and vehicle parking areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access and parking areas shall be retained in perpetuity for their intended purpose.
15. 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.
16. There shall be no discharge of surface water onto the Highway.
17. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
18. 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 on Saturday, and at no time during Sunday and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

[Reason: In the interests of the amenities of noise sensitive properties, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.]
19. Once work commences, an off street parking assessment of Stewards Green Road, Epping shall be carried out and its findings reported to the Director of Communities.

[Reason: In the interest of highway safety and parking.]

44. EPF/1771/15 - GARAGES BEHIND 17 QUEENS ROAD, NORTH WEALD

The Assistant Director of Governance introduced a report for the demolition of 54 existing garages and the erection of 12 affordable homes with 34 parking spaces.

The Assistant Director advised the Committee that as the proposal was for more than 10 new properties, it was classed as a major application and had not been considered by Area Plans Sub-Committee East but submitted directly to this Committee.

The Assistant Director stated that the application site was currently occupied by 54 garages, an entrance court and a large grassed area to the south of the site. The garages were located on the western side of the site, behind existing dwellings on Queens Road, and there were allotments to the north and west of the site. The proposal was for the demolition of the existing garages, to be replaced with 12 two storey dwellings laid out as three terraces of four properties. There would be 2 two-bedroomed properties and 10 three-bedroomed properties provided, with 34 off-street parking spaces. In addition, the existing access to the site would be widened by 2.5m through the reduction in the garden of 17 Queens Road (owned by the Council).

The Assistant Director reported that Planning Officers had concluded the development would provide much needed affordable housing, and was predominantly the redevelopment of a brownfield site within an existing urban location. Whilst the proposed private amenity space for each dwelling was below the recommended standard, this was considered acceptable in this instance as all of the properties would be affordable housing for applicants on the Council's Housing Waiting List. It was acknowledged that the development would result in the loss of occupied garages, but it was felt that the displaced parking would be adequately mitigated. The insufficiencies of the submitted Drainage Strategy could also be addressed by way of a condition. The benefits of the development through the provision of affordable housing was considered to outweigh any harm and the application had been recommended for approval.

The Committee noted the summary of representations received in relation to the application. There had been 13 letters of objection received, including from North Weald Bassett Parish Council, and the North Weald & District Preservation Society. The Committee heard from the Parish Council and the Applicant's Agent before proceeding to debate the application.

In response to a number of questions from the Members present, the Assistant Director stated that conditions could be added for the provision of lighting and also 'No Parking' signage along the access road. Any requirement for a fire hydrant would be dealt with by building regulations, and the access road would be regarded as a private road for the Council to maintain as owners of the land. All of the off-street parking provision would be unallocated and available for users of the nearby allotments. It was reiterated that the proposed width of the access road, internal roadway and turning head would be sufficient to allow for the manoeuvring of refuse freighters, although some of the trees would require trimming to provide height clearance for the freighters. A number of Members felt that there should be a specified footpath provided alongside the access road, but this was not currently part of the proposals before the Committee.

The Committee agreed that two additional conditions should be added to those listed in the report: the first concerned lighting for the access road, in the interest of pedestrian safety; and the second concerned the addition of no parking signage for the access road, to ensure the free movement of vehicles. The application was granted permission, subject to the conditions listed in the report and the two additional conditions requested by the Committee.

Resolved:

(1) That planning application EPF/1771/15 at the Garages behind 17 Queens Road in North Weald Bassett be granted permission, subject to the following 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: 612040 PL01, 612040 PL02E, 612040 PL03, 612040 PL04, 612040 PL05B, 612040 PL06, 612040 PL07.
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. 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.
5. No development shall take place until a Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed Strategy.
6. 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.
7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors;
 2. Loading and unloading of plant and materials;
 3. Storage of plant and materials used in constructing the development;
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 5. Measures to control the emission of dust and dirt during construction, including wheel washing; and
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

8. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
10. 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.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
12. 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]

13. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

14. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

15. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be

submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

16. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
17. Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access and parking areas shall be retained in perpetuity for their intended purpose.
18. 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.
19. There shall be no discharge of surface water onto the Highway.
20. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
21. All recommendations as set out in Section 5 of the Phase 1 Habitat Survey (undertaken by LaDellWood – June 2015) shall be followed, including the submission of and approval in writing by the Local Planning Authority of details regarding a bat sensitive lighting scheme (if necessary), position and design of bat boxes and bird boxes, and a planting scheme to improve the habitat for foraging bats. The development shall be implemented in accordance with such agreed details.
22. Prior to commencement of the proposed development, details of lighting of the access road from Queens Road shown to be widened on drawing no 612/038/PL02E, shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented in accordance with the approved details before first occupation of the development.

[Reason: To allow safe and secure access and in the interest of pedestrian safety.]
23. Prior to first occupation of the development, details and location of signage stating no parking in the site access road off Queens Road, shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented on site prior to first occupation of the development.

[Reason: In the interest of ensuring the free movement of vehicles.]

45. ANY OTHER BUSINESS**Resolved:**

(1) That, as agreed by the Chairman and in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the following items of urgent business be considered following publication of the agenda:

- (a) EPF/2198/15 – Dragons, Nursery Road, Loughton.

46. EPF/2198/15 - DRAGONS, NURSERY ROAD, LOUGHTON

The Assistant Director of Governance (Development Management) presented a report for the sub-division of 'Dragons' in Nursery Road, Loughton and the erection of a new dwelling fronting on to Upper Park on the site of the former tennis court.

The Assistant Director reported that this application was originally considered by Area Plans Sub-Committee South on 25 November 2015. A motion to refuse the application, contrary to the Officer recommendation, was proposed and seconded but the vote was tied; four Members of the Sub-Committee then stood to refer this application to the District Development Management Committee under the Minority Reference rules within the Constitution.

The Assistant Director stated that the application site was part of the residential curtilage of 'Dragons', a Grade II listed late Victorian house in a gothic architectural style. The overall plot was square in shape and located on the corner of Upper Park and Nursery Road, with 'Dragons' located in the north east corner. The whole site was heavily treed and was covered by an Area Preservation Order. The application site itself was the area adjacent to Upper Park, on the site of the existing tennis court. The new dwelling was of a very contemporary design with a circular stair area and curved walls. Vehicular and pedestrian access would be from Upper Park, with the existing access to Dragons unaffected.

The Assistant Director informed the Committee that Planning Officers had felt the proposal was a contemporary and unique design which would add to the character of the immediate and wider area. It was not considered to harm the setting of the existing listed building and was acceptable in respect of the protected trees on the site. There were also no significant amenity or highways concerns with the application. Therefore, Planning Officers was recommending approval for the application, with conditions.

The Committee noted the summary of representations received in relation to the application. Four letters of objection had been received, including one from Loughton Town Council. The Committee heard from the Applicant before proceeding to debate the application.

The Committee was divided over the design of the building. Some Members felt that it was a stunning piece of architecture, with good design and good use of materials. Other similar modern designs had been built in Loughton, and this proposed design would add to the setting and complement the existing listed building at 'Dragons'. Other Members took a contrary view and regarded the proposal as a poor modern design, where two of the walls had no windows. It was felt that any dwelling built here should not detract from the original building ('Dragons') and its setting. It was noted

that the Tree and Landscape Officer had no objections to the scheme, and that the proposed dwelling would be screened by the existing trees from 'Dragons'.

Resolved:

(1) That planning application EPF/2198/15 at 'Dragons' in Nursery Road, Loughton be granted permission subject to the following 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: Site Location Plan, 261-EX-01, 261-EX-02, 261-PL-02, 261-PL-03, 261-PL-04, 261-PL-05, 261-PL-06, 261-PL-07, 261-PL-08, 261-PL-09, 261-PL-10, 261-PL-11.
3. The external finishes of the development hereby permitted shall match those as submitted:
 - Patinated Copper;
 - MARSA stone (cladding); and
 - Split Slate (cladding).
4. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the proposed hardstanding have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
5. Additional drawings that show details of proposed new windows and doors by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
6. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

7. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
8. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
9. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved 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.]
10. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any

subsequent version or additional regulatory guidance.

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

11. Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

12. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
13. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
14. All 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.
15. 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.

16. No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
17. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
18. Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
19. 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.
20. There shall be no discharge of surface water onto the highway.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C, D, E, F and G of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
22. Prior to first occupation of the development hereby approved, the proposed first and second floor window openings in the north flank elevation closest to the boundary with 'Dragons' 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.

47. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

Report to District Development Management Committee

Report Reference: DEV-021-2015/16
Date of meeting: 24 February 2016



**Epping Forest
District Council**

Subject: EPF/2254/15 Pyrles Lane Nursery, Pyrles Lane, Loughton – Outline consent for the demolition of the existing tree/plant Nursery and the erection of up to 36 dwellings, of which 15 will be affordable units.

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation(s):

(1) That outline planning permission is granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.**

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2. (a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:**
 - (i) layout;**
 - (ii) scale;**
 - (iii) appearance; and**
 - (iv) landscaping.**
- (b) The reserved matters shall be carried out as approved.**
- (c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.**

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 201506009RevB and 10335/Additional/1.0RevA.**

Reason: To ensure the proposal is built in accordance with these approved drawings.

4. No development shall take place, including works of demolition or site clearance, until an Arboricultural Implication Assessment and Tree Constraint plan, concurrently with the detailed site layout, has been submitted to and approved in writing by the Local Planning Authority. This should be drawn up in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations).

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable proper consideration to be given to the impact of the proposed development on existing trees, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policy LL10 of the adopted Local Plan and Alterations.

5. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity to be provided by the new landscaping is achieved and safeguarded, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies LL7 and LL11 of the adopted Local Plan and Alterations.

6. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to safeguard the visual amenity to be provided by the new landscaping and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policy LL7 of the adopted Local Plan and Alterations.

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 and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2 and LL11 of the adopted Local Plan and Alterations.

8. 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.

Reason: The development is of a size where it is likely to result in increased surface water run-off.

9. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation. This should include:
 - limiting discharge rate to the 1 in 1 greenfield rate
 - providing the associated attenuation storage and providing an allowance for climate change and urban creep for the lifetime of the development.
 - Providing treatment in line with the CIRIA SuDS manual (C753).

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment

10. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased

elsewhere by development. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

11. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

12. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

13. 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.]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

14. 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.]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

15. 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.]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

16. 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

17. 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

18. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.

Reason: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed.

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.

Reason: In the interests of the amenities of noise sensitive properties, in accordance with the guidance contained within the National Planning Policy

Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.

- 20. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**
- 1. The parking of vehicles of site operatives and visitors**
 - 2. Loading and unloading of plant and materials**
 - 3. Storage of plant and materials used in constructing the development**
 - 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**
 - 5. Measures to control the emission of dust and dirt during construction, including wheel washing.**
 - 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.**
 - 7. Safe access into the site**

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site and in the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.

- 21. No bonfires shall be permitted on site throughout the demolition and construction phase of the development.**

Reason: In order to protect residential amenity.

- 22. Prior to first occupation of the development the access arrangements and associated highway works, as shown in principle on the Traffic Statement Plan - drawing no.TS Diagram 3 Rev G, shall be implemented with all details being agreed with the Highway Authority, to include, but not limited to, the following:**
- a bellmouth access with minimum radii of 6m**
 - provision of visibility splays clear to ground level of 2.4m x 40m to the north and 2.4m x 38m to the south**
 - provision of pedestrian dropped kerb crossing points across the bellmouth with appropriate tactile paving**
 - the reinstatement of the parking layby to the south of the access to footway, with the possible provision of bollards**
 - provision of parking restrictions around the new bellmouth access to keep the visibility splays clear onto Pyrles Lane**
 - provision of a minimum carriageway width of 4.3m into the site**

Reason: In the interests of highway safety and efficiency and accessibility.

- 23. Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved**

by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

24. Prior to first occupation of the development a Size 3 turning head shall be provided within the site and maintained as such in perpetuity.

Reason: To ensure that the largest vehicle entering the site can turn and exit in forward gear in the interests of highway safety.

25. The number of parking spaces and how these are laid out (including dimensions) shall be in accordance with the parking Standards Design and Good Practice Guide Supplementary Planning Guidance Document September 2009 (or its approved predecessor) unless otherwise agreed by the Local Planning Authority. This applies to all vehicular parking spaces including disabled requirements together with cycle parking and facilities for powered two wheelers and garages that are considered as parking spaces.

Reason: In the interests of highway safety, efficiency and accessibility.

26. The public's rights and ease of passage over public footpath no.110 Loughton shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way.

27. No development hereby approved shall take place until measures to enable the provision of early years and child-care education improvements to the local area, necessitated by this development, are secured.

Reason: In the interests of local education provision.

28. The development hereby approved shall not take place until measures to secure the provision of a minimum of 40% of the total number of units to be affordable housing are in place by means of a legal undertaking with the Local Planning Authority to an agreed tenure mix, development mix, form of affordable housing and delivered by one of the Council's Preferred Housing Association partners in accordance with the Required Terms for Affordable Housing attached as informative No. 4 to this decision notice.

Reason: To comply with national and local policy to ensure provision of much needed affordable housing in the locality and meet affordable housing needs of the District.

29. A water supply to the adjoining site shown as "Allotment Gardens" on drawing no. 201506009 Rev B, shall be provided and retained during the period of demolition and construction, and retained permanently thereafter once the development is occupied. Details of this provision shall be submitted to and approved by the Local Planning Authority before any works commence on site.

Reason: To ensure a community project for the reuse of adjoining allotment is not prejudiced by the proposed residential development.

- 30.** No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed by the local planning authority.

Reason: In the interests of habitat protection.

- 31.** Three of the mature trees located within the survey area were identified with high bat roost potential. Current plans show that these trees will be retained within the development. These trees shall be protected during the development to ensure there are no negative impacts as a result of increased noise, dust and vibration in the vicinity of the trees.

Reason: In the interests of habitat protection.

- 32.** A lighting plan shall be submitted and approved by the local planning authority prior to commencement of development. Lighting for the final development and during construction shall be designed to avoid potential impact on bats. No additional lighting should be erected close to or directed towards the retained trees either in the final development or during construction. Guidelines from the Bat Conservation Trust shall be followed.

Reason: In the interests of habitat protection

- 33.** Prior to the removal, the compost heaps and other suitable features that may provide suitable habitat for reptiles shall be searched in the presence of an ecologist at a suitable time of year. Any measures recommended for the protection of reptiles shall be implemented in full.

Reason: In the interest of habitat protection.

- 34.** Prior to commencement of development details of bird and bat boxes shall be submitted to and approved by the local planning authority and implemented in accordance with such agreed details.

Reason: In the interests of habitat protection.

- 35.** If the development does not commence within three years from the date of the ecological survey (September 2014), a further Phase 1 ecological survey shall be submitted to EFDC for approval. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the original scheme, amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in

accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of habitat protection.

REPORT DETAIL:

This application is before this Committee since it is an "major" application (as defined within guidance issued by the DCLG) where the Council is the land owner (Pursuant to The Constitution, Part Two, Article 10 (c))

Description of Site:

The application site is a large roughly triangular shaped site with a single width access road onto Pyrles Lane, located behind existing houses and flats at nos. 53-107 (odd) Pyrles Lane and 8-44 (evens) Hillyfields. The site also backs onto the Hillyfields open space recreation area to the south-west. The application site is just under 1 hectare in size. It is currently used as the District Council's nursery site/grounds maintenance depot and there are various glasshouses, portacabins, raised beds, parking areas and a very overgrown area within the site.

The area to the south west backing on to the recreation area is particularly overgrown and the whole site, including the overgrown area, is fenced off from public use. Part of the site is designated as allotment use but has not been used for allotments for some time. Adjacent to the application site there are allotments that again have clearly not been used and appear to be under the ownership of Loughton Town Council. The more overgrown area (over half of the south-western part of the application site) is classed as an urban open space (as is the rest of Hillyfields open area beyond) as defined within the Local Plan, though this overgrown area is fenced off from a public footpath (no.110 Loughton), which runs along the south-western side of the site, across the recreation area linking Hillyfields to Pyrles Lane.. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of proposal:

The current application, which is a revised proposal following refusal of an earlier application in 2013, seeks outline consent for the demolition of the existing tree/plant nursery and the erection of up to 36 dwellings made up of a mix of flats and houses, with 15 of these dwellings proposed to be affordable. The application also includes associated landscaping, parking and infrastructure. The revisions to the scheme compared to the 2013 one are a) the provision of a wider access road into the site, and b) a reduction in the amount of accommodation provided in that 6 of the two bedroom flats have been changed to 6 one bedroom flats, and the number of parking spaces has been increased from 59 to 75.

An indicative layout and house/flat type has been submitted showing a layout consisting of 2 groups of three blocks of three storey flats (part one and part two bedroom) closest to the northern triangular point behind houses and gardens in Pyrles Lane and Hillyfields, with a line of 18 three storey (three bedroom) town houses with undercroft parking in the wider part of the site, with their rear gardens backing onto the redundant allotment areas and a proposed landscaped area with link path into the public open space area of Hillyfields. The maximum height of the proposed flats is 12.5m and for the proposed houses, it is 12m. The plans submitted demonstrate that 75 parking spaces can be provided in the site.

As this is an outline application, the application form states that all matters are reserved, although the highway access is detailed and has been assessed on this basis. The

application has also been accompanied by a revised Transport Assessment, an Ecological report, and a Drainage report.

Relevant History:

EPF/1622/12 - Outline application for the demolition of tree/plant nursery and erection of up to 36 dwellings (flats and houses), landscaping, parking and associated infrastructure – Withdrawn

EPF/0026/81 - Construction of access road and erection of 12 houses – Withdrawn

EPF/0458/13 – Planning permission refused for an outline application proposing demolition of the tree/plant nursery and erection of up to 36 dwellings with landscaping, parking and associated infrastructure – on grounds of an inadequate access leading to conflict between cars and pedestrians, and an overdevelopment of the site because inadequate car parking was proposed.

It is proposed that the tree/plant nursery currently on this Pyrles Lane site is relocated to a new Council depot building currently being built in Oakwood Hill, Loughton following the approval of application EPF/0439/14.

Representations Received:

LOUGHTON TOWN COUNCIL: strong objection on the following grounds

- 1) The access road is totally inadequate to take vehicles in two directions simultaneously, yet the development has parking for 75 vehicles, so there would be a substantial volume of traffic see over:
- 2) There is also no provision for pedestrians, such as mums with buggies, the elderly or disabled sharing the use of this entrance road to the detriment of highway safety.
- 3) Members commented on the existing evidence that Pyrles Lane was already a busy road and that this housing scheme would only exacerbate daily traffic congestion. There is a 'concealed entrance' sign for vehicles driving from Rectory Lane towards the access road, sited on a bend, as well as speed bumps the length of Pyrles Lane. The site entrance is also close to Fairmeads T junction, a busy GP surgery, and a small shopping parade. Pyrles lane is also a regular bus route, used by school traffic, and by children/students walking to and from schools in the vicinity.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP) – strongly object because of inadequate access arrangements. Although a triangle of land has been added at the Pyrles Lane end of the access road this access road itself remains too narrow – vehicles cannot pass each other and would be mingled with cycle and pedestrian traffic, including the elderly and parents with buggies, creating serious hazards. This was a major reason for the refusal of the previous application, and has not been addressed.

NEIGHBOURS – 89 properties have been notified.

15 letters of objection have been received from neighbours, but one letter has also been signed by 32 other local residents - making a total of 47 objections received.

Objections have been received from the following:-

Nos. 28, 24, 99, 10, 92, and 70 HILLYFIELDS, from nos. 63, 67, 59, 61, 73, and 69 PYRLES LANE, and from 9 ASHLEY GROVE, plus 2 from unknown addresses. These objections are summarised below:-

- Loss of Urban Open Space,
- inadequate access, too narrow for cars to pass, dangerous for pedestrians and children, not suitable for refuse and larger vehicles
- Access road exits onto a bend on the busy Pyrles Lane opposite a busy surgery creating safety hazards.
- loss of wildlife,
- height out of keeping with surroundings,
- insufficient parking proposed,
- loss of allotments,
- increase in congestion,
- pressure on school places,
- loss of green space,
- loss of security due to access and dwellings to the rear,
- overlooking,
- increase in noise,
- will cause structural problems due to ground instability,
- impact on visual amenity,
- too many houses proposed,
- increase in flooding,
- pressure on existing facilities,
- development too high and overbearing,
- loss of value to existing properties

ESSEX CC HIGHWAYS AUTHORITY –

The Highway Authority (HA) has visited the site and reviewed all the submitted information for the above application and considers that the proposal is not contrary to national/local policy and current safety criteria.

The reasons given are that Pyrles Lane is a traffic calmed unclassified road with an existing access into the site for a lawful use which does generate its own vehicle movements. The revised application has provided more parking spaces and improved access width. The required visibility splays from the access can be achieved within the highway and within land the applicant controls. Pedestrians and vehicles will now have the appropriate visibility for the development. Unfortunately 3 existing parking spaces will be lost from the layby on Pyrles Lane but the applicant has undertaken a parking accumulation survey and has demonstrated that there is still sufficient parking available within a reasonable distance.

With regard to capacity issues upon Pyrles Lane the proposed 36 dwellings will not generate significant amounts of traffic to the detriment of the locality or on the surrounding highway network. At the very worst the proposal might generate 20 vehicle movements in the peak am/pm hours which equates to 1 vehicle every 3 minutes; this is minimal in capacity terms. The site is very well located for access to sustainable modes of transport and consequently should help reduce reliance on the private motor vehicle as the only mode of transport.

The proposed access arrangements are considered to be acceptable for the scale of the development and the number and type of vehicles associated with it. The site access can comfortably accommodate 3 vehicles waiting to access the site, clear of the highway, whilst a vehicle exits from the site. The provision of a priority working system into the site will

eliminate any potential for vehicles to queue back onto Pyrles Lane, and a raised/delineated pedestrian footway can be agreed at detailed design stage for safe pedestrian access. The applicant has shown that the access width can be increased from the previous width of 4.1m to at least a 4.3m width and possibly wider. It should be noted that this is not the sole pedestrian entrance into the site as the applicant intends to tie into the existing public footpath no.110 Loughton.

The parking provision has been previously agreed by the Local Planning Authority, as the Parking Authority, but it should be noted that parking levels can be reduced in accessible areas with good links to other modes of transport. The HA would agree that this location is well served by various modes of sustainable transport.

Consequently the HA is satisfied that the proposed residential development will not have any detrimental impact upon highway safety, capacity or efficiency at this location.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority - subject to conditions requiring the approval of a Construction Management Plan; the implementation of appropriate access details eg bellmouth, near Pyrles Lane; the access road into the site to have a minimum carriageway width of 4.3m; a size 3 turning head to be provided and retained within the site (to ensure the largest vehicles can enter and leave in a forward direction); provision of all car spaces in accordance with relevant standards; pedestrian rights of way over footpath 110 to be retained at all times; and the developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport.

Finally, all housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

EFDC BUILDING CONTROL – Revised plans indicate a 4.3m wide access road. This width exceeds the width recommended in Part B5 of The Building Regulations with regard to access of fire service vehicles.

ESSEX CC SUSTAINABLE DRAINAGE TEAM - Initially raised objections to the submitted drainage details. However, following revisions they have no objections subject to 4 conditions to be imposed requiring further proposals and details to be submitted.

ESSEX CC INFRASTRUCTURE SECTION – Because of new regulations restricting the number of S106 contributions to a maximum of 5 for any specific project, the County Council has decided not to request a contribution for additional secondary school places. However, for early years and childcare provision we request a S106 agreement requiring a sum of £29,977-00.

EFDC COUNTRYCARE – No objections - subject to imposition of conditions requiring protection to breeding birds, protection to bats and their roosts, details of outside lighting to be approved, provision of bird and bat boxes, and submission of a further ecological survey if development has not commenced by September 2016.

EFDC TREES AND LANDSCAPE SECTION – No objections – subject to conditions requiring the following to be submitted and approved - an Arboricultural Implication Assessment, details of hard and soft landscaping, and details of a landscape management and maintenance plan.

THE ENVIRONMENT AGENCY – As the drainage report suggest that surface water will be discharged to Pyrles Brook please ensure an appropriate informative is added regarding the need for prior consent for any works or structures within 8m of this brook.

EFDC LAND DRAINAGE SECTION - No objections subject to conditions requiring a Flood Risk Assessment, and details of surface water drainage, to be submitted.

EFDC LAND CONTAMINATION OFFICER – due to use of part of site as a Horticultural Nursey there is potential for contaminants to be present on the site. It should be feasible to remediate worst case risks from contaminants and I recommend the standard land contamination conditions are attached.

ESEEX CC HISTORIC ENVIRONMENT OFFICER – the site has potential archaeological value and a condition is needed to require a written scheme of evaluation to be approved before any development or preliminary groundwork takes place.

Policies Applied:

National Planning Policy:

National Planning Policy Framework (NPPF)

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

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

H7A – Levels of Affordable House

ST1 – Location of development

ST4 - Parking

ST6 – Highway Safety

LL5 – Protection of Urban Open Space

LL6 – Partial development of Urban Opens Space

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping Schemes

NC4 – Protection of Established Habitat

RST13 – Allotment provision/protection

Issues and Considerations:

The principal issue raised by this application is whether this revised scheme adequately

addresses the reasons for refusal of the previous 2013 application for 36 dwellings ref: EPF/0458/13. These reasons for refusal were:

- 1) *The vehicular access serving the site is of inadequate width and will provide poor access to serve a development of this nature and density, resulting in conflict between vehicular and pedestrian movement, and conflict between vehicles entering and leaving the site. This will be to the detriment of highway safety, contrary to policy ST4 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 2) *The proposal represents an overdevelopment of this site due to an inadequate level of car parking to serve the number of dwellings proposed, which would result in increased parking in neighbouring roads to the detriment of highway safety, contrary to policies ST4 and ST6 of the Adopted Local Plan and Alterations.*

Width of access road into the site

Revised and additional plans received on this application make it clear that a 4.3m wide carriageway into the site is to be provided, and that a further 0.6m is available to provide kerbs at the side of the carriageway to protect the boundary fences/enclosures of neighbouring properties. On the ground the access appears to be narrower than 4.3m but a strip of land, and poor quality hedge, on the left or south west side of the access road, is to be included to enable the existing access to be widened to 4.9m inclusive of protective kerbs.

A minimum of 4.1m is required for an access to this form of development so a 4.3m carriageway is acceptable, as pointed out by the Highway Authority in their comments above. It is not proposed that this access be a two way one where cars would pass by the side of each other - instead there will be one way working with a priority system given to vehicles entering the site in order to eliminate the potential for vehicles to queue back into Pyrles Lane – and in this context the site access can easily accommodate 3 vehicles waiting to enter the site. Many objectors refer to the high levels of vehicular movement that would occur in the access road – however as the Highway Authority states, even in peak morning and evening periods a development of 36 dwellings will give rise to just 1 vehicle movement every 3 minutes. At this low level of use one way working will be acceptable.

Many objectors justifiably raise the issue of pedestrian safety in the access road. A 4.3m wide carriageway will allow for a pedestrian path to be incorporated – either in the form of a path with a different surface texture or colour, or in the form of a raised pavement with angled kerb next to the vehicular carriageway. Details of this pedestrian facility will be considered at the later detailed planning stage, but a 4.3m width will allow for provision of a pedestrian path. There will also be another pedestrian route out of the development via a proposed footpath from the middle of the development to The Hillyfields open space (Millenium Park) – which will then link into footpath no.110 which leads out southwards onto Pyrles Lane and northwards out onto Hillyfields. It is acknowledged however that this alternative path would provide a longer route for new residents to ‘pop out’ to the local shops in Pyrles Lane.

Finally, as was the case in the previous application, visibility sightlines will be improved at the junction of the access road by removal of conifer trees and hedge at the front of the flats at nos.81 to 93 Pyrles Lane, and by the provision of a bellmouth access with radii of 6m. The existing ‘concealed entrance’ will therefore be opened up.

Overdevelopment - by way of inadequate off street car parking.

The amount of accommodation being provided in the site has been altered in that 6 two bedroom units are now 6 one bedroom flats, and hence 6 less car spaces are required. Moreover, 75 car spaces are now proposed compared to the previous 59.

75 spaces provides complete compliance with Essex CC parking standards based on one car space per one bedroom dwelling, two car spaces per 2 or more bedroom dwellings, and 0.25 visitor spaces per dwelling - which equals 9 car spaces. The parking standards policy does state that in main urban areas with public transport links, such as Loughton, a lower provision can be acceptable. However, on street parking in roads such as Pyrles Lane is high, and in this case a full off street parking provision is appropriate. In conclusion, the reduction in the size of some dwellings being proposed, plus the provision of 16 more car spaces, means that scheme does not now result in overdevelopment, and 36 new dwellings will not result in any material increase in on street car parking.

Other issues

Neighbours have raised other objections to the proposed development but these were considered in the assessment of the previous applications and the principal of residential development here was not objected to. It should also be emphasised that this is an outline scheme with all matters reserved, and many issues such as the exact layout, position and design of dwellings, surface water drainage, protection of trees and new tree planting, protection of wildlife, and details of access arrangements and car parking, will be considered again at the detailed planning stage.

An unused area of allotments lies between the site and Millenium Remembrance Park. Loughton Town Council and others, including the Silkworth Trust and Restore Community Centre, are working on plans to restore these allotments as part of a new community project for the long term unemployed. They have requested that the existing water supply from the Council nursey to this site be retained or re provided in the new development, and a condition is proposed on any consent to cover this requirement.

Conclusion:

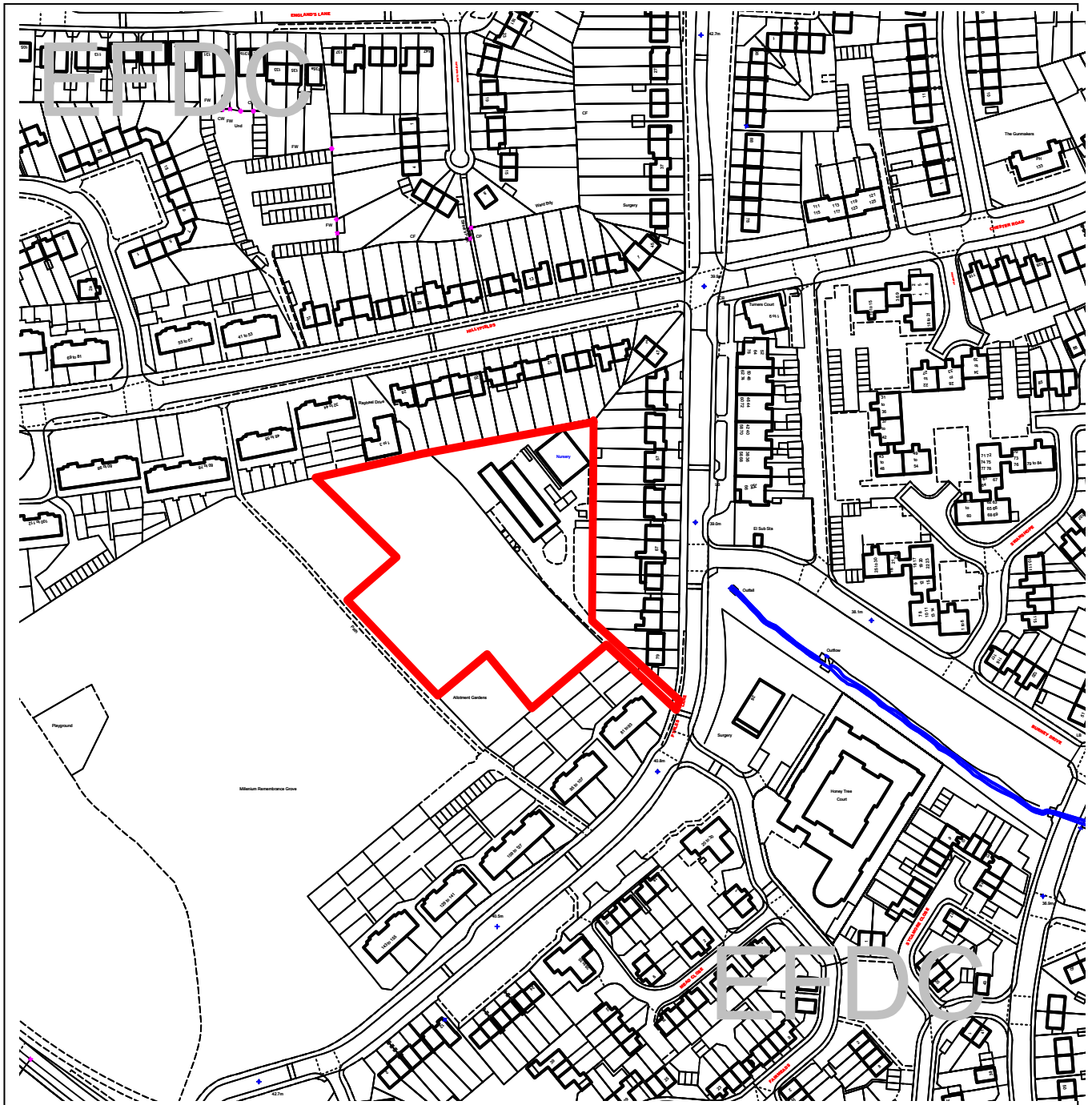
The principal of the development was not objected to on the previous refused outline application, but it was on grounds of highway safety and parking provision, which has been carefully addressed in this submission.

For the reasons outlined above the revised scheme has adequately addressed the reasons for the refusal of the previous application. Consequently it is recommended that outline planning permission be granted.



Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/2254/15
Site Name:	Pyrles Lane Nursery, Pyrles Lane, Loughton, IG10 2NL
Scale of Plot:	1/2500

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Report to District Development Management Committee

Report Reference: DEV-018-2015/16
Date of meeting: 24 February 2016



**Epping Forest
District Council**

Subject: Planning Application EPF/1891/15 – The Paddock, Grove Lane, Chigwell, Essex, IG7 6JF - Demolition of existing stables and warehouse and erection of 8 dwelling houses and associated landscaping.

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation(s):

- (1) That planning permission be refused for the following reasons:
1. The site lies within the Metropolitan Green Belt. The proposed development is inappropriate in the Green Belt and, by definition, harmful. It fails to protect the openness of the Green Belt and encroaches into the countryside to a significantly greater degree than existing structures on site. The details accompanying the application do not amount to very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development. The proposal is therefore contrary to policy GB2A and GB7A of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.
 2. The proposed sub-urban development proposed is at a scale at odds with the surrounding context and would harm the rural setting of Millers Farmhouse, a Grade II Listed Building, by diminishing its significance. Accordingly, the proposal is contrary to policy HC12 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.
 3. By reason of its scale and layout, the proposed development would be detrimental to the visual amenities of the surrounding area and harmful to the character and appearance of this semi-rural location, contrary to policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.

Report:

1. This application was considered by Area Plans Sub-Committee South on 3 February 2015 where Members voted to refuse the application (for the reasons outlined above) in line with the Officer recommendation. 5 votes were in favour of the recommendation to refuse and 5 votes were against. The Chairman used his casting vote to go with the recommendation to refuse. After this vote, 4 Members of the Sub-Committee stood to exercise their right to require that no action be taken on the matter until it has been considered by the District Development Management Committee, with the recommendation to refuse.

2. The original report is attached in full below for consideration.

This application is before this Committee since it has been 'called in' by Councillor John Knapman (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site:

The application site is situated at the top, north eastern side of Grove Lane, in a rural location on the edge of Chigwell Row. Grove Lane is characterised by linear residential development along the street, with a Grade II listed building 'Millers' at the head of the road and directly adjacent to the application site. The site is currently an equestrian stables with a low intensity use. A number of low height equestrian buildings, hardstanding and equestrian facilities are currently on site.

Beyond the site to the rear is a waterworks and then open countryside. The site is within the Metropolitan Green Belt.

Grove Lane narrows towards the top of the lane to little wider than single width with parking on both sides of the road.

Description of Proposal:

This proposal seeks planning permission for the demolition of the existing structures on the site and the erection of 8 dwellings, an access road with parking and associated landscaping.

The 8 dwellings form a linear development with rear gardens backing on to the north boundary of the site. An access road is proposed to the front with 23 parking spaces on the opposite side of the road. The land to the south of the proposed access road will be open land. The houses are 4 detached properties and 4 semi-detached properties and are rather typical pitched roof house designs. The semi-detached houses would be two-bedroom and the detached 4/5 bedroom.

The site, although in the Green Belt is considered (by a former appeal decision) to be previously developed land. The proposal is located directly to the side of the Grade II listed farmhouse (Millers) with approximately a 10m separation.

This scheme was presented to Committee on the 25th November 2015 and was deferred by the Committee for the following reasons:

Members decided to defer this application in order that the issue of affordable housing can be further assessed having regards to the Applicants offer to make a financial contribution towards off-site provision on the day of the sub-committee meeting. Members also deferred the application in order to secure firm proposals for dealing with the open space component of the proposal, which could then be assessed.

The application has been revised and is materially different to that previously put forward to Members and a re-consultation process has taken place.

The revisions include a reduction in the redline site area to below 0.5 hectare and additional information regarding the open space which is located to the south of the proposed development.

Prior to these changes this application was a resubmission following previous refusals (see Relevant History section).

The most recently refused (and dismissed at appeal) application was for 6 properties (of a much larger scale than that now proposed) with development spread across the whole site.

Relevant History:

EPF/2219/14 - Demolition of existing stables and warehouse and erection of 23 no. affordable dwellings – Withdrawn

EPF/1466/14 - Demolition of existing stables and warehouse and erection of 6 detached residential dwellings. (Revised application to EPF/2188/13) - Refused and Dismissed at Appeal (A copy of the Inspector's decision is attached to this report)

EPF/0906/14 - Prior notification application for a proposed change of use of agricultural building to a flexible use – Withdrawn

EPF/2188/13 – Demolition of existing stables and warehouse and erection of 6 detached residential dwellings and new access – Refused

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

HC12 – Development affecting the setting of Listed Buildings

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

LL10 – Provision for Landscape Retention

LL11 – Landscaping Scheme

H5A – Provision for Affordable Housing

H6A – Site Thresholds for Affordable Housing

H7A – Levels of Affordable Housing

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:

CHIGWELL PARISH COUNCIL: The Parish Council originally returned the following comments: *The Council wishes this to go to plan South, and wishes for a clear indication if the points made by the Planning Inspector have been met on this new application.*

Following re-consultation the Parish Council returned the following revised comments: *The Council SUPPORTS this application as they feel it will be sympathetic to the area and retain the existing green belt features.*

55 Neighbours consulted and a site notice erected:

1, 2, 3, 4, 5, 6, 8, 9, 10 GROVE COTTAGES, ALL GROVE LANE; WOODBINE, GROVE LANE; 1 MONTFORD COTTAGES, GROVE LANE; MILLERS FARMHOUSE, GROVE LANE; HOLLY CROFT, GROVE LANE; THE GROVE, GROVE LANE, WESTSIDE, GROVE LANE, ABBOTTS COURT, GROVE LANE – Objection

Summary of Objections: Impact on the Green Belt, impact on the listed building, increase in traffic, proximity to London Loop footpath, construction vehicles movements, site restricts urban sprawl and this will be lost, impact on character of the area, design not in keeping with surrounding houses. Following receipt of the revised submission a re-consultation took place where previous comments were reiterated and magnified; not considered to overcome previous objections with concern raised over the decision to alter the redline of the site, concern raised regarding the financial contribution to the Parish Council distracting from the harm to the Green Belt, revisions designed to avoid affordable housing and do not address other reasons for refusal, query why donation to local transport is no longer offered.

7 GROVE COTTAGES, GROVE LANE AND ANNEX – TUTEIN FARM, GROVE LANE – Support

Summary of support: improvement to area, site no longer viable

THE PADDOCKS, GROVE LANE – Support as improvement to the area but concerns over the access to the open land.

Issues and Considerations:

The main issues that arise with this now revised application relate to the previous reasons for refusal and whether the current application with the revisions has made sufficient amendments to overcome these issues or introduced any new concerns.

The previous reasons for refusal were as follows:

- 1. The site lies within the Metropolitan Green Belt. The proposed development is inappropriate in the Green Belt and, by definition, harmful. It fails to protect the openness of the Green Belt and encroaches into the countryside to a significantly greater degree than existing structures on site. The details accompanying the application do not amount to very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development. The proposal is therefore contrary to policy GB2A and GB7A of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.*
- 2. The proposed sub-urban development proposed is at a scale at odds with the surrounding context and would harm the rural setting of Millers Farmhouse, a Grade II Listed Building, by diminishing its significance. Furthermore the materials palette proposed is wholly inappropriate and would detract from the appearance of Millers Farmhouse. Accordingly, the proposal is contrary to policy HC12 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.*

3. *The proposed development would be detrimental to the visual amenities of the surrounding area and harmful to the character and appearance of this semi-rural location, contrary to policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.*

This application was dismissed at appeal and the Inspector's decision is attached to this report but to summarise in relation to the above reasons for refusal the Inspector considered the following:

1. The proposal would have a greater impact on the openness of the Green Belt than the existing and therefore be inappropriate development in the Green Belt;
2. The proposal would diminish the rural character but this harm is limited given the arrangement and type of development elsewhere on the Lane;
3. The listed building would be robbed of much of its former setting, be divorced from the countryside and the loss of the open, agricultural-style setting to the east would be harmful and this harm is not outweighed by public benefits.

Since this application the proposal has been altered as described above, taking each reason for refusal as an individual issue the assessment of this current application continues below.

Green Belt

In regard to the first reason for refusal, development within the Green Belt is defined as inappropriate in principle as it inevitably impacts on openness and the purposes of including land in the Green Belt. However, paragraph 89 of the NPPF provides a list of exceptions to this. The site is, as agreed by the Inspector a previously developed site (equestrian use is not the same as agriculture in planning terms). The NPPF allows for the redevelopment of previously developed land (PDL) in paragraph 89, provided such developments '*would not have a greater impact on the openness of the Green Belt and purpose of including land within it than the existing development*'.

The application includes volume calculations for both the existing buildings on site and the proposed development. The volume of the buildings to be demolished is 4,429m³ and the total volume of proposed buildings is 6, 870m³ and therefore in terms of volume alone the proposal is clearly greater than the existing site and that is highly indicative of a materially greater impact on openness.

This proposal has been altered since the previous refusal and rather than development across the whole site, development has been restricted to the northern half of the application site which is where the existing buildings are concentrated. Although this is an improvement to the previous sprawl of development it is considered to result in new issues, the main being the now, far denser form of development creating a very urban, cul-de-sac appearance of development, in effect creating a 'wall' between this Green Belt site and the surrounding Green Belt. Additionally proposed built form extends to the east further than the existing buildings on site, so that the proposal fills the full width of the site and unlike the current situation this will be at two storeys in height for the full width.

The large areas of hardstanding on the site are to be removed as part of the proposal; however, they have been partly replaced by the access road and parking space. Although a smaller area of hardstanding than existing, it will be very prominent given its forward position and domestic nature and it is considered that this element on its own will have a detrimental impact on the character and openness of the Green Belt.

Additionally the proposed dwellings are substantially higher than the highest building on the site (which is a relatively low pitch building). The Inspector previously considered that increase in height impacts on the character and appearance of the Green Belt and as with the previous application it is Officer view that this revised scheme has not overcome the Green Belt reason for refusal and that the proposal will have a greater impact on the openness of the Green Belt than the existing.

Listed Building

The proposed scheme is located 10m from the listed farmhouse 'Millers' and is considered to detract from the setting of this building. Previously the Inspector found that the scheme would result in the listed building being robbed of much of its former setting, be divorced from the countryside and the loss of the open, agricultural-style setting to the east would be harmful and this harm is not outweighed by public benefits. It is not considered that this revised scheme overcomes the previous reason for refusal. It still removes the former setting, divorces the building from the countryside and removes the agricultural setting to the east.

It is the Officer view that this proposal is more detrimental to the setting of the listed building than the previous scheme. The proposed houses are closer to the listed building now 10m as opposed to 16m and the linear form of development is at odds with the rural farmhouse character.

The Conservation Officer has objected to the proposed scheme on the grounds that the linear development detracts from the appearance of the late 17th century farmhouse creating an urban street adjacent to what should be a rural farmhouse, in a fairly rural setting.

Character of the Area

The layout of the proposal, as stated above, has been altered since the previous submission so that development is concentrated in a linear strip to the north of the site rather than the more 'informal' group layout.

This results in the appearance of a suburban street, forming an incongruous cul-de-sac which is out of character with the Green Belt and the surrounding rural character.

Previously the Inspector considered that the development (which covered the whole site) would diminish the rural character of the area but considered the harm was limited given the arrangement and type of development elsewhere on the Lane. The Inspector specifically mentioned Gainsborough Place, located close to the main road which was similar to the previously refused scheme in that it was a development of large houses grouped around a central area.

This current proposal is not similar to Gainsborough Place, as it is for a row of properties in a linear pattern. It is considered that this proposal again diminishes the rural character of the area and in this case the harm is substantial as there is no similar development perpendicular to the road to compare this scheme to in the

locality. Although the existing buildings cannot be said to be attractive they are not out of place in this semi-rural location and their replacement with this 'street' of properties is considered detrimental to the visual amenities of this area given its urban feel.

Concern was previously raised with regards to the open area of land to the south as little information was provided with regards to the long term use of this area. Clearly it is not in the interests of proper planning of the locality for that area of land not to be coherently integrated into a detailed proposal for the site as a whole. As there previously was an absence of detail it was considered that the area would be likely to invite its neglect and abuse by, for example, fly-tipping.

The revisions to this current proposal have included details relating to the open area of land to the south of the proposed houses. It is proposed that this land is transferred to the Parish Council by way of a legal agreement and a donation of £50,000 has been offered by the applicant so that the area of land can be maintained in perpetuity. It is considered that this revision would overcome the concerns relating to the future use of the land. The Parish Council have supported this application and therefore are willing to accept this land, but it is not considered that, and no evidence has been put forward to suggest that there is a need for open public space within this particular locality.

Other Issues beyond the previous Reasons for Refusal

Affordable Housing:

The proposal previously fell within the scope of policy H6A as the site area was over 0.5 hectares and therefore 40% of the total number of dwellings was required to be affordable in accordance with policy H7A. Following the Committee deferral, the plans have been amended to show the proposed site area as 0.497 hectare. The site therefore falls below the threshold for affordable housing and the Council would therefore not seek the provision of any affordable housing within this development. Previous offers made towards affordable housing have not been carried forward to this revised application.

Detailed Design:

The proposed design of the dwellings in isolation are acceptable, they are relatively standard pitched roof properties. However, the urban appearance of the dwellings and close proximity to each other do not respect the wider area as discussed above.

Amenity:

The proposal is not considered to result in any significant amenity concerns due to the separation between the development and existing properties there will be no loss of light, outlook or privacy. The proposed dwellings will be clearly visible to the existing properties at the end of Grove Lane but are not considered to result in any detrimental visual impact amenity.

Amenity of Future Occupiers:

The proposed gardens all face north and therefore will have limited sunlight. Notwithstanding the poor aspect, given the size of the properties the private amenity space proposed could reasonably be expected to be greater with improved depth. Half of the width of the rear gardens at plots 5, 5 and 8 is only some 5m. The level and form of private amenity space provision is therefore somewhat below the

expected standards of DBE8. Additionally the garden space for plots 5 and 8 is not as usable as it could be when taking into account the trees on and adjacent to the site which have large canopy spreads. They would cast significant shadow over the garden areas. Although not fully compliant with Policy DBE8, the harm to living conditions arising is not so great that it could amount to a defensible reason for refusal.

Highway and Parking Issues:

Grove Lane currently has parking and access issues due to pressures from existing residents and the width of the lane. Access is clearly an issue around parked vehicles, but Highways have been consulted and have returned no objections. This is subject to conditions covering the width of the access drive, provision of travel packs, submission of details of surface water drainage, provision of no unbound materials within 5m of the highway and seeking payment in advance for construction of the new street. In relation to parking provision, all off-street parking would be outside the curtilage of the proposed houses and therefore unallocated, however, the high level of provision proposed would ensure there is unlikely to be any harmful consequence. Vehicle parking standards require a total of 20 parking spaces for both the houses and visitors whereas 23 parking spaces are proposed.

Trees and Landscape:

The submitted reports demonstrate that the application could be undertaken without a detrimental impact to the trees on and adjacent to the site, bar the loss of one tree which the Landscape Officer has no objection to the loss of.

The Tree and Landscape Officer has raised concerns with regards to some of the proposed landscaping particularly beside the parking spaces but this could be addressed by condition.

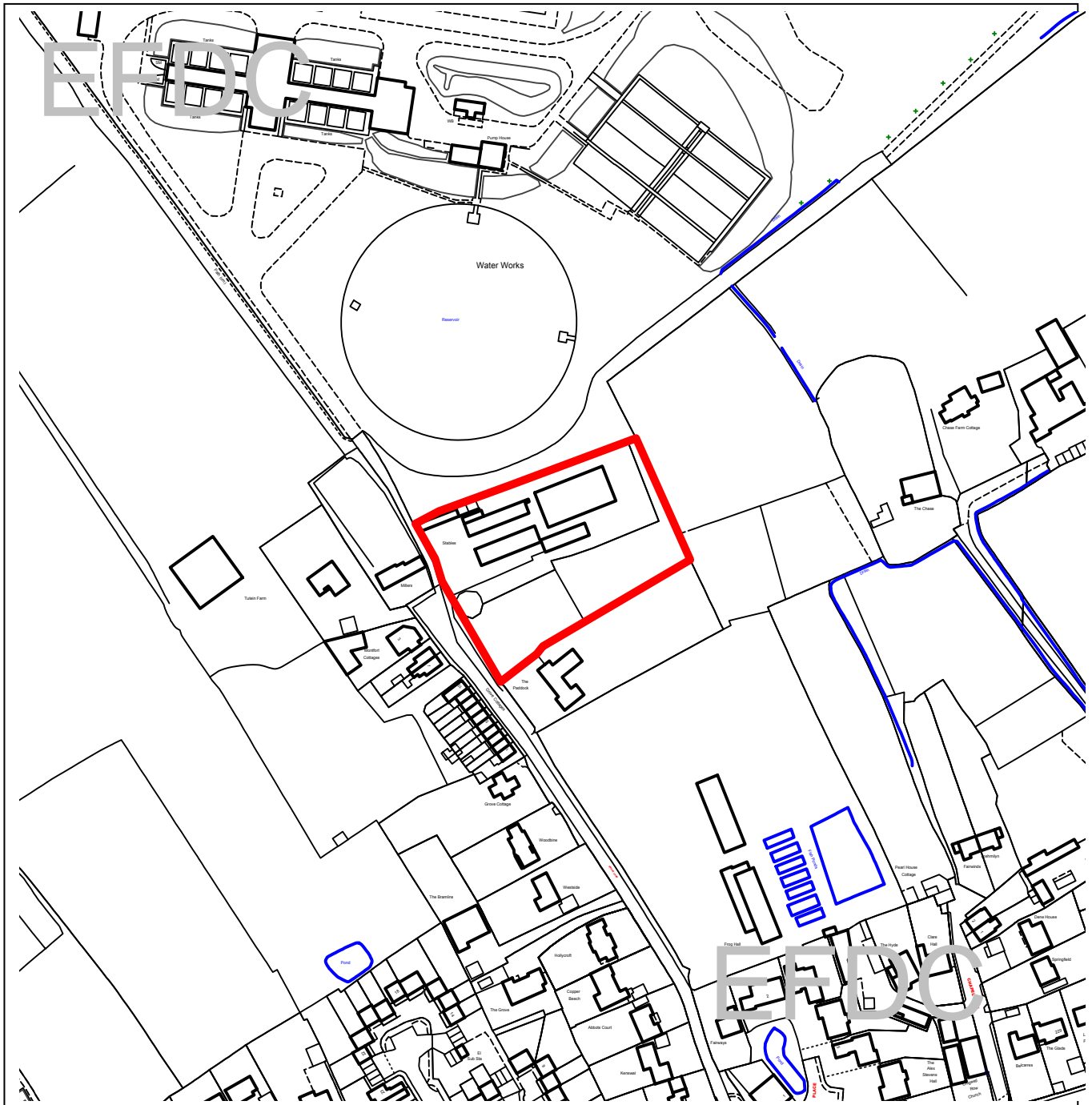
Conclusion:

The proposal including the revisions submitted after the November Committee meeting is still not considered to overcome the previous reasons for refusal. Although it is considered that the additional information overcomes the recommended reasons for refusal relating to affordable housing and the long term plans for the area of land to the south, it is still not considered that the proposal has overcome the previous reasons for refusal relating to impact on the Green Belt, character of the area and setting of the listed buildings and given the above assessment refusal is therefore recommended.



Epping Forest District Council

Agenda Item Number 8



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Application Number:	EPF/1891/15
Site Name:	The Paddock, Grove Lane, Chigwell IG7 6JF
Scale of Plot:	1/2500

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Report to District Development Management Committee

Report Reference: DEV-020-2015/16
Date of meeting: 24 February 2016



**Epping Forest
District Council**

**Subject: EPF/2701/15 Land at Brownings Farmhouse, Gravel Lane, Chigwell –
Erection of a two-bedroom dwelling house.**

Responsible Officer: Stephan Solon (01992 564018)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation(s):

(1) That planning permission be refused for the following reasons:

- 1. The proposed building would be materially larger than the building it replaces. It therefore represents inappropriate development which would cause harm to the openness of the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework and contrary to policy and GB2A of the Adopted Local Plan and Alterations, which is consistent with the NPPF.**
- 2. The proposed building, by reason of its size, form and appearance, including a low angled roof over a wide building span, constitutes an excessively large annex building which also has an untraditional form and design inconsistent with its setting. This size and profile, together with a poor porch design and inappropriate roof slate, would result in a building of poor design that would detract from the appearance and setting of the listed farmhouse on the site as well as the character and appearance of the locality. The proposal is therefore contrary to policies CP2(i), DBE1, DBE4 and HC12 of the Adopted Local Plan and Alterations, and contrary to the National Planning Policy Framework.**
- 3. By reason of its siting within the root protection zone of adjacent trees the proposal is likely to cause significant harm to them that would be likely to adversely impact on the visual amenities of the locality. Such harm is not assessed in any arboricultural impact assessment and, furthermore, no justified mitigation that may be required is proposed. It is therefore concluded the proposal does not make adequate provision for the retention of trees, contrary to Local Plan and Alterations policy LL10, which is consistent with the National Planning Policy Framework.**

Report:

- 1. This application was reported to the Area Plans South Sub-Committee on 3 February together with a corresponding application for listed building consent, ref EPF/2702/15. The application for listed building consent was withdrawn by the Applicant on the day of the Committee therefore only the planning application that is the subject of this report was considered.**

2. The Committee decided to refuse planning permission in accordance with the Officer's recommendation. The vote was tied and the decision was made on the Chairman's casting vote. After a pause, four Members of the Committee stood up to refer this application to District Development Management Committee. The Chairman agreed the application was referred.

3. There are a number of factual matters concerning the application that the District Development Management Committee would find helpful to be aware of when considering this application. They concern the description of the development and the consequence of the withdrawal of the corresponding application for listed building consent. It is also helpful to clarify the floor area of the demolished barn, proposed new building and potential floor area of the existing partially constructed building.

Description of Development

4. The proposed development was reported to the Committee using the description of development given by the Applicant on the application forms:

"Part conversion and part extension of barn, and use as residential two bedroom accommodation which is ancillary to the main farmhouse."

5. However, when considering the application the Committee were aware that that the barn at the site for application EPF/2701/15 was demolished prior to the application being submitted and substantial works to erect a building in its place similar to the proposal building had also been carried out. That was made clear in the Officer's report and the presentation to the Committee.

6. Consequently, it is clear the description of the proposed development as a conversion and extension of an existing building is incorrect. That is because there is no longer an original building at the application site to convert and extend.

7. Furthermore, the original description maintains the proposal is for accommodation ancillary to the main farm house. However, the application does not include information explaining how the use of the building would be ancillary to the use of Brownings Farmhouse as a dwelling house, plus the submitted plans do not show it is oriented to face the existing house, but its entrance and principal elevation are on the eastern site boundary looking to a former paddock area enclosed by hedgerow such that it relates to that land rather than Brownings Farmhouse. In addition, there is a field access to the former paddock immediately adjacent to the proposed building that would be a more natural access for it than the access to Brownings Farmhouse.

8. In the circumstances, following the Committee meeting Officers wrote to the Applicant on 8 February advising that the description given in the heading of this report is more accurate: *"Erection of two bedroom dwelling house."*

Withdrawal of Application for Listed Building Consent

9. Application EPF/2702/15 sought listed building consent for the development described on the application form: *"Part conversion and part extension of barn, and use as residential two bedroom accommodation which is ancillary to the main farmhouse."*

10. It was submitted on the understanding that the demolished barn at the application site was a curtilage listed building. Buildings or other structures within the curtilage of a listed building that existed before 1 July 1948 are treated as being part of the main listed building under the Planning (Listed Buildings and Conservation Areas) Act 1990. However, the

Applicant's heritage statement states its materials of construction indicate it dates from after World War Two. Aerial photographs and historic Ordnance Survey maps held by the Council have been examined to verify this. Aerial photographs taken in the 1940's are not sufficiently clear to demonstrate whether or not there was a building at the site before 1948. The next oldest aerial photographs held by the Council were taken in 1960, and they clearly show the barn that was recently demolished. Ordnance Survey maps do not show the barn until much more recently.

11. On the available evidence, therefore, it is concluded the demolished barn was not a curtilage listed building and its demolition did not require listed building consent. The recommended second reason for refusal has been modified to reflect the understanding that the former barn was not a curtilage listed building.

Floor Space

12. The original Officer report to the Area Plans South Sub-Committee is appended to this report. It includes dimensions of the former barn based on Officer inspections of it and reference to Ordnance Survey plans and former application drawings submitted by the Applicant. It also includes dimensions of the proposed building as indicated on the submitted plans. To further assist Members, the floor area of each building based on those dimensions is set out below:

Demolished Barn:	56m ²
Proposed building:	275m ² (based on the proposal having two floors)

13. Officers have also measured the existing partially completed building on site. Excluding a projection to the southern elevation the Applicant says he intends to demolish, and also excluding a central projection to the eastern elevation corresponding to the proposed central gable feature, it measures 15.9m in length and 9.1m in width. That gives a floor area of 289m². Details of the existing building are provided since it is likely that any consent given would be implemented by way of modification to it rather than demolition and erection of a new building.

Other Matters

14. Photographs of the barn taken by Officers in August 2013 will be included in the Officer presentation of this item in order that Members can better gauge the degree of change on the application site. Such photographs were not used in the original presentation to Committee. The Applicant has verbally stated the barn was enlarged between 2013 and its subsequent demolition. He says that additional floorspace and built volume should be taken into account. Officers advise that if the barn had been extended it was without planning permission and the Applicant ought not to benefit from carrying out unauthorised additions.

15. Notwithstanding the above advice, it seems odd that the barn would have been extended after August 2013 and then demolished to make way for the existing unauthorised building, works for which were reported to the Planning Enforcement Team by Building Control in March 2015.

16. The Officers original report to the Area Plans South Sub-Committee is reproduced below.

OFFICER'S ORIGINAL REPORT TO COMMITTEE

These applications are before this Committee since a) the recommendations differ from the views of the local council (pursuant to section P4, schedule A (g) of the Councils delegated functions), and b) because Councillor Knapman has requested that the applications be referred to Committee if the recommendation is to refuse planning and listed building consent.

Description of Site:

A mainly two storey listed farmhouse stands on the site. The site also contains a converted barn used as a residential annexe to the main building. To the immediate south west of the site lies extensive buildings known as Brownings Farm, some of which are occupied by commercial businesses. The site lies in a rural Green Belt locality.

This application relates to the eastern part of the site, which comprises the garden of the listed farmhouse. A barn was located in that part of the site amongst significant trees that generally screened it from view. The barn has recently been demolished without permission. The demolition was in connection with further unauthorised works carried out to erect a building in a similar position.

Information included with both applications the subject of this report indicates the barn was a curtilage listed building. As such, in law it is treated as part of the main listed building [section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990] and consequently was a designated heritage asset.

Description of Proposal:

A planning application (EPF/2701/15), and listed building application EPF/2702/15), for the extension of a barn sited within the curtilage of Brownings farmhouse, and its reuse as residential two bedroom accommodation which is ancillary to the main farmhouse on the site. The applications for listed building consent and planning permission are assessed and must be decided separately but since they are so closely related they are dealt with in this single report.

Notwithstanding the description of the development, as indicated above, inspections of the site by Officers found the annexe building is partially constructed and the construction process has resulted in the demolition of the barn.

The applications are made on the basis that the demolished barn was a curtilage listed building. Whether it was is unclear and this matter is discussed in this report.

Relevant History:

EPF/1426/02 - planning permission granted for a conversion of barn to form a granny annexe. This approval relates to a building on the western site boundary and has been implemented.

EPF/2613/14 – a prior approval application for conversion of an agricultural building to a dwelling house – was withdrawn. This agricultural building was the same barn that has been demolished. The application was withdrawn since there was considerable doubt that the building had in fact been used for agricultural purposes and consequently could not benefit from Permitted Development rights to change its use to a dwellinghouse.

Policies Applied:

CP2	Protecting the quality of the rural and built environment.
GB2A	Development in the Green Belt
HC11	Demolition of Listed Buildings
HC12	Development affecting the setting of listed buildings
DBE1	Design of new buildings
DBE4	Design in the Green Belt
DBE9	Loss of amenity.
LL10	Adequacy of Provision for Landscape Retention

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:

NEIGHBOURS – 10 properties consulted and no replies received.

CHIGWELL PARISH COUNCIL – Support

The Council supports this application as the intended development would be complimentary to the existing listed building. The proposal would also allow for an independency and increased quality of life for the disabled resident. The structural alterations are in excess of 30 metres from the main farmhouse and therefore would have no visual impact.

Issues and Considerations:

Officer's assessment of the merits of the applications for listed building consent and planning permission is set out below.

Application for listed building consent: EPF/2702/15

The main issue raised by the works proposed in the application for listed building consent is whether the extension and conversion works described in the application preserve the special architectural or historic interest of the curtilage listed barn.

The submitted plans appear to show that the only parts of the barn to be retained are partial sections of the north and west facing walls. The proposal therefore amounts to the substantial loss of the barn and clearly little of its special interest would be preserved.

Furthermore, it is clear that the submitted drawings do not clearly show the barn and certainly not any of its detail. It is also clear that they significantly exaggerate the size of the barn that existed on the site. On the basis that they do show the proposed building accurately, it is clear that the proposal would achieve the total loss of the barn since the proposed building would be sited over the footprint of the barn. Inspections of the site confirm that is indeed what has actually happened.

Having regard to the fact that the actual works that have taken place include demolition of the barn, it is necessary to consider whether the loss of the barn is justifiable. Detailed policy guidance is set out in paragraph 133 of the National Planning Policy Framework, which states:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- the harm or loss is outweighed by the benefit of bringing the site back into use.”*

Very limited information has been submitted to demonstrate the particular special interest of the barn. A submitted heritage statement gives limited information and does not include a survey of the barn to inform decision making. The statement describes its location as separated from the farmhouse by significant trees and large bushes but maintains it is within the curtilage of the listed building. In relation to the building itself the statement says:

“It was a timber building which had been rebuilt on various occasions and so has a mixture of different types of wood. The roof (both pitched and flat), consisted of corrugated iron which tends towards placing it in the Post World War Two period or much later. Windows were wooden or metal framed. There is no significant history to the building but it appears to have been used for storage during the last twenty years and prior to that as a chicken barn. The southern end was rebuilt in 2015 after it has listed due to tree growth in, around and over the barn itself.”

Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states any object or structure within the curtilage of a listed building that existed before 1 July 1948 forms part of the listed building. Advice of the Conservation Officer is that there are no public records of the building and having regard to the Council’s mapping data it seems the building did not appear on Ordnance Survey maps of the locality until after 1987. If that is accurate, it may well be the case that the building is not actually curtilage listed since it would not have existed until after 1948. However, since the building was well screened by trees it is possible that the Ordnance Survey simply missed the building until relatively recently.

Notwithstanding the limited information about the building and the possibility that it may not have been a curtilage listed building at all, since an application for listed building consent has been submitted the Council must decide the application. Having regard to paragraph 133 of the NPPF, it is clear that no substantial public benefit would be secured by the loss or substantial demolition of the barn and none of the 4 criteria for justifying the loss of a designated heritage asset referred to in the paragraph are applicable. In the circumstances it is concluded that the proposed substantial demolition of the barn and the actual complete demolition of it do not meet the policy tests set out in the NPPF. Local Plan and Alterations policies HC10 and HC11 are consistent with the policies of the NPPF therefore the proposal is also contrary to those policies.

In the circumstances it is recommended that listed building consent is refused on the basis that there is no proper justification for its substantial or complete demolition, contrary to the provisions of the NPPF and Local Plan and Alterations policies HC10 and HC11. A way forward for the Applicant would be to investigate the history of the building in much more detail since it appears possible the building was not curtilage listed.

Members are advised that works to a listed building, especially its substantial or complete demolition, without listed building consent is an offence under section 9 of the Planning

(Listed Buildings and Conservation Areas) Act 1990. Whether it is in the public interest to prosecute any person for the offence that on the face of it appears to have taken place and, indeed, whether it is expedient to issue a listed building enforcement notice securing the reinstatement of the building, is a matter that will be considered by the Council's Planning Enforcement Team. As indicated in the suggested way forward for the Applicant, evidence of the history of the building should be submitted to inform that assessment since if it demonstrates the building is post 1948 then listed building consent is not required for the works carried out and there is no offence to investigate.

Application for planning permission: EPF/2701/15

Building work on this new residential annex began last year and much of the outer walls to first floor level and its basic structure has been built. Work has ceased in recent months pending the consideration of these two applications. Although the description of development on the application forms refers to part conversion of a barn the proposed development is a new building. The main issues to consider when assessing the merits of the planning application are the consequences of the new building for the Green Belt, its design and its consequence for the setting of Brownings Farmhouse. A further issue is impact of the new building on adjacent trees.

Green Belt:

The 2012 NPPF allows for some more flexibility for new replacement buildings to be built in the Green Belt than was hitherto the case. The relevant section at para 89 states that the replacement of a building can be acceptable provided the new building is in the same use and is not materially larger than the one it replaces.

In terms of use it is accepted that this barn outbuilding stood in the residential curtilage of the main house and that its use would have been for purposes ancillary to the main dwelling. The proposed development is described as two bedroom accommodation which is ancillary to the main farm house - so in terms of use the proposal is acceptable.

However the size of the replacement building is large. The submitted plans show that the footprint size of the proposed building is not much greater than the footprint of the original barn. However officers feel that the footprint of the previous barn is not accurately portrayed, and having regard to Ordnance Survey maps, aerial photographs available on web sites, and the case officer's visit to the site in connection with last year's application EPF/2613/15, it is considered that the barn building measured some 7.5m in length by 7.5m in width. The proposed new building measures 15.8m by 8.7m which is 2.44 times the footprint size of the original barn. In terms of height the proposed building has a first floor in a roof form with gabled ends where the height to eaves is 3.2m, with the height to the roof being 5.05m. Elevations of the original barn have been submitted which shows the barn had an eaves height of 2.85m and a ridge height of 4.85m. Unfortunately, it is again felt that these heights of the barn are not accurately portrayed, and more realistic heights are considered to be 2.5m to eaves, and 3.7m to ridge.

Having regard to the dimensions referred to above it is clear that the proposed building will be at least two and a half times the size of the original barn that stood on the site. It will therefore be materially larger, by some margin, than the building it replaces, and consequently it will be inappropriate development in the Green Belt as set out in paragraph 89 of the NPPF. Its size and height will therefore detract from the openness of the Green Belt, contrary to Local Plan and Alterations Policy GB2A.

Design and Setting of Listed Building:

When considering this matter the advice of the Council's Conservation Officer was sought and it is reproduced below:

"The amended plans submitted do not overcome the concerns I previously had and therefore do not meet our expectations on heritage and design grounds. This material change to the barn, including its residential appearance, its larger scale, and poor design, will irreversibly alter and diminish the appearance of this listed property and its setting. The following elements of the design still raise concern as they result in a building with an untraditional and unsympathetic appearance which will appear incongruous within the setting:

- (i) the roof slope is very slack and this combined with the width of the span, creates a squat appearance;*
- (ii) the dwelling is badly proportioned as the ratio of roof to wall is wrong;*
- (iii) the porch is too wide and features inappropriate details (brick and a large expanse of glazing) and this, along with the fact that its eaves are lower than the eaves of the building makes it visually over dominant; and*
- (iv) the use of slate is not appropriate as barns are more traditionally roofed with red plain clay tiles.*

Reference is also made to page 81 of the Essex Design Guide where the narrower widths of rectangular buildings to be spanned with pitched roofs should not be greater than 6.5m, and are usually of the order of 5m. Roofs should normally be pitched at about 50 degrees. Buildings with a span of more than 5m will result in wide gable ends uncharacteristic of traditional building in Essex.

Taking the above factors into account I would still recommend that the amended application be refused, supported by policies HC12 and DBE1 of the Local Plan."

In addition to its effect on the Green Belt the considerable footprint and height of the proposed building, together with its design, resembles that of a house in its own right as opposed to a smaller more typical annex or barn type of outbuilding that is occupied ancillary to a main dwelling on the site. Also, as pointed out by the Council's Conservation team in their comments above, the wide span of the proposed building, (even after amended plans were received) creates a roof slope with a low 22 degrees angle of slope which creates a squat appearance. This appearance is very different from many traditional barn conversions in the Green belt where the roof pitch is traditionally steep e.g. at 50 degrees angle. The Parish Council state that, at some 30m distance from the listed house on the site, the proposed building would have no visual impact. However Officers are of the opinion that the size of the building is excessive, its profile is not a traditional one for a converted barn/outbuilding found in the in the Green Belt, and therefore it will have an adverse effect on the appearance and setting of the listed main dwelling on the site. Other concerns relate to a poorly designed porch, and inappropriate roof slate to be used rather than clay tile.

On the basis that the proposal has resulted in the demolition of a curtilage listed building without proper justification, it has resulted in significant harm to the special historic interest of the listed farmhouse by way of the loss of an historic relationship between the barn and farmhouse. That significantly compounds the harm caused to the setting of the listed farmhouse that would be caused by the erection of the proposed annexe building.

On the above assessment it is concluded the proposal is contrary to Local Plan and Alterations policies CP2(i), DBE1, DBE4 and HC12.

Trees

The new building and works for the construction of its foundations are within the root protection zones of a number of trees, particularly 2 silver birches. Advice of the Councils tree and Landscape Team is the works are likely to have caused extensive root damage to at least one tree such that it is potentially unstable with the consequence that the tree will have to be felled in order to protect the building. Furthermore, no arboricultural assessment is submitted with the application therefore insufficient information is available to demonstrate in detail the impact of the development on trees within its vicinity. It is therefore concluded the proposal does not make adequate provision for the retention of trees, contrary to Local Plan and Alterations policy LL10.

Conclusions and Way Forward

It is to be regretted that, on the face of it, a designated historic asset has been demolished or substantially demolished without listed building consent. That is without proper justification and therefore cannot be permitted. A suggested way forward for the Applicant that would also address the matter of whether an offence has taken place, is to submit good evidence of when the barn was erected since it seems possible the barn was not actually a curtilage listed building.

It is also to be regretted the building works were well advanced on the proposed replacement annexe building before operations ceased. As described above, the building is inappropriate development in the Green Belt that would be harmful to its openness on the basis that it is significantly larger than the building it replaces. The footprint, height and appearance of the proposed building are also unacceptable in design terms and would cause harm to the setting of Brownings farmhouse. Moreover, the proposal makes inadequate provision for the retention of trees.

Resolving the question of whether the demolished barn was a curtilage listed building is critical to the way forward for the Applicant. If it was curtilage listed, then an appropriate course of action for the Council to consider is securing the reinstatement of the building. Any revised proposal therefore would need to include that as a component, which would be likely to deal with the Green Belt, design and setting issues.

If evidence demonstrates that the demolished building was not curtilage listed then there is more flexibility for the planning application and listed building consent is not required. An alternative proposed building should not be materially larger than that demolished. A new predominantly single storey annex building, somewhat but not significantly larger than the footprint of the former barn, would be likely to be more acceptable. In addition, the width or span of an alternative annex building would need to be narrower allowing for a more traditional and steeper roof to be formed.

Regardless of the status of the demolished building, any new application for planning permission should include an arboricultural impact assessment in accordance with BS 5837:2012 demonstrating consequence for trees together with a landscaping scheme demonstrating how the impact on existing trees and the visual impact of the proposed building would be mitigated by new tree planting.

Recommendations:

For the reasons outlined above it is recommended that listed building consent and planning

permission be refused.

Should you wish to discuss the contents of this report item please use the following contact details by 4pm on the day of the meeting at the latest:

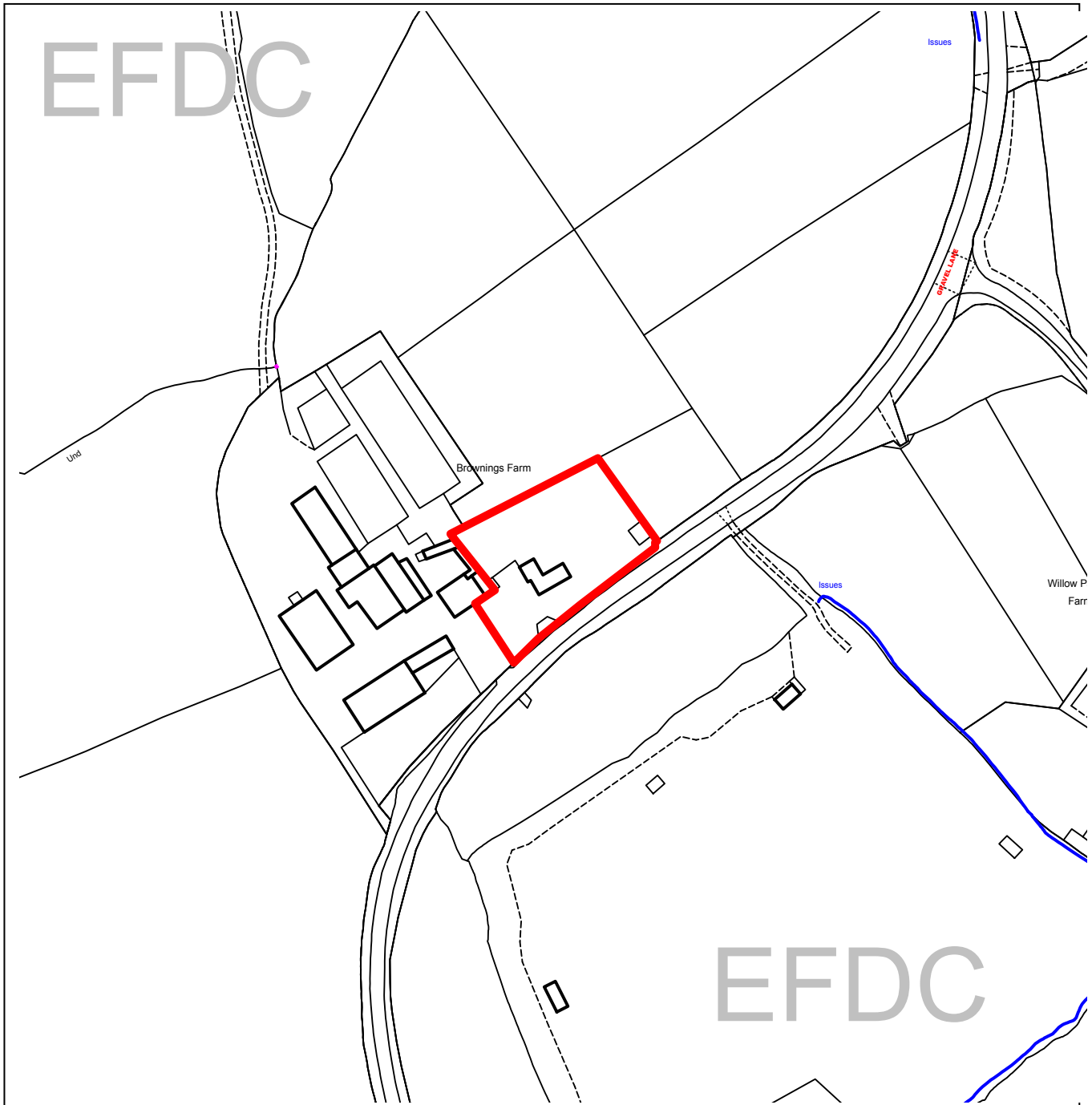
***Planning Application Case Officers: David Baker and Stephan Solon
Direct Line Telephone Number: 01992 564514 and 01992 564018 respectively***

***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/2701/15
Site Name:	Brownings Farmhouse, Gravel Lane, Chigwell, IG7 6DQ
Scale of Plot:	1/2500

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Report to District Development Management Committee

Report Reference: DEV-017-2015/16
Date of meeting: 24 February 2016



**Epping Forest
District Council**

Subject: Planning Application EPF/2197/15 –15 Oakwood Hill Industrial Estate, Oakwood Hill, Loughton, Essex, IG10 3TZ - Installation of 2-storey business units (part single & part 2-storey café) together with associated welfare facilities and parking

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation(s):

(1) That planning permission be granted subject to the following 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: 1.01, 1.02, 1.03, 1.04, 1.05, 1.11, 1.12, 1.13, 1.14, 1.21 and 1.22 all dated 11/12/2015**
- 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. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.**
- 5. 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]

6. Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

7. 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]

8. 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.
9. 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.
10. The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:
 1. provide details on the use of scaffolding or tall plant; and
 2. provide details on the installation of shipping containers.
11. Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors;
 2. Loading and unloading of plant and materials;

3. **Storage of plant and materials used in constructing the development;**
 4. **The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
 5. **Measures to control the emission of dust and dirt during construction, including wheel washing; and**
 6. **A scheme for recycling/disposing of waste resulting from demolition and construction works.**
13. **All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.**
14. **There shall be no open storage.**

Report:

1. In accordance with the Terms of reference in Article 10 of the Constitution, this application is put straight to the District Development Management Committee since it is a Major category planning application (commercial floor space over 1000m²) for development on the Council's own land. In this case the Council owns the freehold of the site.

Description of Site:

The application site is located within the Oakwood Hill Industrial Estate and the Estate is designated as an employment area. The site comprises an open yard formally used for storage for a removal company, flanked by two, two storey business units with a vehicle access between. The application site also includes the ground floor of unit 15A, one of the two storey units which fronts the application site. The site backs on to the London Underground line and is in a prominent location within the estate. It is directly opposite the entrance road to the estate and therefore visible from Oakwood Hill. The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The proposal seeks permission for the installation of two storey business units (use class B1a); part single and part two storey café (use class A3); together with associated welfare facilities and parking. The two storey business units will be formed from shipping containers creating 34 individual business incubator units, each container will be a different unit. The first floor units will be accessed externally by an external stairway and walkway. These containers will be located to the rear of the site backing onto the London Underground line. The café will also be housed within shipping containers with one of the containers creating a new undercroft vehicle entrance as it will link (externally) existing units 15A and 15B at first floor level. The total new floor space including the café is 1062m².

The existing ground floor of unit 15A will serve as a communal area providing toilets, kitchen facilities, board room, waste area and a cycle store.

The plans have been revised since first submission. Neighbours and other consultee were re-consulted on the revised plans. The site layout has been altered to allow for an increase in parking from 8 spaces to the proposal now providing 14 car parking spaces within the site.

Relevant History:

None relevant to this particular site.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring properties

ST6 – Vehicle Parking

LL10 – Adequacy of provision of landscape retention

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:

LOUGHTON TOWN COUNCIL: The Committee had no objection to this revised application.

In response to the original consultation the Town Council returned the following comments:

The Committee had NO OBJECTION to this application, and supported the concept of a business incubator development and the proposed use of recycled shipping containers.

31 Neighbours consulted and a site notice erected:

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – Initially objected due to the fact the parking survey was undertaken in the school holidays but following revised information and an additional parking survey withdrew their objection

UNIT 9, OAKWOOD HILL INDUSTRIAL ESTATE – Concern with regards to impact on parking

PLOT 1, OAKWOOD HILL INDUSTRIAL ESTATE – Object still insufficient parking, concern with regards to more problems with highway improvements on Chigwell/Borders Lane, difficulties manoeuvring for HGV's, business interruptions and dangerous accesses.

EFDC ESTATES - not satisfied that there is enough parking facilities on site and this would have a detrimental impact on the estate.

Issues and Considerations:

The main issues with this proposal relate to design, impact on amenity, employment

issues and highway/parking issues.

Design

This proposal is a very contemporary method of providing low cost accommodation and will appear as a prominent addition to the Oakwood Hill Industrial Estate, particularly with the first floor container at the entrance to the site. It is however, not considered out of keeping with the surrounding industrial character and is not far removed in terms of character from its previous use providing storage in containers.

The proposal is considered to add interest to the industrial estate as a whole and will be visible from the main streetscene of Oakwood Hill adding a positive contribution to the wider streetscene.

Although unusual, 'container buildings' are becoming more widespread with examples outside the district at Boxpark in Shoreditch, which contains 'pop-up' shops and restaurants and Containerville, in Hackney which is similar to the proposed scheme with start-ups and small businesses using the units. The container appearance of this proposal in this location generally does complement the surrounding business unit character.

Amenity

The proposal does not raise any amenity concerns as there are no nearby residential properties.

Employment

The NPPF promotes a strong, responsive and competitive economy that supports growth and innovation and this proposal is considered to fully comply with this ethos. The NPPF states that '*significant weight should be placed on the need to support economic growth through the planning system*'. This proposal is located in an area designated within the Local Plan as an employment site and although the employment policies are not compliant with the NPPF (as it discourages the long term protection of sites) it clearly is a suitable and sustainable location to promote and encourage further business.

Clearly incubator business units will add to employment numbers and will provide the opportunity for low cost and therefore presumably low risk business accommodation for small businesses or those just starting out.

The Council's Economic Development Officer is generally supportive of the scheme as there is a general need to renew older employment stock and intensify sites where appropriate to meet job growth forecasts. Additionally the Officer considered the prominent position of the scheme provides a first good impression for the estate as a whole, and the location within an existing estate provides the option for the start up businesses to expand perhaps into other units within the estate.

Highway and Parking Issues

The application was originally accompanied by a parking survey which was completed during the summer holidays which faced criticism for its timing. The application was then revised providing additional parking spaces from 8 spaces to 14, revised parking surveys completed in November and further details on existing parking in the area.

Oakwood Hill Industrial Estate is heavily parked and on two visits by the Case Officer parking in and around the estate was difficult but not impossible. There are no parking restrictions in place on the estate or on Oakwood Hill. There are two free public car parks within the estate which are used but do seem to lack maintenance. It appears that the estate parking issues are exacerbated by the proximity to Debden Station as it appears that commuters park along Oakwood Hill outside of the estate and perhaps also within the estate roads as well.

The Essex County Council Highways Officer objected to the original application but has withdrawn this objection following the revised submissions and has concluded that despite a maximum requirement of 32 for a development of this scale and nature, 14 spaces would be an acceptable level of provision given the accessible location and good access to more sustainable modes of transport - this location is within 500m of Debden Underground station and there are a number of bus routes operating locally.

Although it is acknowledged that parking can be an issue within the estate and surrounding roads and that the number of cars parked may result in difficulties for large lorry movements this is an ongoing and existing issue and one that can not be resolved through a planning application.

It is therefore considered that in this case, given the sustainable location of the site, the evidence submitted by the applicant and the increase in the proposed onsite parking numbers coupled with the large amount of surrounding unrestricted parking (albeit heavily used) that this proposal will not have a significant negative impact on the existing surrounding parking situation or that of highway safety to justify a refusal.

Conclusion:

The proposal is unusual, but is considered that it would add to the viability and promotion of this designated employment area and the wider District and no amenity issues are raised. There is an existing parking problem in the surrounding area but this application is on balance considered acceptable given the number of parking spaces proposed and the sustainable location of the site. Therefore given the above assessment the application is considered acceptable and approval is recommended.

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Epping Forest District Council

Agenda Item Number 10



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Application Number:	EPF/2197/15
Site Name:	15 Oakwood Hill Industrial Estate, Oakwood Hill, Loughton, IG10 3TZ
Scale of Plot:	1/1250

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Report to District Development Management Committee

Report Reference: DEV-019-2015/16
Date of meeting: 24 February 2016



**Epping Forest
District Council**

Subject: EPF/3058/15 – The Drummonds, Sidney Road, Theydon Bois – Removal of condition 3, garage for the storage of motor vehicles, of planning permission EPF/1286/91 (Two-storey side extension to form “granny annexe”).

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

- (1) That planning permission be approved subject to the following 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 two-storey front bay, unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it has been submitted on behalf of a Councillor of the Authority (Pursuant to The Constitution, Part Two, Article 10 (f))

Description of Site:

The application site is that of a detached chalet style bungalow that has been extended previously in the form of a two storey side extension that projects forward of the main wall of the house in the form of a two-storey bay extension. It is located in a cul-de-sac, Sidney Road, which is off Coppice Row. The application property is surrounded by similar residential properties and there is a tennis club at the end of the cul-de-sac.

The property has two dropped kerbs and an “in-and-out” driveway arrangement of an extensive area of block paving capable of accommodating at least three cars. Records (reference EPF/1286/91) within Planning Services show that the property has four bedrooms and a bedroom to an annexe.

The site forms part of the built-up area of Theydon Bois and is outside the Green Belt.

Description of Proposal:

The two-storey front bay has an integral single garage on the ground floor. The proposal is to convert the garage to additional habitable space accommodation. The vehicular external door of the garage would be replaced with matching brickwork and a window to match those existing.

Such an alteration would normally be Permitted Development but condition 3 of a planning permission (EPF/1286/91) for the annexe extension states that *“Notwithstanding the provision of the Town and Country Planning General Development Order 1988 (or equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage shall be kept solely for the storage of motor vehicles and shall at no time be converted into a room.”* The reason for the condition is *“It is essential that the garage be retained for the storage of motor vehicles to satisfy the requirements of the Council’s adopted off-street car parking policy.”*

Relevant History:

EPF/1286/91 - Two-storey side extension to form granny annexe. – Granted with Section 106 Agreement 14/05/1992.

EPF/3057/15 - Certificate of lawful development for a proposed conversion of integral garage, removal of garage door and infilling opening with facing brickwork and window to match existing – Currently awaiting a decision

Policies Applied:

Epping Forest District Local Plan and Alterations

- CP2 – Protecting the Quality of the Rural and Built Environment
- DBE9 – Loss of Amenity
- ST4 – Road safety
- ST6 – Vehicle Parking

SPG, ECC Revised Vehicle Parking Standards (September 2009)

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:

THEYDON BOIS PARISH COUNCIL: No objection

5 Neighbours consulted: No response received from neighbours.

Issues and Considerations:

The main issue is whether the external alteration from a garage door to a window with brick infill surround would be in keeping with the street scene and secondly, would there be any highway safety harm issues as a result of losing the internal garage space.

With respect to the external appearance there would be no amenity harm to neighbours and it would be in keeping with the street scene and complement the design of the existing house.

The garage is at the front of the two-storey side bay built to partly accommodate an annexe. The annexe consists of a small hall accessed from an exterior door on the flank wall of the side bay. There is no direct access between the annexe and the garage. A condition and a legal agreement associated with planning permission EPF/1286/91 states that the

development shall not be used other than as ancillary accommodation and not be sold off or rented out as a separate dwelling. The proposal to remove condition 3 and therefore allow the garage to be used as a habitable room in the house would not affect the legal agreement and still require the annexe to not be sub-divided from the rest of the house.

There is more than adequate space in front of the house to park at a minimum 3 cars off the road, such that the loss of the garage use would not add to additional on-street parking or highway safety concerns. It therefore complies with policies ST4 and 6.

Conclusion:

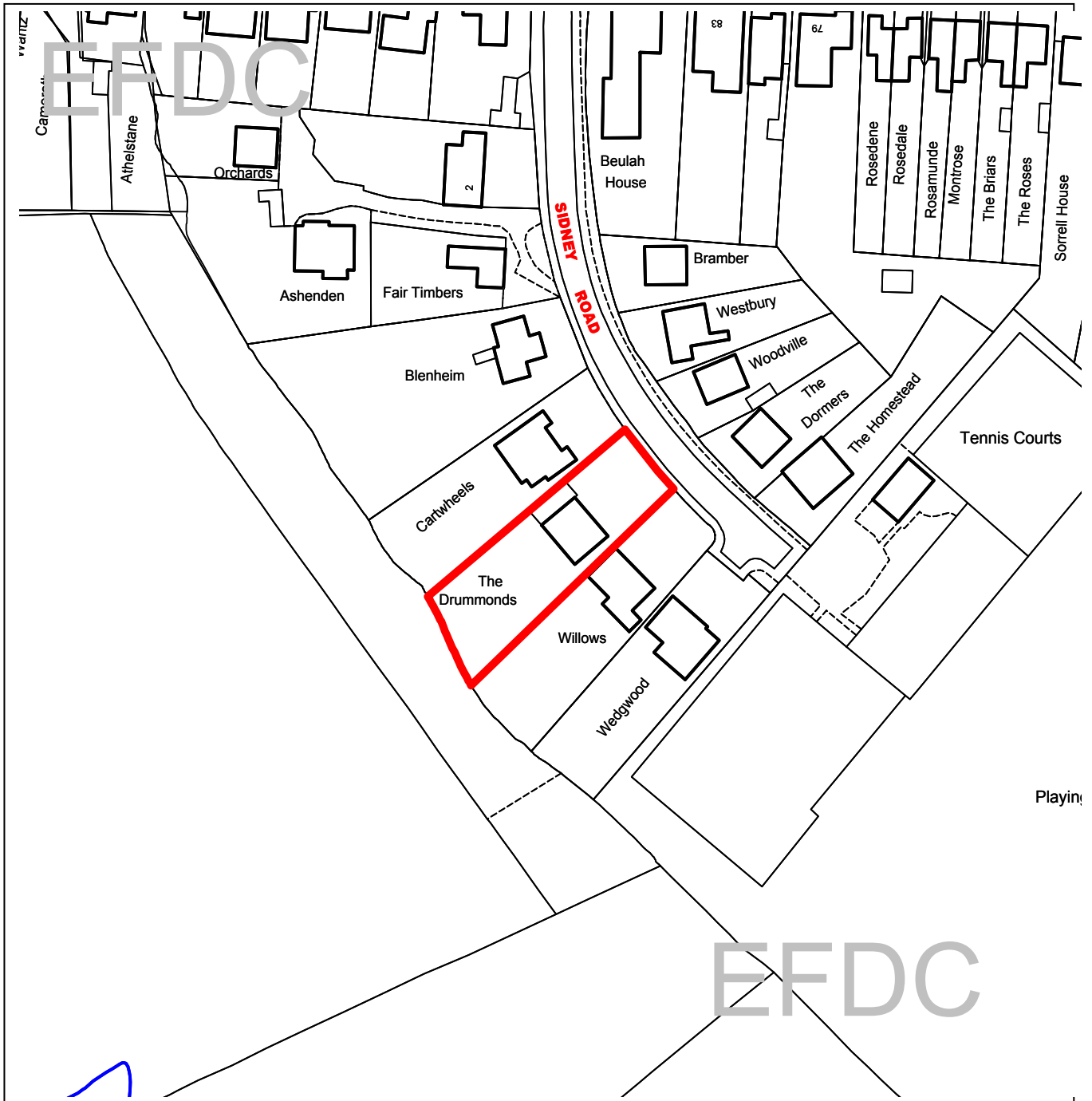
The proposal complies with relevant planning policy and it is recommended that planning permission be granted.

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Epping Forest District Council

Agenda Item Number 11



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Application Number:	EPF/3058/15
Site Name:	The Drummonds, Sidney Road, Theydon Bois, CM16 7DT
Scale of Plot:	1/1250

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