

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 12th July, 2017**

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

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 12th July, 2017  
at 7.00 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

R. Perrin Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, A Boyce, H Brady, W Breare-Hall, A Grigg, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, C Whitbread, H 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 ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 30)**

To confirm the minutes of the last meeting of the Sub-Committee held on 14 June 2017.

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

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

**6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, 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.

**7. DEVELOPMENT CONTROL (Pages 31 - 132)**

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

Background Papers:

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

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

**8. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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.

**Background Papers:** Article 17 - 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 and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

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## Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

### 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 Committee.

Meetings of the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South and Area Plans Sub-Committee West are held at the Civic Offices in Epping..

### 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**, by ringing 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 generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

### 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 Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East or Area Plans Sub-Committee West, you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

### 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](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

### How are the applications considered?

The Committee 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 Committee will then debate the application and vote on either the recommendations of

officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or
  - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

**Further Information?**

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

Area Planning Subcommittee East 2017-18  
Members of the Committee and Wards Represented:



**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 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 C  
Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr H  
Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr J M  
Whitehouse**  
Epping  
Hemnal

**Cllr J M  
Whitehouse**  
Epping  
Hemnal

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 14 June 2017  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.00 - 9.30 pm  
High Street, Epping

**Members Present:** P Keska (Vice-Chairman, in the Chair), N Avey, N Bedford, W Breare-Hall, A Grigg, J Philip, B Rolfe, D Stallan, B Surtees, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** S Jones, A Boyce, M McEwen and R Morgan

**Officers Present:** R Hellier (Aboriculturual Officer), V Messenger (Democratic Services Officer (Trainee)), R Perrin (Democratic Services Officer), J Shingler (Principal Planning Officer) and S Tautz (Democratic Services Manager)

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### 1. WEBCASTING INTRODUCTION

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

### 2. APPOINTMENT OF VICE-CHAIRMAN

The Vice-Chairman, Councillor P Keska, chaired the meeting in the absence of the elected Chairman, Councillor S Jones. The Members present then agreed that Councillor A Grigg would act as Vice-Chairman for the duration of the meeting.

### 3. WELCOME AND INTRODUCTION

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

### 4. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 10 May 2017 be taken as read and signed by the Chairman as a correct record.

**5. DECLARATIONS OF INTEREST**

- (1) Pursuant to the Council's Code of Member Conduct, Councillor P Keska made a declaration of interest by virtue of his position as a member of Ongar Town Council for those applications below in that area on the agenda. The Councillor had determined that he had no other or financial connection with any applicant or the sites, and would remain in the meeting and vote accordingly.
  - EPF/0072/17 – 47 High Street, Ongar CM5 9DT
  - EPF/0948/17 – 42 Castle Street, Ongar CM5 9JS
- (2) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a non-pecuniary interest in the following agenda item by virtue of the objector and applicant being customers of his business. The Councillor had determined that his interest was non-pecuniary and he would remain in the meeting for the consideration of the application and voting thereon:
  - EPF/0082/17 – 5 Bluemans, North Weald Bassett CM16 6EU
- (3) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a non-pecuniary interest in the following agenda item as he had 'called in' the application on behalf of the applicant, who was also one of the customers of his business. The Councillor had determined that his interest was non-pecuniary and he would remain in the meeting for the consideration of the application and voting thereon:
  - EPF/0590/17 – 182 High Road, North Weald Bassett CM16 6BZ
- (4) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following agenda item by virtue of the applicant being known to him. The Councillor had determined that his interest was non-pecuniary but he would leave the meeting for the consideration of the application and voting thereon:
  - EPF/0082/17 – 5 Bluemans, North Weald Bassett CM16 6EU
- (5) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a pecuniary interest in the following agenda items by virtue of being the landlord of the applicant. The Councillor had determined that he would leave the meeting for the consideration of the applications and voting thereon:
  - EPF/1135/17 – Poppy's Café, 309-311 High Street, Epping CM16 4DA
  - EPF/0683/17 – Poppy's Café, 309-311 High Street, Epping CM16 4DA
- (6) Pursuant to the Council's Code of Member Conduct, Councillor H Whitbread declared a non-pecuniary interest in the following agenda item by virtue of the applicant being known to her. The Councillor had determined that her interest was non-pecuniary but she would leave the meeting for the consideration of the application and voting thereon:
  - EPF/0082/17 – 5 Bluemans, North Weald Bassett CM16 6EU

(7) Pursuant to the Council's Code of Member Conduct, Councillor H Whitbread declared a pecuniary interest in the following agenda items by virtue of her father being the landlord of the applicant. The Councillor had determined that she would leave the meeting for the consideration of the applications and voting thereon:

- EPF/1135/17 – Poppy's Café, 309-311 High Street, Epping CM16 4DA
- EPF/0683/17 – Poppy's Café, 309-311 High Street, Epping CM16 4DA

## 6. ANY OTHER BUSINESS

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

## 7. DEVELOPMENT CONTROL

### RESOLVED:

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

## 8. PROBITY IN PLANNING - APPEAL DECISIONS, 1 OCTOBER 2016 TO 31 MARCH 2017

The Sub-Committee received a report on "Probity in Planning, Appeal Decisions, 1 October 2016 to 31 March 2017".

The report advised the decision-making committees of the results of all successful allowed appeals, particularly those refused by committee contrary to officer recommendation. The purpose was to inform the Committee of the consequences of their decisions in this respect and, in cases where the refusal was found to be unsupported on planning grounds, an award of costs made against the Council.

Since 2011/12, there were two local Key Performance Indicators (KPIs). One measured all planning application type appeals as a result of committee reversals of officer recommendations (GOV08) and the other measured the performance of officer recommendations, which were in the main delegated decisions (GOV07).

Over the six-month period between 1 October 2016 and 31 March 2017, the Council received 54 decisions on appeals (51 of which were planning related appeals, the other 3 were enforcement related).

GOV07 and 08 measured planning application decisions taken at appeal and out of a combined total of 51, 16 were allowed (31%). Broken down further, GOV07 officer performance was 8 out of 40 allowed (20%) and GOV08 committee reversal performance was 8 out of 11 (73%) for the 6 month period. The appeal performance for GOV08, committee reversals, was noticeably outside of its KPI target of 50% target, at 73%.

On the planning appeals that arose during the 6-month period from the decisions of the Area Planning Sub-Committee East to refuse contrary to the recommendation put to them by officers, four appeals were allowed and one was dismissed.

Councillor J M Whitehouse commented on the following Appeal Decisions:

- (1) Field adjacent to Horse Shoe Farm, London Road, Harlow (Appeal Ref: APP/J1535/W/16/3158090 (EPF/2716/15)) – regarding the agricultural building issue, where the issue seemed to be whether the use was agricultural or not, and that was where the debate stopped; and
- (2) Bridge House, Roding Road, Loughton (EPF/1997/15) – regarding building in flood risk areas. This was previously a ‘show stopper’ but the outcome of the appeal seemed to suggest that this was no longer the case, if the Council could not demonstrate obvious places for development elsewhere.

The Principal Planning Officer replied on the latter that in future the Council would have to argue an appeal like this differently and show that there were other smaller sites that would support smaller sized developments elsewhere in the District.

Councillor B Surtees commented that there was always this debate about the probity of making decisions that [the Council] might not find the grounds to resist them if it went to appeal. However, the Councillor congratulated officers on managing the costs involved.

**RESOLVED:**

That the Probity in Planning report covering the period 1 October 2016 to 31 March 2017 be noted.

**9. AREA PLANS SUB-COMMITTEES - PUBLIC SEATING ARRANGEMENTS**

The Committee noted the report presented by the Democratic Services Manager on the Chamber seating arrangements for the Council’s Area Planning Sub-Committees.

Councillor Philip commented that he had attended the Joint Meeting of the Development Management Chairmen and Vice-Chairmen on 20 April 2017 and that Area Planning Sub-Committee East was in favour of all public in the Chamber.

The Democratic Services Manager reported that security arrangements would be considered by the Governance Select Committee on 4 July 2017 and the Portfolio Holder, as there was a cost implication.

Councillor P Keska remarked that a member of the public in the gallery had actually leant right over the public gallery railings to see and hear, almost to the ‘tipping’ point, so he was in favour of public in the Chamber. Councillor B Surtees commented on two previous security incidences that had actually happened outside the Civic Offices when he was leaving. He acknowledged increased security could be expensive, but the costs involved should an incident occur could be higher. Councillor J H Whitehouse thought it appropriate that the public were seated in the Chamber and had received a letter from a person who regularly spoke at the planning committees on the difficulty in hearing and seeing from the public gallery. She commented on the need to improve the sound system and the ability of the public to see the screen from the public gallery. Councillor D Stallan agreed with previous external security issues.

Councillor A Grigg remarked that if officers anticipated a ‘difficult’ meeting, then officers should be allowed to take steps to manage appropriately and alter arrangements if this was required.

The Democratic Services Manager added that if officers received specific intelligence, this would be acted upon to minimise risk to the public and members /

officers, as safety concerns were a priority, and they were quite used to implementing safety procedures if / when required.

Councillor J Philip stated that the audible and visual issues in the public gallery were a wider issue that needed to be resolved and were not just specific to this committee. Councillor B Surtees also thought the railings were quite low.

**RESOLVED:**

- (1) That the seating requirements be kept so the Area Planning Sub-Committee East sit as per this first meeting such that members can directly vacate the meeting through the ante-room.
- (2) That, subject to capacity constraints, all members of the public be seated in the Chamber irrespective of whether they had pre-registered to speak.

**CHAIRMAN**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0819/17
<b>SITE ADDRESS:</b>	The Chapel House Tysea Hill Stapleford Abbots ROMFORD RM4 1JU
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	T8 Oak (T7 of the TPO) Reduce crown to 4m pollard, T13 Oak (in G5 of the TPO) T14 Oak (in G5 of the TPO) - Fell and treat stumps.
<b>DECISION:</b>	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=592949](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592949)

**CONDITIONS**

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 3 The crown reduction authorised by this consent shall be to a height not exceeding 4m above ground level.
- 4 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998:2010 (Tree work - recommendations) (or with any replacement Standard).
- 5 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0082/17
<b>SITE ADDRESS:</b>	5 Bluemans North Weald Bassett Epping Essex CM16 6EU
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side extension and single storey rear extension. New front porch. Demolition of existing outbuilding, and creation of new double garage. Widening of drive. Internal alterations.
<b>DECISION:</b>	Deferred

**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=590873](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590873)

This application was deferred to enable further negotiation to remove the proposed boundary wall and replace with hedging.



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2616/16
<b>SITE ADDRESS:</b>	Bare Leys The Street Willingale Essex CM5 0SJ
<b>PARISH:</b>	Willingale
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension incorporating element of two storey where linked with extension over existing garage to create a roof terrace.
<b>DECISION:</b>	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=588216](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588216)

**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: PR01 Rev P1, PR02 Rev P.1, PR03, SP-01, EX01, EX02 and EX03
- 3 A privacy screen of 1.7m in height above the height of the balcony area shall be erected on the boundary shared between the application site and Longacre. The privacy screen should project along the entire length of the balcony adjacent to Longacre and it, or a similar replacement shall be permanently retained in that position.
- 4 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 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.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0590/17
<b>SITE ADDRESS:</b>	182 High Road North Weald Bassett Essex CM16 6BZ
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed 4 bedroom house. (Revised application to EPF/2287/16)
<b>DECISION:</b>	Refuse Permission

**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=592358](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592358)

**REASON FOR REFUSAL**

- 1 The proposal will be facilitated by the loss of a prominent and attractive area of grass verge on Thornhill and as a result this will cause significant harm to the character and appearance of the street scene and is therefore contrary to policies CP2(iv) and DBE1 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- 2 By reason of its size, scale and proximity to the shared boundary of no.180 High Road, the proposed development will have a significant overbearing impact and will also cause a substantial loss of natural light to this neighbouring property, harmful to its living conditions. The proposal is therefore contrary to policy DBE9 of the Adopted Local Plan and Alterations.
- 3 The detailed design of the new dwelling and the size of the proposed curtilage are in stark contrast to other properties in the street scene and the prevailing pattern of development in the wider context of the locality. The proposal will therefore appears incongruous and is therefore contrary to policies DBE1 and CP2(iv) of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

Way Forward

Members discussed whether there was a way forward but concluded that as the loss of the grass verge to create access was not acceptable there was no obvious way forward

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1135/17
<b>SITE ADDRESS:</b>	Poppy's Cafe 309-311 High Street Epping Essex CM16 4DA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement shop front.
<b>DECISION:</b>	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=593848](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593848)

**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 decorative panel above the shopfront door shall be retained and reinstated within the new shopfront unless otherwise agreed in writing with the LPA.
- 3 Additional horizontal and vertical section drawings of the shopfront, at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to its installation.
- 4 The colour of the shopfront shall match the existing unless otherwise agreed in writing with the LPA.
- 5 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 862/1B received 26th May 2017, 862/SF received 22nd March 2017

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0683/17
<b>SITE ADDRESS:</b>	Poppy's Cafe 309-311 High Street Epping Essex CM16 4DA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building application for proposed removal of ground floor internal wall sections and replacement shop front.
<b>DECISION:</b>	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=592582](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592582)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The decorative panel above the shopfront door shall be retained and reinstated within the new shopfront unless otherwise agreed in writing with the LPA.
- 3 Additional horizontal and vertical section drawings of the shopfront, at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to its installation.
- 4 The colour of the shopfront shall match the existing unless otherwise agreed in writing with the LPA.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0406/17
<b>SITE ADDRESS:</b>	Delmont 88 London Road Lambourne Essex RM4 1XP
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey front, side and rear extension and loft conversion with rear dormer
<b>DECISION:</b>	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=591818](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591818)

**CONDITIONS**

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

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0072/17
<b>SITE ADDRESS:</b>	47 High Street Ongar Essex CM5 9DT
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed demolition of existing offices and workshops at the rear of the site and replacement with a terrace of five houses.
<b>DECISION:</b>	Deferred

**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=590833](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590833)

This application was deferred in order for a site visit to take place.

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0600/17
<b>SITE ADDRESS:</b>	Woodview Oak Hill Road Stapleford Abbots Romford Essex RM4 1JL
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of integral garage into a study room, redesign of the porch, erection of car port and store in front garden, and new timber electric gate at the front.
<b>DECISION:</b>	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=592368](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592368)

**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 facing brick and roof tile to be used on the proposed development shall match that used on the existing house on the site, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The existing hedge on the front boundary of the site shall be maintained (or replaced if it dies) on a permanent basis.



**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0561/17
<b>SITE ADDRESS:</b>	Envilles Farm Abbess Road Little Laver Ongar Essex CM5 0JH
<b>PARISH:</b>	Fyfield  Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing B8 store building and the erection of 3 no. four-bed dwellings with associated hard and soft landscaping.
<b>DECISION:</b>	Deferred

**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=592262](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592262)

This application was deferred in order for a site visit to be carried out and for additional highway information.

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/0948/17
<b>SITE ADDRESS:</b>	42 Castle Street Ongar Essex CM5 9JS
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Demolish the existing detached dwelling and outbuildings on the site and to construct a replacement detached house with garage.
<b>DECISION:</b>	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=593357](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593357)

**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: 2707/01, 03, 05 and 06 rev A
- 3 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.
- 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 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, 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.
- 11 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.
- 12 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.
- 13 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural Report is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 15 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 16 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 B, C and D] of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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## AREA PLANS SUB-COMMITTEE 'EAST'

12 July 2017

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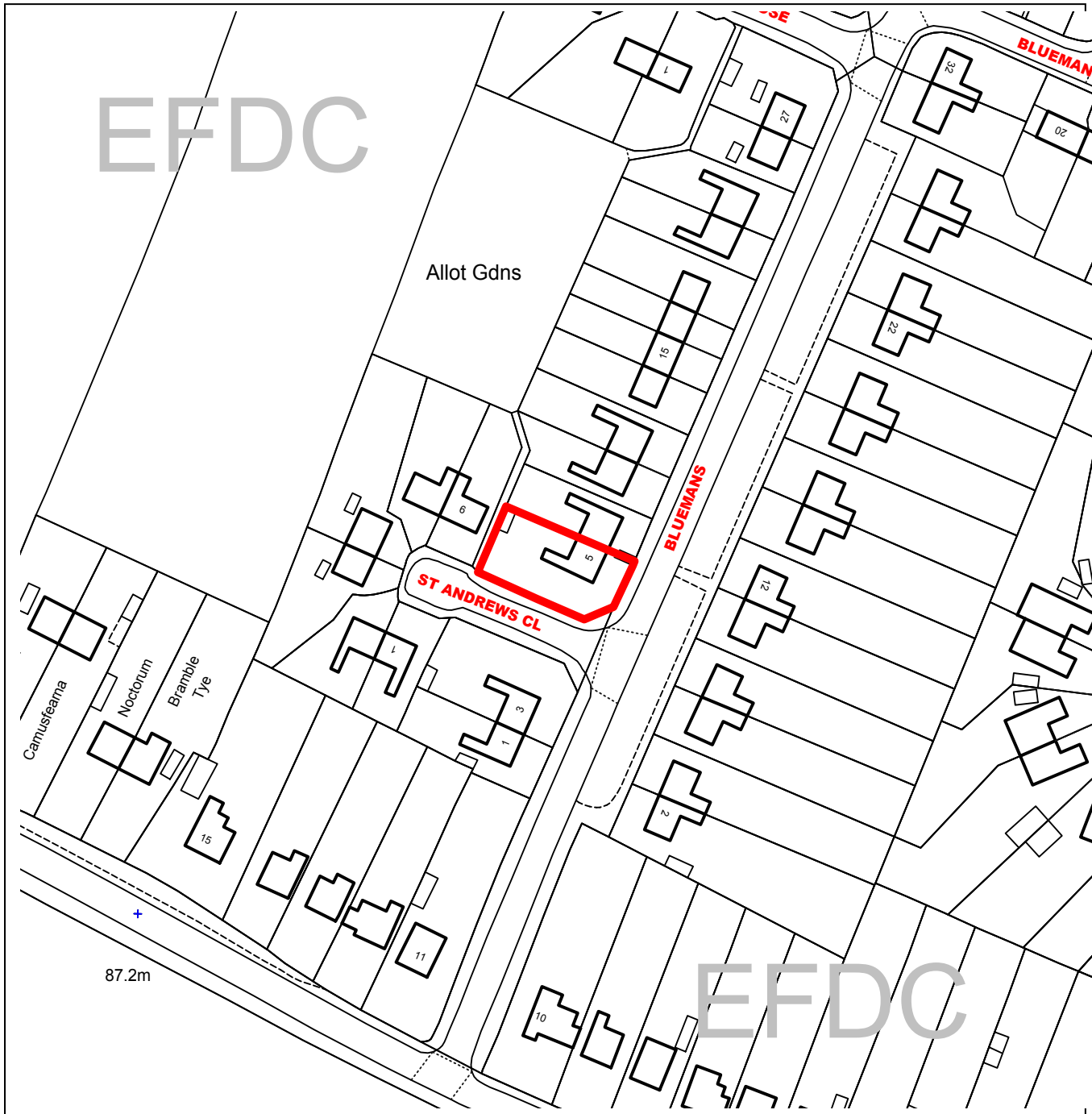


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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/0082/17
Site Name:	5 Bluemans, North Weald Bassett, CM16 6EU
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0082/17
<b>SITE ADDRESS:</b>	5 Bluemans North Weald Bassett Epping Essex CM16 6EU
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr & Mrs Kelly
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side extension and single storey rear extension. New front porch. Demolition of existing outbuilding, and creation of new double garage. Widening of drive. Internal alterations.
<b>RECOMMENDED DECISION:</b>	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=590873](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590873)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No construction works above ground level shall take place on the new boundary wall 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, including site clearance or other preparatory work, until details of soft landscape works and implementation programme (linked to the development schedule) regarding the boundary hedging have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The details 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 the agreed boundary planting, or any replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless

the Local Planning Authority gives its written consent to any variation.

*This 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 four 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).)*

### **Introduction:**

This application was previously considered at Area Plans Sub-Committee East on the 10<sup>th</sup> May and 14<sup>th</sup> June 2017 however has been deferred in order to negotiate amended plans regarding the boundary treatment on the site.

A revised plan has been provided showing the retention of the majority of the existing 1.2m high fence with a new 1.8m high laurel hedge planted behind and the removal of part of the existing 1.2m high fence and the extension of the 1.2m high existing hedge to replace this.

### **Originally requested additional information:**

The information requested by Members at the 10<sup>th</sup> May committee was:

1. *The distance that the previous refused bungalow was from the side boundary:*

The previously refused bungalow proposed under ref: EPF/2889/15 (and subsequently dismissed on appeal) would have been located 1m from the side boundary running adjacent to St. Andrews Close. This proposed two storey side extension would be located 3.645m from this boundary.

2. *The percentage increase to the volume of the existing dwelling:*

The volume of the proposed extension would result in a 74% increase over and above the existing dwelling.

The percentage increase of a dwelling outside of the designated Green Belt is often not considered relevant. Instead the key consideration are whether any proposed extension could be incorporated without causing undue harm to the appearance of an area and amenities of neighbours, provided adequate separation can be maintained from the site boundaries, and as long as adequate amenity space is retained for future occupants. It is considered that the proposed extension can be incorporated without undue harm to any of the above factors.

### **Description of Proposal:**

Consent is being sought for the erection of a two storey side extension, single storey rear extension, new porch and replacement garage. The proposal has been amended from the original submission.

The proposed two storey side extension would be 3.8m in width and 6.4m in depth at ground floor level and stepped back 1m from the existing front elevation at first floor level with a stepped down pitched roof and a small pitched roof over the projecting ground floor. The proposed single storey rear extension would measure 4m in depth and would stretch across the entire width of the

dwelling (inclusive of the additional side extension). It would be flat roofed to a height of 2.9m with a roof lantern above the new dining room addition. The proposed front porch would measure 1.25m deep and 2.4m wide with a pitched roof to a ridge height of 3.3m and would be open sided. The proposed new double garage would replace the existing detached garage to the rear of the site and would measure 6.2m x 6.2m. It would have a pitched roof to an eaves height of 2.2m and a ridge height of 4.3m. The application also proposes an increase in the width of the existing crossover on St Andrews Close in order to serve the new double garage and as explained above has been revised to provide a 1.2m high fence along the boundary with hedging behind (instead of the previously proposed 1.8m high brick wall along the side boundary of the rear garden).

### **Description of Site:**

The application site is located on the corner of Bluemans and St. Andrews Close, on the western side of the road. To the rear of the site sits No. 6 St. Andrews Close at a right angle to the application site. The existing property sits within a large corner plot and consists of a two storey semi-detached house. The application site is not located within the Green Belt or a conservation area.

### **Relevant History:**

EPF/2339/11 - New dwelling – refused 03/01/12  
EPF/0225/12 - New dwelling (revised application) – refused 11/05/12  
EPF/1197/12 - Two bedroom dwelling – refused 16/08/12  
EPF/2076/13 - Two bedroom dwelling (resubmission of EPF/1197/12) – refused 12/11/13 (appeal dismissed 26/02/14)  
EPF/2889/15 - Construction of a 2 bed bungalow on the land adjacent to 5 Bluemans – refused 11/01/16 (appeal dismissed 28/06/14)

### **Policies Applied:**

#### Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
DBE9 – Loss of amenity  
DBE10 – Residential extensions  
ST4 – Road safety  
ST6 – Vehicle parking

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.

#### Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

DM9 – High quality design

### **Consultation Carried Out and Summary of Representations Received:**

10 neighbours were consulted on this application. No Site Notice was required. A re-consultation has been undertaken with regards to the revised plans (showing the altered boundary treatment). Whilst this 14 day consultation period expires before the date of the Committee this report has been produced prior to the consultation period ending. Therefore any additional comments received will be verbally reported to Members.

PARISH COUNCIL – Objects to this application due to its massing and it being out of keeping it goes against the openness of the whole of the Bluemans estate, that it would have a detrimental effect on the street scene and is visually intrusive.

2 ST. ANDREWS CLOSE – Object as the proposed extension does not fit into the housing scheme of the area and is large, out of place, overbearing and dominant and would overlook the front of their house.

3 ST ANDREWS CLOSE – Object as the development would result in the loss of openness to this junction, would restrict views and overlook their property, as the extension would be detrimental to the character and appearance of the street scene and as it would bring extra cars into St Andrews Close.

4 ST ANDREWS CLOSE – Object as the extension is large and not in symmetry with other houses, it intrudes into St Andrews Close and will result in overlooking of neighbours. The green nature of the site would be lost.

5 ST ANDREWS CLOSE – Object as the extension would be overbearing and dominant, would be unsympathetic and detrimental to the appearance of the local environment, would be out of line with the building line in St Andrews Close, and the new brick wall would be visually intrusive.

7 BLUEMANS – Object as it would be detrimental to the character and appearance of the street scene, the revised roof line would be inconsistent with surrounding properties, it would affect the green nature of the junction, the proposed garage is twice the size of the existing garage and would overshadow the neighbouring site, and since the porch and relocated path would conflict with the style of the road.

8 BLUEMANS – Object as the extension is large and out of proportion to surrounding houses and the openness of the junction would be lost. The relocated porch and path is out of keeping with the houses opposite.

10 BLUEMANS – Object as the extension is large and out of character with the street scene and the proposed wall would impact on the green and open nature of the junction.

### **Issues and Considerations:**

The key issues in this consideration are the design and impact on the street scene and with regards to amenity considerations.

There is a long planning history to this site with several previous attempts to obtain consent for a new attached dwelling adjacent to the existing house. These have all been refused consent primarily due to the overbearing and dominant form of the development or because they are out of keeping with the character and appearance of the street scene. Some of the previous decisions have been appealed and dismissed by the Planning Inspectorate.

Whilst the history of the site and the material considerations that were assessed within the previous applications are relevant to this current application it should be noted that this proposal is

not for the erection of a new dwelling but simply for a residential extension to the dwelling. The previous attempts to obtain a new dwelling on the site are not in themselves material to this assessment, although many of the issues considered continue to be relevant.

Design:

As highlighted above this proposed application is for a householder extension and not for a new dwelling and as such the assessment differs greatly, however the physical impact of the development still needs to be assessed in a similar way to the previous applications.

Within the appeal decision regarding EPF/2076/13 it was noted by the Planning Inspector that:

4. *The [Bluemans and St Andrews Close] junction has a relatively open and exposed character, with the adjacent houses set well back from the edge of the highway, and is visible for some distance in views from Bluemans. The entrance into St Andrews Close is flanked by the appeal site and by No 3, with each providing splayed boundaries from Bluemans opening into the cul-de-sac. The properties in the cul-de-sac are arranged in neatly spaced pairs and the side flanks to both No 3 and No 5 generally follow the main St Andrews Close building line. These factors all combine to give a fairly uniform and well-balanced pattern of development at the junction affording significant views into the cul-de-sac, and this appearance is generally consistent with the wider pattern of development in the adjoining Bluemans.*

The Inspectors decision on the later appeal regarding EPF/2889/15, which was for a single storey dwelling, continues to highlight that *“although I acknowledge it would be single storey in height the proposal would extend development beyond the building line with No 6 [St Andrews Close] and be of a significant depth, very close to its side boundary. This would result in the introduction of an overly prominent building that would appear cramped on the site and unduly dominant at this junction”*.

The originally submitted proposal was for a very deep two storey side/rear extension that would have followed the existing roof of the dwelling and been a prominent addition to this junction. However following the concerns being raised with the applicant's agent, revised plans were submitted and a re-consultation was undertaken. These revisions significantly reduced the depth of the proposed two storey extension such that it would be stepped in 1m from the existing front elevation and would not extend beyond the existing rear elevation. This also allowed for a stepped down ridge roof similar to the two storey side extension that can be seen at No. 19 Bluemans.

Although the proposed two storey side extension would continue to extend beyond the front building line of the properties in St Andrews Close this would now be just 2.5m beyond the front elevation of No. 6 St Andrews Close and would retain a 3.65m gap between the flank wall of the extension and the side boundary of the application site. It is considered that such an encroachment for a residential extension such as this would not cause a significant detrimental impact on the character and appearance of the street scene.

The now proposed 1.2m fence with hedging behind would maintain the character of the area, and a condition can be included to secure the hedge planting and maintenance of it.

The proposed single storey rear extension would not extend beyond the rear wall of the neighbours extension and would be flat roofed to a height of 2.9m. This would not appear prominent within the street scene or harmful to the appearance of the surrounding area.

The proposed double garage would replace an existing, albeit smaller, outbuilding to the rear of the site and is set back a significant distance from the highway boundary. This, combined with the

modest height and appropriate design of the garage, would ensure that this would not be detrimental to the appearance of the streetscene.

Concern has been raised with regards to the relocation of the front door more centrally to the (extended) dwelling and the provision of a canopy porch. Whilst the dwellings on the western side of Bluemans all benefit from uniform entrance locations the dwellings on the eastern side of Bluemans all have centrally located entrance doors. Other properties in the locality have had porch extensions in a variety of styles and as such it is not considered that this alteration would be unduly detrimental to the character of the area.

Neighbouring amenities:

The proposed two storey side extension would be located a significant distance from the shared boundaries of any neighbouring properties. Concerns have been raised about possible overlooking and loss of privacy to properties in St Andrews Close however the only areas overlooked would be to the front of these houses at quite some distance. As such it is not considered that this would cause any undue loss of amenity to the nearby residents.

The proposed single storey rear extension would not extend beyond the rear wall of the attached neighbours rear extension and as such would not have any detrimental impact on the amenities of any surrounding residents.

The proposed new double garage would be located within the north western corner of the site immediately adjacent to the shared boundaries with No. 6 St Andrews Close and No. 7 Bluemans. Nonetheless the proposed garage would largely replace an existing outbuilding and would be a moderately sized building with a pitched roof reaching an eaves height of 2.2m and a ridge height of 4.3m. Given the size of the outbuilding and location in relation to neighbouring dwellings it is not considered that the new garage would cause any excessive loss of amenity to neighbouring residents. Concerns have been raised with regards to the possible presence of asbestos in the existing garage however this is not a material planning consideration since the safe removal and disposal of asbestos is dealt with by other legislation.

Other considerations:

The provision of a double garage and the access serving this would enable the retention of more than sufficient off-street parking to serve the dwelling. The enlargement of the existing access onto St Andrews Close does not require planning consent in and of itself since this road is unclassified, however consent from Essex County Council Highways is needed.

Whilst concerns have been raised that the proposed extension would enable a new dwelling to be erected on the site, despite the previous refusals, any such works would require planning consent and would be assessed at that time and any possible or suspected future proposals for the site are immaterial to the current planning application being assessed.

**Conclusion:**

The previous history and considerations on this site have been taken into account however it is considered that the significantly reduced scheme for a residential extension as proposed (and amended) would not have an undue detrimental impact on the character and appearance of the street scene or the amenities of neighbouring residents. As such it is considered that the proposed would comply with the guidance contained within the NPPF 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:**

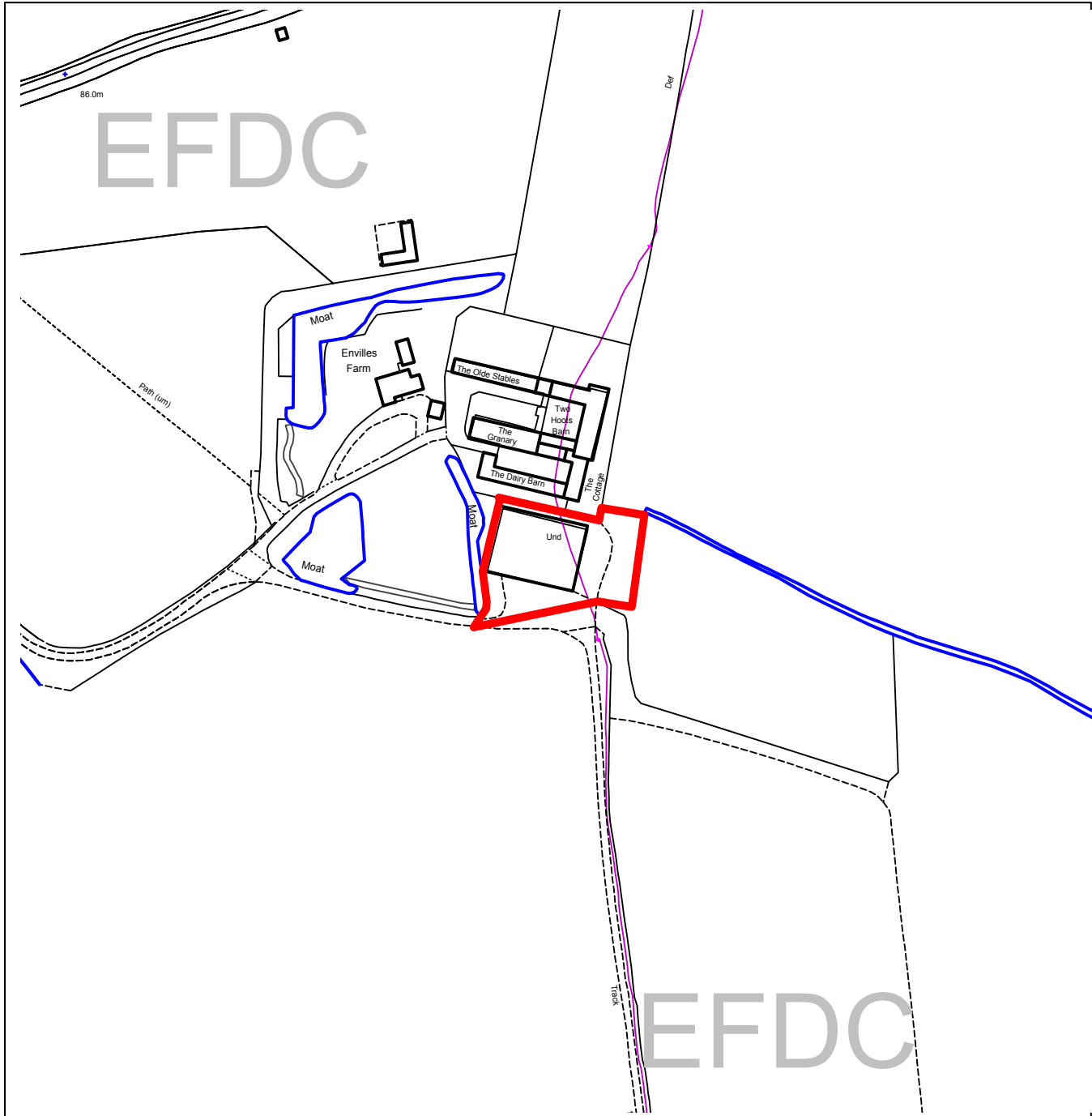
**Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**



# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/0561/17
Site Name:	Envilles Farm, Abbess Road, Little Laver, Ongar, CM5 0JH
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0561/17
<b>SITE ADDRESS:</b>	Envilles Farm Abbess Road Little Laver Ongar Essex CM5 0JH
<b>PARISH:</b>	Fyfield  Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	
<b>APPLICANT:</b>	Mr J Donovan
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing B8 store building and the erection of 3 no. four-bed dwellings with associated hard and soft landscaping.
<b>RECOMMENDED DECISION:</b>	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=592262](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592262)

**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: 16009\_001, 17005\_001, 17005\_002 and the site location plan
- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 5 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.
- 6 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall

be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- 13 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.

- 14 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.
- 15 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.
- 16 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.
- 17 Retention of trees and shrubs amended to read - If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

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

### **Description of site**

The application site is located within a very sparse area of development in the settlement of Little Laver. Currently on the site is a large utilitarian style building used as a B8 storage situated within a large plot. There are residential dwellings to the north which were previously part of the original farm complex. Access to the site comes from a private road which joins onto the main public carriageway to the north. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

### **Description of proposal**

The proposed development is to demolish the existing building and to erect three new dwellings.

### **Relevant History:**

EPF/0122/94 - Continued use of farm buildings for storage of inner tubes. Approved.

EPF/0191/03 - Change of use of agricultural outbuildings to 10 no. dwelling units. Refused

EPF/1316/04 - Change of use and conversion of farm buildings to 3 no. dwellings. Approved.

EPF/0754/08 - Change of use and conversion of redundant agricultural barn to residential use. Approved.

EPF/1848/09 - Amended conversion scheme (pursuant to existing consent EPF/1316/04) including additional residential floorspace within existing building. Approved.

EPF/1338/16 – Demolition of existing building and erection of one dwelling – Approved.

### **Policies Applied**

The following saved policies within the Council's adopted Local Plan (2004) and Alterations (2008) are relevant:

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
DBE4 – Design in the Green Belt  
DBE9 – Loss of Amenity  
ST4 – Road Safety  
LL1 – Rural Landscape  
LL9 – Felling of Preserved Trees  
LL10 – Adequacy of Provision for Landscape Retention  
LL11 – Landscaping Schemes  
DBE1 Design of new buildings  
RP4 Contaminated land  
U3B sustainable drainage  
DBE8 private amenity Space  
ST6 vehicle parking standards  
ST1 Location of development  
ST2 Accessibility of development  
H1A Housing Provision  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development

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**

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – NO OBJECTION

1 Envilles Cottage – OBJECTION - Any further development would amount to over development on the green belt. The access track is inadequate at present, being of poor design with inadequate site lines. This has, over the past few years resulted in the demise of various domestic pets as a consequence of speeding motorists. The inevitable increase in traffic will only exacerbate the situation. This community does not require any more detached four bedroom houses.

Wellington – OBJECTION - Firstly, it is entirely questionable that this development will provide much needed, affordable housing. Secondly, the tiny country lane that leads to this potential development is already under huge traffic constraints as a result of the previous over development of existing farm buildings.

Envilles Farm – OBJECTION – The proposal will be an overdevelopment of the site, will cause harm to the openness of the Green Belt and will harm the appearance of the area. The increase in traffic will cause significant harm to the existing vehicle situation and there will be harm to the existing trees on the site.

NO ADDRESS GIVEN – OBJECTION – The proposal is an overdevelopment of the site and will cause excessive traffic movements.

NO ADDRESS GIVEN – OBJECTION – The proposal will cause harm to the Green Belt and will cause a significant increase in traffic.

NO ADDRESS GIVEN – OBJECTION – The site has only a small access road and the increased traffic will be dangerous.

PARISH COUNCILLOR AND RESIDENT OF LITTLE LAVER – OBJECTION – This is an overdevelopment in the Green Belt, the road is unsuitable, there will be harm to neighbours.

### **Issues and considerations**

The main issues to consider are the potential impacts on the Green Belt, the living conditions of neighbours, the design of the proposal in relation to its setting, land drainage issues, land contamination, trees and landscaping issues, parking and access and any other material considerations.

#### **Green Belt**

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development in the Green Belt should be refused planning permission unless very special circumstances can be demonstrated which clearly outweighs the harm caused.

However paragraphs 89 and 90 of the NPPF give certain exceptions to inappropriate development, one of which is the:

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



This is a further application to a previous approval of planning permission which allowed the demolition of the existing building and the erection of a single detached dwelling (EPF/1338/16). Within that proposal the Council accepted that the site constitutes previously developed land as the building is currently used for B8 storage purposes and there is no reason to take a different view within this application. Indeed from a site visit it was clear that the site was used for storage purposes rather than as an agricultural building.

Whilst the building is previously developed land, the proposed redevelopment must not have a greater impact on the openness of the Green Belt or to the purposes of including land within it.

The current building has a floor area of 1008sqm and a maximum ridge height of 7m. The replacement dwellings will have a ridge height of 6.2m and each one will have a floor area of 202sqm which amounts to 606sqm in total. This is a reduction in built form in the Green Belt of around 40% and as a result, clearly this proposal will have a significantly lesser impact on the openness of the Green Belt than the existing building. The development therefore comfortably falls within this exception to inappropriate development in the Green Belt and therefore very special circumstances are not required to justify the development.

To ensure there is no excessive harm to the Green Belt, it is considered reasonable and necessary to remove Class A and B Permitted Development Rights to ensure the Council retains control of future development of the site.

#### Living conditions of neighbours

The Dairy Barn and The Cottage are residential dwellings located to the north of the site and whose rear gardens are currently adjacent to the existing building. The proposed dwellings are of a far smaller scale than the existing building and therefore in the context of the existing building on the site it is not considered that there will be any harm to the living conditions of these neighbours due to the development.

The neighbours have raised concern that the introduction of three new dwellings will cause a substantial increase in the number of vehicle movements on the private lane, however it is not anticipated that there will be any significant harm to the living conditions of the neighbours as a result of this proposal.

#### Design

The new dwellings will have a very shallow pitched roof which has very little architectural merit, but which bears some resemblance to the existing building on the site. The new dwellings will also be located some distance from the main public carriageway and will be accessed from a private road and consequently it will not be overtly visible from public viewpoints. Weight is also attributed to the previous consent where planning permission was granted for a very large single dwelling, which proposed a far more incongruous and bulky design. It is considered that this new proposal will be an improvement to this currently extant planning permission.

As a result it is considered that there will not be significant harm to the character or appearance of the area and the proposal is considered to comply with Local and National design policy.

#### Land drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is required

It is also necessary to assess details of foul and surface water discharge and these issues can be secured through the use of planning conditions.

#### Highways and parking

The new dwellings will be served by an existing private road and the Essex Highway Officer has no objection to this as the introduction of three new houses will not cause an excessive number of vehicle movements over and above the existing situation.

In terms of parking, each dwelling has a substantial area for the parking of cars and therefore no concerns are raised.

#### Trees and landscaping

The Tree and Landscape team have objected to the proposal on the grounds that there have not been any submitted tree reports and that there are trees adjacent to the moat on the western end of the application site. Despite this objection, the edge of the moat is around 30m from the front elevation of the proposed new dwellings and there was no objection raised to the previous approval which is still an extant consent. In any event it is considered in this instance that these adjacent trees can be safeguarded through the use of planning conditions.

#### Land Contamination

Due to its historical farm use and the presence of electricity sub-station, tanks and infilled moat, there is the potential for contaminants to be present over all or part of the site.

Domestic dwelling gardens are classified as a particularly sensitive proposed use and no assessment information has been provided with the application, it will be necessary for the risks to be investigated, assessed and where necessary remediated by way of condition.

#### Archaeology

The Essex Historic Environment Record (EHER) shows that Envilles Farm is a medieval moated site, that subsequently became the site of a 19<sup>th</sup> century model farm (EHER 4146-7, 15449). In addition the route of a Roman road is thought to cross the development area (EHER 4207). It is possible therefore that the proposed development will impact on archaeological remains relating to the origin or development of the site. The use of a planning condition can ensure that there will be no loss of historic remains of intrinsic interest.

#### Conclusion

The proposal is not inappropriate development in the Green Belt being that it is previously developed land by definition and this proposal will have a significantly lesser impact on the openness of the Green Belt than the existing building. It will not harm the living conditions of the neighbours, the design is acceptable and all other considerations are satisfied. 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 564 371**

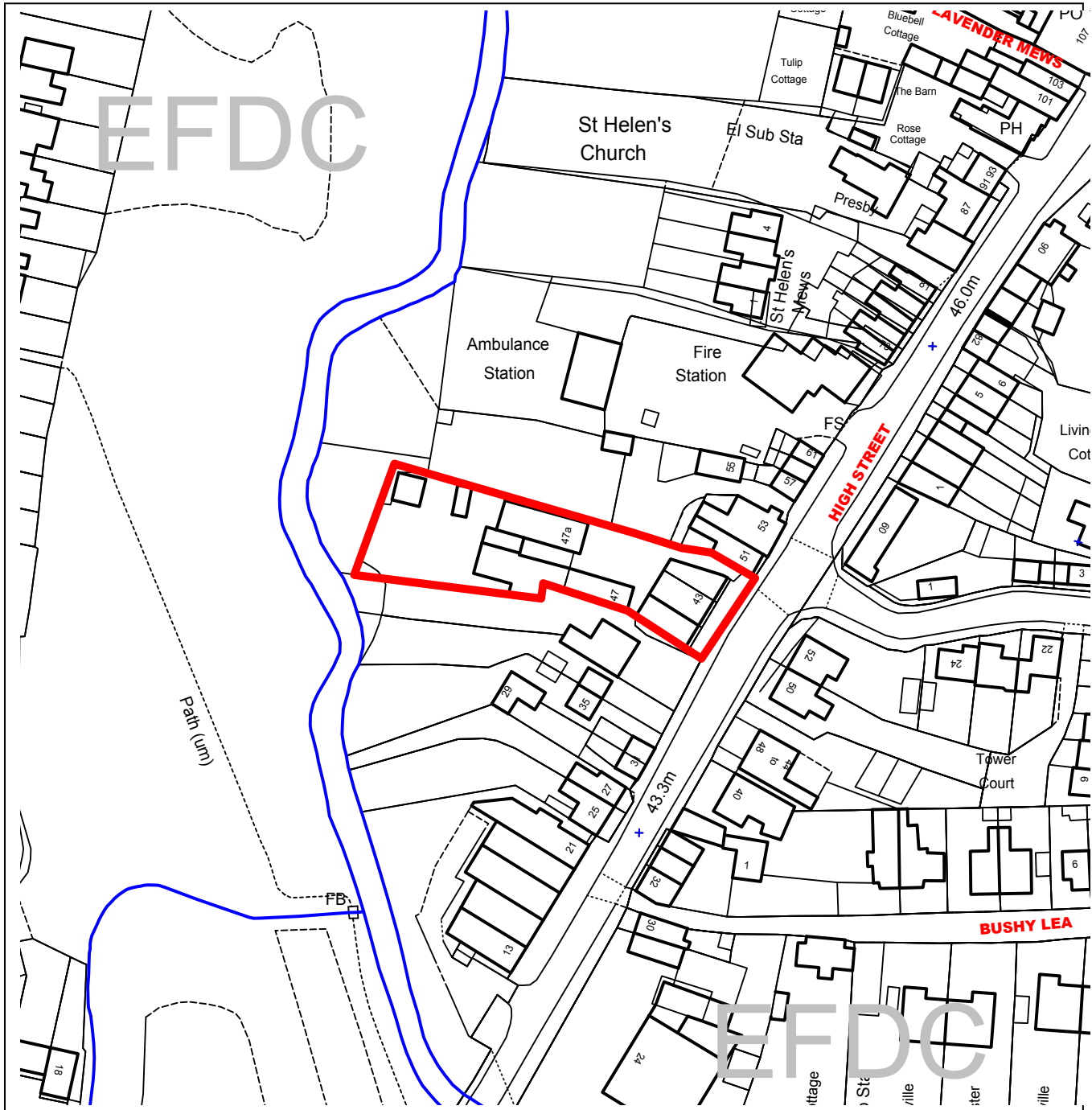
or if no direct contact can be made please email: [contactplanning@eppingforestdc.go.k](mailto:contactplanning@eppingforestdc.go.k)

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# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0072/17
Site Name:	47 High Street, Ongar, Essex, CM5 9DT
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0072/17
<b>SITE ADDRESS:</b>	47 High Street Ongar Essex CM5 9DT
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Andrew Taylor
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed demolition of existing offices and workshops at the rear of the site and replacement with a terrace of five houses.
<b>RECOMMENDED DECISION:</b>	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=590833](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590833)

**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: 7212 - 02, 03A, 04A, 05A, 06A, 07A, 08, 09, 10, 11 and 12A
- 3 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the local planning authority. The works as approved shall thereafter be fully undertaken prior to commencement of any construction works, including the construction of foundations.
- 4 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]

- 5 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]
- 6 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]
- 7 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.
- 8 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.

- 9 A bat survey will be carried out on the buildings prior to the commencement of any works on the site, in accordance with Natural England guidelines for such surveys. Should this survey reveal the potential for bats to be present in the buildings, a further dawn/dusk emergence/re-entry survey shall be undertaken. Should this reveal the presence of bats roosting in the buildings, details of measures for protection of the native population, including a copy of an appropriate licence obtained from Natural England, shall be submitted to and approved by the Local Planning Authority. All works recommended in the report approved shall be fully implemented and appropriate certification from a recognised body of said compliance shall be submitted prior to first occupation of the dwellings hereby permitted.
- 10 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, and details of proposed finished floor levels within the buildings. The development shall be carried out in accordance with those approved details.
- 11 No development shall have taken place until samples and details of the types and colours of all external finishes to the buildings hereby approved 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.
- 12 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 (including works to the retained boundary wall including strengthening and coping details);, car parking finishes; 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.

- 13 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.
- 14 Prior to the commencement of development other than groundworks, details of external lighting within the site boundaries shall be submitted to and approved by the Local Planning Authority. All works as agreed shall thereafter be fully implemented prior to first occupation of the dwellings hereby permitted.
- 15 Prior to the commencement of development other than groundworks, details of the design of cycle stores, including security measures, shall be submitted to and approved by the Local Planning Authority. All works as agreed shall thereafter be fully implemented prior to first occupation of the dwellings hereby permitted.
- 16 Prior to the commencement of development other than groundworks, details of the layout of refuse stores shown on the approved plan shall be submitted to and approved by the Local Planning Authority. All works as agreed shall thereafter be fully implemented prior to first occupation of the dwellings hereby permitted.
- 17 A minimum of 1 bat brick per house will be incorporated into the buildings. Plans of locations and types of bat bricks to be used shall be submitted to and approved by the Local Planning Authority prior to the commencement of works other than groundworks, and thereafter completed in accordance with the agreed details prior to first occupation of the buildings hereby permitted.
- 18 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.
- 19 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 20 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 21 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) "Flood Risk advice accompanying the application, produced by EAS. In particular, the scheme shall be carried out in accordance with the compensatory flood storage measures detailed



within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 22 All first floor windows in the southern elevation of units 1 -4 inclusive hereby approved shall be finished in obscure glazing and non-opening below 1.7m above finished floor levels at first floor, and shall be permanently retained in that form.
- 23 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 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. In addition, the application is before this Committee since it has been 'called in' by Councillor Keska (Pursuant to Part 3: Scheme of Delegation (Appendix 4) – Delegation to Officers from Full Council (Appendix A – Matters to be determined by the relevant committee)*

#### **Description of Site:**

The application site is known locally as Taylors Yard and lies to the west of the High Street covering around 0.14 hectares. The main building lies along the southern site boundary for most of its length and comprises garages, stores and offices. To the northern side lie single storey workshops. There is an undercroft access to the rear part of the site which includes a further store and parking areas; it is noted that all open areas on the site are hard surfaced. The site is used by a building company.

Vehicle access is provided from High Street by a single width access on the northern site boundary adjacent to the frontage building of 41-45 High Street, a 3 storey building comprising shops on the ground floor and flats above accessed by an external staircase to the rear.

The site is adjoined to the north and south by residential properties, those to the south are conventional street fronting houses. To the north behind the frontage properties lies a communal parking area with a dwelling fronting on to this, beyond the parking area is a communal landscaped area.

The site falls from front to rear and the lower western boundary abuts Cripsey Brook which lies within the Green Belt. The site is also within the Ongar Conservation Area and adjacent buildings at 39, 51 and 53 High Street are all individually listed.

#### **Description of Proposal:**

The application proposes residential redevelopment of the site comprising of five, two storey dwellings. Four x two bedroom dwellings are proposed extending east west along the site length, stepping down to reflect changes in levels, and one x three bedroom unit is proposed to the

northern part of the site, this unit has the third bedroom over the undercroft serving the rear parking area.

All units have private gardens and four units are accessed from the central courtyard, unit 4 having access from the rear parking court. A car port for two vehicles is proposed adjacent to unit 1 and 8 parking spaces are located at the rear. Provision is indicated for bin store adjacent to the car port and cycles stores in front of unit 5

**Relevant History:**

None relevant

**Policies Applied:**

*Adopted Local Plan:*

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
HC1	Scheduled monuments and other archaeological sites
HC6	Character, appearance and setting on Conservation Areas
HC7	Development within Conservation Areas
HC12	Development affecting the setting of listed buildings.
NC4	Protection of established habitat
RP4	Contaminated land
H2A	Previously developed land
H3A	Housing Density
U2A	Development in Flood Risk Areas
U3B	Sustainable drainage systems
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
ST4	Road safety
ST6	Vehicle parking

*NPPF:*

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.

*Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP4	Place Shaping

SP6	Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM5	Green infrastructure – design of development
DM7	Heritage assets
DM9	High quality design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable drainage systems
DM21	Local environmental impacts, pollution and land contamination

### **Consultation Carried Out and Summary of Representations Received**

32 neighbouring properties were consulted on both the original application and amended scheme.

Responses received: In response to the original scheme, 6 OBJECTIONS were received from residents at 35, 37, 39, 51, 53A and 55 HIGH STREET. Common themes raised by these objections included:

- Concern that the proposals constitute overdevelopment of the site.
- Traffic and parking issues – concerns at the level of parking provided and the safety of the access, residents refer to previous applications for frontage parking at 35 High Street (early 2000's) residential development at the rear of 51-57 (early 1990's), both of which were refused at appeal, inter alia, on highway grounds.
- Issues around flooding and sewage systems – objectors comment that rear gardens are in the flood plain for the Brook and this has flooded in the past. Concerns are raised that this may be exacerbated by the development. Further concerns about the capacity of the local sewage system are not material to the planning application.
- Impact on local wildlife, particularly creatures living in the Cripsey Brook corridor.
- Impact on the conservation area in general terms arising from the character of the development and its scale and intensity.
- Concerns at loss of amenity from external lighting in terms of the impact on neighbours and on local wildlife.
- Overlooking and loss of light. Residents to the north of the site initially raised issues around overshadowing and direct overlooking. Residents to the south (35, 37 and 39) made particular reference to their desire to see the flank wall of the existing two storey building on the boundary retained to maintain privacy and screening which they argued would not wholly prevent overlooking of gardens and their properties but would lessen the impact.

Subsequently, officers are aware the agent approached local residents to explain the scheme and objections from neighbours to the north have not been forthcoming on the revised plans.

On re-consultation on the revised plans, residents at 35 and 39 HIGH STREET responded. Both had OBJECTED that alterations to the boundary wall, which sees part of this being removed, failed to address their earlier objections and increased the degree of overlooking that would result.

ONGAR TOWN COUNCIL OBJECTED to the application on the following grounds:

- a) Lack of privacy to neighbouring property.
- b) Possibility of flood risk.
- c) Safety concerns of the access from site to the High Street.
- d) Preservation of wildlife that exists in the area.
- e) Capacity of existing sewers for the new development.

## **Main Issues and Considerations:**

In terms of the Council's sustainable development objectives, the proposals meet many of the objectives. The site lies within the existing built up area and is sustainable in terms of access to local services and facilities. In the context of the immediate surroundings, it removes what is now a non-conforming commercial yard with potential for intensive and intrusive use and replaces this with a more compatible residential use. The scheme provides a relatively low density development (36 dwellings per hectare) which is entirely appropriate to this location. Officers are therefore satisfied that both the principle and level of development are acceptable.

The scheme has developed with particular regard to the location of the site within the conservation area. The scheme demonstrates a good understanding of its location and an adequate adaptation to its site. Situated at the rear of High Street, where once were the ancillary buildings, the development remains subordinate to No.43 respecting the building hierarchy, and at the same time, the historic layout of the medieval town. The scheme also follows the course of the terrain that slopes towards Cripsey Brook, gradually stepping down. The terrace of houses with red clay tiled pitch roofs will blend with the Chipping Ongar traditional roofscape providing attractive views from the brook's banks. Both the landscaping scheme and material palette, featuring high quality traditional materials, such as timber, render, brick and tiles would complete its integration. Thus the proposal is considered appropriate to the wider conservation area context.

The scheme proposes 10 parking spaces and thereby meets adopted standards; provision for cycle storage is also indicated and can be dealt with by condition. Much comment has been made about the suitability of the site access for the level of vehicular activity proposed. The access is single vehicle width and around 2.6metres wide at its narrowest. The Highway Authority has commented:

*Whilst it is recognised that the accessway is constrained it is existing and does serve an existing commercial use which is not controlled by planning conditions. The proposed scheme will reduce the amount of vehicle movements below the existing use and will greatly reduce commercial vehicle movements through this narrow access to the benefit of all highway users. The development is proposing appropriate parking provision and also has a large turning area. Consequently there will be no detriment to highway safety or efficiency as a result of the development.*

Officers support this view that the access is suitable for a development of this scale.

In terms of the amenity of existing residents, the issues arising relate predominantly to the neighbouring properties to the south. The gardens at these properties are set at a lower level than the site (where levels have been built up by previous resurfacing) such that close to the dwellings there is around 1 metre difference, gradually reducing towards to the rear. The existing office building at two storeys high is built along this boundary and does form a significant and substantial barrier having no windows or openings in this elevation. In some circumstances, such a wall (around 25m long and up to 6m high) may be considered intrusive, but it lies to the north of neighbours and its function in screening activity on site and as a result its amenity value to the neighbouring occupiers is acknowledged.

The application proposes partial removal of the wall. The section closest to the frontage buildings where it forms part of the staircase to the existing flats is retained at full height, 1 metre is removed over a length of around 8 metres, 2 metres over the next 8 metres and 3 metres from the remainder. Officers have supported this approach having regard to a number of factors. Firstly, it must be recognised that the wall is part of a building and not a freestanding structure and therefore this will require some additional structural work to ensure its safety when the rest of the building is

removed. The car port indicated at the eastern end contributes to this and further support piers are proposed along the length. Officers have also had regard to future residents of the new development; the wall lies on the southern boundary of these properties and the wall lies within at some points 3metres of the rear of the new dwellings.

All ground floor windows in the new dwellings will be sufficiently screened by the boundary wall to ensure that, taking account of levels changes, there is no direct overlooking. At first floor, all windows in this side of the building are to bathrooms and stairways only, all bedroom windows being on the north or west elevations, as a result the rear first floor windows can be conditioned to be obscure glazed and largely fixed. Taking account of all relevant considerations above, officers consider that the proposals represent a reasonable compromise and would not result in overlooking or substantial loss of amenity to the neighbours to the south.

The neighbours to the north, 51, 53A and 55 have not objected on the revised plans and the amenity grounds for this are evident. The proposed buildings are a minimum of 20metres from the closest dwelling to the north and lie at an angle of not less than 45 degrees, thereby ensuring no direct impact in terms of overshadowing or overlooking.

Concerns are also raised in representations in regards flood risk and impact on local wildlife. On the former, part of the site does lie in the flood plain and a flood risk assessment has accompanied the application which includes recommendations for compensatory flood storage and on finished floor levels within the buildings. The Environment Agency have been consulted thereon and have accepted the findings, subject to conditions relating to the remediation measures above being completed.

On the latter, the site is wholly hard surfaced and fenced and would not be expected to provide habitat in its existing form, other than the possibility of bats within the existing buildings (a condition requiring a survey is recommended, together with the use of bat bricks in the development. New landscaping is being proposed around the boundaries to the parking areas, including areas for tree planting and this would be consistent with the open land behind.

### **Conclusion:**

The application proposes a low density residential development in a highly sustainable location within the existing built up area. While the loss of an employment site from the area is noted, that use has potential to affect amenity and is generally incompatible with the prevailing residential character of the immediate neighbours.

The built form has due regard to the location of the site in the conservation area being subordinate to the frontage building, following the natural ground level and using traditional materials. The scheme includes an appropriate level of car parking which is considered to have less impact on the road network than the existing use, notwithstanding the limited width of the access.

Primary amenity considerations concern the potential impact on neighbours to the south. Officers would contend that the siting and scale of the buildings do not directly impact on adjoining properties and the siting of only bathroom and stairwell windows above ground floor fully addresses concerns about overlooking. Alterations to the boundary wall provide a balance between the desire of neighbours to retain the additional screening, the structural integrity of the wall as a freestanding structure (not as part of a building) and ensuring adequate daylight to the rear gardens of the new dwellings.

As a result, and subject to appropriate conditions, including matters relating to site drainage, contamination and withdrawal of permitted development allowances. The proposals are therefore

considered to be consistent with adopted and emerging policy and are 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 before the meeting at the latest:***

***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

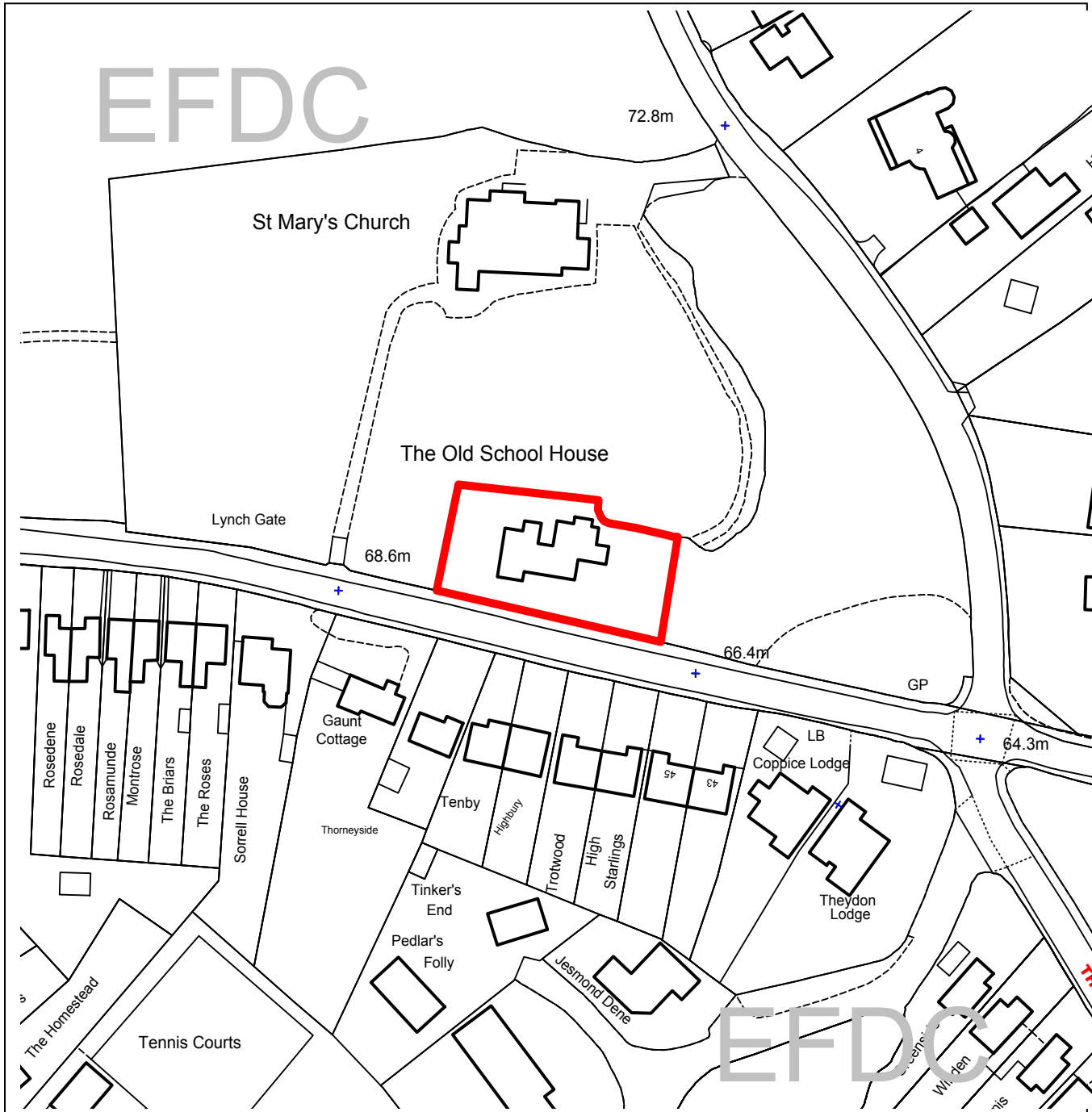
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0811/17
Site Name:	The Old School House, Coppice Row, Theydon Bois, CM16 7DN
Scale of Plot:	1/1250



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0811/17
<b>SITE ADDRESS:</b>	The Old School House Coppice Row Theydon Bois Essex CM16 7DN
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr P Gauntlett
<b>DESCRIPTION OF PROPOSAL:</b>	The extension and conversion of the existing building into 2 dwellings (2 x 5 bed) including retention and rebuilding of existing masonry, a single storey side extension, loft conversion and alterations to elevations, together with the provision of a second vehicular access and two car spaces per dwelling (revised scheme to previously approved EPF/2452/12).
<b>RECOMMENDED DECISION:</b>	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=592941](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592941)

**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 materials to be used in this development, and the details and finishes proposed for the windows and openings on the front elevation, shall be the same as previously approved in the Approval of Details Application ref EPF/0289/16.
- 3 Details and finishes of all other windows on the side and rear elevations shall be submitted to and approved by the Local Planning Authority before works commences on this component of the development. Once approved these details shall be implemented in full.
- 4 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 to H of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority. For the avoidance of doubt any painting and/or rendering of walls on the building would require planning permission.

- 5 No walls or enclosures shall be built along the front boundary, or to the front of the walls of the property, without the approval in writing of the Local Planning Authority.
- 6 Details of the boundary enclosures and vegetation, including the hedge to be planted along the front boundary, shall be submitted to and approved by the Local Planning Authority before any work commences on these aspects of the development. Once approved these details shall be implemented in full, and retained on a permanent basis.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 The vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 10 There shall be no discharge of surface water onto the highway.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 12 The development hereby permitted will be completed strictly in accordance with the approved drawings numbered p02 b; p08 a; p09; p06 a; p07 a; p05 a; p04; p03; p01 a; 5 plans numbered e01 to e05, and a 1/1500 site location plan.

*This application is before this Committee because the recommendation for approval is contrary to more than two objections received from neighbours which are material to the planning merits of the proposal - (pursuant to the constitution, part three: Planning Services scheme of delegation of council function, appendix 3..*

**Description of Site:**

A 19<sup>th</sup> century single storey building with high ceilings. It was formerly used as a school but was last used as a watch makers office and store. The site lies in the Green Belt but adjoins the urban settlement of Theydon Bois with houses lying opposite on the other side of Coppice Row. The building is a locally listed but does not lie in a conservation area. A section of the existing building has regrettably been removed because of structural issues encountered when works commenced on site to implement the previous approval EPF/2452/12.

**Description of Proposal:**

Conversion and extension of existing building into two 5 bedroom dwellings, including retention and rebuilding of existing masonry, a single storey side extension, loft conversion and alterations to elevations, together with the provision of a second vehicular access and two car spaces per dwelling (revised scheme to previously approved EPF/2452/12).

**Relevant History:**

EPF/964/06 – Approval granted for a single storey side extension to offices.

EPF/1873/08 - Approval granted for a revised proposal for a single storey side extension to offices.

EPF/2250/11 - The above 2008 approval for a side extension to offices was renewed for a further 3 years.

EPF/632/12 - This application proposed conversion to 4 flats including a side extension and dormer windows at first floor. This application was withdrawn after officers indicated that it was unlikely to be approved – because of the extent of alterations proposed - particularly dormer windows; 4 dwellings was an overdevelopment of the site in the Green Belt, private gardens were too small, and parking and access arrangements were unacceptable.

EPF/2452/12 – approval granted for conversion of building into 2 dwellings (one 4 bed and one 3 bed) including a single storey side extension, loft conversion, and alterations to elevations, together with the provision of a second vehicular access and 2 car spaces per dwelling.

**Policies Applied:**

*Adopted Local Plan:*

- GB2A – Development in the Green Belt
- GB8A - Change of use or adaption of buildings
- GB9A – Residential conversions
- DBE9 – Loss of amenity.
- ST4 – Road safety.
- ST6 – Vehicle parking.
- HC13A – Local list of buildings

*NPPF:*

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.

*Draft Local Plan:*

At the current time, only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

- DM9 - High Quality Design
- DM2 Landscape Character and Ancient Landscapes
- T1 - Sustainable Transport Choices

**Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – This application has generated a significant amount of local public concern. There is, therefore, a real need to ensure that the new development both preserves and enhances the historical fabric of the building and the natural environment of its sensitive setting. The development is also located in a proposed Conservation Area.

We have no objection to this proposal subject to the following conditions:

1. We note that the proposed car parking spaces on the plan do not meet current standards. Bearing in mind these are two 5 bed properties this is likely to cause pressure on available parking space in front of the properties. To screen the car parking the hedge at the front of the property should be permanently retained at an appropriate height. This ideally should be a mixed native hedge to 'link' with the hedge outside the Churchyard and that which runs further along Coppice Row, outside the Church Hall and Village Hall.
2. The large 'arched' windows on the front elevation are a key architectural feature of the building. These should be kept clear glazed in perpetuity.
3. All Permitted Development Rights to be removed. To include any built structure in a forward position of the dwellings. A low brick wall, for instance, in this location would be out of character and detract from the visual amenity.
4. Control to be exercised over the height of the proposed fences to the side of the site – where these would be positioned forward of the principal elevation and adjoin the frontage.
5. For the protection of visual amenity of the property and future occupiers, the soft landscaping indicated on the plan should be retained by condition.
6. The retention and rebuilding of existing masonry should be conditioned.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – are concerned that much of the building has disappeared. We do not object as such but concur with the conditions proposed by the Parish Council, and that these conditions should be scrupulously adhered to.

THEYDON BOIS ACTION GROUP – Object to this application. The applicant should adhere to the last set of approved plans. The site is Green Belt land and is in a highly sensitive location adjacent to the churchyard and war memorial and Epping Forest land. There would be an unacceptable over intensification of domestic use of this sensitive site if it were developed in to 2X5 bedroom units instead of the previously granted 1x3 and 1x4 bedroom units and this would adversely impact on the tranquillity of the site, and importantly, its sensitive surroundings.

NEIGHBOURS – 18 properties consulted and 14 objections have been received from the following addresses- 2 PIERCING HILL, 23 DUKES AVENUE, 68 FOREST DRIVE, 13 PURLIEU WAY, THE LODGE HOUSE - THRIFTS HALL, 7 WOODLAND WAY, SORRELL HOUSE -COPPICE ROW, and 7 emails received where no address has been given. Many of these objections are concerned with the demolition of much of a landmark building; that provision of two 5 bed dwellings is intensive and out of character on a restricted site close to sensitive features such as a churchyard, war memorial, and the Forest; that removal of part of the building to gain a more intensive development is not acceptable; and that the previous proposal for one 4 bed and one 3 bed dwellings should be adhered to.

EFDC CONSERVATION SECTION - The Old School House is a locally listed building of particular significance being of historical, aesthetic and high communal value. In 2013, permission was granted for the conversion and extension of the building to form two dwellings (1x4 beds and 1x3 beds). It was considered at the time that the scheme would provide a viable and secure future for the building and will ensure its continued maintenance and repair without affecting neither its character or local listing.

However, the LPA has been informed by concerned neighbours last January of the ongoing demolition of the building. The demolition of the original building which was not planned as part of the granted permission (EPF/2452/12) significantly harms its character and will potentially affect its locally listed status as one of the criteria is the completeness/authenticity. It is however worth noting that, under statutory terms, a locally listed building can be demolished without any approval and that therefore the loss of historic fabric cannot legally justify on its own the refusal of an application although the LPA' Conservation Team would always encourage, recommend and strive for its retention.

Nevertheless, the execution of works having to be in accordance with the plans approved as part of the granted permission, the LPA required a revised application to be submitted, which is the object of this comment.

In most aspects, the current scheme is similar to the original approved in 2013, however it differs in some ways. First and foremost, the current application involves the rebuilding of walls demolished for the reasons stated in the structural report (submitted as part of this application), and is therefore no longer a simple conversion retaining the building as originally constructed. The rebuilding is considered acceptable as it has been agreed with the owner, Mr Peter Gauntlett, that the walls would be rebuilt with bricks salvaged from the demolition works which would represent the best solution to restore the reading and understanding of the building as it was originally conceived.

The new scheme is to form two five bedrooms dwellings instead of the initial four bedrooms and three bedrooms residential accommodations. As this change does not cause any increase of the previously approved footprint (in fact a slight reduction), it is not seen as an issue.

Additionally, the new scheme introduces a small portion of flat roof which is considered acceptable as it will not affect the global building form and will not cause harm to the general appearance of the building. Another significant modification consists in lowering the sills of the existing windows to create large openings on the rear and side elevations. The new openings are perfectly in keeping with both the character and appearance of the original building.

Finally, the introduction of a stretcher bond for the execution of the masonry of the extension part of the building would offer a visual transition and benefit the reading of the successive phases of the building history.

As a substantial part of the building has been already demolished, our objective is to find the best alternative to rebuild it whilst reinstating its original appearance and character. For the reasons explained above, the current scheme appears as the best alternative and is therefore supported by the Conservation Team.

If this application is approved, conditions should ensure:

- The materials to be used to not deviate from the materials palette approved under the Application for Approval of Details Reserved by Conditions (EPF/0289/16).
- Details and finishes of the large windows to not deviate from the approved under the Application for Approval of Details Reserved by Conditions (EPF/0289/16).

- Details and finishes (photos, links to website, reference of product) of the new windows and doors to be submitted and approved by the LPA.
- Details and finishes (photos, links to website, reference of product) of the boundaries treatment (hedges, fences and gates) to be submitted and approved by the LPA.
- Details (photos, links to website, reference of product) of the hard and soft surfacing to be submitted and approved by the LPA.

This is supported by policies HC13A of our Local Plan and Alterations (1998-2006).

EFDC TREES SECTION – The applicant has provided a tree report and method statement. We have no objection to this application subject to conditions being imposed requiring details of tree protection and hard and soft landscaping to be submitted and approved.

ESSEX CC HIGHWAYS AUTHORITY – from a highways and transportation perspective the impact of the proposal is acceptable subject to conditions a) proscribing the design and layout of the vehicular accesses, b) requiring no surface water to discharge on to the highway, and c) no unbound material to be used on the accesses within 6m of the front boundary.

**Issues and Considerations:**

The Old School House is a locally listed building. It was constructed in the 1840s and extended in the 1890s and again in 1903. It forms an important group within the village alongside St Mary’s Church. The building is not only an attractive one but it clearly has an historic and social value to many people living in Theydon Bois, some of whom went to school in this building. With these points in mind EPF/2452/12 was granted approval since not only was the building to be retained it also would accommodate a viable use as two dwellings which would provide for its upkeep and repair. In statutory terms it is only a locally listed building – it could therefore have been demolished without any approval, or more likely it could have been left vacant and in disrepair. In this context a balance had to be struck between finding a viable use but without undue alterations being carried out to the building.

It is highly regretted therefore that when works commenced on implementing this previous approval that structural and foundation problems were identified that necessitated the removal of part of the existing building. A structural report has been submitted with this current application supporting the case for this removal. As covered in the Conservation Team’s comments above the new and extended parts of the building will respect the original building in its detailed design, form, and use of materials, and in appearance and character this revised proposal is acceptable. In addition, contrary to what is inferred in some of the objection letters, the footprint of the building is not being enlarged to accommodate more bedrooms – in fact it is being slightly reduced, and additional bedrooms are therefore being created by re configuration of the interior. Consequently, this revised proposal does not have any additional adverse impact on either the appearance, or amenity of neighbouring sites and properties, nor on the openness of the Green Belt.

The Parish Council comments, and some other comments received, request appropriate conditions are attached to any permission. It is agreed that quite a number of conditions are appropriate, and these include the withdrawal of all permitted development rights, including control over any changes to the front elevation, and control over the erection of any walls in the front garden areas.

**Conclusions:**

For the reasons set out above it is recommended that conditional 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:**

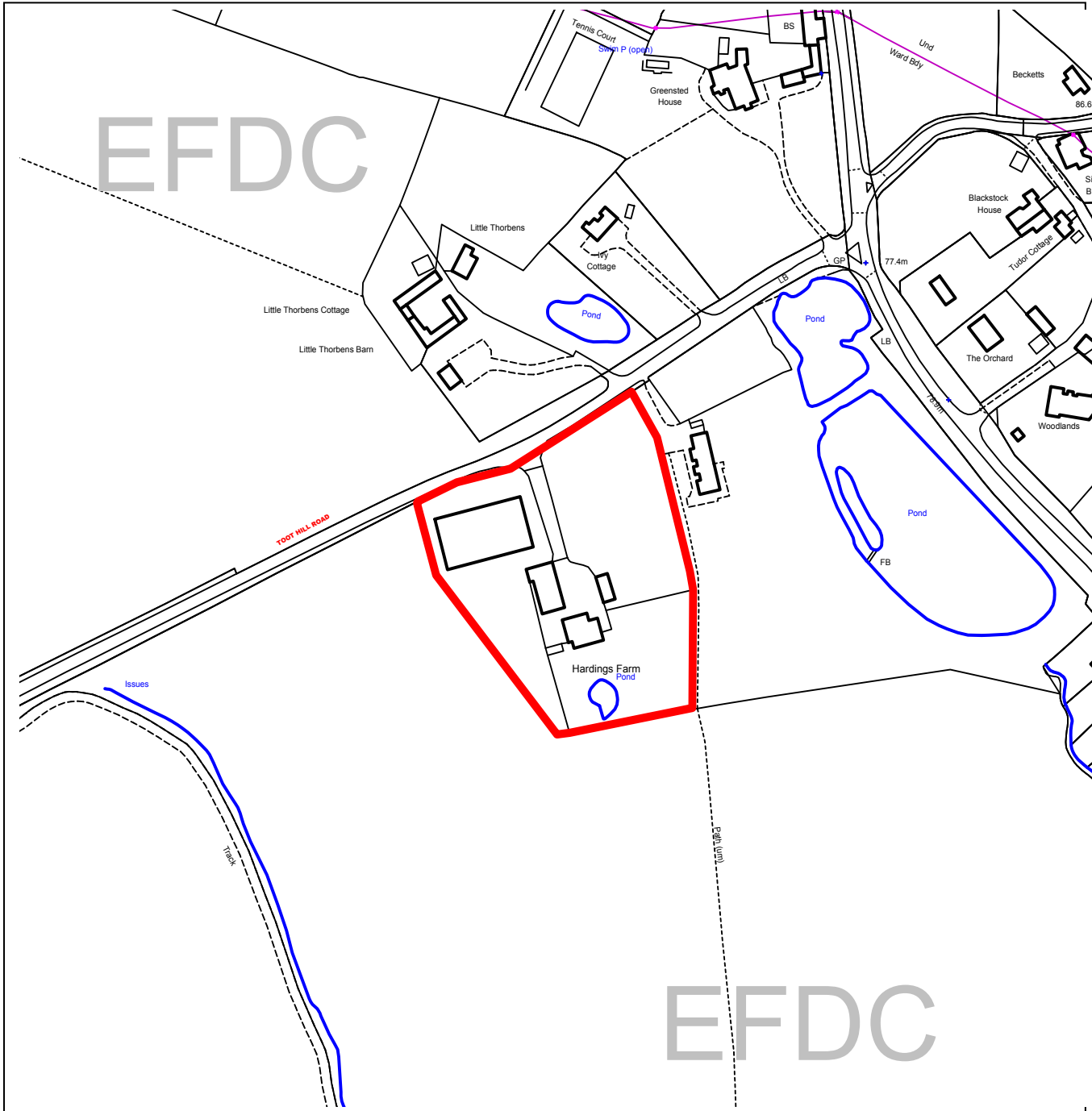
**Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**



# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/0939/17
Site Name:	Hardings Farm, Toot Hill Road, Stanford Rivers, CM5 9LQ
Scale of Plot:	1/2500



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0939/17
<b>SITE ADDRESS:</b>	Hardings Farm Toot Hill Road Stanford Rivers Ongar Essex CM5 9LQ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Andrew Velleman
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement house with altered position of vehicle access.
<b>RECOMMENDED DECISION:</b>	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=593342](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593342)

**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:  
1656/102 Existing Site Plan & Existing Plans  
1656/102 Proposed Site Plan  
1656/101D  
1656/103D
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Within three months of the creation of the new vehicular access onto Toot Hill Road, as shown on approved plan 1656/102 Proposed Site Plan, the existing vehicular access, as shown on approved plan 1656/102 Existing Site Plan & Existing Plans, shall be permanently stopped up and the double gates replaced with a non-opening barrier treatment which shall thereafter be permanently retained.

- 6 The built form accommodating the existing house, as shown on drawings 1656/102 and 1656/103D, shall be demolished concurrently with construction of any part of the development as hereby approved. No part of the structure accommodating the existing house shall remain above ground level prior to first use of any part of the accommodation to the house as hereby approved.
- 7 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 or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved 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]
- 9 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 10 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall

be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
  
- 12 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
  
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services Scheme of Delegation, Appendix 3)*

**Description of Site:**

Two storey large detached house, which is situated to the south, off Toot Hill Road in Stanford Rivers. A two storey side/rear extension was added in 1978 to link side shed to the main house. There is also a rear conservatory on site, which would be demolished. There is a double garage to the east of the front driveway. There are also two relatively large agricultural buildings, one

situated to the west of the front driveway and the other to the northwest, rendered in black weatherboards, tiled roof forms and visible on approach from the main gated entrance.

The site is within the Green Belt. Not listed or in a conservation area. A public footpath runs to the east of the site.

**Description of Proposal:**

Replacement house with altered position of vehicle access.

**Relevant History:**

EPF/0943/16 - Two storey front and side/rear extension. Raising/enlargement of side first floor roof to facilitate creation of a new bathroom. Installation of rear balcony. – Granted 02/06/2016

**Policies Applied:**

*Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
CP4	Energy Conservation
CP5	Sustainable Building
GB2A	Development in the Green Belt
GB15A	Replacement Dwellings
DBE1	Design of New Buildings
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
LL2	Inappropriate Rural Development
ST4	Road Safety

*NPPF:*

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.

*Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9	High Quality Design
DM10	Housing Design and Quality

**Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 4 and no response have been received from neighbours.

TOWN COUNCIL: RESOLVED TO OBJECT. Object to this application in particular due to the bulk and existence of proposed rooms in the roof which would be likely to be:- overbearing in size

on the street scene and its grade II listed neighbours because of its elevated position DBE10; its effect on the openness of the Green Belt GB7A and GB15A; and possible 'harm to the settings' of its neighbouring Listed Buildings on the other side of the road HC12.

### **Main Issues and Considerations:**

The main issue is the impact to the openness to the Green Belt. This is because the proposed house would be set in a generous plot such that no material adverse impact to any neighbour is envisaged; the nearest neighbour is some 60m away to the northeast with a hedge of conifer trees along the eastern boundary of the application site.

Design, highway matters and the comment of the Town Council are also issues addressed below.

### Green Belt

Policy GB2A states that planning permission will not be granted for the construction of new buildings in the Green Belt unless it is one of a number of circumstances one of which is a replacement for an existing dwelling and in accordance with Policy GB15A. Policy GB15A states that replacement dwellings on a one for one basis may be permitted subject to three criteria. The NPPF sets out essentially the same approach at paragraph 89, stating that an exception to what is inappropriate development is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

From records (EPF/0943/16) it is understood that volume of the existing house was 1970 cubic metres prior to planning permission being granted for a two storey front and side/rear extension with a volume of 1848 cubic metres. These figures sum to 3,818 cubic metres.

The proposed house would have a volume of some 1,952 cubic metres.

Given the mass of built form proposed and the history of the site, it is considered that the principle of the development is acceptable with regard to policies GB2A and GB15A.

### Design

The proposed house would be to a neo-Georgian style and the proposed house is considered to be high quality design that would improve the quality of its environment as required by policy CP2.

### Highway matters

The proposal includes moving the vehicular access to the site further to the east, creating a sweeping approach to the house rather than a direct approach as at present. The local highway authority has not raised an objection to this application. Subject to a condition to stop up the existing access when the new access is implemented, the re-positioning of the vehicular access is considered acceptable.

### Other matters

With regard to the comment of Ongar Town Council, the proposed house would indeed have a substantial substance but, as referred to above, not materially greater than the house as could be built with the benefit of the recently approved side extension. The proposed house would have a crown roof, though it is considered by officers that this would be successful in appearing as a hipped roof. The crown roof would have dormers facing all four directions but, given the relatively isolated setting of the position of the house, this in itself is considered acceptable. The impact on the streetscene is not a fundamental issue in this case; the house would be set back some 67m from Toot Hill Road. The Listed Buildings are even further away, on the far side of Toot Hill Road.

Little Thorbens is some 140m away to the north and Little Thorbens Cottage is some 150m to the north.

**Conclusion:**

The proposal would accord with adopted Green Belt policy and conform to the thrust of Government guidance. Design is a subjective matter but the proposed house is considered to represent an improvement to appearance. There will be no impact at all on the setting of the listed buildings, or undue harm on amenity. The comment of the Town Council is noted, but given little weight, given the secluded nature of the site such that these comments are not supported. The application is recommended for approval.

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

***Planning Application Case Officer: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

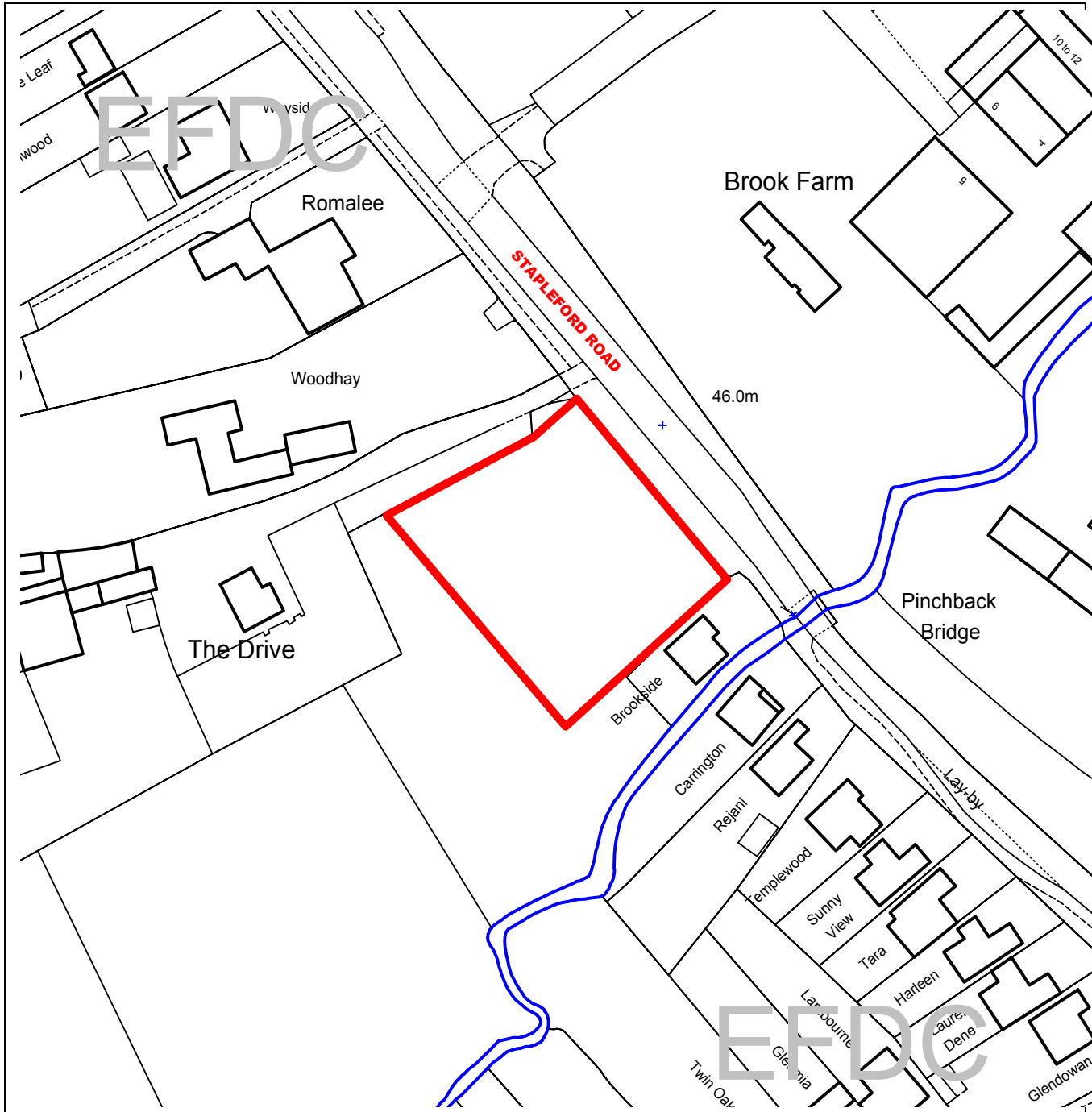
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/0781/17
Site Name:	The Drive, Stapleford Road, Stapleford Abbots, RM4 1EJ
Scale of Plot:	1/1250



**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0781/17
<b>SITE ADDRESS:</b>	The Drive Stapleford Road Stapleford Abbots Essex RM4 1EJ
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Dave Dowsett
<b>DESCRIPTION OF PROPOSAL:</b>	Residential development comprising 6 No. semi-detached houses.
<b>RECOMMENDED DECISION:</b>	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=592853](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592853)

**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:  
7897-01  
7897-02C  
7897-03C  
7897-06B  
7897-14
  
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
  
- 4 Prior to first occupation of the development hereby approved, the proposed window openings and any glazing to the side door to the southern most house on plot 1 in the south-eastern flank elevation, to the utility room and the bathroom shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

- 5 No development shall take place until 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.
- 6 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 10 Prior to first occupation of the development the existing and proposed vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the accesses at their junction with the highway shall not be less than 5.5m for the first 5m from the edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 11 Prior to first occupation of the development the Stapleford Abbots gateway feature shall be relocated a minimum of 2.5m from the edge of the carriageway.

- 12 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 13 There shall be no discharge of surface water onto the highway.
- 14 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
- 15 Prior to first implementation of the planning permission hereby granted an ecological enhancement scheme shall be submitted to, and approved in writing by, the local planning authority. The plan shall include recommendations made in the Phase 1 Ecological Survey prepared September 2015 (t4 ecology Ltd) and include recommendations in Annex 5. These include:
- i) New planting/hedgerow enhancement
  - ii) Provision of bat and bird boxes
  - iii) Bat sensitive lighting scheme

The scheme as approved shall be implemented prior to first occupation of any of the houses hereby approved.

- 16 No removal of any hedgerow, tree or shrub shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before vegetation is removed and provided the local planning authority with written confirmation that no bird is to be harmed and/or that appropriate measures are in place to protect nesting bird interest on site.
- 17 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.

- 18 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 19 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The site is that of a paddock on the western side of Stapleford Road, just to the north of Pinchback Bridge. The paddock is set between a driveway to a property with a smallholding, known as The Drive, and a chalet style house, known as Brookside.

The site is just outside the village envelope of Stapleford Abbotts; the site is within the Green Belt.

**Description of Proposal:**

Residential development comprising 6 No. semi-detached houses.

The site excludes the existing vehicular access, used by The Drive, onto Stapleford Road although this access is in the control or ownership of the applicant. A new vehicular access forms part of the proposals. The three pairs of houses would be set behind a service road arrangement running parallel with Stapleford Road enabling nearly the entire existing hedge to be retained. The houses would generally respect a front building line with Brookside, the adjoining property to the south of the site.

**Relevant History:**

EPF/2606/15 - Proposed residential development comprising two detached houses and semi-detached pair of houses. – Granted 30/06/2016

**Policies Applied:**

*Adopted Local Plan:*

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

H4A	Dwelling Mix
DBE1	Design of New Buildings
DBE2	Effect of Neighbouring Properties
DBE4	Design in the Green Belt
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL2	Inappropriate Rural Development
LL3	Edge of Settlement
LL10	Adequacy of Provision for Landscape Retention
ST4	Road Safety
ST6	Vehicle Parking

*NPPF:*

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.

*Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Development Strategy 2011-2033
SP4	Place Shaping
SP6	The Natural Environment, Landscape Character and Green Infrastructure
H1	Housing Mix and Accommodation Types
DM1	Habitat Protection and Improving Biodiversity
DM2	Landscape Character and Ancient Landscapes
DM5	Green Infrastructure: Design of Development
DM9	High Quality Design
DM10	Housing Design and Quality
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM18	On site Management of Waste Water and Water Supply
DM19	Sustainable Water Use

**Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 38

Responses received:

BROOKSIDE, STAPLEFORD ROAD – Object, my property purchased following assurance that there would be no development to surround me since this is Green Belt land, this is a flood zone area, drainage and sewerage is inadequate, loss of light, building process will cause noise and other disturbance, increased traffic would be a highway danger, out of keeping, loss of daylight and sunlight which has not been demonstrated that there will be no undue impact through a BRE study.

MISON, BOURNEBRIDGE LANE – Object, over development in our village, on a dangerous piece of road.

PARISH COUNCIL: NO OBJECTION WITH CONDITIONS Observation needs to be centred on flooding risk, flow of traffic (by Highways) and overdevelopment on the site.

### **Main Issues and Considerations:**

The principle of the acceptability of the development within the Metropolitan Green Belt has been addressed by a previous application, for four houses (EPF/2606/15).

Other issues are: impacts on the character and appearance of the area; impact to neighbouring amenity; and impact to trees and landscaping. An assessment as to whether or not the development proposed would constitute sustainable development, as defined in the NPPF, is set out below.

### **Green Belt**

The site is located within the Metropolitan Green Belt, where development is inappropriate unless it benefits from an exception. Paragraph 89 of the NPPF sets out exceptions to when a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. One such exception is limited infilling in villages.

The proposal would infill between existing residential plots fronting Stapleford Road. The southern boundary of the application site would adjoin existing built development in the form of the chalet style bungalow at Brookside. A parade of similar dwellings continues to the south. To the north of the site the character of the village changes with larger properties set back further into their plots. Nevertheless this residential development to the north does not have the character of countryside. The proposed development would be set back from Stapleford Road by a service road arrangement and most of an existing hedge would be retained. It is considered that the proposed development would form an area that would transition between the continuous series of dwellings to the south and the lower density residential development to the north and the site as proposed would sit well in its surroundings in terms of appearance and character.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Given that the NPPF requires a demonstrable five year supply of housing, paragraph 49 of the NPPF is engaged whereby Local plan policies which address the supply of new housing are considered to be out of date. As a result these policies are to be afforded less weight in the decision making process in favour of a greater reliance on the NPPF.

The lack of a five year supply of housing weighs in favour of granting planning permission and is attributed substantial weight in this application.

### **Appearance and character in relation to the streetscene**

The design of the houses echoes the design to the previous application for the site and would be in keeping with a rural setting. The pairs of semi-detached houses provide first floor accommodation within side gable roofs with front dormers and front gabled bays. Side chimney breasts would be set on the flanks of the houses.

The design of the houses and their layout are considered in keeping with the streetscene.

### Impact to neighbours

Residential properties of Woodhay and The Drive are some 50m away and no material adverse impact is envisaged for these two properties.

Brookside has its flank wall some 2m from the side boundary of its plot with the application property. The nearest proposed house would have its flank wall some 2m from this boundary at its closest point (the chimney breast would be somewhat closer). The proposed house nearest to Brookside would extend some 5m deeper into its plot than the main rear elevation of Brookside. However, the nearest proposed house would be orientated to the northwest of Brookside such that no undue loss of direct light would occur – either sun or daylight. Comment received regarding this matter and a need for a BRE study is not supported.

Brookside has a first floor side window facing the application site though having examined records (reference EPF/0931/99) this would appear to be to a landing.

Given the orientation of and relatively limited greater depth of the nearest proposed house in relation to Brookside it is considered that no adverse impact sufficient to justify refusal would result to occupiers of Brookside, the nearest neighbour.

### Trees and landscaping

The Trees and Landscaping team has no objection to the proposal subject to conditions. Countrycare raises no objection to the proposal subject to conditions.

### Other matters

With regards to matters, the Engineering, Drainage and Water Team has no objection in principle subject to condition. Countrycare has considered the application with regard to impact to nature and raises no objection though recommends conditions. The proposed houses would have a very good standard of residential amenity for future occupiers with adequate private amenity space and parking provision.

There are no highway safety issues with this proposal.

### **Conclusion:**

It is considered that the proposal is an exceptional case in Green Belt terms in that it represents infill development, as did the previous approval for 4 houses, which this in effect supercedes. Accordingly 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: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/0567/17
Site Name:	9 Orchard Drive, Theydon Bois, CM16 7DH
Scale of Plot:	1/1250



**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0567/17
<b>SITE ADDRESS:</b>	9 Orchard Drive Theydon Bois Epping Essex CM16 7DH
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr & Mrs Ian Dix
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension, two storey side extension, porch & elevational changes (revisions to EPF/0442/16).
<b>RECOMMENDED DECISION:</b>	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=592276](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592276)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing house, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the side elevation, to the bathrooms, shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three – Planning Services: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application property is a semi-detached house near the corner of Orchard Drive with Morgan Crescent. The application property and its attached neighbour form a pair of houses was of a design characteristic of Theydon Bois, with a cat slide roof to the side elevations creating somewhat restricted accommodation on the first floors; the house has two bedrooms.

The property is not listed or in a conservation area.

**Description of Proposal:**

Single storey rear extension, two storey side extension, porch & elevational changes (revisions to EPF/0442/16).

The single storey rear extension would be 4.0m deep by 7.7m wide and have a flat roof with a height of 3.2m.

The two storey side extension would be 1.5m wide in relation to the existing flank wall though, with the first floor of the side extension projecting from a side roof slope, the side extension would have a width at first floor level greater than this figure. An isolation space of 1.3m would be retained from the side boundary of the plot. The two storey side extension would measure 10.5m, essentially the same depth as the existing house though a nominal set back from the eaves of the cat slide roof would be retained and a front bay projects forward of these eaves. The entrance porch would be set beneath the first floor of the two storey side extension, being open fronted and open to one side, part of the first floor as proposed over sailing the proposed porch.

**Relevant History:**

EPF/0442/16 - Two storey side extension with one rear dormer. Single storey rear extension. New front porch and alteration to front main entrance door. – Granted 11/07/2016

EPF/0569/17 - Certificate of Lawful Development for proposed construction of 2 dormers to the side of the existing roof slope – Lawful 20/04/2017

**Policies Applied:**

*Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

*NPPF:*

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.

### *Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9 High Quality Design

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 5, no responses received.

PARISH COUNCIL: It is appropriate that these two applications (*EPF/0569/17 and the application the subject of this report*) are considered together as the design of the two storey side extension is affected by the proposed construction of two dormers to the side elevation.

The shallow pitch of the roof to the proposed extension is untypical of that usually constructed on this style of property, as is the substantial area of flat roof above. It is apparent that the pitch and design of the roof has been compromised by the proposed addition of the upper dormers which would 'jut out' from the upper part of the original roof slope, well above the ridge height of the adjacent property at number 11. As a result, the combination of three distinct roof styles would neither complement nor enhance the character of the original dwelling, but instead, would detract from it. There would also be a significant imbalance with the adjoining property causing a loss of symmetry, which would be detrimental to and intrusive on the street scene.

To preserve the distinctive character of the cat-slide roof design of these properties, extensions are normally setback 50cm from the front façade. By comparison, the currently proposed extension would be recessed by only a nominal amount. Another important characteristic of these properties is the small diamond-shaped window on the first floor; however the respective first floor plan shows no evidence of the original diamond shaped window being retained. Oddly, a diamond shaped window does appear to be added further up towards the roof which would further detract from the original character of the property. The importance of these characteristics has been referenced in a number of appeal decisions on applications to modify this type of property in the past.

### **Main Issues and Considerations:**

The main issues are whether the proposals would safeguard the living conditions of neighbours and whether the proposed design would complement the design of the existing house.

#### Impact to neighbours

The attached neighbour, no. 7, is orientated to the southwest such that the rear extension would cause no loss of direct sunlight. Given the limited depth, at 4m, and limited height, at 3.2m, there would be no material loss of outlook.

The neighbouring property to the northwest, no. 11, is already overshadowed by the existing built form and it is considered that the proposed additional built form would make no appreciable difference with regard to any loss of light. Records show (reference EPF/0061/11) that this is to a bedroom with an obscure glazed window and accordingly no loss of outlook would result to this window.

A rear garden depth of some 18m would be retained and accordingly there would be material adverse impact to 2 Morgan Crescent which is set to the rear and has a side boundary contiguous with the rear boundary of the application property.

## Design

The application property and its attached neighbour form a pair of houses of a design that is characteristic of the precinct between Piercing Hill to the west and the railway to the east. Many such properties have had side extensions from the side cat slide roof. There are examples of two storey side extensions to similar houses nearby in Morgan Crescent. 4, 12, 20 and 28 Morgan Crescent are comparable examples. The two storey element of the side extension would be set 1.2m from a side boundary to avoid a terracing visual effect.

The application property is set in a varied streetscene with a pair of houses with a side gable roof to the right hand side when viewed from the road and then a pair of bungalows. Bungalows then continue until the grounds of a school. There are bungalows on the opposite side of the road.

The built form of the semi-detached pair of houses that are nos. 7 and 9 has a footprint which is splayed somewhat, in relation to the semi-detached houses of nos. 11 and 13. This arrangement is such that, notwithstanding the opinion of the Parish Council, the crown roof to the two storey side extension would be unnoticeable and appear as a hip roof.

With regard to other issues raised by the Parish Council, the splayed position relative to neighbours and corner position mean that the symmetry of the application property and its attached neighbour can only be seen from a narrow angle of view. A single storey flat roofed extension to no. 7, extending out towards Morgan Crescent has already somewhat disrupted the symmetry of the application property and its attached neighbour.

The application property as existing, has a flat roofed dormer and a dormer with a gable roof plus roof lights on its side roof slope. This variety of means of fenestration has a somewhat inelegant appearance.

The Parish Council make the point that this proposal in conjunction with the two dormers, which have been deemed to be lawful permitted development (EPF/0569/17), would look ungainly as the dormers would virtually sit immediately above the proposal. This view is supported but, given that the two flat roofed dormers would have the nearest dormer some 2m back from the front of the house and that both the built form of the neighbour to the side and the two-storey side extension would screen most views of the dormers, this is not considered sufficient to form a tenable reason for refusal.

The side elevation would only be seen in a very narrow field of view given that it is set close between neighbouring houses. The view of the Parish Council is noted but considered to raise issues insufficient to reasonably justify refusal.

## **Conclusion:**

The proposals would have no material adverse impact to any neighbour. The design is comparable with numerous other examples of alterations to this style of house in this locality, despite the small set back from the front wall. On balance, it is considered that the application can be supported by officers.

***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: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

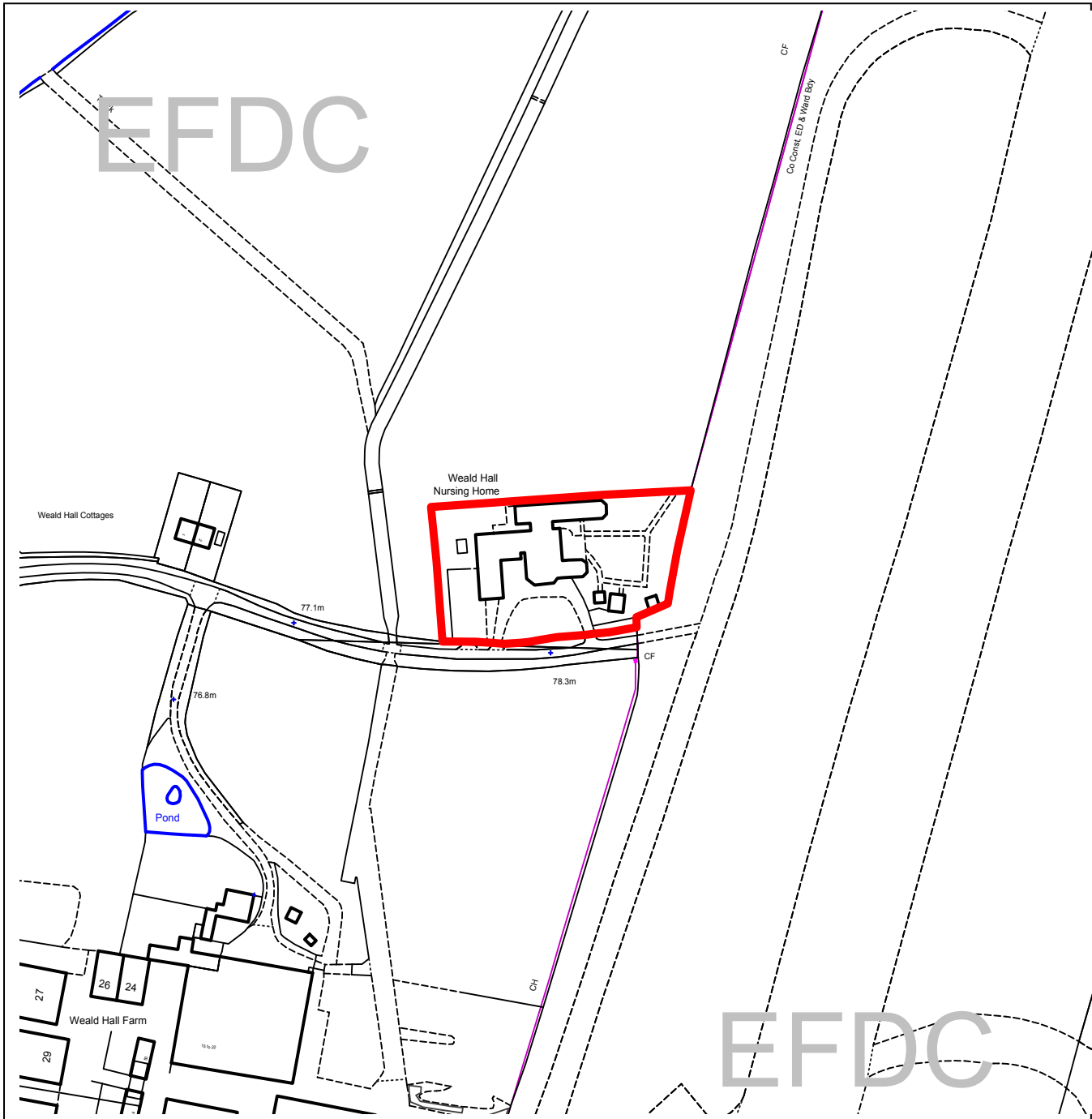
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/1974/16
Site Name:	Weald Hall Nursing Home, Weald Hall Lane, North Weald, CM16 6ND
Scale of Plot:	1/2500

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1974/16
<b>SITE ADDRESS:</b>	Weald Hall Nursing Home Weald Hall Lane North Weald Bassett Epping Essex CM16 6ND
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common  North Weald Bassett
<b>APPLICANT:</b>	Mr K P Sohal
<b>DESCRIPTION OF PROPOSAL:</b>	Single and two storey extensions to existing elderly care home to provide 9 additional bedrooms and improved support facilities.
<b>RECOMMENDED DECISION:</b>	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=586095](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586095)

**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: Design and Access Plan. Travel Plan, Location Plan, 01, 02, 03, 04, 05, 06, 07, 08, 09, 10.
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.

- 5 Prior to the first occupation of the development hereby approved, the applicant shall submit for the written approval of the Local Planning Authority a Travel Plan in accordance with Travel Plans, Transport Assessments and Statements NPPG (2014 or as amended). The plan shall indicate how the reliance on motor transport to the site will be minimised. The applicant shall implement and monitor the approved travel plan in accordance with this guidance and for each subsequent occupation of the development thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

*This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site is an existing 38 bed care home for elderly residents suffering from Alzheimers and senile dementia. A number of extensions have already been attached to the property.

The site is well established, located adjacent North Weald Airfield at the end of Weald Hall Lane a single track lane.

The site is within the Green Belt and has no immediate neighbouring plots with nearby development evolving either in a ribbon along the highway or in clusters of existing or historic farm buildings.

### **Description of Proposal:**

Permission is sought for a single and two storey extensions to existing Elderly Care Home to provide 9 additional bedrooms and a new relocated laundry facility.

The two storey extension is L shaped and positioned in the north eastern section of the site and will replace an existing external staircase. It measures a maximum 15.8m deep and a maximum of 10.6m and 7.9m high to the ridge of its hipped roof.

The single storey extension is located north of the car park within the western section of the site. It will remove an existing refabricated garage from the site and is linked to the main property by a



covered walkway and measures 9.5m wide by 9.5m deep and 6.35m high to the ridge of its hipped roof.

All materials are proposed to match those on the application building.

All rooms would have an en-suite with sufficient space to meet current minimum standards regarding access and mobility.

The proposal will retain 19 car parking spaces.

1 additional full time (day) carer will be employed.

This application is a resubmission of the previously approved scheme under EPF/1209/10 which has now expired.

**Relevant History:**

<b>Reference</b>	<b>Description of development</b>	<b>Decision</b>
EPF/0358/76	Proposed use of dwelling as a residential home for old people (6-8 persons)	Granted
EPF/0990/76	Details of alterations including conversion of outbuildings to form self-contained accommodation for owners.	Granted
EPF/0949/78	Single storey rear extension	Granted
EPF/1015/82	Outline application for attached residential accommodation for proprietor and family (including change of use of staff accommodation to nursing accommodation).	Granted
EPF/1371/82	Extension of proprietor's accommodation.	
EPF/1020/83	Extension.	Refuse Permission
EPF/1293/84	Installation of septic tank and sealed sewage treatment system.	Granted
EPF/0940/86	Extension for proprietors accommodation	Granted
EPF/1143/90	Alterations and extensions.	Granted
EPF/0060/94	Extensions and alterations	Granted
EPF/1260/94	First floor additional bedroom en-suite accommodation and corridor.	Granted
EPF/1532/96	Formation of new fire exit door, erection of new porch and various external alterations	Granted
EPF/2195/04	Demolition of existing 40 bed nursing home and replacement by 24 bed independent hospital.	Grant Permission
EPF/2312/09	Single and one and a half storey extensions to existing care home to provide 9 additional bedrooms and improved facilities.	Refuse Permission
EPF/1209/10	Single and one and a half storey extensions to existing care home to provide 9 additional bedrooms and improved facilities. (EMI) (Revised application)	Grant Permission subject to a 106 agreement.

**Policies Applied:**

National Planning Policy Framework  
National Planning Policy Guidance

Epping Forest District Local Plan (1998) and Alterations (2006).

CP1 –	Achieving Sustainable Development Objectives
CP2 –	Protecting the Quality of the Rural and Built Environment
GB2A –	Development in the Green Belt
DBE4 –	Design in the Green Belt
DBE9 –	Loss of amenity
ST1 –	Location of development
ST2 –	Accessibility of development
ST6 –	Vehicle Parking
I1A –	Planning Obligations

#### *Draft Local Plan*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP5	Green Belt and District Open Land
DM9	High Quality Design
P6	North Weald Bassett and Draft Policy

#### **Consultation Carried out and Representations Received**

NORTH WEALD PARISH raised **NO OBJECTION** to the proposal, however raised concern at the vehicles parked at the top of Weald Hall Lane adjacent to The Parish Hall, Jonen's and the Weald Hall Lane Industrial Estate, this makes access for vehicles wishing to go further along Weald Hall Lane Industrial Estate very difficult. Some vehicles currently use the Parish Hall Car Park as an unofficial 'cut through' as two way traffic cannot get through the top end of Weald Hall Lane (High Road end). There are also vehicles double parked along Duck Lane which causes problems for access as well.

39 neighbours were consulted and a site notice displayed.

PADFIELD (HAYLEYS) LTD EPPING UPLAND **OBJECT** to the intensification of traffic on a single carriageway country lane with poor sight lines and weak bridge. LGV's have difficulty negotiating the road. There is a history of accidents on the bridge adjacent to STW entrance many involving the applicant's contract staff who are unfamiliar of the access road limitations and dangers.

The overall size and scale of the existing and proposed development within a small plot.

The applicants employees routinely park on the Lane.

In appropriate development within the Green Belt.

Visual impact and harm to and within the Green Belt.

Urbanisation of a countryside location which would have a detrimental impact on the openness of the green belt.

No very special circumstances have been demonstrated by the applicant which outweigh the harm caused to the green belt by the inappropriate development.

#### **Background**

Historically an identical scheme was applied for under planning reference EPF/2312/09 which was refused by officers on the grounds that:-

- (1) The site is within the Metropolitan Green Belt where development is by definition harmful. The applicant has provided no very special circumstances to justify the proposal to justify

the proposals and accordingly the development is contrary to policy GB2A of the Adopted Local Plan and Alterations and PPG2.

- (2) The proposal result in additional accommodation in a rural and isolated location, encouraging dependence on private car use contrary to the aims and objectives of policies CP1, ST1 and ST2 of the Adopted Local Plan and Alterations.
- (3) Insufficient information is provided to assess whether the development can be accommodated within the existing, committed or planned health care infrastructure capacity of the locality contrary to policy CP3 of the adopted Local Plan.

This same scheme was then resubmitted under reference EPF/1209/10 and was then called in by Cllr Breare-Hall on the grounds that the North Weald Parish Council strongly supported the application. The previous case officer made the following analysis of the application:-

*"Principle of provision of care accommodation*

*Policy H1A recognises that the need for market housing has been met through the Council's land allocations, however applications will continue to be considered for windfall sites or areas of previously developed land, policy H2A reaffirms this view.*

*Policy H9A and supporting text acknowledges the increasing need for mobility housing as a result of an increasing elderly population who typically suffer with greater levels of disability or dependency as people live longer and develop these disabilities. The aging population is a national trend demonstrated by the national census data and identified in the Council's last Housing Need Survey in 2003. Therefore, in principle additional accommodation that would assist in meeting the need for care facilities in the District is accepted. Furthermore the proposals are considered to accord with the objectives of the draft Housing Strategy 2009-2012 supporting older people and other vulnerable groups in accommodation suitable for their needs with appropriate levels of support.*

*However, policy H1A also sets out that previously developed land in itself does not justify development, as sites which rely solely on private car use and are distanced from local services may not be suitable for development. Whilst a need for accommodation is realised generically in respect of the District, no evidence has been provided to demonstrate that this need is in the North Weald Area, or that no alternate, better located and less isolated site is available.*

*Since the previous Committee Meeting the applicant has provided details of the former homes of the occupants presently in the care home: of the 39 beds, 18 occupants are from Epping previously, one occupant is from Cornwall with family in Epping and the remaining 20 beds accommodate persons from Harlow, Bishops Stortford and Enfield. The applicant has also provided a supporting statement summarising the differing levels of care available and what these entail, those which are able to accommodate dementia sufferers and extrapolating an estimated number of the local population with Dementia. This results in the report estimating 149 residents in the Epping Lindsay, Thornwood and North Weald areas. The report clearly sets out that Dementia is a degenerative disease and often goes unnoticed in the early stages, therefore Officers are of the view that not everyone diagnosed with dementia requires admission to residential care accommodation, and that as with any care, it is likely that the need is accommodated as it arises as Dementia progresses.*

*The applicant has identified that within a 3km radius of the application site there are 39 beds in the existing home onsite and a further 36 beds at Ashlar House totalling 75 beds catering for 50% of the identified need. A brief search by Officers has also revealed the Cunningham house facility in Pike Way, North Weald also offering dementia care and 54 beds. This totals 129 beds, and*

*considering that not every person diagnosed with Dementia immediately requires residential care and that some people will chose to reside in family care situations, Officers are of the view there is still no evidence that this facility is required in this Green Belt location on the basis of these figures, particularly as evidence suggests half the existing facility is catering for residents from outside of the District.*

*The submission provides a letter of support from the Alzheimer's Society highlighting the increased care need for Dementia nationally and that Epping Forest has 20 Dementia specific homes at present. The Alzheimer's Society continues to indicate that rural care accommodation is more popular due to a general trend of larger grounds and this increases the quality of life for occupants. This advice does not however indicate whether there is a shortfall of accommodation for Dementia needs in Epping Forest and it does not specify whether the existing or additional accommodation caters for a local or indeed District need as opposed to the national need. This letter also does not examine issues relating to isolated communities and quality of life resulting from isolation from services and facilities. There is no reference to any Care Regulatory Standards or Primary Care Trust statistics.*

*There is no indication beyond the size of grounds associated with Greenfield sites, why satisfactory additional care accommodation cannot be provided in more urban areas in accordance with Council policies regarding where sustainable development should be located.*

#### *Principle of development in the Green Belt*

*The provision of additional care accommodation in the Green Belt is not considered an acceptable exemption to the Green Belt policies of restraint as identified by policy GB2A. The proposals are therefore by definition harmful to the Green Belt.*

*The applicant has provided no demonstration that the extensions proposed are not harmful to the openness of the Green Belt and with extensions proposed to the building footprint, particularly those which could be viewed in addition to the existing mass, from Weald Hall Lane and the countryside to the north of the site, the proposals are considered materially harmful to the openness of the Green Belt. Furthermore, the original property has benefitted historically from various previous extensions.*

*No very special circumstances have been supplied accompanying this application and the generic need for care facilities is not considered very special circumstance, particularly in light of previous extensions which were approved at a time when there was a Local Plan policy that allowed extension and consolidation of existing businesses in the Green Belt.*

#### *Sustainability Issues*

*The site is situated at the end of Weald Hall Lane, a narrow track some distance from the nearest village which has only limited facilities. There is no footpath along the lane and access to the site is dependant predominantly on private car use with visitors likely to need a car to visit residents. Whilst the proposals provide care accommodation for an aging population, no information is provided to indicate that there is need in this area any more than other, more suitable urban locations which would be accessible from public transport and close to facilities for more able occupants, staff and visitors. The proposals would result in an increase in occupants separated from any offsite recreation, transport or facilities and the proposals conflict with the objectives of Policy CP1.*

### Design issues

*In respect of design, no issues are raised relating to the design and appearance of the proposals other than that the development would further extend the footprint of the development which results in additional visual harm to the surrounding Green Belt.*

### Neighbouring amenity

*The development is well separated from neighbouring properties therefore no adverse impacts arise to neighbours.*

*In respect of existing occupants, the proposals result in a reduction in amenity space onsite and potentially the further accommodation may obscure the outlook from some of the existing rooms and recreation areas. This is not unacceptable however, with similar relationships between blocks not uncommon.*

### Highways and Access issues

*Weald Hall Lane is already cited as being a narrow track unsuitable for large volumes of traffic. The proposals do not represent a significant increase in vehicular movements for staff or service vehicles as the premises already exist and the additional rooms would not significantly increase vehicular demand aside from potential visitor traffic. There is a reasonable provision of parking onsite and at the staffing levels referred to in the supporting documentation, no additional parking is likely to be required.*

*Access to the site remains unchanged and no objection has been raised from highways.*

### Other Matters

*The proposals would result in the provision of an additional 9 residents in the North Weald area all with established health problems. No indication has been provided to confirm whether these new residents would be from the surrounding Parish or District or elsewhere. These residents would be registered with local healthcare providers and would be likely to place added burden on the Primary Care Trust either as additional patients or in respect of administration for the NHS redistributing funding accordingly.*

*Since the previous Committee deferral the applicant has indicated to the Primary Care Trust they would be willing to provide a contribution of £5000.00 towards meeting the costs of the Primary Care Trust, and whilst the Trust have indicated this will not meet all the costs incurred, this will ease the financial burden of additional patients.*

### Conclusion:

*To conclude, the application seeks to erect further structures in the Green Belt where there is a presumption against development to preserve the Green Belt for its own sake. Officers have considered whether there is sufficient very special circumstance set out to justify further development and found that based on the evidence supplied, whilst there may be market need for more care spaces within the District and those nearby, this is not a localised need in the Epping Lindsay, Thornwood and North Weald areas, accordingly policy directs the development to elsewhere where a local demand may exist. Weald Hall Care Home is accessible only by car or cycle on a narrow highway and it is not therefore a sustainable location for this form of development. Therefore whilst Officers recognise this may be a popular or well run facility serving the Epping and Harlow communities, Officers are of the view the arguments put forward by the*

*applicant do not amount to the very special circumstances needed to justify such development and are insufficient to justify approval.*

*Should Members disagree with the view of Officers, then Officers recommend at minimum a S106 be drafted to secure the Primary Care Trust Contribution of £5000.00 offered and that conditions be attached regarding materials, provision of a landscaping scheme and travel plan.”*

*Councillors decided at that meeting to defer decision making on the application until such time that the applicant could provide a demonstration of need for the facilities and to carry out discussions with the Primary Care Trust regarding potential contributions. This information was submitted and the application was subsequently approved by members on 17/11/10 subject to a Section 106 agreement requiring £5000 to be paid to the Primary Care Trust to cover the cost of the additional strain on resources as a result patients from outside of the district using the care home and as a result also being beneficiaries of services provided by the Primary Care Trust.”*

The East Area Planning Sub Committee held on 25/8/10 to which this application was presented deferred the application to allow the applicant to supply more information regarding local need for the facility and to liaise with the health authority with regard to section 106 contributions and to make their case for very special circumstances in the Green Belt so that these could be considered by members in reaching their decision. The requested information was presented to the East Area Planning sub- committee held on 17/11/10.

At this meeting Cllr Mrs J H Whitehouse and Cllr Mrs A Grigg put forward a motion against the officer recommendation for refusal on the grounds that

- Cunningham House cannot be used as a comparison as it is a general care home with a small annexe provided for patients with dementia.
- Very special circumstances include the need for more dementia beds within the Essex area.
- Rural location improves the quality of life for patients/residents
- The scheme is well designed in that it includes a courtyard and provides good security for patients/residents.
- The PCT are willing to accept a £5000 contribution towards any future costs it may incur as a result of the development.
- The applicant was willing to provide a Green Travel Plan.

It was on this basis that the application was supported by 16 out of the 17 members in attendance at that meeting. The application was as a result approved.

This permission was never implemented nor was this contribution paid.

## **Current Application**

The proposal has now been resubmitted as the applicant did not have the funds to carry out the works within the time frame of the previous permission. He has submitted a "Headline planning need assessment for Sohal Healthcare Weald Hall, Weald Hall" Lane carried out by Carterwood Surveyors which indicates "a significant shortfall of 307 market standard bed spaces when all the existing provision and planned developments are included within the analysis. Our more realistic assessment of the balance of provision, where additional care beds that are either under construction or have high likelihood of imminent development are included, indicates an even larger unmet need of care beds within the catchment area of Epping and Harlow". This document therefore supports the previous assertion that there is an under supply of elderly care bedspaces.

Since the determination of this application the National Planning Policy Framework has been adopted and with the exception of paragraphs 203 – 206 (which relate to planning conditions and obligations) policies within this document remain consistent with the original justification for refusal by officers in relation to this proposal. Whilst limited extensions to buildings and limited infilling of previously developed sites are now not inappropriate, the original building on this site has already been significantly extended and the site has already been infilled with development to a significant degree such that these further proposals are still in officers view inappropriate development in the Green Bel, by definition harmful.

Paragraphs 203 and 205 of National Planning Policy Framework (2012) and The Planning Obligations NPPG (March 2016) now also require that all planning obligations sought by the Council must be fully justified and evidenced and should not be sought where they are clearly not necessary to make the development acceptable in planning terms.

The Clinical Commissioning Group (formerly the PCT) have not formally responded to the Council's consultation request in relation to whether they would expect a contribution to health care. However officers did receive oral confirmation that it is no longer seeking a contribution towards the cost of the care needed to be provided as a result of the additional beds spaces proposed. This is because The Community Infrastructure Levy (CIL) Regulations 2010 (as amended in 2014) now requires that local authorities no longer pool together more than five obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure. The CCG has therefore decided that in order to maximize the amount that it receives from planning obligations, it will no longer be seeking contributions from schemes of this size and instead would rather await larger schemes to come forward which would provide larger contributions to the cost healthcare within the borough as a result of increased population created by new development.

The Highways Authority has confirmed that it still does not consider that the proposal raises any significant highway safety concerns and that there is sufficient parking within the site to meet the needs of the extended home. The proposal therefore complies with the requirements of ST4 and ST6 of the Local Plan. In addition has agreed under EPF/1029/10. However given the single track dirt road access to the site; the comments made by the Parish Council and in light of the conditions previously attached, it is recommended that a condition be attached to any permission which requires that a Travel Plan be submitted to and approved by local authority which indicates how traffic coming into and out of the property will be properly managed in order to ensure that highway safety is not compromised by negligent drivers.

## **Conclusion**

Whilst officers still consider the proposal to be inappropriate development on the same grounds as that outlined by the original case officer, the same proposal was previously approved by members (subject to conditions regarding materials, landscaping and the provision of a more detailed travel plan) under EPF/1209/10 on the basis that members felt that the provision of additional facilities for dementia sufferers within a rural location would provide sufficient social and health benefits to the local community which in their opinion was sufficient to outweigh the harm identified to the aims and purposes of Green Belt policy and all other harms. This need has again been argued by the applicants and the previous decision is a significant material consideration in the determination of this application given that there has been no change to the proposal or the aims and purposes of the development management policies which were utilised to determine that application.

Furthermore whilst the applicant is still willing to pay towards the future provision of health care services, the Council can no longer require this.

On this basis the application is recommended for approval, without the previously required legal agreement, 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: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

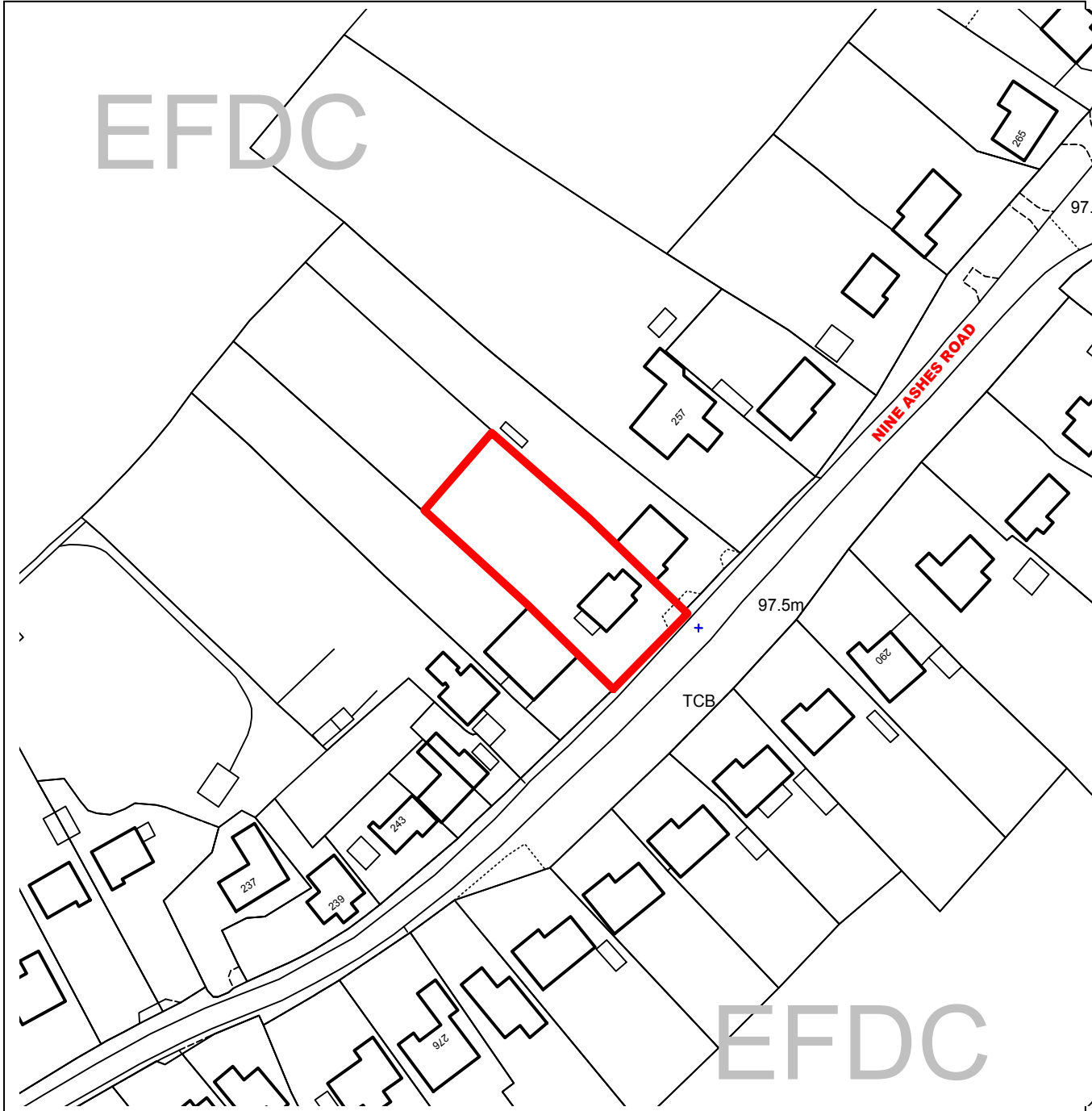


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# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/1068/17
Site Name:	The Hawthorns, 253 Nine Ashes Road, High Ongar, CM4 0LA
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1068/17
<b>SITE ADDRESS:</b>	The Hawthorns 253 Nine Ashes Road High Ongar Essex CM4 0LA
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr Nick Waters
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing property and erection of a one and a half storey four bedroomed replacement dwelling (Revised application to EPF/0669/16)
<b>RECOMMENDED DECISION:</b>	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=593689](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593689)

**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: 8814-01, 8814-02, 8814-03, 8814-04, 8814-05, 8814-06 and 8817-07
- 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 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 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.
- 7 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.
- 8 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.
- 9 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.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of site:**

The application site is a bungalow located within a relatively spacious plot located on the northwest side of Nine Ashes. The property is located within a linear strip of residential development fronting Nine Ashes Road. The application site is within the Metropolitan Green Belt but not a Conservation Area.

### **Description of proposal:**

The proposal seeks consent for the demolition of the existing property and erection of a two storey, chalet style, four bedroomed replacement dwelling with front and rear dormers and pitched roof over with prominent gables and a attached garage. The dwelling will have a maximum height of 7.5m, width of 16.5m and overall depth of 11.4m.

This is a revised scheme from a previous larger proposal which had a maximum height of 7.6m, width of 16.9m and overall depth of 12.1m. The design of the proposal has also been altered removing previous forward projections and vaulted internal areas.

### **Relevant History:**

EPF/0669/16 - Demolition of existing dwelling and erection of two storey four bedroom replacement dwelling with front and rear dormers and pitched roofs over – Refused (under delegated powers)

EPF/0059/16 - Certificate of Lawful Development for proposed side extensions, garage and loft conversion - Lawful

EPF/2288/16 - Prior approval application for a proposed 8m deep single storey rear extension, height to eaves 3m and maximum height of 3m – Prior approval given

### **Policies Applied:**

CP2 – Quality of Rural and Built Environment

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt

GB2A – Development within the Green Belt

GB7A – Conspicuous Development within the Green Belt

### **Representations Received:**

HIGH ONGAR PARISH COUNCIL – No response received

10 Neighbours Consulted:

257 NINE ASHES ROAD – Objection – overall size would have adverse impact on amenities of properties adjacent to and opposite the site due to overlooking/overshadowing and visually overbearing. Size inappropriate in rural area. Out of keeping with streetscene. Materially larger than existing dwelling.

247 NINE ASHES ROAD – Objection – fills the whole frontage, limited space to No. 251, much higher than No. 251, loss of openness, this is not a London suburb, property could be split into two in the future, widest dwelling in Nine Ashes.

251 NINE ASHES ROAD – Objection – fills the whole frontage, within 700m of boundary, overshadowing to rear garden, loss of openness.

282 NINE ASHES ROAD – Objection – damage to streetscene, loss of bungalow to a house, little side clearance to No. 251, property could be split into two at later date.

284 NINE ASHES ROAD – Strong Objection – take up the full width of the plot, swamp the bungalow next door, largest property in road and not in keeping. Could be split into two properties, insufficient parking, loss of green aspect.

IVY LODGE, NINE ASHES ROAD – Objection – loss of a bungalow to a house, not enough accommodation to meet needs, not the mix of people.

### **Issues and Considerations:**

The main issues with this proposal relate to impact on the Green Belt, amenity, and design.

#### Green Belt

The proposal is for a relatively substantial replacement building within the Green Belt with an increase in height of 1.5m. The proposal is also two storeys, with pitched roof the full width of the plot compared to the existing part pitched roof, part flat roof.

The NPPF suggests that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, may be acceptable within the Green Belt.

Volume calculations have been provided, the existing building has a volume of some 441m<sup>3</sup> with the proposed dwelling a volume of 839m<sup>3</sup>, resulting in a percentage increase of 89%. Whilst this is a large increase it is a considerable reduction on the previous scheme which resulted in a 132% increase in size.

Although not necessarily an increase that could be classed as 'not materially greater', this is a village location with the application site located in the midst of a linear pattern of residential development. The development can therefore be regarded as limited infilling within a village and not inappropriate development.

In addition the existing property is far smaller than surrounding properties, particularly in terms of depth and it is not considered the increase in size is out of character with surrounding character and form.

Furthermore there is existing lawful consent for a loft conversion, 8m deep rear extension and garage which are possible fall back options.

Given the large increase in size it is considered reasonable to remove permitted development rights for extensions, roof additions and outbuildings.

#### Amenity

The proposal will result in a 2 storey chalet style dwelling, with the first floor accommodated within the roof, in place of a single storey dwelling and distance to the shared boundary will alter significantly from 6m to 0.9m with No. 251 but increase slightly at the boundary with No. 255 from 0.9m to 1.2m.

Although coming much closer to No. 251 (which is a bungalow) is adjacent to the garage of No. 251 (not the habitable rooms) and in addition the closest proposed element to this shared boundary is lower in ridge height with a maximum of 6.5m. Additionally, the proposal will not extend beyond the rear of No. 251 and although there may be some loss of light to this property given the change from single to two storey this is not considered excessive.

With regards to No. 255 the proposal, again does not extend to the rear of this property and given the ample separation is not considered to result in any excessive harm.

No first floor side facing windows are proposed and permission would be required should clear glazed windows be required in the future.

Although additional views may be possible to the front and rear due to the addition of the first floor these are not considered to give rise to any excessive level of overlooking above that of the existing two storey properties particularly adjacent to No. 251.

### Design

There are a variety of house designs within Nine Ashes Road but most have the appearance of chalet style bungalows, although there are two storey dwellings particularly to the north east. The proposal has the first floor contained within the roof and is considered to complement the streetscene.

The proposal does result in a large dwelling in place of a much smaller one, and is a different design to the existing but it is considered still in keeping with the streetscene and accords with policies to protect the character of established residential areas.

Although the proposal is wider than the existing bungalow, it is set in from the edges of the plot and will therefore retain an acceptable level of separation between properties. The reduction in height closest to No. 251 also helps to achieve a greater feeling of separation between properties.

### Comments on Representations Received

Beyond that discussed above, neighbours have also raised concern with regards to the property being subdivided in the future. The proposal is for one dwelling and planning permission would be required if the plot were to be subdivided in the future. Whilst the Draft Local Plan contains a policy specifically to retain bungalows, at this early stage in the plan process this policy carries very little weight. In addition the existing bungalow can be lawfully extended into the roof area.

### **Conclusion:**

The proposed replacement dwelling is considered to respect the character of the streetscene and have limited impact on neighbouring properties. Although large, the proposal is within a village with other similarly sized properties and accounts to limited infilling and fits well with the size of surrounding properties and on this basis approval is recommended

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

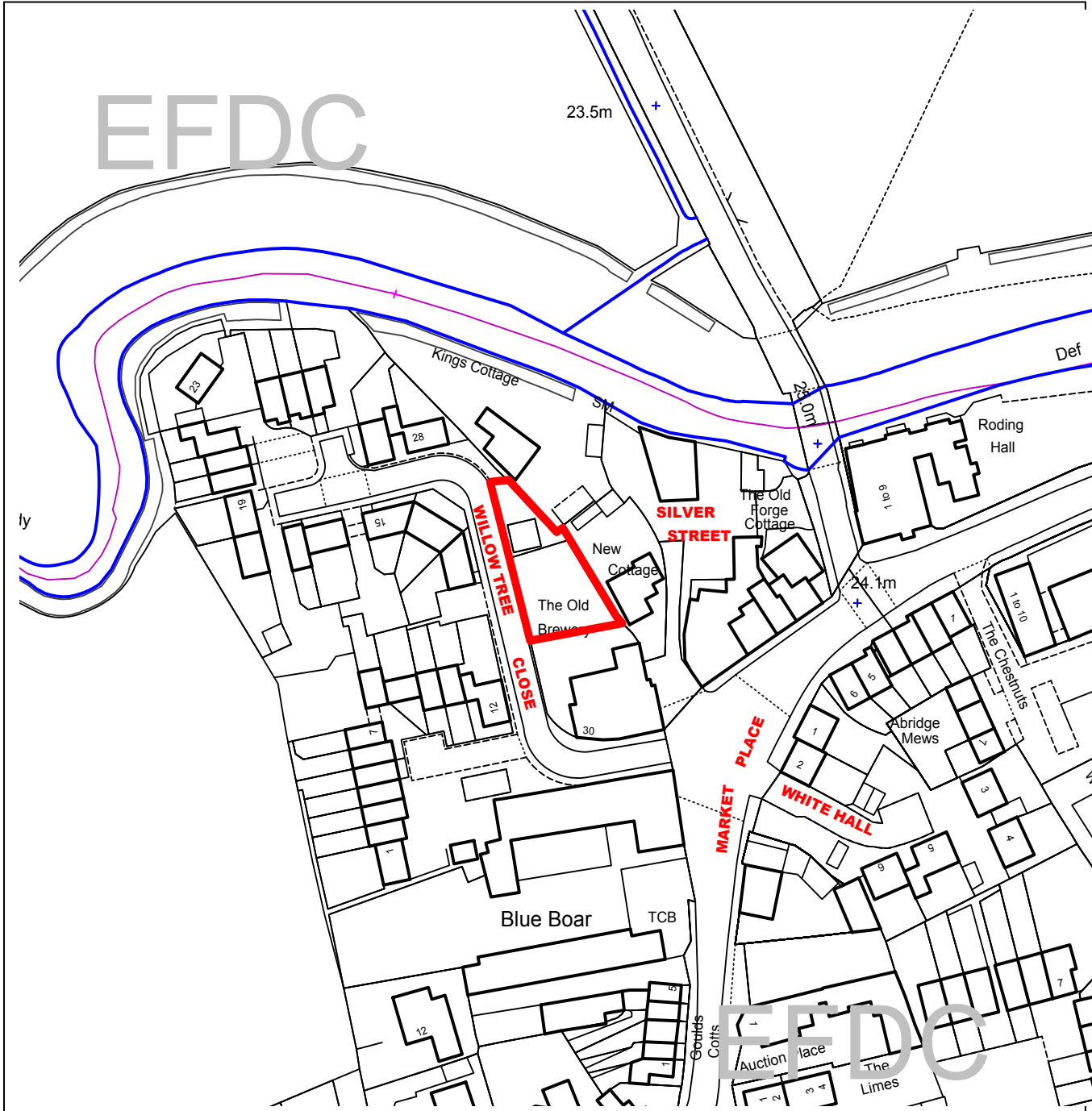
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 10



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Application Number:	EPF/1090/17
Site Name:	The Old Brewery, Market Place, Lambourne, RM4 1UA
Scale of Plot:	1/1250



**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1090/17
<b>SITE ADDRESS:</b>	The Old Brewery Market Place Lambourne Essex RM4 1UA
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr Kris DeHavilland
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed new dwelling to rear of The Old Brewery
<b>RECOMMENDED DECISION:</b>	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=593737](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593737)

**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: 1922.1, 1992.7, 1922.8 and 1922.9
- 3 No development shall have taken place until photographic details of the types and colours of the external finishes including the doors and windows 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.
- 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 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 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- There shall be no deliveries of materials to the site outside of the hours between 09.00 and 17.30 on any day.
- 13 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS) and include the latest climate change allowances to assess the flood risk to the site. The development shall be carried out and maintained in accordance with the approved details.
- 14 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor

slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

**Description of site:**

The site forms the rear of The Old Brewery which is located on the east side of Willow Tree Close within the built up area of Abridge. The Old Brewery is locally listed and possibly dates from the 18<sup>th</sup> Century. To the rear the plot narrows to the north with a double garage to the northern part of the site. Willow Tree Close is, in the main a modern housing estate located on the west side of the close. The property is within the Abridge Conservation Area but not within the Green Belt.

**Description of proposal:**

The application seeks consent for a new one and a half storey dwelling with two pitched roof front dormers. The dwelling will contain three bedrooms with a width of 10.9m, depth of 6.5m and maximum height of 7m with a dual pitched roof with gable ends. The building will front the highway with the main front wall with 1m of the highway edge. 2 additional parking spaces are proposed to serve the new property.

**Summary of Representations:**

**LAMBOURNE PARISH COUNCIL:**

The Parish Council like the proviso and guarantees that both lampposts adjoining this property will be moved properly and with EFDC supervision.

The Council would like it confirmed that the proposed property does not border the front of the property as this would be overbearing for both the property opposite and the general street scene. The proposed site plans are not clear about this.

48 Neighbours consulted and a site notice erected:

16 Letters of objection were received from the following addresses:

3, 4, 6, 12, 13, 17, 18, 20, 21, 22, 23, 24, 25 AND 28 WILLOW TREE CLOSE  
KINGS COTTAGE, SILVER STREET

The objections can be summarised as follows:

Too close to road edge – problems associated with maintenance/construction and highway usage, loss of lampposts would affect health and safety/appearance of the streetscene, overly dominant and loss of privacy to 13 and 12 Willow Tree Close, parking issues, harm to drainage, harm to sewage system.

**Relevant History:**

EPF/1991/15 - Proposed erection of new detached chalet bungalow, with associated parking – App/Con (Approved by Committee East)

Policies Applied

- CP2 – Protecting the Quality of the Rural and Built Environment
- CP3 – New Development
- CP5 – Sustainable Building
- CP6 – Achieving sustainable urban development patterns
- CP7 – Urban Form and Quality
- DBE1 – Design of New Buildings
- DBE2 – Effect on Neighbouring Properties
- DBE3 – Design in Urban Areas
- DBE8 – Private Amenity Space
- HC6 – Character, Appearance and Setting of Conservation Areas
- HC7 – Development within Conservation Areas
- HC13A – Local List of Buildings
- ST1 – Location of Development
- ST4 – Road Safety
- ST6 – Vehicle Parking
- H2A – Previously Developed Land
- H4A – Dwelling Mix
- LL11 – Landscaping schemes

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

*Draft Local Plan Consultation document (2016):*

- DM5 Green Infrastructure: Design of Development
- DM9 High quality design
- DM10 Housing design and quality
- SP6 The Natural Environment, Landscape Character and Green Infrastructure

At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

**Issues and Considerations:**

This proposal is for the same sized property as previously approved but not implemented (EPF/1991/15). The differences are the introduction of the two front pitched roof dormers, an alteration to the front porch and changes to the fenestration. The position within the site, its overall dimensions and its proximity to the front boundary remain the same as previously approved at committee. The proposed changes were submitted as part of a pre-application submission earlier this year. The 2015 permission is still extant and therefore carries significant weight with the assessment of this application. The principle of a dwelling on this site has been accepted with the previous approval and therefore the main issues with this application are considered to be impact on neighbouring properties, impact on the Conservation Area and Highway Issues.

## Amenity

The proposal is the same form as that approved previously and therefore as with the previous scheme no loss of light or outlook issues are raised.

Changes to the proposal include the addition of the front dormers and a side (south) facing first floor window.

The proposal is positioned so that it is not directly opposite properties on the other side of Willow Tree Close but rather will face the side boundary of No. 12 and a parking area. Although the proposal will include the front facing windows there is a 9.5m separation from the side garden of No. 12 Willow Tree Close to the front wall of the proposal. Although relatively close, it is not considered to result in any excessive overlooking as views will be far reaching and the windows are not fully two storey in height so privacy is considered to be maintained to an acceptable degree.

The new side facing window will face towards the flat located at The Old Brewery but The Old Brewery has no first floor windows facing towards the site and therefore there will be no cross overlooking. Views may be possible to the rear garden area of The Old Brewery, however again these will be far reaching and not considered an excessive issue although this window could be obscured glazed if considered necessary.

To the rear of the site is New Cottage, roof lights are proposed at first floor, which are at high level and again no overlooking issues are raised. The rear of New Cottage is a blank elevation and therefore this property will not overlook the proposed scheme.

The private amenity area proposed for the both the proposed dwelling and The Old Brewery is considered acceptable for both properties.

## Design

The proposal is very similar to that previously approved and the Conservation Officer has no objection to the proposal. Previously the Conservation Officer was concerned by the large and dominant roof profile but the provision of the front dormers has broken this element and provided more interest. The proposal is not considered to detract from the nearby historic building or the character and significance of Abridge Conservation Area.

## Highways

The Highways Officer has no objection to the scheme as it is not contrary to Highway policies. Sufficient parking spaces for both the existing residential use and the proposed residential use have been provided which accords with the Essex Parking Standards and there has been no change to the parking provision since the previous permission.

The Highways Officer has noted that the one lamppost will have to be re-located (the one to the front of the proposed crossover) but a second lamppost adjacent to the existing pedestrian gate will not have to be moved. The applicant will have to relocate the lamppost at their own expense in liaison with Essex County Council.

## Other Matters

### Archaeology

The Essex Historic Environment Record shows that the proposed development is located in the heart of the historic settlement (EHER 45716). The settlement had its origins in the medieval period. By 1777 the Chapman and André map shows the settlement concentrated on the junction

of Ongar Road, Abridge Road, Hoe Lane and London Road. There is the potential for surviving deposits relating to the origins and development of the settlement to be present on the site. Archaeological deposits are both fragile and finite; in view of this the following recommendation is made in line with the National Planning Policy Framework. Therefore a full archaeological condition is considered reasonable.

#### Land Drainage

The application has been assessed by the Council's land drainage team who have no objection subject to an updated flood risk assessment which will take into account recent legislation changes.

#### Comments on Representations Received

As with the previous permission a condition can be added to ensure a construction method statement is submitted to ensure that storage of construction materials/operatives vehicles are kept clear of the highway to avoid unnecessary harm to neighbouring amenity. Disruption during construction is not a valid planning reason for refusal of planning permission.

#### **Conclusion:**

The proposal is very similar to an extant permission, with the changes proposed not resulting in any excessive harm to amenity, design or the surrounding Conservation Area. Given the above the proposal is recommended for approval subject to conditions.

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

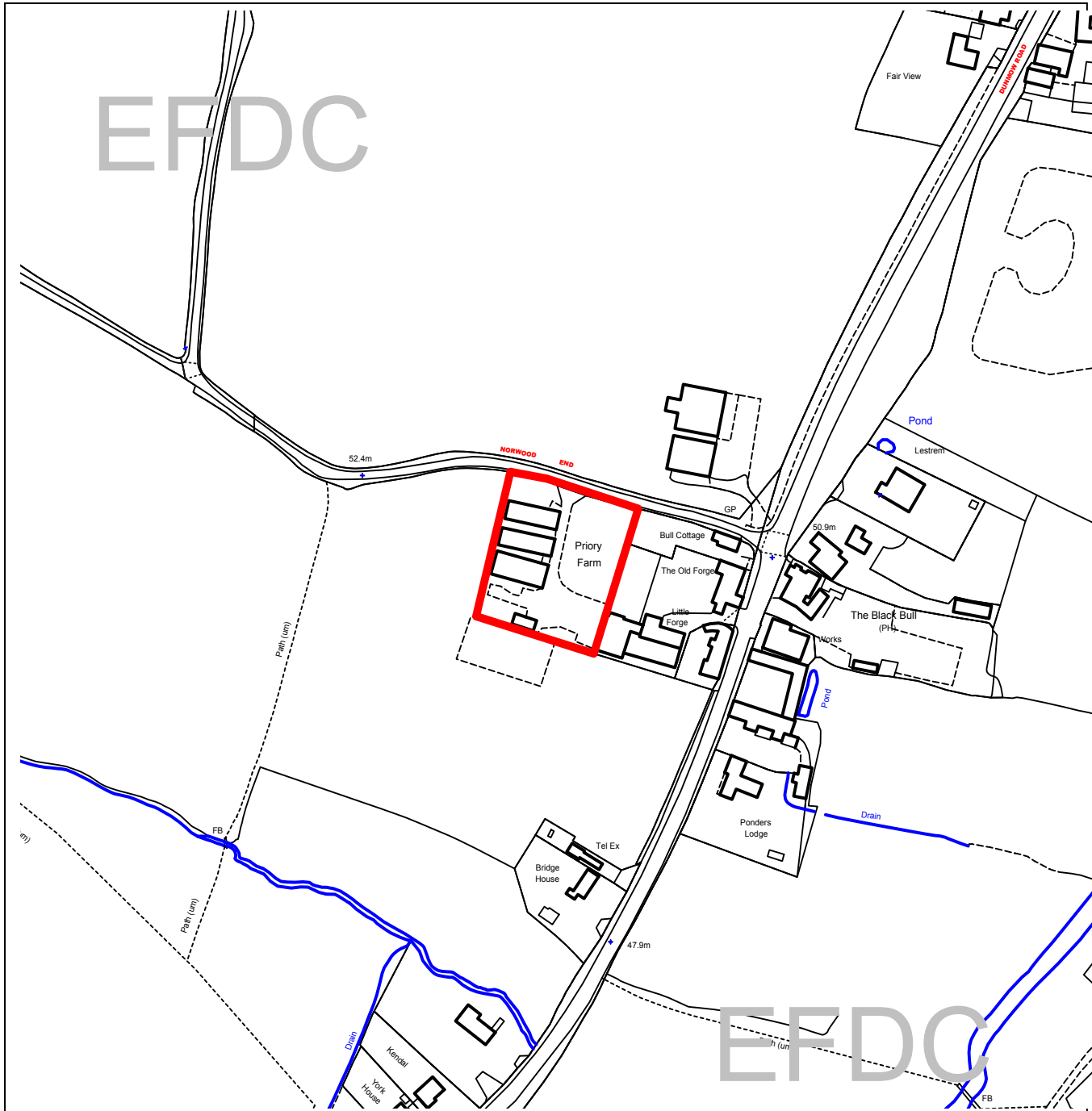
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: (01992) 564414***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 11



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Application Number:	EPF/1308/17
Site Name:	Priors Farm, Norwood End, Fyfield, CM5 0RJ
Scale of Plot:	1/2500



**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/1308/17
<b>SITE ADDRESS:</b>	Priory Farm Norwood End Fyfield Essex CM5 0RJ
<b>PARISH:</b>	Fyfield
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Harding
<b>DESCRIPTION OF PROPOSAL:</b>	To build three new houses to replace the permission granted for conversion of three existing buildings to houses, Ref: EPF/0615/15
<b>RECOMMENDED DECISION:</b>	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=594534](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594534)

**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: FJN\_001, FJN\_200, FJN\_201, FJN\_203
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 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 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions of outbuildings generally permitted by virtue of Class A, B, 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.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 9 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 10 The parking and turning area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 11 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.

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

- 15 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 16 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 17 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it has been 'called in' by Councillor Boyce (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site contains three timber clad poultry buildings and a smaller Nissan style hut. Prior determination has previously been granted for the change of use of three of the buildings to residential purposes and works have commenced on this development.

The site is accessed off Norwood End, a single track road that serves a number of properties along this lane. The buildings are close to a small cluster of properties which includes a number of listed buildings and the flank and rear boundary abuts agricultural land containing a large cattle shed. The site has been secured along the road with fencing.

The entire site is within the Metropolitan Green Belt.

**Description of Proposal**

Consent is being sought for the demolition of the existing buildings on the site and the erection of three new dwellings.

The proposed new dwellings would all be three bed chalet bungalows with L shaped footprints measuring a maximum of 10.1m in width and 12.1m in depth. The dwellings would all be detached and identical in plan form (with unit 2 being a 'handed' version of units 1 and 3) with the first floors

being wholly contained within the roof space (and served by rooflights). The dwellings would reach a maximum height of 4.7m and would benefit from off-street parking provision and private amenity space to the rear.

The properties would be served by an internal road off of Norwood End that would include a turning head to enable vehicles to enter and leave in forward gear. The eastern and southern parts of the site are shown as being retained as green open space that would assumedly be utilised as a communal area.

**Relevant History:**

OUT/EPF/0337/81 - O/A for three detached houses – refused 29/05/81 (dismissed on appeal 22/10/82)

PN/EPF/0615/15 - Prior approval application for change of use of agricultural buildings to three dwellings – prior approval required and granted 28/04/15

PN/EPF/3208/16 - Prior approval for change of use of Building No. 1 to Flexible Use – not lawful 17/01/17

PN/EPF/3209/16 - Prior approval for change of use of Building No. 2 to Flexible Use – not lawful 17/01/17

PN/EPF/3210/16 - Prior approval for change of use of Building No. 3 to Flexible Use – not lawful 17/01/17

PN/EPF/3211/16 - Prior approval for change of use of Building No. 4 to Flexible Use – not lawful 17/01/17

**Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- CP3 – New development
- CP5 – Sustainable building
- CP6 – Achieving sustainable urban development patterns
- CP9 – Sustainable transport
- GB2A – Development in the Green Belt
- GB7A – Conspicuous development
- H2A – Previously developed land
- H3A – Housing density
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- LL10 – Provision for landscape retention
- LL11 – Landscaping schemes
- ST4 – Road safety
- ST6 – Vehicle parking
- U3A – Catchment effects
- RP3 – Water quality
- RP4 – Contaminated land

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.

## Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development  
SP5 – Green Belt and district open land  
SP6 – The natural environment, landscape character and green infrastructure  
H1 – Housing mix and accommodation types  
T1 – Sustainable transport choices  
DM1 – Habitat protection and improving biodiversity  
DM2 – Landscape character and ancient landscapes  
DM9 – High quality design  
DM10 – Housing design and quality  
DM11 – Waste recycling facilities on new development  
DM15 – Managing and reducing flood risk  
DM18 – On site management of waste water and water supply  
DM21 – Local environment impacts, pollution and land contamination

### **Summary of Representations:**

8 neighbouring properties were consulted and a Site Notice was displayed.

PARISH COUNCIL – None received.

THE OLD FORGE, DUNMOW ROAD – Unable to support the application since the site is a greenfield site, since the existing permission only allows for the conversion of the buildings not the rebuilding, hope that any landscaping would be retained and maintained, would not wish any new houses to be higher than the existing buildings, the existing 'pull-off' on Norwood End should be retained, consider the access road to be inadequate for passing vehicles, building 1 is too close to the road **[this has been amended]**, if allowed then no further development should be permitted, and the hours of construction should be controlled.

BULL COTTAGE, DUNMOW ROAD – Unable to support the application until:

- There is a legal guarantee that there will be no more than 3 houses on the site
- There is a contractual commitment to landscape for wildlife
- There is a maximum of 3 houses to be built on the footprint of the existing chicken sheds
- There is a maximum of 3 houses that will be no higher than the existing chicken sheds
- There is a contractual commitment to no evening or weekend work ( the hours worked to put in the services were long, noisy and unacceptable and damage was caused to the road verge and our rear fence)

LONGLANDS, NORWOOD END – Object as the new footprint is a major change to the previous approval, since this would allow for further expansion of the site, and since the lane is inadequate to serve the proposed development.

PONDER LODGE FARM – Object as the site is not located within the village, would have a greater impact than the previous consent, would impact on wildlife, and due to the impact on their adjacent cattle shed.

## Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, the general location of the site, the design of the development, amenity considerations and regarding highway safety.

### Green Belt:

The application site is located within the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework states that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt”, with a list of exceptions. Amongst these exceptions are:

- *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *Limited infilling in villages...;*
- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The proposal would demolish the existing buildings on the site and erect three detached chalet bungalows. The existing buildings consist of three former agricultural barns that obtained prior approval in 2015 for their conversion into three residential dwellings. Works have commenced on this conversion through the installation of services, clearing of conditions, and appointing of Building Control to deal with the Building Regulations application.

### Replacement buildings:

Whilst prior approval has been granted for the change of use of the three existing buildings on the site into residential dwelling, and although works have started on this conversion, the works to change the use of the buildings into dwellings is not sufficiently completed enough for this proposal to constitute ‘the replacement of buildings in the same use’.

An appeal decision at Hillside Nursery, Hoe Lane has previously been dismissed on the 8<sup>th</sup> March 2016 (EPF/2000/15). This appeal was against the refusal of planning consent to erect a single dwelling in place of existing agricultural buildings that benefitted from prior approval to convert them into two dwellings under Class Q of Part 3 of the GPDO. Although in that instance works had not commenced on site, the ‘fallback position’ of the permitted development conversion was taken into account and the Planning Inspector nonetheless highlights that “*the current status of the structures on the site is as agricultural buildings with prior approval consent for residential use. Thus, the existing and proposed buildings cannot be said to be in the same use for the purpose of paragraph 89 of the Framework and constitute original and replacement dwellings for the purposes of Adopted Local Plan policy GB15A... I conclude that, for the purposes of national and local Green Belt policy, the development constitutes inappropriate development within the Green Belt. Thus, in accordance with the provisions of paragraph 88 of the Framework, I must give this harm to the Green Belt substantial weight*”.

The status of the buildings on this site is slightly more complicated as they would no longer be considered agricultural in use, since works have commenced on the conversion of these, however they also would not yet be classified as ‘dwellingshouses’. Nonetheless the proposed development would not meet this exception to inappropriate development.

### Limited infilling:

Whilst Fyfield has been recognised as a 'village' in planning terms (albeit the slightly more built up section to the south of the site) this proposal cannot meet the definition of 'limited infilling' since it would fail to 'infill' any logical gaps within the surrounding built form. Therefore this cannot meet this exception to inappropriate development.

*Redevelopment of previously developed land:*

This matter is slightly more complicated on this site than on other examples since works have commenced on site. Following the start of works a series of prior approval applications were submitted to convert the former farm buildings into 'flexible use' industrial buildings. These were considered 'not lawful' for the following reason:

*Since the building is no longer used solely for agricultural purposes as part of an established agricultural unit the proposed development cannot comply with the requirements of Class R of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.*

Despite the above conclusion, it is not considered that the use of the buildings on site are yet classified as 'residential' and therefore are somewhat 'in limbo'. Nonetheless the definition of previously developed land, as laid out within Annex 2 of the NPPF, reads:

***Previously developed land:*** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

As can be seen the definition of previously developed land includes any land occupied by a permanent structure unless it is one of the specific exclusions within the definition. Since it has previously been concluded that this site is no longer being used solely for agricultural purposes (and does not fall into any of the other specified exclusions) it could be concluded that the site does meet the definition of 'previously developed land', although this is far from definitive.

If it is considered that the site meets the definition of previously developed land then it could be suitable for redevelopment provided the new development "would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development".

The site is currently occupied by former agricultural barns that are currently undergoing works to convert them into residential dwellings. The volume of the approved converted barns equates to 1310.5m<sup>3</sup> and the volume of the proposed new dwellings would total 954m<sup>3</sup>, which is a 27% reduction in built form on the site.

Given that consent has been granted, and implemented, to provide three dwellings on this site (albeit through the conversion of the existing buildings) the proposed replacement houses would not result in any additional vehicle movements, activity or residential paraphernalia than the 'fall back position' and as such the proposed development would not have any greater impact on the openness and character of the Green Belt and therefore could be considered to meet the above exception to inappropriate development within the Green Belt.



*Case put forward in favour of the development:*

Whilst the applicant considers that the proposal would not constitute inappropriate development this is not a clear cut case. As such they have stated that “*should you take the alternative view I would urge you to accept the following as constituting very special circumstances which justify the development*”:

- Fallback position regarding the conversion of the building into three residential dwellings, which given that works have commenced is considered to be a realistic and viable fallback position;
- Improvements to Green Belt openness given the 27% reduction in built form on the site over and above the lawful ‘fallback position’;
- Improvements to the appearance of the area through the erection of well designed, purpose built housing as opposed to the conversion of the existing unsightly utilitarian buildings;
- Location of the development in relation to Fyfield Village and the local facilities; and
- The provision of additional housing in light of the Council’s lack of a five-year land supply.

It is agreed that the above matters would all be considered beneficial and should be given weight in favour of the development.

Whilst it is unclear as to whether the proposal would meet the exception of ‘the redevelopment of previously developed land’ it is felt that the likelihood that the site could constitute previously developed land, in combination with the above factors that weight in favour of the proposal, would be sufficient enough in this particular instance to outweigh any possible ‘in principle’ harm to the Green Belt that would result from the development. As such the application is considered to, on balance, comply with the relevant guidance and policies regarding the Green Belt.

*Sustainability:*

Whilst the application site is not considered to be within a sustainable location it has been shown in several recent appeal decisions both within and outside of the district that in areas with a lack of a demonstrable five year supply of housing the issue of sustainability alone is not sufficient to outweigh the provision of additional housing.

Although the Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Given this it is not considered that the impact on sustainability would be such to warrant refusal of the application on this issue.

*Design:*

The site is located within a relatively rural area on the outskirts of the village of Fyfield. The proposed development would remove the existing unsightly buildings and introduce dwellings that have been designed to reflect the traditional buildings seen within the district with some more contemporary detailing.

The proposed new dwellings are modest in scale and relatively traditional in form. The external materials of the dwellings would be traditional to match the surrounding properties (slate tile roof with brick and render walls), although would utilise more modern features (such as aluminium windows and timber panel doors). The one-and-a-half storey nature of the chalet bungalows would reflect the low set built form currently on the site and would ensure that the new houses do not appear overly prominent within the wider area.

Whilst there are no significant trees or landscape features within the existing site that require retention/protection a robust landscaping scheme would be required for both the area of the site in which the new properties would be located and the area of open land that forms the remainder of the site. This can be adequately dealt with by way of conditions.

Amenity considerations:

Given the location of the site and the distance between the proposed houses and the surrounding neighbours the proposed redevelopment of the site would have no physical impact on the amenities of nearby residents.

Concerns have been raised about the proximity of the new dwellings to the adjacent cattle shed with an objection regarding patio windows overlooking a straw bale storage area (which would not necessitate protection from loss of privacy), noise and light pollution impacting on the cattle shed (which is used as a breeding unit), and possible fire hazard from barbeques, cigarette ends, etc. Since prior approval exists, and has been commenced, to convert the existing buildings into residential properties, and the new dwellings would not be located significantly closer to the neighbouring cattle shed than those previously approved, it is not considered that the impact from the proposed new houses would be any more harmful than the lawful 'fallback position'.

Each of the proposed houses should be served by private amenity space to the rear that is in line with the recommendations contained within the Essex Design Guide.

Highways:

The proposed residential development would be served by the existing access to the site from Norwood End. Whilst Norwood End is a very narrow road that is not particularly suitable for significant traffic movements (despite the number of properties on the road) the proposed three new dwellings would have no further impact on highway safety or the free flow of traffic than the lawful 'fallback position' of converting the existing buildings into three dwellings.

Each of the proposed dwellings would have space for at least two off-street parking spaces and there is more than sufficient room on the site to accommodate any additional visitor parking that may arise from the development. As such the proposal complies with the requirements of the Vehicle Parking Standards.

Other Considerations:

*Flood risk:*

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a Flood Risk Assessment is required, which can be dealt with by condition.

It is proposed to dispose of surface water by sustainable drainage system. Further details of this are required by way of a condition.

*Contamination:*

Due to its use as a farm, works and forge; there is the potential for contaminants to be present over all or part of the site. Domestic dwelling with gardens are classified as a particularly sensitive proposed use and therefore it will be necessary for potential land contamination risks to be investigated and where necessary remediated by way of Condition.

## **Conclusion:**

This status of the application site is somewhat complicated and unclear since it is no longer classed as 'agricultural land' however would not yet constitute 'residential use'. However there is the strong possibility that the site would nonetheless now be classed as previously developed land. Since the proposed redevelopment would not have a greater impact on the openness of the Green Belt than the existing development the proposal could be concluded to not constitute inappropriate development in the Green Belt. Given this, along with the matters put forward in favour of the development (particularly the lawful fall back position, the 27% reduction in built form on the site, visual improvements to the site, and the provision of additional housing in light of the Council's lack of a five-year land supply), it is considered that the proposal would be sufficient enough in this particular instance to outweigh any possible 'in principle' harm to the Green Belt that would result from the development.

The design and layout of the proposed dwellings would be acceptable and would result in visual improvements to the wider area and there would be the opportunity to provide additional landscaping to the site. Furthermore this development would provide additional housing to assist in the Council meeting its five-year land supply. As such the proposed application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and is recommended for approval.

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

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

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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