

Report Item No: 1

APPLICATION No:	EPF/2040/10
SITE ADDRESS:	Land at Theydon Place Western Road Epping Essex CM16 4NH
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Nicholas Parkinson
DESCRIPTION OF PROPOSAL:	Outline application for residential development of 60 x two storey houses (48 affordable) plus ancillary works with access off Theydon Place with all other matters reserved.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521877

REASON FOR REFUSAL

- 1 The site is located within the Metropolitan Green Belt and the proposed works represent inappropriate development that fails to comply with the purposes of including land in the Green Belt. In the view of the Local Planning Authority there are no very special circumstances to clearly outweigh the harm to the openness or character of the Green Belt that would result from the development. Therefore the proposed development fails to comply with PPG2 and policies GB2A, GB7A, CP2, CP3, CP6, and CP7 of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section CL56, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

This application seeks outline approval for the development of the site to provide 60 dwellings, car parking, means of access, and other works ancillary to the development. The housing type is intended to be a mix of 2, 3 and 4 bed units with 80% of the development providing affordable accommodation and 20% for private ownership.

Matters of siting, design, and external appearance are all reserved for subsequent approval.

Description of Site:

The site is situated to the south of Theydon Place and Madells and covers an area of approximately 5.9 ha. The site is currently open grassland and a wooded area. The rear part of the

site (some 3.9 ha) is a designated County Wildlife Site, and the southern and western boundaries border Epping Forest Land. There is a blanket Tree Preservation Order covering the County Wildlife Site, which also incorporates part of the remaining site, and there are some individually preserved trees along the north eastern boundary.

To the immediate north and east of the site is the urban area of Epping (Theydon Place, Madells, Broadoaks, and Centre Drive). To the immediate south and west of the site is the Bell Common amenity area. Whilst the site borders the Bell Common Conservation Area at its western most tip, none of the site is located within this, or any other, conservation area. There is a public footpath located close to the western boundary of the site, and a public bridleway along the southern boundary.

The site is located wholly within the Metropolitan Green Belt.

Need for Environmental Impact Assessment (EIA):

The development proposed falls within the description of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. However, in officers opinion, having taken into account the criteria in Schedule 3 of the 1999 Regulations, and having regard to the information included with the application, the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location. Accordingly, the development for which planning permission is sought is not EIA development.

Relevant History:

EPF/1440/76 - Residential development – refused 31/01/77

EPF/1814/79 - Outline application for residential development – refused 18/02/80

EPF/0843/89 - Erection of 35 two-storey detached dwellings plus access roads, landscaping and open space – refused 30/08/89

Policies Applied:

East of England Plan:

H2 – Affordable housing

T14 – Parking

ENG2 – Renewable energy targets

Local Plan and Alterations:

CP1 - Achieving Sustainable Development Objectives

CP2 - Protecting the Quality of the Rural and Built Environment

CP3 - New Development

CP4 - Energy Conservation

CP5 - Sustainable Building

CP6 - Achieving Sustainable Urban Development Patterns

CP7 - Urban Form and Quality

CP8 - Sustainable Economic Development

GB2A - Development in the Green Belt

GB7A – Conspicuous development

H3A - Housing Density

H4A - Dwelling Mix

H5A - Provision for Affordable Housing

H7A - Levels of Affordable Housing

H8A - Availability of Affordable Housing in Perpetuity
H9A - Lifetime Homes
DBE1 - Design of New Buildings
DBE2 - Effect on Neighbouring Properties
DBE4 - Design in the Green Belt
DBE6 - Car Parking in New Development
DBE7 - Public Open Space
DBE8 - Private Amenity Space
DBE9 - Loss of Amenity
HC5 - Epping Forest
NC2 - County Wildlife Sites
NC3 - Replacement of lost habitat
NC4 - Protection of established habitat
RP5A - Adverse environmental impacts
RST2 - Enhance rights of way network
LL3 - Edge of settlement
LL5 - Protection of urban open spaces
LL6 - Partial development of urban open spaces
LL10 - Adequacy of Provision for Landscape Retention
LL11 - Landscape Schemes
ST1 - Location of Development
ST4 - Road Safety
ST5 - Travel plans
ST6 - Vehicle Parking
ST7 - New roads or extensions or improvements to existing roads
U3A - Catchment effects
U3B - Sustainable drainage systems
I1A - Planning obligations

Summary of Representations:

59 neighbouring residents were consulted, a Site Notice was displayed on 15/11/10, and a notice was published in the press on 14/11/10.

TOWN COUNCIL – object as the proposal represents a development of Green Belt. Epping already has 338 residential properties being built or pending building. 149 of these properties are on Green Belt at St. John’s School. Loss of Green Belt land around Epping at the pace proposed in recent applications, and without very special reason, risks damage both to the town and its environment.

CITY OF LONDON – Object as this would create a visual intrusion and conflicts with the semi-rural aspect of the area, contrary to Green Belt policies. No very special circumstances exist to justify the proposal. The development may be detrimental to existing protected species. Steps would need to be taken to transfer the public open land or with regards to long term maintenance of the area.

LONDON GREEN BELT COUNCIL – Object as this would constitute inappropriate development and there do not appear to be special circumstances to justify this. Making some land open to public access does not amount to very special circumstances as the applicant has not demonstrated why it is essential to provide public access land, particularly given the facilities provided by the proximity of Epping Forest.

CAMPAIGN TO PROTECT RURAL ESSEX – Object as this is inappropriate development in the Green Belt, would impact on existing wildlife, is close to Bell Common conservation area, due to

the impact on highways and parking provision, and concerns about the suitability of existing amenities and facilities in Epping.

IVY CHIMNEYS PRIMARY SCHOOL – Object as there is insufficient capacity within the School and a lack of funds from Essex County Council to enable expansion.

240 RESIDENTS HAVE OBJECTED TO THE APPLICATION FOR THE FOLLOWING REASONS:

- The proposal is on Green Belt land that should be protected.
- The site is currently an open field and not brownfield land.
- The development would result in the loss of this open space, which is used by walkers, cyclists, etc.
- The proposal would have a detrimental impact on existing wildlife.
- There are insufficient local facilities to support further development in Epping.
- Much development has been built/approved recently and is not being built, so there is no demand for additional housing.
- The application would set a precedent for similar development on other Green Belt sites.
- The development would impact on Bell Common conservation area.
- The proposal would worsen the existing parking and highway problems within the surrounding area.
- The design, scale and nature of the development is inappropriate for the area.
- The development would be too dense for this location.
- Further development in Epping would be detrimental to the character of the town.
- The proposal would be detrimental to surrounding residents due to increased noise, activity, overlooking and loss of visual amenity.
- Similar schemes have been refused on the site and nothing has changed.
- There is a chance of unsociable behaviour as a result of Social Housing.

Issues and Considerations:

The key issues for consideration relevant to this outline application are the appropriateness of the proposal in light of Green Belt policy constraint; the impact on the adjacent County Wildlife Site, existing wildlife and preserved trees, and the adjacent Conservation Area; highway and parking concerns; and the impact on neighbouring residents and the wider surrounding area.

Other considerations in this instance are, the scale and type of housing provision, renewable energy provision, and potential flood risk issues

In support of this application, the applicant has provided a draft Heads of Terms for a Section 106 agreement to the Planning Authority, some of which forms the basis of the special circumstances proposed in support of the application. These terms are briefly summarised below:

- *Affordable Housing:* 80% of the dwellings to be affordable housing, 40% of which would be for intermediate and 60% for rent. There would also be nomination rights for local people.
- *Sustainable housing design:* All homes (affordable and open market) to be built to Code for Sustainable Homes level 4 with 10% renewable energy features incorporated. Also at least 10% of the dwellings would be built to Lifetime Homes Standard (although the Design & Access Statement claims 50% of the dwellings would be built to Lifetime Homes Standard).
- *Off-site Highways Improvements:* The provision of £5,000 highway contribution towards the implementation of a Traffic Regulation Order to prevent long-stay commuter parking in the site.
- *Measures to promote alternatives to the car:* To provide a subsidised travel pack for residents for the first year of occupation.

- *Education Contribution:* Developer to pay to the Council an education contribution to be agreed with the Local Authority prior to development.
- *Improvement of local sporting facilities:* No further details regarding this have been given.
- *Designation of public open space:* Transfer of the County Wildlife Site areas of the site to be transferred to a body (possibly the City of London) for public amenity use.

As well as the above draft Heads of Terms, it is stated within the submitted Design & Access Statement that local labour would be employed, a training scheme would be set up, and further educational opportunities will take place (such as activity days and school visits for local schools). If these aspects are considered relevant and form part of a 'very special circumstances' case then these would also need to be included in any S106 Agreement.

Green Belt Constraint:

The application site is located within the Metropolitan Green Belt where the erection of housing constitutes inappropriate development, unless it is for essential agricultural, horticultural or forestry workers dwellings, or where it constitutes limited affordable housing for local communities (a Rural Exception Site). Although this scheme does propose a high level of affordable housing provision and offers nomination rights for local people, this would not constitute a Rural Exception Site as dealt with by Local Plan policy GB15A. Therefore this scheme amounts to inappropriate development within the Green Belt. Paragraph 3.2 of PPG2 clearly states that "*inappropriate development is, by definition, harmful to the Green Belt*". Furthermore, there are five purposes of including land in Green Belts, being:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns from merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Whilst the applicant argues within their additional support document (received June 2011) that the development does not conflict with the above, it is the opinion of the Planning Officers that the proposal clearly does not 'safeguard the countryside from encroachment'. Repeated chipping away of green belt in this manner would also lead to neighbouring towns merging and would not encourage the recycling of derelict land. The application site is a current undeveloped Greenfield site located on the edge of Epping. Although Theydon Place extends along the north western part of the site, and to the south east is Centre Drive and Western Avenue running down to Ivy Chimneys, the application site forms part of the wider green area of Bell Common and, although in private ownership and partially fenced off, much of this land is used by the public for informal recreational use and a large proportion is a designated County Wildlife Site. This area is considered to meet the objectives of including land in the Green Belt (as laid out in paragraph 1.6 of PPG2), which include:

- *To provide opportunities for access to the open countryside for the urban population;*
- *To provide opportunities for outdoor sport and outdoor recreation near urban areas;*
- *To retain attractive landscapes, and enhance landscapes, near to where people live; and*
- *To secure nature conservation interest.*

Due to the above, it is considered that the introduction of 60 dwellings within this currently open Greenfield site would conflict with the above objectives and would result in the urban area of Epping encroaching into the countryside and would cause actual harm to the openness and character of the Green Belt.

Therefore it is for the applicant to show why permission should be granted for such inappropriate development. However, “*very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is **clearly outweighed** by other considerations*” (my emphasis). It is further stated within PPG2 that “*the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development*”.

The circumstances put forth by the applicant (most of which are detailed above with regards to the draft Heads of Terms) are as follows:

- Provision of 80% affordable accommodation
- All dwellings to be built to Code for Sustainable Homes level 4
- 10% renewable energy provision across the site
- Provision of 50% of lifetime homes
- Green Travel Plan for future residents
- Retention of all existing trees
- Provision of public open space within the site
- Amenity land to be transferred and made available for public usage
- Preservation of the County Wildlife Site section of the site
- An education contribution
- Provision of local labour and training opportunities
- Improvements of local sporting facilities

The above circumstances are examined in the ensuing subsections of this report. However, notwithstanding the above provisions associated with this scheme, due consideration must be paid to the impact of this development on the character and appearance of the area and specifically on the openness of the Green Belt. In addition, the principle policy conflict of allowing development on land which serves the purposes of including land within the Green Belt.

The applicant in this instance is the same for the approved scheme known as White Lodge/The Limes, Sewardstone Road, Waltham Abbey (OUT/EPF/1680/06 and RES/EPF/0383/09), and comparisons have been drawn by the applicant between the two sites. Whilst this application is similar to that approved on Sewardstone Road (in terms of the circumstances put forth), the entire basis of ‘very special circumstances’ is that these are treated as “*departures from the development plan*” and are considered on a case-by-case basis. Furthermore, whilst the proposed package of ‘benefits’ is similar in both cases, the situation and development differ greatly. The most important of these is that White Lodge/The Limes was built on a former kennels site and therefore constituted ‘previously developed land’, whereas this application site is an undeveloped Greenfield site.

Although it is accepted that the application site is located on the edge of an urban settlement and therefore has good accessibility to public transport and public amenities it is still a Greenfield site located within the Metropolitan Green Belt (with a large part consisting of a County Wildlife Site and subject to a blanket Tree Preservation Order) and, therefore, this development fails to meet the requirements of PPS3, which promotes the use of previously developed land and PPS1, which discourage the development of important, open, Greenfield land. Furthermore, whilst some time ago, planning permission has previously been refused for residential development of this site on Green Belt grounds.

Affordable housing provision

This aspect of the proposed development provides the most compelling ‘exceptional circumstance’ within the application. The proposed 80% affordable accommodation would provide a healthy

contribution to the housing targets for the District, of which there has been an identified need. (Epping Forest District Council's Annual Monitoring Report 2010).

The provision of 80% affordable housing is noted as a generous proposal towards affordable housing need, and whilst Local Plan policy H7A only requires 40% affordable housing on a site in a settlement with a population greater than 3,000, it is common for a level of 80%, if not higher, to be proposed in Green Belt applications where affordable housing forms a case for 'very special circumstances'. This scheme is not the only application offering such a high percentage of affordable accommodation in the District, with others offering higher in some instances, and whilst the package put forward at White Lodge/The Limes, Sewardstone Road was considered acceptable in that instance, several other proposals in the Green Belt have been refused despite similar high levels of affordable housing offered.

Whilst it is accepted that there is a high possibility that additional affordable housing development may be located within existing Green Belt sites, the correct way to achieve this is through the allocation of land through the adoption of the Core Strategy and through the Strategic Housing Market Assessment process. This process allows for a sequential approach to be taken in such cases and, whilst this site is well located on the edge of an existing settlement, it is a Greenfield site and other, more appropriate, areas may be available on alternative sites equally close to urban settlements that are sequentially more acceptable than this proposal. Therefore, to allow such inappropriate development within the Green Belt on an *ad hoc* basis would be an unacceptable process to deal with these matters.

Renewable Energy Provision

The development proposes that all dwellings will meet Code for Sustainable Homes level 4 (both affordable and open market housing). It is usual for RSL's to require affordable housing to meet Code for Sustainable Homes level 3, however no such requirement with regards to open market housing. Whilst the increase in this code level is welcomed, it is not considered that this clearly outweighs the identified harm from this proposal, nor would it adequately mitigate the development of an open Greenfield site in terms of sustainability.

Policy ENG1 of the East of England Plan requires that "*new development of more than 10 dwellings... should secure at least 10% of their energy from decentralised and renewable or low-carbon sources*". As such, on a development of this scale, the provision of 10% renewable energy is a requirement regardless of location or designation, and as such would not form a very special circumstance.

There is a requirement under Local Plan policy H9A for any development providing ten or more dwellings to ensure at least 10% be built in accordance with Lifetime Home Standards. Whilst the provision of 50% Lifetime Homes is significantly greater than this requirement, it is not considered that the benefits of this outweigh the overall harm from this development or significantly impacts on its acceptability. All these aspects could be repeatedly argued on sites elsewhere and therefore by definition cannot be very special circumstances.

Highways Issues

Whilst there have been objections from local residents with regards to the impact this development would have on highway safety, traffic generation, and on-street parking, Essex County Council Highways have raised no objection to the scheme for the following reasons.

Whilst there is on-street parking on Hemnall Street near to the junction with the High Street, which does affect the traffic use of this junction, Essex County Council are proposing amendments to the on-street parking in this location through revisions to the Traffic Regulation Orders (TRO). If successful there would be 'No Waiting' restrictions along the north east side of Hemnall Street

from its south-westerly junction with the High Street for a distance of 43.4 metres, and along the south-west side from its south westerly junction with the High Street for a distance of 22.6 metres. This would increase the available room for cars to dwell whilst waiting to exit Hemnall Street onto the High Street, and will also enable cars entering Hemnall Street from the High Street adequate space to clear the High Street from obstruction.

The TRO process is open to objection, and therefore there is no guarantee at present that the proposals will be approved, however if they are not then additional traffic from the proposed development could cause added conflict at this location. However, Essex County Council Highways do not deem this prospect serious enough to recommend refusal, given that there are two alternative exits to the High Street from Hemnall Street that residents could use (Half Moon Lane and Clarks Lane). Furthermore, accident records have been checked and whilst accidents are recorded on the High Street and Hemnall Street, none appear to be as a result of the parked cars on Hemnall Street and vehicles turning from the High Street.

Whilst this application is simply for outline planning consent, and therefore no details regarding layout are being assessed, it is stated that the full standard of parking provision would be provided within the site. This should reduce the instances of on-street parking from future occupiers both within the site and on surrounding roads. However, due to the proximity of the site to the underground station, it is recommended that the development is itself covered by a Traffic Regulation Order to prevent long-stay commuter parking from the streets (for example a TRO restricting parking between the hours of 11:00 and 12:00). A contribution of £5000 is required for the advertisement of the TRO, which would be part of any S106 obligation.

The applicant has offered to provide subsidised travel for residents of the development for the first year of occupation (i.e. bus passes or free/subsidised bicycles). This approach supports the Central Government, Highway Authority, and Local Planning Authority policies of encouraging sustainable travel, however such packs are generally required as part of all new residential development of significant scale to meet with sustainable transport objectives.

As such, the provision of this subsidised travel is not considered 'unique' in this instance, and the highways contribution would be used to protect the site itself and would have no wider benefits. As such, this is deemed necessary for the development of the site and would not constitute any form of very special circumstance.

Trees and Landscaping

It is proposed that all the existing trees on site are to be retained, however the majority, if not all, of these trees are subject to either a blanket or individual Tree Preservation Order. As such it is an essential requirement that these trees are not removed from the site and therefore their retention is not something that can be 'offered up' as a very special circumstance to outweigh the harm from the development. It is considered that adequate conditions can be imposed to ensure the existing trees are protected and retained as part of this development.

Similarly, a scheme of this size would require public open space to be provided, particularly on an edge of settlement location such as here. Notwithstanding this, a large proportion of this public amenity space consists of the County Wildlife Site, which is undevelopable due to its County Wildlife Status and the presence of a blanket Tree Preservation Order. Therefore this is not considered a very special circumstance to this development.

It is stated within the application that the area of woodland and area of grassland that forms the County Wildlife Site would be transferred for public amenity use. Although no details have been submitted about who this would be transferred to, it is understood that discussions have taken place between the applicants and the City of London (Conservators of Epping Forest). Notwithstanding these discussions, the City of London has objected to this application so clearly

do not consider this transferral of land to be of particular importance. Furthermore, as previously stated, the area of land in question is a County Wildlife Site and covered by a blanket Tree Preservation Order, and as such is essentially an undevelopable site. Therefore, whilst this is private land that could be closed off to the public, the woodland and grassland has to remain in perpetuity regardless of the owner of the land. As such it is not considered that the transfer of this land would be particularly beneficial, and certainly would not outweigh the harm resulting from the development of the remainder of the site. Furthermore, given the presence of public open space to the South of the site, the necessity for further public land in this location is not considered an overriding concern or of particular benefit to outweigh the harm from this inappropriate development.

Further to the above, it is a necessity that any form of development adjacent to, or in close proximity to, a County Wildlife Site does not unduly harm protected species or the habitats offered within the site. Ecological reports have been submitted with this application, which have been agreed by the Council's Ecological Officer (as requested by Natural England) subject to conditions. Invariably the development would have an impact on the County Wildlife Site and its inhabitants, however the mitigation works within these reports are sufficient to deal with the effects from the proposed development. However such works are necessary to counter the impact from the proposed development and would not form any very special circumstances or benefit the wider community.

Education Contribution

The application site falls in the priority admissions area of Ivy Chimneys Primary School, which has a permanent capacity of 240 places. However, according to the latest Essex School Organisational Plan (2010), as of May 2009 there were 252 pupils on the roll. By April 2014 the School is forecast to have 280 pupils on roll. An objection has been received from the School itself with regards to this. On a wider scale it is forecast that there will be a need for up to 1,174 places against just 1,065 available permanent spaces within Epping Forest Group 2. As the proposed development adds to this need, an Educational Contribution will be required to help to mitigate this impact. Such contributions are required on all housing developments regardless of site designation, and therefore this does not form a very special circumstance.

There are sufficient secondary school places to serve the needs of the development, and the latest *Essex County Council Childcare Places in Essex: Availability and Take-up* shows that there is likely to be sufficient early years and childcare places to serve the development.

Provision of Local Labour and Training Opportunities

It is stated that there would be local employment, training and education opportunities as a result of this development. Whilst such opportunities are welcomed, these are short term benefits that would not outweigh the long term harm from this development.

Improvement of Local Sporting Facilities

There is no particular detail submitted about this, with the exception of the Design & Access Statement which states "*there is an opportunity for the improvement of local facilities e.g. increasing capacity of local sports facilities through the provision of lighting*". It is therefore assumed that this would be achieved in the form of a financial contribution, however it is unlikely that this would be of much greater benefit than counteracting the impact on existing facilities as a result of the development.

Green Belt Conclusion

Whilst the applicant considers that the site does not fulfil any of the five stated objectives of the Green Belt, nor that the proposed development conflicts with the purposes of including land within the Green Belt, this is clearly not the case.

As the application site currently 'provides opportunities for access to the open countryside for the urban population'; 'provides opportunities for outdoor sport and outdoor recreation near an urban area'; 'retains an attractive landscape and enhances the landscape near to where people live', and 'secures nature conservation interest' this clearly meets four of the six objectives of Green Belt land. Furthermore, as the proposed development fails to 'safeguard the countryside from encroachment', undermines the ability to prevent neighbouring towns from merging and fails to assist in regeneration by encouraging reuse of brownfield land, thus failing to comply with three of the 5 purposes of including land within the Green Belt. As such it is considered that the development would cause **significant harm** to the openness and character of the Green Belt and it is not considered that, either individually or as a cumulative package, the circumstances put forward by the applicant **clearly outweigh** the harm from the development.

Other matters:

Proposed Design and Layout

Although matters of design and layout are reserved for subsequent approval, the applicant has provided an indicative layout to explain the appropriateness of the site for the scale and nature of new development. The density is within an acceptable range at 30 dwellings per hectare, as Local Plan policy H3A requires a net site density of at least 30-50 dwellings per hectare. Whilst on the lowest point of this scale, this would be appropriate given the edge of settlement location.

The development proposes a mix of 2, 3 and 4 bed houses, which complies with Local Plan policy H4A, and Housing Services are satisfied with the breakdown in terms of affordable and open market housing.

The indicative layout draws upon *The Essex Design Guide* principles, which is the preference for this type of housing estate. Whilst only indicative it is expected that a full site layout could be created incorporating these factors.

Flood Risk

Given the size of the application site a Flood Risk Assessment was required for assessment by the Environment Agency. The submitted FRA was considered acceptable by the Environment Agency and, subject to conditions, the development would not result in either unacceptable levels of flooding on or off-site.

Impact on Conservation Area

Objections have been raised with regards to the impact the development would have on the adjacent Bell Common Conservation Area. As the application site only adjoins this conservation area at its western most tip, which would be part of the 'undeveloped area' of the site to be transferred for public amenity space, with the built development being located some 117m at its closest point, this would have no impact on the historic character of the conservation area.

Impact on Surrounding Residents

The introduction of 60 dwellings to a previously undeveloped Greenfield site adjacent to existing housing will clearly have some impact on the neighbours' amenities through noise, increased

movements, and visual impact, however these factors can be mitigated through careful design and imposed conditions. As previously stated there is no objection from Essex County Council with regards to increased traffic movements, and degrees of overlooking and loss of light to immediately adjoining properties would be adequately controlled at Reserved Matters stage through the requirements of the Essex Design Guide. As such it is considered that these concerns can be adequately addressed by condition or at Reserved Matters stage and therefore would not constitute a reason for refusal.

Although there is a public footpath running along the western boundary of the site, and a bridleway along the southern boundary, these are adjacent to the undevelopable County Wildlife Site section of the application site and therefore would not be detrimentally affected by this proposal.

Conclusion:

Whilst the provision of 80% affordable housing (48 dwellings) does have clear advantages and benefits to Epping Forest District, and on the face of it the application site is well located in terms of accessibility, the proposal clearly constitutes inappropriate development and fails to comply with the purposes of including land within the Green Belt. Although other factors have been offered up which are welcomed (such as increase Code Level for sustainable homes and increased provision of Lifetime Homes), many of the stated 'very special circumstances' are in fact requirements of any housing development of this scale (such as educational contributions and 10% renewable energy provision), or do not offer any marked benefit over the site at present (such as transferral of the undevelopable County Wildlife Site or retention of TPO trees). As such it is not considered that the circumstances put forward, either individually or as a cumulative package, are considered 'very special' or clearly outweigh the harm from this inappropriate development on the openness or character of the Green Belt.

Whilst there are many further concerns raised by neighbouring residents, such as impact on highways and parking, impact on the adjacent conservation area, and impact on the County Wildlife Site and protected species, these factors are either considered acceptable by the relevant Statutory Consultees or can be adequately mitigated or controlled by condition or legal agreement.

The correct way to develop a site such as this would be through the land allocation process within the Local Development Framework, whereby this site would be sequentially assessed against other sites put forward and, if considered appropriate, would be released from the Green Belt. However, such an *ad hoc* proposal is considered contrary to PPG2, PPS3 and Local Plan policies, and therefore the application is recommended for refusal.

Should the committee be persuaded that there are very special circumstances in this case to justify the development, then there would need to be clarity over what distinguishes this proposal from other applications to build houses in the Green Belt so as to avoid setting an undesirable precedent. The application would then have to be referred to District Development Control Committee for further consideration.

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

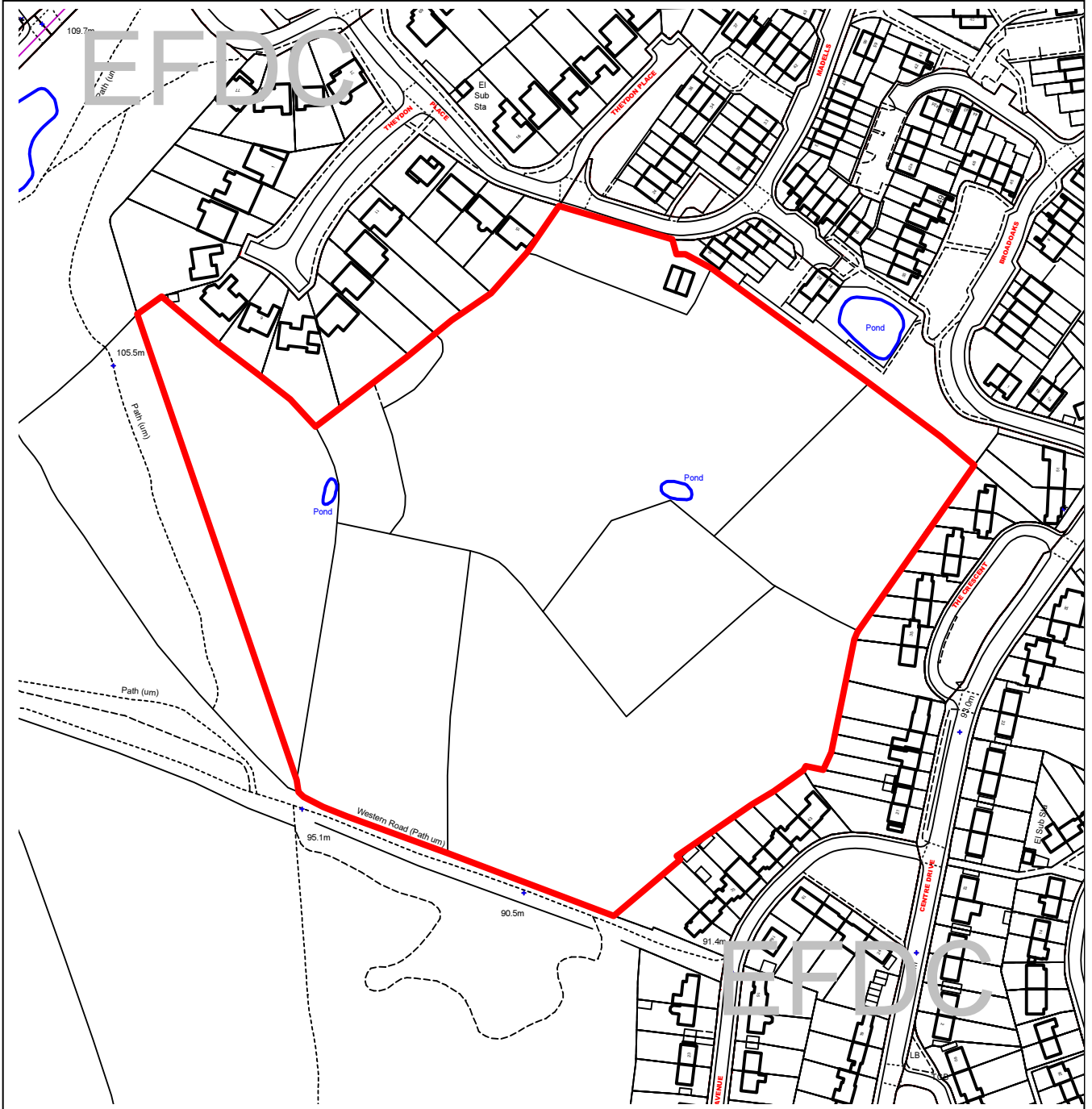
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/2040/10
Site Name:	Land at Theydon Place, Western Road Epping, CM16 4NH
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/0892/11
SITE ADDRESS:	Theydon Towers Theydon Road Epping Essex CM16 4EF
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Max Leveritt
DESCRIPTION OF PROPOSAL:	TPO/EPF/10/83 G5 (31 on plan) - Cypress - Fell G6 (10, 11 & 12 on plan) - Cypress - Fell T50 (13 on plan) - Cedar - Fell G3 (Group 3 on plan) - 3 x Spruce - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=527683

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 and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 3 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Proposal

G5 (31 on plan) – Cypress – Fell

G6 (10, 11 and 12 on plan) – Cypress – Fell
T50 (13 on plan) – Cedar – Fell
G3 (Group 3 on plan) – 2 Spruce - Fell

Description of Site

The application concerns trees in the grounds of Theydon Towers, a large and relatively secluded house, set within extensive and generally well treed grounds. Four of the trees concerned (G5 & G6), all described as Cypresses (technically 2 are Thujas), stand immediately adjacent to a detached two bedroom dwelling, standing in the grounds of Theydon Towers.

The Cedar (T50) is set in the centre of the garden and the Spruces (G3) are close to the eastern boundary.

Relevant History:

TPO/EPF/10/83, made in June 1983, protects 55 trees individually cited, together with 6 groups.

Clearance of the southern area of the grounds has recently been taking place, following consultation, and has been supervised to ensure that it has affected only shrubs and trees not subject to the TPO.

Policies Applied:

LL9 – Felling of Preserved Trees

Summary of Representations:

PARISH COUNCIL – Objection: Acknowledge the concern about the 3 Spruces, which are accepted to be poor trees. However have serious concerns about the proposal to fell the others. Understand that the building affected is not habitable, not actually a residential building, and has never been permanently used as such. Because the trees pre-date the structure it should not be given the same weight as for a residential building where the trees post-date the structure.

Given its history it may be that the building was not built to appropriate standards, and foundations. Suggest therefore that the problems relate to substandard construction. Do not therefore feel consent should be granted in respect of trees within G5, (that is 1 x Cypress) G6, (3 x Cypress) and T50 (1 x Cedar).

THE SPINNEY: Objection: Vehemently objects to tree felling in order to protect this dwelling, which he understood to be a temporary property when originally constructed. The loss of magnificent trees cannot therefore be justified by damage to it. These trees are an integral part of the local landscape and are believed to predate this building. The application is simply a ploy to clear an obstacle to a more substantial replacement of the house. Concerned also about the wider precedent for future development and loss of local heritage.

Issues and Considerations:

The reasons given for the application are as follows:

- in the case of the four Cypresses, structural damage to the dwelling, which needs to be remedied before the building can be restored;
- otherwise, in respect of the Spruces and the Cedar, solely for safety reasons, and in accordance with advice.

It is suggested that the main considerations are:

1. whether it has been demonstrated that the 4 Cypresses are affecting the dwelling;
2. whether the dwelling has been poorly constructed, and postdates the trees;
3. whether their removal would resolve the alleged subsidence and allow the property to be restored;
4. what weight should be given to concerns that the dwelling is not what it seems (i.e. is an outhouse, and not habitable);
5. whether the other trees are in poor health, or structurally unsound;
6. how valuable are the trees, and what contribution do they make generally to local visual amenity; and
7. could they be effectively replaced with new planting?

Dealing with these in turn:

1. The application is supported by a distortion survey, and an engineer's report. A site inspection has shown that the garage has clearly subsided as a result of the root activity of the Cypress in G5, which has been planted within half a metre of its rear corner. The house itself is also severely distorted, with a movement pattern consistent with subsidence as a result of the three Cypresses in G6, approximately 1 metre distance from the north east corner of the main building. The engineer's report is based on measurement and assessment of the movement of the superstructure, and local knowledge, but there is no supporting soil survey, nor a drains test. The engineer however states that the location of the drains is such that they cannot be responsible for the effects seen, and that he is aware from other investigations on the property that the local soil is clay of medium shrinkability. While the evidence is not exhaustive it is concluded that there can be no reasonable doubt that the damage to the property is caused by root activity.
2. There is no evidence that the house is poorly built; at its time of construction (estimated mid 60s) foundation standards in particular were not up to modern standards. It seems clear that the building is older than the trees, not younger.
3. It is likely that removal would resolve the structural issues, and return the property to stability. This would avoid extensive underpinning, and limit the extent of repairs required to the superstructure. The stated intention of the owner, following resolution of the tree issues, is then to renovate the property.
4. The house comprises all that would be expected for a two bedroom property, with kitchen, bathroom etc. The internal condition is currently very poor; the explanation offered for this was that it suffered a severe flood as a result of a leak from a water tank in the roof.
5. In relation to the Spruce, the 2 trees to be felled are part of a mixed group of Norway Spruce and Scots Pine, close to the eastern boundary. While the remainder are reasonable specimens (the pines are the best), the 2 are particularly spindly, clearly in poor health, and better replaced. The Cedar is set in the centre of the garden; the reason for its inclusion in the application is purely on grounds of safety; it is not implicated in the damage to the house. It was originally a multi-stemmed tree; one limb has been removed many years ago, and has now rotted back into the stem, making the remainder of the tree unstable and dangerous. Unfortunately there is no possible remedial treatment to retain the tree in a safe condition.
6. Only the Spruce can be glimpsed from the road. The most prominent trees are the avenue of Lime immediately west of the entrance gates, and other fine trees on the lawns nearby. The Cypresses are effectively hidden from a public perspective, although they will be seen from adjacent properties. They are mediocre specimens of no particular individual merit, and not particularly old. The Cedar would be the most important tree were it structurally safe.
7. Over the mid/long term new trees would add to the appearance of the site; the owner has indicated a willingness to undertake generous replacement planting, with semi-mature trees, although only one for one replacement may be conditioned.

Conclusion

That it has been established that the felling as specified is necessary and justified, subject to suitable replacement, which in this case it is suggested be conditional upon prior agreement as to specification, and also replacement prior to implementation.

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

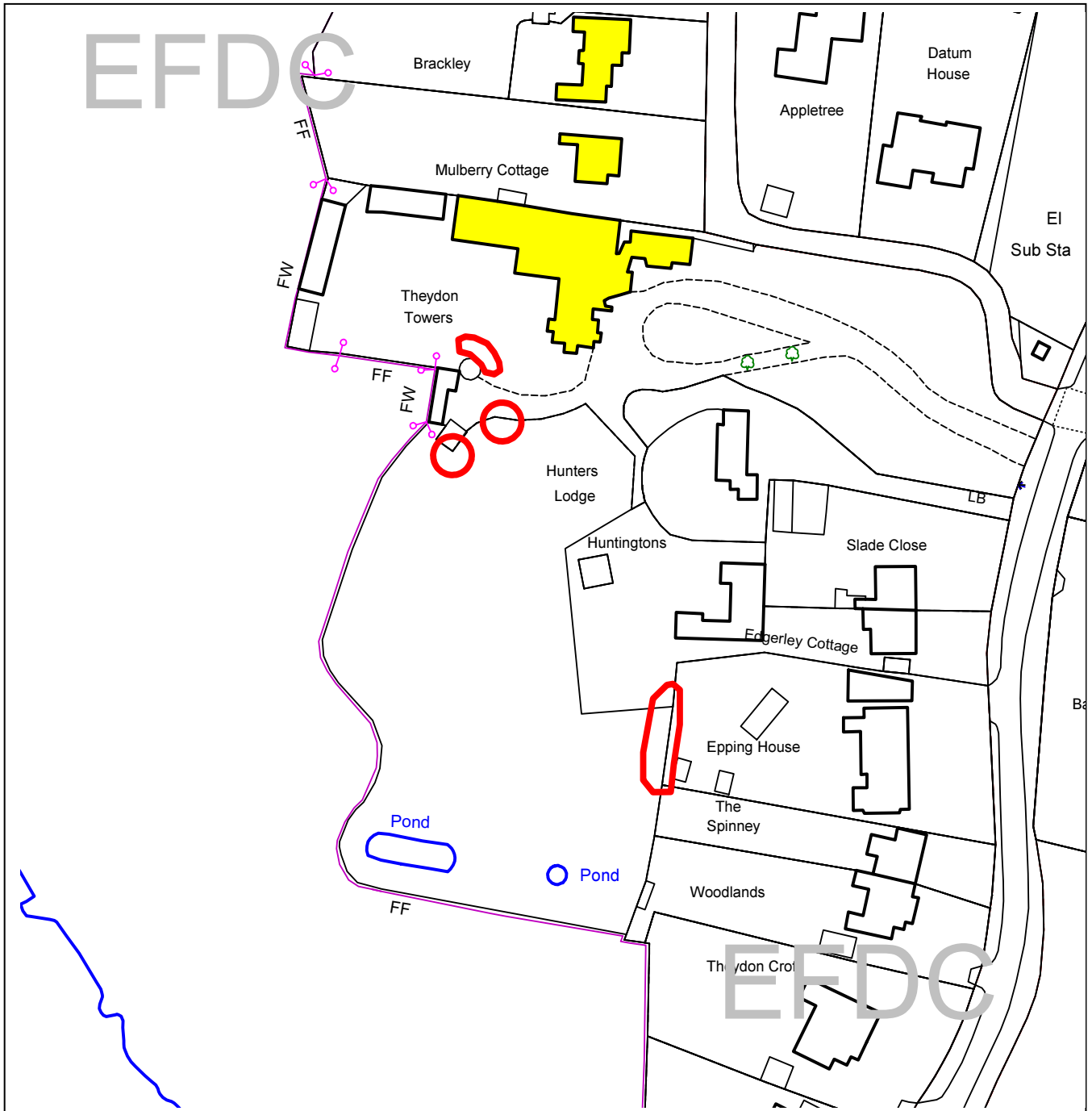
***Planning Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/0892/11
Site Name:	Theydon Towers, Theydon Road Epping, CM16 4EF
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0940/11
SITE ADDRESS:	3 Crown Close Sheering Harlow Essex CM22 7ND
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mrs Jane Sweet
DESCRIPTION OF PROPOSAL:	Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=527846

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 01, 1A, 1B, 1C, 2A, 2B, 2C, 975.12 (amended 04/07/11)
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 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 shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for

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

- 6 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 7 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 8 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Revised application for the alteration and extension of the existing detached bungalow to form 2 no. two-storey semi-detached dwellings and the erection of a single detached two storey dwelling.

The extensions to the existing bungalow would consist of two rear additions at ground floor level, and a first floor extension over the entire footprint of the extended ground floor. This would result in a pair of semi detached houses with a maximum depth of 13.3m (although this incorporates the front and rear projections) and a combined width of 11.4m. They would have predominantly hip ended pitched roofs with a low ridge height of around 7.65m and would have the appearance of being one large detached dwelling as the unit known as 3A would have a side entrance and a gable ended front protrusion not seen on unit 3B.

The proposed detached house would replace an existing single storey detached garage and would be 10m deep and 4.8m wide. This would have a hip ended pitched roof to a ridge height of around 7m.

Description of Site:

Detached bungalow and garage building located on the southern side of Crown Close, within the small built-up village of Sheering. The site backs on to the side boundary of No. 3 Orchard Close to the south and is located within a residential estate containing a mix of detached, semi-detached and terrace properties that includes bungalows, chalet-bungalows and two storey dwellings. To the front of the site is a large grass highway verge. The site lies within a Flood Risk Assessment zone and the bungalow is set some 14 metres back from the highway edge.

Relevant History:

EPF/1822/10 - Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage – refused 05/11/10

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
CP7 – Urban form and quality
H3A – Housing density
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
DBE10 – Residential extensions
DBE11 – Sub-division of properties
LL10 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood Risk Assessment zones

Summary of Reps:

9 neighbours were consulted.

PARISH COUNCIL – Object as this is overdevelopment of the site and not in keeping with the street scene.

3 ORCHARD CLOSE – Object due to overlooking and loss of privacy, increase in noise, and due to the visual impact and precedent this would set.

9 CROWN CLOSE – Object as the development is detrimental to the character and appearance of the area, it constitutes overdevelopment, will result in overlooking, due to highway safety concerns as cars would have to reverse off of the site, and as this would set an unwelcome precedent.

FARRAGO, THE STREET – Object as the development would be detrimental to the character of the neighbouring properties, the proposal is a high density development out of scale with other

properties and car parking would dominate the street scene, and there would be an increase in traffic and noise.

Issues and Considerations:

The key issues within this application are the suitability of the site for such a development, amenity considerations, design, highway and parking concerns, and with regards to impact on landscaping. The previous application was refused for the following reasons:

The proposal, due to the bulk, design and location of the dwellings and over-dominance of car parking, would result in an incongruous and unacceptable development detrimental to the character and appearance of the street scene, contrary to policies CP2, CP7, DBE1, DBE6, DBE10 and ST6 of the adopted Local Plan and Alterations.

The proposal, due to the inability to provide adequate parking, convenient cycle and bin storage, manoeuvring space and front landscaping, and due to the proximity of the detached dwelling with the side boundaries, amounts to overdevelopment of the site contrary to policies CP7 and DBE3 of the adopted Local Plan and Alterations.

Suitability of site:

The application site is located within the village of Sheering, which is outside of the designated Green Belt, on a site currently occupied by a detached bungalow. The village of Sheering is a relatively small built up area with limited local amenities and public transport and is located approximately 1.1 mile from Sawbridgeworth and 2 miles from Harlow. Whilst the site is not particularly sustainable it is within an existing urban area and as such it is not considered that the principle of intensifying the use of this site would be unacceptable on sustainability grounds.

Amenity considerations:

The proposed development would extend the existing bungalow on site so that two dwellings can be formed, and a further detached dwelling would be erected to replace the single storey garage. The first floor extension on the existing bungalow would increase the overall height of the existing building from 6.45m to around 7.65m and would incorporate a relatively shallow roof with predominantly hip ends. The existing detached garage is currently 2.7m in height with a flat roof, and would be replaced with a dwelling to a height of some 7m with a larger footprint. Whilst the proposed development would have more impact on neighbouring residents and the street scene than existing, the extended bungalow is 3m from the shared boundary at its closest point and some 11.9m from the flank wall of the neighbour to the east known as Coppers. Whilst Coppers is a chalet bungalow style property some 1.3m lower in height than the proposal it is felt that, given the distances involved, the proposed development would not result in an unduly detrimental loss of light or visual impact to this neighbour. The only first floor flank window proposed serves a bathroom and would therefore be obscure glazed, so no loss of privacy would result from the development.

The proposed detached dwelling would be located 1m to the shared boundary with No. 5 Crown Close, however the neighbouring house is separated from the proposed dwelling by a large detached garage and is some 12m from the flank wall of the new dwelling. As such, whilst there would be some impact on this neighbour, it is considered that this would not be detrimental enough to warrant refusal. The only first floor flank window overlooking this neighbour would serve a bathroom and would therefore be obscure glazed.

An objection has been received from No. 3 Orchard Close, which shares its side boundary with the rear of the application site. This refers to overlooking of their site and loss of visual amenity. The dwellings are located 15m from the shared boundary with No. 3 Orchard Close at their closest

points, which is in line with the requirements of the Essex Design Guide, and as such any resulting overlooking would be to an acceptable level. Similarly, the distances involved would ensure that there would be minimal visual impact to this neighbouring resident as a result of this development.

The proposed dwellings would each have private amenity space exceeding the required 60 sq. m. in accordance with DBE8 and the Essex Design Guide. These would be located to the rear of the dwellings and would benefit from the same level of privacy enjoyed by the surrounding properties.

Design:

To the north of the application site are large areas of residential estates, where there is a dominant design to the dwellings, however the southern section of Crown Close where the site is located, contains detached properties in a mix of style and sizes. The neighbours to the west consist of two storey detached houses, the adjacent neighbour to the east is a chalet bungalow, with a two storey detached house beyond this. To the south is a mix of detached and semi-detached two storey houses, and to the north are semi-detached and terrace two storey houses.

The design of the previously proposed dwellings (EPF/1822/10) was very bland and uninspired and had large expanses of roof slopes and a considerably higher and more dominant roof form than surrounding dwellings. Furthermore, the narrow width and high roof to the detached dwelling resulted in a top heavy design contrary to the appearance of the area.

With regards to the design of the proposed dwellings in this application, the extended bungalow has been specifically designed to imitate the appearance of a single large detached dwelling, which would be similar in size and not out of character with the character of the surrounding area.

Whilst the single detached dwelling would still have a slightly more unusual design, being long and narrow, the lower roof height and slacker pitch is an improvement over the previous scheme. Furthermore, given the set back of the proposed dwellings from the edge of the carriageway and the existing screening both in this site and adjoining sites, this proposal is not considered to be unduly detrimental to the appearance of the street scene and is not considered to warrant refusal.

The shallow pitched roof and overall height of the proposed dwellings would not exceed the highest point of the neighbouring chalet bungalow (Coppers), and would be considerably lower than No. 5 Crown Close to the west. Due to this the revised application has sufficiently overcome the previous impact on the street scene and is now considered acceptable.

The proposed development would retain at least 1m between the flank walls of the dwellings and the side boundaries, with 2m between the extended bungalow and the new detached dwelling. This would ensure that the properties do not appear cramped or have a detrimental terracing effect within this street of largely detached properties.

By removing the previously proposed front extension and reducing the size of the new detached dwelling the revised scheme has been able to alter the front garden arrangement to reduce the previously unacceptable dominance of cars. It is now proposed to have two tandem parking spaces to the side of unit 3A, and two off-street parking bays for each of units 3B and 3C. These would be located further into the site and would allow for an, albeit small, manoeuvring area, space for landscaping, and dedicated areas for bin storage. This reduction in size of the proposed dwellings therefore allows enough space to overcome the previous reason for refusal regarding overdevelopment of the site and will allow for additional landscaping to be planted within the front garden to help soften this development.

Highways and parking issues:

The proposed dwellings would be served by six off-street parking spaces, which is in accordance with the requirements of the Essex County Council Vehicle Parking Standards (2009) of 2 spaces per 2+ bedroom house, however does not include any visitor parking space (a further 2 spaces). Notwithstanding this, whilst this would impinge on the manoeuvring area and would block the resident parking spaces, there is sufficient space behind the proposed parking areas to provide informal parking for at least two visitor cars.

Although there is a small manoeuvring area on the plans, this would only really serve unit 3C (although could be used by unit 3B), and there is no such turning area for the parking spaces serving unit 3A. Furthermore, as stated above, this area may at times serve as informal visitor parking and therefore would not at these times serve this purpose. However, given the nature of Crown Close which is a residential cul-de-sac, it is not considered that reversing in to or out of the site would be unduly detrimental to highway safety - few driveways in such areas provide turning space.

The introduction of two additional houses on this site is not considered sufficient to result in an unacceptable increase in traffic generation, nor would its use be detrimental to neighbouring amenities due to increased noise or activity.

Landscaping:

This revised scheme has adequate space within the front garden for additional landscaping that would help to soften the impact from this development. Such landscaping can be controlled by condition.

Other matters:

The application site lies within a designated Flood Risk Assessment zone and is of a size where it is necessary to avoid generating additional runoff and to improve existing surface water runoff. As such a Flood Risk Assessment is required which can be secured by condition.

Conclusion:

In light of the above, the revised development is considered a far more acceptable and appropriate design than the previously refused scheme and has overcome the previous concerns with regards to overdevelopment. There would be no detrimental impact on neighbouring residents in terms of loss of light, privacy or visual amenity, and adequate parking provision would be provided. The design is more in keeping with the street scene than the previous scheme and is not considered harmful to the overall character or appearance of the area. As such the proposed development complies with the relevant Local Plan policies and is therefore recommended for approval.

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

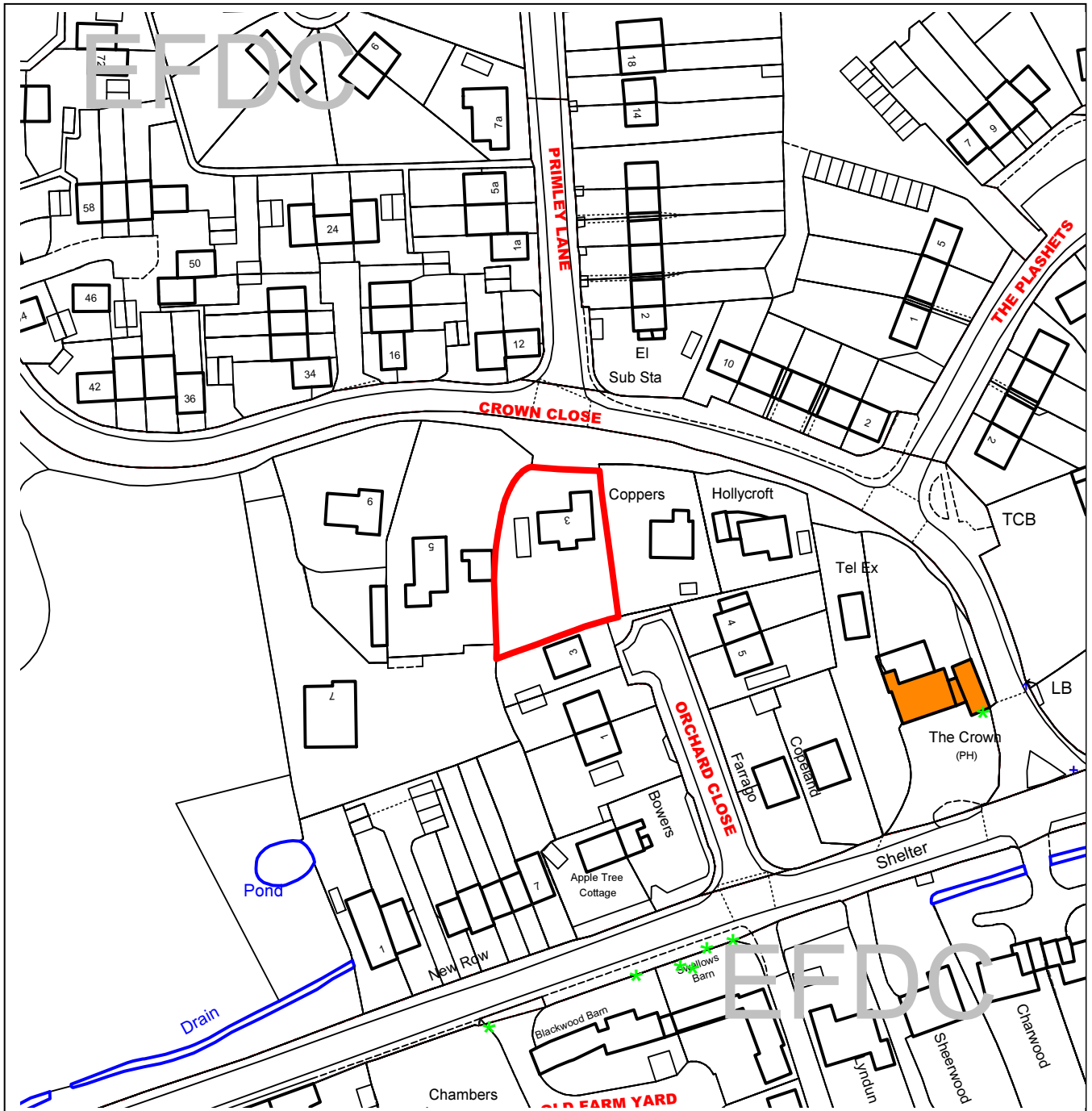
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0940/11
Site Name:	3 Crown Close, Sheering CM22 7ND
Scale of Plot:	

Report Item No: 4

APPLICATION No:	EPF/0944/11
SITE ADDRESS:	Hales Farm Nether Street Abness Roding Essex
PARISH:	The Rodings - Abness, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr & Mrs T Garwood
DESCRIPTION OF PROPOSAL:	Demolition of farm buildings and erection of a single detached dwelling.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=527868

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development that is both harmful to the purposes of including land within the Green Belt and causes physical harm to the openness and character of the Green Belt. There are insufficient very special circumstances that clearly outweigh this, and other identified, harm, and therefore the development is contrary to PPG2 and policy GB2A, DBE1 and DBE4 of the adopted Local Plan and Alterations.
- 2 The proposed development, due to the removal of the historic curtilage listed buildings and the scale and overall size of the proposed new dwelling, would be detrimental to the historic setting of the adjacent Grade II listed building, contrary to PPS5 and policies HC11, HC12 and LL1 of the adopted Local Plan and Alterations.
- 3 Insufficient information has been provided with regards to the use of, and external works proposed to be undertaken to, the curtilage listed buildings that would be retained, and with regards to the proposed commercial livery use of the stable building. Given this lack of information the proposed development may be detrimental to the appearance and historic importance of the curtilage listed buildings, the setting of the adjacent Grade II listed building, and the character of the Green Belt. As such the development may be contrary to PPG2, PPS5, and policies GB2A, GB8A, HC10, HC12 and HC13 of the adopted Local Plan and Alterations.
- 3 The proposed new dwelling, due to its scale, bulk, massing, orientation, siting and design, is overdominant, visually incongruous and harmful to the character and amenity of the rural area, contrary to policies GB7A, DBE1, DBE4, LL2 and LL11 of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section CL56, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

This application seeks to demolish existing farm buildings and replace them with a single detached dwelling. The proposed dwelling would be a maximum of 21.6m in width and maximum 11.5m in depth with a flat top pitched roof to a maximum height of 7.8m. It is proposed to remove the large agricultural structure to the north of the former farm complex, three of the five existing barns, and the existing pig pen enclosures. It is proposed to retain the existing stables for use as a commercial livery and for cycle and waste storage in connection with the proposed new dwelling, and to retain the barn fronting onto Nether Street (although there is no specified use for this barn).

Description of Site:

The site is an irregular shaped area of land within the former Hales farm holding and adjoining Hales Farmhouse, which is a Grade II listed building. The site shares its access from Nether Street with the farmhouse, along an unmetalled driveway running to the North of the outbuildings, then curving round them to end in an informal parking area. The farm buildings were last actively used in the early 1990's, for pig rearing. Adjacent fields are cultivated for arable production. All the buildings located on the site are curtilage listed.

The site is relatively isolated, lying around 3m North East of Abbess Roding, and a similar distance away from Leaden Roding (Uttlesford), which has some local facilities. The entire site is located within the Metropolitan Green Belt.

The buildings to be demolished have floor areas of 183 sq. m. (large agricultural barn), 37 sq. m. (barn 1), 74 sq. m. (barn 2), 107 sq. m. (barn 3), with the pig pen enclosures having a total floor area of 157 sq. m. Planning permission has been granted to convert the large agricultural building, the barn fronting Nether Street, and barns 1 & 2 into two live/work units, although this permission has not yet been implemented.

Relevant History:

EPF/1030/96 - Change of use of agricultural building for the restoration of furniture – approved/conditions 01/10/96

EPF/2260/04 - Conversion of farm buildings into two live/work units, comprising of workspace area and one each of one bed, two bed and four bed accommodation – approved/conditions 24/08/05

LB/EPF/0359/05 - Grade II Listed Building application for the conversion of farm buildings within the curtilage of the listed building – approved/conditions 24/08/05

EXT/EPF/1736/10 - Extension of time limit on EPF/2260/04 (Conversion of farm buildings into two live/work units) – approved/conditions 15/10/10

LB/EPF/1737/10 - Grade II listed building application for the conversion of farm buildings within the curtilage of the listed building (resubmission of LB/EPF/0359/05) – approved/conditions 15/10/10

Policies Applied:

GB2A – Development with the Green Belt

GB8A – Change of use or adaptation of buildings

HC10 – Works to Listed Buildings

HC11 – Demolition of Listed Buildings

HC12 – Development affecting the setting of Listed Buildings

HC13 – Change of use of Listed Buildings

RST4 – Horse keeping
DBE1 – Design of new buildings
DBE4 – Design in the Green Belt
DBE8 – Private open space
DBE9 – Loss of amenity
LL1 – Rural landscape
LL2 – Inappropriate rural development
LL11 – Landscaping schemes
ST4 – Road safety
ST6 – Vehicle parking

SUMMARY OF REPRESENTATIONS:

A Site Notice was displayed on 06/06/11.

PARISH COUNCIL – No objection as they are of the opinion that the construction and style of the proposed building is suitable and appropriate for the rural environs of the parish.

CHERRY BARN, NETHER STREET – Support the application as this will enhance the Green Belt aspect and will tidy up this dilapidated area.

THE GABLES, NETHER STREET – Support the application as this will remove the unsightly dilapidated buildings and improve the appearance of the area.

NETHERSTREET FARMHOUSE, NETHER STREET – Support the application as the proposal will be in keeping with the area and surrounding properties and would improve the openness of the Green Belt.

Issues and Considerations:

The main considerations are whether the development constitutes appropriate development in the Green Belt and the harm it would have on this, the appropriateness of the development in this location, and with regards to the loss of the curtilage listed buildings and resulting impact on the adjacent Grade II listed building.

The application site is located within the Green Belt, where the erection of new dwellings is considered inappropriate development. The existence of former agricultural buildings on the site is by no means very special, and the development is therefore by definition harmful to the openness of the Green Belt. As stated within PPG2, *“it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.

Further to the above ‘in principal’ harm to the Green Belt, the proposed dwelling, whilst of a smaller footprint and volume than the cumulative size of the outbuildings to be removed, would be a single large building that is some 1.8m higher than the largest building that it would replace and of considerable bulk. As such the proposal would also cause actual harm to the openness and character of the Green Belt.

Aside from the harm to the Green Belt, very special circumstances need to clearly outweigh *“any other harm”*. The application site consists of the former farmyard of Hales Farm, to which the farmhouse is a Grade II listed building. As these outbuilding pre-date the listing they are all curtilage listed and are considered heritage assets under PPS5. There is no acknowledgement within the submitted application that the buildings are curtilage listed (although the barn adjacent to Nether Street is incorrectly marked up by the applicant as being a Grade II listed barn), no

heritage statement regarding these buildings or the setting of the adjacent Grade II listed building has been submitted, and no justification for their removal has been put forth.

Whilst one of the three buildings proposed to be removed was previously granted consent for its demolition in 2005 (and renewed in 2010), the large agricultural building and barns 1 & 2 were previously to be retained. The previous application contained a Heritage Statement from Anne Padfield with regards to the listed and curtilage listed buildings. The listed building itself is a late 16th century, timber framed and plastered, 2 storey farmhouse, and the adjacent barn fronting Nether Street is a 16th century timber framed barn with several internal historic features, including wattle and daub panels, hayracks, granary bins and a boarded partition. Whilst it is proposed that this building is to remain, there has been no information provided with regards to its intended use or any works that may take place to the building.

Furthermore, there has been no detail submitted as to the extent of works to the stables (which are proposed for use as a commercial livery), contrary to policy HC10. Aside from the statement that the stables would *"be reassigned as 'livery' and will provide additional employment"* there have been no details received regarding the extent of this commercial activity, the predicted transport movements, opening hours, or level of employment. As such the impact of this part of the development on the Green Belt, setting of the Listed Building, highway safety, animal welfare, sustainability, and overall rural character of the area cannot be fully assessed.

With regards to the large agricultural building to be removed, there is evidence of a building of the same footprint and in the same position as the building proposed for demolition on historic maps dating back to 1843. Whilst the previously submitted Heritage Statement of Anne Padfield states that the building standing today only dates back to the 1930s, it replicates the size and shape of the traditional barn on the site. This barn, along with other agricultural buildings also evident on the 1843 map, forms a group of agricultural buildings within the historic curtilage associated with the listed farmhouse. Furthermore, the large agricultural building has been identified within the previous Heritage Statement as creating *"a strong visual impact when viewed from the road"*.

Policy HE9.1 of PPS 5 states that *"there should be a presumption in favour of the conservation of designated heritage assets... Significance (of the heritage asset) can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification"*. As no justification has been put forth for the removal of these curtilage listed buildings or with information with regards to works to the buildings to be retained, the development is clearly contrary to PPS5 and Local Plan policies HC10, HC11, HC12 and HC13.

With regards to the proposed new dwelling, this would be located within the curtilage of the listed farmhouse. Buildings within the curtilage of a listed building should be outbuildings or subordinate to the main building, however the proposed new dwelling is considerably larger than the adjacent listed dwelling and would over-dominate the listed building to the detriment of its setting, becoming the 'main' house on the site and compromising the historic setting and logical context of the listed farmhouse. The proposed dwelling would have a footprint of approximately 225 sq. m., whereby the original listed building has a footprint of some 97 sq. m. Furthermore, the proposed new dwelling would be considerably higher and have a greater bulk than the existing agricultural building and adjacent listed building. Policy HE7.5 of PPS 5 states that *"local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use"*. As well as the above size concerns, the proposed new dwelling is over-complicated in design and would appear overly dominant from the road. Furthermore, the orientation of the proposed new building is inappropriate as the property would have its flank wall fronting on to Nether Street and the rear elevation facing the listed building. This would result in a lack of cohesion between the properties and would prove detrimental to the setting of the listed building due to its dominating effect. It is therefore

considered that the scale, design and layout of the proposed new dwelling would be detrimental to its setting within the curtilage of this Grade II listed building and the surrounding rural location, contrary to PPS5 and Local Plan policies HC12, GB7A, DBE1, DBE4, LL2 and LL11.

The applicant recognises that the proposal constitutes inappropriate development, and puts the following circumstances forward to justify this development:

- *The proposal will not be materially larger than what it is to replace, in fact will be a significant reduction in both floor area and volume.*
- *It will not have a greater impact on the openness of the Green Belt.*
- *It will not result in the size of the private or cultivated garden of the replacement dwelling exceeding that which it replaces.*

There also appears to be some reliance on the previous consent to convert the existing buildings to two live/work units in that the applicant is “*now proposing to update this permission with a replacement traditional style family home*”.

Whilst it is accepted that the cumulative footprint and volume of the proposed new dwelling would be less than the buildings to be removed, the proposal is to remove agricultural buildings, which are not considered inappropriate development, and erect a large dwelling, which is inappropriate development. Furthermore, whilst cumulatively smaller, the proposed dwelling is larger than the specific agricultural building which it replaces and is some 1.8m higher than the largest building to be removed. Therefore, although over the site area there would be a reduction in built form, the proposed new dwelling would result in a higher and more visually dominant building in this location, which would be detrimental to the Green Belt. Furthermore, the reduction in overall built form does not outweigh the ‘in principle’ harm from introducing inappropriate development to this site. This also does not address, justify, or outweigh the harm to the setting of the listed building or the loss of curtilage listed buildings.

Given the above, it is considered that the proposal would have a physical impact on the openness of the Green Belt (primarily due to the increased height and bulk) and historic setting of the site, and would cause harm due to inappropriateness. Therefore the development would have a greater impact on the Green Belt than the existing site. It is unclear what the applicant is referring to when they state “*it will not result in the size of the private or cultivated garden of the replacement dwelling exceeding that which it replaces*”, as the site as existing is agricultural land.

It is not considered that the existing, although as yet unimplemented, consent for the conversion of the barns to two live/work units has any bearing on the current proposal. The re-use of existing buildings is not necessarily considered inappropriate development, and it was deemed that the reuse of the curtilage listed buildings was appropriate in this Green Belt location. However the fact that that development was appropriate (as confirmed in PPG2) does not mean that this development is acceptable. Furthermore, whilst the consent is valid, the works have not yet taken place so the proposed development cannot constitute a ‘replacement dwelling’. As such, the existence of the previous consent on this site does not weigh in favour of the proposal, indeed it shows that the existing buildings can be reused sensitively with minimal harm to the Green Belt and historic environment.

The existing site and buildings are redundant agricultural buildings and, whilst neighbouring residents consider the buildings ‘dilapidated’ and ‘unsightly’, paragraph 1.7 of PPG2 clearly states that “*the quality of the landscape is not relevant to the inclusion of land within a Green Belt or its continued protection*”. This site is not unusual in its situation and it is not considered that the removal of such buildings would be a ‘very special circumstance’ unique to this site. The site, whilst somewhat run-down, is not a non-conforming site, does not cause nuisance to neighbouring residents, is not a heavy traffic generator, and is not an inappropriate use within the Green Belt. There seems to be no benefits from removing the buildings on the site, and this would in fact result

in additional harm. As previously stated, the buildings make a positive contribution to the historic setting of the Grade II listed building and their retention should be sought (particularly with regards to the barn fronting Nether Street and the large agricultural building).

The previous scheme to convert these buildings is an ideal proposal as it would retain the important curtilage listed buildings, improve the overall appearance of the buildings by bringing them back into use, and is not inappropriate development within the Green Belt, whereas this current application is considered wholly inappropriate and there are insufficient very special circumstances to clearly outweigh the above identified harm.

Conclusion

The proposed development would constitute inappropriate development that is harmful to the purposes of including land within the Green Belt, and would cause physical harm to the openness and character of the Green Belt due to the increased height and bulk of the development. Furthermore, the removal of curtilage listed buildings and overall bulk and scale of the proposed dwelling would be detrimental to the historic setting of the adjacent Grade II listed building. The circumstances put forward are not considered to clearly outweigh the identified harm and PPG2 clearly states that, with regards to inappropriate development within the Green Belt, "*these exceptional cases would be treated as departures from the development plan*". It is not considered that this site or proposal is an 'exceptional case' and there appears to be no benefits from the development.

Further to the above, there has been insufficient information submitted with regards to the internal and external works and usage of the curtilage listed buildings to be retained, and insufficient justification for the removal of the other curtilage listed buildings. No details have been received with regards to the proposed commercial livery, and as such the impact on this rural Green Belt location cannot be fully assessed.

The proposal therefore fails to comply with Government Guidance in the form of PPG2 and PPS5, and Local Plan policies GB2A, GB7A, GB8A, HC10, HC11, HC12, HC13, DBE1, DBE4, LL1, LL2 and LL11. As such the application is recommended for refusal.

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

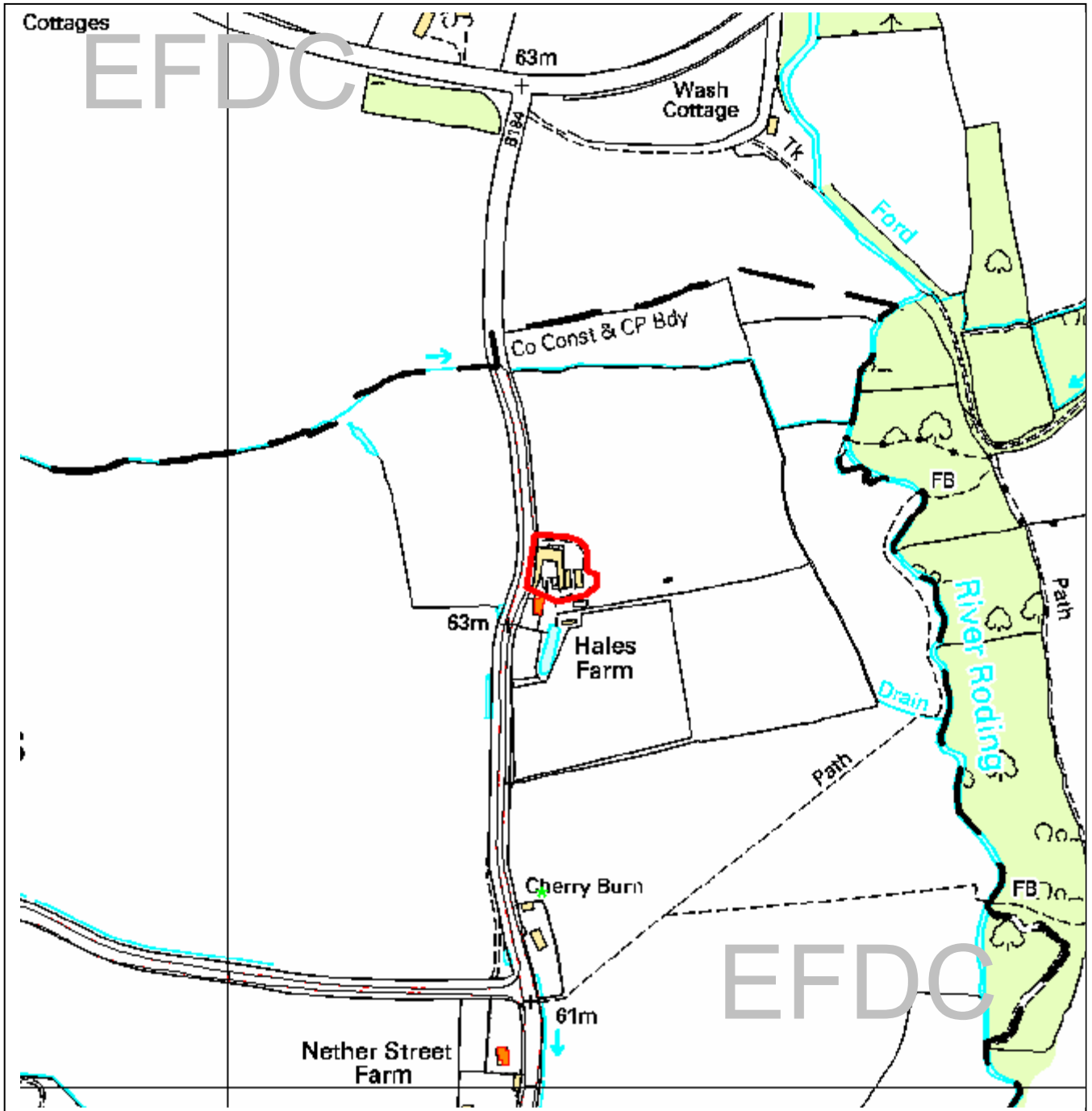
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4 & 5
Application Number:	EPF/0944/11 & EPF/0945/11
Site Name:	Hales Farm, Nether Street Abbes Roding,
Scale of Plot:	1/5000

Report Item No: 5

APPLICATION No:	EPF/0945/11
SITE ADDRESS:	Hales Farm Nether Street Abbess Roding Essex
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr & Mrs T Garwood
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the demolition of farm buildings.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=527869

REASON FOR REFUSAL

- 1 The proposed development results in the demolition of curtilage listed buildings and no very exceptional circumstances have been provided to show that they cannot be retained and returned to an appropriate use. Their loss, in addition, would be detrimental to the historic setting of the adjacent Grade II listed building, contrary to PPS5 and policies HC11 and HC12 of the adopted Local Plan and Alterations.
- 2 Insufficient information has been provided with regards to the use of, and internal and external works proposed to be undertaken to, the curtilage listed buildings that would be retained. Given this lack of information the proposed development may be detrimental to the appearance and historic importance of the curtilage listed buildings and the setting of the adjacent Grade II listed building, contrary to PPS5 and policies HC10, HC12 and HC13 of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section CL56, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

Listed building consent is sought to demolish existing curtilage listed farm buildings to enable their replacement with a single detached dwelling. It is proposed to remove the large agricultural structure to the north of the former farm complex, three of the five existing barns, and the existing pig pen enclosures and to retain the existing stables for use as a commercial livery and for cycle and waste storage in connection with the proposed new dwelling, and to retain the barn fronting onto Nether Street (although there is no specified use for this barn).

Description of Site:

The site is an irregular shaped area of land within the former Hales farm holding and adjoining Hales Farmhouse, which is a Grade II listed building. The site shares its access from Nether Street with the farmhouse, along an unmetalled driveway running to the North of the outbuildings, then curving round them to end in an informal parking area. The farm buildings were last actively used in the early 1990's, for pig rearing. Adjacent fields are cultivated for arable production. All the buildings located on the site are curtilage listed as they were within the curtilage of the farmhouse at the time of its listing and form an important part of the historic context of the farmhouse and are protected by the listing from any inappropriate works.

The site is relatively isolated, lying around 3m North East of Abbess Roding, and a similar distance away from Leaden Roding (Uttlesford), which has some local facilities. The entire site is located within the Metropolitan Green Belt.

The buildings to be demolished have floor areas of 183 sq. m. (large agricultural barn), 37 sq. m. (barn 1), 74 sq. m. (barn 2), 107 sq. m. (barn 3), with the pig pen enclosures having a total floor area of 157 sq. m. Planning permission has previously been granted to convert the large agricultural building, the barn fronting Nether Street, and barns 1 & 2 into two live/work units, although this permission has not yet been implemented.

Relevant History:

EPF/1030/96 - Change of use of agricultural building for the restoration of furniture – approved/conditions 01/10/96

EPF/2260/04 - Conversion of farm buildings into two live/work units, comprising of workspace area and one each of one bed, two bed and four bed accommodation – approved/conditions 24/08/05

LB/EPF/0359/05 - Grade II Listed Building application for the conversion of farm buildings within the curtilage of the listed building – approved/conditions 24/08/05

EXT/EPF/1736/10 - Extension of time limit on EPF/2260/04 (Conversion of farm buildings into two live/work units) – approved/conditions 15/10/10

LB/EPF/1737/10 - Grade II listed building application for the conversion of farm buildings within the curtilage of the listed building (resubmission of LB/EPF/0359/05) – approved/conditions 15/10/10

Policies Applied:

HC10 – Works to Listed Buildings

HC11 – Demolition of Listed Buildings

HC12 – Development affecting the setting of Listed Buildings

HC13 – Change of use of Listed Buildings

SUMMARY OF REPRESENTATIONS:

A Site Notice was displayed.

PARISH COUNCIL – None received.

Issues and Considerations:

The main impact of the proposal is regarding the loss of the curtilage listed buildings and resulting impact on the adjacent Grade II listed building.

The application site consists of the former farmyard of Hales Farm, to which the farmhouse is a Grade II listed building. As these outbuildings pre-date the listing they are all curtilage listed and

are considered heritage assets under PPS5. There is no acknowledgement within the submitted application that the buildings are curtilage listed (although the barn adjacent to Nether Street is incorrectly marked up by the applicant as being a Grade II listed barn), no heritage statement regarding these buildings or the setting of the adjacent Grade II listed building has been submitted, and no justification for their removal has been put forth. Whilst one of the three buildings proposed to be removed was previously granted consent for its demolition in 2005 (and renewed in 2010), the large agricultural building and barns 1 & 2 were previously to be retained. The previous application contained a Heritage Statement from Anne Padfield with regards to the listed and curtilage listed buildings. The listed building itself is a late 16th century, timber framed and plastered, 2 storey farmhouse, and the adjacent barn fronting Nether Street is a 16th century timber framed barn with several internal historic features, including wattle and daub panels, hayracks, granary bins and a boarded partition. Whilst it is proposed that this building is to remain, there has been no information provided with regards to its intended use or any works that may take place to the building.

Furthermore, there has been no detail submitted as to the extent of works to the stables (which are suggested would be used as a commercial livery).

With regards to the large agricultural building to be removed, there is evidence of a building of the same footprint and in the same position as the building proposed for demolition on historic maps dating back to 1843. Whilst the previously submitted Heritage Statement of Anne Padfield states that the building standing today only dates back to the 1930s, it replicates the size and shape of the traditional barn on the site. This barn, along with other agricultural buildings also evident on the 1843 map, forms a group of agricultural buildings within the historic curtilage associated with the listed farmhouse. Furthermore, the large agricultural building has been identified within the previous Heritage Statement as creating “a strong visual impact when viewed from the road”.

Policy HE9.1 of PPS 5 states that “*there should be a presumption in favour of the conservation of designated heritage assets... Significance (of the heritage asset) can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification*”. As no justification has been put forth for the removal of these curtilage listed buildings or with information with regards to works to the buildings to be retained, the development is clearly contrary to PPS5 and Local Plan policies HC10, HC11, HC12 and HC13.

The buildings to be demolished make a positive contribution to the historic setting of the Grade II listed building, which is a farmhouse surrounded by its farm buildings, and their retention should be sought (particularly with regards to the barn fronting Nether Street and the large agricultural building). The previous scheme to convert these buildings was an ideal proposal as it would have retained the important curtilage listed buildings and improved the overall appearance of the buildings by bringing them back into use, whereas this current application is considered wholly inappropriate and there is insufficient justification or very special circumstances to clearly outweigh the above identified harm.

Conclusion

The removal of curtilage listed buildings would be detrimental to the historic setting of the adjacent Grade II listed building, and no justification has been given or very special circumstances exist to outweigh this harm. Furthermore, there has been insufficient information submitted with regards to the internal and external works and usage of the curtilage listed buildings to be retained, and insufficient justification for the removal of the other curtilage listed buildings. The proposal fails to comply with Government Guidance in the form of PPS5 and Local Plan policies HC10, HC11, HC12, and HC13 and is therefore recommended for refusal.

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

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

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

Report Item No: 6

APPLICATION No:	EPF/0951/11
SITE ADDRESS:	Land adj 38 Onslow Gardens Ongar Essex CM5 9BQ
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Dave Evans
DESCRIPTION OF PROPOSAL:	Proposed new two bedroom dwelling.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=527910

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 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 and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 5 No development shall take place until details showing the relocation and provision of a new street lighting column, currently situated in the footway to the front of the site, has been submitted to and approved in writing by the Local Planning Authority. The proposed parking bay, directly behind street light column no.4, shall not be brought into use before a new lighting column has been provided and relocated in accordance with the approved details.

- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 7 The 2 parking spaces shown on the approved plan shall be provided prior to the first occupation of the dwelling hereby approved and thereafter retained free of obstruction for the parking of residents and visitors vehicles.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for the erection of a one and a half storey, 2-3 (depending on use of study) bed dwelling that is to be attached to side of the existing dwelling known as 38 Onslow Gardens.

A detached garage to the side of number 38 has recently been removed to make way for the development.

The new dwelling would have a width of 6.5 metres by a depth of 12.6 metres. The roof form and the overall height would match that of the number 38 Onslow Gardens.

Two parking spaces are to be provided on the hard surface area towards the front of the new dwelling and a rear garden of approximately 13 x 7 metres would be provided to the rear.

Description of Site:

The application site forms the side part of the plot occupied by 38 Onslow Gardens, a semi detached bungalow located within an area characterised by semi detached bungalows. To the side of the site is a public footpath with dwarf walls. On the opposite side of the footpath is a pair of semi detached dwellings, similar in style to 38 Onslow Gardens. However, the nearest dwelling has a recently constructed substantial side extension (not shown on the submitted plans). There is a side window within this extension which (according to its planning permission, serves a bedroom). To the rear of the site is a playing field which lies within the Metropolitan Green Belt.

38 Onslow Gardens has a certificate confirming that a development including a three metre deep flat roofed rear extension and a large flat roofed box dormer would be lawful. These works are currently in the process of being constructed.

Relevant History:

EPF/2196/10 Certificate of lawful development for a proposed single storey flat roof extension and flat roof rear dormer. (Certificate issued 13/12/10).

EPF/2195/10 Erection of a new two bedroom detached dwelling. (refused 23/12/10)

EPF/0494/11 Erection of a new two bedroom dwelling. (Revised application) (withdrawn 15/4/11)

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New Development
CP4 – Energy conservation
CP5 – Sustainable building
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
LL10 – Adequacy of Provision for Retention of landscaping
LL11 – Landscaping Schemes
GB7A Conspicuous Development
ST4 – Road Safety
ST6 - Vehicle Parking

Summary of Representations:

Notification of this application was sent to Ongar Town Council and to 6 neighbouring residents.

The following representations have been received:

ONGAR TOWN COUNCIL: Objection: Ongar Town Council repeats its previous objections to this application. This application represents excessive massing and inappropriate bulk considering the very close proximity to the adjoining property and will form a very solid block of property in distinction to the original open aspect of the street scene. Continuing concern was expressed about parking issues and pedestrian safety. Councillors recognise the effort to harmonize with existing buildings but still believe that the proposed new dwelling would be out of keeping with other dwellings and would adversely affect the street scene in an area of mature property with considerable visual attraction.

The Council has received representations from nearby residents who have been concerned about proposals for this site, especially in view of the extension of adjoining property.

In the event of permission being granted, Ongar Town Council feels it is imperative that the construction of the dwelling, and especially its detailing and finishes, should closely match the existing bungalows which are a distinctive feature of the area and that this requirement should be ensured by way of a planning condition.

34 ONSLOW GARDENS: Objection: The development of an additional dwelling would thereby create a row of three terrace bungalows which would be out of keeping with the current cul-de-sac estate of semi detached properties harmful to the character of the surrounding area.

Issues and Considerations:

Firstly, it should be noted that the previous application EPF/2195/10 was refused under delegated powers for the following reasons:

- *The proposed small detached dwelling would be out of keeping with the pattern of surrounding development. It would appear cramped within both the site and the wider street scene. As a result, the dwelling would be harmful to the street scene, contrary to policies DBE1, CP2(iv) and CP3(v) of the Adopted Local Plan and Alterations.*

- *The proposed dwelling, due to its scale, proportion, roof line and detailing, in particular the depth, roof pitch and shape of the front gabled projection, are out of keeping with the very distinct character of neighbouring buildings, to the detriment of the character and appearance of the street scene, contrary to policy DBE1 of the Adopted Local Plan and Alterations.*

Under the previous application that was refused, it was concluded that the introduction of a small detached dwelling due to its poor shape and design would be at odds with the pattern of surrounding development. In that case, the scale and proportion of the dwelling would be very different to others within the setting.

The applicant has since revised the application to try and overcome the above reasons of refusal. The main difference between the refused application and the revised scheme is that now the proposed dwelling is to be attached to the flank wall of number 38 and not be detached. Other minor amendments include making changes to the appearance of the front façade, altering the roof form and modifying the overall size and scale.

Therefore the main issue to be addressed is whether the revised scheme has overcome the previous reasons of refusal.

Design and appearance:

The proposed dwelling respects the building line of the other properties within Onslow Gardens. The proposed dwelling would be setback 6 metres from the highway and would be constructed in line with the front facades of both adjoining properties. The dwelling would also be set off the side boundary, which abuts the public footpath by 1 metre at the front, falling to 70cm at the rear and it would project no further than the rear façade of the recently constructed extension of number 38. The siting of the development is deemed to be appropriate.

The development matches the adjacent properties in terms of its bulk and scale in that it would not appear as a visually dominant or overbearing feature within the street scene. It has now been appropriately designed so that the dwelling would be in harmony and reflect the building types and characteristics of surrounding dwellings. The new dwelling, in particular the front façade, would be well articulated, incorporating features that are found on nearby dwellings such as the front projecting gable end which is unique to the bungalows within Onslow Gardens. Materials are to match those of the existing building of number 38 and this can be enforced by way of a condition. Overall the addition has been designed to reflect the character of the surrounding area and the street scene.

Whilst it is noted that the window and door configuration on the front elevation is different to that of the adjoining property, it is not considered that this is so significant as to disrupt the character of the street scene.

It should be noted that there would not be a significant difference in relation to the bulk and scale of the proposed development compared to the side extension of the adjoining dwelling of number 36 Onslow Gardens.

The proposal does result in a terrace of 3 properties in an area characterised by semi detached bungalows but it is on a plot that is significantly wider than the average plot width in this locality and it is not considered that it will be harmful to the street scene.

It should also be noted that recent Government amendments to PPS3 have excluded residential gardens from the definition of previously developed land in Annex B and the minimum density of 30 dwellings per hectare has been deleted from paragraph 47. This site is not therefore previously developed land. PPS3 does however still promote the efficient use of land in the provision of

housing, where it respects the character of the area and there is no policy to prevent development on garden land when other policies are met.

Neighbouring Amenity

It was concluded under the previous refused application that the proposed dwelling would not result in any significant harm to the amenities of adjoining occupiers in relation to a loss of privacy, loss of light or visual blight sufficient to warrant a reason for refusal.

Similarly the proposed dwelling under the revised application would not result in a harmful impact to the amenities of adjoining property occupiers.

Parking and Highways

Whilst the site is relatively close to the local services available within Ongar, it is not considered to be in a location particularly well served by public transport. Accordingly, the Council's minimum parking standard for a development of this type is for two spaces. The application provides two off-street car parking spaces for the new dwelling and the existing property will also maintain two spaces, in line with the adopted standards.

For the applicant to accomplish the required off-street parking, the existing vehicle crossover needs to be widened, however a street lamp post is in this location. As a result the applicant has been in negotiations with the highways authority about the possibility of relocating the lamp post in a safe position where it can still carry out its primary function. The new position is marked on the submitted plan ref: 938/10B. The re-positioning of the lamp post is to be at the expense of the applicant and shall be carried out before any works commence on site. This can be required as a condition.

Whilst the scheme does result in four car parking spaces close together at the front of the dwellings which is not ideal in visual amenity terms, it is not an unusual feature in the area.

Overall it is concluded that the proposed development would not lead to any adverse impact upon highway safety or result in an overspill of vehicles within Onslow Gardens.

Landscaping

Both the existing dwelling and the proposed dwelling would have adequate rear garden areas to meet the recreational needs of future residents. A condition removing permitted development rights for extensions to the new dwelling is therefore required to ensure that this is maintained. Each dwelling would have a rear garden area comprising of approximately 95 square metres.

Although there are some minor indications of soft landscaping on the submitted plan ref: 938/10B, further details of the number, location and species are required, in particular given that a significant amount of vegetation has already been removed from the site. Soft landscaping particularly along the side boundary of the site and to the front of the new dwelling would help to soften the appearance of the new development within the street scene.

Conclusion:

In light of the above appraisal, it is considered on balance that the proposed dwelling, by virtue of its design and appearance is now appropriate in that it would not result in a harmful impact upon the character and appearance of the surrounding area and the street scene. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and for this reason it is recommended that planning permission be granted subject to conditions.

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

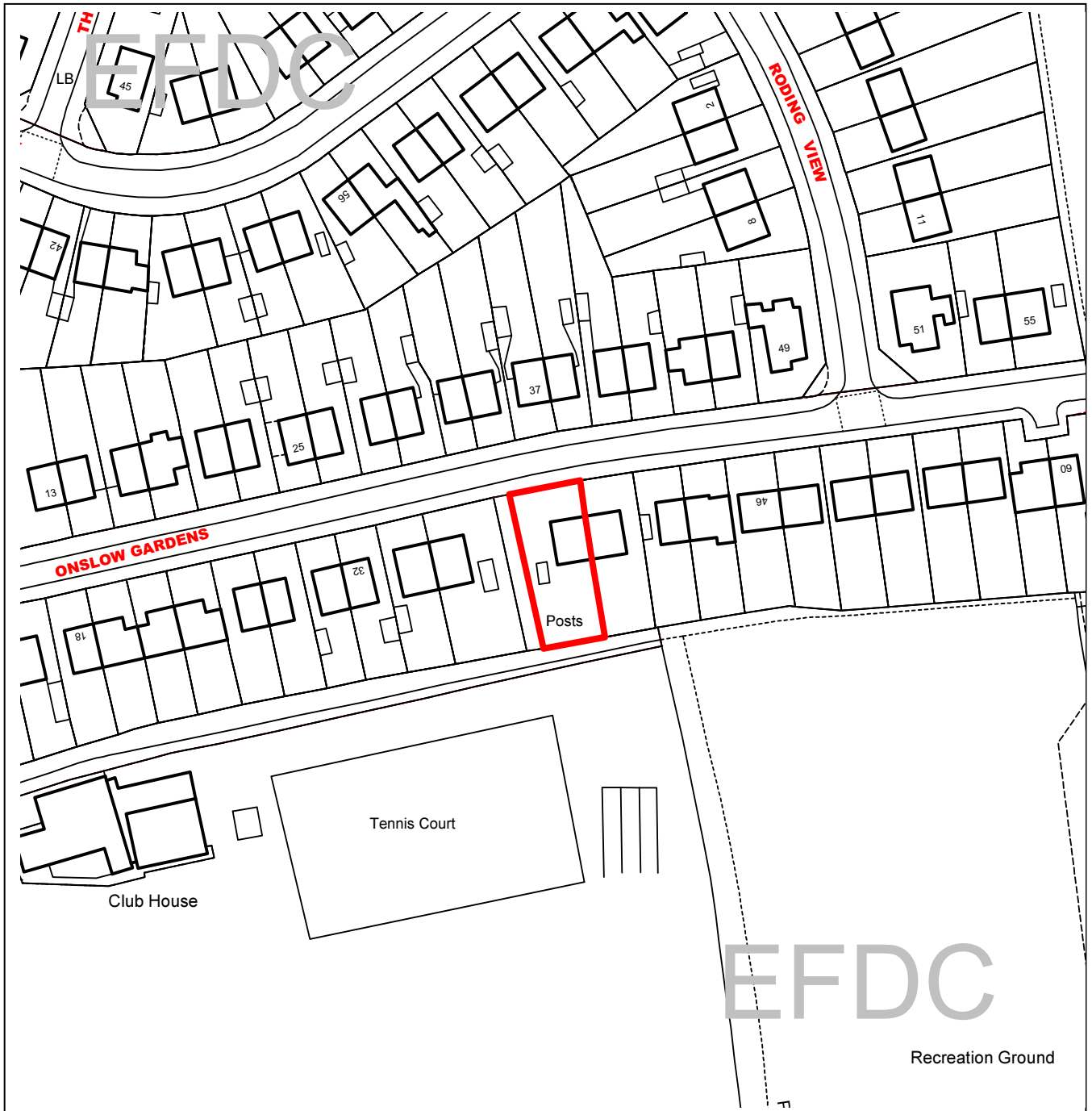
**Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337**

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/0951/11
Site Name:	Land adj 38 Onslow Gardens Ongar, CM5 9BQ
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/1096/11
SITE ADDRESS:	Pond View The Green Theydon Bois Essex CM16 7JA
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Duncan Gould
DESCRIPTION OF PROPOSAL:	Single storey extension to rear and extension of existing loft conversion including side dormer.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=528433

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall be of a similar appearance to those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed side facing window openings in the dormer window hereby approved shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

The proposal is to extend the dwelling with a single storey rear extension to provide a dining room, 4.5m x 3.9m. The addition would have a gabled roof. This extension would extend slightly beyond the existing side elevation of the dwelling. The loft would also be extended with a side facing dormer window. The dormer would have a double pitched roof.

Description of Site:

The application property is a relatively attractive period semi-detached dwelling facing The Green. The property is bordered to the other side by a detached dwelling. The house is two storey, with a two storey rear outshot half the width of the house.

Relevant History:

EPF/1359/81 - Two storey rear extension and change of use from shop to bedroom. Grant Permission (with conditions) - 30/11/1981

Policies Applied:

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

SUMMARY OF REPRESENTATIONS:

(12 properties consulted – 0 replies received).

THEYDON BOIS PARISH COUNCIL: Objection. The property can be viewed from the village green which is a key feature of the village. We are concerned that from design point of view the proposed extension would detract from visual amenity and have an adverse impact on streetscene. The dormer window would result in an unbalanced and unattractive roof design. There is also concern about overlooking and that the dormer window will directly overlook the neighbouring garden. The existing windows would provide sufficient light to this room without the need for the dormer.

Issues and Considerations:

The main issues to consider relate to potential impact on neighbour amenity and the design of the proposed extension.

Neighbour Amenity

The proposed rear extension retains a gap of between 1.0m and 2.0m to the common boundary with the south east neighbour, Park Lodge. This dwelling has a shallow single storey rear projection in close proximity to the boundary. This room is served by obscure glazed windows. The boundary treatment is a 1.5m close boarded fence. Bearing in mind these factors it can be reasonably concluded that this extension would have no material impact on neighbour amenity.

The plans also include proposals for a side facing dormer window. Theydon Bois Parish Council has expressed concern that this would lead to overlooking of the adjacent property. The existing house has two side facing windows which are clear glazed, seemingly inserted as part of a previous application in 1981. However policy changes in the intervening period between that decision and this application requires that side facing windows should be obscure glazed if they give rise to serious overlooking. There is no doubt that the proposed dormer window would result in excessive overlooking and the current scenario cannot be used as justification for clear glazed windows. Therefore a condition requiring obscure glazed windows is deemed appropriate on the side facing dormer. The front and rear facing triangular shaped windows could reasonably be clear glazed as they do not overlook to any significant extent.

Design Considerations

The proposed single storey rear extension is an acceptable design and would appear as a generally seamless addition to the dwelling whilst it extends slightly beyond the side elevation of the dwelling it will not be visually intrusive in the street scene.

Theydon Bois Parish Council has also expressed concern about the dormer and that it would impact on visual amenity and result in an unbalanced roof design. This window would be set towards the rear of the roof slope some 5.2m back from the front of the house which will significantly reduce its impact on the streetscene. The addition to the roof would be visible from The Green but is not so obtrusive to seriously harm visual amenity. The existing roof structure would be imbalanced but again as it is set back towards the rear of the roof slope this reduces this perception. Such a dormer with obscure glazed windows would be permitted development and it should be noted that changes to the Permitted Development regulations in 2008 reflect the Governments intention to facilitate such extensions to dwellings with greater ease. The design with a double pitch gives the dormer a degree of character as opposed to a conventional flat roofed design. The design is considered acceptable.

Conclusion:

Impact on neighbour amenity from the proposed roof dormer can be controlled by condition and the design of the proposed additions is deemed acceptable. It is therefore recommended that the application is approved with conditions.

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

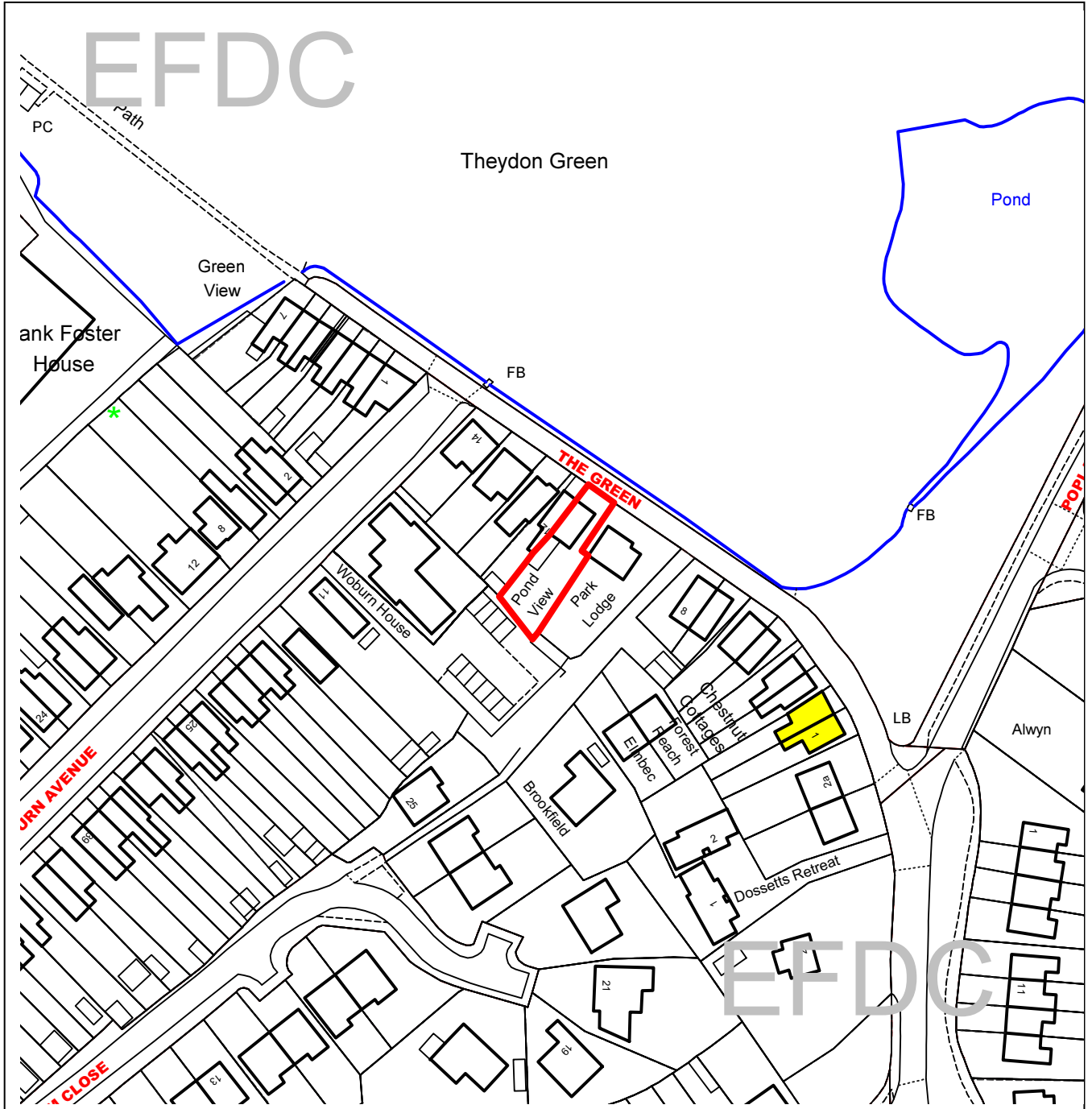
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 56433***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Application Number:	EPF/1096/11
Site Name:	Pond View, The Green Theydon Bois, CM16 7JA
Scale of Plot:	1/1250