

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1098/11
<b>SITE ADDRESS:</b>	Land to the rear of 40 - 42 Hoe Lane Abridge Essex RM4 1AU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr J Phillips
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed erection of a new cattle barn and associated hardstanding.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=528435](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=528435)

**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: 08-149/02, 08-149/03 Revision C, 08-149/04 Revision B, 08-149/05 Revision A. Supporting Report dated May 2011 and Design and Access Statement
- 3 The development hereby permitted shall not be commenced until a flood risk assessment and management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 4 The development hereby permitted shall not be commenced until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 The development hereby permitted shall not be commenced until details of the means of storing and disposing of manure generated by the intensive agricultural use the development would facilitate have been submitted to and approved in writing by the Local Planning Authority. From the date of the substantial completion of the development manure generated on site shall be stored and disposed of strictly in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority following an application made to it for approval of alternative details pursuant to this condition.

- 6 The development hereby permitted shall not be commenced until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 7 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 8 Animal feed, materials and machinery required in connection with the intensive agricultural use of the site, facilitated by the building hereby permitted shall only be kept in that building or the cattle shelter identified on drawing number 08-149/03 Revision C.

*This application is before this Committee since it is an application recommended for approval where there are more than two expressions of objections received, material to the planning merits of the proposal to be approved (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.f.)*

**Description of Proposal:**

The proposal is to erect an agricultural building to house up to 160 beef cattle of various ages for intensive beef rearing together with associated hard standing. The buildings internal layout will provide 8 bays each which will be capable of holding 15 – 20 cattle.

The new cattle building would be sited close to the holding's southern boundary approximately 60 metres from the road edge to the east Hoe Lane. The building will be sited to the east with Great Downs Farm.

The proposed building would be 36.5m long and 12m deep with the longer end aligning with the southern site boundary. The building will be adjacent to Hoe Lane to the east and with Great Downs Farm to the west. It would have a gabled roof 6.0m high to the ridge and 4.0m to the eaves. An overhanging canopy would project 3.0m from the north facing elevation over part of a proposed hard standing that would be linked to an internal access roadway accessed directly from Hoe Lane. The building would be finished in profiled metal sheeting and be coloured green.

The ground area of the building including the canopy would be 438 square metres (299 m2 without the canopy); this excludes hard standing areas of some 192 m2.

This is a revised application; a previous proposal for a similar sized building would have been sited rearwards west of 62 Hoe Lane near the existing cattle shed in another part of the site. The planning application was refused under application number EPF/0406/10.

This proposal siting the building to its southern boundary follows on from advice given to the District Council by Sanham Agricultural, an agricultural consultancy. Sanham Agricultural was engaged by the Council to advise principally on whether the land is in use for the purposes of agriculture in connection with application EPF/0406/10. The present use of the land was found to be for such purposes and further advice given was that if the barn were proposed on the southern site boundary as an alternative that would be less likely to result in harm to the amenities of

residents.

### **Description of Site:**

The holding comprises of two enclosures of land with a total area of 7.7 hectares. The land is situated within the Metropolitan Green Belt to the rear or west of nos. 40-62 Hoe Lane, Abridge. Land rises to a ridge where it is proposed to erect the cattle barn. Substantial trees, including 3 preserved oak trees are on part of the site boundary. The preserved trees are adjacent to the previously proposed site for the barn. There are no preserved trees on the southern site boundary.

There is currently an existing cattle shelter approximately 15m x 5m (75 square metres) situated close to the existing Western boundary of the large (Northern) enclosure which was granted on Appeal in November 2009.

There are currently two existing vehicular accesses/gateways onto the land off Hoe Lane to the South of the site. Two footpaths cross the northern enclosure passing close to the previously proposed building but are distant from the current proposal.

North of the site is Abridge Park, a mobile home park some 450m from the proposed building. To the east are houses fronting Hoe Lane, the nearest being 62 Hoe Lane, some 150m to the north from the location of the proposed building.

A major gas pipeline passes some 25m north of the nearest corner of the building.

### **Relevant History:**

#### *Applications:*

EPF/0699/08	New access and gates	Withdrawn
EPF/0700/08	Retrospective application for the installation of 2 no. existing accesses and gates and a 1.2m high boundary fence.	Withdrawn
EPF/1694/08	Agricultural determination for the erection of a new barn for hay/feed storage, together with provision of vehicular access on to Hoe Lane south of no. 62. Found to not be PD.	
EPF/1769/08	Erection of stockman's cottage	Refused
EPF/2220/08	Erection of a general purpose agricultural building	Refused and subsequent appeal dismissed
EPF/2389/08	Agricultural determination for erection of cattle shelters	Found permission required
EPF/0055/09	Repositioning of gateway by removal of existing and creation of new gateway and construction of track and removal of existing features	Refused
EPF/0073/09	Erection of cattle shelters	Refused but subsequent appeal allowed
EPF/0631/09	Agricultural determination application for a proposed new access road	Refused and subsequent appeal dismissed
EPF/0406/10	Proposed erection of a new cattle barn construction of access way incorporating existing partially constructed access way and retention of one vehicular access off Hoe Lane. Refused for the following reasons:	

- 1. By reason of their size and siting the proposed building and track would appear conspicuous to the extent that they would detract from the amenity value of the adjacent preserved trees and the amenity value of the rights of way network in the locality. To that extent the proposed development would fail to respect its setting and would have an excessive adverse impact on the visual amenities of the Green Belt. Having regard to the availability of*

*an alternative location for the proposed building on the site, the harm that would be caused by the proposal as a whole is not outweighed by the land use objective of retaining Green Belt land in use for the purposes of agriculture. The proposed development is therefore contrary to policies GB7A, GB11 and DBE1 of the adopted Local Plan and Alterations.*

- 2. By reason of its siting the proposed building is likely to cause significant direct and indirect damage to three mature preserved oak trees, which are visually important in the local landscape. The proposal fails to make adequate provision to retain the trees and is therefore contrary to policy LL10 of the adopted Local Plan and Alterations.*
- 3. By reason of its siting and since it would facilitate the use of the site for an intensive beef rearing enterprise, the proposal would have an excessive harmful effect on the amenities enjoyed by the occupants of 62 Hoe Lane as a consequence of the nature of vehicle movements likely to be generated adjoining the site boundary with that property. As a consequence, the proposal as a whole is contrary to policies GB11 and DBE9 of the adopted Local Plan and Alterations.*

*Investigations:*

ENF/0050/08	Removal of hedgerow and erection of multiple accesses off Hoe Lane. Applicant prosecuted and found guilty in respect of hedgerow removal. Access issue not pursued.
ENF/0451/08	Deposit of waste. S215 notice issued and subsequently complied with.
ENF/0590/08	Construction of roadway/access way. EN issued and now effective. Steps to secure compliance held in abeyance pending outcome of current application.

**Policies Applied:**

National Policy

PPG2	Green Belt
PPS 7	Sustainable Rural Development

Epping Forest District Local Plan and Alterations

CP2	Quality of Rural and Built Environment
CP3	New Development
GB2A	Green Belt
GB7A	Conspicuous Development
GB11	Agricultural Buildings
NC4	Protection of Established Habitat
RP5A	Adverse Environmental Impacts
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
LL1	Character, Appearance and Use of the Rural Landscape
LL2	Inappropriate Rural Development
LL10	Adequacy of Provision for Landscape Retention
ST4	Road Safety

**Summary of Representations:**

NEIGHBOURS: 19 Neighbours were consulted and a site notice was erected. Responses were received from the occupants of the following neighbouring properties.

46 HOE LANE; 48 HOE LANE; LYNDHURST, 58 HOE LANE; SANDOWN, 52 HOE LANE; 62 HOE LANE; BRENDON, 80 HOE LANE; THE PADDOCK, HOE LANE; - Objections raised and are summarised as follows:

1. The site is too close to residential housing. Guidelines are that such development should be 400m from residential property. This site is closer to several properties to the north and south.
2. The site is Green Belt land. The proposed cattle shed is too large given the size of the field. Number of cattle too many for such a small site.
3. Potential increase in traffic, pollution, waste, noise and odour and too close to residential buildings. It will have an adverse effect on the enjoyment of residents in Hoe Lane
4. Site address is wrong because it is at the far end of land next to No. 62 Hoe Lane
5. Application implies access has been given consent; this is subject to enforcement order.
6. Storing of livestock sheds would require agricultural determination
7. No viable business plan has been submitted
8. Access is not suitable for HGV's and vehicle movement would cause general disturbance
9. A second large shed would be required for storage purposes for such an enterprise. There are also no services i.e. electricity or water

Letter of Petition from Solicitors Linda S Russell on behalf of residents of HOE LANE - (43, 50, 60, 62, 67 AND 80 HOE LANE)

1. Discrepancy as statement states barn is 418m<sup>2</sup> when in actual fact it measures 438 m<sup>2</sup>
2. It is clear Council's Agricultural Consultant, Andrew Coombes, felt that the size of the building was too big for a 7.7 hectare holding to provide grazing for 40 to 50 cattle during summer months and 20 to 25 head of cattle in the winter
3. Consultant felt a somewhat smaller building 200 m<sup>2</sup> was reasonably necessary for the purposes of agriculture within the unit. His professional view was the holding cannot support a building of that size. He considered it should be located on the southern boundary furthest from the protected dwellings.
4. Given proximity of protected buildings, the site is inappropriate for a new farming activity because it would harm residents' amenity as a result of the environmental pollution (smell, vermin, and flies) and noise and disturbance from cattle and associated lorry movements.
5. The building will harm the objectives of the Green Belt because of its excessive size. It will be alien with the rural character of the area. It will be dominant and visually intrusive.
6. Proposal is contrary to National and Development plans policies and is unacceptable for intensive beef rearing enterprise to be located so close to protected buildings where residential amenity and those of neighbours would be adversely affected.

LAMBOURNE PARISH COUNCIL – No objection

We have no objections to the proposed new siting of the structure, but have concerns that its proposed size may still be too large.

The plans need further clarification as the plans state that there are 'two existing vehicular access and gates'. We understand that only one of these gates is lawful.

If EFDC see fit to grant permission for these plans, we feel a condition should be set to ensure that the buildings are for agricultural use only.

### **Issues and Considerations:**

The main issues raised by the proposal are:

1. Whether the development as a whole is appropriate in the Green Belt and, if it is not, whether any very special circumstances exist in favour of it. Key to the assessment of appropriateness is whether the proposed building is reasonably required for agriculture on a unit of agriculture.
2. The consequences of the size, siting and design of the development as a whole for the openness of the Green Belt, the local landscape and for the interests of visual amenity.
3. The consequences of activities on the site for the neighbouring occupier's amenity.

Other matters to assess are the consequences for the adjacent gas pipeline, nature conservation, highway safety and land drainage.

The decision to refuse application EPF/0406/11 is a material consideration therefore this assessment set out below will also deal with whether the revised proposal overcomes the reasons for refusal.

#### Appropriateness in the Green Belt:

An identical building was previously proposed adjacent to an existing cattle shelter on the land under application EPF/0406/10, which was refused planning permission for the reasons stated above. In assessing whether that proposal was reasonably required for the purposes of agriculture within a unit of agriculture the District Council engaged A G Coombe MRICS FAAV of Sanham Agricultural Planning Limited to produce an agricultural appraisal. Since this application is for the building in a different location on the site, the findings of Mr Coombe remain relevant to an assessment of the present proposal.

Key findings by Mr Coombe are:

1. The land is use for agriculture for the purposes of a trade or business.
2. The 7.7 hectares of agricultural land is capable of providing the grazing for 40 to 50 head of cattle during the summer grazing period.
3. If the land were also to supply the winter bulk feed for the grazed cattle the number would be reduced to approximately 20-25 head of cattle.
4. If the proposed building is to be used solely to house the livestock which can be totally supported on the holding throughout the year, i.e. 25 head with a space requirement of up to 4m<sup>2</sup> per head, approximately 100 square metres or 25% of the area of the proposed building would be required.
5. If the proposed building is to be used solely to house the cattle which can be grazed during the summer months i.e. up to 50 head with a space requirement of up to 4m<sup>2</sup> per head, they would require approximately 200 square metres or 50% of the proposed livestock building.
6. Only if the building were to be stocked with intensively fed cattle would it be required to be of the size proposed.
7. The enterprise the applicant proposes would involve housing eight batches of 15 to 20 cattle purchased on a monthly basis at approximately 4 months of age, with most of the cattle finished intensively within the building and being fed on bought in feed and waste bread. This is a totally different system to that currently carried out on the holding. It

amounts to an intensive beef enterprise and the proposal is specifically designed to facilitate it.

8. An intensive beef enterprise would produce a significant amount of farmyard manure, most of which would have to be disposed of off site.

In conclusion Mr Coombe advised the proposed new cattle building is excessive in size for the requirements of the 7.7 hectares of agricultural land, unless the Local Planning Authority consider an intensive beef enterprise on the site acceptable in planning terms.

Since the use of land for agriculture is not development, no material change of use occurs with intensification of the use of land for agriculture. Consequently planning permission is not required to use the land for an intensive beef enterprise as proposed.

Planning control over the use exists only indirectly through the need for planning permission for buildings. PPG2 makes it clear that new buildings within the Green Belt required for the purposes of agriculture are appropriate development. The PPG is silent on whether such buildings need to be reasonably required for the purposes of agriculture on the unit in which they are sited.

If constraints that prevented permitted development (PD) rights under Part 6 of Schedule 2 to the GPDO did not exist, a building of up to 465 square metres could be erected provided it was reasonably necessary for the purposes of agriculture on the unit. In this case the ground area of the building as a whole would be 438 square metres, and if the area of hard standing associated with the building is taken into account, the total ground area of the development would be 630 square metres. The building together with its hard standing is therefore in excess of what might have been PD.

The applicant has put the proposal forward on the basis that it is appropriate development and therefore puts forward no case of very special circumstances in the event of it being found to be inappropriate development. Since the proposed building is reasonably required in connection with the intensive agricultural use of the unit in which it would be situated, in terms of the guidance given in PPG2 it amounts to appropriate development in the Green Belt.

It would also be necessary to access the building with large vehicles therefore, in order for it to fulfil the purposes for which it is designed. Accordingly, a 60m length of access track linking the building directly to the southernmost access to the site is proposed. That is also appropriate development for the same reason the proposed building is. Members are advised that an access track previously proposed in application EPF/0406/11 is not proposed within this application. Although that track is part of a planning enforcement investigation, it is not appropriate to have regard to it when assessing the merits of this proposal.

The development as a whole is appropriate in the Green Belt. The proposal previously refused was also found to be appropriate development.

#### *Siting and size of new building:*

This matter is assessed in terms of consequences for the Green Belt, the local landscape and consequences for the interests of visual amenity. Since the previous proposal was refused on matters related to the siting and size of that building, consideration will be given to whether the objections to that scheme have been overcome by the present proposal.

#### *Consequences for the Green Belt, landscape and visual amenity*

A clear consequence of the intensive use of the land for agriculture facilitated by the proposal is the need for a building much larger than would be required if the land were farmed within its

natural capacity. Such a building, wherever it were located on the site, would have a more harmful impact on the openness and visual amenities of the Green Belt and local landscape than a building that did not facilitate such an intensive use. When assessing the previous proposal it was concluded that there is no wholly acceptable alternative location for the proposed building on the holding that comprises the site, but there may be a less harmful location.

The previous proposal, which included a long access track, was found to cause excessive harm to the visual amenities of the Green Belt and the landscape, principally because of its prominence when seen from adjacent foot paths and the harm it would be likely to cause to preserved trees. The general impact on openness and visual amenity was found to be acceptable on the basis that the proposal was reasonably required for the use of the land for agriculture as an intensive beef rearing enterprise. No objection was raised to that proposal on the grounds that the building was larger than one required for an agricultural use capable of being supported by the natural capacity of the land since it is not unusual for intensive agricultural uses to be carried out on land in the Green Belt.

This proposal removes the requirement for a long access track and any harmful consequence of such a track. Due to its siting the presently proposed building would be remote from public footpaths passing across the northern part of the site, and since land levels would prevent clear views of the proposed building from those footpaths the proposal would have no impact on the amenity value of the rights of way network in the locality. In this respect the proposal overcomes a major element of the first reason for refusal of the previous proposal.

Furthermore, since the revised siting of the building is remote from any preserved trees it entirely overcomes the second reason for refusal and deals with a further major element of the first reason.

The design and scale of the proposed building is consistent with that of modern agricultural buildings and to that extent is acceptable in a rural landscape. Adjacent trees on the southern site boundary and in the vicinity of the southern vehicular access would temper the conspicuousness of the proposed building. They would form a partial backdrop against which the building would be seen from the north and north-east and would partially screen views from adjacent land to the south and the part of Hoe Lane adjacent to the vehicular access.

Because of its significant size and its proposed siting at a high point of the site, the building would nevertheless appear prominent in the landscape and would certainly be conspicuous in the Green Belt. The building would appear most prominent when seen from Hoe Lane to the north but there would not be clear views of the building from dwellinghouses fronting Hoe Lane due to their orientation.

The visual harm caused by the building would therefore most commonly be appreciated by drivers travelling south along Hoe Lane. The top of the building would also appear conspicuous when seen from the footway alongside Hoe Lane adjacent to No. 62, the last house within the built up area of Abridge. There is no opportunity for effectively mitigating the visual impact of the proposed building on Hoe Lane.

#### *Conclusion on Size, Siting and Design:*

In summary, while the proposal deals with the main reasons for refusing the previous proposal, it would impact on views from Hoe Lane in a way that the previous proposal would not. Since no objection was previously raised to the intensive agricultural use that necessitates a building of the size proposed, the degree of conspicuousness of the proposal within the Green Belt is acceptable. For that reason the visual impact of the building when seen from Hoe Lane is also acceptable. In coming to this conclusion, weight has been given to the opportunity to control the appearance of the building and track by condition.



### Consequences of activities facilitated by the building on neighbour's amenity

In connection with the previous proposal Mr Coombe further advised that an intensive beef enterprise would produce a significant amount of farmyard manure, most of which would have to be disposed of off site since Environment Agency regulations limit the amount that can be spread on farmland. That advice is equally applicable to this proposal. The manure generated by the intensive use of the land would generate unpleasant odours. It is likely that the impact of such odours would vary according to wind direction but since there are residential properties situated in a variety of directions some residential properties would probably always be exposed to a degree of manure odour.

While consideration was given to this matter when the previous proposal was assessed, the degree of harm likely to be caused was not found to be so great that it could be a reason for refusal. In this case the building proposed would be no nearer residential properties than the previous proposal. The intensive beef rearing operation facilitated by the building would take place across the entire site and the distance of the site from any other property is the same since the site is unchanged. On that basis the potential for harm to be caused by manure odour arising from the present proposal would be no different to the potential for such harm to have been caused in connection with the previous proposal. Since that matter was not previously a reason for refusal no objection is raised to the present proposal on that basis.

The applicants state waste would be removed directly off site and consequently there would be little stored on the land. This practice would reduce the potential for harm to be caused to amenity. It would be possible to require the development to be operated in that way by imposing conditions on any planning permission given requiring firstly, that the waste generated by the enterprise be dealt with and removed from the site in a manner approved by the Local Planning Authority and, secondly, requiring any waste stored on site to be kept within the approved barn. The second condition should also require any animal feed, materials or machinery kept on the land in connection with the use for agriculture to be kept within the barn. Such a condition would therefore also serve the purpose of removing the need for any additional building on site in connection with the enterprise and consequently assist in preventing further harm to the openness of this part of the Green Belt.

### Other Matters

The building would be sited approximately 25m from the route of a high pressure gas pipeline. National Grid Gas Transmission was consulted on this application but no reply was received. Nevertheless, information published by National Grid Gas plc in respect of construction work near such pipelines makes it clear that there would be no safety risk at that distance and, indeed, excavation works may take place unsupervised by National Grid up to 3m from the pipeline once its actual position is confirmed in detail 3m from the pipeline. Consequently it is concluded that the presence of the pipeline some 25m from the proposed building is not an impediment to the proposed building and associated hardstanding.

A Great Crested Newt impact assessment and mitigation study is submitted with the application. Due to its siting and scale, the proposal will have no impact on protected species.

Essex County Council, as Highway Authority, advise they have no objections subject to the imposition of conditions controlling the position of gates to the access off Hoe Lane, preventing loose material being brought onto and surface water discharging onto the highway. However, this proposal does not relate to the formation of any new vehicular access. It would be reached by the southern vehicular access, which exists and includes gates set well back from the carriageway. The Highway Authority does not advise that it requires any modification and on that basis the conditions requested are not necessary.

The site does not lie within an EFDC flood risk assessment zone. The Council's Land Drainage Team nevertheless advises there will be an increase in surface water runoff and the potential for foul waste to enter surface water drainage systems. The Team advises that both these matters can be properly dealt with by the imposition of planning conditions on any consent given requiring further details to be submitted for approval.

### **Conclusion:**

This alternative proposal places the same building that was proposed under application EPF/0406/10 in the vicinity of the southern site boundary. As with that proposal the building would also be sited on higher ground. Although it would not be clearly visible from residential properties and footpaths, it would be much more visible from Hoe Lane and consequently have a much higher degree of public visibility from the road. Because it would be sited near existing vehicular accesses to the site that siting would not necessitate the construction of a long access track. Trees abut the adjacent site boundary but none of them are preserved. They would serve to mitigate the visual impact of a building when seen from the south and due to their distance from the building (10m) their retention is assured. However, they would only serve as a backdrop to the building when seen from Hoe Lane and cannot mitigate its visual impact.

The proposal overcomes previous objections to its siting and size since it would not be harmful to the amenity value of the rights of way network, preserved trees or the amenities of neighbouring dwellings. No objection was previously raised to the intensive agricultural use that necessitates a building of the size proposed therefore it would not be appropriate to raise that as an objection to this revised proposal. In the circumstances the degree of conspicuousness of the proposal within the Green Belt is acceptable. For that reason the visual impact of the building when seen from Hoe Lane is also acceptable. In coming to this conclusion weight has been given to the opportunity to control the appearance of the building and track by condition together with the opportunity to use conditions to control storage required in connection with the use facilitated by the building.

The potential harm to living conditions arises from manure odours only. The potential harm is no greater than that of the previously refused proposal where such potential harm was not found to be a reason for refusal. Moreover, conditions can be used to control the management of waste on the site. In the circumstances, while the potential for unpleasant odours is recognised, it is not a matter which warrants the refusal of planning permission.

The proposal would not cause harm to the interests of highway or gas safety while details of drainage can be secured by condition.

Overall, the proposal is appropriate development in the Green Belt that overcomes objections to the previously proposed siting of the building elsewhere on the site. The only substantive new matter to assess is the visual impact of the building when seen from Hoe Lane and this is found to be acceptable on the basis that the use of the site for an intensive beef rearing enterprise is acceptable. It is therefore recommended that conditional planning permission be granted.

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

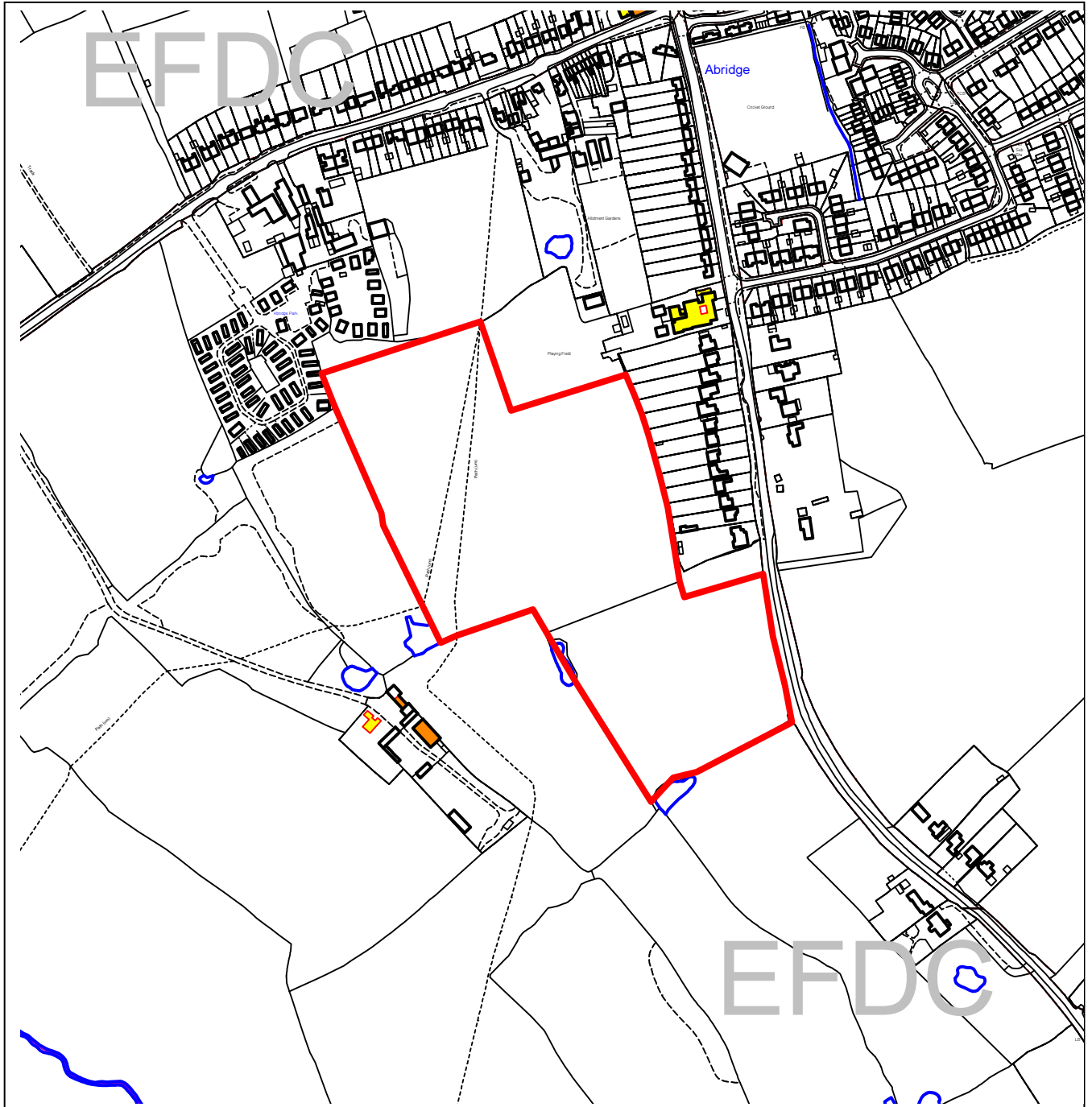
**Planning Application Case Officer: Stephan Solon**  
**Direct Line Telephone Number: 01992 564018**

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	1
<b>Application Number:</b>	EPF/1098/11
<b>Site Name:</b>	Land to the rear of 40 - 42 Hoe Lane, Abridge, RM4 1AU
<b>Scale of Plot:</b>	1/5000

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1407/11
<b>SITE ADDRESS:</b>	Former Moor Hall Stables Moor Hall Road North Matching Essex
<b>PARISH:</b>	Matching
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Ms Wendy Catton
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use and conversion of former stables building to provide a two bedroom dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=529574](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529574)

**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: 1116/P/01, 1116/P/02 Rev: A, 1116/P/03 Rev: A, 1116/S/01, 1116/S/02 Rev: A
- 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 Prior to first occupation of the development hereby approved the proposed windows in the northern flank elevation shall be entirely fitted with tinted glass and shall be permanently retained in that condition.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, C and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved and retained thereafter. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to

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

- 7 The new landscaping to be planted to the north of the building shall be installed in accordance with the details agreed under condition 6 prior to first occupation of the dwelling hereby approved.
- 8 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.
- 9 The stable building to the north of the application site shall only be used as stabling incidental to the enjoyment of the dwellinghouse hereby approved and shall not be utilised for any commercial purposes or for any other use ancillary to the enjoyment of the dwelling, unless otherwise agreed in writing by the Local Planning Authority.

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

### **Description of Proposal:**

Consent is being sought for the conversion of a former stables building into a two bed dwelling. The proposed conversion would involve the reinstatement of the former pitched roof, insertion of glazed doors and windows within existing openings, the insertion of a new door, window and four conservation rooflights within the southern elevation, the creation of a private amenity space within an existing paddock, and parking and cobbled amenity area within the existing stable yard. Access to the property would be via the existing access into the stables.

### **Description of Site:**

The application site is a stable building within the former Moor Hall Estate, although it is now stated for use as storage. Access to the site is directly off of Moor Hall Road and shared with Morgans Farm, and is controlled by a secure metal gate. The application site also incorporates the stable building attached to Morgans Farm, although no change of use is proposed for this building. To the east of the site is an existing ménage and Moor Hall Farm, which is also owned by the applicant. Directly north of the building is Morgans Farm (not within the applicants ownership), which was granted consent to convert and extend an existing stable building to provide stables on the ground floor and an agriculturally tied residential property above. Unfortunately the works that took place on site differed from the approved scheme and resulted in a complete two storey dwelling which, due to time immunity, was exempt from enforcement action and is not restricted for occupation by an agricultural worker. The application site is located within the Metropolitan Green Belt

### **Relevant History:**

Whilst there is a long history to the entire Moor Hall Estate site (and the adjacent Morgans Farm site, which is part of the same planning file), none are relevant to this application.

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
GB8A – Change of use or adaptation of buildings  
GB9A – Residential conversions  
E4A – Protection of employment sites  
E4B – Alternative uses for employment sites  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST4 – Road safety  
ST6 – Vehicle parking

### **Summary of Representations:**

4 neighbouring residents were consulted and a Site Notice displayed on 01/08/11, and the 4 neighbours were re-consulted when amended plans were received.

PARISH COUNCIL – Object to the application on the grounds of overdevelopment of an agricultural site for residential purposes, loss of amenity to adjacent property and increased activity to existing access.

MORGANS FARM, MOOR HALL ROAD – Object due to the overlooking that would result from this development, loss of outlook from their property, increased traffic movements and activity on the shared drive and adjacent land, the increased height would impact on their outlook and block views of the access gate (and therefore pose a security risk), and the further loss of agricultural land [the objection also referred to concerns regarding the neighbours health and the loss of value to their property, however these are not material planning considerations].

- **Additional comments re: amended plans/additional information** – Do not consider that the amended plans have overcome any of the previous concerns.

64 HAINAULT ROAD, CHIGWELL – Object as this would be in very close proximity to an existing house.

### **Issues and Considerations:**

Whilst PPG2 states “*the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there*”, paragraph 3.8 states that “*the re-use of buildings inside the Green Belt is not inappropriate development providing:*

- (a) *It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;*
- (b) *Strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);*
- (c) *The buildings are of permanent and substantial construction, and are capable of conversion within major or complete reconstruction; and*

*(d) The form, bulk and general design of the buildings are in keeping with their surroundings.*

These are reflected within Local Plan policy GB8A, and residential conversion is also subject to policy GB9A. This policy states that “*residential conversions of rural buildings worthy of retention will not be permitted unless:*”

- (i) It has been clearly proven by the applicant that business reuse in line with policy GB8A is unsuitable; or*
- (ii) The residential conversion is a subordinate part of a scheme for business re-use; or*
- (iii) It is for the purposes of agriculture, horticulture or forestry.*

It then goes on to state that “*conversion for residential use must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically or adversely affected. This includes features such as new curtilages, boundary treatment (including walls and fences), windows, door openings and chimneys*”.

The originally submitted plans raised serious concerns with Planning Officers due to the impact regarding loss of amenity to the neighbouring residents at Morgans Farm and the future occupiers of the application site, the lack of any ‘private’ amenity space (primarily due to overlooking from Morgans Farm) to be provided, the possibility that the building would be largely or completely reconstructed, and the lack of justification for alternative business use. Due to this, amended plans and additional information were submitted to overcome these concerns. Further consultation with neighbours and the Parish Council was undertaken on this.

#### Green Belt:

As stated above, the conversion of existing buildings within the Green Belt can be considered as ‘not inappropriate development’, providing there is no greater impact on the openness and character of the Green Belt. The proposed conversion of this building would involve the installation of a pitched roof to incorporate a partial first floor in the building. This would raise the highest part of the building from 4.1m to 6.3m and concern was originally expressed that this may result in substantial or complete reconstruction of the building. However the building has been in place for a number of years and is of substantial construction. Photographic evidence has been provided showing that the building formerly had a similar pitched roof (and therefore would have sufficient foundations to support this additional structure), and a plan has been submitted clearly indicating that all four original walls to the building will be retained. Therefore, should any of these walls be removed, then enforcement action could be taken against the applicant.

Given that the pitched roof would be reinstated in line with that previously seen on the building, and would be relatively shallow pitched, it is not considered that this addition would be unduly detrimental to the openness or character of the Green Belt.

The subdivided areas of land and various boundary treatments are existing on site, and therefore this development would not result in additional enclosing of land. Furthermore, the site at present is used for storage purposes so the proposed access road and area of car park is already used for these purposes. Furthermore, it is not considered that a single residential dwelling would result in any detrimental intensification of use of the site over and above the current lawful use.

The proposed residential dwelling would largely be served by the existing openings within the building, and it is not considered that the introduction of a door and window or conservation roof lights would be detrimental to the appearance of the Green Belt. Whilst the glazed wall within the eastern elevation would be fairly dominant and domestic in appearance, this is not considered harmful enough to warrant refusal.



### Alternative business use:

As stated within policy GB9A, before a building within the Green Belt is considered for open market housing it should be assessed for business use. The justification provided for this states the following:

- There is a lack of market demand for business units in this locality. It is stated by Alan Howick of Howick & Brooker Partnership Ltd., Estate Agents that there is no sufficient demand for business accommodation in this area and that "*there presently exists a number of other 'former farm buildings' schemes within the region offering similar facilities and not fully occupied and insufficient demand to justify the provision of further business accommodation*".
- The application site is located in close proximity to residential properties and the intensification of use for business purposes would detrimentally impact on neighbouring amenities.
- The location is a semi-rural area with limited access and the increased traffic resulting from business use would be detrimental to the character of the area.

### Amenity considerations:

The application site sits directly opposite an existing residential property known as Morgans Farm. The front elevation of this neighbouring two storey building faces the application site and contains the main private amenity space to the immediate north of the application site. The existing stable building is located 20.8m from the front wall of Morgans Farm, and 10.4m from the shared boundary. The Essex Design Guide recommends that there should be a 25m wall to wall distance between properties (which generally relates to rear walls, however given the unusual layout of these properties the distance would apply to the front walls in this instance), and 15m distance between the (rear) wall of a dwelling and a shared boundary between private amenity space. The proposed development falls short of this guidance.

The amended plans have removed the rooflights within the northern roof slope, have moved the private amenity space to the southern portion of the site (within the existing paddock), and proposes to install tinted windows within the northern flank wall. It is also proposed to put new planting in along the inside of the existing 1.8m close boarded fence between the two properties.

With regards to loss of amenity to the neighbouring residents, the only first floor windows facing the neighbouring property would be low level windows within bedroom 2, which given their position could only be looked out of if laying on the floor. Whilst concern has been raised by the neighbours regarding loss of privacy from the front windows, being that these are ground floor windows (with the exception of that referred to above), are 20.8m from the neighbours flank wall, and would be partially screened by the existing 1.8m fence and the additional planting, these would not result in an undue loss of privacy to the neighbour's property.

Regarding the loss of privacy to the future occupiers of the site, which is of greater concern given the abundance of first floor windows in Morgans Farm that face the site, the introduction of additional windows within the southern elevation and proposed tinted glazing would ensure that the main windows to the habitable rooms in the new dwelling do not suffer from an undue loss of privacy. The amenity area overlooked by the neighbouring property would be the courtyard area to the north, which would be a 'public' area and would not form the future residents' sole amenity space. Furthermore this would be partially screened by additional landscaping. As such it is considered that this has adequately overcome any concerns regarding loss of privacy and overlooking.

Whilst the neighbouring residents have objected to the raising of the roof and the impact this would have on their visual amenities (in particular as this would block their view of the front gates, which

they consider is a security risk), the new roof would have a relatively shallow pitch and is sufficient distance from the neighbour to ensure it would not result in a loss of light or be visually dominant. The front gate to the site (which is shared by both Morgans Farm and the application site) is a large metal gate with a telecom entry system. Given this situation it is not considered that a direct view of the gates is required for security purposes, and this issue borders on an objection on the 'loss of a view', which is not a material planning consideration.

The amended plans have relocated the private amenity space to the south of the proposed dwelling to ensure it is not overlooked by the residents of Morgans Farm. However there are still concerns regarding its ability to provide 'private amenity space'. The garden would be bordered by an existing post and rail fence with a new hedge planted behind this. The existing fence is relatively low and open and is bounded by the access roads to Morgans Farm and Moor Hall Stables. Whilst a hedge could be grown to a sufficient height to offer privacy to this amenity space this would take some time to establish. The only other option would be to erect a high, solid boundary treatment (such as a close boarded fence), which would likely be out of character and detrimental to the openness, character and appearance of this rural Green Belt location. Notwithstanding this, the 'private amenity space' at Morgans Farm is located at the front of the house and is not particularly private, and entry to the site is restricted via the electric front gate, so there would not be a significant level of through traffic overlooking this garden area. As such, on balance, it is considered that this is acceptable.

#### Sustainability:

The site is in a very unsustainable location, as it is not well served by local facilities. However the addition of one additional dwelling (in sustainability terms) would not be considered unduly detrimental, and various consents have been granted on surrounding sites for similar developments, despite their location.

#### Highways/parking:

The proposed development would utilise the existing access and parking area currently serving the former stables building, which are of an acceptable size and location to meet the requirements for a single dwelling. It is not considered that the use of the building as one residential property would result in a significant increase in vehicle movements over and above the lawful use of the site.

#### Other matters:

The application site incorporates the stable block attached to Morgans Farm and indicates that this would remain as stables. As this forms part of the development site a condition would be required to ensure they remain as personal stables incidental to the enjoyment of the new dwellinghouse rather than as a separate commercial stable building or changed to any other ancillary residential use. Such commercial works could result in a conflict with the use of the building as a dwelling (i.e. given the shared access), and change of use of this building could result in a loss of amenity to the attached neighbouring dwelling.

Concern has been raised by the Parish Council and neighbouring residents regarding the loss of agricultural land and overdevelopment of this site. As previously stated, the conversion of a building within the Green Belt is not in itself an inappropriate development and would not result in overdevelopment as the building already exists. Furthermore the building and adjacent land is currently used as stables and storage and therefore does not constitute 'agricultural land'. It is appreciated that the applicants have intensively developed The Engine House on the adjacent land to the application site, however this does not have any bearing on the planning application being assessed here.

**Conclusion:**

The former stable building is located within relatively close proximity to the neighbouring property at Morgans Farm and has caused much concern regarding the impact on amenities of both the neighbouring and future residents of the site. Furthermore the development would be served by a garden that would not be particularly 'private'. However, in light of the above, it is considered that these issues are not significant enough to warrant refusal and as such the development, on balance, is considered acceptable and is therefore recommended for approval.

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

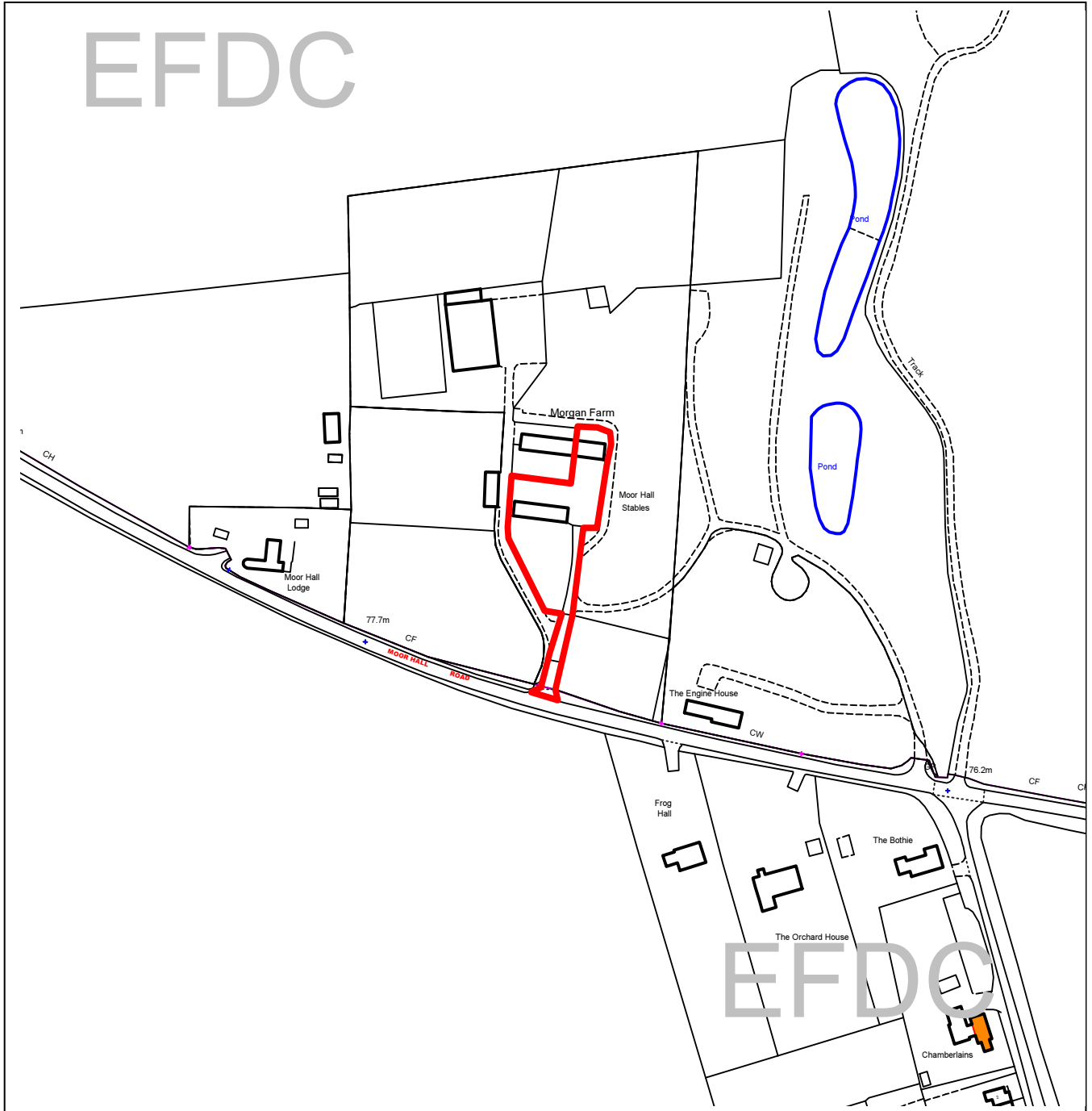
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/1407/11
Site Name:	Former Moor Hall Stables, Moor Hall Road North, Matching,
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1513/11
<b>SITE ADDRESS:</b>	19 St Alban's Road Epping Essex CM16 7RD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Neil Shemmings
<b>DESCRIPTION OF PROPOSAL:</b>	First floor side and rear extensions.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AnitellM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=529910](http://planpub.eppingforestdc.gov.uk/AnitellM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529910)

**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.

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

**Description of Proposal:**

First floor side and rear extensions. The extensions are to be located above an existing side and rear ground floor addition and will measure 2.7m in width and 3.1m in depth. The side extension will be within the roof space and includes a pitched roof dormer to the front elevation.

**Description of Site:**

The application site is a two storey semi-detached property located on the east side of St. Alban's Road within the built up area of Coopersale. The property is not within the Green Belt or a Conservation Area.

**Relevant History:**

EPF/1008/92 – Single storey side and rear extension –App/Con

## **Policies Applied:**

### Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

## **Summary of Representations:**

EPPING TOWN COUNCIL – Committee object to this application and take the view that the proposals will give rise to the potential of a terracing effect and should be amended so that there is a set back at the first floor level.

### NEIGHBOURS

6 neighbours were consulted

21 ST.ALBAN'S ROAD: Comment – no windows, boiler flues or any projections overhanging property. (The plans have been revised since first submission to remove any gutter or coping overhang).

## **Issues and Considerations:**

The main issues that arise with this application are considered to be the following:

- Design Issues
- Impact on Neighbouring Amenity

### Design Issues

The first floor side extension extends up to the side boundary with No. 21 which is normally a resisted form of development as it can lead to a terracing effect of semi-detached/detached properties. However, although not completely overcoming the possibility of a terracing effect the side element has been set back from the front elevation by continuing the roof slope to ground floor level and therefore the first floor window is set back and is a dormer window rather than flush within a wall. There is a precedent set within St. Alban's Road, Laburnum Road and Vicarage Road for two storey side extensions with no side gap at the boundary as several were completed before the current policy was adopted. Notwithstanding this, there is still a requirement for a first floor side extension to be either set back or the first floor within the roof slope as is the case with this application. By setting back the first floor element within the roof slope it is considered to minimise the terracing effect by preventing an unbroken frontage.

The design of the proposal (both to the side and rear) is very similar to the attached property (No. 17) which was granted planning permission under reference EPF/0106/05 and will balance the pair. Several properties on the opposite side of the road also have similarly designed side extensions incorporating the dormer feature, and it is accepted that this design is appropriate in this particular area.

### Amenity

The proposal is not considered to have any significantly detrimental impact on neighbouring amenity as the rear extension is set in from the attached boundary with No. 17 by 3.2m and is some 3m from the nearest rear facing first floor window at No. 21 which in any event is a bathroom window. There is a side facing window at No.21 however this serves the stairs and therefore is not classed as a habitable room.

## **Conclusion:**

Although extending to the boundary at first floor level, a precedent for similar schemes has been set in the surrounding area and the proposal has been designed to minimise the potential for a terracing effect. Approval is therefore recommended.

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

***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1513/11
Site Name:	19 St Alban's Road, Epping CM16 7RD
Scale of Plot:	1/1250



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1570/11
<b>SITE ADDRESS:</b>	Jubilee Bungalow Bournebridge Lane Stapleford Abbots Essex RM4 1LT
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr H Spiro
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement dwelling.
<b>RECOMMENDED DECISION:</b>	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=530129](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530129)

**REASON FOR REFUSAL**

- 1 The proposed replacement dwelling would have a significantly larger volume than the existing dwelling on the site and as a result would be inappropriate development, detrimental to the open character and appearance of the surrounding Metropolitan Green Belt. The lawfully approved extensions are not considered a viable fallback position.. The development is therefore contrary to Policies CP2, GB2A, GB7A and GB15A of the adopted Local Plan and Alterations.

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

**Description of Proposal:**

The proposal is to demolish the existing dwelling on the site and replace it with a three bedroom dwelling. This would be a chalet style bungalow with a double storey glazed entrance. Two dormer windows would be inserted on the front roof plane. The building would have an external floor area of 14.4m x 9.2. There would also be a two storey rear projection to a depth of 3.6m. Solar panels would be installed on the rear roof slope. There is an existing access on to the public highway.

**Description of Site:**

The dwelling is located on an extensive site within the Metropolitan Green Belt. The existing building is in a relatively dilapidated state and uninhabited. The site is bordered on the western boundary by a public footpath, with a single storey dwelling the other side of this. There is no immediate neighbour to the eastern side of the dwelling. Although part of Bournebridge Lane is a built up enclave this section of the road is fairly open with arable farmland adjacent to the site and on the opposite side of the roadway. A garage/storage building approved under a Certificate of Lawful development application is currently under construction (EPF/2012/10).

### **Relevant History:**

EPF/1915/09 - Demolition of existing bungalow and erection of a single detached dwelling. Refuse Permission - 06/01/2010.

EPF/1916/09 - Certificate of lawfulness for a proposed single storey extension to side and rear elevations and new front porch. Not Lawful - 10/12/2009.

EPF/0585/10 - Certificate of lawfulness for a proposed single storey extension to side and rear elevations and new front porch. Lawful - 20/05/2010.

EPF/1064/10 - Basement garage under existing house and proposed single storey side extension, and 3 no single storey side extensions. Refuse Permission (Householder) - 10/08/2010.

EPF/2012/10 - Certificate of lawful development for a proposed detached garage, gymnasium and garden machine store and permeable paths and vehicular drive. Lawful – 22/11/10.

EPF/2013/10 - Certificate of lawful development for a proposed loft conversion and single storey side and rear extensions and front porch. Lawful – 22/11/10.

### **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

DBE4 – Design in the Green Belt

DBE8 – Private Amenity Space

DBE9 – Excessive Loss of Amenity to Neighbouring Properties

ST1 – Location of Development

ST2 – Accessibility of Development

ST4 – Road Safety

ST6 – Vehicle Parking

H2A – Previously Developed Land

H4A – Dwelling Mix

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB15A – Replacement Dwellings

LL11 – Landscaping Schemes

### **SUMMARY OF REPRESENTATIONS:**

3 Neighbours Consulted and sit notice displayed – no replies received.

STAPLEFORD ABBOTTS PARISH COUNCIL: No Objection.

### **Issues and Considerations:**

The main issues relate to the Green Belt location, design and neighbour amenity. The planning history of the site is another material consideration.

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

The planning history of the site outlines details of a previously refused replacement dwelling and a number of applications for Certificates of Lawful Development (CLD). The garage building is currently under construction. Side and rear extensions and side dormer windows approved by CLD applications (EPF/0585/10, EPF/2013/10) are detailed on drawing number 2010/018/ PDO13.

The applicant describes as part of the submitted Design and Access Statement national and local plan policies with regards to replacement dwellings. Such development can be appropriate where the replacement building is not materially larger than the one it replaces. The applicant has submitted volume calculations for the existing building, the CLD extensions and the replacement dwelling. These are recorded below;

Existing Dwelling	455 cu m
Existing + CLD Extensions	715 cu m
Proposed Dwelling	762 cu m

The Local Planning Authority has completed similar calculations, these were recorded as;

Existing Dwelling	360 cu m
Existing + CLD Extensions	738 cu m
Proposed Dwelling	764 cu m

The figures show that for the existing + CLD extensions and proposed there is little discrepancy. However there is quite a difference for the existing dwelling. The applicant has justified the proposal with regards to the permitted development extensions that have been approved and could be constructed. The increase over the original volume (360 cu m) is not justifiable under any local or national policies. The increase of 112% is unacceptable and beyond what could ever be reasonably classed as “not materially larger”.

The applicant has laid out a case for this development in lieu of what could be done as permitted development, effectively a fallback position. Local Planning Authorities have a duty to consider a fallback position, however this must be rationalised. The weight given to a fallback depends on the real likelihood of any fallback actually being exercised in the event of a refusal. The planning law position is that the test must be made on the balance of probabilities as opposed to the balance of possibilities.

The design of these extensions was evidently an attempt to maximise the permitted development allowance. Members are asked to consider the design of the proposed extensions carefully, as detailed in drawing No 2010/018/PDO13. The extensions appear on plan as bland, featureless, bulky additions. No basic design principles have been followed. Traditionally extensions to dwellings should act as subsidiary additions. These extensions dominate the original dwelling. This viewpoint is supported by the agent of the applicant for the proposal, who states that, “the permitted development extensions would be out of scale, the front and rear elevations would be too wide and the flat roofed dormers would appear over large”. The Local Planning Authority would not dissent from this view. It is therefore considered that on the balance of probabilities these extensions do not offer a viable fallback position. Members may adopt a view to the contrary, essentially that the proposed scheme would be “the lesser of two evils”.

Notwithstanding these previous points the dwelling is small and perhaps is not conducive to modern day living. The height, bulk and scale of the proposal is much more visually prominent than both the existing building and the CLD extended dwelling, and runs contrary to Green Belt policy. However a well designed dwelling with a volume of circa 500 cu m would be acceptable, approximately a 40% increase. Members may take the view that the current increase is acceptable.

### Design

The proposed design includes a glazed front entrance porch which extends to the ridge level of the dwelling. This is a design feature often incorporated into barn conversions and results from the utilisation of original openings. The front feature raises no serious design issues and is more a

personal preference. The dormer windows are proportionate and well designed. The proposed design includes a relatively bulky two storey rear projection. The balcony offers some feature. Again this element of the scheme raises no serious design issues. The use of vernacular materials, which could be agreed by condition, would ensure that this development would not appear out of place in this setting.

#### Amenity

The property has only got one immediate neighbour, on the western side. The replacement dwelling would retain a good gap to the well screened boundary. Overlooking from side facing windows would not be a serious issue and the adjacent property is served by a generous rear garden which would remain private.

#### Trees/Landscaping

There are no trees or landscaping issues subject to conditions ensuring tree protection details for a large oak tree close to the boundary of the site and a suitable landscaping scheme.

#### Parking/Road Safety

The proposed development would make use of an existing access to the site and a double garage approved as a Certificate of Lawful Development would provide adequate parking. The public right of way would be unaffected so this aspect of the scheme raises no issues.

#### Land Drainage

The Land Drainage section of the Council has requested a Flood Risk Assessment, to be agreed by condition, on any approved scheme owing to the size of the development and the potential to create additional surface run off.

#### Sustainable Building

The inclusion of solar panels is a laudable element of the development which complies with sustainable building practices as encouraged in Policy CP5 of the adopted Local Plan, but this does not outweigh the recognised Green Belt harm.

#### **Conclusion:**

The proposed development represents an excessive increase over the original dwelling on the site. This is deemed inappropriate. The approved CLD extensions have been used as justification for the size of this proposed building. It is not considered that these represent a viable fallback position, on the balance of probabilities. Therefore, by reason of the excessive increase in volume, this development is considered inappropriate in Green Belt terms and 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:***

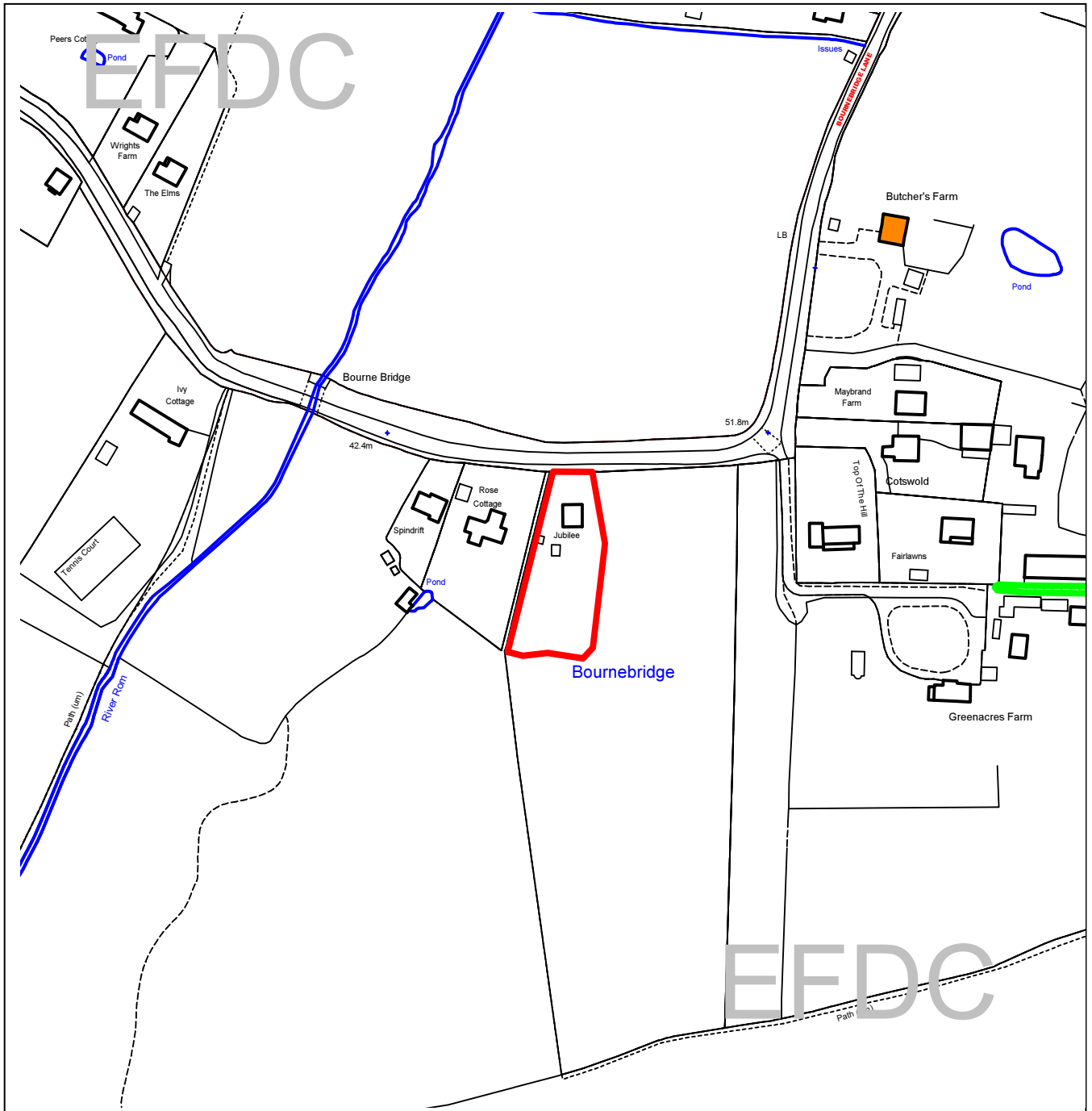
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	Epf/1570/11
Site Name:	Jubilee Bungalow, Bournebridge Lane Stapleford Abbots, RM4 1LT
Scale of Plot:	1/2500

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1607/11
<b>SITE ADDRESS:</b>	7 Station Road Epping Essex CM16 4HA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mrs Vera Dixon
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from Retail shop (Use Class A1) to Accountancy Franchise (Use Class A2).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Condition)

**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=530245](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530245)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

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

**Description of Proposal:**

Change of use from retail shop (A1) to accountancy franchise (A2).

**Description of Site:**

The application site is a single shop unit located below residential flats which form part of a relatively recent re-development. The property is located on Station Road which is just off the High Street, within the area designated as Epping Town Centre but is not within the key frontage. The property is also within the Epping Conservation Area. The shop is currently operating as a Christian Bookshop.

**Relevant History:**

EPF/1227/05 - Demolition of buildings and provision of vehicular access from adjoining site, erection of 7 no. residential units and 4 no. commercial (A1,A2) units and parking for seven cars. (Revised application) – App/Con

**Policies Applied:**

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

TC3 – Town Centre Function

**SUMMARY OF REPRESENTATIONS:**

EPPING TOWN COUNCIL: Committee object to the change of use of this property which represents a further use of a retail site in Epping's High Street.

NEIGHBOURS

21 properties were consulted and a site notice erected

5 STATION ROAD – Objection – bringing office space into a retail unit is detrimental to the adjoining businesses and also the High Street.

**Issues and Considerations:**

The main issue that arises with this application is considered to be the following:

- Impact on the Town Centre Function

Town Centre Function

Policy TC3 permits both retail and other town centre uses that make the centres attractive and useful places to shop. Station Road is not within the key frontage of the town centre and therefore other town centre uses are acceptable in this location provided they do not have a detrimental impact on the vitality and viability of the town centre as a whole. Non-A1 retail uses can complement and enhance the function of, and can therefore be appropriate within a town centre location. When the redevelopment of this section was approved in 2005 it allowed the units to be used for either A1 retail or A2 (financial and professional services) but since the first use in this unit was A1, permission is now required for its change to A2.

The application is for an accountancy franchise called Tax Assist Accountants which offers accountancy services to individuals and small businesses from a shop style premises. The services offered are on a walk-in or appointment basis and the shop is open to the general public. It therefore operates in a similar style to an estate agents which are a common use class within town centres.

It is considered that the change of use complies with policy TC3 as it appears that the business will attract customers to the shop and therefore is not considered to harm the vitality and viability of the town centre in this location.

The application was accompanied with evidence of other Tax Assist Accountants in other areas including Bishops Stortford, Colchester and Ipswich which appear to also be in town centre locations.

**Conclusion:**

The proposal is considered to comply with policy TC3 and it is not considered that the proposal will result in a detrimental impact on the vitality and viability of Epping Town Centre. Approval is therefore recommended.

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

***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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





# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/1607/11
Site Name:	7 Station Road, Epping CM16 4HA
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1661/11
<b>SITE ADDRESS:</b>	Spotted Dog 2 Ivy Chimneys Road Epping Essex CM16 4EL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Spotted Dog Ivy Chimney Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing public house and construction of an eight unit residential development.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to S106)

**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=530390](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530390)

**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: EEU\_100, EEU\_200 Rev: A, EEU\_201 Rev: A, EEU\_202, EEU\_205 Rev: A, EEU\_206 Rev: A, 5075/1, 5075/2
- 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 Prior to first occupation of the development hereby approved, the proposed window openings in the flank elevation of the dwelling shown as No. 1 on the submitted plans shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been

submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 7 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.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be

conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 14 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 15 There shall be no structures or vegetation erected or installed that exceeds 600mm within the 1m strip of open land as shown on Plan No. EUU\_201 Rev: A.

**And subject to a S106 legal agreement to be completed within 6 months requiring the developer to upgrade the two bus stops in close proximity to the site and to make a financial contribution of £40,000 to upgrade the nearby public play area as required by the proposed development.**

*This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.d.)*

**Description of Proposal:**

Consent is being sought for the demolition of the existing public house and the construction of eight residential dwellings with associated car parking to the rear. The dwellings would be a single terrace of eight no. 4 bed properties with a staggered building line. The dwellings would all be 5.5m wide and 10m deep, with the exception of the two end properties (plot no's. 1 and 8), which would reach a depth of 10.8m. The dwellings would have pitched roofs to ridge heights of 9m (which would be staggered due to the change in land levels) and would incorporate front dormer windows and rear rooflights, with plots 1 and 8 having front and rear gables and side dormer windows. There would be a gated car park to the rear of the site containing 20 parking spaces, which would be served by the existing access

**Description of Site:**

The application site is a two storey detached public house, currently vacant, with former beer garden and car park on the southern side of Ivy Chimneys Road, on the edge of Ivy Chimneys (which itself forms the edge of the town of Epping). The public house and front part of the beer garden are not located within the Metropolitan Green Belt, however the car park and rear section of the beer garden are.

**Relevant History:**

EPO/0539/60 - Car park – approved 07/02/61  
EPU/0072/62 - Extension to saloon bar – approved 21/08/62  
EPU/0116/71 - Toilet block entrance and kitchen – approved 19/10/71  
EPF/1082/83 - Extension to public house – approved/conditions 23/09/83  
EPF/1282/89 - Retention of open fronted brick barbecue and change of use of part of rear field to children's play area and overflow car park – refused 09/10/89  
EPF/2523/10 - Outline application for the demolition of existing public house and erection of 9 no. three bedroom dwellings – withdrawn 21/01/11

**Summary of Representations:**

18 neighbouring properties were consulted and a site notice was displayed on 26/08/11.

TOWN COUNCIL – This proposal involves the loss of a community asset and would also lead to an increased population of young people in the area. Committee request the Planning Authority to consider requesting a Section 106 agreement in the sum of £40,000 to provide part of the funding to upgrade the nearby public play area. Committee also request consideration be given to providing greater architectural interest in the design of the front elevations of these dwellings.

GREENACRES, IVY CHIMNEYS ROAD – Object due to the impact on highway safety.

4 IVY CHIMNEYS ROAD – Object as this would be visually overbearing, an inappropriate design for the area, would result in traffic problems and highway safety issues.

13 IVY CHIMNEYS ROAD – Support the application if traffic calming measures are put in on Ivy Chimneys Road. With the addition of 8 houses this raises the likelihood of a fatality on this road.

**Policies Applied:**

CP2 – Protecting the quality of the Rural and Built Environment  
CP3 – New development  
CF12 – Retention of Community facilities  
GB2A – Development in the Green Belt  
H2A – Previously developed land  
H3A – Housing density  
H4A – Dwelling mix  
E4A – Protection of Employment Sites  
E4B – Alternative uses for Employment sites  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private Amenity Space  
DBE9 – Loss of amenity  
ST1 – Location of Development  
ST4 – Road safety  
ST6 – Vehicle Parking  
U3A – Catchment effects  
I1A – Planning Obligations

**Issues and Considerations:**

The main issues that arise with this application are:

- Principle of development
- Loss of the community use
- Loss of the employment use
- Design, layout and impact on street scene
- Impact to neighbouring amenity
- Parking and highway matters
- Landscaping issues

**Principle of development loss of employment and community use**

The application site is a former public house located on the very edge of the town of Epping (in Ivy Chimneys). The site constitutes Previously Developed Land (PDL) and, whilst there is no presumption that land that is previously-developed is necessarily suitable for housing development, there is a national annual target set out in PPS3 that “*at least 60 per cent of new housing should be provided on previously developed land*”, which is reflected locally within policy H2A that seeks to deliver “*at least 70% of all new housing on previously developed land*”.

Regardless of a site’s designation as PDL one of the key considerations for housing development is sustainability issues. The site is located on the very edge of Epping. It is served by local buses with links to Epping Tube Station and the town centre. There are local facilities (Ivy Chimneys Primary School), however the tube station and town centre are a considerable walk from the site. Notwithstanding this though, it is considered that on balance the site is relatively well located in terms of sustainable transport.

Although the rear part of the site is located within the Metropolitan Green Belt, the proposed buildings are not. The parts of this development that encroach into the Green Belt are the car park

and access road and the rear sections of gardens. As the access and car park exist at present it is not considered that their continued use would be any more detrimental to the openness or character of the Green Belt. The proposed gardens would be roughly in line with the established rear boundary line of the adjacent properties, and as such this encroachment into the Green Belt is similarly not considered inappropriate.

#### Loss of the community facility

Public Houses are known as a social meeting place and considered in policy terms to be a community facility. Policy CF12 seeks to ensure community facilities will only be lost where it is conclusively shown that:

- i) *The use is no longer needed or no longer viable in its current location; and*
- ii) *The service, if it is still needed, is already, or is to be, provided elsewhere and accessible within the locality to existing and potential users.*

*Where planning permission is granted for proposals that will entail the loss of community facility, the Council will consider favourably alternative uses which fulfil other community needs.*

This policy then goes on to state that *“the Council may require the provision of a commuted sum, by means of a legal agreement, as a contribution towards the maintenance or upgrading of other local community facilities where these relate directly to the proposed development”*.

The applicant has stated within the Design and Access Statement that the pub became commercially unviable and closed in November 2009, and since this time the premises has been burgled (with 95% of the essential equipment for the running of the pub being stolen), flooded, and the building insurance has lapsed. There are known problems from Enterprise Inns (the brewery) supporting and financing their pubs, and as a result of this the level of expenditure required to reopen the pub ensures that the site is not commercially viable for this use. Further to this, Planning Officers are aware that the pub has been closed for some time and prior to its closure there were well known problems with its running and retention. Whilst the majority of other public houses within Epping are a considerable distance from the site, it could be argued that the service from this community facility is met by The Forest Gate Inn, which is within walking distance of the site.

Whilst no evidence has been provided as to why alternative uses to fulfil other community needs cannot be provided at this site, such needs are usually put forward by the Town Council. No such alternative community needs (i.e. a shop, community hall, etc.) have been highlighted as essential by the Town Council and therefore are not considered to be required at this location. However the Town Council have requested that a £40,000 contribution be made to fund the upgrading of the nearby public play area.

This type of community benefit is justified to both outweigh the previously identified loss of a community facility and as the creation of eight additional four-bed (family) dwellings on this site would add pressure to the existing play area. Whilst no calculations have been provided by the Town Council as to how they arrived at the requested sum, the provision of a financial contribution for this use would meet the tests of policy CF12 and therefore, if Members consider this relevant, then such a contribution can be justified.

#### Loss of the Employment use

In respect of employment policies, Policy E4A permits changes of non-designated employment sites to housing, subject to an independent appraisal demonstrating the following criteria being met:

- i) *That the site is particularly poorly located in relation to housing or access by sustainable mean; or*
- ii) *There are material conflicts with adjoining land uses; or*
- iii) *Existing premises are unsuitable in relation to the operation requirements of a modern business: or*
- iv) *There is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the plan period,*

*and there are very significant development or infrastructure constraints, making the site unsuitable or uneconomic for employment purposes.*

Apart from the above issues regarding the viability of the site as a public house, the only other reference to the loss of employment is the applicant's statement that "*when fully operational, the pub employed two staff and family members who never received wages. Hence there is no loss of employment as the pub has already closed*". The objectives of this policy are not to protect specific jobs but to ensure that existing employment sites as a land use are not lost except when appropriate. Whilst it is appreciated that the pub is vacant and therefore does not currently employ any persons, and it is accepted that when last open may have provided limited employment, the reuse of the site for the lawful use, or for alternative employment purposes, could provide additional employment to this area. However there has been no evidence provided to show that the site has been marketed for any significant period for reuse as a pub, and no alternative business uses explored.

Notwithstanding the above, whilst the site is well located in respect of local housing, in terms of accessibility the site has a peripheral location on the edge of the town of Epping and is situated on the fairly busy Ivy Chimneys Road, where there is little scope for safe on-street parking and established conflicts during peak school times. Furthermore, given the close proximity to residential dwellings it is considered that a more intense business use (i.e. offices) would be more harmful to the amenities of surrounding residents than the proposed housing. Furthermore, the existing access to the site is fairly poor and any intensification of use of this would likely be considered unacceptable.

The above issues raised by the applicant with regards to the financial viability of the site and lack of support from the brewery indicate that the site is no longer viable for use as a public house. Whilst the evidence to justify this is slim, Planning Officers are aware that the site has experienced problems in the past at retaining a viable pub.

Whilst the information submitted regarding the unsuitability of the site for business re-use is somewhat lacking, it is considered that, on balance, the site would not be suitable for reuse as a public house or for alternative business use and therefore the application complies with this Local Plan policy.

#### *Design, layout and impact to street scene*

The proposed dwellings would be three storeys in height (the second floor being located within the roof slope) with traditional Essex pitched roofs. Whilst the style of the houses is modern and contemporary they would be reasonably traditional in form. External materials would also be mainly traditional consisting of fair faced brickwork and render walls with a slate tiled roof. The building line would be staggered and roofline cascading to reflect the topography of the land, built form of the surrounding area and to break up the expanse of built form.

Whilst the overall design of the dwellings is not repeated in the surrounding properties in the locality, Ivy Chimneys Road contains a wide mix of properties in a variety of size and styles and as such it is not considered that this proposal would be detrimental to the street scene. Whilst the proposed development would consist of a continuous run of dwellings, the buildings would be set



in 3.8m and 8.7m from the site boundaries, which would retain an element of openness with views obtainable from the road of the countryside behind.

Given the size of the proposed dwellings each property should have 100 sq. m. of private amenity space. The majority of the houses have approximately 60/70 sq. m., which falls short of that suggested in the supporting text to policy DBE8. Notwithstanding this, given the relatively large front gardens and surrounding open spaces within walking distance, the reduction in private amenity space in this instance is considered to be acceptable. However, this strengthens the requirement to provide a financial contribution to improve the nearby public play area, particularly as these will be family housing.

#### Impact to neighbouring amenity

The adjacent neighbour would be located some 5.8m distance from the flank wall of the closest dwelling. Due to this it is not considered that there would be any undue loss of light or visual amenity to this neighbour. The overall bulk and scale of the development would be greater within the street scene than the existing pub, and therefore this would generally impact on the visual amenities of surrounding residents living opposite. However, the design and appearance is considered acceptable and it is not visually intrusive. The public house is in the middle of a residential area and has a large parking area and a beer garden. Its use can lead to disturbance to the neighbourhood particularly when people are leaving at night, so there is an argument that in comparison, a residential development overall is less likely to result in undue harm to the amenity of residents. However, officers conclude on this point that the redevelopment of the site for housing would not have any greater undue impact on neighbouring amenities than the existing or previous use of the site.

#### Parking and Highway matters

The proposals would provide 20 off-street parking spaces to the rear of the site, within the area of land previously used as a car park for the pub. This meets the requirements of the Essex County Council Vehicle Parking Standards (16 spaces for the future residents and 4 visitor spaces) and is therefore considered acceptable. Access would remain unchanged from that which presently exists and the design of the development (in particular the 1m set back of the front boundaries) would improve the sight lines to this existing access point. Whilst the access is still not up to current requirements the redevelopment of the site to eight dwellings would result in a reduction in vehicle movements from its current lawful use as a public house. Therefore, overall, this application would improve the highway safety of the site.

As the proposed development would increase the use of the nearby bus stops a legal agreement should be sought requiring works to be undertaken to improve these stops. The works required are as follows:

- The provision of raised kerbs to current Essex County Council specification for the west bound bus stop.
- The provision of a hard standing pad with raised kerbs for the east bound bus stop.

#### Landscaping Issues

There are no significant trees or vegetation on site that require protection however, given the scale of the development, details of hard and soft landscaping should be submitted and approved to soften the impact of the buildings on this edge of town location.

### Other matters

The development is of a size where it is necessary to avoid generating additional runoff and provides the opportunity to improve existing surface water runoff. As such a Flood Risk Assessment is required, but this can be controlled by condition.

The layout is considered acceptable with regards to bin storage and collection.

Due to the presence of Made Ground there is the potential for contaminants to be present on the site. As this development is for residential use with private gardens the proposal is considered a particularly sensitive receptor. Therefore a contaminated land investigation is required to protect the health and safety of any future residents.

### **Conclusion:**

The proposed development is considered, on balance, to comply with the relevant Local Plan policies. Whilst the level of evidence provided regarding the loss of the pub and general employment site is somewhat lacking, other factors are considered material as to the possible reuse of the site for community or business purposes. As such the proposed development is recommended for approval, subject to conditions and a legal agreement requiring works to be undertaken to the two nearby bus stops and a financial contribution to redevelop the local play area.

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

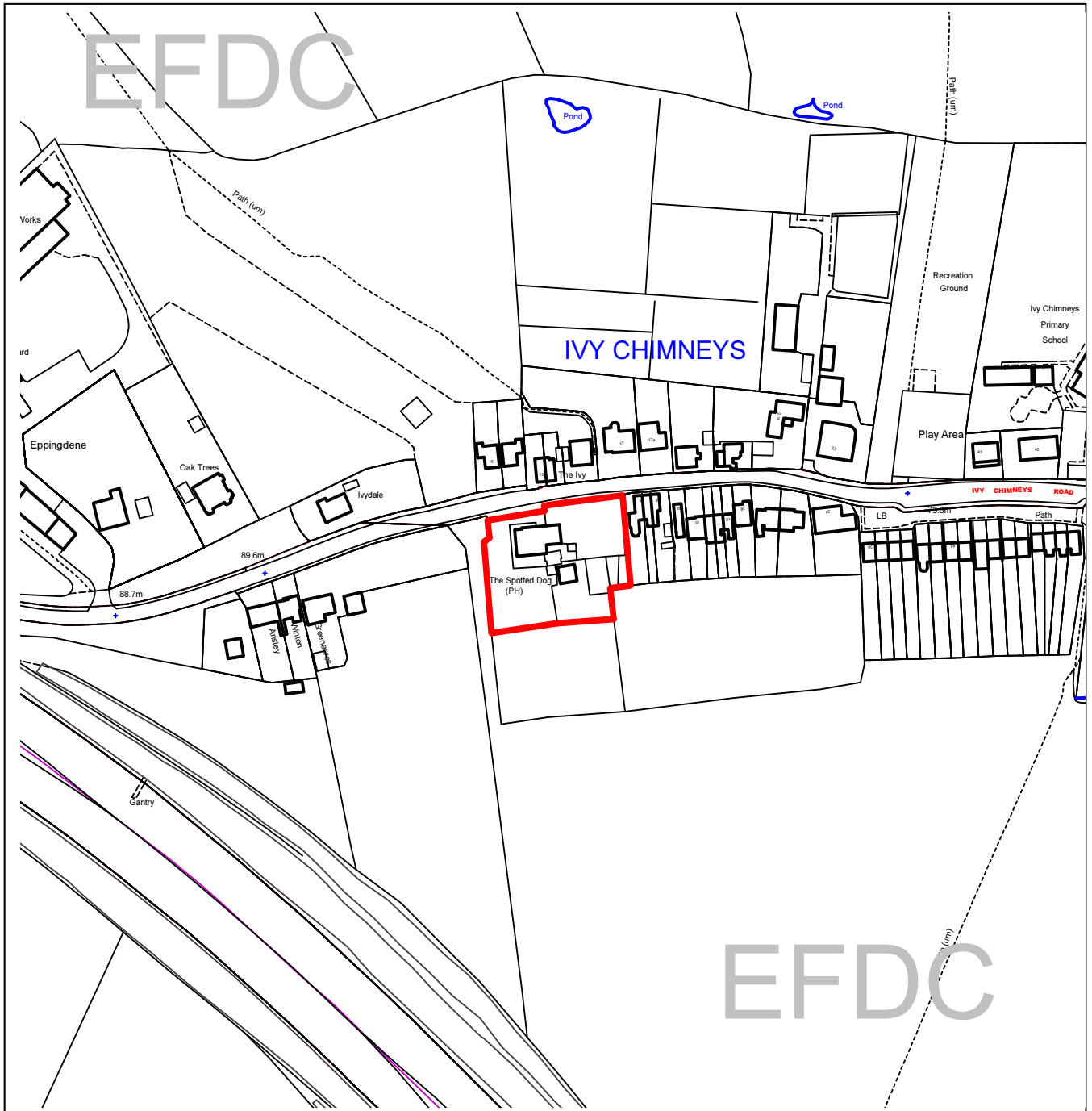
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/1661/11
Site Name:	Spotted Dog, 2 Ivy Chimneys Road Epping, CM16 4EL
Scale of Plot:	1/2500