

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Monday, 26th October, 2015

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

**Council Chamber, Civic Offices, High Street, Epping
on Monday, 26th October, 2015
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Stephen Tautz (Directorate of Governance)
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564243

Members:

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

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

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

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

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

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

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

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

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

5. 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.

6. DEVELOPMENT CONTROL (Pages 9 - 76)

(Director of Governance) To consider planning applications as set out in the attached schedule

Background Papers:

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

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties

listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

7. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement

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

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

Background Papers

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

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

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

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Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

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

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

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

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

Further Information?

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

Area Planning Subcommittee East 2015-16
Members of the Committee and Wards:



Cllr Jones
Theydon Bois

Cllr Keska
Chipping Ongar,
Greensted and
Marden Ash

Cllr Avey
Epping
Hemnal

Cllr Bedford
Shelley

Cllr Boyce
Moreton and
Fyfield



Cllr Brady
Passingford

Cllr Breare-Hall
Epping
Lindsey and
Thornwood
Common

Cllr Church
Epping
Lindsey and
Thornwood
Common

Cllr Grigg
North Weald
Bassett

Cllr McEwen
High Ongar,
Willingale and
the Rodings



Cllr Morgan
Hastingwood,
Matching and
Sheering Village

Cllr Philip
Theydon
Bois

Cllr Rolfe
Lambourne

Cllr Stallan
North Weald
Bassett

Cllr Surtees
Chipping Ongar,
Greensted and
Marden Ash



Cllr Waller
Lower
Sheering

**Cllr
Whitbread**
Epping Lindsey
and Thornwood
Common

**Cllr J H
Whitehouse**
Epping
Page 7

**Cllr J M
Whitehouse**
Epping
Hemnal

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AREA PLANS SUB-COMMITTEE 'EAST'

26 October 2015

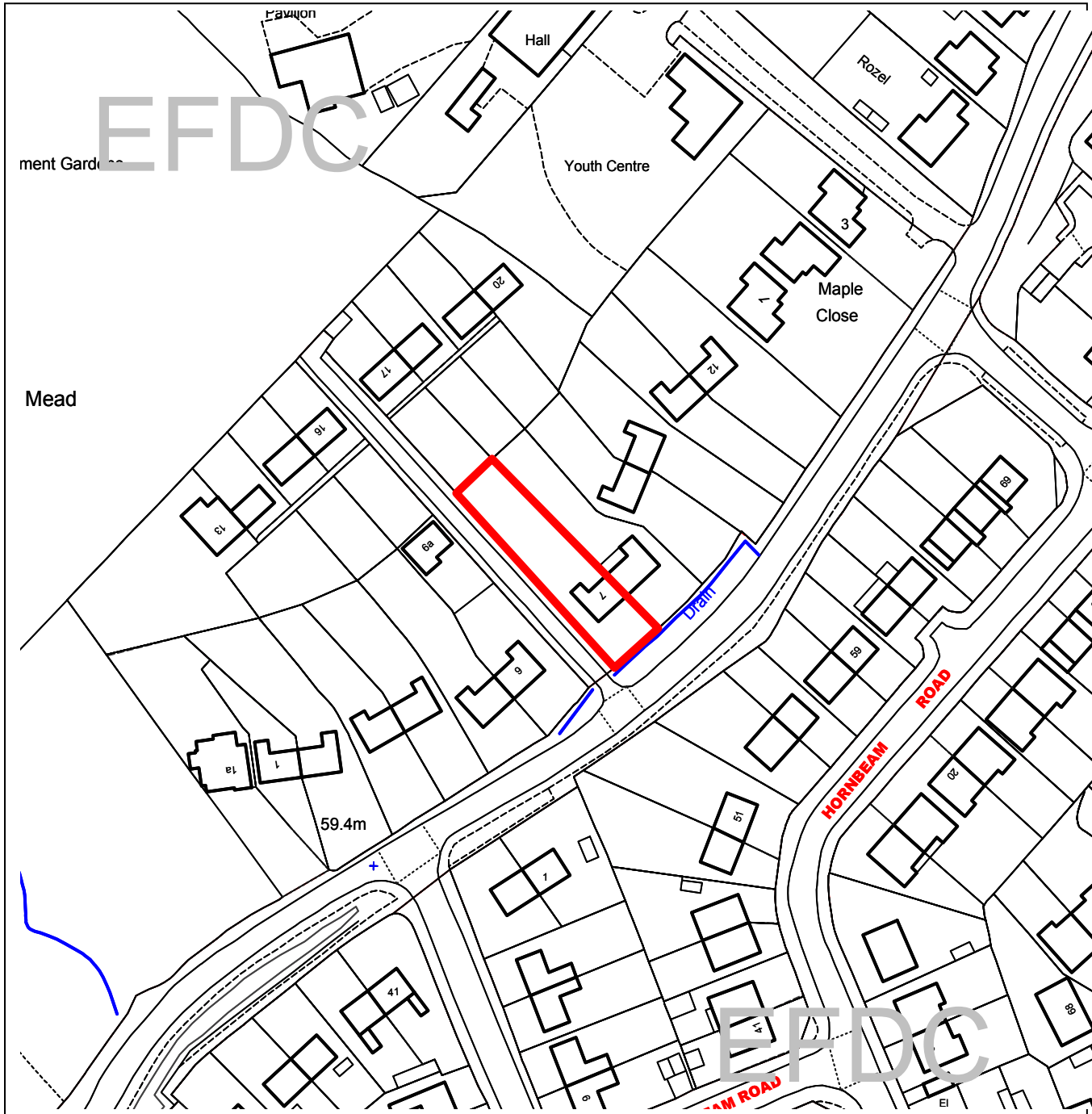
INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/1221/15
Site Name:	7 Red Oaks Mead, Theydon Bois, CM16 7LA
Scale of Plot:	1/1250

Report Item No:1

APPLICATION No:	EPF/1221/15
SITE ADDRESS:	7 Red Oaks Mead Theydon Bois Epping Essex CM16 7LA
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Matt Jones
DESCRIPTION OF PROPOSAL:	Application for variation of condition 9 on planning application EPF/0731/14 (Proposed new dwelling and demolition of garage) to allow alternative to hedging.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576380

CONDITIONS

- 1 Within 3 months of the date of this consent a hawthorn hedge of a minimum height of 1metre shall be planted as shown on the approved plans. Planting density shall be 3 plants per metre. If within a period of five years from the date of the planting or establishment of the hedge, or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective a new hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)) and since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))

Description of Site:

The site is situated off Red Oaks Mead. The site is to the rear of number 7 and currently occupied by a detached single storey dwelling that was permitted under EPF/0731/14. The site is opposite a similar bungalow to the rear of number 6 Red Oaks.

The site is close to the Green Belt boundary, but not within the Green Belt. The site is in the village of Theydon Bois.

Description of Proposal:

The application seeks to vary condition 9 attached to EPF/0731/14 that requires the retention of hedging. This has been removed during construction. The applicant now seeks to replant albeit for a lesser distance.

Relevant History:

EPF/1324/97 – Outline application for the erection of a detached dwelling – Refused
Refused as the development would be cramped, detracting from local character, development would cause overlooking and the access would prevent parking along the lane. Dismissed at Appeal.

EPF/0772/14 – Prior notification for 4m deep extension – Prior Approval not required

EPF/0731/14 – Proposed new dwelling and demolition of garage – Approved

EPF/1396/15 - Erection of a 5.7m long ramp to improve accessibility for the disabled occupant on existing property.- Also on this agenda

Also worthy of note EPF/2187/07 – Erection of dwelling r/o 6 Red Oaks Mead – Refused. Allowed at Appeal.

Policies Applied:

Epping Forest District Local Plan and Alterations

LL10 – Adequacy of provision for landscape retention

The NPPF is also a material consideration.

Representations Received

Ten neighbouring properties were notified. Responses have been received as follows:

LOCAL RESIDENT NO ADDRESS PROVIDED: Strong objection as plans do not reflect development onsite, conditions and approved plans have been previously ignored and alterations have been introduced by stealth. Rural character should be preserved. 2m high boundary treatments are overly tall. Access ramp has not been approved yet is installed, loss of hawthorn hedge, overlooking of neighbouring properties and light pollution.

THEYDON BOIS RURAL AND PRESERVATION SOCIETY: Object as the proposed Laurel hedging is not native and regret the initial loss of hedging.

THEYDON BOIS PARISH COUNCIL: We have no objection to this application in principle, however we would insist that the hedge/ boundary treatment is built in strict accordance with the supplied plan. Having visited the site, we are aware that the existing development and in particular the boundary treatment has not been built to plan, and this should be rectified before approval is given to this application.

Of particular importance is to ensure that the hedge is planted within the property boundary and that the height of the fencing and brick pillars are not excessive and conform to the plan. This is definitely not the case at present. The fence which has been erected has been positioned on the site boundary leaving no room for the re-planting of the hedge. The fence clearly needs to be removed from its current position. Also, the ground levels within the application site have been artificially raised to a significant degree. This has resulted in the excessive height of the fence

when measured from the original level of the adjoining lane. This has destroyed the rural character of the lane, the protection of which was the reason for condition 9 on application EPF/0731/14 in the first place!

We would also point out that the proposed laurel hedge is not a native species and it should be replaced with hawthorn to match the existing hedgerow in the area.

Issues and Considerations:

The proposals seek to vary a condition that sought to retain 6m of Hawthorne hedging on the property during construction.

The proposals vary the condition to replant to 5.2m of Hawthorn hedging.

The condition was applied to preserve the appearance of the street scene, however Officers note other boundaries are visible locally without soft landscaping.

The original scheme incorporated Laurel hedging and a less meaningful boundary for some of the length of the property. This has been revised, Hawthorn is now proposed and Officers consider the revised planting possible and to achieve the same effect as was intended by the original condition.

Conclusion

Officers recommend that the condition be varied to allow an 80cm reduction in planting. Whilst the hedging has been removed and this is unfortunate, there is a clear intention to replant and Officers accept the revised proposals.

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

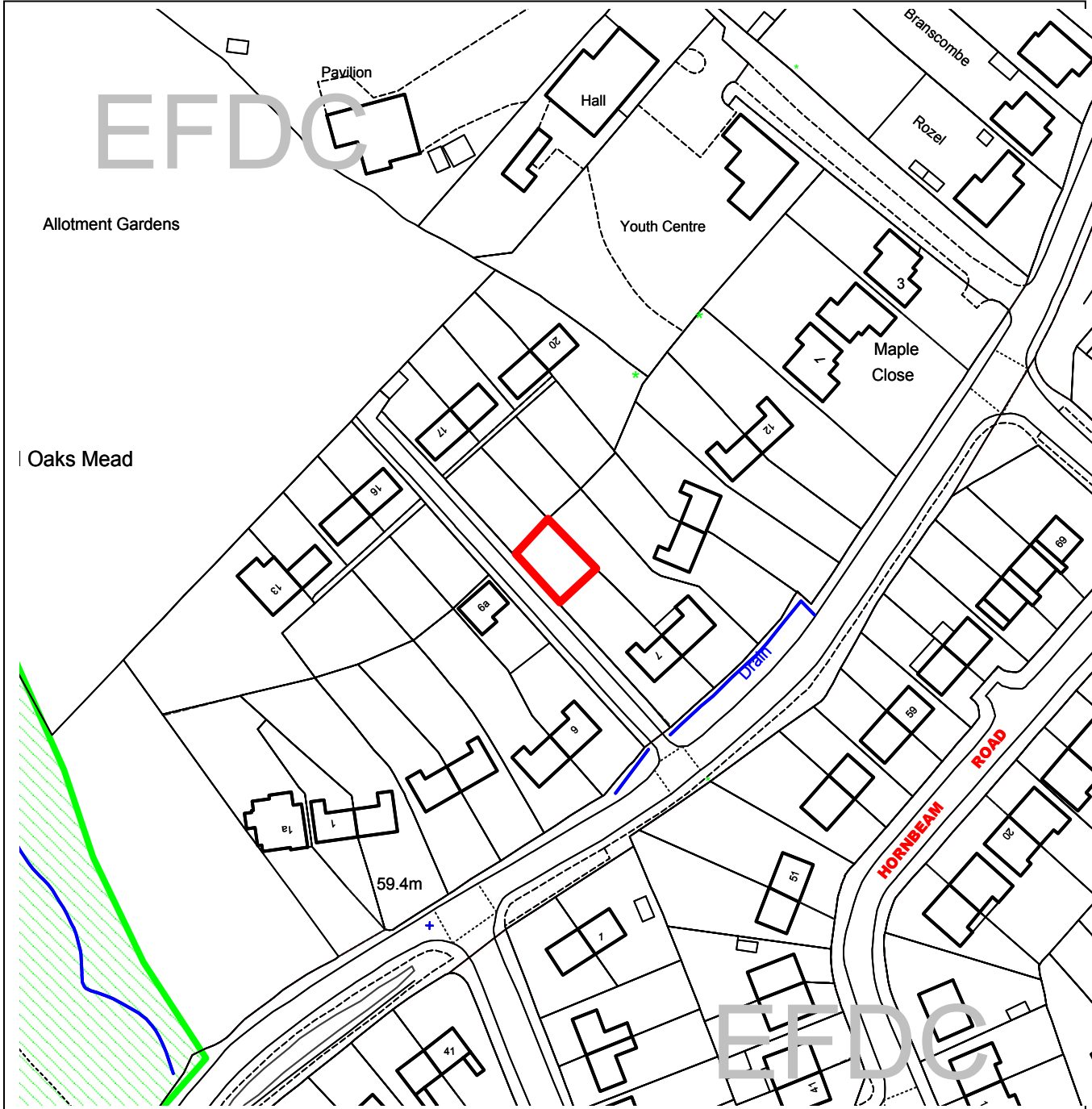
***Planning Application Case Officer:
Direct Line Telephone Number:***

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



Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/1396/15
Site Name:	7 Red Oaks Mead, Theydon Bois, CM16 7LA
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1396/15
SITE ADDRESS:	7 Red Oaks Mead Theydon Bois Epping Essex CM16 7LA
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Matt Jones
DESCRIPTION OF PROPOSAL:	Erection of a 5.7m long ramp to improve accessibility for the disabled occupant on existing property.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576851

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
1412/04
1412/03H
1412/06B
- 2 Within 3 months of the date of this consent a hawthorn hedge of a minimum height of 1metre shall be planted as shown on the approved plans. Planting density shall be 3 plants per metre. If within a period of five years from the date of the planting or establishment of the hedge, or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective a new hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

Description of Site:

The site is situated off Red Oaks Mead. The site is to the rear of number 7 and currently occupied by a detached single storey dwelling that was permitted under EPF/0731/14. The site is opposite a similar bungalow to the rear of number 6 Red Oaks.

The site is close to the Green Belt boundary, but not within the Green Belt. The site is in the village of Theydon Bois.

Description of Proposal:

The application seeks permission to erect an access ramp alongside the approved dwelling to permit ease of access to the patio and main entrance.

Relevant History:

EPF/1324/97 – Outline application for the erection of a detached dwelling – Refused
Refused as the development would be cramped, detracting from local character, development would cause overlooking and the access would prevent parking along the lane. Dismissed at Appeal.

EPF/0772/14 – Prior notification for 4m deep extension – Prior Approval not required

EPF/0731/14 – Proposed new dwelling and demolition of garage – Approved

EPF/1221/15 – Variation of condition 9 on planning permission EPF/0731/15 to allow alternative hedging – Also on this agenda.

Also worthy of note EPF/2187/07 – Erection of dwelling r/o 6 Red Oaks Mead – Refused. Allowed at Appeal.

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

DBE5 – Design and Layout of new development

DBE9 – Loss of amenity

ST01 – Location of Development

ST06 – Vehicle Parking

LL10 – Adequacy of provision for landscape retention

The NPPF is also a material consideration.

Representations Received

Ten neighbouring properties were notified. Responses have been received as follows:

LOCAL RESIDENT NO ADDRESS PROVIDED: Strong objection as plans do not reflect development onsite, conditions and approved plans have been previously ignored and alterations have been introduced by stealth. Rural character should be preserved. 2m high boundary treatments are overly tall. Access ramp has not been approved yet is installed, loss of hawthorn hedge, overlooking of neighbouring properties and light pollution.

THEYDON BOIS RURAL AND PRESERVATION SOCIETY: Object as the access ramp and retention of the hedge are not both possible.

THEYDON BOIS PARISH COUNCIL: Objection. Following a site visit, we are of the opinion that it is not feasible to build the ramp and the associated boundary treatment as per the plan. The plan is not an accurate representation of the site.

We note and agree with the comments from the trees and landscape officer stating that a minimum of one metre is required to plant a meaningful green screen along the boundary of the property.

We consider the appropriate screening of the property by a hedge to be an important factor to maintain the rural character of this area and therefore we have come to the conclusion that the access arrangements for the property need to be rethought.

Issues and Considerations:

The proposals as submitted originally sought consent retrospectively to install a disabled access ramp and reinstate a narrow strip of hedging, some of which comprised Laurel. The installation of the access ramp has resulted in the removal of hedging that was to be retained by condition.

In terms of street scene a domestic disabled access ramp has no significant impacts. This access must also be considered in respect of whether there is an alternate location that would function equally well as an access, yet have less impact. In this instance any access ramp that does not conflict with use of the parking areas requires positioning along the lane and results in some loss of hedging. The loss of hedging does clearly result in an adverse impact to street scene, but this must be balanced against the needs of the occupier and reasonable access provision and it must be determined whether on balance the harm is sufficient to justify refusal.

Officers have considered the revised scheme that simply reduces the hedging area and compared this to the length of hedging originally in place. Originally there was a length of hedge in the region of 9m, it was accepted under EPF/0731/14 that this would be reduced by provision of a parking area to in the region of 6m. The latest proposals reduce this to 5.2m. Officers are of the view that whilst the originally intended narrow strip of hedging was not suitable, the revised scheme providing a meaningful Hawthorn hedge is not dissimilar to what was previously approved and the differing length of hedge is only 80cm. This is not sufficient to argue a significant adverse impact to visual amenities and local character. It will take some time to mature, but the revised scheme now also omits Laurel I favour of the former Hawthorn species.

In terms of neighbouring issues raised, most do not relate to the loss of hedging or provision of the access ramp, however adverse impacts to neighbouring amenities in terms of overlooking from the access ramp are not sufficient to result in significant harm to neighbouring living conditions.

In terms of landscaping, the landscaping Officer has suggested mature whips of 1m (known as instant hedging) be planted to reinstate the hedging as quickly as possible. Officers consider this is a reasonable request and a condition to this effect is proposed.

Parking is not affected.

Conclusion

Mindful of the needs to ensure accessibility for all, the relatively minimal nature of the works, and the revisions to provide a hedge that can realistically be maintained, Officers recommend approval.

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

Planning Application Case Officer:

Direct Line Telephone Number:

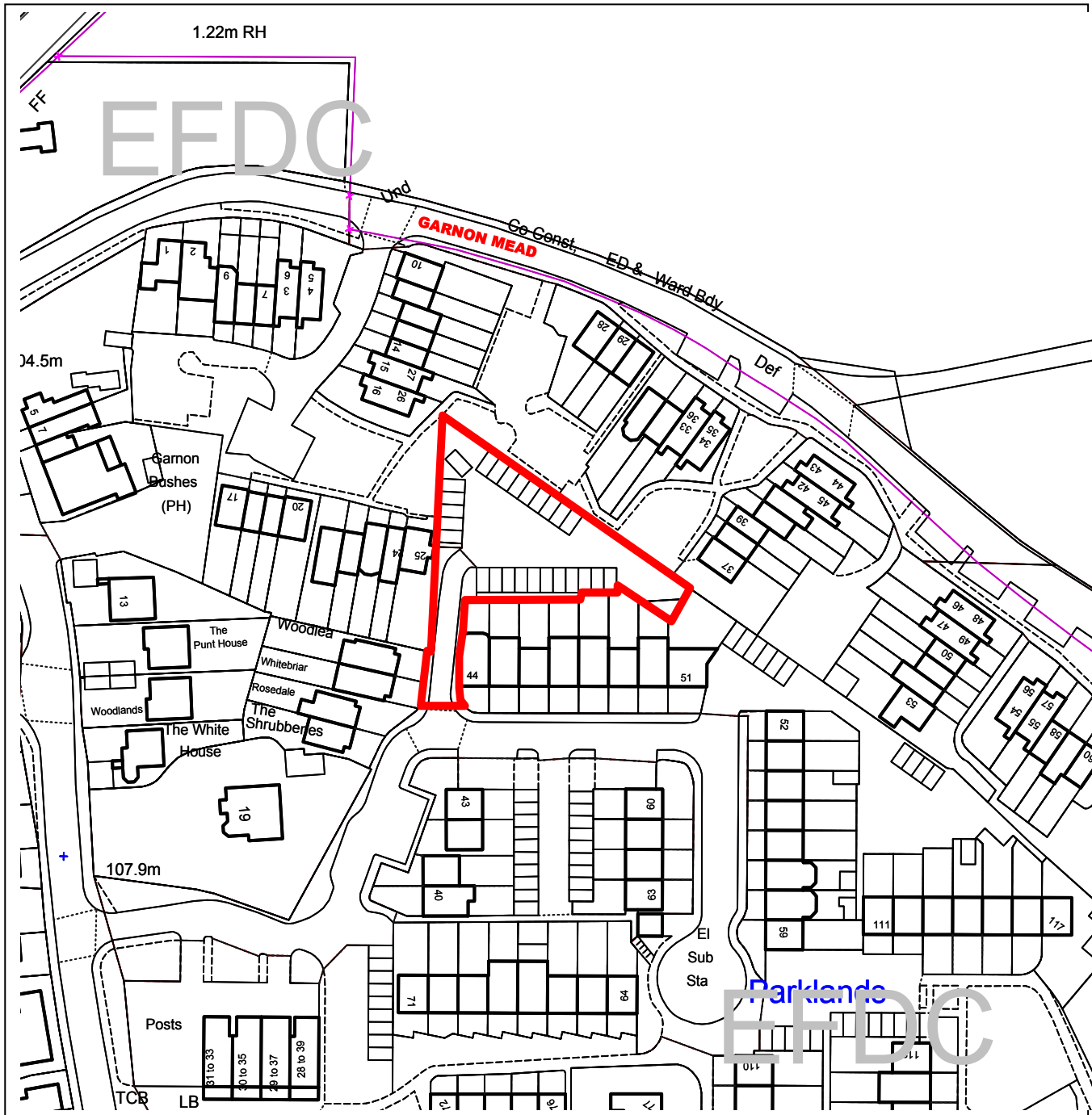
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/1770/15
Site Name:	Garages Adjacent, 44 Parklands, Coopersale, Epping, CM16 7RE
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1770/15
SITE ADDRESS:	Garages adjacent 44 Parklands Coopersale Epping Essex CM16 7RE
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	East Thames Housing Group
DESCRIPTION OF PROPOSAL:	Demolition of garages and replacement with 4 affordable homes with 8 parking spaces
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577857

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: 612/041/PI 01, 02, 03, 04b, 05a, 06, 07, 08, 09a, 10a unless otherwise altered by the below conditions.
- 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 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 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

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

- 9 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 11 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 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.
- 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 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.
- 15 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

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

since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is Council owned land located within the village of Coopersale and is located between the housing developments of Parklands and Garnon Mead though accessed from Parklands along a lane entrance. The site is triangular in shape and is occupied by three rows of garages along each boundary with a tarmacked courtyard area in the centre. A number of Preserved trees are located along the northern boundary separating the site from Garnon Mead and an unofficial entry though this links the two developments and provides access to the forest behind.

Description of Proposal:

It is proposed to construct a residential block along the northern boundary of the site. The garage blocks would be demolished. The residential block would contain four units. Two of houses would be two bedroom and two one bedroom flats. The building would be 20.0m wide with a ridge level of 6.9m. Nine parking spaces would be provided within the site and an access at the boundary linking Parklands to Garnon Mead is also indicated. The building would be finished in brick with a tiled roof. Two triangular lawns a small terrace area would provide some amenity space. The land is Council owned and the proposed houses would be affordable units provided by a registered social landlord to help meet the Council's demonstrated need for affordable units. .

Relevant History:

No relevant history.

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
H2A – Previously developed land
H3A – Housing density
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

TOWN COUNCIL: Objection. The proposal would result in an overdevelopment and unsympathetic change owing to the separation from neighbouring properties. The private amenity space provided is insufficient and there be would be overlooking of neighbouring properties. The loss of garages would put increased pressure on parking in the vicinity and the access would have an adverse effect on the area. Committee asked that attention is paid to existing rights of way and people will have to use the road network to access local facilities.

46 neighbours consulted and site notice displayed: 13 replies received.

11, 20, 21, 24, 25, 37, 45, 46, 53, Woodlea – Garnon Mead, 44, 45, 48 Parklands: Objection.

A summary of the objections are as follows;

Concern about loss of outlook from No25 Garnon Mead, loss of light to windows and overlooking

Concern about noise pollution in the vicinity

There will be an increased in on street parking which will to road safety issues

The road is also a cut through for residents to use for access to the local shops, schools & dog walkers to get to the forest which I myself use with my dog. If this is closed up it forces residents to walk around on the road side where one side hasn't got any pavement near the Garnon Bushes pub. This is a hazard as it forces people to cross the road to walk on the other side. This access port has been created by the residents and has been used for over 25 years

Concern about loss of protected trees

This proposal would impact negatively on local services

Parking is a problem already and although there appears to be designated parking for the new housing, in my experience most properties seem to have at least two cars and they are bound to use Parklands as an overflow area which is already full

The area is already heavily populated and a further four houses will adversely affect local amenities, in particular the local school

Unacceptably high density / overdevelopment of an already heavily populated estate

Adverse impact on protected trees. The Council has recently put a TPO on a significant number of trees in the Garnon Mead estate, all of which would be prejudiced by the proposed development

Concern about impact on wildlife

Concern about disturbance as people using the new access pass along the front of our house

I would also like reassurance that the historical right of way between Parklands and Garnon Mead estates would remain. This is used by both estates and I have been going through that way with various children, grandchildren and dogs for the last 50 years

Issues and Considerations:

The key issues within this application are the suitability of the site for such a development, amenity considerations, design/layout, any trees adjoining the site and regarding highway and parking concerns.

Principle of the Development

Whilst there are a number of concerns registered from neighbours and the Town Council the general principle of the redevelopment of a brownfield site is policy compliant. The issue of the loss of garages must be addressed but otherwise this is a brownfield site, within a built up settlement and its redevelopment for housing can be accepted. This proposal can be classed the more efficient use of previously developed land and is not considered an overdevelopment.

Design/Layout

The scheme has been designed as one block which as a stand alone structure raises no issues. Materials can be agreed by condition. The two houses each have a small private garden area and the ground floor flat has a terrace area whilst the upper flat has a balcony. On the edge of the forest this is considered acceptable. Parking provision would be provided to the front of the site.

Amenity

Concern has been expressed about loss of amenity to neighbouring residents. However this is a stand alone site largely adjacent to communal amenity areas. The only property potentially impacted on is No25 Garnon Mead. The residents of this property have expressed concern about the loss of the view of the forest which cannot be taken into consideration and owing to the distance to the house there would be no loss of outlook. Whilst the front elevation of the new properties will face towards the front elevation of No25 there would be no serious overlooking and no loss of amenity to rear amenity space. There would be no loss of amenity to properties to the rear. The scheme provides nine spaces in total which exceeds the parking standards.

Vehicle Parking

A number of objections have been raised with regards to the loss of the garages and in particular the impact this will have on parking in the area. The Highways Authority at Essex County Council has been consulted on this scheme and provided comments. The Highways Authority is content that the submitted documentation clearly demonstrated that any displaced parking can be accommodated within the immediate vicinity in vacant garages. There are therefore no objections to the loss of these garages.

Land Drainage

A Flood Risk Assessment and details of surface water drainage are necessary. These can be agreed by condition.

Contamination

Due to its use as domestic garages and the presence of made ground, there is the potential for contaminants to be present on site. The standard conditions are therefore necessary.

Trees and Landscaping

The pine trees to the rear of the site are protected by Tree Preservation Orders. Given the existing inhospitable rooting environment (ie the garage floors) the trees should be able to tolerate the minor incursions due to the proposed development.

Whilst the applicant has provided a tree reports updated reports will need to be submitted for approval prior to commencement. This is because at this stage, all the applicant is required to do is to show that the development is feasible without a detrimental impact on trees. Following permission being granted the information that will be required to be submitted will include;

- o **Tree protection plan** to include the alignment of utility apparatus (including drainage and ground source heat pumps), and the site set up ie locations for site huts, temporary toilets, contractor parking, storage of materials, cement mixing etc. This information is not yet known.
- o A detailed **Arboricultural Method statement** including a list of contact details for all relevant parties. This information is not yet known.
- o **Schedule of works** to retained trees eg works required to facilitate demolition / construction activities. This information is not yet known.
- o **Arboricultural site monitoring schedule**, A detailed schedule of visits is required.

Existing Access

A lot of comment has been made with regards to a pedestrian route through the site which links Garnon Mead and Parklands. It must first be stated that there is no record of a public right of way through this site according to Council held records. It is known that an access has been created as a cut through to the forest. These plans do indicate the creation of an access onto land in Garnon Mead but the applicant does not have ownership of the land on the Garnon Mead side. Therefore the deliverability of this access through Garnon Mead cannot be guaranteed and the grant of planning permission would not override any ownership rights that may exist.

Other Matters

Concern has been expressed about the additional houses providing a stress on local services but there is no evidence to support this and there is a need for local housing, including affordable, and this is a suitable site to help meet the need.

Issues with regards to noise and disturbance during construction can be controlled by condition.

This is the redevelopment of a brownfield site and there would be no material impact on local wildlife.

Conclusion:

The proposed scheme of affordable houses represents a small brownfield development at a sustainable location which would have no serious impact on the amenity of neighbours. It will make best use of urban land and provide much needed affordable housing in this appropriate location The concerns expressed are noted but it is considered this is an appropriate development and the recommendation is that consent is granted subject to conditions.

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

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

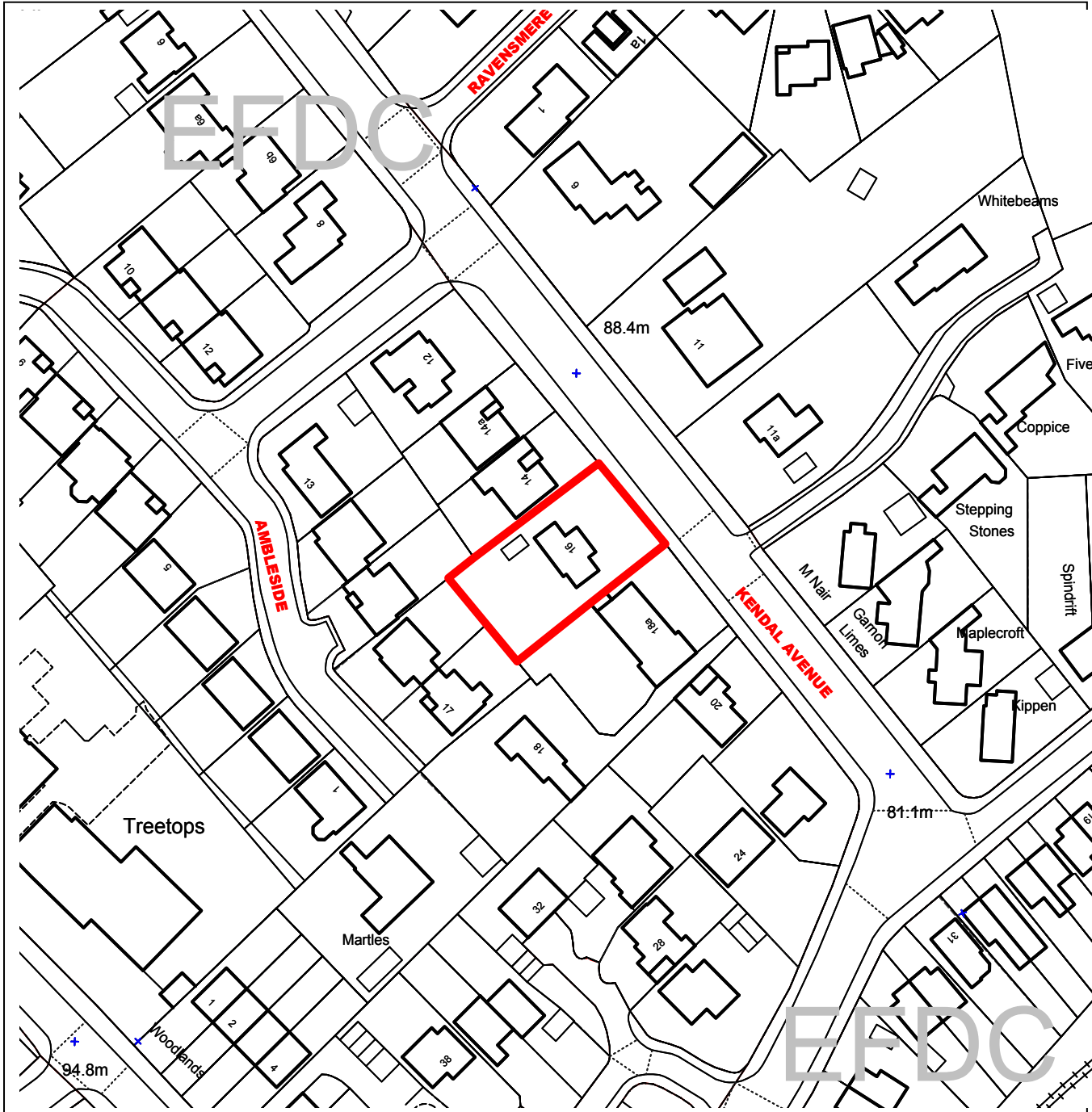
or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/1783/15
Site Name:	16 Kendal Avenue, Epping, CM16 4PW
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1783/15
SITE ADDRESS:	16 Kendal Avenue Epping Essex CM16 4PW
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	c/o Modern Mix Ltd
DESCRIPTION OF PROPOSAL:	Demolish existing dwelling, erection of two storey structure with rooms within roof space providing 4 no. self contained two bedroomed flats. Removal of Cypress tree.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577873

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: 2203/1a, 2a, 3a, 4a, 5b unless otherwise altered by the below conditions.
- 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 The proposed window openings in the flank elevations at first floor level shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor

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

- 6 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.

- 7 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

- 8 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.

- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 10 Prior to commencement of development details of bin and cycle storage facilities shall be submitted for approval, unless otherwise agreed in writing by the Local Planning Authority.

- 11 All demolished material from the works hereby approved shall be removed from the site prior to the construction phase unless otherwise agreed in writing by the Local Planning Authority.
- 12 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.
- 13 Prior to the commencement of any works dusk and dawn surveys for bats should be undertaken in accordance with guidelines from Natural England (or other relevant body). These should be submitted to the Council for approval.
Should the surveys reveal the presence of bats, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Council for approval.
Should a Natural England European Protected Species licence (EPS) be required then this should also be submitted to the Council. The licence will be granted if the activity conforms with the Habitats Regulations Regulation 53 Three Stage Test and Local Authority planning consent has been granted.
All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 14 A Liquidambar (Liquidambar styraciflu) shall be planted as shown on Open Spaces drawing number OS829-14.3 Rev A unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting the replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 15 Prior to the first occupation of the development the vehicle access, parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 16 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 17 There shall be no discharge of surface water onto the Highway.
- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

- 19 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.

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

since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Description of Site:

The application site currently contains a detached dwelling which appears to be unoccupied. Kendal Avenue is characterised by predominantly large dwellings set on relatively spacious plots. However there are some smaller properties as well. There is no predominant house design. The rear of the site abuts gardens in Ambleside, a development of houses accessed, and located behind, Kendal Avenue. The site is located behind a well maintained hedge and there are a number of preserved trees on site including to the front. The site is flanked on either side by detached residential properties and is a short walk from Epping Tube Station and the town centre. Kendal Avenue descends steadily and there is a fall in ground levels along the road.

Description of Proposal:

This is a revised application following the refusal of consent for a similar scheme earlier in the year (EPF/2835/14). This application was for the following development:

“The demolition of the existing dwelling and garage and the erection of a block of 5 no. two bed flats. The building would have a footprint measuring approximately 19.0m wide x 15.0m (at its deepest point) deep. The building would be three storeys in height with accommodation provided in a large expanse of flat roof and there would also be basement level parking. The building would be 7.7m in height and Georgian influenced in design. A three storey gable entrance would project to the front and the second floor flat would be served by a rear terrace area. Three parking spaces would be provided to the front with two provided in a basement with a turntable. The building would fill the majority of the plot width. Communal amenity space would be provided to the rear. The roof would be flat topped and set behind the floor below, almost in a mansard style. Materials are as detailed on the submitted plans”.

This application was refused for various reasons including the design, bulk and scale of the building, concern about overlooking from a rear balcony, parking and highway safety and impact on preserved trees.

This application is for a scheme of four flats. Parking for four vehicles would be provided to the front and amended plans indicate an entry point to the highway with a width of 5.0m. The design

of the building would be altered but it would still be a similar width (19.0m) and would be Georgian inspired with a central pediment and side quoins. The building would have a ridge level of 8.0m and rooms would be provided in the hipped roof with four rear dormer windows. The building would be 13.5m long at its deepest points. A rear ground floor terrace area and communal amenity space would be provided.

Relevant History:

EPF/2835/14 - Demolish existing defective structure. Removal of one "Cypress" tree. Erection of three storey structure including basement with a fourth floor within the roof providing a total of 5 no. self contained 2 bedroom flats. Refuse Permission - 28/01/2015.

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
H2A – Previously developed land
H3A – Housing density
HC6 – Character, appearance and setting of conservation areas
HC7 – Development within conservation areas
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

Town Council: Objection. The character of the area is of large family homes set on generous plots with some late Victorian houses. This development is unacceptable for a number of reasons;

Increasing the density at this location is an overdevelopment and incompatible with the overall character. The height, width and scale of the building is an overdevelopment of the site. The scale of the building does not respect its setting and would be out of place in the streetscene. There are no purpose built flats at this location, though some older buildings converted to flats, and this scheme is contrary to Policy CP7. The loss of the hedge and a protected tree with no suitable replacement is contrary to policies LL10 and LL11. Concern that at best 1 space per unit has been provided for parking and that no visitor parking has been provided. This will result in additional on street parking in an area which already experiences high pressure for parking. The proposed rear dormers result in a three storey building which will result in overlooking of neighbouring dwellings. The visual impact of the development will be out of keeping with the area and would be detrimental to the streetscene. Replacing a family home with a block of flats would be incompatible with the character of the area having a detrimental impact.

23 neighbours consulted: 17 replies received objecting to the scheme. 6, 6a, 6b, 11, 11a, 12, 14, 15, 18a, Maplecroft, Kendal Avenue, 1, 8, 11 12, 15, 17 Ambleside, 6 Green Trees.

A summary of the replies received are as follows;

The block of flats would be out of keeping with the established residential character of the surrounding area in terms of scale, design and layout and represents an overdevelopment. The development will be out of scale with existing neighbours. Concern that this scheme would set a precedent. The proposed height completely overshadows all neighbouring properties. The size of the plot is unsuitable for such a large scale development. The height of the development will far exceed that of the existing house. The overall height will impact on the visual amenity of the area. The proposal is contrary to many policies in the Local Plan. Concern about impact on the amenity of neighbours and overlooking of rear properties. The overall footprint is excessive in comparison to other properties and the overall percentage area of the site taken up is excessive. The plans indicate the removal of a Cypress tree and this is detrimental to the character of the area.

The development would have a significant impact on the future retention of a protected tree on the site. Concern that the proposed development will lead to increased parking and issues of road safety. The parking to the front would be totally out of character with the road and this development will lead to on street parking.

The proposal would have an excessive impact on the amenity of residents at No18a Kendal Avenue appearing overbearing and loss of privacy from the new rear terrace. The proposed development will impact on the quiet enjoyment of neighbouring properties. Concern about overlooking of No14 Kendal Avenue and the rear projection of the building will result in a loss of light and overbearing impact.

No information has been provided to assess the risk of flooding from the development, potential impact or mitigation measures to deal with the potential threat to bats or the likely appearance of any bin store which may be required. A Phase I Ecological Survey should have been submitted in line with the Council's Validation Checklist. The description of development should be more detailed.

The submission describes the existing house as a defective structure which is not entirely accepted. Concern this is a garden development contrary to national policy. The proposed development will be clearly a flatted scheme, out of character, regardless if it is designed to appear like a large dwelling. The proposal is still bulky and out of scale and therefore out of character as per the recent refusal. No site level plan has been submitted so the level around the protected tree is unclear. There would be harm to the amenity of future residents of the ground floor flats.

Main Issues and Considerations:

The key issues within this application are the suitability of the site for such a development, amenity considerations, design/layout, any impact on preserved trees and regarding highway and parking concerns. The planning history and the comments of neighbours and other consultees is also of importance.

Principle of the Development

The general principle of this development has been addressed in the previous report. It has been noted that this is an application which requires very careful consideration and that there are a number of factors which must be weighed up in providing a recommendation to Members. The overall principle of this development and whether it is important to the future development of the town. The importance of the principle has been picked up by members of the public.

It is clear that Epping Forest District Council has a duty to meet the future needs of the district and in an area with high Green Belt coverage (93%) this is a difficult task to undertake. It will inevitably involve the release of Green Belt sites, which is never popular, to help meet the need. Objections point to so called “windfall” sites, not designated through the Local Plan, to help meet need. This is a windfall site but it is not agreed that it represents “garden grabbing” which is suggested. Whilst national policy suggests that Local Authorities avoid the development of garden sites which harm the character of the area, harm must be identifiable. The key issue with such proposals, as highlighted in the previous report, is would a development, designed to appear like a large detached dwelling be harmful to the character of the area? Any opportunity to use more efficiently brownfield/previously developed sites should therefore be explored. However there is also a desire to safeguard the character of local areas.

The character of the lower half of Kendal Avenue is predominantly large dwellings set on spacious plots and the general ambiance is of low density housing. The applicant applies to demolish the existing dwelling and replace it with a larger detached structure providing 4 flats. A number of objection letters state that the proposed development would be out of character with the existing pattern of development and would indeed be injurious to the overall setting on Kendal Avenue.

The Council previously concluded that the refused scheme by reason of its bulk and scale would fail to respect its setting and would result in a building which would be out of character with the existing pattern of development resulting in a structure which would be excessively prominent in the streetscene. The proposed building has been reduced with the removal of the crown top roof and the central three storey gable feature has been removed. It is still a large structure which uses the majority of the plot. Most of the larger dwellings on the road retain gaps to the boundary. This building, whilst wide, would retain a gap in excess of 1 metre to each side boundary in accordance with policy.

The building has been designed to have the appearance of one large residential dwelling. It maintains the same ridge level of neighbouring properties and whilst the road descends steadily, ridge levels do not descend constantly along the road. As has been previously stated, developments such as this are sustainable in nature, and sustainable development is the “golden thread” running through planning policy. Local Planning Authorities are required through para. 15 of the NPPF to “follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay”. This site is within walking distance of the tube and bus network, the facilities that a large town centre provides and the more efficient use of a brownfield site is in itself a sustainable form of development. There are therefore clear policy objectives which support a development of this nature. Some objection letters have stated that the proposed scheme would result in an overdevelopment of the site and set an undesirable precedent. However if parking standards are met and sufficient amenity space has been provided it is difficult to argue that there is an attempt to overdevelop the site. Policy CP7 (iv) encourages higher densities where compatible with the character of the area. It is not necessarily accepted that parking to the front would wholly change the character of this, or any road, as under permitted development parking can be accommodated to the front of properties and is a common feature.

As has been previously stated the overarching issue at hand is that the reuse of this site would be a sustainable way to provide housing but only if the character of the area was maintained. The question is whether this building would be clearly out of character with the existing pattern of development. There is clearly a lot of local concern and these comments need to be closely considered. In the view of Officers, the character of the road would not be significantly altered and any decision maker should clearly identify the harm. This should no doubt relate to the overall bulk and scale of the building. A refusal on the actual principle of flats being out of character would be difficult to sustain other than to argue that the associated parking and comings and goings were out of character.

The issue of precedent has also been raised by objectors. As previously stated it is a long recognised principle of planning that precedent is not for the most part a valid reason to refuse consent. Although a Local Planning Authority may withhold consent if there are concerns about the cumulative impact of similar decisions this should not lead to refusal if there are sound planning grounds to allowing a development. In this case it does not necessarily follow that the granting of consent would result in further developments of this nature in the vicinity. It is considered that on balance the principle can be accepted.

Design/Layout

As alluded to in the previous section it is considered that whilst this is still a large building it would not be out of character with the existing pattern of development. It has the appearance of a large dwelling which may ordinarily be approved on this, or a neighbouring site. The previous concern with regards to the flat roof and central gabled feature has been addressed. The house is Georgian inspired, and although not following strictly the principles of such architecture, it is not unattractive. The use of good materials is of great importance and as evident on the recently constructed development on the corner of Hemnall Street/Station Road can make a real difference in the overall aesthetic appearance. The layout includes sufficient private amenity space to the rear and more than the policy requirement of 25 sq m per unit (100 sq m). The layout to the front is acceptable which retains trees and hedges so that the parking will not dominate the frontage.

Amenity

The issue of amenity has been addressed in the previous report on the refused scheme and a lot of the same issues arise again.

With regards to No18a the building is stepped at the rear with a reduced depth adjacent at the boundary with 18a. No18a has a car port structure at the boundary and therefore it is not considered that rear facing windows would be affected through loss of light. There is a level change between the application site and No18a but as the building line does not extend excessively beyond the corner of No18a at the boundary it is not considered that the new building will appear excessively overbearing from the rear garden area. Concern is expressed from the occupants of this dwelling that a rear terrace will result in excessive overlooking. With regards to the rear terrace area, this replaces an existing terrace extending 3.0m further into the site but off the common boundary and would not result in a material increase in overlooking. The terrace retains a reasonable gap to a well screened boundary.

The occupants of the dwelling to the north west of the application site (No14) have also objected to the scheme. This dwelling is served by a number of side facing windows. These appear to be secondary windows or do not serve habitable rooms. The rear building line would project for some 3.5m beyond the rear corner of No14. There would be some overshadowing of rear facing windows but owing to a gap to the boundary and the rise in land levels to No14 it is not considered the impact will be excessive. The building would not appear excessively overbearing when viewed from the rear garden area of this property. Whilst concern is expressed about loss of amenity from disturbance from the excessive movements of future occupants, this would be difficult to sustain as a reason to refuse consent.

A previous reason to refuse consent was impact on the amenity of adjoining residents from the proposed balcony area. This has now been removed. There are rear facing dormer windows at second floor level but these would not result in excessive overlooking, retains a reasonable gap to the rear boundary, and on similar residential dwellings are permitted development. Side facing windows at first floor level can be reasonably conditioned as obscure glazed.

The amenity of future occupants is considered acceptable and whilst concern has been expressed about impact on ground floor flats from the use of the communal area, this is a fairly common arrangement for flat developments.

Parking/Highway Safety

The development proposes four parking spaces to the front of the site. The Essex County Council Vehicle Parking Standards requires 2 spaces per 2+ bedroom residential units (total of eight in this instance) plus two visitor parking space. Although concern has been expressed about the level of parking, (1 space per dwelling) this has been accepted as reasonable on sites with good transport links. Indeed one space per dwelling was accepted as a reasonable provision by committee at the site on the corner of Hemnall Street/Station Road (EPF/1924/13), a site with similar characteristics and similar parking restrictions. At 24 Bower Vale, also close to Epping Tube Station, a Planning Inspector accepted the case for no parking owing to the sustainable attributes of the site (EPF/1300/08). Essex County Council parking standards accepts that in areas with good sustainable transport options a reduction in the standards can be accepted and this is a matter for the District to consider although the concerns from neighbours about on street parking are noted, the provision of four spaces is considered acceptable in this case and close to public transport.

An amended plan has been received which adjusts the front entrance to allow a 5.0m gap and this has overcome a concern of Essex County Council Highways about highway safety. Otherwise the scheme has been deemed acceptable from this perspective subject to appropriate conditions.

Trees and Landscaping

Previous tree concerns have been overcome. This proposal necessitates the removal of a Lawson Cypress to the side of the existing property. The Local Authority has no objection to this subject to a suitable replacement tree. This has been discussed with the applicant and the tree consultant and a replacement tree (liquidambar) is a suitable replacement to be planted in the rear garden and can be agreed by condition. Conditions agreeing tree protection and hard and soft landscaping are also necessary.

Land Drainage

Owing to the size of the development a Flood Risk Assessment is required and can be agreed by condition. The applicant is advised to contact Thames Water Developer Services owing to the development being within 3.0m of a main sewer and as such Build Over Consent is required.

Contamination

This issue can be addressed with the standard ground gases condition.

Other Matters

It has been stated that the Council's Validation Checklist requires a Phase I Ecological Survey for developments within 250m of a pond and that there could be roosting bats in the building. It is however considered that in this instance a planning condition could address this concern and Government Guidance requires that Council's do not excessively overburden applicants with reports which could be addressed by condition; that the right development is brought forward without unnecessary delay.

It is also considered that there is adequate space within the site for a bin store and that this could be secured by condition.

Conclusion:

Whilst considered a balanced case the proposed development generally accords with national and local policies and is considered acceptable. The overall design, though filling more of the plot, is not deemed out of character. The site can be used in a more efficient manner to meet the housing needs of the district and unacceptable impacts can be controlled by condition. The concerns of local residents are duly noted and accepted. However it is recommend that this scheme is granted consent subject to the attached conditions.

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

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

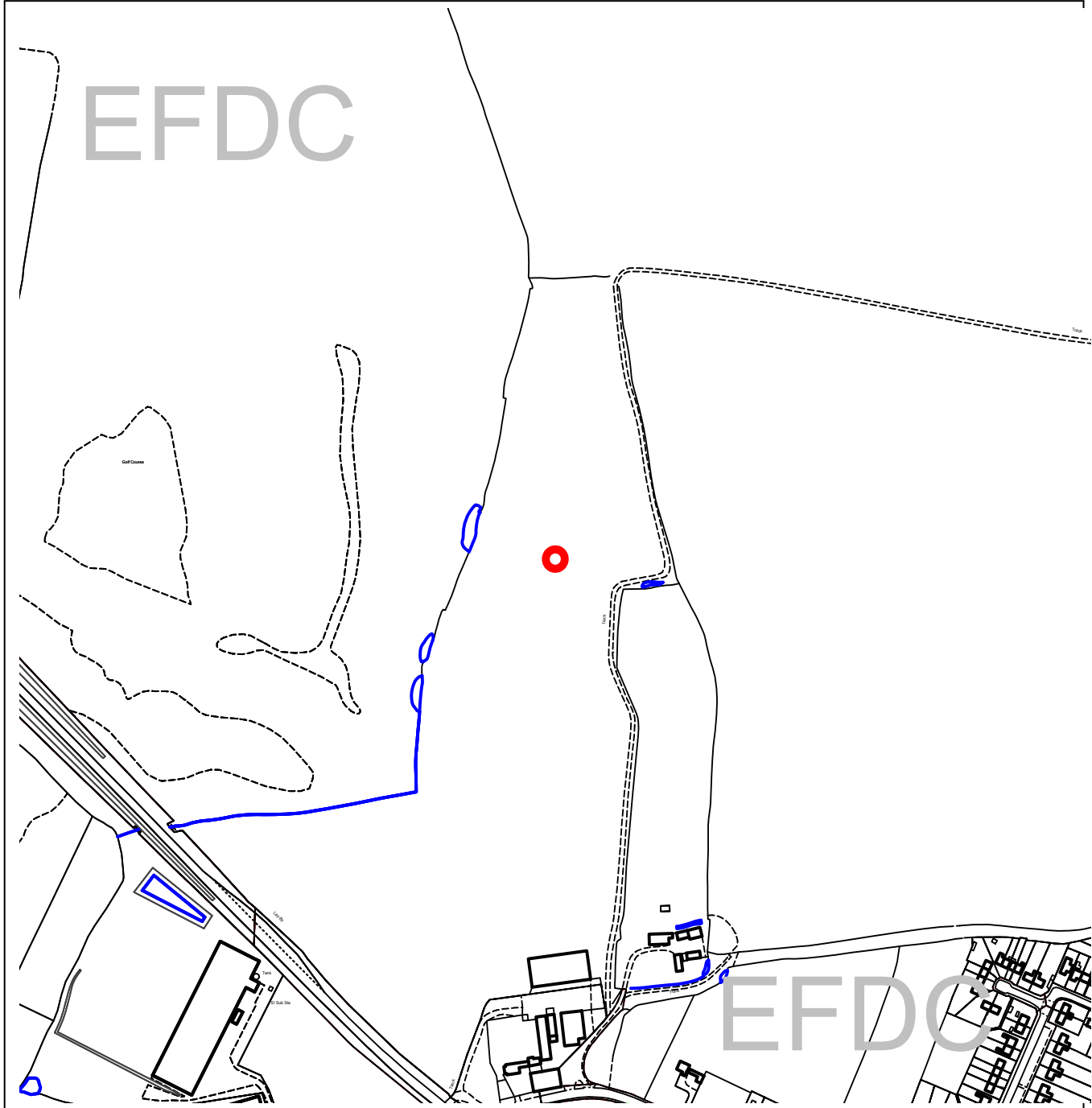
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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/1811/15
Site Name:	Newhouse Farm, Vicarage Lane, North Weald, CM16 6AP
Scale of Plot:	1/5000

Report Item No: 5

APPLICATION No:	EPF/1811/15
SITE ADDRESS:	Newhouse Farm Vicarage Lane North Weald Essex CM16 6AP
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Andrew Kerr
DESCRIPTION OF PROPOSAL:	Minor material amendment to planning application EPF/0834/12 (Erection of 50kW microgeneration wind turbine with a tower height of 25m and blade diameter of 19m) to provide different turbine with a 2.1m higher tip height.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577939

CONDITIONS

- 1 The development hereby permitted must be begun not later than 27 June 2016.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawing no: ASP-003 and the elevation plan Part Number: 005668 Rev: 1.
- 3 The development hereby permitted shall be undertaken in accordance with the 'Precautionary Management and mitigation measures' recommended in Section 8 of the Ecological Appraisal and Assessment provided by Envirogague on 09/07/12.
- 4 No development shall take place 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:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) Construction vehicle access arrangements;
 - iii) Storage of plant and materials used in constructing the development.

- 5 No development shall take place until details of the finished colour of the turbine hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g)) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is located within an agricultural field within New House Farm, approximately 380m north of the farm complex. The proposed wind turbine would be located approximately 450m from the A414, 770m from Weald Bridge Road and 500m from the closest residential property. Some 980m to the southwest is North Weald Airfield. The site is located within the Metropolitan Green Belt and served by existing farm access tracks.

Description of Proposal:

Consent is being sought for a minor material amendment to the previously approved wind turbine. The development would replace the previously approved 'E3120 - 50kW Monopole A' with an 'E4660 Elevation 24m Tower Class II'. This would have the same tower height as that previously approved (24.8m) however would have a greater blade circumference. This would therefore increase the tip height of the turbine by 2.1m.

Relevant History:

EPF/0834/12 - Erection of 50kW microgeneration wind turbine with a tower height of 25m and blade diameter of 19m – refused 28/11/12 (appeal allowed 27/06/13)

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP10 – Renewable Energy Schemes
GB2A – Development in the Green Belt
GB7A – Conspicuous development
NC4 – Protection of established habitat
RP5A – Adverse environmental impacts
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
LL1 – Rural landscape
LL2 – Inappropriate rural development
LL3 – Edge of settlement
LL10 – Adequacy of provision for landscape retention
RST27 – North Weald Airfield Leisure Centre

ST1 – Location of development

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

Consultation Carried Out and Summary of Representations Received:

5 neighbouring properties were consulted and a Site Notice was displayed on the 23/08/15.

PARISH COUNCIL – Objects due to the size and scale of the wind turbine tower and blade and due to its close proximity (within 3km) to the North Weald Airfield. An increase in size will mean that this could increase the noise and disturbance to nearby residents. Also there are no details as to where the power supply will be coming from.

NORTH WEALD & DISTRICT PRESERVATION SOCIETY – Object due to the proximity to North Weald Airfield and possible hazards to aircrafts, due to the height, impact on birds, and as it would be out of character with this rural Green Belt location.

ESSEX AREA RAMBLERS – Object due to the visual impact of the structure and as this would set a dangerous precedence.

SLOUGH HOUSE FARM, VICARAGE LANE – Object due to the visual impact and possibility of an increase in noise pollution.

7 HOWS MEAD, NORTH WEALD – Object as this would be visually detrimental to the surrounding area, would cause a noise nuisance to the local community, due to the impact on wildlife, due to the proximity with North Weald Airfield, and as this offers no benefits to the community.

Issues and Considerations:

The previous application for a wind turbine on this site was refused planning consent for the following reason:

The proposed wind turbine constitutes inappropriate development in the Green Belt, by definition harmful and in addition, the structure will have an adverse impact on the character and amenity of the area. It is not accepted that there are very special circumstances sufficient to outweigh this harm and the proposal is therefore contrary to the National Planning Policy Framework and policies GB2A, GB7A, LL1 and LL2 of the adopted Local Plan.

The previous application was appealed due to non-determination prior to the issuing of the above decision. Nonetheless the Inspector was informed of the Councils decision and subsequently allowed the appeal.

Green Belt:

Within the Inspectors decision it was stated that:

The proposed turbine would be located in an otherwise undeveloped field. As an engineering structure, the turbine would reduce the openness of the Green Belt. The proposal is for a medium-sized turbine with a hub height of 24.6m and blade diameter of 19.2m resulting in an overall height of over 34m. The slim nature of the tower means that the loss of openness would be very modest”.

The Inspector recognised the importance of renewable energy by stating that:

The [National Planning Policy] Framework emphasises the importance of supporting the transition to a low carbon future and encourages local planning authorities to recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. It further indicates that the very special circumstances needed to justify inappropriate development in the Green Belt may include the wider environmental benefits associated with increased production of energy from renewable sources. The proposed turbine would make a meaningful contribution to reducing greenhouse gas emissions arising from energy usage at the Farm, including enabling the existing diesel powered grain dryer to be replaced by an electric-powered dryer. I attach substantial weight to this factor.

The Inspector thereafter concluded that:

Overall I conclude that the benefit of the scheme associated with the production of energy from renewable resources is sufficient to outweigh the harm by reason of inappropriate development and the limited harm to the openness of the Green Belt and to the rural character and appearance of the area. This therefore constitutes the very special circumstances necessary to justify inappropriate development in the Green Belt.

Whilst the proposed minor material amendment would result in the blade height of the proposed turbine being some 2.1m higher than previously approved it is not considered that this amendment would significantly harm or alter the impact on the openness of the Green Belt. Therefore it is still considered that the development would have a minimal impact on the Green Belt and the environmental benefits of the proposal would sufficiently outweigh any 'in principle' harm from this inappropriate development.

Visual amenity:

With regards to the visual impact of the turbine, the Planning Inspector previously stated:

The area within which the turbine would be located is characterised by predominantly flat farmland. The location of the proposed turbine would be over 400m from the busy A414 which runs to the south of the appeal site. The turbine would be visible from some locations along the road but the substantial mature hedgerow to the north of the road in the vicinity of the appeal site would reduce the impact on views in the vicinity of the appeal site. The site is about 700m from Weald Bridge Road and although there is less screening along this road, the turbine would not be a dominant feature as a result of the distance. The closest public views of the turbine would be from the footpath which connects Weald Bridge Road to Vicarage Road. This bridleway is enclosed by mature vegetation for much of its length. The turbine would, nevertheless, be visible from a number of points along the track, but I do not consider that it would be a dominant or oppressive feature. The turbine would also be visible from footpaths to the north and west of the site, but at a distance of over 500m. The turbine is a slender structure and although it would be visible from a number of public locations, including those identified above, it would not be an intrusive or dominant feature.

The slight increase in blade height would not make this turbine significantly more visually intrusive and, as imposed by the Planning Inspector, a condition requiring the colour and finish of the turbine to be agreed by the LPA is required to minimise the visual impact. As such it is still considered that the proposed turbine would have a limited impact on the rural character and appearance of the area.

Neighbouring amenity:

With regards to the potential impact on neighbouring residents, the Inspector concluded that:

The nearest residential property with no financial interest in the turbine is over 350m from the site of the proposed turbine. At this distance a medium-sized turbine of the kind proposed would not be a dominant feature or result in an unacceptable outlook from residential properties in the vicinity. The appellant has supplied noise data relating to the proposed turbine which demonstrates that noise from the proposed turbine would comply with the requirements of ETSU-R-97: The assessment and rating of noise from wind farms. I conclude that the proposed turbine would not lead to any unacceptable impact on the amenities of the occupiers of nearby residential properties.

Given the distance between the proposed turbine and the closest residential property the increase in blade height would not alter the above conclusion. The applicant states that the new turbine would be quieter than that previously approved on the site and therefore this proposal would not be unduly harmful to the amenities of surrounding residents.

Ecology:

A Phase 1 Ecological Report was submitted with regards to the previous development and a condition imposed by the Planning Inspector requiring the development to be undertaken in accordance with this. The proposed amendment under consideration here is not proposing to alter this condition.

Impact on North Weald Airfield:

Within the previous application there was great concern about the potential impact of the turbine on North Weald Airfield, which has been raised again by the Parish Council and neighbours. Nonetheless sufficient evidence was previously provided with regards to this matter and the previous application was not refused planning consent by EFDC on the grounds of potential harm to the airfield. Irrespective of this the Planning Inspector addressed this issue and stated that:

The North Weald Airfield General Manager has objected to the proposal and an objection was received from a Microlights operator based on the airfield. The Appellant commissioned expert evidence to consider the technical aspects of these objections which concluded that the turbine would not present any hazard to operations at North Weald Airfield. Neither the Council nor the objectors have produced any evidence to counter the Appellant's expert evidence. In the circumstances I conclude that the turbine would not have any unacceptable impact on the airfield.

Whilst the proposed amendment would raise the overall blade height of the turbine by 2.1m NATS (National Air Traffic Services) and the CAA (Civil Aviation Authority) have raised no objection to the proposal. However the CAA has requested that the Defence Geographic Centre are informed of the revised turbine height along with the expected date of removal of the turbine, the location, lighting status, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, prior to the start of construction, to allow for the appropriate inclusion on Aviation Charts, for safety purposes. This requirement can be highlighted as an informative.

Conclusions

Given the previous appeal decision on the original application it is not considered that the minor material amendment to change the turbine installed and increase the blade height by 2.1m would result in any additional impact on the Green Belt, the character and appearance of the area, neighbours amenities or North Weald Airfield. As such it is considered that the development would

continue to be in line with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

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

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

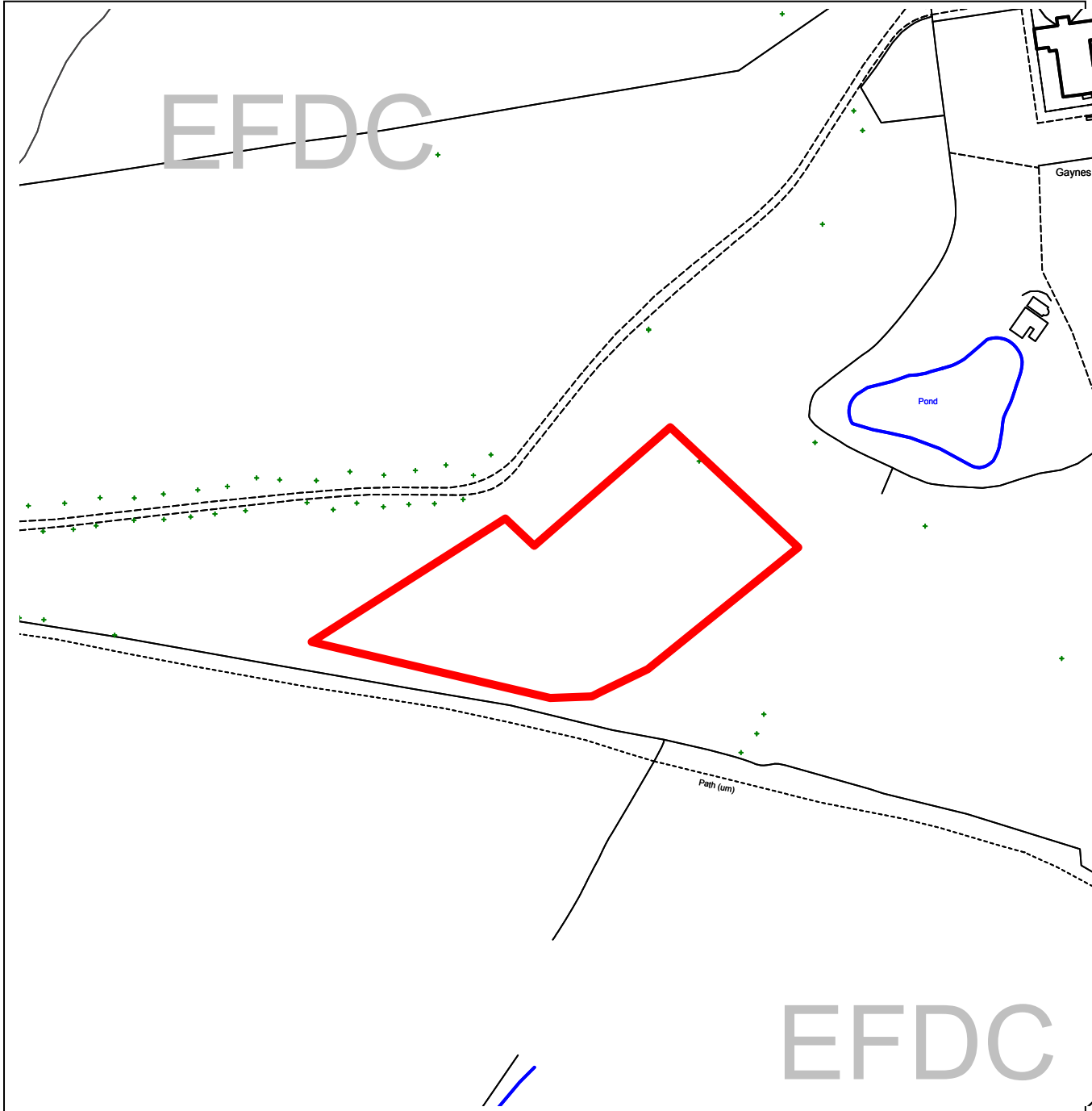
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Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/1934/15
Site Name:	Gaynes Park Mansion, Coopersale Street, Epping, CM16 7RJ
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/1934/15
SITE ADDRESS:	Gaynes Park Mansion Coopersale Street Epping Essex CM16 7RJ
PARISH:	Theydon Garnon
WARD:	Passingford
APPLICANT:	Mr Anthony White
DESCRIPTION OF PROPOSAL:	Revised proposal for construction of 2 no. detached dwellings in place of 1 no. detached dwelling at Gaynes Park, Theydon Garnon
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578176

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: FJR P2_01, FJR P2_02, FJR P2_03, FJR P2_04, FJR P2_05, FJR P2_06, FJR P2_07, FJR P2_08
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes of the buildings and all external works have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives

its written consent to any variation.

- 6 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 7 No development shall take place until details of earthworks shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. The development shall be carried out in accordance with the approved details.
- 8 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.
- 9 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

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

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

in writing by the Local Planning Authority prior to the recommencement of development works.

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

- 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 development generally permitted by virtue of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of Site:

The application site comprises land at the eastern end of a development site for four approved houses on the south facing side of a ridge within the Green Belt. It is known as plot 1 of the development site. The development site forms part of the historic grounds of Gaynes Park Mansion, a Grade II* Listed house dating from the late 19th century, incorporating remains of late 18th century and early 19th century houses. Visually, the site is separated from the historic mansion by a small wood and the formal garden of the mansion. The mansion itself is sited at the top of the ridge over 200m from the application site. Land falls from west to east and the site is well below the level of the main access road to Gaynes Park Mansion.

South of the site is hedgerow, beyond which is a public footpath.

Of the four approved houses, three (plots 2, 3 and 4) are at an advanced stage of construction with above ground structural works substantially complete. Ground works have commenced for the fourth house (plot 1).

Description of Proposal:

It is proposed to construct 2 detached houses in place of the easternmost house (plot 1) approved under planning permission ref EPF/1007/09.

The buildings would be set within a landscape that is presently being formed in connection with the approved 4 houses. At this part of the development site the slopes of the ridge face south and east. The houses and their curtilage would be set below the top of the ridge and the level of the access road to Gaynes Park Mansion.

As with the houses substantially constructed at plots 2, 3 and 4, the houses would be a modern design and set into the slope of the land. They would be characterised by low pitched and flat roofs/terraces. External walls would be primarily glazed. Only the upper floors would be above

ground and their height in the landscape would be in approximate alignment with that at the adjacent plot 2.

Each house would generate 421m² of floorspace therefore the total floorspace proposed is 842m². The floorspace of the approved house at plot 1, which the applicant proposes would not be built, is 882m². The 40m² reduction in floorspace amounts to 4.5% of the approved house.

The application site, which equates to the combined curtilage of the proposed houses, is shown to be some 7,600m² in area. The approved area for plot 1, as shown on approved landscaping plans, is 5,400m², some 2,200m² smaller.

Relevant History:

EPF/1007/09 Conversion of Gaynes Park Mansion from school to 7 flats, erection of new garage block and erection of four new houses as enabling development to facilitate works to Gaynes Park Mansion. Approved subject to a S106 agreement. The agreement requires the completion of all works necessary to preserve the special architectural and historic character of Gaynes Park Mansion prior to the commencement of any work on proposed enabling development of 4 houses. The developer has complied with the obligations set out in the S106 agreement and implemented the enabling development.

EPF/0659/12 Erection of security building Approved

EPF/0936/15 Erect 2 detached houses in place of 1 detached house approved under planning permission ref EPF/1007/09. Refused on the basis the proposal is inappropriate development in the Green Belt that would have a materially greater impact on its openness. The combined floorspace of the refused development is 12% greater than that of the approved house.

Policies Applied:

CP2	Quality of Rural and Built Environment
GB2A	Green Belt
GB7A	Conspicuous development within the Green Belt
DBE1	Design of New Buildings
DBE4	Design of Buildings within the Green Belt
DBE8	Private Amenity Space
DBE	Loss of Amenity
HC12	Development Affecting the Setting of Listed Buildings
LL1	Rural landscapes
LL10	Adequacy of Provision for Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

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

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 8

Site notice posted. Yes – at access to site:

Responses received: None from neighbours or in response to site notice.

THEYDON GARNON PARISH COUNCIL Objection

“Theydon Garnon Parish Council would like to make the following objections to this planning application:

The council has received many complaints about the visual intrusiveness of the 3 houses that have already been built on this site. The application appears to show that the 2 houses proposed has an increased footprint compared to the house that already has planning consent. This will therefore increase the visual impact of this development on a site which is in green belt and lies adjacent to the historic listed property of Gaynes Park house.”

Main Issues and Considerations:

Due to the distance separating the site from Gaynes Park Mansion and the fact that the site is on the slope of a ridge below its level, the site is not seen together with Gaynes Park Mansions and cannot be seen from the listed building. It is clearly within its former grounds and to that extent affects the setting of the listed building.

A material consideration of very great weight is the fact of planning permission EPF/1007/09 for the development that is under construction together with the fact that the consent has been implemented. The consequence of that is the applicant’s have a realistic fall-back position of continuing with the approved development if planning permission is refused.

The development is inappropriate development in the Green Belt. The approved development is also inappropriate. Harm arising by reason of inappropriateness is therefore common to both the approved and proposed development.

The approved development was justified on the basis of being part of enabling works to secure the restoration of a Grade II* listed building, Gaynes Park Mansion. Since the restoration is complete and 3 of the houses approved as enabling development are substantially complete, the justification of enabling development only applies to this proposal insofar as it is a variation of a previously approved enabling development. Indeed, the development is put forward as a variation to the approved and implemented enabling development scheme on its own merits in relation to the main planning issues. In relation to the matter of inappropriateness, the fact of a realistic fall-back of continuing with the approved development is a material consideration of such significance that it outweighs the harm the proposal would cause solely by reason of inappropriateness.

Since the matter of inappropriateness is neutral in this case, the main issues raised by this proposal are its consequence for the character of the landscape and the setting of the listed building together with its impact on the openness of the Green Belt.

Landscape and the setting of the listed building:

In relation to the consequence for the landscape the Councils Tree and Landscape Officer advises he has no objection, subject to implementation of the landscape details as submitted, and tree protection. In summary, the Officer comments as follows:

The issues are confined to relative landscape impact. Tree protection will be required, but the previous details agreed will not be altered. It might be safer to impose the tree protection condition again, but no more than that. Tree retention on the southern boundary is important because it goes some way to mitigating the adverse landscape impact.

On landscape impact, the key issue now is whether the current application is worse, or not. My view is that it is no worse, and that the proposed planting when completed will provide a degree of additional screening that the current site lacks.

In coming to this view I have looked carefully at the current agreed layout, as against the proposed, and checked that on site. The location and alignment of the second house has been altered as a result of my advice. The level of the 2 properties corresponds to the original, larger house. The orientation of the two has also been considered to minimise any additional impact, particularly the long views from the south and south west. The land rises gently to a bund "behind" the proposed location; this gives cover to the houses from the north, and with planting they will be also no worse from that direction.

An area of intended tree planting to the west is lost to accommodate the new house; however the overall effect is of increased planting, particularly along the southern boundary where it is most needed.

Additional detailed landscaping notes provided by the Applicant has reinforced the Tree and Landscape Officer's position that the proposal would not have a materially greater impact on the landscape than the approved building.

Having regard to the landscape analysis, it is also concluded the proposal would not have a materially greater impact on the setting of the listed mansion building than the approved house at plot 1.

Green Belt

In relation to the comparative impact on the openness of the Green Belt, the proposed development would have the effect of spreading built form and increasing the extent of residential curtilage. However, it does so within the original application site, the grounds of a mansion rather than on agricultural land. Furthermore, it does not propose any solid enclosure of the plots, only post and rail fencing being specified, a matter which can be secured by planning condition. That somewhat mitigates their impact on openness. Significantly, in comparison to the approved development, the proposal achieves a reduction of overall floorspace proposed such that the two houses would be 4.5% than the single house that could be built at the site.

Based on the above facts it is concluded that the proposal would cause no greater harm to the openness of the Green Belt than the approved and implemented development. Should this application be approved, there is no realistic possibility of also building the previously approved house since its footprint would overlap with that of the current proposal. The developer would be left with the choice of either implementing the previously approved development or implementing the current proposal instead.

In conclusion on the green belt issue:

1. The proposal would cause no greater harm to the Green Belt by reason of inappropriateness than the approved and implemented development, and
2. The proposal would not result in a materially greater impact on openness than the approved and implemented development.

Conclusion:

In terms of impact on the landscape and setting of the listed Gaynes Park Mansion the proposal would cause no greater harm than the development of the site approved under planning permission EPF/1007/09. Furthermore, the proposal would not cause any more harm to the Green Belt than the approved development, which can lawfully be completed. In the

circumstances, the proposal is considered to be acceptable and it is recommended that planning permission be granted.

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

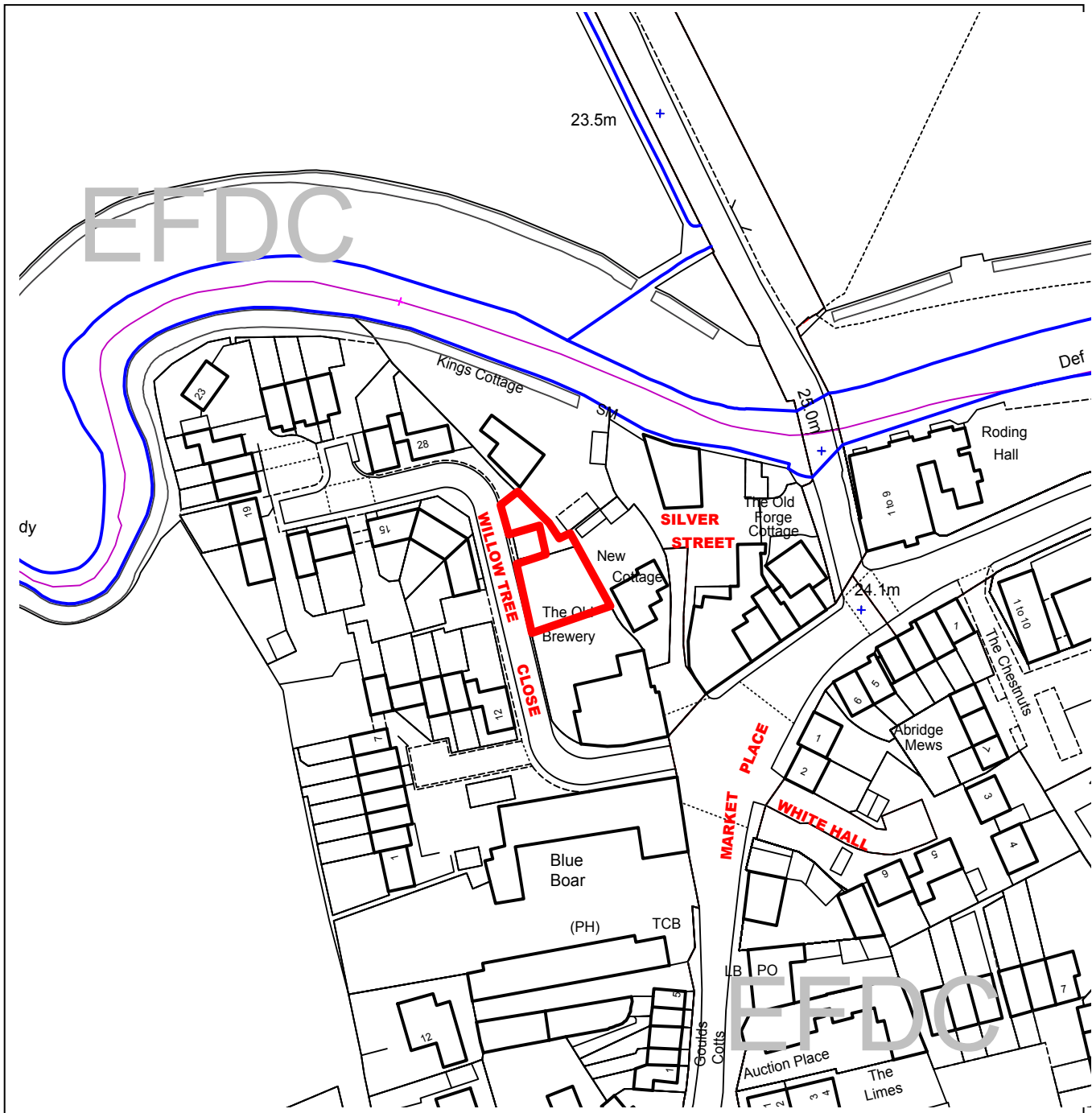
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/1991/15
Site Name:	Land to the rear of The Old Brewery, Willow Close, Abridge, RM4 1UA
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/1991/15
SITE ADDRESS:	Land to the rear of the Old Brewery Willow Close Abridge Essex RM4 1UA
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Ms R Beck
DESCRIPTION OF PROPOSAL:	Proposed erection of new detached chalet bungalow, with associated parking
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578319

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 approved shall be carried out in accordance with the flood risk assessment (The Old Brewery, Abridge Version 2.0, Ref RAB: 1004B, 15th July 2015) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 3 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.
- 4 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 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 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.
- 11 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.
- 12 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 160-P (Rev A) 01, 02, 03, 04, 05, 06, 07, 08 and 09.

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

Description of site

The site is located to the rear of the Old Brewery public house, adjacent to Willow Close within the settlement of Abridge. There is a large two storey dwelling (New Cottage) located to the east which is sited close to the boundary of the application site. The dwellings in the locality have a mixed character and the majority are two storeys high. The Old Brewery is no longer used as a public house but has three businesses operating from its ground floor, there is a flat above these businesses. Part of the application site is located within Flood Zone two as defined by the Environment Agency. It is not located within the boundaries of the Metropolitan Green Belt and it is in a conservation area.

Description of proposal

The proposed development is for the erection of a one and a half storey dwelling.

Relevant History

None relevant

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 Design of new buildings
DBE2 Effect on neighbouring properties
DBE3 Design in urban areas
DBE6 car parking
DBE8 Private amenity space
DBE9 – Loss of Amenity
H2A Previously Developed Land
U2A Development in flood risk areas
U3B Sustainable drainage
HC6 – Character, appearance and setting of conservation areas
HC7 – Development within conservation areas
ST4 Road safety
ST6 Vehicle parking

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

Consultation carried out and summary of representations received

47 Neighbours consulted –

Kings Cottage, Silver Street – OBJECTION – The development will cause a greater risk of flooding through loss of drainage, the additional traffic will cause harm in the locality.

13 Willow Tree Close – OBJECTION – increased parking problems as a result of the application and loss of privacy

14 Willow Tree Close – OBJECTION – The development will cause harm to the parking and access

22 Willow Tree Close – OBJECTION – The development will cause harm to parking and construction issues should be addressed prior to it being built.

24 Willow Tree Close – OBJECTION – The development will cause significant highway issues,

28 Willow Tree Close – OBJECTION – loss of light and there will be significant parking issues.

New Cottage, Silver Street – The new dwelling will cause a loss of privacy to our garden.

Lambourne Parish Council –STRONG OBJECTION – It is considered to be an overdevelopment of the site in an already restrictive road and has major concerns as to how the development will take place without causing mayhem from large vehicles on site. We agree with all the comments made in letters of objection from residents in Willow Tree Close. The Parish Council has been asking for double yellow lines on one side of the close for some considerable time because of the access problems.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the living conditions of the neighbours, the potential harm to the character and appearance of the conservation area, highway issues, contaminated land, potential flooding and land drainage.

Living conditions of neighbours

The new dwelling will have a ridge height of 7m and will contain two storeys with living space on the ground floor and in the roof. New Cottage is located approximately 11m to the east of the proposed new dwelling and is a large two and a half storey building with a blank elevation fronting onto the application site. As a result of its blank façade, the new dwelling will not be overtly visible from its private habitable areas and, combined with the significant distance that the new dwelling will be to New Cottage it will not appear overbearing.

Roof lights are proposed on the rear elevation however will be set at 1.7m above the first floor and consequently will not cause any overlooking of private areas of New Cottage.

There is an existing dwelling located to the south above the businesses within the Old Brewery however this flat has no first floor windows which could potentially overlook the site and as a result there will be no harm whatsoever to their living conditions.

The proposed dwelling is not situated within close proximity to any other neighbour and therefore no other harm will be caused to living conditions.

The blank elevation of New Cottage fronting onto the site will not cause any overlooking to the new dwelling. Consequently there will be no harm to their living conditions.

The amenity space of the new dwelling is adequate and will allow usable space for its occupants. In order to achieve the amenity space, some had to be given up by the host property above the Old Brewery. However a large amount of space remains for their enjoyment and therefore no harm will be caused.

Impact on the conservation area

The proposal will be located within the Abridge Conservation area and within close proximity to The Old Brewery which is locally listed.

The Councils Conservation Area specialist has no objection to the application and considers that the design of the bungalow is respectful to the character and appearance of the Conservation Area. Furthermore its bulk scale and massing is such that it will not appear overly prominent when viewed from public areas of the street scene.

Whilst the design is acceptable, it is reasonable and necessary to impose a planning condition to ensure that the materials allow for a high quality finish. The condition will ensure that materials will have to be agreed in writing by the Local Planning Authority prior to the commencement of the development.

Highway issues

The existing double garage will be retained for the dwelling above the Old Brewery and as such raises no concerns in relation to the provision for this existing dwelling.

Two new spaces are proposed and one additional visitors space which will serve the new dwelling. These spaces conform to the sizes as set out in the Parking Standards document published by Essex County Council.

Much objection has been raised in relation to the parking issues that the new dwelling will cause and it is acknowledged that Willow Tree Close is often heavily parked and that Abridge does not offer a high level of public transport. Consequently it is more than likely that the new residents of this dwelling will utilise private vehicles for day to day activities. However the offer of three off street parking spaces is satisfactory, having regards to the adopted Parking Standards, given the size of the proposed dwelling. Consequently there will not be an excessive demand for on street parking and there will be no significant harm to the locality as a result.

Contaminated Land

Due to its former uses as a Brewery and Vehicle Repair Garage there is the potential for contaminants to be present over all or part of the site.

Domestic dwellings with gardens are classified as a particularly sensitive proposed use.

As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

Flooding and land drainage issues

The position of the new dwelling is located just outside the boundaries of Flood Zone Two as designated by the Environment Agency. As a result the Sequential Test does not need to be applied in this case. The proposed garden is located within the boundaries of Flood Zone Two, however it is already used as amenity space for the existing dwelling and therefore its continued use for such purposes raises no concerns.

The Land Drainage team at the Council agrees with the findings of the submitted Flood Risk Assessment and has therefore raised no objection to the application, subject to suitable conditions.

Conclusion

The development complies with the relevant policies contained within the Local Development Plan and the National Planning Policy Framework. Therefore it is recommended that planning permission is granted.

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

Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564371

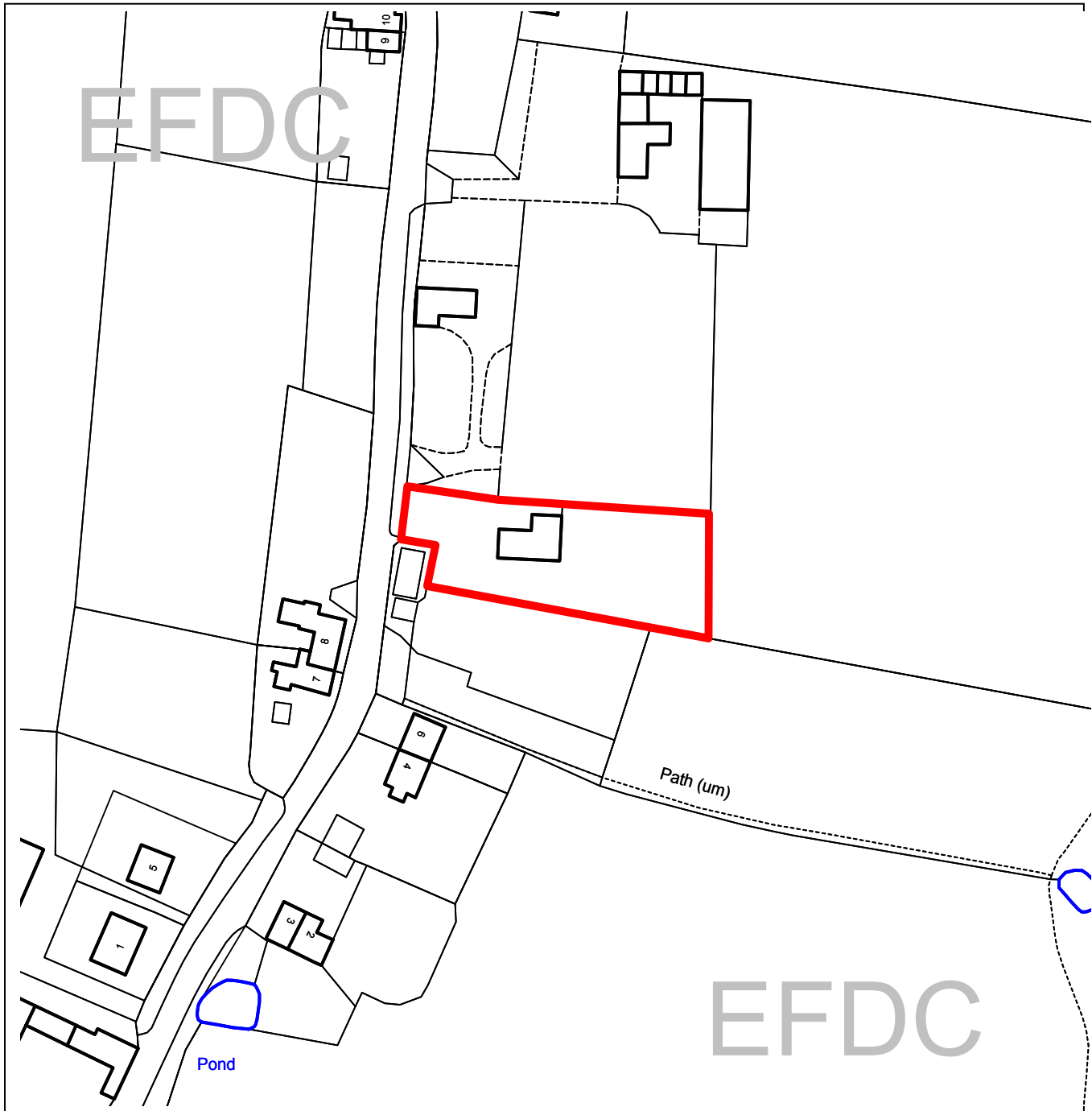
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 8



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Application Number:	EPF/2003/15
Site Name:	Barkers Farm, Mount End Road, Theydon Mount, Epping, CM16 7PS
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/2003/15
SITE ADDRESS:	Barkers Farm Mount End Road Theydon Mount Epping Essex CM16 7PS
PARISH:	Theydon Mount
WARD:	Passingford
APPLICANT:	Mr L Barker
DESCRIPTION OF PROPOSAL:	Change of use of stable building to create a two bedroom dwelling
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578340

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the following approved drawings: Site Location , Existing Floor Plans and Elevations and Proposed Floor Plans and Elevations (received by the LPA on 6 October 2015)
- 3 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]

- 4 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]
- 5 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]
- 6 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.
- 7 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.

- 8 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.
- 9 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 10 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions, roof enlargements or outbuildings generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of Site:

The application site comprises land that is southern part of the farm yard of a former farm that is situated in the approximate centre of the hamlet of Mount End. It is situated off the east side of Mount End Road. Land rises east of the site and somewhat less steeply to the north across the remaining former farm yard. It is within the Green Belt.

The site has an area of 0.15 hectares. It is 64m in length and an average of 25m in width. Its frontage with the highway is 10m. Access to the site is via an existing vehicular access off the highway that also provides access to the remainder of the southern part of Barkers Farm.

The site is dominated by a stable building that was erected with planning permission in 2002. The building has an L shaped ground plan and gabled roof with a low pitch. It is some 4m high at the ridge with an eaves height of approximately 2.6m. The building has a concrete base that extends beyond the building to provide a hardstanding. It has a timber and steel frame supporting steel roof trusses. The external appearance comprises of timber walls above a brick plinth and profiled metal roof sheeting.

The building is not presently used. Previously the case Officer has seen it in use for stabling a horse and as a goat pen. Although erected on the basis of providing stabling, a consequence of an enforcement notice relating to the whole of Barkers Farm becoming effective is the only lawful use of the application site is for the purposes of agriculture.

Description of Proposal:

It is proposed to change the use of stable building to a two bedroom dwellinghouse. Submitted plans show the stable building would be wholly laid out as a dwellinghouse with two bedrooms in the western wing and a kitchen and living room in the eastern wing. No enlargement of the building is proposed. Alterations to the external materials are not finalised and indicated as being for subsequent approval by the LPA. Boundary treatment is indicated as post and rail fencing, but that is also for subsequent approval in the event of planning permission being granted. Off street parking for two cars is available on the existing hardstanding.

Relevant History:

EPF/0965/02 Stable block consisting of 2 horseboxes, tack room and hay barn. Approved 24/07/2002

ENF/0062/11 Enforcement notices issued 06/07/11 alleging change of use of part of dairy building from B1 Office Use and use of summerhouse to residential purposes as a separate dwellinghouses. Notices found to be invalid and quashed at appeal on 08/02/2012 (PINS ref APP/J1535/C/11/2157758).

Subsequent enforcement notice issued 02/08/2013 alleging change of use of the whole of Barkers Farm to a mixed use comprising agriculture, residential and storage. Subsequent appeal dismissed and Notice upheld on 01/07/2014 with variations (PINS ref APP/J1535/C/13/2204446).

The requirements of the Notice issued 02/08/2013 in relation to the building that is the subject of this application are to cease its use for storage purposes which are not ancillary to agriculture and to remove all items stored in it that are not ancillary to or related to agriculture. The requirements are complied with.

NOTE: None of the above enforcement notices were appealed on the ground that planning permission should be granted. The planning merits of the alleged uses were therefore never considered by the Planning Inspectors who heard the appeals.

EPF/3005/14 Change of use of former farm office and dairy building and barn to create one live/work unit. Approved 06/08/2015.

Policies Applied:

The National Planning Policy Framework (NPPF) sets the policy context for assessing the development proposals. The policies of the District Councils Local Plan and Alterations are given weight in accordance with their conformity with the NPPF. The following saved Local Plan and Alteration Policies are compliant with the NPPF and are therefore given significant weight.

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
GB2A	Development in the Green Belt
GB8A	Change of Use or Adaptation of Buildings
ST1	Location of Development
ST2	Accessibility of Development

ST4	Road Safety
ST6	Vehicle Parking
RP4	Contaminated Land
RP5A	Adverse Environmental Impacts
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes

In addition to the above policies, the Essex County Council Parking Standards 2009 are a material consideration of significant weight.

NOTE: - Local Plan and Alteration policy GB9A – Residential Conversions, is not compliant with the NPPF and therefore is not a material consideration

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 11

Site notice posted.

Responses received:

5 MOUNT END: - Objection

“1 Appeal Reference APP/J1535/A/14/2227268 [*Land adjacent to 1 Gun Cottage, Abridge Road, Theydon Bois, council ref EPF/0255/14*] made earlier in 2015 relates to the conversion of a redundant stable block into residential building within a comparable site in the Epping Forest District. The Planning Inspector was very clear in that the appellant did not have special circumstances to justify development, and the appeal was dismissed accordingly. We believe the Appeal reasoning is directly applicable to this application.

2 We believe the existing building is ‘intentional unauthorised development’, in accordance with the Government Chief Planner’s planning policy statement issued on 31 August 2015. The plans submitted with application EPF/0965/02 are significantly different from the existing elevations plan submitted with this application, in that there are a number of large windows and full-length doors in the existing plans that were not on the approved 2002 plans and are not consistent with use as a stable block but are instead typically found on residential buildings. The applicant has made numerous planning applications for residential buildings on this site over many years, and we believe this is merely another example.”

11 MOUNT END: - Objection

“In no way is the stable building a substantial building that would not require fundamental alterations in order to turn it into a house.

The paraphernalia that would go with such a dwelling would detrimentally affect the openness of the Green Belt.

This building was probably only erected with the thought of eventually making it residential since it has never been used as a stable.

The owner has never had any horses of his own on the premises or in the building since it was constructed.

There were two ponies on site for a few months which only lived in the field and were looked after by their owner who drove up regularly to see them. That was about 5 years ago and only for a few months and not owned by Mr barker.

There were 2 more ponies that lived in the field only for a few weeks about 2 years ago but they escaped so many times that the owner took them back to their own yard in Abridge.

This is similar to APP/J1535/A/14/2227268 1 Gun Cottage, Abridge Road, Theydon Bois. This was decided at Appeal on 1 June 2015, where the Inspector found that the very substantial indoor stables/barn could not be converted for residential use without compromising the openness of the Green Belt.

I maintain that the stable building at Barkers Farm is far less substantial than 1 Gun Cottage and that the paraphernalia associated with a house would likewise fundamentally alter the present outlook.”

THEYDON MOUNT PARISH COUNCIL: - Objection

“This parish Council objects in principle to this application, in respect of inappropriate precedent.”

Main Issues and Considerations:

The application site is not within any flood risk zone and is not known to have any interest for biodiversity or to be likely to include contaminated land. In relation to the matter of biodiversity, the site does not contain any traditional timber framed building or traditional farm building. The site is not in a conservation area, does not contain any listed buildings and is not adjacent to any such building. There are no preserved trees on the application site.

The proposal would not have any adverse impact on the safe and free flow of traffic on the adjacent highway. It would also result in a good standard of accommodation with no significant change to the layout of the site or the appearance of existing buildings. Accordingly, the main matter to assess when considering the merits of this proposal is whether it is inappropriate development in the Green Belt. Other matters to consider are the impact on the character and appearance of the locality and sustainability.

Appropriateness in the Green Belt, and comments on representations received:

The planning history set out above is a material consideration, but it is not of significant weight when assessing compliance with planning policy.

The Council's first enforcement notices attacking residential use of buildings as dwellinghouses (issued in July 2011) together with the subsequent appeal decision that the notices were invalid (February 2012) both preceded the NPPF. The effective notice (issued in August 2013), attacked a mixed use of the whole of Barkers Farm on the basis that the use as a whole results in an intensification of the use of the site that is harmful to the openness of the Green Belt and consequently amounts to inappropriate development. In making that assessment the officer report recommending enforcement action gave very significant weight to Local Plan and Alteration Policy GB9A. Policy GB9A only permitted the reuse of buildings in the Green Belt for residential purposes if they are worthy of retention and either the building is not appropriate for re-use for business purposes, is a subordinate part of a scheme for business reuse or is required in connection with agriculture. That policy has since been found to be not compliant with the policies of the NPPF. It therefore cannot be applied to this application. Moreover, the current proposal does not relate to Barkers Farm as a whole, but only that part of it adjacent to the southern site boundary of the former farm yard.

The primary policy against which the matter of appropriateness in the Green Belt must be assessed is that set out in paragraphs 79 to 92 of the National Planning Policy Framework. That has been the policy position since March 2012. Moreover, as pointed out above, the appeals

against the enforcement notices issued in 2011 and 2013 were not made on the ground that planning permission should be granted therefore it did not fall to the Planning Inspectors to consider this matter. Consequently, the decisions on those appeals are of very limited weight when considering the merits of this proposal. No significant weight can be given to the previous behaviour of the applicant when assessing whether or not this proposal is inappropriate development in the Green Belt.

Paragraph 90 of the NPPF makes clear the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction, and that the new use preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

There is no doubt the stable building is a permanent and substantial buildings. They have been inspected by planning officers and planning enforcement officers in connection with the most recent appeals. Furthermore, a surveyors report submitted with the application describes in detail the form of construction and concludes it is of substantial construction and capable of improvement and conversion to an alternative use without substantial rebuilding. The proposed conversion works do not amount to reconstruction.

The new use would not result in any additional structures being built since it is entirely dependant on existing buildings and hard surfacing. The proposed alterations to the building would not increase its size. At most, fencing in some form would be erected to enclose the area around the building and mark the site boundary with the remainder of the former farm yard. Planning conditions can be used to control the appearance of the site and secure appropriate landscaping at the site. Furthermore, the size of the proposed garden is proportionate to the size of the stable building.

Activity generated by the new use would be likely to be greater, than that likely to arise if the building was used for stabling, however, following an enforcement notice relating to the whole of Barkers Farm becoming effective, the lawful use of the building and application site as a whole is agriculture. That is because the enforcement notice alleged a mixed use including agriculture and required the cessation of any use at the application site unrelated to agriculture.

Objectors draw attention to a recent planning appeal decision in respect of land adjacent to 1 Gun Cottage, Theydon Bois. The appeal was in respect of a decision to refuse planning permission to reuse a stable building as a dwellinghouse. The appeal was dismissed on the basis that the new use would be harmful to openness and to the character and appearance of the locality. Key facts in that case are its lawful use is for keeping horses and surrounding land to the south falls away such that it appears prominent when seen for surrounding open land. The site area was approximately 0.3 hectares and, in relation to the neighbouring dwellings, the stable adjacent to 1 Gun Cottage is the last building in a short row of houses outside of any defined settlement.

Unlike the case of land adjacent to 1 Gun Cottage, the application site is part of a former farm yard in the approximate centre of a hamlet and its lawful use is for agriculture, not keeping horses. It is also much less visible in the landscape since it is approximately half the area and sited on low lying land. As a consequence of those facts, the appeal decision relating to land adjacent to 1 Gun Cottage is given limited weight when assessing the merits of this proposal. Greater weight is given to the Council's decision to give planning permission (ref EPF/3005/14) for the use of a former dairy building and barn at Barkers Farm as a live-work unit, the residential use taking place in the former dairy. That decision was made shortly after the appeal decision in relation to land adjacent to 1 Gun Cottage and concerned much more visible site that, until the permission is implemented, forms part of the same planning unit as the application site.

Given the lawful use of the site the impact on openness must be based on a comparison of the lawful use and the proposed use. Residential use would certainly lead to a domestication of the

appearance of the site with, most probably, a grassed garden and the parking of cars on a driveway. Washing is likely to be hung out to dry and the occupants of the house would use the garden area for private recreation. Such activity is low-key and within a context of adjacent land also being grassed. That land rises to the north and, more steeply to the east such that the site is on the lowest point of Barkers Farm and views of it are restricted, with primary views being from within Barkers Farm to the north. Landscaping, which can be secured by condition, could be used to further restrict views of the site if considered necessary. The removal of permitted development rights for extensions and the erection of outbuildings would give the Council further control over the appearance of the site and the intensity of its use.

Agricultural use can have varied levels of activity and can often necessitate significant open storage of material and machinery, some of it large. At certain times of the year, activity at farms can be very intensive. It is unlikely the use as a dwellinghouse would generate more peak activity than the lawful use of the site for agriculture as a part of Barkers Farm. The activity generated by residential use of the site, as described above, would actually be modest, but spread uniformly across the year. In the circumstances it is concluded that the impact of the proposed use on the openness of the Green Belt would not be materially greater than that which could arise from the lawful use of the site for agriculture.

Should planning permission be granted, however, it is necessary to impose a planning condition removing permitted development rights for extensions and roof enlargements to the dwelling and for the erection of outbuildings within its curtilage. Since the application site defines the curtilage of the dwellinghouse, it is not necessary to include a condition restricting the size of the curtilage of the dwellinghouse to the application site. That is because, as a matter of law, planning permission would be required to enlarge it.

Given the lack of harm to openness, the reuse of the application site as proposed would not adversely affect the first three of the five purposes of including land in the Green Belt (para 80 of the NPPF) – i.e. checking unrestricted sprawl, preventing neighbouring towns merging and safeguarding the countryside from encroachment. The other two purposes (preserving the special character of historic towns, and assisting in urban regeneration) are not relevant in this context.

Conclusion on Appropriateness:

Having regard to the above analysis it is concluded the building to be re-used is of permanent and substantial construction, the proposed new use would preserve the openness of the Green Belt and it would not conflict with the purposes of including land in Green Belt. It is therefore concluded the proposal is not inappropriate development in the Green Belt.

Character and Appearance:

The proposed building would not be enlarged and no additional hard surfacing is proposed. Views into the site from the adjacent road and from land to the south are well screened. Primary views of the site are from neighbouring land that is part of Barkers Farm. Very long views of the site from a public footpath to higher ground south-east of the site exist but any visual impact would be mitigated by the distance separating the site from any vantage point. Having regard to the restricted visibility of the site, no significant change to the perceived built form and the modest level of activity likely to be generated by the use, the proposal would not cause any material harm to the character and appearance of the locality.

Sustainability:

The reuse of redundant buildings is of itself a sustainable form of development. The location of the site within the centre of a small hamlet not served by shops and other services is such that the new use will be car dependent. However, it would be no more dependent on the private car than

any other dwelling within the hamlet. The consequence for the interests of sustainability is not unduly harmful and certainly not a sound basis for withholding consent in this context.

Conclusion:

The proposal complies with relevant planning policy and it is recommended that planning permission be granted. The planning history of the site and the behaviour of the applicant in particular are recognised but they do not attract significant weight when assessing the planning merits of the proposal. The applicant's previous behaviour cannot reasonably form the basis for withholding consent.

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

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

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

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