

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0649/09
<b>SITE ADDRESS:</b>	Birch Hall Coppice Row Theydon Bois Epping Essex CM16 7LR
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Cleve Hein
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/03/89  T1 (W1) Oak - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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.

*This application is before this Committee since it is an application to fell preserved trees and is recommended for approval ( Pursuant to Section P4, (3) of the Council's Delegated Functions)*

**Description of Proposal:**

**T1. Oak – Fell to ground level**

**Description of Site:**

This 15 metre tall tree stands at the entrance to the inner carriage driveway and portico to the main house. The mansion is approached through an avenue of very large mature oaks, which screens views of the house from the main road before opening on to a wide elliptical drive and parking zone, flanked by two detached dwellings at either end of the courtyard area. The subject tree is located in a small grassed area to the east of the opening, defined by a ballustrated wall and kerbline.

A young but well formed hornbeam has become established close by to the oak, behind a tall screen of mature mixed broadleaf and evergreen trees, which front onto Palmers Hill. The tree is effectively obscured from public view.

### **Relevant History:**

There are records in November 2007 that works were granted permission under exemptions from the TPO due to health and safety issues.

### **Relevant Policies:**

LL9: The Council will not give consent to fell a tree ..... protected by a Tree Preservation Order unless it is satisfied that this is necessary and justified. ....any such consent will be conditional upon appropriate replacement of the tree.

### **SUMMARY OF REPRESENTATIONS**

No properties were consulted.

THEYDON BOIS PARISH COUNCIL made no objection wonder if there is any particular reason why the oak is not to be replaced with another oak tree.

### **Issues and Considerations:**

#### **Introduction**

The application is made on the basis that the tree is a poor specimen with an uneven and receding crown displaying thin foliage cover with deadwood throughout and low general vigour. It is submitted that the tree may well have suffered root damage from the nearby structures. The removal of the declining tree will allow better growing conditions for the good young hornbeam close by.

The issue, therefore, is whether or not the removal of this tree is justified and necessary due to its poor condition.

#### **Considerations**

i) Tree condition and life expectancy.

The tree appears to be in poor condition with low level of vigour displayed in the smaller than normal size of shoot and leaf growth.

The dieback evident in the upper crown predicts a foreshortened lifespan.

ii) Amenity value

The tree stands within the inner courtyard curtilage of the property, at approximately 70 metres from the nearest public vantage point on the main Coppice Row road. The view into the property from the roadside is characterised by tall, predominantly broadleaved trees, mainly oak. This avenue group largely obscures the relatively small subject oak from public view.

The proposed removal will have little effect on the appearance of this part of Coppice Row.

iii) Replacement tree

It was noted that a healthy and well formed young (hornbeam) specimen grows close by the failing oak and will, in time and with better access to sun and ground water, adequately fill the constrained space currently occupied by both trees. The grounds are extensive and new planting of various attractive species is now well established. A suitable attractive specimen tree could be comfortably accommodated within the front lawned area at an appropriate distance from other large trees and any structures. Such a requirement would further enhance the visual amenity of the approach to the house.

### **Conclusion**

The tree is a relatively insignificant specimen within an area of preserved trees. Assessed individually the tree would not merit preservation but was included in an area designed to protect all trees from the pressures of a development proposal.

It appears that the introduction of the large driveway and courtyard has had an effect on this tree over a period of years and the visual evidence of decline is clear and its life expectancy is compromised.

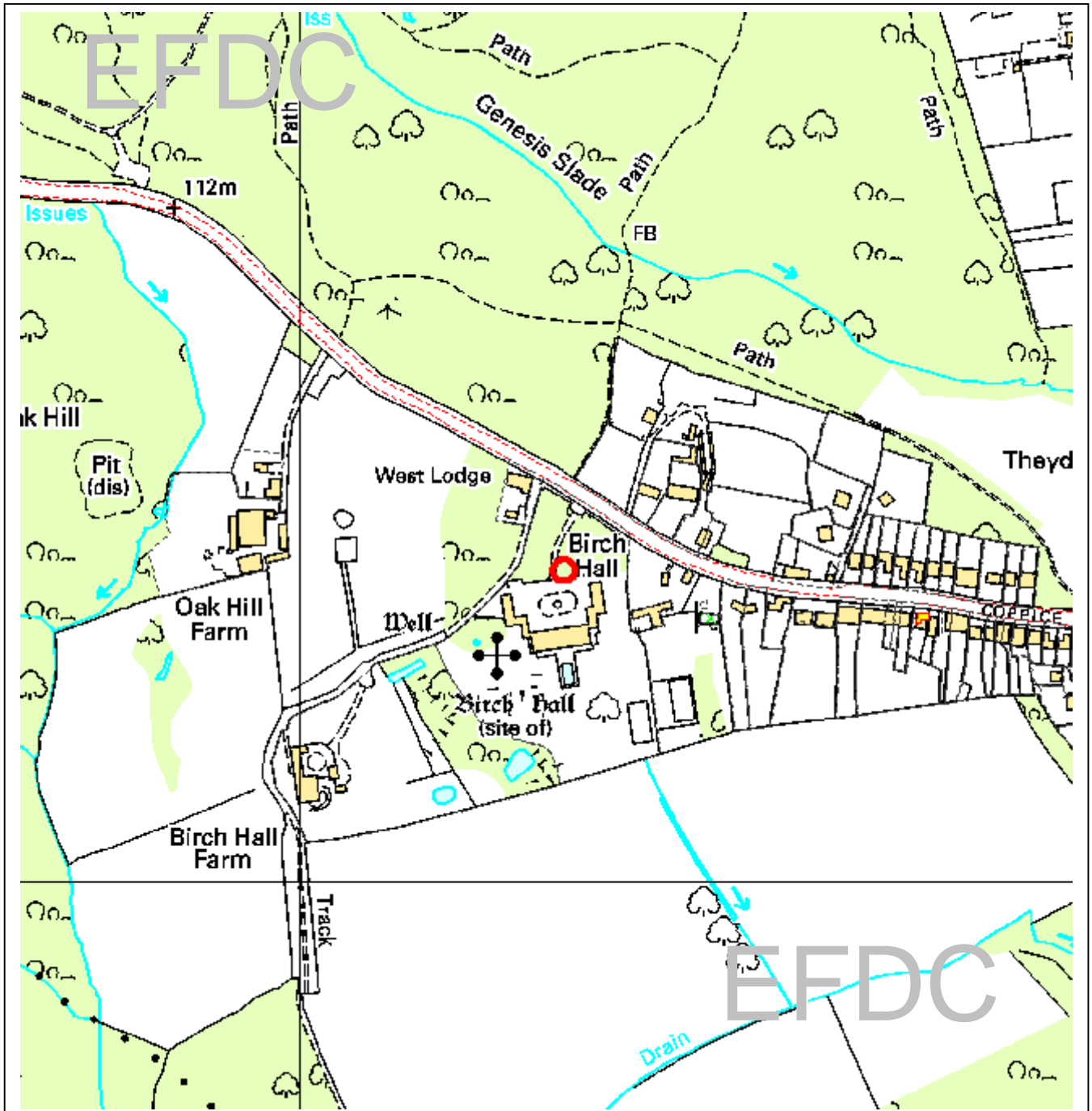
It is recommended to grant permission to this application on the grounds that the condition of the tree justifies the need to remove the tree. The proposal therefore accords with Local Plan Landscape Policy LL9.

It is recommended that, in the event of members granting permission to fell this tree, a condition be attached to the decision notice requiring the replanting of an agreed suitable replacement at an agreed location on the site.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	1
Application Number:	EPF/0649/09
Site Name:	Birch Hall, Coppice Row, Theydon Bois, CM16 7LR
Scale of Plot:	1/5000

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0585/09
<b>SITE ADDRESS:</b>	St Johns C of E Secondary School Tower Road Epping Essex CM16 5EN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Essex County Council & Diocese of Chelmsford
<b>DESCRIPTION OF PROPOSAL:</b>	Reserved matters application (siting, design, external appearance and landscaping) for the demolition of existing school, construction of new secondary school and residential development of 149 dwellings (including 38 affordable dwellings)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 2 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.
- 3 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 4 The radii of the new road off Tower Road shall be the maximum possible, within the land ownership of the applicant and the details of this shall be submitted to, and agreed in writing by, the Local Planning Authority, prior to commencement of development of the residential element of the development.
- 5 Any new planting by the vehicular access to plots 40 and 41 shall be set back outside of a sight splay of 2m x 31m.

- 6 Where existing trees in close proximity to the roadway are retained, details of protective measures to ensure the roadways/footpaths are constructed to an adequate standard shall be submitted to, and agreed in writing by, the Local Planning Authority. The works shall then be completed in accordance with these agreed measures.
- 7 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within 12 months from the occupation of such dwelling.
- 8 Any trees proposed within the highway shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and sited clear of all underground services and visibility sight splays.
- 9 The development, including site clearance, of the proposed residential area and public open spaces (green wedge), must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 10 Prior to commencement of development further details of the proposed drainage for the playing fields shall be submitted (in accordance with the Environment Agency's letter of 1st June 2009) to the Local Planning Authority and agreed in writing. The development shall then be carried out in accordance with the agreed details.
- 11 The garaging and parking spaces shown on the approved plans shall be provided prior to the first occupation of the development and shall be retained thereafter for the parking of residents and visitors vehicles.

*This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section P4, Schedule A (d) of the Council's Delegated Functions); the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions) and it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) of the Council's Delegated Functions).*

### **Description of Proposal:**

This is a reserved matters application for the siting, design, external appearance and landscaping, following the approval by the Secretary of State in December 2006 of an outline application for the demolition of St Johns School and erection of a new school together with residential development. The principle of the development is therefore already agreed, including the means of access to the site. The current application therefore relates to the details of the proposal.

The proposal is essentially in two parts:

#### **The School.**

The replacement school building is to be located at the southern end of the site with access off Bury Lane with associated games courts and sports facilities, located on the western part of the site. The proposed school building is a 900 space secondary school, of 7880m<sup>2</sup> over 2 storeys. The main body of the school arc east to west along the sites contours and two wings are proposed to the rear that will provide, upper and lower school teaching areas. To the western end of the building are the sports hall and changing facilities, and the main entrance, school hall and dining facilities are centrally placed. The proposed building is modern and innovative in design and utilises a mix of materials including the provision of a sedum roof over the eastern end of the building, and extensive glazing on the northern elevation to maximise natural light.

Vehicle and pedestrian access to the school are separate, with vehicles entering the site from a new access off Bury Lane, and pedestrian and cyclists would normally access from new footpaths from the new housing development to the east or from Lower Bury Lane, as agreed in the outline application. The layout indicates a car park for 44 staff and visitors with a pupil drop off point, a buses only drop off point for up to 8 buses and secure cycle storage for 300 pupils and 22 staff.

#### **The residential area.**

The proposal provides for 149 new dwellings of which 111 will be for private ownership and 38 will be affordable (19 rental and 19 shared ownership). The net density of the development is 42.7 dwellings per hectare. There are 14 different house types and 4 apartment types and the majority of the development is 3 storey. The dwellings are a mix of 2, 3, 4 and 5 bed units. The Residential area is accessed via the existing school access off Tower Road as agreed in the outline application and the layout is based on that which was agreed at outline. A green wedge is provided between the school site and the new residential area with houses facing out over it. A major feature of the layout is the creation of a square at the centre of the residential area which will incorporate the existing trees.

### **Description of Site:**

The application site comprises land between Tower Road and Lower Bury Lane including the existing St Johns School Site and playing fields. The land falls gradually away to the north. To the east is the current residential edge of Epping which is characterised by suburban semi-detached dwellings.

To the north is an area of woodland and to the east is the cemetery and agricultural land.

The current school site is excluded from the Green Belt but the remainder of the site is Green Belt.

### **Relevant History:**

Outline planning permission for this development was granted by the Secretary of State in December 2006. The access for the site was determined at that time. The Secretary of State considered that there were very special circumstances sufficient to outweigh the harm to the Green Belt from the provision of a replacement school within the Green Belt area.

Permission was granted subject to a legal agreement requiring 25% affordable housing provision and provision of a commuted sum for the maintenance of the proposed area of open space between the proposed housing and the new school.

The conditions on the outline consent require the design of the development to follow the Essex Design Guide and restrict the area within which the residential development could be located. They also specify a density of between 35 and 45 dwellings per hectare.

The conditions relating to the new school site include a condition that no more than 44 permanent car parking spaces shall be provided for staff and visitors within the school.

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

CP01 - Achieving Sustainable Development Objectives  
CP02 - Protecting the quality of the Rural and Built Environment  
CP04 - Energy Conservation  
CP05 - Sustainable Building  
CP07 - Urban Form and Quality  
CP09 - Sustainable Transport  
GB02A - Development in the Green Belt  
GB07A - Conspicuous Development  
NC04 - Protection of Established Habitats  
H09A - Lifetime Homes  
RST01 - Recreational, Sporting and Tourist Facilities  
RST02 - Enhance Rights of Way  
RST14 - Playing Fields  
U01 - Infrastructure Adequacy  
U03B - Sustainable Drainage Systems  
DBE01 - Design of New Buildings  
DBE02 - Effect on neighbouring properties  
DBE03 - Design in urban areas  
DBE04 - Design in the Green Belt  
DBE05 - Design and Layout of new development  
DBE06 - Car Parking in new developments  
DBE07 - Public Open Space  
DBE08 - Private Amenity Space  
DBE09 - Loss of Amenity  
LL01 - Character, Appearance and Use of the Rural Landscape  
LL03 - Development on the Edge of Settlements  
LL07 - Planting, Protection and Care of Trees  
LL10 – Provision for Landscape Retention  
LL11 - Landscaping Schemes  
LL12 - Street Trees  
ST01 - Location of Development  
ST02 - Accessibility of Development



ST04 - Road Safety  
ST06 - Vehicle Parking  
ST07 - Roads

### **SUMMARY OF REPRESENTATIONS:**

202 properties were consulted, site notices were erected and the proposal was advertised. The following responses were received:

TOWN COUNCIL: Committee object to this application because drab and poorly designed blocks of flats do not enhance Epping's environment and are unsympathetic with surrounding property designs. Slightly reduced density will allow for a more interesting development which is respectful of the local character of the town and a positive enhancement. In the inquiry decision, the Inspector stipulated (Reserved Matters and Time Limits Para 24) that the new school must be substantially complete prior to the demolition of the old school. Committee feel strongly that this should be carried forward as a condition in any detailed permission for the demolition of the old school and the erection of the new school. Committee also expressed concern that the parking standards applied to both the residential and the school development should closely reflect the emerging standards in the new 'Parking Standards – Design and Good Practice (Consultation Draft)' because application of this standard to the proposed development will result in greater levels of sustainability.

77 TOWER ROAD (2 letters) Object – development immediately to rear of my property, is of considerable height and will cause loss of privacy. Low rise development would be more acceptable. Development of tall and large blocks of flats would be overbearing and out of place. Increased noise levels, loss of property value. Commercial rubbish bin too near my garden. Harm to environmental safety and health. Loss of water pressure.

81 TOWER ROAD - Extremely concerned that it will affect our right to privacy under the Human Rights Act. The height of the development to the rear means we will not have any privacy. The trees will not provide protection during winter months. Concern over increased noise levels. Large communal rubbish bin areas for the flats is directly behind my garden, this will adversely affect us.

26 LOWER BURY LANE - Insufficient information on lighting and carriageway alteration to properly assess the proposals. Overall design of school an improvement over outline. Concern over overlooking of neighbours from the 3 storey elements. Unnecessary footpath spur from the public access footpath into Lower Bury Lane. It breaks the screening between the site and Lower Bury Lane whilst adding no value. Both the landscaping and the close boarded fencing are needed for security. Both must be installed. Concern over stopping up of Lower Bury Lane – need to impose appropriate parking restrictions and demarcation and speed limits on shared surfaces.

79 TOWER ROAD – Concerned about 3 storey block overlooking the rear of our property. Loss of privacy about 5m from our fence. 3-storey is not dominant feature in Epping. Should be maximum 2 storeys. Boundary treatment needs to be considered. Bin stores should be located elsewhere.

HIGH CONIFERS, LOWER BURY LANE – Concerned about additional traffic movements, highway safety, overloaded infrastructure, gridlock. Proposal is for financial gain with little thought for the people in the area.

EPPING SPORTS CLUB – Concerned about close proximity of turning point in Lower Bury Lane, to the ungated entrance to our car park. However Higgins have now agreed to install a suitable gate/barrier prior to any construction work commencing.

65 TOWER ROAD – Concerned about loss of property value from new estate being built opposite my house. Stress caused to existing residents from the construction process, noise and dust. Increased congestion on already very congested road.

30 LOWER BURY LANE – Concerned about lighting along footpath bordering our bungalow. Small spur footpath proposed will cause untold problems and is not necessary. Would like 1.8m fencing to continue extra length of perimeter from Bury Road along our drive. The existing fence is very old. Our drive is already used for turning and this will get worse. We would like financial contribution towards gate/barrier.

63 TOWER ROAD – Concerned about 3-storey development close to the boundary of my rear garden. Loss of light to rear garden and primary residential room. Loss of privacy from 3-storey apartments. 3-storey apartments are incongruous to the existing street scene.

### **Issues and Considerations:**

The principle of this development, including details of means of access and the position and basic layout of the school and residential development has already been agreed and conditioned, as has the percentage of affordable units. This application therefore is to determine the details of the scheme in terms of design and landscaping.

The main issues therefore are the appropriateness of the design response, the visual impact of the proposals on the Green Belt and on the street scene, the impact on surrounding residential amenity from the built form and layout and the adequacy of the landscaping and tree protection proposals and sustainability issues.

In accordance with the conditions imposed on the outline approval, the basic form of the scheme corresponds to the illustrative details provided at that stage.

### **The School**

The proposed school development is set away from the existing housing area and is viewed in the context of the surrounding landscape, set into the gentle slope of the land. It is considered that the design and detailing of the school, together with the proposed parking, turning and drop off areas have all been very well considered to meet the functional needs of a modern school, while fitting well within the landscape, such that it will not be a prominent or visually intrusive development within this Green Belt location.

This is helped by the chosen materials which include the provision of a sedum roof and significant areas of natural wood cladding.

The school size in terms of floor space was again set out in the outline consent and the floor area proposed complies with the maximum area agreed.

Sustainability has been taken into account from the outset. The school will be naturally day lit with solar gain controls and heat recovery and effective natural ventilation from roof ventilators, such that a BREEAM rating of 'very good' to 'excellent' will be achieved.

No specific objections have been received in relation to the proposed school development and Officers consider that it meets the high standard that was expected and required for the development of this sensitive Green Belt location.

The landscaping details submitted are considered appropriate and acceptable providing a good long term landscape for the school.

### **The Residential Development**

The conditions imposed on the outline application required that the development was contained within a specific area, that the layout be in accordance with the Essex Design Guide for Residential and Mixed Use Areas 2005, and that the development shall be within a density range of 35-45 dwellings per hectare.

The proposed scheme meets these requirements.

### *Design and Visual Impact*

The proposed layout of the residential area is essentially a loop within a loop. The inner loop comprises terraced housing facing onto a central square within which the existing trees from within the existing school site are retained.

The outer loop contains apartment blocks along the eastern edge of the site, with larger detached houses opposite and 4 terraces of 3 storey town houses, facing outwards, along the western edge of the residential zone facing towards the green wedge of open space that separates the housing from the school.

The development accords with the principles of the Essex Design Guide, in that the buildings are all set close to the back edge of the footpath, in order to enclose space and parking is predominantly set behind or between buildings in garage courts. On approach to the site from the one vehicular access from Tower Road a 3-storey apartment block will terminate the view, creating an interesting visual entrance to the site. The individual designs of the apartment blocks and houses are fairly traditional in form with pitched roofs, brick and render, timber doors and windows and traditional detailing such as soldier courses and chimneys. Whilst concern has been expressed with regard to the design, the site is not within a conservation area and is adjacent to an area of standard suburban housing and it is considered that the development is of appropriate design that, subject to quality materials being used will provide a good urban environment and a sense of place that will be an asset to Epping.

The proposed town houses facing out over the green wedge create a defensible edge to the development and ensure that the open space will be safer by design.

### *Residential Amenity*

The proposed development does include 3-storey apartment blocks relatively close to existing residential properties in Tower Road, and this has roused concern regarding loss of amenity.

The blocks themselves however, are only about 10.8m high, which is not significantly higher than many deep plan detached houses, and it is not considered that they would appear excessively dominant. The blocks that are adjacent to boundaries have been placed there because they are single aspect with no habitable rooms facing the existing dwellings so there will be no significant overlooking from the scheme. Whilst it is accepted that the nearest existing residents will have a change in outlook, it is not considered that there will be a significant loss of light, privacy or amenity as a result of the development.

Although concern has been raised by some neighbours with regard to the proximity of communal bin stores, in reality no such stores are proposed adjacent to existing properties.

Noise has been raised as a potential concern by some neighbours, but it is not accepted that there will be excessive noise from the proposed apartment blocks. The parking areas have been kept away from the existing residential properties and it should be remembered that the site is currently a school which would generate noise and activity.

Within the site the layout meets adopted amenity space and overlooking standards and it is considered that it will provide suitable living conditions for future residents.

### Landscaping and retention of trees

It is considered that the submitted drawings illustrate that there is sufficient space around the site for meaningful landscaping. Semi-mature trees are proposed at the entrance to the site and the existing trees are largely retained with sufficient space for future retention.

At this stage however the full details of the landscaping, within the residential area and the Green Wedge area are not of sufficient detail for full approval, unlike those for the school site. It is considered however that the layout allows for a satisfactory scheme to be achieved and as such the details can be the subject of a condition.

### Other Issues

#### Public Open Space

The Green Wedge between the housing and the school includes two footpaths linking the two elements and will provide an important green corridor and open space area. In total the development provides about 1.8 hectares of public open space which significantly exceeds the basic 10% standard suggested in the Local Plan. The existing legal agreement encompasses a commuted sum to cover the maintenance of this open space.

#### Wildlife

Within the proposed school grounds there is an existing pond which is to be protected during construction and maintained, and will be an important feature and educational facility for the school providing ecological interest. Its retention is the subject of a condition on the outline consent.

#### Drainage

Drainage details have been submitted as part of this application and considered by the Environment Agency. They have confirmed that they are happy with the principle of the drainage scheme proposed. Additional details are however required and these can be the subject of a condition.

#### Parking

The parking for the school complies with the maximum set out in the outline approval. The parking for the proposed residential area is broadly 2 spaces for each open market house, 1.5 spaces for affordable dwelling and 1 space for each apartment. This is within the current maximum standards and is considered appropriate to this location. Adequate cycle parking facilities are proposed.

It is not possible at this stage to insist on compliance with the Consultation Draft Standards as suggested by the Town Council.

#### Impact on property values

Concern has been raised by some neighbours that the proposed development will adversely affect property values. This is not a relevant planning consideration.

#### Replacement School

The Town Council have asked that the existing condition on the outline consent requiring the new school to be substantially complete before demolition of the old school, be carried forward. This is not necessary as the developer needs to comply with all the conditions in the outline decision as well as any further conditions added at this stage.

**Conclusion:**

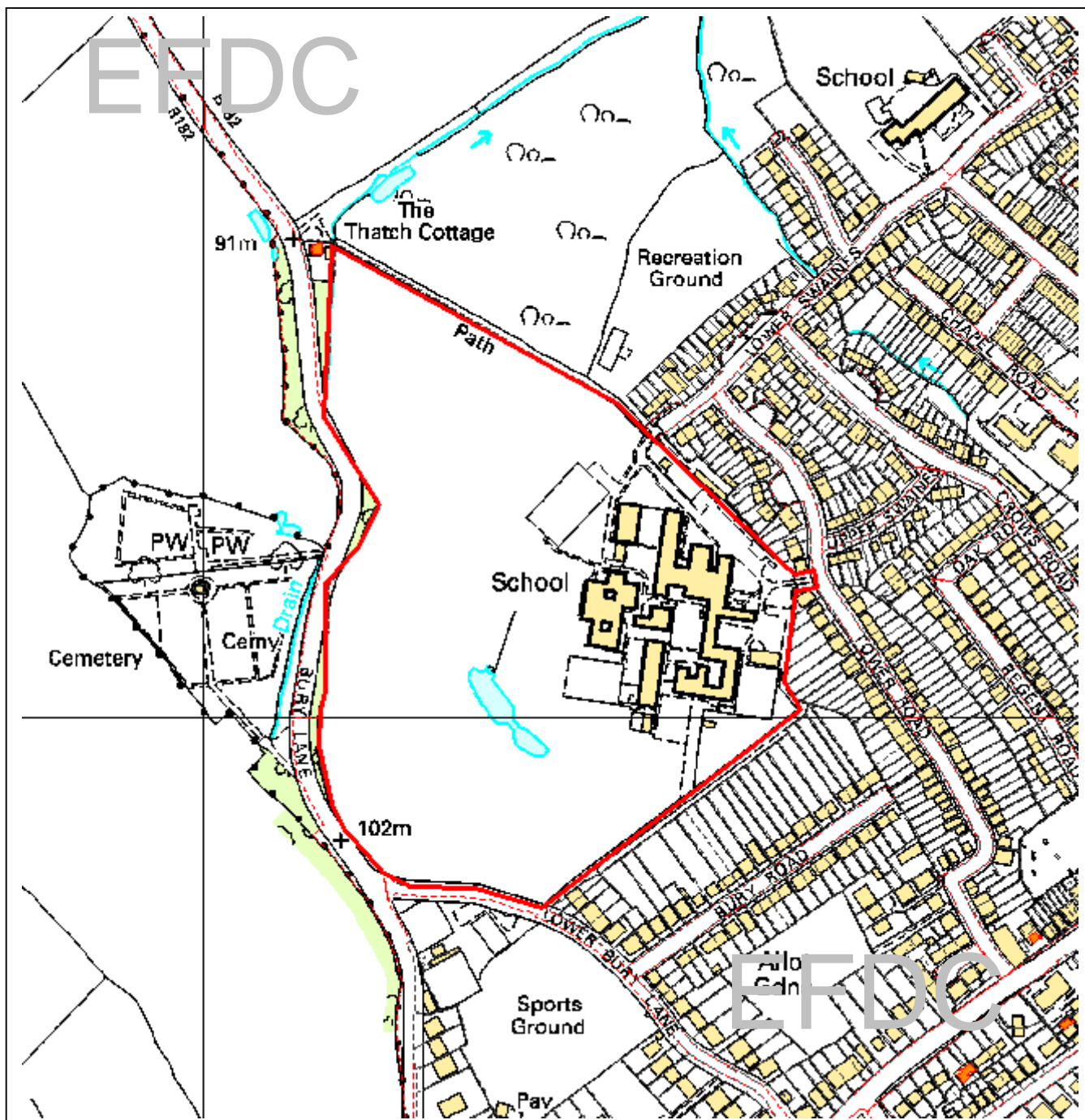
In conclusion, the proposed development meets the requirements set out in the outline consent and is considered to be of appropriate design and external appearance, such that it will provide a pleasant and attractive environment and will not significantly adversely impact on the amenity of adjacent residents. The proposals are considered therefore to be in accordance with the adopted policies of the Local Plan and Local Plan Alterations and are recommended for approval subject to the imposition of further conditions.

Whilst there is concern that the submitted landscaping details for the residential area and Green Wedge are not at this stage approvable, the landscaping in connection with the school site is acceptable. Given that the school needs (by condition) to be built first it is considered appropriate to recommend approval, subject to a condition requiring further landscaping details for the residential area and Green Wedge to be submitted prior to the start of works on those parts of the site. This will prevent unnecessary delay in the provision of the new school facility.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	2
Application Number:	EPF/0585/09
Site Name:	St Johns C of E Secondary School, Tower Road, Epping, CM16 5EN
Scale of Plot:	1/5000

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0744/09
<b>SITE ADDRESS:</b>	5 Centre Drive Epping Essex CM16 4JH
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Darren Hunt
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed new attached dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 extension, shall match those of the existing building.
- 3 The hedgerow shown on the southern boundary of the site shall be retained throughout construction and occupation of the approved dwelling unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to the first occupation of the development hereby permitted, there shall be no obstruction within a parallel band visibility splay 2.4m wide as measured from the back edge of the carriageway across the entire site frontage. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

*This application is before this Committee since it is an application for non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

**Description of Proposal:**

The applicant seeks consent for the erection of a new 3 bed end of terrace dwelling. The proposals maintain the existing front and rear building lines with a single storey rear projection. The proposals incorporate a ground floor lounge, kitchen/breakfast room, hall and w/c and at first floor 3 bedrooms, a bathroom and ensuite.

**Description of Site:**

The application site is a semi detached property with a generous space to the side of the property which forms the corner plot overlooking the public green area.

The site is situated in the generally urban area of Epping in close proximity to the Town Centre and associated services.

### **Relevant History:**

The site has no relevant history.

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

CP2 – Protecting the quality of the rural and built environment

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE3 – Design in urban areas

DBE8 – Private Amenity Space

DBE9 – Impact of New Development

ST6 – Vehicle Parking

### **SUMMARY OF REPRESENTATIONS:**

EPPING TOWN COUNCIL: The Committee had no objection to this application

15 properties were consulted and the following responses were received:

1 CENTRE GREEN: Object – does not meet affordable housing policy in either PPG3 or Local Plan. Proposal refers to continuation of terrace of dwellings, but Centre Drive is actually a street of semi-detached houses with regular spacing – would set undesirable precedent with cumulative effect of erosion of character and design of street. Over development of site. Impact on privacy and overlooking of property. Would cause significant harm to local character and not in best interests of the community. Buildings closest to proposed site are currently being rented out and tenants have not passed information on to owners of the properties.

7 CENTRE DRIVE: The attached neighbour has objected due to implications to property value, uncharacteristic scale of development with the proposals creating a short terrace and additional burden to highway safety and parking. Comparisons are also drawn to a neighbouring development at 2 Western Avenue.

9 WESTERN AVENUE: Object due to implications to highway safety and parking, loss of views, loss of light and the objector is concerned that the proposals look bulky and squashed onto the plot.

### **Issues and Considerations:**

The main issues for consideration in this application are the principle of the development, the design and layout of the proposals and the potential implications for the amenity of neighbouring properties.

#### *Principle of development*

The site is situated within the urban area in a location characterised by residential development, for this reason, in principle, the proposed additional residence is acceptable subject to siting, design and appearance.



#### Siting, Design and Appearance in the Streetscene:

The proposed development would create a short terrace as opposed to a semi-detached pair in an area which is generally characterised by semi-detached and detached properties, however it is not considered that the presence of a short terrace would be detrimental to the character of this area.

The proposed property would maintain the existing building lines along Centre Drive and retain a hipped roof from the design of what would be the opposite end of the terrace. The openings and overall built form are designed to mimic the existing property in order to minimise disruption to architectural character in this location.

The proposed new dwelling would be situated close to the boundary with the open green, this is not considered unacceptable with the retention of the adjacent hedge which can be secured by condition. Also the approved new dwelling behind would maintain a similar relationship to the adjacent green area.

For these reasons the overall design and appearance are considered acceptable and reflective of policy objectives.

#### Garden provision:

Council policy DBE8 seeks 20sqm per habitable room which would create a desirable provision of 100sqm, an objective mirrored in the Essex Design Guide. However, a reduction on this provision is permissible where surrounding garden areas are not characteristically this size and where adjacent areas of open space offer recreational opportunities. The proposals incorporate a similar size garden to other properties in the area and the site is situated immediately adjacent to an area of green space, for these reasons the provision of 62sqm is considered reasonable and acceptable. The donor property would retain a garden space of 73sqm, again a reasonable provision, acceptable in this location.

#### Parking:

The applicant provides a single parking bay each to the front of the donor and proposed property. Current parking standards would usually seek 2 spaces for each 3 bed unit, however, the applicant retains an area on each property for front garden which is beyond the proposed parking area, and this could provide a further space for each property, although this front garden area is of benefit to the streetscene. Furthermore, the application site is situated within Epping Town Centre where access to public transport and local services enables a lesser dependence on car travel. Furthermore it is noted on-street parking is possible in the nearby area.

#### Impact to neighbouring properties:

The donor property is situated immediately to the north with the proposals potentially overshadowing the plot in the mid to late afternoon, the site to the rear is sufficient to enable a detached dwelling with back to back distances not dissimilar to those along the remainder of Centre Drive and Western Avenue, for this reason the proposed dwelling is not considered to have significant adverse impact to neighbours. Properties on the opposing side of Western Avenue are significantly separated and would not be overshadowed.

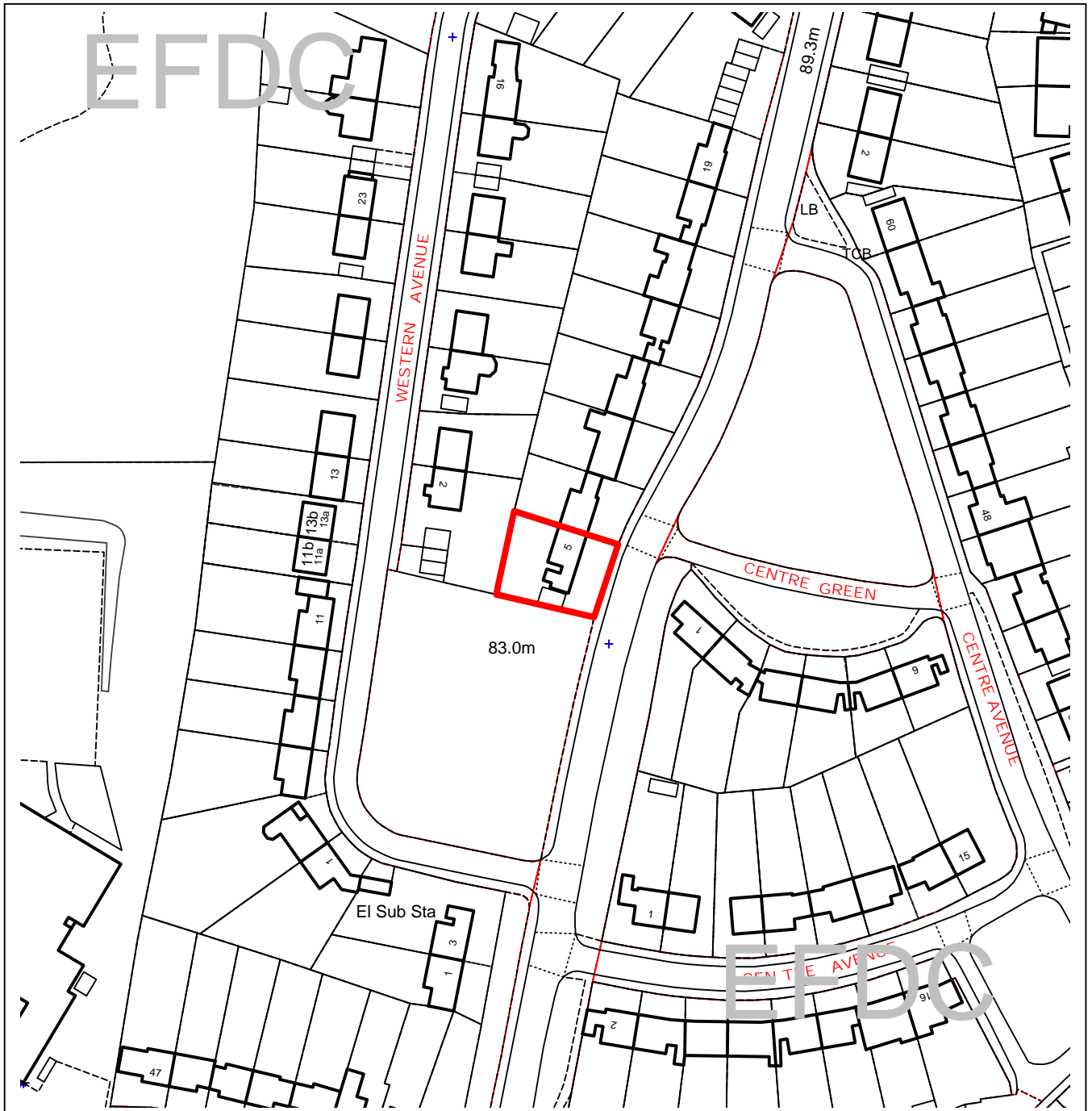
#### Conclusion:

The proposed new dwelling is considered acceptable with sufficient accommodation and amenity for modern living standards in an urban area with good transport links where development should be encouraged. For these reasons Officers recommend approval with conditions.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0744/09
Site Name:	5 Centre Drive, Epping, CM16 4JH
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0871/09
<b>SITE ADDRESS:</b>	Tudor Oak 9A London Road Abridge Romford Essex RM4 1UT
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr Scott Ivill
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 extension, shall match those of the existing building.
- 3 The windows shown to be obscured glazed on the approved plans shall be fitted with obscured glazing and fixed shut prior to the first use of the extension and permanently retained as such thereafter.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

The proposal is for a two storey side extension (revised application) on the western side of the property measuring 5.9m wide and to a depth of 7.3m, thus coming level with the existing front and rear elevations. The ridge line would continue on with a half hipped corner replicating this existing side. Two dormer windows are proposed for the front elevation, obscure glazed, and a window is proposed in the first floor side elevation.

**Description of Site:**

The site is located in an area of ranging styles and designs. The property is a backland development and accessed by a private lane, shared with No9. A garage block currently obscures direct views between front and rear elevations on these properties. The proposal site is bordered by gardens of neighbouring properties on London Road, Hoe Lane and properties to the west which are also down an access way.

### **Relevant History:**

EPF/0448/95 - Erection of detached dwelling - including works to Oak tree, lopping or felling. Refuse permission - 26/06/1995.

EPF/0601/96 - Outline application for erection of one dwelling. Grant Permission (with conditions) - 24/06/1996.

RES/EPF/1375/96 - Erection of 3 bed detached dwelling. Grant Permission - 17/02/1997.

17/02/1997 - Two storey side extension. Refuse Permission - 28/08/2008.

EPF/1239/08 - Two storey side extension. Refuse Permission - 28/08/2008.

EPF/1926/08 - Two storey side extension. (Revised application). Refuse Permission - 10/11/2008.

### **Policies Applied:**

Policy DBE9 – Loss of Amenity

Policy DBE10 – Design of Residential Extension

Policy GB7A – Development Conspicuous from the Green Belt

Policy HC6 – Character, Appearance and Setting of Conservation Areas.

Policy ST6 – Vehicle Parking

### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL: Objection. Garage block acts as a screen between No9 and 9a and any development contradicts reasons for original permission. Obtrusive to gardens in The Chase. Size of house would be out of keeping for the area. Noise and disturbance during construction.

22 properties were consulted and the following replies were received:

13 LONDON ROAD: Objection. Extension will look directly and over our garden causing invasion of privacy. Property will be too large and out of character.

9 LONDON ROAD: Objection. Out of character with the property and area. Overlooking and loss of privacy. Overshadowing and loss of light to habitable room windows and garden. Reduced parking and overbearing. Damage to local infrastructure and security gates will affect privacy during construction.

### **Issues and Considerations:**

The main issues to consider are any potential loss of amenity, and the design of the extension in relation to the existing building and its setting. There are also considerations in relation to the nearby Green Belt and Conservation Area.

#### **Conservation Area/Green Belt Setting**

Both the Metropolitan Green Belt and Abridge Conservation Area are nearby but both are unaffected by the extension to this property which is unseen from the Conservation Area and the Green Belt just touches the rear of the garden. Surrounding buildings obscure direct views of the extension from the Green Belt.

#### **Streetscene and design**

This is the third application for similar extensions to this site, the first two having been dismissed on appeal. The first scheme proposed to extend the property by 70% and the second, as with this scheme, just over 50%. When considered under delegated powers the second application (EPF/1926/08) was considered a balanced case. Although the dwelling will be larger than neighbouring properties it is set on a backland plot. This means that it would not be viewed as part

of the existing streetscene. This was also the view of the inspector on both appeal cases. With this in mind it is considered that this scheme would be acceptable in design as, although it will be larger in relation to neighbouring properties, it is not as vital that it conforms to the streetscene that exists along the main arterial routes in the district. It is also the case that the majority of properties in the area are terrace or semi detached and thus of a different style to this detached dwelling. The proposed extension complements the existing house in accordance with design policies.

### Impact on Neighbours Amenity

Policy DBE9 requires that residential extensions do not lead to loss of neighbour amenity in relation to such things as visual impact, overlooking or loss of daylight/sunlight.

Both previous applications have been refused in relation to issues of overlooking. This scheme retains two dormer windows to the front but they are now to be obscure glass windows as they serve bathroom and dressing room. It is considered that this is an adequate arrangement to address concerns of overlooking to the front of this property, as alluded to by objectors. The second application had included a rear balcony which was deemed unacceptable. It is noted that this has been removed. This would sufficiently overcome any issues of overlooking to the rear. The new scheme does include a small window to the side elevation at first floor. This would be adjacent to gardens on the access lane. The gardens here are split from the houses by the lane. It is considered that overlooking of the gardens to the side of this window would not be an issue, as the window would be set at a tight angle and is small in size. The window would look directly over the gardens of No37. This property also has the garden split by the lane from the house. However it also has a garden area, with seating, to the side. The site visit suggested that this area was used as a private area by the occupants and in this respect, enclosed behind a high wall, offered a high level of privacy. The other garden area was split between a garage and hardstanding and an area of planting. It is contended that this window would not overlook the most private area of garden and would in that respect be an acceptable element of the scheme.

### Other Matters

Parish Council comments and two objection letters were received in relation to this application. Concerns in relation to overlooking and the proposed bulk of the property have been addressed in previous sections. The other objections will now be addressed.

The Objector at No9 states that the proposal will lead to loss of light and overshadowing of his, and a number of other properties on London Road. The Parish Council also state that the garage had originally been designed as a screen between the two. It is considered that the extension would not result in significant overshadowing or loss of light with a distance of approximately 30m retained between elevations. The garage has acted as a screen between the two properties to this date. However each application must be judged on its individual merits and it is concluded that the extension would not lead to a significant loss of amenity through loss of outlook or overshadowing. The garage block guarded against overlooking and this scheme does not increase this.

An objector also makes the point about reduced parking on the site. The current standards require that in rural areas with limited public transport services, 3 spaces would be appropriate for properties with 4+ bedrooms. It is felt that having regard to the garage on the site and the space to the front of the property, which would be unaffected by the development, space provided for parking would be adequate.

A number of points are made about the impact of the proposed work on local infrastructure and concerns about workmen entering and exiting the site. These factors are beyond the remit of control of the Local Planning Authority and although these concerns are understandable they cannot bear any influence on the determination of this planning application.

**Conclusion:**

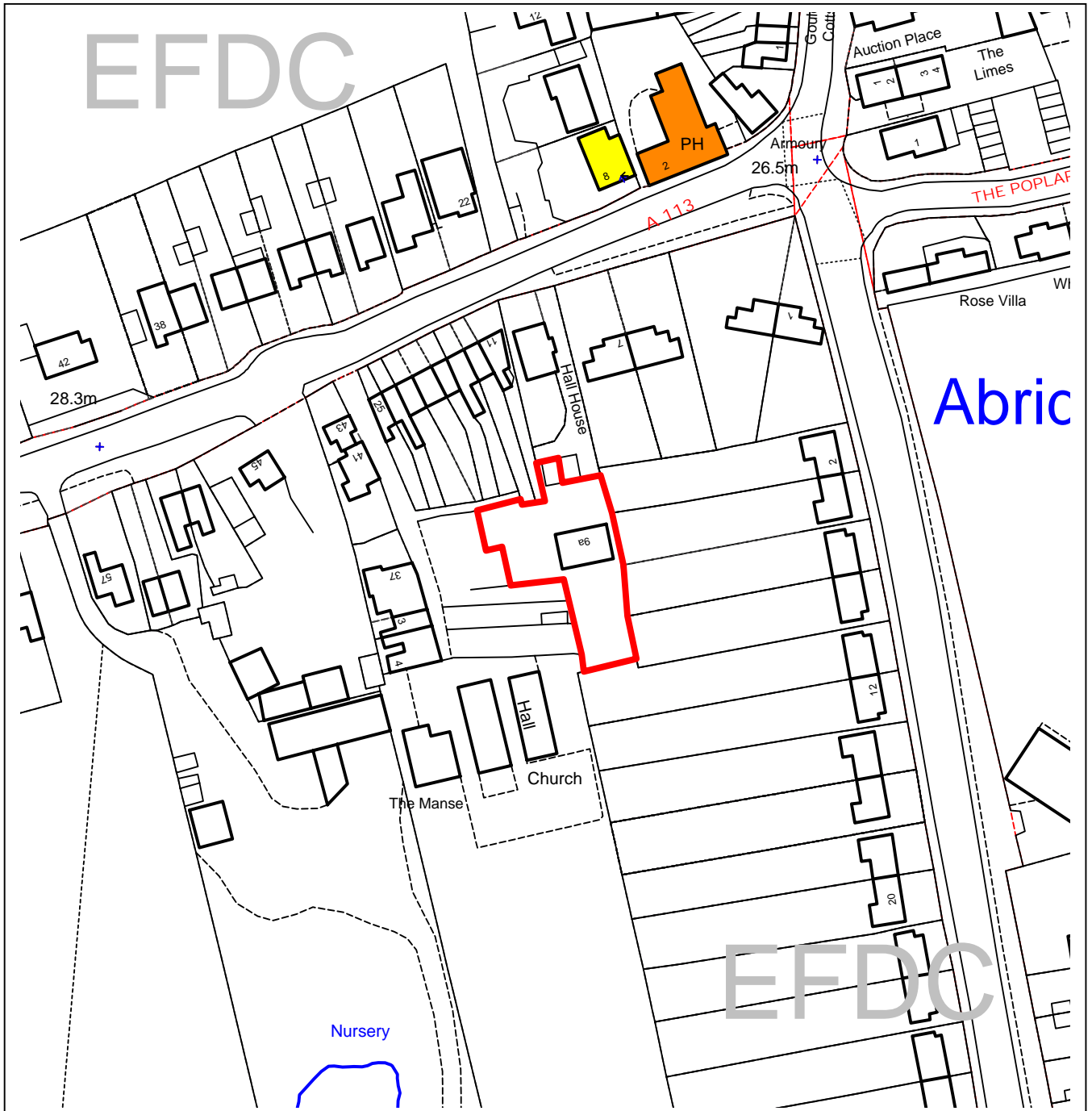
The proposed extension would lead to a sizeable increase in the volume of this property. However it benefits from a backland plot and would not impact adversely on the local streetscene. It is not considered that the proposal would have a significantly detrimental impact on the amenity of neighbours.

This revised proposal is therefore considered to be in accordance with the policies of the Local Plan and recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0871/09
Site Name:	Tudor Oak, 9A London Road Abridge, RM4 1UT
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1348/08
<b>SITE ADDRESS:</b>	Matthews Yard Harlow Road Moreton Ongar Essex CM5 0LH
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Wickford Development Company
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and commercial buildings and erection of 8 dwellings including surface water sewer to existing watercourse. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The Local Plan and Government Guidance as set out in Planning Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area and that new developments will only be permitted if not disproportionate. The construction of 8 open market dwellings in this location is inappropriate development which will have a detrimental effect to the open character and objectives of the Green Belt. The proposal is therefore contrary to Policies GB2A and GB16A of the Adopted Local Plan and Alterations.
- 2 The proposed development would, by reason of the design, bulk, mass, and siting of the dwellings appear unacceptably dominant and visually intrusive and would be out of character with the surrounding area contrary to Policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations.

This application was deferred from the last Area Sub Committee by Members to enable further negotiation with the applicants with a request that it be reported back to this meeting.

At the time of writing the negotiations are ongoing and progress will be reported orally.

The original report is reproduced below:

*This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).*



### **Description of Proposal:**

The applicant is seeking planning permission to demolish an existing dwelling known as Cedar Lodge and a number of redundant buildings on the subject site. These are to be replaced by 8 dwellings that are to be located around an internal access road. The dwellings will comprise of:

- 3 Terrace 2 storey dwellings
- 3 Detached 2 storey dwellings
- 1 Detached 2 storey dwelling with attic rooms
- 1 Detached 1.5 storey dwelling.

The dwellings will range from two bedrooms to five bedrooms with each having its own private open space and associated car parking either within the designated parking bays or within detached garages. Plots 1, 2, 3 and 5 also include studios over the garages.

The proposed development is to be located towards the front of the subject site where the existing dwelling and redundant buildings are located. The vacant transport yard towards the rear is to be transformed into a paddock.

It should be noted that this application is a revised application as Council recently refused a similar scheme (EPF/2580/07) in January 2008.

### **Description of Site:**

The subject site is located on the western side of Harlow Road within the village of Moreton. The site as a whole is known as Matthews Yard and it comprises approximately 0.415 of a hectare. Located on the boundaries is a medium size timber paling fence. Mature vegetation is located on the rear boundary of the site.

Currently the site has two different uses. Located on the north eastern corner of the site there is a small bungalow with small detached outbuildings located behind it. A large timber framed weatherboard building that is in a poor condition is located south of the existing bungalow. The building is currently vacant but was once used as a filling station with associated workshops and vehicle repairs. It should be noted that it appears that the building has not been used for many years due to its derelict condition.

The existing transport yard towards the rear currently has a large hardstanding area and some small disused outbuildings.

The subject site is located within the residential ribbon of Moreton, with bungalows to the north and larger properties to the south. Opposite the site are allotment gardens and to the west are fields. The site and the surrounding area are located within the Metropolitan Green Belt.

### **Relevant History:**

The subject site has had a number of previous planning consents dating back to 1958. These include permission for the site to be used as a filling station with associated storage tanks, vehicle maintenance and the development of a residential bungalow (Cedar Lodge). The most recent applications are as follows:

EPF/1470/77 - Retention of use of portion of building for storage purposes and siting of 2 no. free standing steel storage tanks for storage of cleaning solvent (approved)

EPF/0275/87 – Temporary office, welfare and vehicle maintenance accommodation (approved with conditions)

EPF/2580/07 - Demolition of existing dwelling and commercial buildings and erection of 8 dwellings. (refused)

**Policies Applied:**

DBE1 Design of New Buildings  
DBE2 Detrimental Effect on Existing Surrounding Properties  
DBE4 Development in the Green Belt  
DBE6 Car Parking  
DBE8 Private Amenity Space  
DBE9 Loss of Amenity for Neighbouring Properties  
LL10 Adequacy of Provision for Retention of Landscaping  
LL11 Landscaping Schemes  
CP1 Sustainable Development  
CP2 Protecting the Quality of the Rural and Built Environment  
CP3 New Development  
H1A Housing Land Availability  
GB2A Development in Green Belt  
GB7A Conspicuous Development  
GB15A Replacement Dwellings  
GB16A Affordable Housing  
E4A Employment

**Summary of Representations**

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL: The committee strongly objects to the application as the proposal is considered to be an excessive development within the Green Belt and no on-site affordable housing is proposed.

14 Neighbours were consulted and a site noticed erected. The following responses were received:

2 LANDVIEW COTTAGES (2 letters) – Objects to large buildings which are out of the price range for local residents and would rather see affordable housing within the site. Also the proposed development is an overdevelopment of the site which would not reflect the character of the area and would be detrimental to the openness of the Green Belt.

**Issues and Considerations:**

**Green Belt:**

Under the previous scheme that was refused, the Council considered that the special circumstances that were put forward did not outweigh the harm that the development would cause in relation to the openness, appearance and the character of the Green Belt. It was also considered that the construction of 8 open market housing with no provisions of affordable housing on site and only £400,000 to facilitate the purchase of existing properties to be used as affordable housing within the two nearest towns of North Weald or Ongar was inadequate to justify a development of this size and scale within the Green Belt.

Therefore the main issues to be addressed in this case are whether the applicant has addressed the Council's first reason for refusal of the previous application which was:

- The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The Local Plan and Government Guidance as set out in Planning Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt

it is essential to retain and protect the existing rural character of the area and that new developments will only be permitted if not disproportionate. The construction of 8 open market dwellings in this location is inappropriate development which will have a detrimental effect to the open character and objectives of the Green Belt. Furthermore the development does not provide affordable housing, and the proposal is therefore contrary to Policies GB2A and GB16A of the Adopted Local Plan and Alterations.

It should be noted that no additional very special circumstances have been put forward to Council from those that were submitted under the previous scheme that was refused.

Also, since the refusal of the previous application there has been no material change in relation to the number of dwellings on the site. Under the revised scheme the applicant proposed a financial contribution of £200,000 to facilitate the purchase of properties to be used as affordable housing off site, however this was increased to £251,000 following post application discussions. This is significantly less than the £400,000 that was offered under the previous scheme.

The applicant has argued that the amount of affordable housing provision should not be the same as previously, due to the decrease in the overall value of the site and the potential building and sale prices of the dwellings.

The applicant has explained that this is an economic viability assessment prepared by a company called 'Three Dragons'. In the assessment it was stated that if the Council's normal affordable housing requirements were applied, the residual value of the development would be insufficient to fund the affordable housing requirements. Therefore because of this, it would not be economically viable for the applicants to go ahead with any residential development.

The application along with the supporting documentation was referred to the Council's housing officer who accepts the argument put forward by the applicant in relation to the amount of affordable housing that can be contributed due to the evidence contained within the viability assessment. The housing officer also stated that the Council could not reasonably expect to receive any greater contribution than the £251,000 offered.

Although the Council accepts that the amount of affordable housing contribution is acceptable for the size of the scheme, the Council still considers that were we to accept that the site could be developed for housing, there should be some form of on-site affordable housing for the benefit of the local community and to provide some justification to outweigh the harm the development would cause on the Green Belt.

Development on a site like this for residential development is clearly contrary to Green Belt policy, unless it is for 100% affordable housing and is accepted as an exception to normal Green Belt restraint because of an identified local need for such housing. A site like this is ideal for affordable housing and this is justified under Policy GB16A. The lack of affordable housing which is 'affordable' to rent or buy may often result in villagers (particularly those starting new households) being obliged to move away in search of accommodation and work. Moreton is considered to be a suitable settlement and a scheme here could be beneficial to local people who may wish to live and work in the area. This in turn would benefit the local economy in terms of services and amenities being used. The applicant is not however arguing that this should be regarded as an exception site.

It should also be noted that a housing survey for Moreton, Bobbingworth and the Lavers has been carried out in Oct/Nov 2007 however it has not been formally published. A brief summary that was issued stated that 77% of the residents responding are in favour of the provision of affordable housing and 30 individuals have indicated a need. The Parish Council considered that these numbers justify an affordable housing scheme for the village of Moreton.

Given the location of the site within the village, and the acknowledged cost of removing the existing building and decontaminating the land, there is an argument that the site could perhaps be developed for 50% affordable housing and 50% market housing to help meet the local need, but the scheme would need to relate better to the surrounding development. However the open market housing would have to be on the bottom strata of the housing market.

Not only does the proposed development result in no affordable housing on the site, but it is considered that the proposed scheme incorporating 8 luxury dwellings results in a development that would have a detrimental impact to the Green Belt due to excessive bulk, scale and form.

Despite the above discussion of affordable housing contributions the applicant is not putting forward this offer of £251,000 as part of very special circumstances to justify the development. In the view of the applicant, the very special circumstances are entirely that the site is currently occupied by a large unsightly building and has authorised a lawful use for a transport depot, which, if used to its full extent could be harmful to the amenity of the village.

Whilst the council accepts that the site is not currently attractive and that the removal of the fronting building and the threat of the use of the rear land would be of some benefit, it is not accepted that these circumstances are 'very special'. Similar unsightly buildings and inappropriate uses exist in many locations throughout the Green Belt. Additionally the amount of built development proposed for this site will have a significant and harmful impact on openness.

It is considered that a scheme that is appropriately designed, that incorporates a mixture of smaller open market housing and affordable on site housing would not have an impact to the open character of the Metropolitan Green Belt as the site is located within a built up residential enclave and it would be replacing disused redundant buildings, other smaller outbuildings and a dwelling. Council considers that there is the potential to develop the site for residential housing although very special circumstances need to be justified by the applicant in the form of providing on site affordable housing.

Therefore the justification to provide an off site affordable housing contribution as a special circumstance is not an appropriate proposal in this instance.

#### *Design and the Built Environment:*

Council considered that the design and appearance of the development under the previous application was not acceptable and therefore refused the application for the following reason:

- The proposed development would, by reason of the design, bulk, mass, and siting of the dwellings appear as an unacceptably dominant and visually intrusive feature in the street scene and would be out of character with the surrounding area contrary to Policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations.

Therefore the main issue to be addressed is whether the applicant has addressed Council's concern in relation to the above reason of refusal.

Policies DBE1, DBE2 and DBE4 of the Epping Forest District Local Plan seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

Previously the Council was satisfied that the development made adequate provisions for off street car parking in accordance with the adopted standards and that there would be no detrimental impact in terms of highway safety or traffic congestion. The Council was also satisfied that the amount of private amenity space for each dwelling was sufficient in that it would meet the

recreation needs for future occupiers. Once again the Council is satisfied with these details under the revised application. Further information such as a detailed landscape plan and a contamination report would be sought by planning conditions if the application were granted permission.

In relation to the design and appearance of the proposed development, the only difference between the scheme that was refused and the proposed application is that the applicant has changed the appearance of the dwellings in that instead of them appearing more like a Georgian style of dwelling, they now tend to look more like traditional rural dwellings that you see in the rural countryside. It should be noted that the building footprint, size and scale of each dwelling is the same as the previous application that was refused.

New buildings should be consistent with the overall shape and form of those dwellings which are predominant in the street and general neighbourhood. Building bulk and scale should also be consistent with the nature of the surrounding and adjacent properties. As mentioned above the majority of the surrounding buildings are residential bungalows. It is considered that there is the potential for double storey dwellings to be located within the site however once again in this case the bulk and scale of the proposed dwellings are excessive and are an inappropriate design response as they will appear as dominant features within the street scene and to adjoining property owners. The loose cul-de-sac of properties is not a traditional form of development in village areas and it is not considered an appropriate layout in this location.

#### Impact on Neighbours:

Consideration has been given to the impact of the proposal to the adjoining and adjacent properties, primarily in respect to privacy and overshadowing.

Given the orientation of the site and the siting of dwellings, overshadowing to the adjoining properties private open space including the dwelling within the development is minor.

It is noted that there are flank and rear windows on the first floor of the proposed dwellings. It is considered that there is a significant distance between these windows and the adjoining habitable room windows on the dwellings of the adjoining properties. There will be no significant loss of privacy to the occupiers.

#### Conclusion:

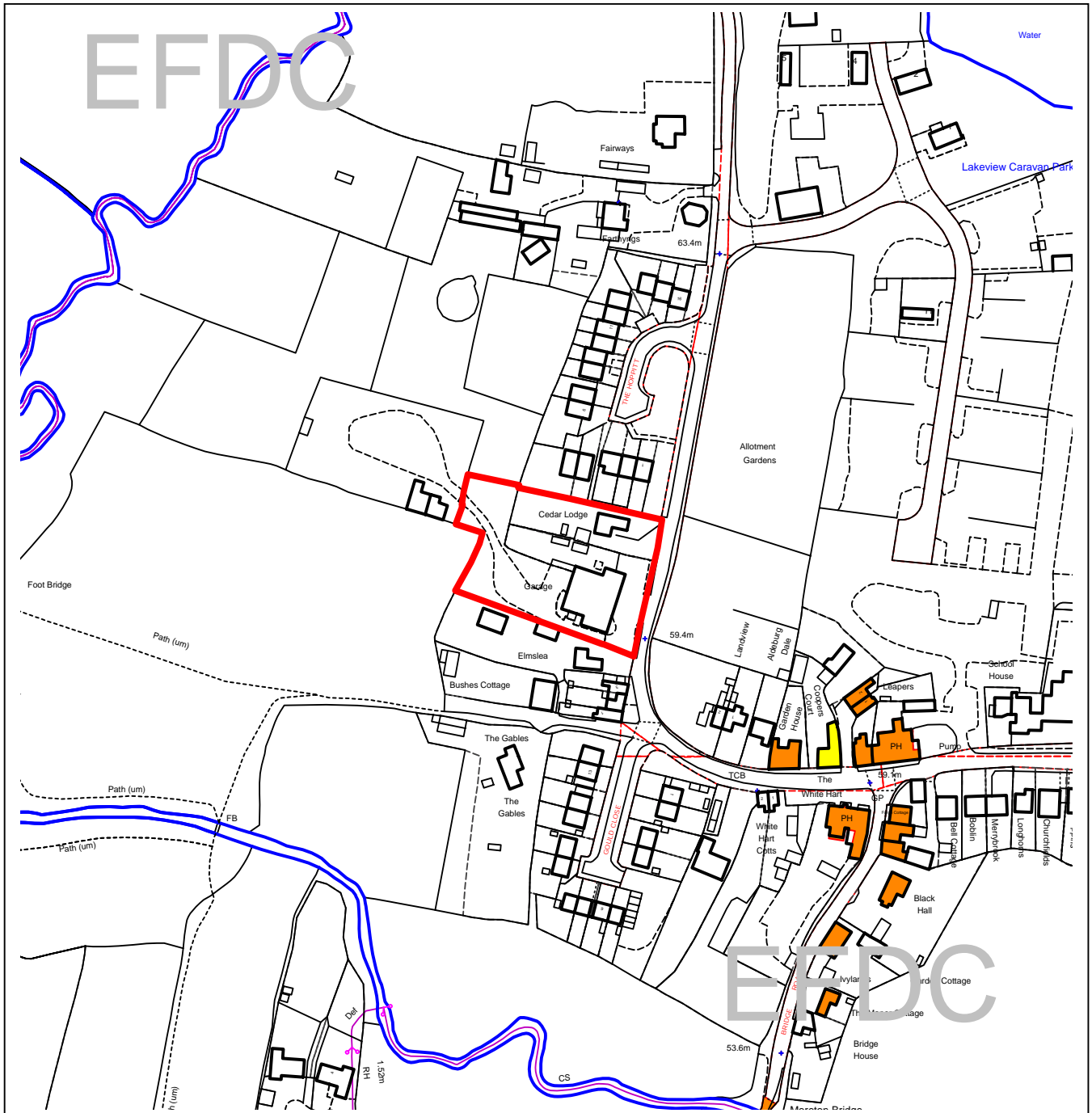
In conclusion it is considered that the construction of 8 new dwellings in this location extending deep into the site beyond the depth of the existing buildings would have a detrimental impact to the open character of the Green Belt. It is also considered that the development is of a poor design response. In particular, Council has concerns with the bulk, scale, size and layout of the development as it would not reflect the character of the area.

It is considered that the special circumstances provided do not justify an inappropriate development of this size and scale on this particular site. Therefore, given the reasons stated throughout this report, it is recommended that the application be refused.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/1348/08
Site Name:	Matthews Yard, Harlow Road, Moreton, Ongar, CM5 0LH
Scale of Plot:	1/2500

**Report Item No:6**

<b>APPLICATION No:</b>	EPF/0736/09
<b>SITE ADDRESS:</b>	Land Adjacent to Hangar 2 North Weald Airfield Merlin Way North Weald Bassett Epping Essex
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Epping Forest District Council
<b>DESCRIPTION OF PROPOSAL:</b>	Temporary (1st July 2009 to 30th June 2010) change of use of land extending the existing wheeled bin storage area. Erection of temporary HERAS fencing.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 This permission shall inure until 30 June 2010, following which date all wheelie bins together with the enclosure shall be removed from the site.

*This application is before this Committee since it is an application for the Council's own development (Pursuant to Section P4, Schedule A (e) of the Council's Delegated Functions).*

**Description of Proposal:**

This application seeks temporary consent for the change of use of land extending the existing wheeled bin storage area, including the erection of temporary HERAS fencing. This application is further to the variation of condition 1 of EPF/2056/07 to allow for bins to be stored in situ until 31<sup>st</sup> December 2010 on the adjoining piece of land, which was granted planning permission in December 2008.

EPF/2056/07 was for the temporary storage of approximately 3500 – 4000 Council wheelie bins at the airfield until 31<sup>st</sup> December 2008. The bins were previously stored on land adjacent to Langston Road Depot, Loughton (The 'T11 Site'), however this site was no longer in the Council's ownership and this factor, combined with the reintroduction of a weekly rubbish collection from May to September, meant that the Loughton depot was no longer available to store the bins. It was originally anticipated that the bins would be used or stored elsewhere within 1 year, however no alternative facility had become available for this in December 2008. The proposal to extend the storage area is required for the additional storage and distribution of wheeled bins and kitchen caddies. It is estimated that the entire area (including that granted permission under EPF/2056/07 and EPF/2019/08) would have between 3000 and 12,000 wheeled bins and kitchen caddies on site at any one time, however it could be possible that as many as 50,000 wheeled bins and 50,000 kitchen caddies will be on site if there are any problems regarding distribution.

### **Description of Site:**

The bins are currently stored on a triangular shaped area of land situated on the southern side of Hangar 2, which is positioned on the western side of the airfield, adjacent to the M11 motorway. The application site relates to the area of hardstanding to the south and east of the current bin storage area. The whole site lies within the Metropolitan Green Belt.

### **Relevant History:**

EPF/2056/07 - Change of use of land for the storage of bins and erection of enclosure – approved/conditions 13/12/07

EPF/2019/08 - Variation of condition 1 on EPF/2056/07 to allow bins to be stored in situ until 31st December 2010 – approved/conditions 04/12/08

### **Policies Applied:**

GB2A- Development with the Green Belt

RST27- Use and development of the airfield

RST29- Development of further major buildings

### **Issues and Considerations:**

The key issues relevant to this proposal are the appropriateness of the development in light of both Green Belt and recreation, sport and tourism policy.

In principle, the open storage of goods is not a use detailed within government guidance (PPG2) or Local Plan policy GB2A as an appropriate use in the Green Belt. However, the application has a number of special circumstances which are considered to overcome the harm by way of inappropriate development.

Firstly, consent has been approved for the use of the adjoining area of land strictly on a temporary basis, which expires on the 31<sup>st</sup> December 2010. Although constantly renewed temporary permissions are not generally acceptable, and prolonged use as open storage through continually approved temporary permissions would be just as harmful to the Green Belt as granted permanent consent, it was felt that the proposed temporary period was deemed acceptable. The proposed change of use of the application site would be similar in terms of the above, however would only be until 30<sup>th</sup> June 2010 so would arguably have less of an impact.

Secondly, the bins are well screened in the south west corner of the airfield, behind Hangar 2 and the M11 motorway. There will be no visual impact upon the public domain outside of the confines of the airfield and as such the application does not conflict with the purposes of including land within the Green Belt.

With regard to recreation policy RST29, the proposal clearly does not accord with the strategic aim of enhancing the airfield as a multi-functional recreational and leisure facility. However, given that the siting of the wheelie bins is temporary and as it has been made by Epping Forest District Council and therefore could be ceased at any time, the development will not unduly detract from this objective.

The site would be secured by standard 2m high HERAS fencing, which can be easily removed after the temporary period and is considered acceptable in this location.

### **Conclusion**



The particular circumstances of this case, which relate to its temporary nature, mean that there is no undue permanent harm to the Green Belt or strategic recreation objectives of North Weald Airfield. Approval is therefore recommended for the extended time period for this temporary use.

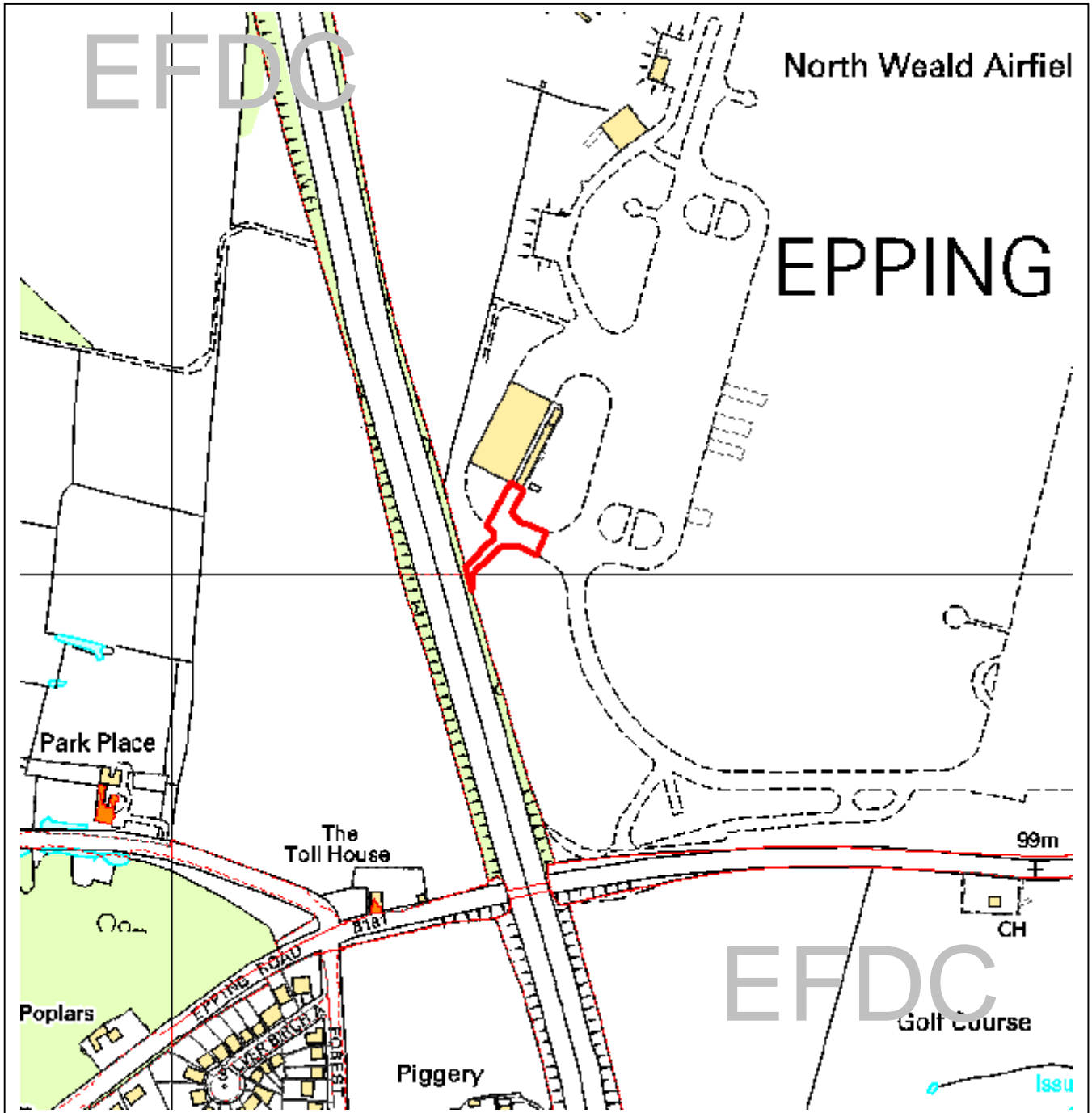
**SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL – No objection.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	6
Application Number:	EPF/0736/09
Site Name:	Land Adj. Hangar 2, North Weald Airfield, Merlin Way, North Weald
Scale of Plot:	1/5000

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0853/09
<b>SITE ADDRESS:</b>	40 Landview Gardens Ongar Essex CM5 9EQ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Dave Evans
<b>DESCRIPTION OF PROPOSAL:</b>	Alteration and retention of existing raised decking.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 Within three calendar months of the date of this decision the area of existing decking not shown on the approved plan shall be removed and the decking shall be finished in accordance with the approved plan (drawing number 656.9).
- 2 Within three calendar months of the date of this decision the length of boundary fencing immediately adjacent to the area of decking shall be replaced with a solid screen of 2.5 metres in height. This section of the boundary shall be retained in that form thereafter.
- 3 The boundary fencing shall not exceed a height of 2.5 metres above ground level at any point along the western site boundary.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

This application seeks planning permission for the partial retention of decking that has been built to the rear of the application dwelling. Planning permission is needed for the decking because, due to a change in levels across the site, the decking has a maximum height above ground level of approximately 0.8 metre. It is proposed to remove the area of existing decking which is located within approximately 2.8 metres of the site boundary with 5 Kettlebury Way. It is proposed to provide 3 steps in place of the removed section of decking, which would allow side access down to the garden level. It is also proposed to raise the height of the boundary fence to approximately 2.5 metres, which would provide a fence height of at least 1.7 metres above the decked area.

### **Description of Site:**

The application property is located on the northern side of Landview Gardens, to the east of Kettlebury Way. The site is regular in shape comprising approximately 585 square metres. A medium height close boarded timber fence and mature vegetation are located on the side and rear boundaries. Located towards the front of the site is a detached double storey dwelling constructed from brick with a plain tiled roof. The dwelling has been quite substantially extended, partly with the benefit of planning permission granted last year. However, the extensions have gone further than the planning permission granted last year, with the benefit of the new permitted development rights introduced in October last year. There is room for off street parking on the hard surface towards the front of the dwelling. A large private open space area is located to the rear of the dwelling.

### **Relevant History:**

EPF/1967/07. Two storey side and rear extensions and single storey rear extension. Refused 15/11/07.

EPF/0417/08. First floor side and rear extensions and single storey rear extension. (Revised application). Refused 09/05/08.

EPF/1070/08. Single storey front and two storey rear extension. (Revised application). Approved 21/08/08.

### **Policies Applied:**

#### **East of England Plan**

ENV7 – Quality in the Built Environment

#### **Adopted Local Plan and Alterations**

DBE9 – Neighbouring Amenity

DBE10 – Residential Extensions

### **Summary of Representations:**

5 properties were notified and the following responses were received:

ONGAR TOWN COUNCIL. Objection. The original planning permission did not include the installation of decking which this Council believes is not allowed under Permitted Development Rights. There is severe overlooking for near neighbours and the removal of shrubs and trees has exacerbated this problem. The erection of a screen would not reduce the intrusion into privacy. The Council therefore objects to this application.

1 KETTLEBURY WAY. Objection. If planning permission is granted to approve the erection of a 4ft decking and a 1.7m fence above this decking it would create a precedent for other planning requests to do likewise, which would totally infringe on people's privacy apart from being very unsightly.

5 KETTLEBURY WAY. Objection. A lengthy objection has been received, which makes reference to several matters outside of the remit of this planning application – notably the previous planning application for extension to the dwelling and matters covered by Building Control. Matters raised in relation to this application are that the length of the garden of 5 Kettlebury Way is inaccurately shown to be 13.5 metres, when it is in fact 9 metres. The block plan shows the steps in a different

location to the other drawings. Description of fence as 1.7 metres above ground level is misleading, as it suggests that it will only be 1.7 metres high, not 3 metres as shown on the drawings. Whether as it stands or with the minor alterations proposed in the current planning application, persons using the structure have a direct view into the rear windows of our house. Potential for noise pollution arising from activities within the structure. The proposed (3m high) fence would cause extreme overshadowing to our property and a loss of sunlight to our property. It would be entirely out of keeping with the domestic scale of the surrounding properties.

### **Issues and Considerations:**

The main issues in this case are:

1. The impacts of the proposed development on the amenities of the occupiers of neighbouring dwellings; and
2. The impact of the proposed development on the character and appearance of the area.

#### **1. Neighbouring Amenity**

The western boundary of the site, which runs to the rear of 5 Kettlebury Way, is generally well planted, which affords a high level of screening. However, at the point immediately adjacent to the proposed decking, there are substantial gaps within the boundary planting. At this point it is really only the boundary fence that provides any privacy to the occupiers of both the application site and the neighbouring property. It is estimated that this fence has a height of approximately 1.3 metres above the floor level of the decking. It is considered that the existing situation is entirely unacceptable, as it enables a clear view into the garden of 5 Kettlebury Way from the edge of the decking. At the point at which it is proposed through this application that the decking should end, the view into the neighbouring property is substantially less. However, it is considered that the level of overlooking at this point remains such that additional screening is required.

The applicant proposes to increase the height of the boundary fence to 2.5 metres (not 3 metres as suggested in the representation received from the occupiers of 5 Kettlebury Way, although this neighbouring property is set at a lower level which could account for the difference) which would result in the fence being 1.7 metres high adjacent to the retained decking. It is considered that this would provide sufficient screening to prevent any material overlooking of the neighbouring property. It is not, however, considered that this height of fencing would be necessary for the remainder of the length of the boundary, as further along there is no direct view into neighbouring gardens and the existing boundary screening is far denser.

If the proposed fence is to be required in order to address the matter of overlooking, this gives rise to the other objections received from the occupiers of 5 Kettlebury Way regarding a loss of light or outlook to their property. Upon inspection of the application site, it appears to the Planning Officer that the length of garden suggested by the occupiers of 5 Kettlebury Way (9 metres) is likely to be accurate. 9 Kettlebury Way has an extension which is not shown on the submitted site plan and block plan, which gives rise to the discrepancy. Furthermore, as discussed previously, the height of the fence may be greater from this neighbouring property, due to a difference in land levels. Notwithstanding the proximity of the neighbouring dwelling, it is considered that the length of the garden would be sufficient to avoid any material loss of light or outlook arising from the height of the fence. The same consideration would apply to other neighbouring properties if the height of the boundary fencing was to be increased along the remainder of the boundary. However, it is only considered to be necessary to require by planning condition the increased height of the fencing immediately adjacent to the decking area.

Concern has also been raised regarding noise disturbance arising from the use of the decked area. However, it is not considered that this would be materially greater than would be reasonably expected from the use of another part of the garden, for example a patio area. The decking only

requires planning permission because of its height and it is not considered that its height would result in increased noise levels.

## 2. Design and Appearance

It is considered that the decking has a domestic character which is in keeping with the appearance of the dwelling. It is also considered that the decking is of an appropriate scale in relation to the dwelling itself.

## 3. Other Matters

The position of the proposed steps is inaccurately shown on the block plan, as identified in the representation made by the occupier of 5 Kettlebury Way. It is not considered that this gives rise to a significant issue that would prevent the granting of planning permission.

## **Conclusion**

In light of the above appraisal, it is considered that the retention of the part of the decking shown on the approved plans would not, subject to the erection of a higher fence, result in any material harm to the amenities of the occupiers of neighbouring dwellings. It is further considered that the decking has an acceptable appearance. Accordingly, it is recommended that planning permission be granted, subject to a planning condition requiring the increased height of the fencing adjacent to the decking.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	7
<b>Application Number:</b>	EPF/0853/09
<b>Site Name:</b>	40 Landview Gardens, Ongar CM5 9EQ
<b>Scale of Plot:</b>	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0892/09
<b>SITE ADDRESS:</b>	Sunnymede Greensted Road Ongar Essex CM5 9LG
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Robert Staunton
<b>DESCRIPTION OF PROPOSAL:</b>	Loft conversion including raising of roof height, front dormers and rear dormer windows with balconies. (Revised application)
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

**REASON FOR REFUSAL**

- 1 The proposal, combined with previous additions, would result in the building being disproportionate in size from the original building and therefore represents inappropriate development in the Metropolitan Green Belt, contrary to policies GB2A and GB14A of the Adopted Local Plan and Alterations.
- 2 The roof additions, particularly the increase in the height of the roof, would be harmful to the open character of this rural locality and to the openness of the Metropolitan Green Belt, contrary to policies GB14A of the Adopted Local Plans and Alterations.

*This application is before this Committee since it has been 'called in' by Councillor Jacobs (Pursuant to Section P4, Schedule A (h) of the Council's Delegated Functions).*

**Description of Proposal**

The proposal is a revised application which seeks to raise the ridge line by approximately 0.82m for a loft conversion with rear dormer windows. There would also be the creation of a dormer, balcony and a Juliette Balcony at the rear. The previous application had proposed raising the ridge height by 1.0m with similar external elements.

**Description of Site:**

The proposal property is a detached dwelling at the end of a row of semi detached houses, along one side of the road in a ribbon style of development. The road descends and the site is situated at the bottom of a reasonably steep hill. As a result the neighbouring property is set above "Sunnymede". The rear boundary of the property was, at the time of the site visit, relatively well screened. The site is quite substantial with the dwelling situated in the north east corner. The area is part of the Metropolitan Green Belt and is distinguished by large, open agricultural fields.



### **Relevant History:**

EPF/1188/77 - Erection of a single storey flank extension. Withdrawn Decision - 05/10/1977.

EPF/1462/77 - Erection of a) single storey side extension, b) detailed double garage. Grant Permission (with conditions) - 06/02/1978.

EPF/0517/78 - Erection of single storey side and rear extensions. Grant permission (with conditions) - 26/05/1978.

EPF/0060/85 - Single storey side and rear extensions. Grant Permission (with conditions) - 11/03/1985.

EPF/0543/92 - Replacement of septic tank with klargester-bio disc treatment plant. Grant Permission - 14/07/1992.

EPF/0086/09 - Loft conversion including raising of roof height, front dormers and rear dormer windows with balconies. Refuse Permission - 11/03/2009.

### **Policies Applied:**

Policy DBE4 – Design in the Green Belt

Policy DBE9 – Loss of Amenity

Policy DBE10 – Design of Residential Extensions

Policy GB2A – Development in the Green Belt

Policy GB14A – Residential Extension

### **SUMMARY OF REPRESENTATIONS:**

1 property was consulted and a Site Notice displayed – no replies were received.

PARISH COUNCIL: No comments received.

### **Issues and Considerations:**

#### **Impact on the Green Belt**

Policy GB2A of the Local Plan Alterations states that a limited extension to an existing property may be granted if it is in accordance with Policy GB14A. This policy states that limited extensions may be permitted where: the open character and appearance of the green belt will not be impaired, the character of the buildings in their setting will be enhanced or not unduly harmed and the proposal will not result in disproportionate additions of more than 40% up to a maximum of 50m<sup>2</sup> over and above the total floorspace of the building.

The property has been substantially extended in the past, the original useable floor space being 76m<sup>2</sup> with additions to the ground floor and side amounting to a further 91.75m<sup>2</sup>. This is above 50m<sup>2</sup> total additions, resulting in an increase of the original by 121%. These changes occurred before the current policy was adopted by the Council. The property already has a sizeable loft area albeit currently unused. The standing area however, is limited to a narrow central area where the roof ridge is. The additions to the roof would bring 68.28m<sup>2</sup> of space into use. This would be a further 90% of floor area on the original application, resulting in an overall increase of 210% beyond the floorspace of the original house. It is considered that this increase coupled with previous extensions and the raising of the roof line would have an impact that was harmful to the open character and appearance of the Green Belt contrary to Policy GB14A of the Adopted Local Plan. It is not considered that the slight lowering of the ridge line from the previous application would reduce the overall impact of this proposal or result in adherence of current Green Belt policy. Whilst policy GB14A has come under Members criticism in respect of the tight floor space restriction, in this case it is clearly excessive at 210%.

### Impact on Neighbours Amenity

Policy DBE9 requires that residential extensions do not lead to loss of neighbour amenity in relation to such things as visual impact, overlooking or loss of daylight/sunlight.

The property is only bordered by one neighbour at the north-west boundary and the raising of the roof or front dormers would have no impact. A Juliette Balcony and a walk-out balcony would be created on the rear elevation. The Juliette Balcony would be situated 15m from the boundary and the distance, angle and cover at the boundary should ensure that any overlooking would not be to a highly significant level. The balcony would be at the far side of the extended roof approximately 22m from the neighbouring boundary. In this case it is considered a good distance is retained and the proposal would not result in significant overlooking.

### Impact on Appearance of Area

Policy DBE10 states that a residential extension should “complement, and where appropriate enhance” the streetscene and existing building in relation to such things as scale, form and separation from neighbouring buildings.

The design of the proposed alterations would generally be acceptable from an aesthetic perspective. The creation of two dormer windows on the front elevation would have no significant impact and are generally subservient and well proportioned. The works to the rear are not visible from the road and the building is individual in character in relation to neighbouring properties. The work to the rear of the dwelling is considered complementary to the property.

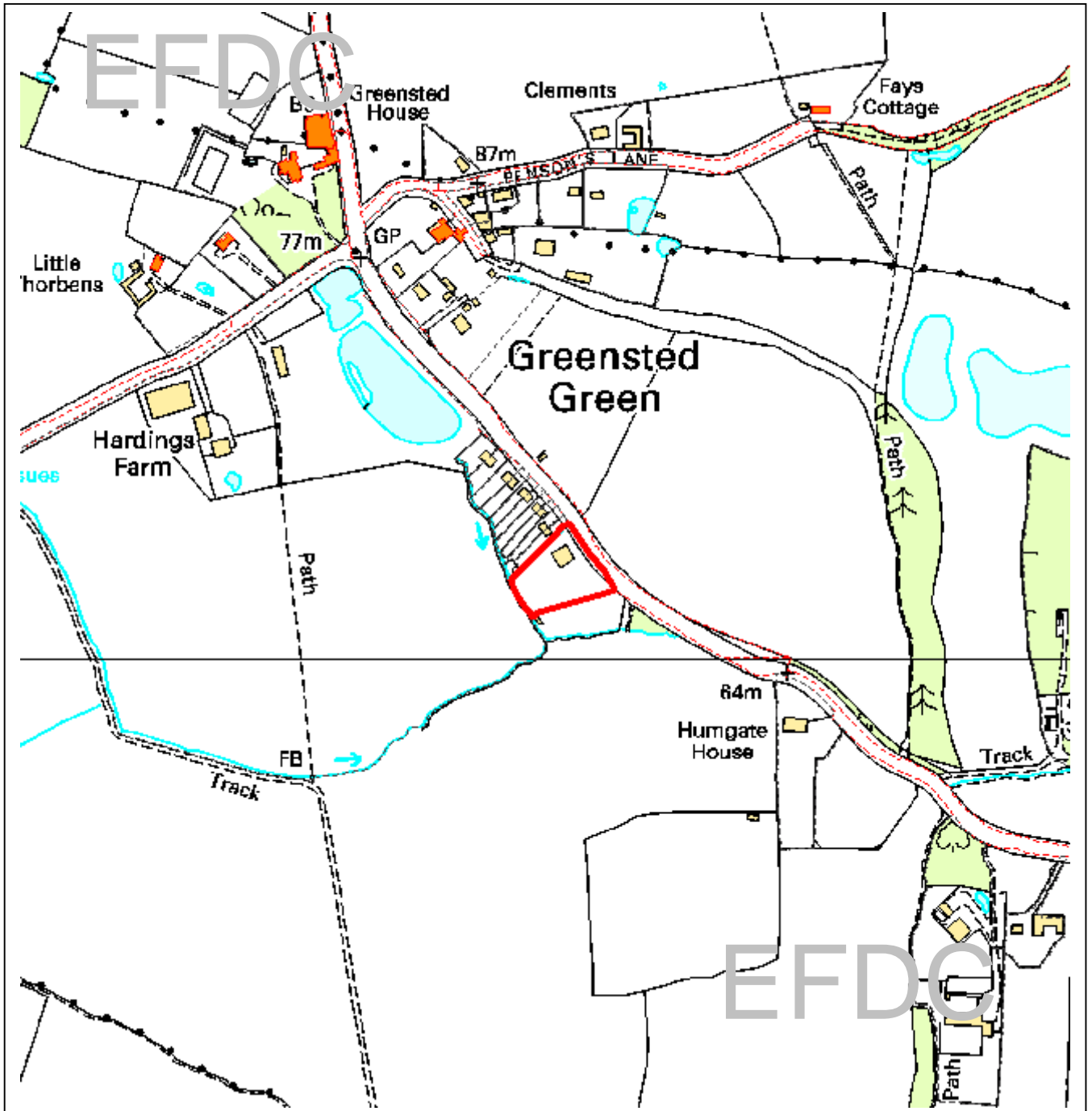
### **Conclusion:**

In conclusion the floorspace additions beyond the original house and the raising of the ridge line would have an impact on the open character of the Green Belt, and are only a marginal change on the recent refusal. It would result in total additions that would far exceed those recommended as acceptable in Policy GB14A. Therefore the application should be refused on these grounds.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/0892/09
Site Name:	Sunnymede, Greensted Road, Ongar, CM5 9LG
Scale of Plot:	1/5000

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0713/09
<b>SITE ADDRESS:</b>	Millrite Engineering 151 - 153 London Road Stanford Rivers Ongar Essex CM5
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Berden Enterprises Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Retaining store/forge to front and converting to two bedroom single storey unit, retaining spray and bending building and conversion to a two bedroom bungalow, retaining two, two storey workshops and office building and converting to a four bedroom house. (Resubmitted application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 shall be carried out in accordance with detailed plans and particulars which shall have previously been submitted to and approved by the Local Planning Authority, showing the layout of proposed development including the provision of garaging/visitors' car parking spaces/vehicles loading or unloading, and turning areas, and the siting, design and external appearance of each of the buildings and the means of access thereto.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A-E shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 7 Prior to the commencement of the development details of the proposed surface materials for the driveway shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

- 8 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 9 No development hereby approved shall take place until measures to meet the Council's requirements for affordable housing within the Epping Forest District Council area are secured.

This application was deferred at the last Plans East Committee for Officers to ask the applicant to increase the sum to be paid for the provision of affordable housing on other sites within the district in commutation of the provision of any affordable housing on this site. Councillors were of the opinion that a sum of no less than £100,000 was appropriate in this instance.

Officers are still awaiting a formal response from the Applicants at the time of writing the report, and once received it will be reported orally to the Committee

The original report is reproduced below.

*This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).*

### **Description of proposal:**

Retention of existing forge building and conversion to two bedroom dwelling (Building 2), retention of spray and bending building and conversion to a two bedroom bungalow (Building 3) and retention of a two storey workshops and office building and conversion to a four bedroom house (Building 4). Gardens will be provided for the new dwellings. It should be noted that the 5 bed roomed house (Building 1) that exists on the site will be refurbished, and this does not require planning permission. For the sake of clarity the original building numbering will be retained. The proposal therefore results in a total of 3 conversions.

This is a revised application which has provided further information on the issue of the affordable housing and has offered a unilateral undertaking for the payment of a sum of £50,000 for the provision of affordable housing off of the site. The other details of this scheme remain as the previous scheme.

### **Description of Site:**

A small engineering works and detached house on the London Road between the Woodman Public House and White Bear Mews, both of which are Grade II listed buildings. The site has the house to the north west frontage, a single storey ex forge to the north east frontage, and the main workshops (with first floor offices) to its rear, and a single storey spray and bending shop to the rear of the house, forming a small yard area. There is a garden area to the west which has some single storey outbuildings on. The whole site is within the Green Belt. The site slopes down to the east by about 2m.

### **Relevant History:**

Various applications regarding the engineering use of the site.

EPF/1959/08 Conversion, Demolition and rebuilding of B2 site to residential - refused

EPF/0166/09 Conversion, Demolition and rebuilding of B2 site to residential - refused

### **Policies Applied:**

#### **East of England Plan**

SS1	Sustainable Development
SS7	Green Belt
E2	Employment
H2	Affordable Housing

## **Local Plan**

GB2A	Green Belt
GB8A	Change of use of buildings
GB9A	Residential Conversions
GB15A	Replacement Dwellings
DBE 1 & 2	Design of new Buildings
DBE 4	Design in the Green Belt
DBE 8	Amenity Space
DBE 9	Neighbour Amenity
HC6A	Affordable housing threshold
HC7A	Level of affordable housing
H2A	Previously developed land
E4A	Employment Land
LL1	Landscaping
HC13	Setting of a Listed Building
ST 4 & 6	Highway and Parking
CP1	Sustainability
CP2	Rural Environment
CP3	New Development
CP9	Sustainable Transport

## **Summary of Representations**

4 properties were consulted, a site notice was erected and the following responses were received

STANFORD RIVERS PARISH COUNCIL – No Objection

## **Issues and Considerations:**

The main issues in this application are:

1. Green Belt
2. Design
3. Impact on Neighbours
4. Affordable Housing
5. Loss of Employment Land
6. Landscaping
7. Highway and parking
8. Setting of the Listed Buildings
9. Sustainability

And whether this scheme overcomes the previous reason for refusal which was the lack of affordable housing provision.

The Officer recommendation on the previous scheme also included a reason for refusal on the unsustainable nature of the site due to its isolation and limited access to public transport. Members decided that this was not a reason for refusal. It is the case that the Highways Department have again recommended refusal on these grounds, but given that Members did not agree this reason previously Officers are not pursuing this.

### **Green Belt**

- The site is wholly within the Green Belt. There are a two factors to be considered with this scheme:
  - i) The change of use of the 3 buildings

- ii) The residential use of these 3 buildings

#### Change of use of other Buildings

- Conversion of existing buildings to new uses can be appropriate in the Green Belt
- Policy GB8A of the adopted Local Plan allows for a change of use of buildings provided they meet a number of criteria:
  - (i) The building is:
    - (a) of permanent and substantial construction, capable of conversion without major or complete reconstruction and is in keeping with its surroundings by way of form, bulk and general design.
    - (ii) The proposed use would not have a materially greater impact than the present use of the Green Belt and the purpose of including land in it.
    - (iii) The use and associated traffic generation would not have a significantly detrimental impact on the character and amenities of the countryside
    - (iv) & (v) are not relevant to this application.
- In addition, for a building to be converted to residential use the criteria of GB9A will need to be achieved. The relevant criteria is:
  - (i) The building must be worthy of retention and:
  - (ii) it has been clearly proven by the applicant that business reuse in line with Policy GB8A is unsuitable.
  - (iii) is not relevant

#### **A. Building 2 – The Old Forge**

- GB8A (i) is met as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the weatherboarding refurbished. It is clear from the officer's site visit that the building is capable of being converted to its intended use, albeit it with remedial works to bring the building up to current standards.
  - (ii) it is considered that this criteria could be met as the use as a dwelling on this previously developed land site would not have a greater impact on the Green Belt than the current use
  - (iii) will be dealt with under the Highway Issues section.
- GB9A; with regard to (i) the building is not unattractive and it is considered that it is worthy of being retained.
- (ii) is met as the applicant has submitted considerable information that the whole site has been actively marketed since 2004 to find a buyer; to no avail.

#### **B. Building 3– The Spray and Bending Shop**

- GB8A (i) is met as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the walls rendered. It is clear from the officer's site visit that the building is capable of being converted to its intended use, albeit it with remedial works to bring the building up to current standards.
- GB9A (i). Whilst the building is a utilitarian industrial building of no particular architectural merit, it is not an agricultural building and thus falls outside of the supporting text to the policy which states "this policy will be used to enable the reuse of vernacular rural buildings. It will not apply to modern or utilitarian **agricultural buildings** (*Officers emphasis*) as they are not generally considered worthy of retention or suitable for conversion".
- Therefore it is considered that this is a building which is relatively small scale, single storey and already has a semi domestic appearance being brick clad with roof tiles. The large front porch which is of corrugated iron sheets would be removed.
- Therefore retention of this modest industrial building would not harm the character and appearance of the site of the Green Belt, and it is the case that the scheme for conversion will improve its appearance.



- The proposed garden area is not excessive and takes advantage of the existing side garden of the current house on the site.

### **C. Building 4 – The Main Workshops**

- GB8A (i) is met as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the walls rendered. It is clear from the officer's site visit that the building is capable of being converted to its intended use, albeit it with remedial works to bring the building up to current standards.
- GB9A (i) is also met under the same assessment as with Building No 3. In this case the building is two storey, albeit it with dormers in the roof slope and is not an excessively large building. It is partially wooden clad with a corrugated iron roof. However the conversion will see more suitable materials used, and part of the structure attached to the building (housing fork lift trucks) would be removed and would separate the structure from Building 2.
- This building is also largely screened by its position behind building 2 and next to outbuildings at The White Bear to the east.
- The proposed garden is modest and well sited within the confines of the original site.
- Whilst larger than Building 3 this is still a relatively modest building and its retention would not harm the openness and character of the Green Belt in this location, and the conversion would result in a improved appearance of this particular building.
- It is the case that the conversions of all three buildings are acceptable, and now meet the criteria of both GB8A and GB9A.

### Design and Street Scene

- The site is prominent in the street scene and sees the reuse and refurbishment of the existing buildings on the site. Therefore there will be no change in terms of building sizes, but the appearance of the site will change from a run down industrial site to that of a small cluster of houses in close proximity, which will be part of the small settlement at this location.
- Due to the changes in this scheme from the previous scheme the design of the individual buildings is considered acceptable and there is no harm caused to the character and appearance of the street scene in this location.

### Impact on Neighbours

- White Bear Cottage and Mews is to the immediate east of the site. The main part of the scheme which will affect this property will be the dormer windows on Building 4 which will overlook their site.
- The distance between the buildings is a minimum of 17m, with Building No 4 being at a higher level than the house due to the fall of the land.
- However, it is the case that White Bear Cottage is already overlooked by the existing dormers used as offices, and this scheme will reduce the size of the dormers, and an obscure glazing condition can be imposed for the bottom half of the two bedroom windows which overlook the site.
- Therefore it is considered that this impact can be overcome and would not harm the amenities of the neighbour.
- Whilst there will be no adverse impact on the amenities of the Woodman Public House to the immediate west, there is likely to be some impact on the occupants of the new house from the use of the pub, especially on summer evenings when the Beer Garden is in use, but due to the distance and the fact there is already a house of the site this would not justify a refusal on these grounds.

### Housing Issues

- This scheme is for a residential development of 3 new dwellings. Under the recently revised Local Plan Alterations it falls within the criteria of policy H6A (ii) (b) and therefore 33% of the

new dwellings on the site should be allocated for affordable housing units. In this instance it is considered that at least 1 of the properties should be affordable, with the two smaller units being suitable for this use, leaving the 4 bed house for market prices.

- The applicant argues that the policy only requires one unit to be affordable and that this scale of provision is unattractive to Registered Social Landlords (RSLs).
- He has now provided emails from Hastoe, Moat Housing and East Thames Housing Associations, stating that they have no interest in this scheme.
- He further offers a community benefit of £50,000 by way of a unilateral undertaking to assist in the provision of affordable housing at "a more suitable" location in the district.
- Given that we now have evidence that housing associations are not interested in the scheme, the provision of a committed sum to provide affordable housing elsewhere appears an appropriate solution.

### Employment Issues

- This is an existing employment site and thus its loss for such a use is to be regretted.
- However, evidence has been supplied of several marketing exercises over the past 4 years which have not resulted in any offers being made for the site.
- The current business has now ceased as the owners have sold the site to developers.

### Landscaping

- The Landscape Section have commented that the current use of the site is engineering, predominantly either buildings or hard standing. There are no trees on the site worthy of protection. However, the evergreen hedge at the road frontage provides important screening to this development. A landscape scheme would provide some softening to this development.

### Highways and Parking

- The Highway Section have commented that "the location, lack of footways and limited access to public transport would mean that virtually all journeys generated by the proposal would be by private vehicles. The proposal is not considered to be sustainable due to the reliance on the use of private car which is contrary to the aims and objectives of the relevant transportation policies contained within the County Council's Highways and Transportation Development Control Policies"

### Setting of the Listed Buildings

- The Council's Conservation Officer has raised no objections to this scheme which will not have any adverse impact on the setting of the two adjacent listed buildings.

### Sustainability

- The location of the site, which, at over three kilometres away from the closest significant settlement (Ongar), in a heavily rural area, is clearly in violation of policies ST1 and CP1, CP2 which seek to reduce car dependency and encourage walking, cycling and the use of public transport, as well as sustaining and enhancing the local rural landscape.
- As has been seen above this proposal would see three additional dwellings created on an isolated Green Belt site with very poor public transport links and infrastructure. It is the case that this is not a sustainable site for new residential development, as it would result in an increase in the reliance on car travel.

### Conclusion

The conversion of these buildings to residential use is considered appropriate in the Green Belt and the officer's main objection to the proposal, relating to the unsustainable location of the site has already been dismissed by Members on an earlier application. The remaining concern, relating to the lack of any affordable units within the site has now been addressed by the applicant and it is accepted that provision on site is not practical or appropriate. On balance therefore it is considered that in the current economic climate, given that the scheme is in all other respects in

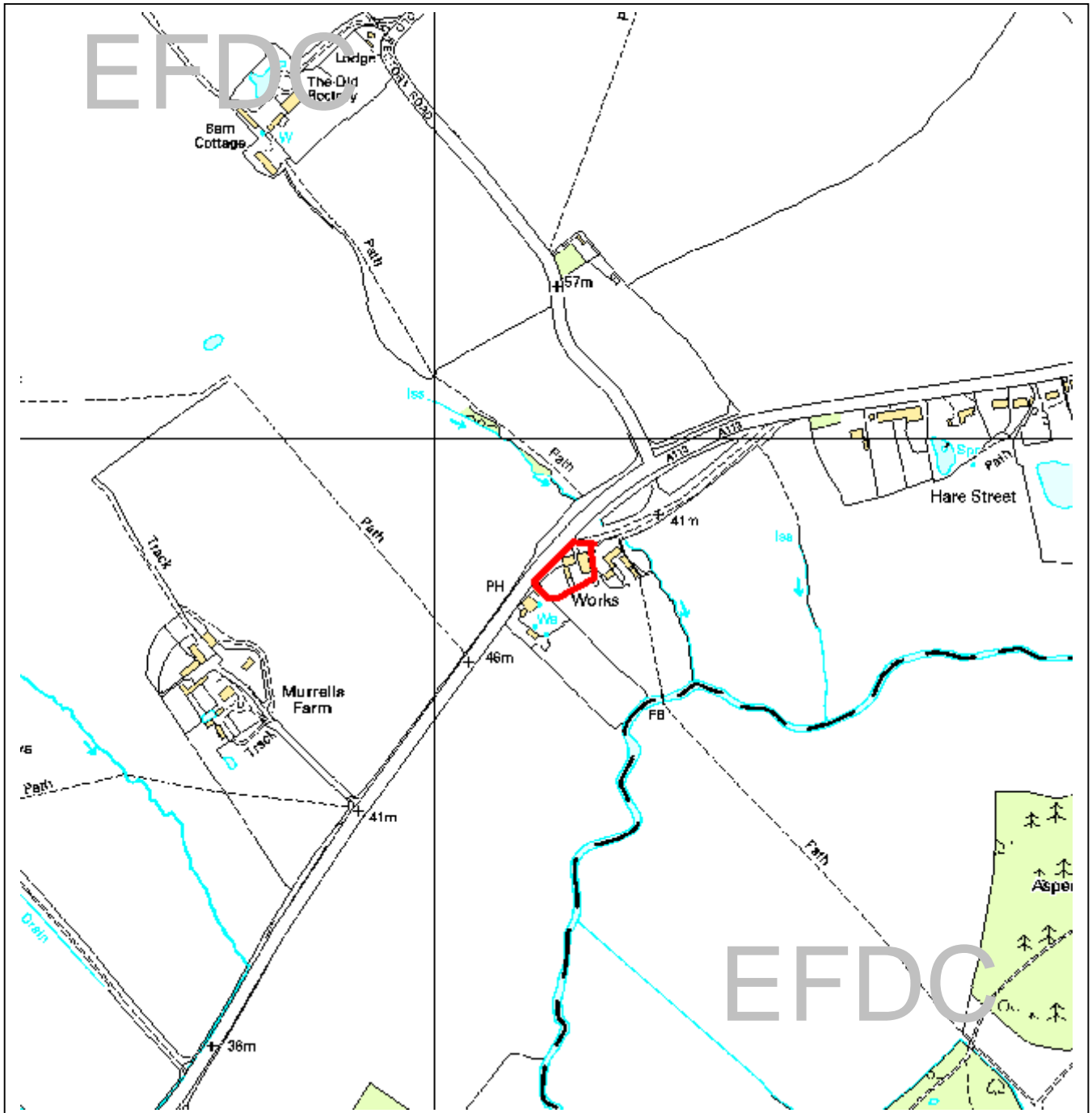
accordance with policy, the provision of £50,000 towards the provision of affordable housing elsewhere in a more appropriate location in the District, is sufficient to meet the affordable housing requirement and overcome the previous reason for refusal.

The application is therefore recommended for approval subject to conditions.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/0713/09
Site Name:	Millrite Engineering, 151/153 London Road, Stanford Rivers, CM5
Scale of Plot:	1/7500

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0824/09
<b>SITE ADDRESS:</b>	Oxford Lodge Tysea Hill Stapleford Abbots Romford Essex RM4 1JP
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr & Mrs London
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of existing garage to habitable room and construction of new detached garage block.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 garage, shall match those of the adjacent existing house known as Oxford Lodge.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

The application seeks permission to construct a detached garage at the property. The three-bay garage would measure 9.4 x 6.5 and have a hipped roof to a height of 5.0m. It would be set 3m from the rear yard of Standish Stores and 2.65m from the rear garden boundary of Nabbit, a detached house on Oak Hill Road.

The existing house has an integral two-bay garage and it is proposed to convert it to a habitable room which does not require consent.

**Description of Site:**

The property is a large dwelling with a sizeable rear and side garden that is part of a recent development of three houses. The rear garden is part of the Metropolitan Green Belt and includes four preserved trees. The immediate area has a mix of dwelling styles and the proposal plot is bordered on two sides by dwellings along the main roads. The site is accessed off Tysea Hill.

**Relevant History:**

The site has a relatively extensive history the most relevant and recent being;

EPF/1358/03 - Outline application for the demolition of existing detached dwelling and the construction of 4 no. replacement detached dwellings. Refuse Permission - 19/01/2004.

EPF/1042/04 - Outline application for the demolition of a single detached dwelling and the construction of 3 no. replacement dwellings (Revised application). Grant Permission (with conditions) - 01/06/2005.

EPF/0404/06 - Reserved matters application for the demolition of single dwelling and erection of three dwellings. Grant Permission (With Conditions) - 20/04/2006.

### **Policies Applied:**

Policy GB7A – Conspicuous Development

Policy DBE9 – Loss of Amenity

Policy DBE10 – Design of Residential Extensions

### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL: Objection. Parish Council felt that no further development should be allowed on the site. Considers the height of garage obtrusive to neighbours and has concerns about the impact of the garage on sewerage pipes on site.

9 properties were consulted and the following responses were received:

STANDISH HOUSE: Objection. Three houses previously considered more than enough for the plot of land. Roof is too high and no need for such a large garage. Concern that converted garage will be used for a business. Concerned about removal of rainwater from the driveway for the garage.

NABBIT, OAKHILL ROAD: Objection. Concern about sewerage pipes running under the proposed building. Objector needs access to pipes for repairs. Agreement that no building would extend beyond the original house encroaching on other dwellings. Land has to be built up causing greater impact. No need for a pitched style roof.

### **Issues and Considerations:**

#### **Impact on the Green Belt**

Although the garage would not be in the Metropolitan Green Belt it would be seen from it. Policy GB7A aims to protect the amenities of the Green Belt from development conspicuous from within or beyond it. This proposal would be tucked in a corner of the site, in an area which is a built up enclave, and would have no discernable impact on the Green Belt it borders. A heavy tree screen also exists in the immediate vicinity and the development would be partly obscured by the existing house.

#### **Impact on Appearance of Area**

Policy DBE10 states that a residential extension should “complement, and where appropriate enhance” the streetscene and existing building in relation to such things as scale, form and separation from neighbouring buildings.

The proposed structure, though quite large, is well designed and proportioned and would not appear incongruous within the existing streetscene. The building is also well screened by existing trees shielding views. The backland location of the property means that the garage would not

adopt a significant position within the streetscene in Tysea Hill and would only be visible when entering the cul-de-sac where it will have an acceptable visual impact.

### Impact on Neighbours Amenity

Policy DBE9 requires that residential extensions do not lead to loss of neighbour amenity in relation to such things as visual impact, overlooking or loss of daylight/sunlight.

Potential loss of amenity only exists at Nabbit since the other neighbouring dwellings are well shielded by existing trees and set at angles to the proposal. In relation to Nabbit this boundary is also well screened with large trees and a boundary fence. The construction of the garage block would not particularly increase any loss of outlook from the garden of this property, and a distance of 12m exists to any rear facing windows. Any loss of amenity is to an acceptable level and would not warrant a refusal in this instance. The objector at Nabbit had stated a desire for a flat roof to the garage but this would compromise significantly the appropriate design of the structure.

### Other Matters

Concern has been expressed about issues in relation to impact on sewerage pipes at the site. Building Regulations Approval is required for buildings with a floor area in excess of 30m<sup>2</sup>. As the proposed floor area would be approximately 54m<sup>2</sup> this would be subject to Building Control where any issues in relation to sewerage pipes in the vicinity would have to be adequately addressed. Objectors also state that the garage would effectively lead to an overdevelopment of the site. However the proposal fits adequately into a corner of the site and the dwelling still retains a sizeable garden. Concern was also raised about the land being built up on one side to accommodate the garage. This only relates to a very slight rising on one side and would not make a significant difference.

Objections were also highlighted about the dispersal of rainwater from the entryway to the garage. As land drainage has been consulted and has no objections, this is not of concern. Concerns that the converted garage would be used for a business were also made by one objector. There is no indication that this is the intention, and any material change of use of the garage would fall under the control of the Local Planning Authority and would be judged on its particular merits.

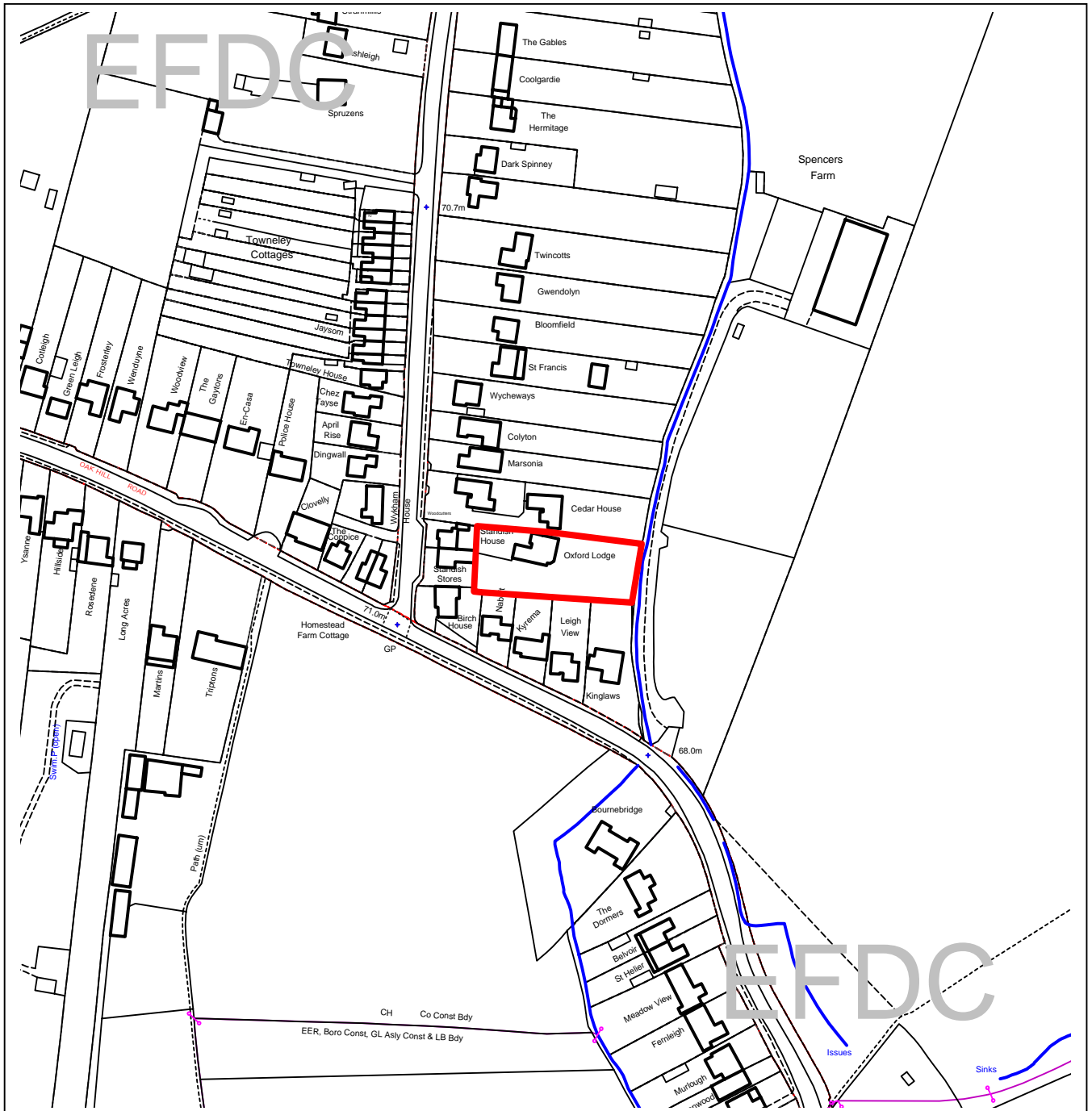
### **Conclusion:**

As the proposal would have no impact on the adjacent Green Belt or the appearance of the area and any loss of amenity is minor it is recommended that the application be approved with conditions.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>10</b>
Application Number:	EPF/0824/09
Site Name:	Oxford Lodge, Tysea Hill, Stapleford Abbots, RM4 1JP
Scale of Plot:	1/2500



**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/0605/09
<b>SITE ADDRESS:</b>	Wansfell College 30 Piercing Hill Theydon Bois Epping Essex CM16 7SW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Jason Cooper
<b>DESCRIPTION OF PROPOSAL:</b>	Discharge of condition 4 'surface materials and details of car parking', condition 12 'hard and soft landscaping', condition 14 'soft landscaping', conditions 15 and 16 'tree protection measures' on EPF/2464/06.
<b>RECOMMENDED DECISION:</b>	Condition(s) Discharged

*This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

**Details of Conditions:**

Planning permission was granted on appeal to convert Wansfell College into 14 apartments in February 2008, subject to a number of planning conditions, some of which required further details to be submitted for approval. Details have been submitted together in respect of five of the conditions and are as follows:

*Condition 4: Details of Surfacing Materials and details of Proposed Car Parking* - The submitted plan shows parking in three areas: 12 spaces in a forecourt area at the front served by existing in and out entrances, a second area located directly adjacent to, but set back from, the side access road for 6 cars and finally 7 spaces at the rear behind the rear boundary of the adjacent property, no.31, served by a spur off the existing access road.

*Condition 10: External Materials* - Areas of the façade at the rear to be rendered and the rest of the building to remain as facing brick.

*Condition 12: Hard and Soft Landscaping* - Front and rear parking areas, pathways and circulation areas to be bonded shingle with York-stone paving around the building, ornamental tree planting in new grassed areas.

*Condition 14: Detail of Soft Landscaping* - Planting plan of the above submitted showing new planting and existing TPO's to be retained, including Willow on northern boundary. Hedgerow and trees at front boundary to be retained and reinforced with additional planting.

*Condition 15 and 16: Tree Protection details - Mesh fencing temporarily around existing areas of trees to be retained.*

**Description of Site:**

Former college building currently being converted into 14 apartments with the addition of extensions. Former caretakers house has been demolished but was to the rear of the main building. Work has commenced on a replacement house which has planning permission. An access road, Rothwell Road, approx.110m west of the slip road part of Piercing Hill, serves the site and is a main access to another residential property. Epping Forest woodland is beyond, after a parkland area that formerly was part of the grounds to the college, where there were outbuildings (some to be removed as part of the planning permission) and a tennis court, now removed.

The whole area is Metropolitan Green Belt. Most housing in the area is further east and runs parallel to the slip road.

**Relevant History:**

EPF/1162/07 – Erection of a new dwelling – Refused and Appeal dismissed 2008.

EPF/2464/06 – Change of use, alteration and extension of Wansfell College to contain 14 flats with on-site parking – Refused and subsequent Appeal Allowed with costs of this appeal awarded against the Council.

EPF/0862/08 - Demolition of an existing dwelling (former Caretakers House to Wansfell College) and separate garage to create a new replacement building – Granted 9/7/08.

EPF/1931/08 - A further planning application for a replacement house, inclusive of a basement, was granted in November 2008.

DOC/EPF/1850/08 – Discharge of planning conditions 4, 10, 12,14,15 and 16 to planning permission EPF/2464/06 – Partially approved (condition 10 - external materials) and partially refused 26/1/09.

**Policies Applied:**

Green Belt, Residential Development and Landscaping Policies from Epping Forest District Council's Adopted Local Plan:-

CP2, GB2A, GB4A – Green Belt

LL4 - Impact on landscape

LL10 and LL11 (Landscaping and Impact on Trees)

DBE2 and DBE9 – Effect of new structures on neighbour's amenity.

ST6 – Vehicle parking

**Summary of Representations**

PARISH COUNCIL - "No Comment"

WOODVIEW, 31 PIERCING HILL - The proposed shows 12 cars parking in the front drive next door, this potentially could cause unacceptable harm by noise and disturbance 24/7 (our main bedroom window is not double glazed, as it still has the original glass from 1910, is an historical feature of our house), We could have an over looking onto our private patio and garden, with ongoing policing of obscure glass and fixed windows and associated noise/disturbance from the flats, and now a car park at the rear of our garden creating loss of amenity with cars coming in and out at all hours, with main beam head lights (access road being on higher ground) shining towards bedroom and bathroom windows at night and day especially during winter months. Also due to the layout of back gardens this development will be situated in the middle of our back garden.

We were told by the planning officer that this was the best plan they could come up with and the most suitable place for the rear car park, but looking at the current site, where the developer has been working on excavating the land in the back garden of the college building, where it was first suggested at second Public Inquiry by EFDC's professional planning consultant Jim Keir, this was the best site for the car park. This land is flat, whereas the land behind our garden is on a hill and has various contours and is also wider than proposed, enough to take 12 cars or less. The proposed would be a rural location and would not be as secure as if parking were directly behind the flats, there could be the potential for car thieves to enter through the forest (lead was removed from the listed pergola in this way) to steal from cars and work vans. Whilst we and other residents objected to the previous car park location, being 70 metres from the development and with 19 out of 20 flats entering from the back, the passed plans show 10 out of 14 flats now enter from the front, so why would they want to park 50 metres from the back entrance. Whilst this new location is nearer, it could be even closer to the flats, although it would be a luxury to have more spaces, this does not guarantee that they will be used, also is the harm to the openness of the Green Belt worth it.

Car parking at the rear of the flats will be nearer to the back doors and will have lighting from the glass tower stairwell, communal lighting and lights from the flats to aid car users and pedestrians. This will give better security for the cars than tucked away around the corner out of sight. I see that 6 low energy low level lighting illuminating downwards will be used, this is still 6 more than is currently there. Loughton Astrology Club used the grounds of Wansfell as it was the darkest sky within a 5 miles radius of Loughton and Theydon Bois Parish has always had a 'Black Sky' policy which needs to be considered? Lighting of the car park at the rear of my and my neighbour's gardens will be seen and will have a detrimental effect on the character of this area of Green Belt. Due to the contours of the land, on the proposed plan, the access road into the car park will be on higher ground than the car park, also causing light pollution onto the back of my house. There is no indication of lighting the access road into the car park which will also have a detrimental effect on the surrounding area and neighbouring properties.

There has been no consideration to the effects to night wildlife, if the car park has lighting. We find the developers answer to screening the car park patronising and unsympathetic towards us and neighbours. The additional development of an access road and car park within in Green Belt, irrespective of screening, will harm openness and conflicts with PPG2.

For retaining walls and to complete the area, I would expect the roots of the trees to be exposed. The rear proposed car park is closer to larger protected trees, and taking into account land contours and the amount of excavation work that will have to be done and damaged, especially with the large Weeping Willow tree (TPO29) which is on higher ground than the access road, car park or retaining walls. When we were considering extending our appeal we consulted with qualified structural engineers Watkinson and Cosgrave, they advised us that the roots of a Weeping Willow can go three times the height of the tree, so I find it hard to believe that the roots of TPO 29 will not be affected by this proposed application and question whether EFDC should consult with an independent tree/root Arboricultural consultant or land surveyor. There has already been a hell of a lot of excavation work taken place on this site and I wonder what effect this will have on the water table. How accurate is the positioning of the TPO's on this plan? How can we tell if the TPO29 is in the right place. What provision has the developer made for the protection of this tree?

I see from this current plan that the curtilage of Woodview has disappeared altogether, this was of great concern for both Inspectors, has this been overlooked? The developer now wants to add 3 pairs of electric gates, one at the end of Rothwell Road and two at the front of the main building, this was never discussed and in doing so has extended the curtilage of the Woodview site, something the Inspector was quite ridged on stating 'LP policy GB15A (ii) specifies that the dwelling should not result in the size of the private or cultivated garden of the replacement dwelling exceeding that which it replaces. GB4A also restricts the extension of residential curtilages in the Green Belt and requires residential curtilages to relate well to adjoining properties'. (Page 5 No 22

appeal dated 31.10.06). This was also discussed recently at the committee meeting regarding EPF/0862/08.

In conclusion, we strongly object to any cars parked at the rear of our garden, we ask you to reconsider these plans to position the rear car parking, on part of a the site that would have a much lesser impact on the openness of the Green Belt, have a lesser impact on TPO's and neighbouring property and trees. Would give less light and noise pollution, would be more accessible to the occupants of the flats and give greater security to all vehicles both residential and commercial. This makes more common sense.

33 PIERCING HILL - Object, conclusion of my commissioned Arboricultural Report is that there will be root loss and damage to trees within my garden as a result of the proposed 7 car parking spaces being constructed, report offers recommendations for construction methods that could be employed in the event that construction takes place but suggests better to move the car parking spaces well away from my boundary and locate on the flat ground directly behind the College in the old garden and have less impact on the openness of the Green Belt. Proposal would increase light pollution, create more noise and make security of vehicles less effective. In respect of conditions 15 and 16, no consideration has been given to the trees in my garden in their Arboricultural Impact Assessment.

### **Issues and Considerations:**

#### External materials:

Areas of the rear parts of the college are to be rebuilt and rendered which improves on the 1960's look of this later built part of this Victorian building, the front façade of which will be retained in London yellow stock brickwork.

Details of condition 10 are therefore acceptable and have already been agreed.

#### Car Parking:

The appeal decision to convert the college into 14 apartments was allowed, but the Planning Inspector considered detail of car parking was required because the area shown at the time was in the position of an existing caretaker's house, to be demolished, some 70 metres away from the flats. The Inspector considered more appropriate locations should be sought by condition closer to the flats, so as to prevent against unnecessary parking in Rothwell Road or Piercing Hill. At the Appeal Inquiry, the Council's planning witness was asked to demonstrate the possibility of this and it was indicatively shown that parking could be created closer to the main building, and some visitor parking at the front. On the strength of this, the Inspector allowed the appeal and an award of costs against the Council.

The submission of the detail of the car parking proposes 25 parking spaces, split into 3 areas of the site. This is a revision from the detail submitted previously and refused and has involved numerous discussions with Planning and Tree Officers. The main changes are as follows:

- At the front, between the building and the road, the proposed parking area has been re-arranged so that existing trees and the hedgerow are retained at the front. This can now comfortably accommodate 12 spaces inclusive of a disabled person parking space whilst safeguarding existing trees in this area from harm. Whilst this perhaps provides more than just the visitor spaces envisaged by the Planning Inspector it should help to overcome the local residents main concern of the development leading to further on-street parking. The forecourt layout successfully marries the need for car parking for the site and soft landscaping in this pleasant semi-rural location.

- Along Rothwell Road, south of the site, part of the way along there is another parking area for 6 cars, fronting directly onto this side road. These have been set back compared with before to allow the possibility of an emergency vehicle in this area without impeding movement along Rothwell Road. There is also 1 less space than before so as to allow existing tree to be retained. As this is located off an existing access road with vegetation screening on the south side, there will be no loss of amenity to the residents living opposite.

- Continuing west further along Rothwell Road, a new road will veer off to the north, before the replacement house, to serve a new hard standing area on the northern boundary that will be dug into the natural level to create a flat surface, to serve a hard standing area for 7 cars. The previous refusal proposed 10 spaces here. The difference is that the latest proposal sets the nearest parking space 7m back from the rear garden boundary to no.31 and at a lower level, unlike the previous proposal, where the parking would have been immediately behind 31 Piercing Hill. Aware of the concerns to minimise on-street parking, it is considered that 25 parking spaces for 14 flats would be a sufficient provision that would allow the average of 1.5 spaces per unit of accommodation plus 4 visitor spaces. Whilst the appeal consultant representing the council showed the possibility of a parking area more central and behind the flats development, he had not considered the feasibility of this without the threat to preserved trees in this area. The parking area as proposed further north can be sited with less impact on trees, but it will be closer to the rear garden of no.31 and to the side of the extended garden of no.33. The latter's house is located well away from the parking area and the boundary is a thick belt of trees such that there will be no harm to the living conditions of this neighbour. In respect of no.31, the proposed parking area will be at a lower level, behind a fence which is on a higher level and a separation distance of about 55m from the back of their house. Even with planning permission for no.31's own large rear extension, there would still be sufficient separation distance to upper floor windows, despite some visibility of vehicles parked here. The submitted plans show the view from the current rear wall of no.31 and the outlook would not be impaired to the extent that a refusal of planning permission is warranted. Lighting in this area will be low level and low energy and the use of the parking area would not cause undue disturbance to the occupiers of this residential property.

### Impact on Landscaping

In respect of the arboriculture report made on behalf of the occupier of 33 Piercing Hill, the report states that the northern most car park will threaten his willow and birch trees, located on the other side of this boundary. There is a marked ground level change between no.33 and Wansfell College, which appears to be retained by steel sheet piles driven into the ground at close range to both trees. It is claimed that up to 30% of his willow tree roots and 19.5% of a birch tree roots standing in no.33's garden are likely to be lost in the process of installing the car park. However, this concern is superceded by the presence of corrugated sheeting, which appears to have been piled into the ground along the southern boundary line of the garden in order that no.33's lawn does not collapse into Wansfell College due to the 1 metre + ground level changes between the two properties. This will have incurred major root damage at depth and furthermore acted as an impervious root barrier at this point. The Council's own arboriculture and tree officer has looked at the situation on site and contends that the majority of the roots of the two trees will grow in the upper soil horizons of no.33's property, where anchorage and feeder rooting conditions are uncompromised by ground level changes and artificial barriers. The development now permitted does not pose a threat to these trees, but there will be close monitoring during the process of constructing the car park. In respect of possibility of making these trees a TPO, they are not of such a merit to justify a new order. The trees do not score well on size, form or public visibility relative to the existing protected specimens in the College grounds. The larger Willow tree west of this car park in the college grounds will be retained and the siting acceptable so as not to threaten the health and safety of this tree.

Tree protection is in place on site and the landscaped plan detail showing all trees to be retained together with new planting and areas of hard surfacing are considered to be acceptable, without harming the sylvan area of landscape and not posing a threat to the open areas to the west between here and the forest.

### Other Matters

Security of cars is not a planning matter, but this is a more secluded location and less open so that there will be little visibility or awareness of this area of parking being on the site. The access gates shown on the plans are not part of the consideration of these conditions. As they exceed 2m in height, they would need to be the subject of separate planning permission.

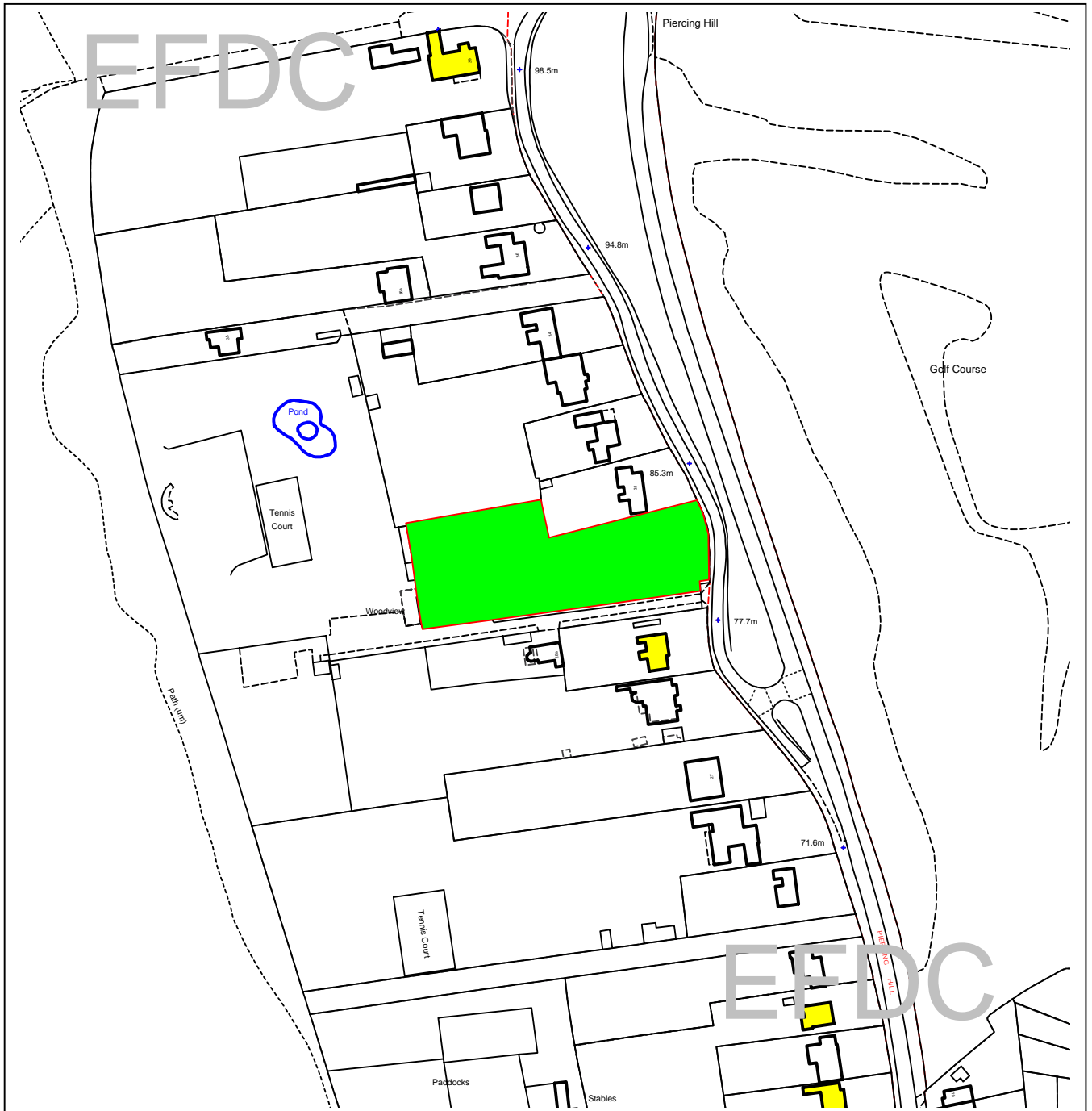
### Summary

The application for approval of details reserved by conditions 4, 12, 14, 15 and 16 are now satisfied. The whole Wansfell College planning issue has been on-going for 4 years and work is still commencing on site, albeit in what appears to be slow stages, not helped by the applicant's reluctance at times to reach a satisfactory provision of car parking and landscaping on the site whereby it would maintain the open character of the Green Belt, not pose a threat to existing landscaping or the street scene, including protected trees, and not be unduly harmful upon the amenities of the local residents. The car parking has to go somewhere on the site and to provide sufficient parking for the development without causing harm to the trees or the open character of the Green Belt, and indeed the setting of the building or the outside amenity for the future occupiers, it is not possible to put this in one single place behind the college building, with a few visitor spaces at the front. Officers therefore accept that this is a reasonable compromise.



# Epping Forest District Council

## Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>11</b>
Application Number:	EPF/0605/09
Site Name:	Wansfell College, 30 Piercing Hill Theydon Bois, CM16 7SW
Scale of Plot:	1/2500