

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1084/11
<b>SITE ADDRESS:</b>	Quality Hotel (The Bell Hotel) High Road Epping Essex CM16 4DG
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common  Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr Hassan Somani
<b>DESCRIPTION OF PROPOSAL:</b>	Extension of time limit on EPF/0279/08 (Outline application for the partial demolition of The Bell Inn and erection of new extension and Care Home)
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=528373](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=528373)

**REASON FOR REFUSAL**

- 1 The application constitutes inappropriate development that is harmful to the openness of the Green Belt. No very special circumstances exist that outweigh the harm from this and as such the proposed development is contrary to PPG2 and policy GB2A of the adopted Local Plan and Alterations.
- 2 The proposed development fails to mitigate the additional stress and harm that would result to existing health care facilities, contrary to policies CP1, CP2 and CF2 of the adopted Local Plan and Alterations.

*This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(i))*

**Description of Site:**

The subject site is situated on the northern side of the High Road approximately 20m east of Theydon Road and is just on the outskirts of Epping. The site itself is relatively level and comprises approximately 1.5 hectares. Mature vegetation is located on the side and rear boundary and is also scattered throughout the site, particularly the eastern portion of the site.

Currently located on the site are large two storey buildings that are used as guest rooms and associated facilities for the Quality Hotel. Vehicle parking for guests and staff are located towards

the front of the site and behind the original building in between two of the hotel wings. There are two existing crossovers located on the High Road that provide vehicle access to and from the site.

The oldest section of the hotel, known as the 'Old Bell Hotel', is located in the south western corner of the site and was once used as a Coaching Inn in the 16<sup>th</sup> century. This section is the original building and today consists of a reception area, bar, restaurant, and a conference area for the current hotel, which is known as the Quality Hotel. Three distinct two storey wings are located to the north and north-east of the original building which were constructed in the 1960s and 1980s to be used as hotel rooms. In total there are 80 hotel rooms within the three wings.

The subject site and the surrounding area are located within the Metropolitan Green Belt and the Bell Common Conservation Area. Located directly west of the site is a private residence known as Bell Cottage, which is a two storey detached dwelling. Further west, within Boundary Close, are 5 small detached and semi detached two storey dwellings. Located directly east of the subject site is a private residence known as Bell Farm Cottage, which is also a two storey detached dwelling. Open fields that are used for agricultural purposes are located to the north of the site and the open space of Bell Common is located on the opposite side of the High Road.

### **Description of Proposal:**

Extension of time limit application for the outline consent to partially demolish the current hotel and to construct a new building that is to comprise a residential care home and a new hotel extension to the original building. This outline planning permission is for the principle, scale and siting of the proposed development, with access, appearance, landscaping and layout being reserved.

It is proposed to remove the two wings behind the original building to the north and replace them with a three storey care home and erect a new extension between the original building and the wing to the north that is to remain.

### **Relevant History:**

There have been a number of planning applications and conservation area consent applications submitted dating back to the late 1950's. However the most relevant and recent applications relating to the proposed scheme are as follows:

EPF/0988/98 - Partial demolition and redevelopment of existing bedroom blocks and ancillary accommodation and site works – refused 26/05/99

EPF/0989/98 - Conservation area consent application for the partial demolition of hotel complex – approved 26/05/99

EPF/1400/99 - Amended application for the erection of extensions including replacement bedroom block – approved/conditions 08/12/99

EPF/0988/04 - Renewal of planning consent EPF/1400/99 for the erection of extensions including replacement bedroom block – approved/conditions 05/07/04

EPF/0989/04 - Renewal of planning permission CAC/EPF/989/98 for the partial demolition of hotel complex – approved 05/07/04

EPF/2360/06 - Outline application for the partial demolition of The Bell Inn and erection of new bedroom wing and Care Home – refused 09/02/07

EPF/2361/06 - Conservation Area Consent for the partial demolition of The Bell Inn – refused 09/02/07

EPF/0279/08 - Outline application for the partial demolition of The Bell Inn and erection of new extension and Care Home – approved/conditions 19/06/08

EPF/0120/11 - Extension of time limit on EPF/0279/08 (Outline application for the partial demolition of The Bell Inn and erection of new extension and Care Home) – withdrawn 20/04/11

EPF/1244/11 - Partial demolition of Bell Inn and erection of extension and care home. Reserved matters (access, appearance, landscaping, and layout) following approval of outline application  
EPF/0279/08 – approved/conditions 16/09/11

### **Policies Applied:**

CP1 - Achieving sustainable development objectives  
CP2 - Protecting the quality of the rural and built environment  
CP3 - New development  
CP9 - Sustainable transport  
HC6 - Character, appearance and setting of conservation areas  
HC7 - Development within conservation areas  
HC9 - Demolition in conservation areas  
CF2 - Health care facilities  
DBE1 - Design of new buildings  
DBE2 - Effect on adjoining properties  
DBE3 - Design in urban areas  
DBE6 - Car parking in new development  
DBE9 - Loss of amenity  
GB2A - Development in the Green Belt  
GB7A - Conspicuous development  
LL10 - Adequacy of provision for landscape retention  
LL11 - Landscaping schemes  
ST1 - Location of development  
ST2 - Accessibility of development  
ST4 - Road safety  
ST6 - Vehicle parking  
I1A - Planning obligations

### **Summary of Representations:**

26 neighbouring properties were consulted and a Site Notice displayed on the site.

EPPING TOWN COUNCIL – Object to this application which adds little weight or merit to the conservation area in which it is situated.

CITY OF LONDON – No objection.

### **Issues and Considerations:**

Outline planning permission has been granted in June 2008, and a reserved matters application has subsequently been allowed in 2011 which enables the development to start any time up until September 2013. This proposal is to extend the time limit for the outline consent to allow for a further three years for a Reserved Matters application to be submitted (despite that a Reserved Matters application has subsequently been submitted and approved). Therefore the key considerations are whether there have been any material changes to policy, the site, or in general since the date of the previous approval.

The application site is located within the Green Belt and constitutes inappropriate development which, by definition, is harmful to the openness of the Green Belt. The previous outline consent was considered acceptable due to very special circumstances, namely that it was accepted that there was a high need for additional residential care homes within the District. Given the nature of this argument, such 'need' would need to be reassessed at this time.

The originally stated 'need' put forward in 2008 was questioned by the Local Planning Authority, as such a strong need would usually warrant a speedier implementation of the previous consent than seen here. Concerns for an updated need survey were raised with the applicant and the former extension of time limit application (EPF/0120/11) was withdrawn so a fresh argument could be

submitted. This comes in the form of a Care Needs Assessment dated April 2011 submitted with this application. The assessment puts forward the following:

Submitted Needs Assessment (applicant's case):

- There is a national need for additional care beds for dementia patients.
- There is a rising population of older people within the Region that will require care.
- Based on the above projections there is a similar rising local need for additional general care and dementia specific care home spaces.
- The existing care provision has been analysed and reveals that there is an immediate shortfall in care bed spaces.
- Whilst figures show that there is no current or potential requirement for additional dementia spaces "*it is highly unlikely that all the bed spaces registered to provide dementia patients are in fact exclusively used by such patients, as in reality homes often focus on care of the general elderly, which is on the whole less intensive in terms of the number of staff that are required. This can therefore show a misrepresentation in terms of the provision for dementia care*". It is therefore considered that "*in reality therefore, the actual availability of bed spaces for dementia patients is significantly lower than the data would suggest*".
- The approved, but not yet implemented, permissions for further care home developments will not meet the expected demand for the future.

The assessment therefore summarises that there is an existing and future shortfall in care bed spaces, and that the number of bed spaces available for dementia patients could be less than would appear to be the case. The proposed development would go towards addressing this need and therefore this constitutes very special circumstances that outweigh the harm to the Green Belt.

LPA appraisal of Needs Assessment:

The submitted Needs Assessment was forwarded to Essex County Council Social Services for comment, who have responded with the following:

- The estimates used within the Needs Assessment are Laing and Buisson's 'Care of the Elderly People UK market survey' 2007. However more recent national estimates from Laing and Buisson's 2010 market survey are slightly lower than those used within the applicant's assessment. As such the report uses out of date estimates that over inflate the estimated need within Epping Forest.
- The applicant's report states that the "*current capacity in Epping is 19 homes with a total of 1,003 beds of which 923 are for dementia*". However this includes Goldenley with 38 beds, which is not in the Epping Forest area, and excludes 4 homes in the Epping Forest district. Namely, Forest Place, Gable Lodge, Wensley House and West Lodge Care Home, with an additional 170 beds for older people. The total number of homes in Epping Forest as described on the Care Quality Commission website as of 15th June 2011 registered for either older people and/or dementia is 22 homes with a total of 1,135 beds.
- It is considered by ECC Social Services, based on their calculations, that the current supply is sufficient to meet local needs whilst retaining a 235 bed surplus, and despite the anticipated increase in need, by 2020 the current supply will still be sufficient to meet future needs with a 75 bed surplus.
- They also state that "*an increase in the older people's population does not always equate to an increase in demand for registered care. National figures show that despite significant increases in the population of older people since 2004 there has only been a 1.1% increase in the number of care home placements. This suggests people's needs are being met by alternative service provision rather than registered care*".

Further to the above ECC comments, it is considered that the applicant's assumption that "*it is highly unlikely that all the bed spaces registered to provide dementia patients are in fact*

*exclusively used by such patients*” is unsupported by any evidence. Furthermore, a great emphasis has been placed on the need for additional bed space for dementia patients, however there has been no previous indication that the proposed development would provide for dedicated dementia spaces. There is no legal agreement proposing such and therefore little weight has been given to this.

The general national or regional need for care home provision should also be given very little weight as this does not justify why such need should be met in this Green Belt location. Far more suitable sites (i.e. outside of the Green Belt) within the Region are likely to be available to meet such general needs, and no justification has been provided as to why other such sites would not be suitable. As such only the local need, which Essex County Council does not consider exists, should be considered.

Whilst back in 2008 it was considered that there was a need for additional care home facilities in the District, this is no longer the case and as such the very special circumstances previously argued are no longer accepted. The development is therefore inappropriate and by definition harmful.

#### Other harm:

When assessing a case for ‘very special circumstances’, PPG2 states that “*very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*” (my emphasis). It was previously considered that, with regards to the physical harm to the openness and character of the Green Belt, *‘the new use would not have a materially greater impact on the Green Belt than the present use of the site’*. This is still considered to be the case. Furthermore, as previously highlighted in the 2008 Committee Report, the new development could enhance the overall appearance of the conservation area if appropriately designed.

A consultation response has been received from NHS West Essex with regards to the development, which objects to the proposed development as there has been no assessment undertaken of the likely impact upon the health care infrastructure of the surrounding area. No mitigating measures have been put forward and therefore the necessary social infrastructure to deliver a sustainable development has not been proven on this site. The erection of a new care home would put greater stress on the existing health care facilities within the area, such as doctors’ surgeries. A calculation of the cost of accommodating the additional residents of the proposed care home have been undertaken by NHS West Essex, with a 10% discount to account for the likely local catchment calculated. The results of this would require a financial contribution of £48,084 (which is still substantially less than the actual cost to the health authority) to successfully mitigate the harm that would result from the proposed development. This requirement was not highlighted in 2008 when the calculation of the cost to the Health Authority from such developments was not undertaken. Now the method of calculating such costs is established and it is considered that this material consideration should be taken into account in determining this application. This requirement has been put to the applicant; however they are unwilling to make a financial contribution.

#### Conclusion:

In conclusion, the proposed development constitutes inappropriate development that is, in principle, harmful to the openness of the Green Belt. Furthermore, the proposed development would result in additional stress on existing health care provision. The financial contribution required to successfully mitigate this harm to existing health care facilities has not been put forward, and the argument regarding local need for additional care bed spaces is considered to be non-existent. As such there are no very special circumstances that exist to clearly outweigh the above identified harm.

Planning permission has already been granted for the Reserved Matters application that is valid until 2013, which makes this proposal somewhat redundant and Members may feel that this is the overriding issue and a further extension of time which would enable alternative details to be submitted and may put off development until 2015 is not particularly harmful. However this extension of time limit application for the previous Outline Consent must be considered in the light of current knowledge on this basis is considered contrary to Local Plan policy and is therefore recommended for refusal for the reasons set out above.

***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)***





**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1603/11
<b>SITE ADDRESS:</b>	St Johns C of E School Tower Road Epping Essex CM16 5EN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Essex County Council & Diocese of Chelmsford
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 12 of planning permission EPF/1400/04.(For the demolition of existing school, construction of new secondary school and residential development.) To allow an increase in the gross floorspace of the approved school from 7,880m <sup>2</sup> to 7,950m <sup>2</sup> .
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=530241](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530241)

**CONDITIONS**

- 1 The new school hereby permitted shall not exceed 2 storeys or have a floor area greater than 7,950sq metres.

**And subject to the applicant first completing deeds of variation with regard to the existing Unilateral Agreements and Legal Agreement Under Section 106 in relation to EPF/1400/04 to ensure that they also apply to this revised decision.**

*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))*

**This application was deferred from a previous plans east committee with a request for additional information regarding the Biomass Boiler that was proposed. This aspect of the accompanying application has now been removed and this application is now to amend the condition to provide a much smaller additional floor area than that originally requested, which is required in connection with the gas heating system that is now proposed. The description of development and the report have been amended accordingly.**

### **Description of Proposal:**

Outline planning permission EPF/1400/04 for the demolition of St Johns School and the construction of a new school on adjacent Green Belt land and residential development on the original school site, was granted subject to many conditions including condition 12 that required that the replacement school should have a gross floorspace of no more than 7,880 square metres. The approved reserved matters application EPF/0585/09 was in compliance with this condition. The application now before you is linked to the next item on the agenda, which seeks agreement to material amendments to the approved scheme. The proposed amendments include a small increase in the floor area of the building, essentially infilling at ground floor beneath an existing first floor overhang, adding 70 square metres to the total floorspace of the school, to improve the space available for the gas heating system for the school. This addition if approved would take the gross floor area of the school beyond the limitation set by condition 12 of the outline consent. to a gross floorspace figure of 7,950 square metres. Therefore if members are to grant the next item on the agenda, there is a need to agree a variation of this condition first to avoid the development being in contravention of the requirements of the outline consent.

For this reason the two items need to be considered together.

### **Description of Site:**

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

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

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

### **Relevant History:**

EPF/1400/04 Outline application for demolition of existing school and erection of a replacement school and redevelopment of existing school site for residential. Approved December 2006 by Secretary of State.subject to unilateral agreements and agreement under section 106.

EPF/0585/09 Reserved matters application for replacement school and residential development Approved.

EPF/1225/11 Non material amendment to EPF/0585/09 approved

EPF/1604/11 Minor material amendment. (Concurrent application)

### **Policies Applied:**

GB2a Green Belt

### **SUMMARY OF REPRESENTATIONS:**

202 neighbouring residents were notified of the application, as were the CPRE, and the Conservators of Epping Forest.

**The following comments were received in response to the original proposal which was for a 200 square metre addition to enable construction of a separate building to house biomass boiler units.**

TOWN COUNCIL- Object to this application and take the view that it will appear unsightly on this site and is not in keeping with the general design of the school. Committee also expressed

concern at the visual aspect of the chimneys. It was noted that the building will only be cloaked by vegetation during the summer months and therefore care is needed to ensure that any further building on this site is well away from the surrounding green belt environment..

The CITY OF LONDON (Conservators of Epping Forest) – No observations

26 LOWER BURY LANE- (Commenting on both this application and the next on the agenda) Object as insufficient information has been provided regarding the environmental and public health impact of the proposal. The proposed siting is not an issue but raise concern over potentially harmful effects of the boiler emissions on the local area especially as prevailing wind would blow emissions in the direction of Lower Bury Lane/Bury Road and Tower Road. An emissions dispersion study is therefore needed.

**Following the amendment to take out the biomass building and revert to gas heating within a slightly extended floorspace, everyone previously consulted was reconsulted.**

**At time of writing no further responses have been received. Any comments that are received will be reported orally at committee.**

### **Issues and Considerations:**

The school redevelopment site is within the Metropolitan Green Belt. In granting outline consent for the development contrary to established Green Belt Policy in 2006 the Secretary of State considered that there were very special circumstances relating to the need for the new school at the site that were sufficient to outweigh the harm from the development. However in granting consent subject to a condition restricting the gross floorspace of the replacement school it is clear that at that time it was considered that only that level of floorspace was justified. The only issue therefore in the determination of this variation of condition application is whether the proposed increase in gross floorspace to add a further 70 square metres can be justified in Green Belt terms or whether the harm from such an increase in floorspace would be such as to make the redevelopment unacceptable.

It is officer's view that given the overall scale of the school development proposed the additional 70 square metres is minimal and can be achieved without harm to the openness of the Green Belt or the purposes of including land within the Green Belt. It is an increase in floor area of less than 1% over the approved level and will not in principle have an impact on openness. Given that it has been accepted that there are very special circumstances sufficient to enable the construction of the replacement school in the Green Belt, it is reasonable in officer's view to accept that these circumstances are sufficient additionally to overcome the very limited harm from a further 70 square metres of floorspace.

The design of the additional floorspace is to be assessed separately under the application for material amendments which is next on the agenda. The proposed variation to condition 12 to allow an increase in gross floor area of the school is therefore recommended for approval subject to deed of variation being completed to ensure that the legal agreements that are tied to the current consent are linked to the revised 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:***

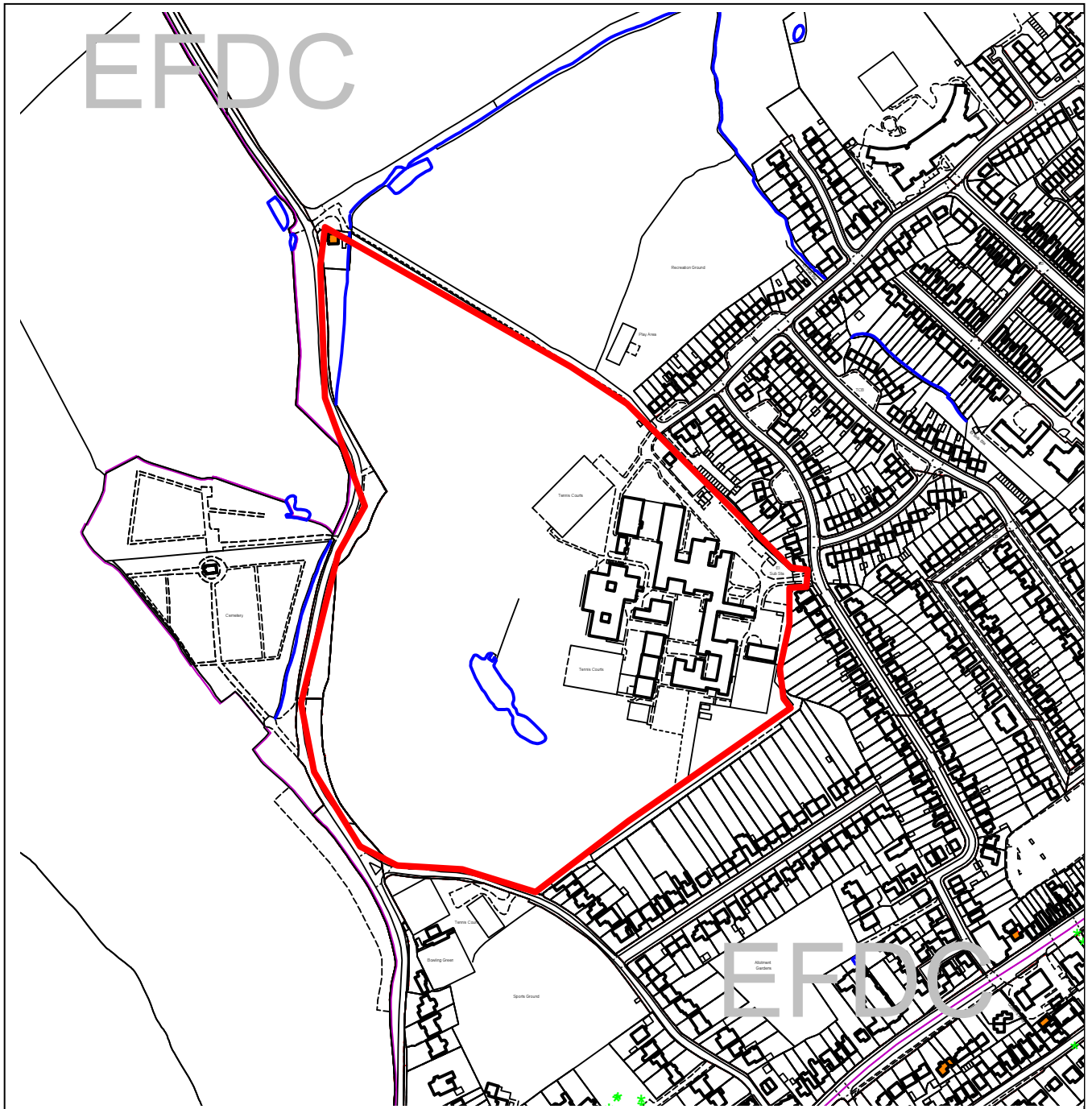
***Planning Application Case Officer: Jill Shingler  
Direct Line Telephone Number: 01992 564106***

***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 &amp; 3</b>
Application Number:	EPF/1603/11 & EPF/1604/11
Site Name:	St Johns C of E School, Tower Road, Epping, CM16 5EN
Scale of Plot:	1/5000

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1604/11
<b>SITE ADDRESS:</b>	St Johns C of E Secondary School Tower Road Epping Essex CM16 5EN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Essex County Council & Diocese of Chelmsford
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 1 of planning permission EPF/1225/11. (Non material amendment to EPF/0585/09. Reserved matters application (siting, design, external appearance and landscaping) for the demolition of existing school, construction of new secondary school and residential development of 149 dwellings including 38 affordable dwellings) to enable minor material amendments to this approved secondary school including alterations to elevations, fencing and layout.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions) and Subject to the prior approval of EPF/1603/11.

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=530242](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530242)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

School site: DPA/201 Rev. 03, DPA/202 Rev. 02, DPA/203 Rev. 02, DPA/204 Rev. 02, DPA/301 Rev. 02, DPA/302 Rev. 01, DPA/303 Rev. 02, DPA/401 Rev. 03, DPA/402 Rev. 03, DPA/501 Rev. 01, MCA0508/02b

Residential Site: 1331-P001, 1331-P002, 1331-P003, 1331-P004, 1331-P005, 1331-P006, 1331-P007, 1331-P008, 1331-P009, 1331-P010, 1331-P011, 1331-P012, 1331-P013, 1331-P014, 1331-P015, 1331-P016, 1331-P017, 1331-P019, 1331-P020, 1331-P022 Rev A, 1331-P023 Rev A, 1331-P024, 1331-P025, 1331-P030, 1331-P035, 1331P101-A
- 2 The materials for the school development hereby approved shall be those set out in the schedule of materials drawing DPA/701 Rev. 1. Details of the types and colours of the external finishes for the approved housing development shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development of the housing, and the development shall be implemented in accordance with such approved details.

- 3 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 4 Wheel washing facilities detailed in the submitted site logistics plan and method statement shall be used during the school construction to clean all vehicles leaving the site.  
  
Wheel washing or other cleaning facilities for vehicles leaving the site during construction works on the housing development shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 5 The radii of the new road off Tower Road shall be the maximum possible, within the land ownership of the applicant and the details of this shall be submitted to, and agreed in writing by, the Local Planning Authority, prior to commencement of development of the residential element of the development.
- 6 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within 12 months from the occupation of such dwelling.
- 7 Any new planting by the vehicular access to plots 40 and 41 shall be set back outside of a sight splay of 2m x 31m.
- 8 Where existing trees in close proximity to the roadway are retained, details of protective measures to ensure the roadways/footpaths are constructed to an adequate standard shall be submitted to, and agreed in writing by, the Local Planning Authority. The works shall then be completed in accordance with these agreed measures.
- 9 Any trees proposed within the highway shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and sited clear of all underground services and visibility sight splays.
- 10 The development of the residential area and the public open space (green wedge), must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a

timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

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

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

- 11 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 12 Within 1 month of the date of this approval, full revised details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) with regard to the school site shall be 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.
- 13 A Landscape Management Plan for each phase of development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of each phase of the development for its permitted use. The landscape management plan shall be carried out as approved.
- 14 The landscape scheme shall include full details of the proposed drainage for the playing fields and an associated swale pond including levels, layout and planting proposals for the pond.

- 15 No development within each phase of development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 16 Prior to any works, including works of demolition or site clearance, on any phase of development, a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) for that phase shall be submitted to the Local Planning Authority and approved in writing. 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.
- 17 The public foot/cycle paths to link the school and residential development on the site and shown on the approved plans shall be implemented and retained in accordance with the approved scheme.
- 18 The garaging and parking spaces shown on the approved plans shall be provided prior to the first occupation of the development and shall be retained thereafter for the parking of residents and visitors vehicles.
- 19 The school hereby approved shall not be occupied until an access and car park management strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved strategy shall thereafter be implemented unless otherwise agreed in writing with the Local Planning Authority.
- 20 The school hereby approved shall not be occupied until space has been provided within the site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site clear of the highway, including provision for school buses. Such space shall be adequate to allow all vehicles to enter and leave the site in forward gear. It shall be retained thereafter free of any impediment to its designated use.
- 21 The scheme for improving the quality of the playing fields (including ground levelling and drainage and maintenance) submitted under EPF1444/11 shall be implemented in accordance with the submitted details prior to occupation of the site.
- 22 The school hereby permitted shall not be occupied until a scheme for the community use of the school's sports facilities (including the sports hall, hard courts, and playing fields) has been submitted to and approved by the Local Planning Authority in consultation with Sport England. The scheme as approved shall be implemented unless otherwise approved in writing by the Local Planning Authority. The approved scheme shall be reviewed at not less than 3 year intervals to include the resubmission to, and approval in writing by, the Local Planning Authority.
- 23 The school hereby permitted shall not be occupied until a scheme for the community use of the school buildings has been submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented unless otherwise agreed by the Local Planning Authority. The approved scheme shall be reviewed at not less than 3 year intervals to include the resubmission to, and approval by, the Local Planning Authority.



- 24 The school hereby permitted shall not be occupied until provision has been made for a minimum of 22 staff and 300 pupil secure covered cycle spaces in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
- 25 No more than 44 permanent car parking spaces shall be provided for staff and visitors within the new school site hereby permitted. Any proposals for the dual use of hard surfaced areas to provide additional parking out of school hours or for special events shall not be implemented without the prior written approval of the Local Planning Authority.
- 26 Prior to the occupation of the new school hereby permitted, a school travel plan, including arrangements for its monitoring and updating, shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The approved travel plan shall be implemented in accordance with an approved programme.
- 27 The existing school buildings shall not be demolished until the replacement school has been substantially completed.
- 28 No external lighting shall be installed within the grounds of the proposed school unless a scheme for its provision has first been submitted to and approved in writing by the Local Planning Authority.
- 29 Highway works in connection with this development shall be carried out in accordance with the details set out in the Legal Agreement under section 278, dated 18 July 2011 or any subsequent variation.
- 30 No part of the residential or school developments shall commence until details of on site drainage works to serve that part of the development have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed.
- 31 The existing pond and associated planting shall be protected during the course of the construction works from damage arising from the works. The landscaping scheme shall include plans and specifications for the protection measures (which shall include measures intended to retain existing water levels in the pond during and after the works) and a programme of implementation and monitoring of the pond protection measures.

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

**This application was deferred from a previous Plans East Committee with a request for additional information regarding the proposed Biomass boiler units and the potential environmental impacts of their operation. The applicants subsequently removed this**

**element of the proposal, opting instead to revert back to a gas heating system and supplementary photo voltaic roof panels. The previously proposed biomass building has therefore been completely removed from the scheme. In addition in response to the request from neighbours a thorn hedge has now been added along the boundary of the site with the rear of numbers 5-19 (odds) Bury Road and the side boundary of No 30 Lower Bury Lane.**

**The description of development and the report have both been amended to reflect these changes.**

### **Description of Proposal:**

This is an application for minor material amendments to the previously approved school and housing development. The changes relate only to the part of the approval that relates to the new school. The overall scheme has not changed but in the course of working towards the actual building of the new school at the site the plans have evolved and changed slightly to meet changing school requirements, building regulations and sustainability issues. Many of the changes are very minor and possibly could have been dealt with under officer's delegated powers as non material amendments, but in their totality they are considered to amount to minor *material* amendments and all the proposed changes have therefore been incorporated into a single application for ease of reference.

The full list of the changes to the originally approved plans is set out below:

1. Site fencing – addition and amendments.
2. Extent of grassed playing fields and the inclusion of the summer sports area.
3. Adjustment to the plan of the All Weather Pitch to allow for hockey.
4. Inclusion of the lower drainage swale
5. Re-arrangement of the planted terraces and paving to the front of the school to allow improved access.
6. Steps adjacent to amphitheatre.
7. Arrangement of lower hard play area on the north side and access paths from the school building to allow better (DDA compliant access).
8. Paths to sports fields to allow better (DDA compliant) access.
9. Position of Lower Bury Lane turning head revised as part of the Section 278 agreement
10. Re-location of externally located sprinkler storage tanks in order to allow better (DDA compliant) playing field access.
11. Lowering of building – ground floor lowered by 200 mm to 101.800.
12. Sports Hall roof – levelled by raising west side and lowering east side in order to achieve requisite height for Badminton.
13. Roof ventilators - location, size and number of roof ventilators as part of detailed technical design.
14. Addition of designated area for photovoltaic panels.
15. Size and orientation of brise soleil – in response to environmental performance requirements.
16. Elevational treatment to Sports Hall and north elevation including first floor Drama area and stairs.

17. Omission of windows on North elevations of learning clusters.
18. Alteration to raised roof over learning cluster central area and stairs.
19. Alignment of the Science area wall to the south and west and position of cluster fire exit door.
20. Position of the eastern learning cluster- moved towards west

These amendments all relate to the school element of the approved development, the plans do not incorporate any changes to the approved housing scheme.

### **Description of Site:**

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

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

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

### **Relevant History:**

EPF/1400/04 Outline application for demolition of existing school and erection of a replacement school and redevelopment of existing school site for residential. Approved December 2006 by Secretary of State subject to unilateral agreements and agreement under section 106.

EPF/0585/09 Reserved matters application for replacement school and residential development Approved.

EPF/1225/11 Non material amendment to EPF/0585/09 approved

EPF/1603/11 Variation of condition 12 of Outline consent (concurrent application).

### **Policies Applied:**

CP01 - Achieving Sustainable Development Objectives

CP02 - Protecting the quality of the Rural and Built Environment

CP04 - Energy Conservation

CP05 - Sustainable Building

CP07 - Urban Form and Quality

GB2a Green Belt

RST01 Recreational, sporting and tourist facilities

DBE01 Design of new buildings

DBE04 Design in the Green Belt

DBE9 Loss of amenity

LL01 Character appearance and use of the rural landscape

RP5A Adverse environmental impacts.

### **SUMMARY OF REPRESENTATIONS:**

202 neighbouring residents were notified by letter and site notices were erected.

**The following comments were received in response to the application as originally submitted, with the inclusion of a 200sq metre biomass boiler building with 3 8metre chimneys. This controversial element of the scheme has now been removed.**

TOWN COUNCIL - Object to this application and take the view that it will appear unsightly on this site and is not in keeping with the general design of the school. Committee also expressed concern at the visual aspect of the chimneys. It was noted that the building will only be cloaked by vegetation during the summer months and therefore care is needed to ensure that any further building on this site is well away from the surrounding green belt environment..

THE CITY OF LONDON (Conservators of Epping Forest) – No observations

26 LOWER BURY LANE - (Commenting on both this application and the previous one on the agenda) Object as insufficient information has been provided regarding the environmental and public health impact of the proposal. The proposed siting is not an issue but raise concern over potentially harmful effects of the boiler emissions on the local area especially as prevailing wind would blow emissions in the direction of Lower Bury Lane/Bury Road and Tower Road. An emissions dispersion study is therefore needed.

30 LOWER BURY LANE - Would like fencing along perimeter to be 2 metres and would like a thorny hedge for security. Who will be responsible for this fence, would like to know plans for lighting as we overlook the site. Note biomass boiler plant is downwind would like to know what fuel it is likely to burn and what emissions it will emit.

Standard letters were received from the following addresses:

25 Bury Road  
43 Bury Road  
5 Bury Road  
23 Bury Road  
39 Bury Road  
41 Bury Road  
13 Bury Road  
7 Bury Road  
9 Bury Road  
21 Bury Road  
15 Bury Road  
29 Bury Road

This letter states "...we note that there has been an alteration to the perimeter fencing. The height of which is intended to be 1.8 (6'). We would like this raised to the maximum 2 metres (6'6"). Can we also ask you to plant a thorny hedge for security reasons as we are constantly pestered by intruders from the school site to the rear of our properties."

**Following receipt of amended plans removing the biomass boiler building and adding a thorn hedge along the boundary with the rear of properties in Bury Road all neighbours were reconsulted on the amendments on the 9<sup>th</sup> of January.**

**At time of writing this report no responses have been received, any comments we do receive will be reported orally at Committee.**

## **Issues and Considerations:**

The main considerations in the determination of this application relate to whether the changes proposed are acceptable in the Green Belt and design terms and the impact on residential amenity of the proposed changes.

### **Green Belt**

The amendments include a marginal change in the floorspace of the building from 7,880 sq m to 7,950 sq metres (an increase of 70sq m. however this is beneath an already approved overhang of the building and in visual terms there is no impact on openness.

The other proposed changes to the approved scheme do not add significant built form or height or include any changes that would have a greater impact on the Green Belt than the existing approved plans and as such they are considered acceptable in Green Belt terms.

### **Design**

In design terms most of the other changes proposed to the elevations of the school building are relatively minor and cosmetic. The biggest change is the change to the roof of the sports hall element of the building, which was originally intended to be sloping and has now been levelled to enable adequate height for use for badminton. This compromise is not ideal in design terms, diluting the original interesting front façade of the building, but is a practical solution to the problem without raising the overall height of the school building. Other changes include a change to the front façade materials so that there is less timber cladding. Again this results in greater expanse of brickwork and makes the sports hall in particular look a little more stark than the approved scheme but again this was a practical solution to building control requirements and in the context of the site, (where the school building stands alone and is not prominent in the street scene) is considered acceptable.

Other changes are to elements such as window and door details, materials and disabled access improvements are minor in nature and do not adversely affect the overall design of the school or its impact in the landscape.

### **Residential Amenity**

With regard to the proposed fencing of the site, the originally envisaged scheme showed close boarded fencing of 1.8m height along the perimeter of the school site adjacent to the rear of properties in Bury Lane. Following the concerns raised by a number of neighbours revised drawings have been submitted which indicate that this area of fencing will be raised to 2.1 metres in height to improve security and a thorn hedge is now proposed along the boundary of the site with the side of no 30 Lower Bury Lane, and the rear of nos 5- 19 Bury Road. It should be noted however that there is a strip of land between the boundary of the site and the rear boundaries of these properties that is not within the ownership of the applicants.

The proposed fence height of 2.1 metres is considered sufficient to improve security whilst at just 10cm higher than what could be achieved as permitted development it will not have an adverse impact on residential amenity.

It is not considered that any of the other changes proposed would impact on residential amenity.

## **Conclusion**

In conclusion therefore it is considered that the minor material amendments proposed which are generally required to enable the proposed school to meet changed standards, requirements and

sustainability targets, do not adversely impact on the openness of the Green Belt, on the amenities of neighbours or on the overall character and visual amenity of the area. The amendments are therefore considered to be in accordance with the adopted policies of the Local Plan and Alterations and are recommended for approval.

As the agreement to minor material amendments results in a new permission for the whole development, not just the changes, all the conditions that applied to the original reserved matters application need to be repeated on the decision together with any new conditions that arise as a result of the changes.

***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: Jill Shingler  
Direct Line Telephone Number: 01992 564106***

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

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1898/11
<b>SITE ADDRESS:</b>	Rear of 25 Millfield High Ongar Ongar Essex CM5 9RJ
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Hastoe Housing Association
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed affordable housing development (4 dwellings.)
<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=531280](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531280)

**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 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.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2898.03 rev.1; 2898.10 rev. D; 2898.11 rev. D; 2898.12 rev.A
- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. 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.
- 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 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]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model



Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (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.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 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.
- 13 Prior to the commencement of the development hereby approved, details of the proposed method for the drainage of surface water within the site shall be submitted to the local planning authority for approval in writing. The drainage system shall be implemented in accordance with the agreed detail, prior to the first occupation of the development.

- 14 Prior to the commencement of the development hereby approved, details of the proposed method for the disposal of foul sewerage from the site shall be submitted to the local planning authority for approval in writing. The system shall be installed in accordance with the agreed detail, prior to the first occupation of the development.
- 15 Details of the proposed surface materials for the access road shall be submitted to the local authority for approval in writing. The access road shall be provided in accordance with the agreed detail and as shown on approved plan no. 2898.06 rev.i, prior to the first occupation of the development.
- 16 Prior to the first occupation of the dwellings hereby approved, the parking spaces shown on approved plan 2898.06 rev.i shall be provided.
- 17 No unbound materials shall be used in the construction of the access road within 6 metres of its junction with Millfield.
- 18 Prior to the commencement of the development hereby approved, a method for storing and collecting waste at the application site shall be submitted to the local planning authority for approval in writing. The development shall proceed in accordance with the agreed detail and the provisions for storing/collecting waster shall be implemented prior to first occupation of the dwellings hereby approved.
- 19 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 Schedule 2, Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 20 Prior to first occupation of the development hereby approved, the proposed window opening(s) at first floor level in the flank elevation(s) of the dwellings at plots 2 and 3 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.
- 21 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

### **Description of Site:**

The application site comprises an area of vacant land located between the residential development of Millfield and the agricultural land to the west. At present the site is fairly overgrown and contains some waste items.

The rear gardens of neighbouring residential properties bound the site to the north, east and south. Along the eastern boundary the line of existing boundary fence is irregular and in the case of one property, there is no physical boundary at present.

The land level falls from the south to the north – as a result the neighbouring dwellings 33 and 34 Millfield are set at a lower land level.

The site is located outside of the Metropolitan Green Belt, although the green belt boundary does run along the western boundary of the site.

### **Description of Proposal:**

This application seeks planning permission for a residential development to provide four affordable semi detached dwellings, which will be available for affordable rent through Hastoe Housing Association.

Both pairs of houses would be two storeys in height with traditional form hipped pantile roofs. The dwellings would have a simple rectangular footprint. The pair of 2 bed houses (at plots 1 & 2 – closest to the access road) would have a combined footprint of 6.5 x 15.3 metres; a height to eaves of 4.8 metres; and a ridge height of 7.6 metres. The pair of 3 bed houses (at Plots 3 & 4) would have a combined footprint of 7.8 x 14.5 metres; a height to eaves of 4.8 metres; and a ridge height of 8.1 metres.

All four houses would be constructed using straw bales within a load-bearing timber frame and other sustainable construction methods/materials would be utilised, including the use of sedum roofs to the front porches. The submitted plans indicate that renewable technologies including photovoltaic panels, air-source heat-pumps and water butts will also be installed. Access will be via the existing access onto Millfield, although this will be widened and improved. The plans have been amended to retain the existing right of way through the site to the agricultural land at the rear.

9 allocated and 2 visitor parking spaces would be provided within the development.

### **Relevant History:**

None relevant

### **Policies Applied:**

#### Local Plan

##### *Core Policies-*

- CP1 - Achieving Sustainable Development Objectives
- CP2 - Protecting the Quality of the Rural and Built Environment
- CP3 - New Development
- CP4 – Energy Conservation
- CP5 – Sustainable Building
- CP6 – Achieving Sustainable Urban Development Patterns
- CP7 – Urban Form and Quality

##### *Design and the Built Environment-*

- DBE1, 3 - Design
- DBE 2, 9 – Amenity
- DbE6 = Car Parking

- DbE8 – Private amenity Space

*Landscape and Landscaping-*

- LL10 - Adequacy of Provision for Landscape Retention

*Green Belt-*

- GB7A - Conspicuous Development

*Housing-*

- H3A – Housing Density
- H4A – Dwelling Mix
- H5A – Provision for Affordable Housing
- H8A – Provision of Affordable housing in Perpetuity

*Sustainable Transport –*

- ST4 – Road Safety
- ST6 - Vehicle Parking

*Recycling and Pollution-*

- RP4 – Development of Contaminated Land

*Utilities-*

- U3 – Resist Development resulting in increased risk

**Summary of Representations:**

Notification of this application was sent to High Ongar Parish Council and to 53 neighbouring properties.

The following representations have been received:

HIGH ONGAR PARISH COUNCIL: Objection. High Ongar Parish Council supports EFDC's efforts to provide much needed affordable housing in the District. However, after consultation with local residents, the consensus of opinion is to object for the following reasons:

- The development is situated on disused back land with no proper road frontage.
- There is inadequate access to the development, both in terms of where the access road would be located and width of said access road. We are extremely concerned that no-one from ECC Highways appears to have actually visited the site. We have been told that an officer viewed the plans and does not raise any concerns. However, it is apparent to anybody that actually visits the proposed entranceway how extremely narrow and hazardous it is. This entrance would have a severe impact on existing parking and would certainly cause problems for dustcarts/emergency access vehicles.
- The proposed dwellings are not well integrated with or complementary to the surrounding properties.
- Sewerage issues; residents believe the current drainage system would not cope with an additional four properties. As responsibility for the sewer was only assumed by Thames Water in October 2011 it is felt that they are not in a position to advise with any degree of certainty as to whether the existing sewer capacity is adequate enough to cope with an additional four properties. Residents have continually cited sewer problems over the years as a reason why they are against this development.
- Disturbance to local residents due to increased vehicular traffic during the expected seven month construction period, together with the loss of parking spaces that will result on completion of the build in order to access the new properties.

High Ongar Parish Council feel it is imperative that a site visit is made by members of planning committee to fully appreciate the detrimental impact that this proposed development will have on the surrounding area and trust that if this has not yet taken place then arrangements will be made for one.

Letters of objection have also been received from 6, 7, 19, 29, 30 Millfield and a petition has been received signed by the occupiers of 45 properties in Millfield. The concerns raised are summarised below:

*Parking* - Is inadequate – some houses have up to 4 cars.

*Access* – Concerned regarding emergency access – if the Fire Brigade require yellow lines outside nos. 5, 6 & 7 Millfield then there will be less parking available. The new access joining Millfield will be hazardous and dangerous for drivers and pedestrians - particularly as there will be no footway along the access road.

*Sustainability* – there are poor transport links and access to shops and services are limited without the use of a vehicle.

*Sewerage Disposal* – there are already constant problems with the sewerage system. An additional 4 houses will put a huge strain on this sewer and we are concerned that the electric pump which is suggested for the new houses will in fact make the situation worse – pumping sewage through may increase the chances of blockages under people's properties.

*Loss of Amenity/Devaluation of Properties* – Caused by loss of view over the fields, additional noise and disturbance from the access and the siting of the bin store, disruption during construction.

*Design* – the straw bale houses would not be in keeping with rest of the Millfield estate.

*Principle* – residents feel that the small village has already contributed to affordable housing through the estate at Mill Grove and an additional 2 houses being built in Mill Lane.

*Refuse Store* – size of the bin store is insufficient to accommodate all the required bins. Because of the distance the bin store would be located from the houses, future residents are likely to leave the bins permanently in situ within the bin store.

### **Issues and Considerations:**

The main issues in this case are the impacts of scheme on the amenities of the occupiers of neighbouring dwellings and on the character and appearance of the area.

#### **Principle of Residential Development**

The site, although not previously developed, is located outside of the Metropolitan Green Belt and on the edge of an existing residential development.

The proposal would contribute to the considerable demand within the District for affordable housing and accordingly the principle of the proposed development is to be encouraged. The following sections of this report will further consider the detail of the proposed development.

#### **Design, Character and Appearance**

Within the Design and Access statement, the applicant explains that the design of the proposal has been influenced by the requirements of straw bale building. Notwithstanding this, the style of

the proposed development has a simple and traditional appearance that, whilst not replicating development within Millfield, is largely in keeping with the wider local vernacular.

Whilst the development would be at a higher density than surrounding development it provides modest sized semi detached houses in keeping with the form and scale of the rest of the estate.

When viewed against the context of the existing residential development, it is not considered that the proposed dwelling would appear overly conspicuous when viewed from nearby land within the Green Belt.

### Neighbouring Amenity

The frontages of the proposed dwellings would face towards the rear gardens of nos. 25-29 Millfield. Plots 1 & 2 would be separated from the rear gardens by a distance of ranging between 8-10 metres. These dwellings would not have any habitable windows facing forwards, only a landing and a smaller bathroom window. Plots 3 & 4, would be located approximately 6-11.5 metres from the site boundary. These would each have a bedroom window facing forward – the closest being located approximately 8 metres from the boundary with 28 Millfield (the closest and therefore most affected property). Whilst this relationship will result in some loss of privacy to the garden area of 35 Millfield, due to its length of approximately 35 metres it is not considered that the reduction in privacy would cause detriment to the occupiers' enjoyment of their property. On this basis, it is not considered that this provides justification for the refusal of this planning application.

The lengths of the rear gardens of the houses in Millfield (no. 34 having the shortest garden and being some 20m from the nearest proposed dwelling) are such that an adequate level of outlook would be retained. Some occupiers have objected to the loss of view across the open land – however, in planning terms the loss of view is not afforded such weight as to justify withholding planning permission.

The occupiers of 25 Millfield (and to a slightly lesser degree no. 24) are likely to experience increased disturbance, particularly within their gardens, from the use of the access road. However, due to the limited number of vehicle movements which will relate to the four new dwellings, it is not considered that this harm would be excessive, as would be required under current policy for it to amount to grounds for refusal.

### Parking and Access

In response to concerns raised by local residents during pre-application consultation, the application proposes parking in excess of the Council's normal standards. Two parking spaces are provided for each of Plots 1-3, three spaces for Plot 4 and two additional visitor spaces. This is considered acceptable in this location and should ensure that there is no increase in on street parking as a result of the development.

The access would be via the existing access point from Millfield, which serves the right of way to the agricultural land. The access point onto Millfield would be widened in line with advice provided by County Highways. The access road, which would be 4.2 metres wide and approximately 43 metres in length, would be finished with a permeable surface.

### Surface Water and Foul Drainage

Concern has been raised by both High Ongar Parish Council and local residents regarding the matter of foul drainage, due to some local concern regarding the capacity of the existing sewer.

The Council's Engineering, Drainage and Water Team has been consulted on the planning application and has commented to confirm that they have been involved in discussions with officers of the Housing Directorate and Hastoe Housing Association concerning outstanding matters which need to be addressed prior to a connecting foul sewerage to the main sewer. Accordingly they suggest the imposition of a planning condition requiring the approval of foul drainage details prior to the commencement of the development.

In addition, planning conditions are also suggested that will ensure improved surface water run-off rates from the site and also the drainage surface water. All of these conditions are considered to be necessary, if planning permission is granted.

#### Trees and Landscaping

There are several existing trees within the application site. These have been considered within a tree survey which accompanied the application and this has been reviewed by the Council's Arboricultural Officer, who has noted that an oak tree (misidentified as a maple within the survey) is worthy of retention. The tree is located in a position which sits between the rear gardens of Plots 2 and 3. Subject to the use of piled foundations for the dwellings (which are stated with the Design and Access statement) and subject to a no-dig method being used for the construction of adjacent parking spaces it is considered that this tree can be retained within the proposed development. A planning condition requiring measures to protect this tree is, therefore, recommended.

Furthermore, a planning condition is also recommended to require suitable hard and soft landscaping within the development.

#### Refuse Storage and Collection

A refuse store was initially proposed close to the entrance to the development from Millfield. This was relocated further along the access road, in order to improve the amenity for the occupiers of no 25 – due to the location of the bin store close to the front boundary of their property. It was also considered that relocating the store closer to the new houses would improve the convenience of this facility. However, officers within the Council's Environment Services section have expressed concern regarding the ability of a dustcart to access the bins further within the development.

It is, therefore considered necessary to impose a planning condition requiring the approval of details for the location and design of a bin store facility within the development. The details will be discussed with officers from Environmental Services and the amenity of neighbouring residents will be taken into account.

#### Land Contamination

A Phase 1 land contamination report was submitted with the planning application. This report identified potential risks from a landfill site within 250m of the site and also possible risks from potentially contaminated imported soils. Accordingly, there is a need for further investigations, and possible mitigation, to take place prior to the occupation of the development. This may be secured by the use of planning conditions.

#### **Conclusion:**

In light of the above appraisal, it is considered that the proposed development would provide much needed affordable housing within the District, whilst utilising sustainable construction methods and renewable technologies. The development is broadly in keeping with the style and character of the surrounding residential development and would not cause any material harm to the character and appearance of the area. Whilst the amenities presently enjoyed by the occupiers of some

nearby neighbouring dwellings would be affected, this would not be to the degree that there would be significant harm caused. The development utilises an existing access which will be widened and improved to provide adequate access into the site and the development proposes an acceptable number of parking spaces, in excess of the Council's normal standard. All other material planning considerations have been addressed and accordingly, subject to the imposition of the planning conditions discussed within this report, it is recommended that planning permission be granted.

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

***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

***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>4</b>
Application Number:	EPF/1898/11
Site Name:	Rear of 25 Millfield, High Ongar CM5 9RJ
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2144/11
<b>SITE ADDRESS:</b>	Flanders Oak Hill Road Stapleford Abbots Romford Essex RM4 1JL
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr & Mrs Short
<b>DESCRIPTION OF PROPOSAL:</b>	Loft Conversion with addition of rear dormers and change from hip to gable. (Amended application)
<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=532130](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532130)

**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 differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Site:**

The subject site is located on the northern side of Oak Hill Road approximately 25 metres north-west of the public house known as the Royal Oak within the village of Stapleford Abbots. The site itself is relatively level and is long and narrow in shape comprising of approximately 970 square metres.

Towards the front of the site is a two storey detached dwelling finished from facing brickwork and render with a plain tiled roof. A large hard paved area is located in front of the dwelling which provides off-street parking for residents. Towards the rear of the site is a large private open space area. Located on the side and rear boundaries of the site are a brick and timber paling fence.

The surrounding area is characterised by two storey detached dwellings comprising of different scales, sizes and form. Spaces/gaps between buildings are an important component to the character of the surrounding area and front setbacks within the street scene are consistent.

### **Description of Proposal:**

The applicant seeks planning permission to make amendments to a recently granted planning permission (ref: EPF/1031/10) which was for a loft conversion with two rear dormer windows.

Planning permission was granted previously to convert the existing hipped roof form of the dwelling house into a half hip, half gable roof form. The applicant now proposes to have a full gable roof form instead of a half hip, half gable roof form and to have one long dormer window on the rear roof slope instead of two smaller dormer windows.

### **Relevant History:**

EPF/1031/10 - Loft conversion with two rear dormer windows. (approved with conditions 21/9/10)

### **Policies Applied:**

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

### **Summary of Representations**

STAPLEFORD ABBOTTS PARISH COUNCIL: Objects.

The Parish Council is concerned that the work seems to have started and is ongoing. They are also concerned about the height of the conversion and that the windows on the third floor would be invasive to the adjoining properties.

6 neighbouring properties were consulted and no responses were received.

### **Issues and Considerations:**

The main issues to be addressed are whether the proposed amendments to the already granted permission (EPF/1031/10) are appropriate in relation to its design and appearance and whether they would result in a detrimental impact to the amenities of adjoining occupiers.

#### **Design and appearance:**

Policies CP2 and DBE10 the Epping Forest District Local Plan seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

It is noted that there is a mixture in terms of roof forms within this part of Oak Hill Road. The subject dwelling currently comprises of a hipped roof form with a front projecting gable end although it does have planning permission to convert this into a half hip, half gable roof form. Both adjoining dwellings either side of the subject site have gable end roofs.

The amendment to include a gable roof form instead of a half hip, half gable roof form would not result in a material detriment to the character and appearance of the surrounding area.

Although the overall size of the building would be increased, it is not considered that it would be done in a way that it would appear bulky or large in terms of its massing and scale. The conversion would not result in the overall appearance of the dwelling appearing as a visually intrusive or a dominant feature when viewed from the street scene or from other public vantage points. The ridgeline of the dwelling house would not be increased and as such it would still provide a smooth transition between the heights of adjoining dwellings.

Turning to the design and appearance of the proposed rear dormer window, although it would be one long dormer window in terms of its width instead of two smaller dormers, it would still remain subservient to the dwelling house, and would be set well off the eaves and below the ridgeline. It is appropriate in relation to its size and scale and in the context of this rear elevation it would not be harmful to the character of the surrounding area.

Neighbouring amenities:

It is noted that the dormer would have the potential to overlook into rear private open space areas of adjoining properties. However this is a common occurrence within built up residential areas and the majority of the time it is not uncommon that neighbours can overlook into one another's rear gardens. Plus, there would not be a greater material detriment in relation to overlooking from those conditions that have already been approved under EPF/1031/10 as a result of the new dormer window. The property does not directly face the backs of other properties and the distance from the rear elevation to the rear garden boundary is in excess of 40 metres.

Other issues:

With regard to the Parish Council's concern that works on site have already started, these works are in association with the previous approved application and therefore are appropriate.

**Conclusion:**

In conclusion, the proposed development is appropriate in terms of its design and appearance in that it would reflect the street scene and the character of the surrounding area. It would also not have a detrimental impact to the amenities of adjoining property occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and therefore it is recommended that the application be approved subject to conditions.

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

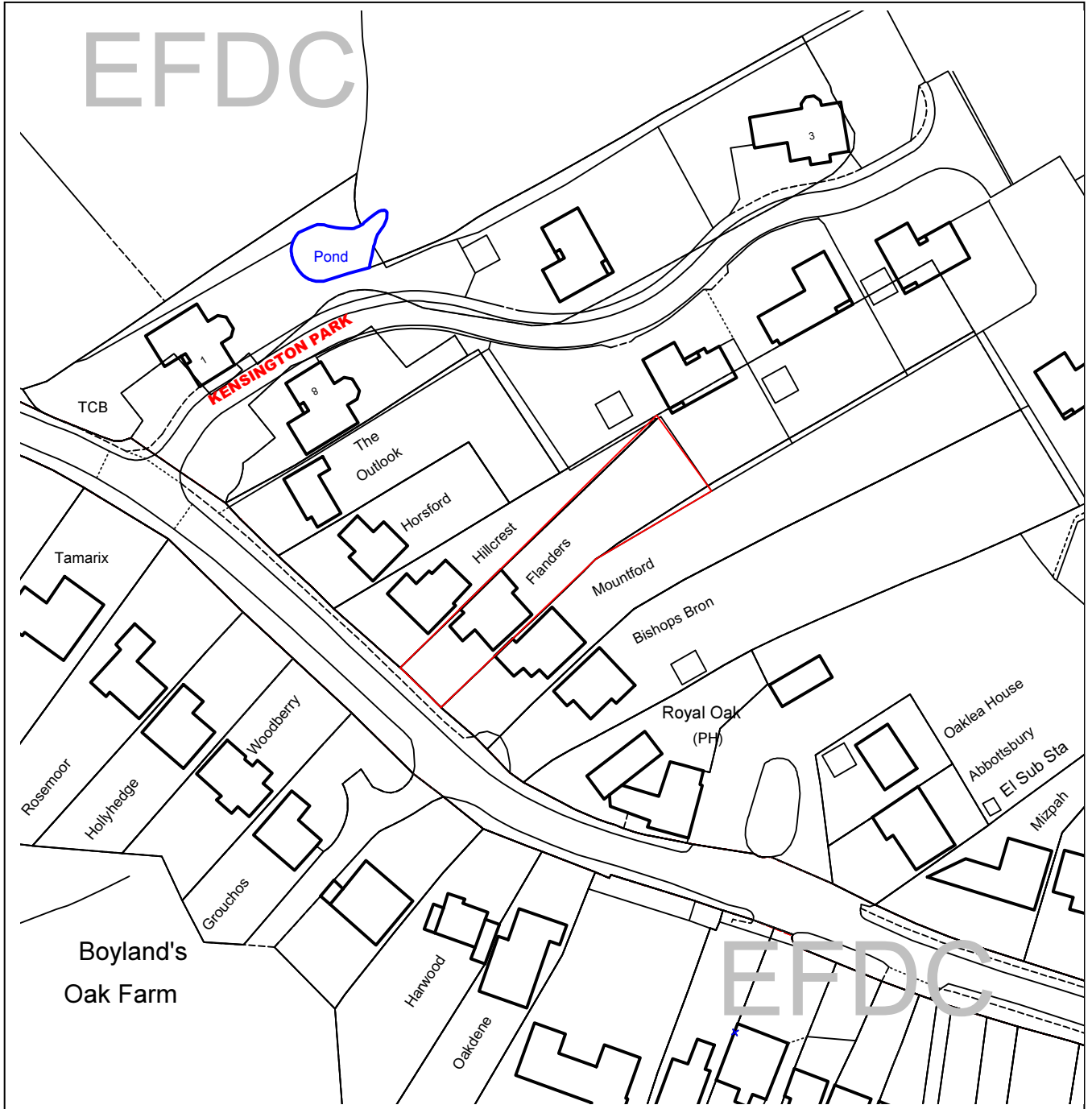
***Planning Application Case Officer: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](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/2144/11
Site Name:	Flanders, Oak Hill Road Stapleford Abbots, RM4 1JL
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2345/11
<b>SITE ADDRESS:</b>	Woodlands Greensted Green Ongar Essex CM5 9LF
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Stewart Spencer
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of Meadow land to private wild life garden and construction of lake.
<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=532852](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532852)

**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 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 3 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 4 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. 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.

- 5 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 6 During construction works of the hereby approved lake, if any known protected species are found, then construction works are to stop immediately and a qualified ecologist is to carry out further survey work and if necessary carry out mitigation plans.
- 7 Before construction works of the hereby lake commence, further details showing the overflow drainage system for the lake shall be submitted and approved in writing by the Local Planning Authority.
- 8 No material excavated from the lake hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 9 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  - 4.. Measures to control the emission of dust and dirt during construction
- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 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.
- 12 The land and lake the subject of this application shall be used only as a private wildlife garden and not for any other use including any business or commercial activity.
- 13 The proposed lake and surrounding landscape features shall be constructed using only cut and fill methods and there shall be no importation of soils.
- 14 No lighting shall be installed in connection with the approved use at any time.

- 15 No buildings, hard surfaces, walls, pathways decking or other structures shall be erected within the site without the prior written approval of the Local Planning Authority.
- 16 The finished levels of the site shall be in accordance with the details shown on approved drawing JEGD.GPL.04-TOOT.04.001.

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

### **Description of Site:**

The subject site is located on the north western side of Greensted Road approximately 90 metres south east of Toot Hill Road within the village of Greensted Green.

The site itself has a moderate slope that falls away from the north western corner to the south eastern corner. The site comprises an overall area of approximately 2400 square metres. A hedgerow comprising of shrubs and small trees is located along the front boundary of the site with Greensted Road.

Currently located close to the north western corner of the site is a large double storey detached dwelling. Vehicle access is via Greensted Road. A number of small outbuildings are scattered throughout the residential curtilage of the site.

The subject site and the surrounding area are located within the Metropolitan Green Belt.

### **Description of Proposal:**

The applicant seeks planning permission for the construction of a lake and for use as a private wildlife garden. The lake would measure approximately 90 metres by 50 metres and would have a maximum depth of 2.5 metres. The lake would be positioned towards the south eastern corner of the site within a field that is outside the residential curtilage. It would be set back a distance from Greensted Road ranging between 10 and 28 metres.

### **Relevant History:**

EPF/0222/11 - Construction of a lake in the meadow garden adjacent to the property (withdrawn)

EPF/2049/09 - Replacement dwelling, new detached garage and entrance gates (approved with conditions)

### **Policies Applied:**

Local Plan policies relevant to this application are:

- CP1 Achieving sustainable development objectives
- CP2 Protecting the quality of the rural and built environment
- DBE4 Development within the Green Belt
- DBE9 Loss of Amenity
- GB2A Development within the Green Belt
- LL1 Rural Landscapes
- LL2 Inappropriate rural development



LL10 Protecting existing landscaping features  
LL11 Landscaping scheme  
NC4 Protection of established habitat  
U03A Catchment Effects

### **Summary of Representations**

#### ONGAR TOWN COUNCIL: Objects

Ongar Town Council has received a number of written and verbal comments from residents about this application. The Council strongly objects to this application as it will destroy an area of meadow land that it believes is of special importance. OTC is also concerned by the likely effect of the use of spoil from the lake on the site and feels that this could lead to disturbances in drainage and a detrimental effect on both the highway and neighbouring properties. The Council is also concerned about the effect of the proposed banks on the street scene and believes there may be the possibility of intrusive overlooking from the raised banks.

Ongar Town Council believes this is a very important application that could change the character of an area that has a good balance of residential properties and habitat for wildlife. We believe that it would be prudent for enquiries to be made of the following bodies:

- The Environment Agency in view of the needs of existing wildlife and the effect of the proposed development on the incidence and control of flooding (which does occur in this vicinity).
- The Highways Authority with regard to sightlines and other possible effects on the road which is both an authorized relief route in the event of motorway blockages and a matter of concern because of excessive speeds.
- An accredited body capable of providing a detailed wildlife assessment and statement of impact from the proposed development on existing wildlife – preferably carrying out an assessment at times that would indicate the use of the habitat by migrant species.

This Council recognizes that although not part of the originating application there is the possibility of ancillary works such as the provision of lighting being installed in the future. OTC feels that residents may have a legitimate concern over matters such as this and asks that if permission is granted they be limited by condition.”

#### NEIGHBOURS:

16 neighbouring properties were consulted and a site notice placed on site. A total of 9 representations (6 objecting & 3 supporting) were received:

##### 1 GREENSTED GREEN, GREENSTED ROAD – Object.

- The lake would result in an increase in flooding within the surrounding area.
- The lake would have a significant impact to wildlife within the surrounding area.
- There would be a loss of privacy to adjoining occupiers as a result of people walking along the mound/embankment of the lake.
- There is a concern regarding potential future lighting of the lake and as such would be detrimental to the amenities of adjoining occupiers.

##### 3 GREENSTED GREEN, GREENSTED ROAD – Object.

- The proposed lake would add to the problem of flooding within the surrounding area.
- The lake would be detrimental to the natural landscape and character of the surrounding area.
- If allowed, the lake would be used for fishing by people not living at the site and hence cause a disturbance to the adjoining occupiers amenities.
- Anyone standing on top of the bank will be able to overlook into adjoining habitable rooms.

#### 4 GREENSTED GREEN, GREENSTED ROAD – Object.

- The proposed lake would lead to flooding of adjoining properties.
- The lake would have a significant impact to wildlife within the surrounding area.

#### 5 GREENSTED GREEN, GREENSTED ROAD – Object.

- Another lake within the surrounding area would be visually intrusive that would not enhance the surrounding environment.
- The creation of the lake is unlikely to entice additional wildlife and existing wildlife would be affected.
- The lake would result in a loss of privacy of adjoining occupiers due to the large banks of the lake.
- Existing waterways and drains are unable to cope during heavy rainfalls. The proposed lake would add to the existing problem of flooding within the area.
- Adjoining occupiers would suffer from lighting pollution if lights are installed in the future.
- The reason for a lack of wildlife on the site now is due to that the applicant's dogs roam the field and it has been mowed.

#### 6 GREENSTED GREEN, GREENSTED ROAD – Object.

- The proposed lake would cause a significant impact upon existing wildlife.
- The proposed lake would add to the increase in risk of flooding within the surrounding area.
- The banks around the lake would give the potential to overlooking into habitable rooms of adjoining properties.
- Future lighting of the lake would lead to light pollution.
- Existing dogs on the site have scared wildlife away.

#### 9 GREENSTED GREEN, GREENSTED ROAD – Object.

- The construction of a lake within the meadow would lead to harmful impact to the natural habitat of birds and wildlife.
- There are plenty of lakes within the surrounding area to sustain pond wildlife.
- The development would lead to a loss of privacy.
- The lake would lead increase in flooding of the local area.

#### WILLOW COTTAGE, PENSONS LANE, GREENSTED GREEN – Support.

- Several other lakes in the surrounding locality have enhanced the surrounding environment and enriched the local wildlife. The proposed lake would contribute to the environment and the wildlife of the surrounding area.

•

#### THE ORCHARD, GREENSTED GREEN – Support

- Taking a look at the plans and supporting documentation, the proposed development only add to the rural nature of Greensted and enhance the wildlife.

## WHITE COTTAGE, GREENSTED GREEN – Support

- I have no objections to the proposed lake as I would not be affected by its position and would benefit from the enhanced view.

### **Issues and Considerations:**

The main issues to be addressed in this case are:

- Design and appearance
- Green Belt
- Neighbouring amenities

#### Design and appearance:

Policies DBE4 and LL2 state that a new development must respect the wider landscape setting and the character of the surrounding area.

There are up to 10 ponds/lakes within the immediate vicinity of the application site including one on the abutting property known as Little Hardings which is approximately the same size as the proposed, if not larger. Although this does not give any justification for allowing the proposed development, it does give some weight in that ponds/lakes are not an uncommon feature within the surrounding area. Hence it would not be out of character within the surrounding locality.

The application was referred to Council's Landscape officer who stated that the principle of having water such as the lake is beneficial, adding to the biodiversity of the area and as a landscape feature. The downside, if any, generally arises with how the water is retained, and whether the necessary banking in itself has an adverse impact.

Soil from the excavation works will be used on site within the meadow and would be used to form the banks around the perimeter of the lake. The banks would be moulded into the natural environment ensuring that the natural setting of the landscape is maintained. It is the landscape officer's view that the proposal could be successfully accommodated into the local landscape without resulting in any adverse impacts to the amenities of adjoining occupiers, particular those south of the site.

Excavation works for the proposed lake would not result in the loss of any vegetation located along the front boundary or impact upon the root systems.

#### Green Belt:

The construction of a lake in this location is of a use that would blend into the natural landscape and be in harmony with surrounding environment. The development would preserve the openness, appearance and character of the Green Belt and it would not conflict with the purposes of including land within the Green Belt. The use is as a private wildlife lake. No commercial use of the site for fishing is proposed.

#### Neighbours amenities

Regarding the concern raised by neighbours in relation to the lake being floodlit or any other sort of lighting, it should be emphasized that no lighting forms part of this application. Any proposed lighting would require planning permission and would be assessed under its own merits in a separate planning application.

As the proposed use is low key private wildlife lake, lighting would be considered inappropriate. A condition preventing lighting is suggested.

Within the objections received, another concern that was raised by neighbours was that the proposed lake would result in a loss of privacy due to overlooking. In particular, anyone walking around the lake on top of the banks would be able to overlook into habitable rooms of adjoining properties.

There would be a distance ranging between 40 metres and 50 metres from the bank of the proposed lake to the front facades of the adjoining dwellings south west of the site. There is also what could be described as hedge comprising a mixture of shrubs and trees located along the front boundary approximately 4 to 5 metres in height. Although the proposed bank of the lake would be 2.5 metres in height, given the distance the lake is setback from the adjoining dwellings and the extensive screening along the front boundary, there would not be an unacceptable amount of overlooking of adjoining properties to warrant a reason of refusal. It is not envisaged given the limited use of the site that there will be much opportunity for overlooking.

#### Other issues:

Turning to the concerns raised by the Town Council and adjoining neighbours regarding the potential increase in flooding due to the proposed lake, it should be noted that the site does not lie within any of Epping Forest District Council's Flood Risk Zones or within any of the Environmental Agency Flood Zone. As such, a flood risk assessment is not required and it is not necessary to consult the Environmental Agency.

The application was referred to Council's Engineering and Drainage officer who stated that they had no objections to the proposed lake subject to a condition requiring further information of the overflow drainage details. It was also stated that the proposed lake would have a positive impact on the surface water runoff of the site with a 2250m<sup>3</sup> freeboard storage.

Other concerns raised by the Town Council and the adjoining neighbours referred to the potential and harmful impact the proposed lake would have on birds and wildlife. A Biodiversity Assessment prepared by Skilled Ecology Consultancy Ltd was submitted as part of the application. The assessment which was conducted in September 2011 found that the ecological value of the site to be low with minimal potential to support protected species. This application along with the biodiversity report was referred to Council's Countryside Manager who stated that they had no objections to the proposed lake subject to a condition requiring that if any protected species is found during construction, then works are to stop and a qualified ecologist is to carry out further survey work and if necessary carry out mitigation plans.

It is an offence to harm protected species, and they are therefore covered by other legislation in any case.

There is no reason to conclude that the proposed construction of the lake would lead to a harmful impact upon highway safety or traffic congested as stated by the Town Council but a condition requiring details of access, parking and working methods to be agreed prior to commencement can be added to reduce this risk further.

#### Conclusion:

In conclusion, the proposed use and the construction of the proposed lake is appropriate in the Green Belt and its design and appearance would respect the wider landscape setting of the surrounding area. It would not cause a harmful impact to the openness and appearance of the Metropolitan Green Belt, nor would it would result in a detrimental impact to the amenities enjoyed

by adjoining property occupiers or result in increased flood risk. The proposed development is in accordance with the policies contained within the Adopted Local Plan and Alterations and therefore it is recommended the application be granted permission subject to conditions.

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

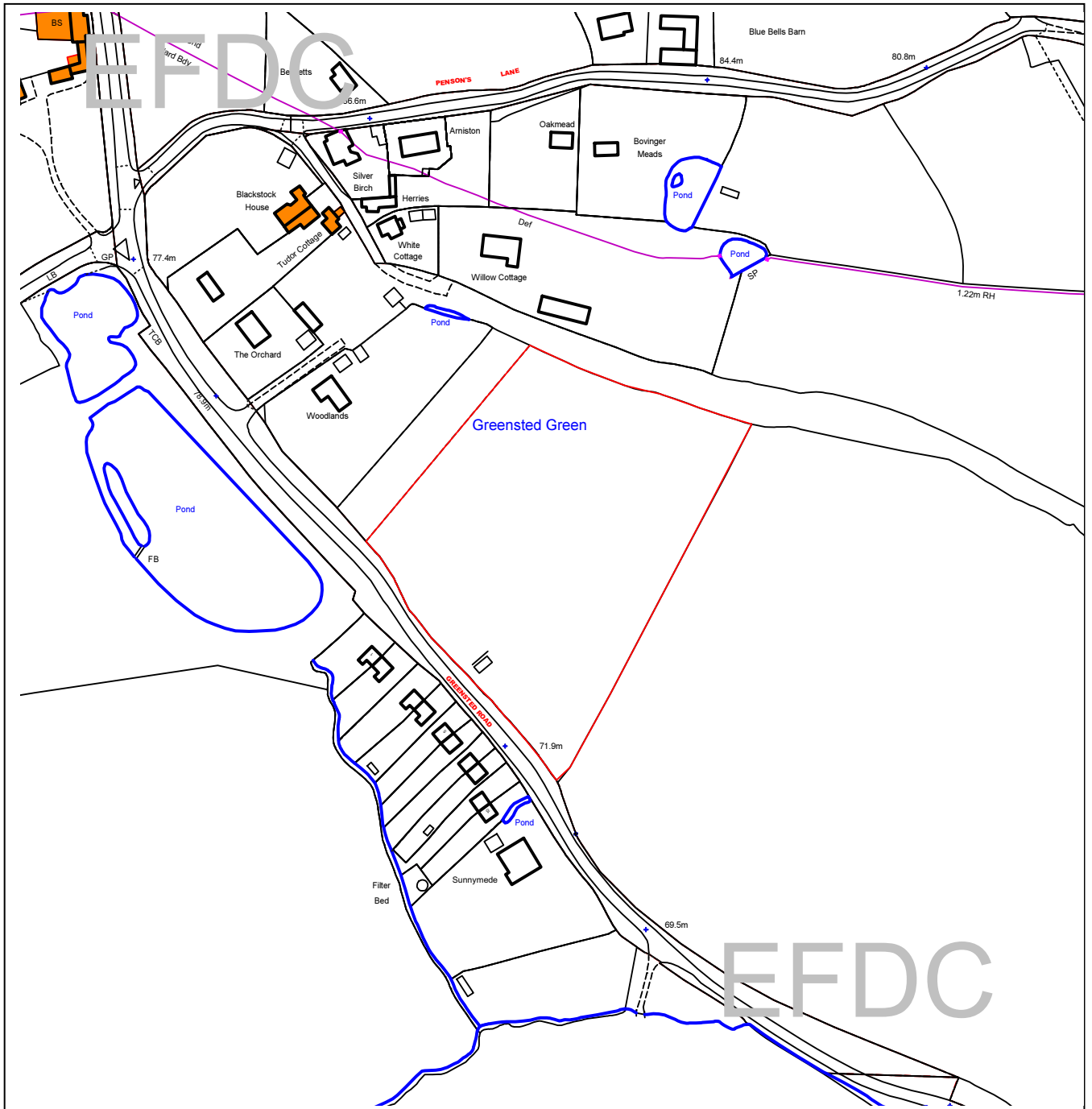
***Planning Application Case Officer: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](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/2345/11
Site Name:	Woodlands, Greensted Green Ongar, CM5 9LF
Scale of Plot:	1/2500

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2385/11
<b>SITE ADDRESS:</b>	Theydon Bois County Primary School Orchard Drive Theydon Bois Epping Essex CM16 7DH
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mrs Clare Ashman
<b>DESCRIPTION OF PROPOSAL:</b>	Development of site to rear of school to include installation of a 5 bay modular building for use as a 23 Place Nursery. (Revised application)
<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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=533033](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533033)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.  
Act 1990 (as amended).
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Appendix 1, 3, 5.
- 3 The use hereby permitted shall inure for a period of ten years beginning with the date of this decision notice unless otherwise agreed by the Local Planning Authority.
- 4 The nursery use hereby permitted shall not be open to customers outside the hours of 7:30 am to 18:30 pm Monday to Friday and not at all on Saturdays, Sundays or Bank/Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- 5 There shall be no more than 23 children in attendance at the nursery premises hereby approved at any given time.
- 6 The premises shall be used solely for Pre-School Day Nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

- 7 No external lighting shall be provided on or adjacent to the nursery site and access way other than in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- 8 Details of a solid screen or other means to prevent views from the nursery play area into residential properties in Morgan Crescent, shall be submitted to and approved in writing by the Local Planning Authority. The approved means of preventing views of properties in Morgan Crescent from the nursery play area shall be provided prior to the first use of the nursery and thereafter be permanently retained.
- 9 No development shall take place until details of the proposed surface materials for the play area have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 10 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

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

### **Description of Site:**

Theydon Bois County Primary School covers a fairly substantial site. The front section of the site houses the main school buildings and faces Orchard Drive. The rear of the site is currently used for playing fields. The proposed nursery would be located to the rear of the site, on the south west boundary and adjacent to rear gardens in Morgan Crescent. This is currently a grassed area. The site is currently separated from the adjacent gardens by chain link fencing. The immediate area around the school site is characterised by residential properties.

### **Description of Proposal:**

The applicant seeks permission to locate a five bay modular building to the rear of Theydon Bois County Primary School for use as a children's pre school/nursery to provide 23 places. The prefabricated building would have a footprint of 15.0m x 10.0m. An existing accessway to the rear of the school would be utilised to access the site. The development would include an outside play area, 26.0m x 13.0m.

### **Relevant History:**

There is an extensive history of applications at the site relating to the operation of the school. Applications relevant to this proposal are as follows:



EPF/2118/09 - Alterations to existing school car park to create 13 no. parking bays and 1 no. disabled parking bay. Grant Permission (With Conditions) – 23/12/09.  
EPF/1862/11 - Development of site to rear of school to include installation of a 5 bay modular building for use as a 23 Place Nursery. Withdrawn Decision - 08/11/2011

### **Policies Applied:**

DBE2 and 9 – Neighbour Amenity  
ST1 – Location of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
E12 – Small Scale Business  
RP5A – Adverse Environmental Impacts (Noise and Disturbance).  
CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
RST14 – Playing Fields

### **Summary of Representations**

THEYDON BOIS PARISH COUNCIL: No Objection. We have no objection in principle and note the changes from the previous application. We do suggest an appropriate condition ensures that a screen will further protect the amenities of residents in Morgan Crescent. We also advise liaison between the Planning Officer, the applicants and the affected residents prior to the imposition of any condition.

71 properties were consulted and a site notice was displayed, 10 replies were received;

85A THEYDON PARK ROAD: Objection (2 Letters). Not safe location for children to enter the site and have to be guided through a car park. Increase in congestion and drop off and pick up which should be restricted. Increase in commuter parking from parents using the school. Loss of playing fields. Insufficient consultation of residents. We feel if consent should be given it should only be for temporary buildings and not a permanent structure. This is a speculative application that does not have the support of the school governors. The parking area to the front and cycle racks are already fully utilised. A business plan should have been submitted.

24 GREEN GLADE: Objection. Concerns about access and safety. Increased congestion at drop off and pick up. Concern about impact on existing nurseries in the village.

20 GRAYLANDS: Objection. We find the figures provided misleading and are unaware of any extensive research. The 2011 Childcare Survey found no need for additional places. Lack of parking also a concern.

7 BARN MEAD: Objection (2 letters). We do not support a commercial venture which threatens an existing charity run nursery. The consultation process has not been thorough to consider need. Drop off and pick up will be dangerous with proper supervision hard to oversee. Congestion in neighbouring streets particularly Orchard Drive.

46 ORCHARD DRIVE: Objection. I live opposite the school and witness serious parking issues. My own drive is regularly blocked by haphazard parking which is hazardous. There is no need for this facility as sufficient nursery facilities exist.

14 MORGAN CRESCENT: Objection. The additional lighting required will be highly intrusive. The rear gardens adjacent to the site regularly flood and this will accentuate this issue. Impact from

noise on the use of summer houses in rear gardens adjacent to the site. Concerns about security of houses in Morgan Crescent. Loss of playing fields and squandering of taxpayers money on a commercial venture. Lack of parking will lead to parking and road safety concerns.

42 ORCHARD DRIVE: Objection. Road safety concerns particularly at drop off and pick up times. The proposal is ill-conceived and will be unsafe for children.

24 MORGAN CRESCENT: The building is placed intrusively and reduces the open aspect enjoyed by adjacent neighbours. Lighting and noise will impinge on amenity. Congestion and road safety concerns. The proposal to park at the village hall is naive. The proposed access across the car park is dangerous for young children. Lack of staff car parking will lead to overspill parking. There is no need for this commercial venture situated on public land which gives an unfair advantage. Consultations by the applicant have been limited.

### **Issues and Considerations:**

The main issues relate to the principle of the development, impact on neighbour amenity, design, and parking/road safety. The comments of consultees and neighbour representations will also be considered.

#### *Principle of Development*

The existing site is long established as an educational facility within the village of Theydon Bois. This proposal as something of an adjunct to the existing lawful use of the site in many ways conforms to the Council's core sustainable development objectives in that it is located within the village envelope and would reduce the need for similar facilities in less sustainable locations. Parking provision will be addressed further within this report but ostensibly this proposal will reduce the need for private car use, as such a location will cater for walking to the site by local residents, in some cases parents already visiting the site. The local underground station is a short walk from the site and buses pass through the village. The development is therefore accessible by sustainable means of transport.

This is a commercial venture which will help to meet the employment needs of the villagers. Local plan policy E12 promotes and encourages the location of small scale businesses outside the Green Belt. This requires that amenity and the character of the surrounding area is safeguarded but notwithstanding these issues which will be considered further the principle of such a development is generally acceptable if it complies with other relevant Local Plan policies.

There are conflicting views with regards to the need for such a facility within the village from the applicants and some local residents. The applicant points to the Essex County Council Childcare Sufficiency Survey (August 2009) which indicates 170 children under the age of 5 within the village of Theydon Bois. The report outlines a need for more childcare places. A number of objection letters query this need; however no evidence of lack of need within the area has been put forward. The relevant data does suggest that such a commercial venture would have a demand for places within the local community. Concern is expressed that this proposal would impact on existing childcare providers within the village. However the planning system exists to uphold the public interest and cannot protect the private interests of one party against the activities of another.

#### *Neighbour Amenity*

The proposed development would be located along the boundary of dwellings in Morgan Crescent. Concern has been expressed by two neighbouring properties with regards to impact from the development. Noise from the development has firstly been cited. The site already caters for a large volume of children and an additional 23 places is not an excessive increase. It is recognised that the location of the development along the boundary would concentrate noise at one location during

the opening hours from 08:00 – 18:00. However Morgan Crescent properties benefit from particularly long gardens, circa 45.0m – 50.0m and impact on the amenity enjoyed within houses would not be of serious concern. A number of summerhouses are noted adjacent to the boundary and although there would be a reduction in their amenity value it would not in itself be to a level to justify withholding planning consent. A privacy screen, which can be secured by condition, would further safeguard the amenity of neighbouring residents.

Concern is also expressed about loss of the open aspect and proposed lighting. A good level of outlook would still be achievable from adjacent properties and appropriate lighting of the site can be secured by condition ensuring that it does not impinge excessively on amenity. A loss of security for residents, as alluded to, is not envisaged with this development.

### Design

The proposed design is utilitarian and would not look out of place within the grounds of a school facility. Indeed there are similar buildings within the school site. The building would be clearly visible from rear gardens adjacent to the site. Although such buildings can disintegrate this is usually over some period of time. A condition allowing the development for a period of ten years is deemed necessary when the condition of the building, and its impact on visual amenity, can be reassessed.

### Parking/Road Safety

There are no parking spaces proposed with this development. A parking facility is located to the front of the school. It has been made clear that this is fully utilised during the day and will remain for the sole use of Theydon Bois County Primary School. The Adopted Parking Standards recommends for a D1 use (children's day nursery), a maximum of 1 space per full time equivalent staff + drop off/pick up facilities required on site. This indicates a need for 6 parking spaces. This is however a maximum requirement and the guidance indicate that a lower provision may be acceptable for nurseries located in urban locations with good access to alternative forms of transport. As indicated previously, the location of the development is in a sustainable location with good access to forms of transport other than the private car. The applicant indicates that potential members of staff will be residents of the village or will use public transport to travel to the site. A number of objectors have expressed concern that the lack of parking will lead to on street parking. It is not considered that that will be the case. Parking restrictions are in place within the neighbouring streets which will prevent long term parking and it is envisaged that quite a bit of movement to and from the site will be by parents on foot. The existing use of the site suggests that this may be by parents with children already enrolled at the school. Although no staff parking provision is not ideal, it is considered that such an approach would not lead to a proliferation of on street parking within the vicinity and does promote sustainable means of transport.

The drop off and pick up point would be at the gates to the front of the school. Residents have voiced concern that this will lead to haphazard parking and road safety issues. Concern has also been expressed that entering the site through the car park is not safe for children. The concern about short term parking and dropping off and picking up times is recognised. However it would not excessively exacerbate the current scenario. As stated in some cases parents would already be visiting the school and the option of walking to the site is for some parents a viable alternative to the car. This view is supported by Essex County Council Highways who state in their consultation response that "*The Highway Authority acknowledges there will always be local issues regarding the short term parking by parents outside of schools; these issues are not dissimilar to those experienced near to schools across the county. Parent parking is for a very limited period at the beginning and end of the school day during term time - furthermore a proportion of the intake will be siblings of children already at the school - consequently the impact in terms of traffic will not be detrimental to highway/pedestrian safety at this location*". Therefore although there may be a

slight increase in on street parking at drop off and pick up times this is a relatively small scale venture and it is not considered that it will be highly detrimental to highway safety.

The school's head teacher states in a supporting letter that the drop off and pick up times are likely to be outside the busy school times. The car park is open for use by the nursery if space is available. Should members consider this a significant issue that would otherwise warrant refusal of this application a condition requiring a staggered starting and finishing time that do not correspond with those of the school could be attached.

Objectors are also concerned about the safety of children from the front gate to the nursery site. The children would have to cross part of the car park. The applicants have indicated that a Safety Officer will be on hand to escort children to the site entrance. Although this is something which is difficult to secure and enforce by condition the expected due diligence of staff and parents would ensure that this aspect of the scheme would not compromise the safety of children.

#### Loss of Playing Field

Policy RST14 aims to retain playing fields. Sport England has been consulted and has no objection to this proposal. The area of green space affected is divorced from the school's main playing field where playing pitches are marked out by a line of mature trees. This area is not marked out for playing pitches and the school have advised that this area has not been used for pitches or formal sports/PE due to it being divorced from the main playing field and out of view from the school buildings/playground. Due to the limited space available and the constraints imposed by the site boundary, mature trees and the internal access route, this area of green space would be too small for use to form the smallest playing pitch.

#### Land Drainage

The site lies within an Epping Forest flood Risk Assessment Zone. The area of impervious material will increase so there is potential for surface run off. Therefore a Flood Risk Assessment is deemed necessary in this instance. The application will be conditioned accordingly.

#### Other Matters

Some objectors have expressed concern about the consultation process. However the normal consultation process has been followed, with neighbours in close proximity to the site consulted and a site notice displayed.

#### **Conclusion:**

The principle of the development of a nursery facility at this site is deemed acceptable and promotes sustainable development. Impact on the amenity of neighbouring properties is not excessive and can be further safeguarded by conditions. Parking and road safety concerns are not deemed sufficient to warrant a refusal of permission. The comments of consultees and objectors are noted and given appropriate weight. Having regard to all material considerations relevant to this application it is recommended that the proposal is approved with conditions.

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

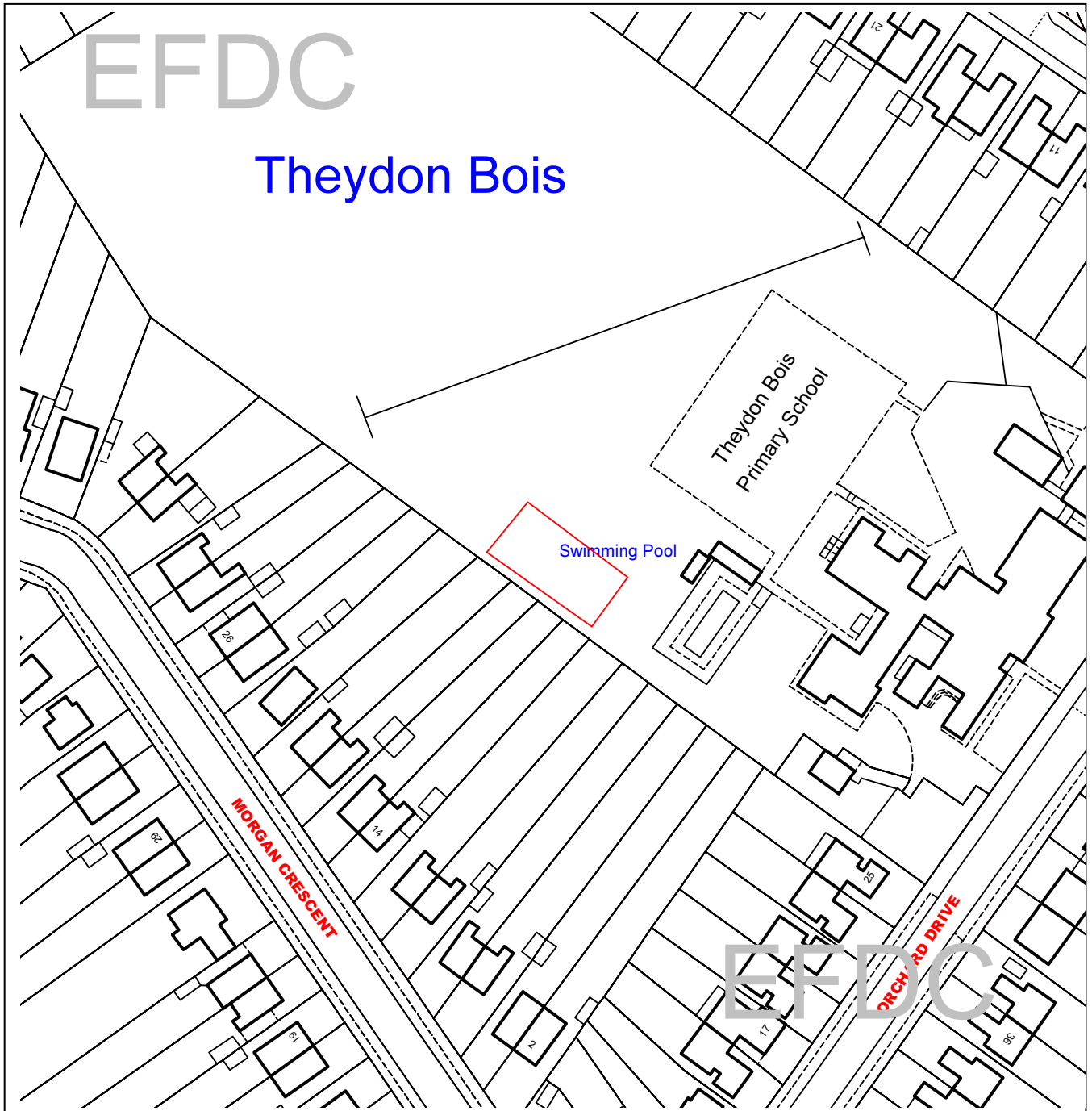
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

***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>	7
<b>Application Number:</b>	EPF/2385/11
<b>Site Name:</b>	Theydon Bois County Primary School Orchard Drive, Theydon Bois, CM16 7DH
<b>Scale of Plot:</b>	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2417/11
<b>SITE ADDRESS:</b>	47 Moreton Road Ongar Essex CM5 0AP
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>APPLICANT:</b>	Mr Spencer Smith
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow and erection of 3 no replacement detached three storey houses including formation of new vehicular access,
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=533180](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533180)

**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 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.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening(s) at first floor level on the flank elevations of the dwellings shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 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.

- 5 No development shall take place until details of the proposed surface materials for the hard standing area towards the front of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 6 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 7 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 8 Prior to the first occupation of any of the dwellings, the access, drainage and parking provision shown on drawing number 61484205/Rev A shall be completed in accordance with the details set out in that drawing and shall be maintained as such thereafter.
- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 61484 201 B, 61484 202 B, 61484 203 A, 61484 204 B and 61484 205 A.

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

**Description of Site:**

The subject site is located on the southern side of Moreton Road approximately 160 metres west of Cole Close within the town of Ongar. The site itself is mainly regular in shape although the frontage of the site is wider than the rear and the western side boundary kicks into the site slightly.

Apart from the large bank that steps up from the highway into the site, the rest of the site has a slight slope falling from east to west.

Towards the front of the site is a detached bungalow. There is no vehicle access to the site or off street parking. A mixture of vegetation is scattered throughout the site including a hedge along the front boundary that consists of shrubs and small trees.

The site is located within a well established residential area that mainly consists of two storey semi detached dwelling houses. Dwellings have consistent set backs from the highway and the spaces/gaps between buildings form an important component to the character of the surrounding area.

### **Description of Proposal:**

The applicant seeks planning permission for the demolition of an existing bungalow and erection of three detached 4 bed dwelling houses with a new vehicular crossover.

All three houses are to be two storey with living accommodation within the roof space. Each of the dwellings would have a gable roof form with an overall height of 8 metres to the ridgeline. The buildings would be red multi stock brick with weatherboarding and plain clay roof tiles.

The houses would be set further into the site than the existing bungalow, set back approximately 16 to 19 metres from the highway and would be virtually in line with the front facades of the adjoining properties of numbers 43 and 49 Moreton Road.

Each dwelling would have two off street vehicle spaces and would have private garden areas to the rear ranging from 149 sqm to 166sqm.

The proposed vehicle crossover would have a width of 5.5 metres for the first 6 metres into the site before it joins an extensive paved area that is to be constructed from pervious materials.

### **Relevant History:**

EPF/1555/02 – Detached house (refused 03/10/02)

### **Policies Applied:**

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

CP1 – Achieving Sustainable Development  
CP3 – Protecting the Quality of the Rural and Built Environment  
CP7 – Urban Form and Quality  
DBE1 – Design of new buildings  
DBE2 – Effect on Neighbouring properties  
DBE6 – Car Parking  
DBE8 – Private Amenity Space  
DBE9 Loss of Amenity  
ST4 – Road Safety  
ST6 – Vehicle Parking  
LL10 – Adequacy of Provision for Landscape Retention  
LL11 – Landscaping Schemes

### **Summary of Representations:**

ONGAR TOWN COUNCIL – OBJECTION: OTC recognises the care with which this application has been produced and the likelihood of it resulting in an improvement to the street scene. The



Council objects to this application as it is very concerned about the possibility of overlooking occurring, especially in view of the raised elevation of the location and the height of windows which would be in excess of those in the existing property and could provide a view across to properties on the other side of the road. OTC also has concerns for the safety of foot passengers on this busy and difficult road where parking is a major problem. It is accepted that the proposed properties have both garages and designated parking places, but the existence of a garage does not mean it will be used to house vehicles in regular use. The provision of a vehicular access for three properties on to Moreton Road at this point could well make it more difficult for drivers to negotiate this road which is often crowded or partially blocked.

## NEIGHBOURS

34 neighbouring properties were consulted and a site notice erected. The following responses were received:

### 43 MORETON ROAD – Strong Objection:

- There are some inaccuracies within the design and access statement regarding planning history of number 43.
- The proposed development would result in loss of privacy
- The proposed development would result in a loss of light to flank windows servicing a bathroom, shower room and utility room.
- The development would result in an overspill of vehicles onto the highway resulting in further traffic congestion
- The construction of three dwellings is not in keeping with the surrounding locality

### 58 MORETON ROAD – Objection

- The proposed development would result in overlooking of front of house
- Due to the raised bank, the proposed houses would be equivalent of 4 storeys as not at road level.
- Could lead to loss of light
- We will also lose parking places in the road on a road where it is already difficult to park.

## **Issues and Considerations:**

The main issues to address in this case are:

- Design and appearance
- Neighbouring amenities
- Other Issues

### Design and Appearance

Recent Government amendments to PPS3 have excluded residential gardens from the definition of previously developed land in Annex B and the minimum density of 30 dwellings per hectare has been deleted from paragraph 47. PPS3 does however, still promote the efficient use of land in the provision of housing, where it respects the character of the area.

The existing plot is one of the largest within Moreton Road with a frontage of approximately 33 metres. The average plot size in terms of width within this part of Moreton Road is approximately 8 metres. Given the relatively small frontages within the immediate area, the proposal to provide three dwelling houses on the site is appropriate and will not result in an adverse impact upon the character and appearance of the immediate vicinity. The development would ensure a more efficient use of the land whilst at the same time respecting the character of the surrounding area and is therefore in accordance with PPS3.

Unlike the existing bungalow the proposed dwellings have been set back to conform to the consistent building line found within the locality. The dwellings would provide a better uniformity

between the proposed and adjoining dwellings and would open up space to the front of the site for additional landscaping and parking.

The dwellings are well articulated and incorporate features and materials found within the street scene ensuring that they would be visually interesting and pleasing to the eye.

They are appropriate in terms of their form, size and scale. Due to the slight slope of the land, the overall height of the dwellings to the ridgeline and the angle of the pitch, there is a smooth transition between the adjoining dwellings and the proposed development. As a result they will not be overbearing within the street scene.

In summary, the three dwellings are appropriate in terms of their siting, size and scale and would not have a detrimental impact upon the character of the street scene or the surrounding area.

All three dwellings have first floor windows located in the flank elevations. All first floor flank windows of the dwellings can however be conditioned to be obscure glazed to prevent any direct overlooking. Existing screening on the boundaries would prevent any direct overlooking from ground floor windows.

First and second floor windows are also proposed on the rear and front elevations of all three dwellings. The Parish Council and a neighbour have raised concern regarding overlooking of properties on the opposite side of the road. Overlooking of front (i.e. public) elevations is not normally considered a reason for refusal, as it is not a private area that is overlooked. Although it is accepted that the proposed properties are in an elevated position, and will perhaps increase the perception of overlooking, they are set some 40 metres from the facing properties and as such unacceptable overlooking will not occur. Similarly, given the distance involved there will not be any appreciable loss of light to the facing properties.

It is noted that the adjoining property at number 43, has bathroom, shower room and utility room flank windows on the ground and first floors and into the loft which will have some loss of light. These spaces are however not regarded as habitable rooms and do not have the same level of protection from loss of light.

Due to the orientation of the site and the position of the proposed dwellings in relation to boundaries and adjoining dwellings, there would not be a significant amount of overshadowing of adjoining properties' habitable room windows and private open space areas. Adjoining dwellings would still achieve adequate sunlight and daylight throughout the majority of the day.

It is not considered that the dwellings would be excessively overbearing or dominant features when viewed from adjoining properties, although it is accepted that they will have a greater impact than the existing bungalow, the two storey component of the dwellings would not infringe upon a 45 degree line from adjoining properties' front and rear windows, which is a general indication that loss of light and outlook will not be excessive.

It is not therefore considered that the impact upon the amenities of adjoining property occupiers in relation to a loss of privacy, loss of light or visual blight would be excessive.

### Other Issues

For properties with two or more bedrooms, two parking spaces are required for each unit. In this instance there is more than adequate hardstanding space within the site for the parking of 6 cars. In addition, 2 of the houses have integral garages, so there is no shortage of parking provision.

The application was referred to Essex County Council's highways officer who stated that they had no objections to the proposed new crossover as it would have adequate sight splay lines and

vehicles would be able to enter and exit the site in a forward gear without disrupting highway movements. The crossover has been designed wide enough for vehicles to pass one another. The crossover will cut through the steep bank that lies to the front of the property and the gradient has been accepted by County as appropriate. Whilst officers are aware that this part of Moreton Road is narrow and is often heavily parked (as few properties have off street parking), provided the access is created as shown on the amended plans it is considered safe and should, if anything, result in a small reduction in on street parking given that the existing dwelling has no parking. Officers are aware that views from the access may be restricted by on street parked vehicles, but it is not considered that this would amount to grounds to refuse the application, it is a situation that is replicated in many places. Nor is it considered that the proposal will cause harm to pedestrian safety.

A significant amount of vegetation will be removed from the site including the hedge towards the front of the site. The application was referred to Council's landscape officer who had no objections to the proposed development as the only significant tree on the site had, regrettably, already been removed. Nevertheless, a condition should be placed on any permission for the applicant to provide a landscape scheme showing the hard and soft landscaping to ensure that significant replacement vegetation is provided in the interests of amenity and to ensure that the parking area is not an overly dominant feature.

### **Conclusion**

In conclusion, the proposed development is considered appropriate in terms of its design and appearance. It would not have a significantly detrimental impact on the amenities of adjoining property occupiers and it meets the Council's adopted car parking and amenity space standards. The development is considered to be in accordance with the policies contained within the Adopted Local Plan and Alterations and therefore it is recommended that the application be approved subject to conditions.

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

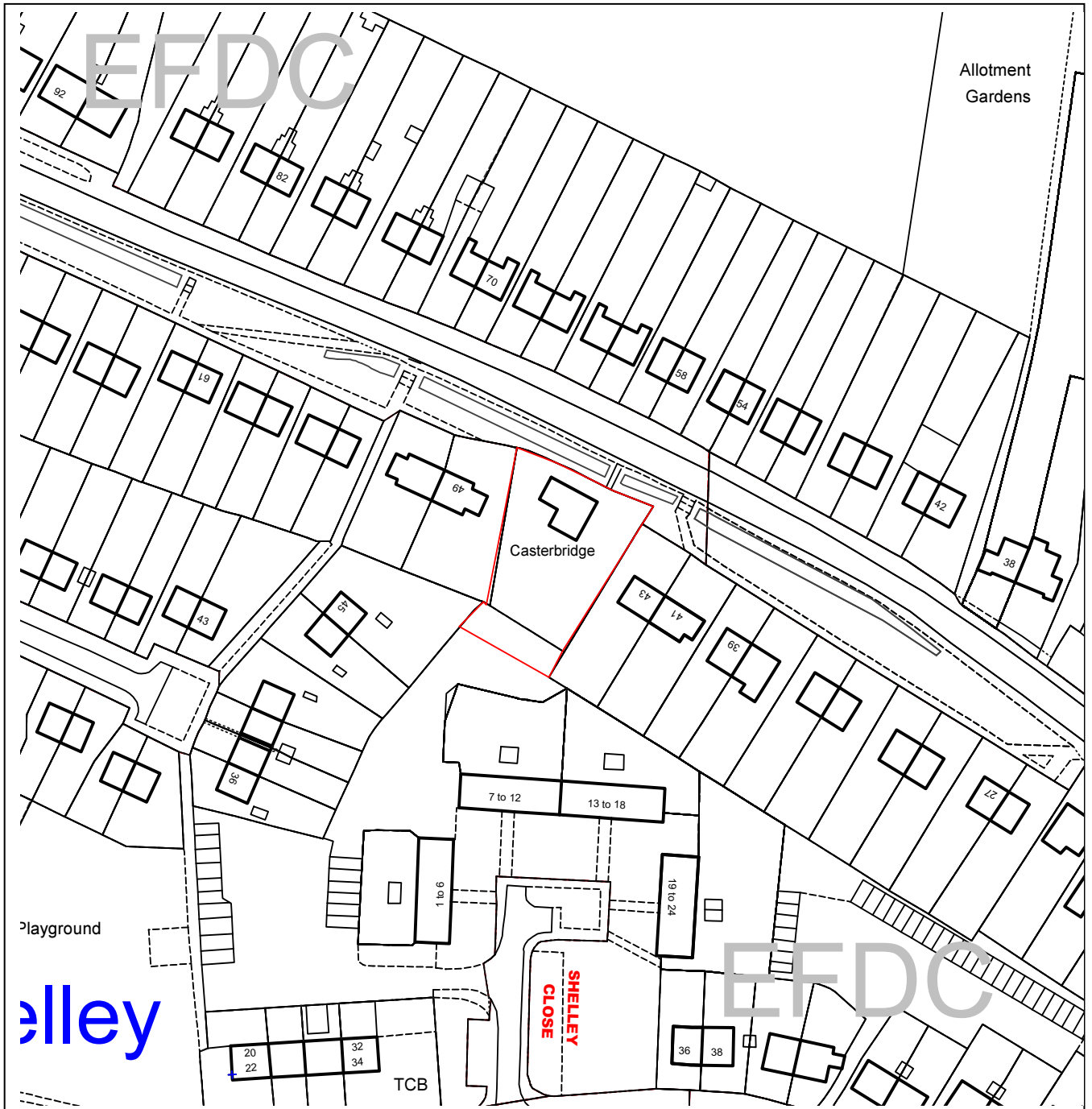
***Planning Application Case Officer: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/2417/11
Site Name:	47 Moreton Road, Ongar, CM5 0AP
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2522/11
<b>SITE ADDRESS:</b>	En Casa Oak Hill Road Stapleford Abbots Essex RM4 1JL
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Perry Morgan
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing chalet bungalow to be replaced with 2 detached homes. (Revised application)
<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=533553](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533553)

**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 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.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening(s) on the flank elevations for both dwelling houses at first floor level shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 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.

- 5 No development shall take place until details of the proposed surface materials for the driveway have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 6 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 7 Prior to first occupation of the development the proposed vehicular access, at its junction with the highway, shall be constructed with a minimum width of not less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 8 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 9 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

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

**Description of Site:**

The subject site is located on the northern side of Oak Hill Road approximately 65 metres west of Tysea Hill within the village of Stapleford Abbots.

Currently located in the middle of the site is a chalet bungalow that comprises of living accommodation within the roof space. A detached double garage, a workshop and swimming pool are located to the side and rear of the bungalow.

There is a large rear garden. Off street parking is located within the detached garage which is accessed via a driveway that runs along the eastern side boundary of the site.

The subject site is located within a well established residential area that comprises a mixture of dwellings varying in style, form, sizes and scale. A large chalet bungalow known as 'The Gaytons' abuts the western side boundary. A large two storey dwelling house known as the 'Police House' abuts the eastern side boundary.

### **Description of Proposal:**

The applicant seeks planning permission to demolish the existing chalet bungalow and detached garage and erect two four bedroom dwelling houses.

The existing site would be split into two with dwelling 1 having a slightly larger plot area (880sqm) than dwelling 2 (750sqm).

Each dwelling would be two storey with additional living accommodation contained within the roof space. Both dwellings would be rectangular in shape with a front projecting element and a single storey rear projection. Apart from the single storey elements, the dwelling houses would be identical in terms of their size measuring 9.9 metres by 12.5 metres.

Both dwellings would have a mock Tudor appearance comprising of steeply pitched gables, half timbered with rendered infill panels to the front and side elevations.

In terms of their siting, the dwellings would have staggered setbacks from the highway ranging between 10 and 12 metres. Each of them would be a metre from the side boundaries that are shared with the adjoining properties.

The existing crossover would be shared by both dwellings. A new driveway and off street parking area would be provided for each dwelling with access via the shared crossover. Two parking spaces are proposed for each dwelling house.

### **Relevant History:**

EPF/0025/07 – Alterations to front boundary wall with provision of new gates and vehicular access. (approved 27/2/07)

EPF/1848/06 - Two storey side extension. (refused 1/12/06)

EPF/1971/02 - Extension to garage roof height and formation of loft conversion. (approved 22/11/02)

### **Policies Applied:**

#### **Local Policies**

CP1 Achieving Sustainable Development Objectives

CP2 Protecting the Quality of the Rural and Built Environment

CP7 Urban Form and Quality

DBE1 Design of New Buildings

DBE2 Detrimental Effect on Existing Surrounding Properties

DBE6 Car Parking  
DBE8 Private Amenity Space  
DBE9 Loss of amenity  
ST4 Road Safety  
ST6 Vehicle Parking  
LL10 Adequacy of Provision for Retention  
LL11 Landscaping Schemes

National Policies:

PPS3 – Housing

**Summary of Representations**

STAPLEFORD ABBOTTS PARISH COUNCIL - Objects

The Parish Council would make the following comments:

- There seems to be insufficient parking area for each of the houses.
- Paragraph 1.3 of the Design and Access statement states that there are no new windows proposed to either of the flank walls, yet the plans show windows on both elevations.
- The design of both houses appear to be the same as the adjacent house 'The Police House' and also one very nearby giving the area a look of an estate rather than individual village houses.

The Parish Council recommend refusal of this application

10 neighbouring properties were consulted and the following representation was received:

THE GAYTONS, OAK HILL ROAD – Objects

- The development is out of character for Oak Hill Road.
- The density of the site increases from three bedrooms to ten which is an overdevelopment of the site to maximise profit for developers.
- Inadequate parking spaces for each dwelling house resulting in an overspill onto the highway and hence traffic congestion and an impact to highway safety.
- The layby to the front of the site provides limited parking for the community. The new crossover would impact upon what little parking there is in the area and would be dangerous due to limited view lines when exiting the site.
- The development would result in a loss of privacy and overshadow habitable rooms and garden areas.

**Issues and Considerations:**

The main issues to address in this case are:

- Design and Appearance
- Neighbouring amenities
- Other Issues

Design and Appearance:

Recent Government amendments to PPS3 have excluded residential gardens from the definition of previously developed land in Annex B and the minimum density of 30 dwellings per hectare has



been deleted from paragraph 47. PPS3 does however still promote the efficient use of land in the provision of housing, where it respects the character of the area.

There is no consistency within this part of Oak Hill Road and in nearby Tysea Hill when it comes to plot sizes. There is a mix of plot sizes within the street in relation to depths and in particular their widths along the frontage and as a result there is no set character.

The widths of each plot for the proposed dwelling houses are to be 12 metres. It is noted that this would result in them being some of the smaller plots within the street scene in terms of their width to the frontage.

However given the vast difference within the street scene of different plot widths and that there are other examples of small frontages within the immediate area, the proposal to provide two dwelling houses on the site would be appropriate and would not result in an impact upon the character and appearance of the immediate vicinity. The development would ensure a more efficient use of the land whilst at the same time respecting the character of the surrounding area and therefore in accordance with PPS3.

The proposed dwellings are staggered in their setback from the highway which adds to the visual interest of the street scene.

The dwellings would achieve an appropriate amount of spacing not only between one another (1.8m) but also from adjoining dwellings. There is no consistent spacing between buildings within this part of Oak Hill Road but the proposed development would provide a reasonable distance between buildings and is not out of character with the surrounding area.

Within this part of Oak Hill Road there is a broad range of style of properties that vary in relation to their size, form, scale and roof forms and as a result there is no distinct character in terms of the architectural rhythm of the street scene.

Whilst these two dwellings are similar in bulk and form, the applicant has designed the front elevation of each house differently ensuring that the two dwellings are not alike. Both would have hip roof forms however one would have front projecting gable ends whilst the other has front projecting hip ends. Both dwellings would be well articulated that would incorporate features and materials found within the street scene ensuring that they would be visually interesting and pleasing to the eye.

The dwellings themselves are appropriate in terms of their form, size and scale ensuring that they are not excessive in relation to bulk and massing. Due to the slight slope of the land, the overall height of the dwellings to the ridgeline and the angle of the pitch, there is a smooth transition between the adjoining dwellings and the proposed development. As a result they are not overbearing or dominant features within the street scene.

In summary, the proposed development of the two dwellings are appropriate in terms of their siting, size and scale and that they would not have a detrimental impact upon the character of the street scene or the surrounding area.

#### Neighbouring amenities:

Turning to one of the concerns raised by the Parish Council, although the Design and Access statement submitted with the application says otherwise, both dwellings would have ground and first floor windows within the flank elevations, roof lights and rear dormer windows.

All first floor flank windows of both dwellings are to be conditioned to be obscured glazed to prevent any direct overlooking to adjoining properties. Existing screening on the boundaries would prevent any direct overlooking from ground floor windows.

First floor windows are also proposed on the rear and front elevations of both dwellings including the rear dormers. Windows on the front elevation would not overlook any private areas of adjoining properties and therefore are acceptable. The rear windows would have the potential to overlook private open space areas of adjoining properties however this is normal within a built up residential area where some overlooking is likely to occur. There would however be no direct overlooking into adjoining rear patio areas and habitable rooms.

Due to the orientation of the site and the position of the proposed dwellings in relation to boundaries and adjoining dwellings, there would not be a significant amount of overshadowing of adjoining properties' habitable room windows and private open space areas. Adjoining dwellings would still achieve adequate sunlight and daylight throughout the majority of the day.

The dwellings would not appear as overbearing when viewed from adjoining properties.

It is not considered therefore that the proposed dwellings would result in a detrimental impact upon the amenities of adjoining property occupiers in relation to a loss of privacy, loss of light or visual blight.

Other issues:

For a two or more bedroom dwelling house, the required amount of off street parking spaces required within the Adopted Parking Standards is 2. Although there are no garages, there is room on the hard paved areas in front of the dwellings for at least 2 vehicle spaces for each property which meets the requirements. The proposed development would therefore be unlikely to exacerbate traffic congestion or parking difficulties within the street.

The application was referred to Essex County Council's highways officer who stated that they had no objections to the proposed new crossover as it and the existing crossover would have adequate sight splay lines and vehicles would be able to enter and exit the site in a forward gear without disrupting highway movements.

The site does not lie within an Epping Forest flood risk assessment zone. However the development is of a size where it is necessary to avoid generating additional runoff and the opportunity of a new development should be taken to improve existing surface water runoff and therefore Council's drainage officer has requested that a condition be placed on the granted permission for a flood risk assessment to be carried out and appropriate works to be undertaken to ensure no increased runoff.

No vegetation would be removed or damaged as a result of the development. As such there are no landscape issues.

**Conclusion:**

In conclusion, the proposed development is appropriate in terms of its design and appearance in that it would reflect the street scene and the character of the surrounding area. It would also not have a detrimental impact to the amenities of adjoining property occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and therefore it is recommended that the application be approved subject to conditions.

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

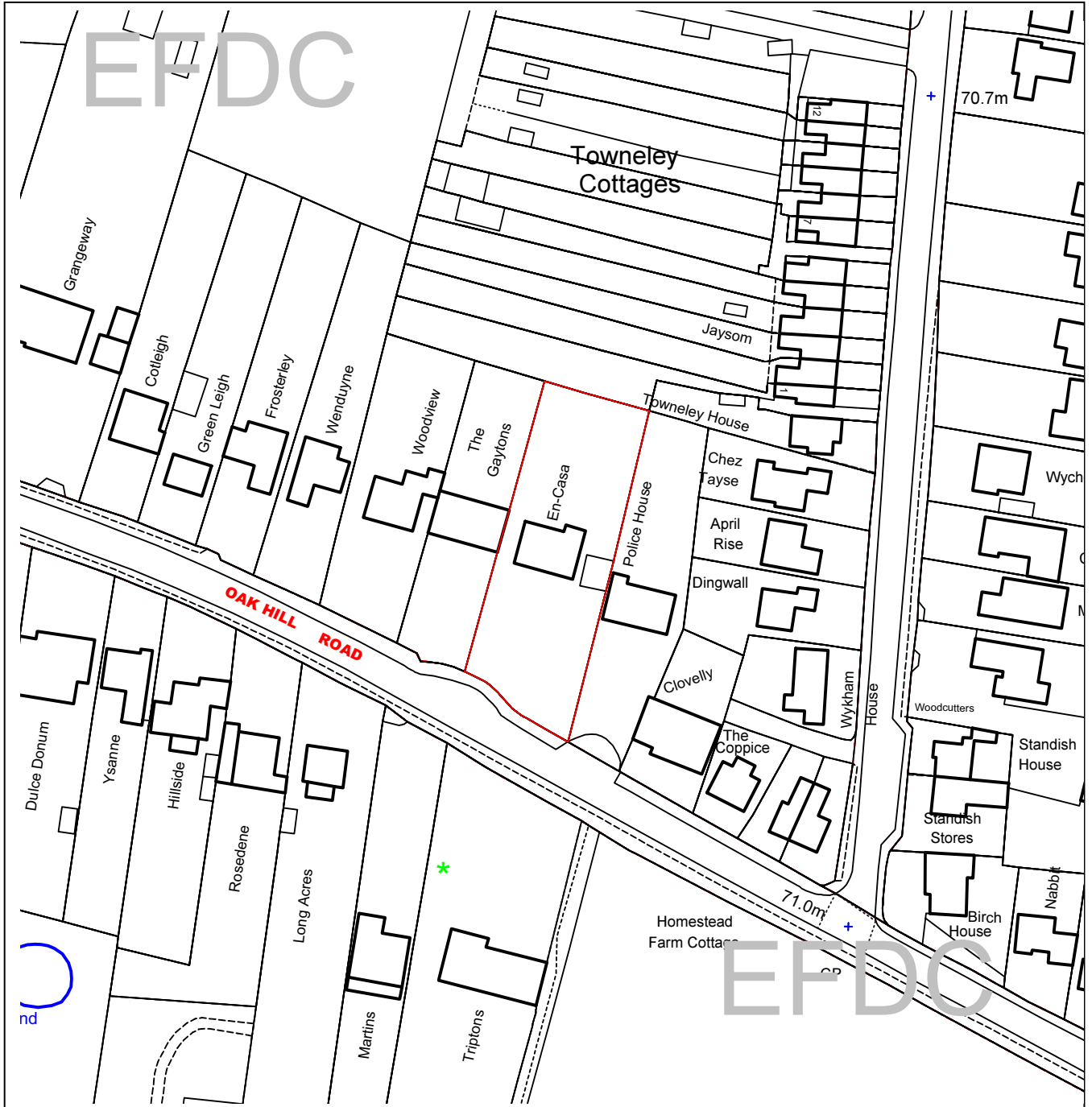
**Planning Application Case Officer: Lindsay Trevillian**  
**Direct Line Telephone Number: 01992 564 337**

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/2522/11
Site Name:	En Casa, Oak Hill Road Stapleford Abbots, RM4 1JL
Scale of Plot:	1/1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2538/11
<b>SITE ADDRESS:</b>	208 - 212 High Street Epping Essex CM16 4AQ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Edgewest (Epping) Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurants and 8 residential units. (Revised application)
<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=533633](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533633)

**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: MWSC-HEM-03, MWSC-HEM-04, 713/05B, 713/14n, 713/15h, 3415/M1 Rev A and 3415/M3
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Demolition and ground reduction should not exceed the present ground/slab levels with no removal of the existing building foundations until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report and/or publication of all the required archaeological works.
- 5 Details of a wall to be erected to the boundary of number 2 Hemnall Street shall be submitted to and approved by the Local Planning Authority and the boundary wall shall be erected in accordance with these approved plans prior to occupation of the development and permanently retained thereafter.

- 6 Prior to the commencement of the development, and notwithstanding the approved plans, details of the bin stores shall be submitted for approval in writing by the Local Planning Authority (LPA). The bin store shall be provided in accordance with these details and be permanently retained as such thereafter, unless the Local Planning Authority gives its written consent to any variation.
- 7 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 8 Prior to commencement of demolition, a schedule and timetable of works including details of the means of demolition and leading to a final completion date shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with the agreed timetable, unless otherwise agreed in writing by the Local Planning Authority.
- 9 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 10 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 11 The rating level of noise (as defined by BS4142:1997) emitted from any air conditioning units, condenser units and any other mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.
- 12 The ground floor use hereby permitted shall not be open to customers outside the hours of 08.00 to 24.00 Monday to Saturday and 09.00 to 23.00 Sundays and Bank/Public Holidays.
- 13 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- 14 The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

*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))*

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

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

### **Description of Site:**

The application site is approximately 750m<sup>2</sup>, comprising a three storey building at the front facing onto the High Street. This building contains elements of the original 17<sup>th</sup> Century timber framed building, although it has been remodelled in the 19<sup>th</sup> Century and 20<sup>th</sup> Centuries. It is an example of an evolved urban building and is on the Council's Local List of buildings of local architectural or historic interest. The neighbouring property is a listed Public House.

To the rear there are more modern single and 2 storey buildings fronting Hemnall Street in a dilapidated state. The site is located in the centre of Epping Conservation Area within the key shopping frontage of the town centre. The main front building is currently split into two shop units, both of which are currently trading (the larger unit was empty for some time due to fire damage).

### **Description of Proposal:**

Demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurants and 8 residential units (revised application). The proposal will result in a large ground floor restaurant area with services to the rear and the 8 flats above, with associated parking and bin stores to the rear with access from Hemnall Street.

### **Relevant History:**

Extensive planning history the most recent of which:

EPF/2539/11 – Conservation Area Consent for the demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurant use and 8 residential units – Concurrent application

EPF/1020/11 – Demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurant and 8 residential units – Refused and dismissed at Appeal

EPF/1071/11 – Conservation area consent for the demolition of buildings and redevelopment of site to provide a mixed use of development comprising A3 restaurant and 8 residential units – Refused and dismissed at Appeal

EPF/0150/10 – Extension of time limit on EPF/0060/06 for conservation area consent for the demolition of buildings and redevelopment of the site to provide a mixed use development comprising A1 retail and 8 residential units – App/Con Not implemented but still extant

EPF/0149/10 – Extension of time limit on EPF/0039/06 for the demolition of buildings and redevelopment of the site to provide a mixed use development comprising A1 retail and 8 residential units – App/Con Not implemented but still extant

EPF/0039/06 – Demolition of buildings and redevelopment of site to provide a mixed use development comprising A1 retail and 8 residential units – Approved

EPF/0060/06 – Conservation Area Consent for demolition of 208-212 High Street and buildings to rear - Approved

### **Policies Applied:**

## Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainable Development

CP3 – New Development

E4A – Protection of Employment Sites

H2A – Previously Developed land

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation Areas

HC9 – Demolition in Conservation Areas

HC12 – Development affecting the setting of listed building

HC13A – Local list of buildings

DBE1 – Design of new buildings

DBE2 – Impact on Neighbouring properties

DBE3 – Design in Urban Areas

TC3 – Town Centre Function

TC4 – Non-retail frontage

ST4 – Road Safety

ST6 – Vehicle Parking

## **Summary of Representations:**

EPPING TOWN COUNCIL – Committee object to this application. Whilst it is appreciated that the current application is a small improvement over previous proposals, the so called heritage type shop front proposed bears very little resemblance to the shop front as it exists currently. There appears to be no valid reason why a new shop front cannot be created that respects the local vernacular style of the existing shop front. Such an approach would clearly honour the purposes of making Epping a conservation area.

### NEIGHBOURS

32 neighbours were consulted and a site notice erected

EPPING SOCIETY – Objection – Façade should be retained forms part of the historic streetscene of the Epping Conservation Area, sufficiency of restaurants existing in Epping, insufficient parking/delivery area.

KENDAL COTTAGE, 2 HEMNALL STREET – Objection – restaurant will attract anti-social behaviour, location of bins will cause smells, noise and vermin, overlooking from residential units. Increase traffic, noise, delivery problems

74 MADELLS – Objection to any form of demolition of these buildings, frontage should be kept totally intact, too many restaurants already in Epping.

210 HIGH STREET – Objection increase traffic in Hemnall Street, loss of retail, increase street litter, disturbance from building work.

## **Issues and Considerations:**

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

- Impact on the Locally Listed Building and Conservation Area
- Impact on the Town Centre
- Impact on Neighbouring Amenity
- Highway Considerations

## Locally Listed Building and Conservation Area



The building is on the Council's Local List of buildings with a local architectural or historic interest due to its 17<sup>th</sup> century origin and timber framed construction and is located within a prominent position on the High Street which is a significant part of the Conservation Area.

The previous proposal (EPF/1020/11) was refused and dismissed at appeal due to the increased ridge height of the proposal compared to the previously approved scheme (EPF/0039/06) and the detrimental impact this would have on the staggered, stepped roof heights between no. 214-216, 208-212 and the listed George and Dragon Public House which would ultimately result in disrupting the appearance of the streetscene and the historic roofscape of this part of the Conservation Area. This current proposal has addressed this previous height issue and the ridgeline brought down to the 2006 approved height. This is considered to overcome the previous reason for refusal with regards to the design and the Conservation Area.

Although objections have been received regarding the loss of the building the demolition has been established with the previous applications, provided a suitable replacement scheme is proposed. With regards to the historical value of the building, during the initial 2006 proposals, English Heritage, following original concerns from the Town Council regarding the building's demolition considered the building for 'Spot Listing'. English Heritage determined that the building should not be added to the statutory list of buildings of special architectural and historic interest, primarily because there is insufficient evidence for the survival of the 17th Century timber framing, which would give the building special interest in the National context.

As stated above the building was subsequently added to the Council's Local List of buildings. The rear stair tower has some local interest (and is a rare example in the District) and the building is located on one of the few surviving burgage plots (medieval building plot), which contribute to the understanding of the medieval town space of Epping. Notwithstanding the above, the principle of the scheme was previously considered acceptable and the previously approved scheme (extended under reference EPF/0149/10) can still be built under the extant planning permission.

The Conservation Officer has raised strong objections to the demolition of this locally listed building and has concerns regarding the proposed design. However despite these concerns the Conservation Officer is aware of the history of this site and that there is an extant permission as outlined above.

Although representations received suggest at least keeping the façade of the building, as with the previous approvals on the site it is considered that the retention of the façade of the building only is not justified, as in itself it does not make such an important contribution to the character and appearance of this part of the Conservation Area. Furthermore, it is acknowledged that as stated by the Applicants, the existing ceiling heights are low and may not meet the needs of modern commercial requirements.

The Parish Council has objected due to the design of the shopfront. The Conservation Officer has no objection to the principle of this element of the proposal. Although it is a modern shop front it is considered to have adopted traditional detailing such as the stallrisers, pilasters, corbels, mullions and transoms and is generally considered acceptable within this Conservation Area location. The shopfront element of this proposal has not changed since the original 2006 application.

#### Town Centre

The application site lies within the key frontage of the Epping Town Centre. EPF/0039/06 and the subsequent extension of time application EPF/0149/10 were, as outlined above, for a very similar scheme but both of these applications were for an A1 retail use at ground floor. This is a revised application to a previously refused application for A3 restaurant use at ground floor and there have been no changes to the use element of this proposal. Previously this use was refused for the following reason:

*The proposed change of use would result in a significant loss of A1 retail floorspace through the loss of 2 existing units within the Epping Town Centre key frontage, which would be detrimental to the vitality and viability of the retail centre, contrary to policy TC4 of the Adopted Local Plans and Alterations.*

Policy TC4 permits non-retail uses within the key frontage provided a proposal will not result in the non-retail frontage exceeding 30% and more than two adjacent non-retail uses. The most recent town centre survey for Epping (February 2011) records the non-retail frontage at 32.5%; with the loss of two A1 units this percentage will rise to 33.7%. The proposal was considered and is still considered contrary to policy TC4 as it is not within the percentage limits as defined by policy TC4.

However, the previous decision was appealed and although the appeal was dismissed this was due to the design grounds relating to the height of the ridgeline as outlined above. On the issue of the suitability of the ground floor use, the Inspector took the view that given the length of time the property had been marketed that:

*'Whilst I acknowledge that there would be conflict with the criterion of Policy TC4, I consider that this is outweighed by the likely benefits to the vitality of the centre of having an occupier within the proposed building. Therefore, in relation to this issue I conclude that on the basis of the evidence presented for this individual case, there would be a likely benefit to the vitality of the centre.'*

Because of this decision and the Planning Inspector's comments (full appeal decision attached as Appendix A below) the applicants have re-submitted the application, with full and updated marketing history and although contrary to policy a restaurant use has been accepted at Appeal, as the Applicants argue that they are unable to find long term retail use of the site. Although the appeal decision is disappointing given that there is existing A1 use of the site, Officers do not feel in a position to go against the considered view of the Appeal Inspector. Therefore an A3 use within the key frontage is acceptable in this case. Since the previously refused application an offer has been accepted by the owners of the site for a national chain restaurant to occupy the proposed re-developed site.

#### Neighbouring Amenity

The nearest neighbouring property is 2 Hemnall Street (Kendal Lodge), which is located to the rear of the site fronting onto Hemnall Street. The occupier of the property has objected to the development on several grounds. Overlooking from the proposed flats is one objection, however this could be resolved by (as with the other permissions at this site) a condition to ensure details of boundary treatments submitted to ensure a suitable level of screening along this side boundary and therefore overlooking is not considered a significant issue.

A further issue is the location of the bin store for the proposed restaurant use. Although not ideal it is considered that a suitable condition could be added to any permission granted to ensure bins are enclosed to minimise any nuisance to neighbouring properties.

A further issue has been raised with regards to potential nuisances from the proposal with regards to noise and smell. These issues may also impact on future occupiers of the proposed flats. Information has been provided with regards to the proposed flue and noise from the flue and was the subject of pre-application discussions with the Council's Environmental Health team. The flue extract will be via a chimney on the roof of the building and this is considered an appropriate method of venting kitchen smells. The Council's Environmental Health Officers have no objection to the proposal.

With regards to noise from users and/or deliveries, the proposal is on a High Street location where some noise from uses is considered normal and can be expected. To avoid excessive disruption a

condition could be added to any permission granted to control opening hours to minimise disruption for surrounding residents and future occupiers of the proposal.

Although not a reason for refusal in itself, as any purchaser of the proposed flats would be aware, it is considered that the internal layout is unsatisfactory as it results in a long, narrow corridor to access the front flats without any natural lighting. An alternative front entrance would be considered a more acceptable design.

#### Highway Issues

Essex County Council Highways have no objection to the proposal subject to conditions. Although only 9 parking spaces have been provided (one for each flat, with one spare), this is considered acceptable given this sustainable town centre location, within walking distance of bus stops, an Underground Station, alternative public parking along with local shops and services.

#### **Conclusion:**

Notwithstanding neighbour and Parish Council objections and the issues discussed above, the proposal is considered a well designed replacement building, which is in a sustainable location and will provide an opportunity to improve the dilapidated rear area of the site. It does involve the loss of a locally listed building, however the principal of this as discussed above has been agreed previously, and although the ground floor use is contrary to current policy, as discussed within the appeal decision this is outweighed by the long term use of the site which would assist in the viability and vitality of the town centre. Therefore approval with conditions is recommended.

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

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

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

## Appendix A



The Planning  
Inspectorate

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## Appeal Decisions

Hearing held on 8 November 2011

Site visit made on 8 November 2011

by **Tim Wood BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 December 2011

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### **Appeal A: APP/J1535/E/11/2158216** **208-212 High Street, Epping, Essex CM16 4AQ**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
  - The appeal is made by Edgewest Epping Ltd against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/1071/11 CAC, dated 13 May 2011, was refused by notice dated 12 July 2011.
  - The demolition proposed is described as "the demolition of buildings".
- 

### **Appeal B: APP/J1535/A/11/2158208** **208-212 High Street, Epping, Essex CM16 4AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Edgewest Epping Ltd against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/1020/11, dated 13 May 2011, was refused by notice dated 12 July 2011.
  - The development proposed is the demolition of the buildings and the redevelopment of the site to provide a mixed use development comprising A3 restaurant and 8 residential units.
- 

## Decisions

### *Appeal A*

1. The appeal is dismissed.

### *Appeal B*

2. The appeal is dismissed.

## Preliminary Matters

3. Planning permission was granted by the Council in 2006, and recently renewed, for a redevelopment of the site with retail use at ground floor.
4. The appellant has submitted a revised drawing (No 713/15g) which shows a lower roof line to the frontage element of the proposed building and has asked that I consider this as part of the appeal scheme. It is intended that the revision contained therein would overcome the Council's objection which relates to the visual effects of the proposal on the locality. Whilst the Council have expressed an informal officer opinion that the revised proposal would be

acceptable (confirmed at the Hearing), they are concerned that the revision has not been the subject of full consultation with interested parties, including a site notice, and that they as a planning authority have not formally considered the revision.

5. In considering this matter I have been guided by the principles established in the *Wheatcroft* case. The revision is designed to overcome one of the reasons for refusal and in this respect I regard it as a significant change. In seeking to publicise the revision the appellant sent copies of the drawing not only to the Council but also to 5 other people, although the Council had commented on the drawing earlier. These letters were dated 30 September 2011. The final deadline for the receipt of comments to The Planning Inspectorate was 3 October 2011. I consider that this would not have given those interested parties an adequate time to consider the proposed revision and to send comments within the deadline. Furthermore, whilst the appellant has chosen to send the revised drawing and letter to individuals who objected by letter to the original proposal, they have not sent letters to those who signed the petition, those who the Council have notified nor have they erected a site notice. As a result, I consider that reasonable steps to make interested people aware of the proposed revision have not been taken, and those that have been informed have not been afforded a reasonable time within which to make their comments. If I were to consider the revision as part of the appeal proposal there is a risk that the interests of those people would be prejudiced. Therefore, I will not consider the revision as part of the appeal and I shall rely on the original drawing (No 713/15e) and those others formally considered by the Council.

#### **Main Issues**

6. The main issues in these appeal are as follows;
  - The effects of the proposal on the conservation area and the setting of the adjacent listed building
  - The effects of the proposal on the vitality and viability of the retail centre.

#### **Reasons**

##### ***The effects of the proposal on the conservation area and the setting of the adjacent listed building***

7. The existing building sits between the taller building at No 214/216 and the lower building of the adjacent public house. The existing building on the appeal site has a height between that of its two neighbours and appears as a transition between the taller building and the public house. It is also notable that the public house is significantly lower than No 214/216 and the heights of the other buildings beyond the public house are similarly lower. I consider that the transition in height represented by the existing building is an important feature which helps to provide a step between the neighbouring buildings and ensures that the adjacent listed building of the public house is not unacceptably dominated.
8. The proposal would have a height the same as No 214/216 with a ridged roof running across the site and gables at each end, occupying the full width of the appeal site. This would fail to provide a step between the neighbouring buildings. The continuation of the higher form of buildings would result in a

visually abrupt step between the proposal and the public house which would appear harsh and awkward. I note that the approved redevelopment of the retail scheme would have provided a lower roof line.

9. As a result of its unacceptable appearance, the proposed roof line would fail to preserve the character or appearance of the conservation area. In relation to the public house, the proposal would appear dominating and for the reasons set out above, it would fail to preserve its setting. Therefore the proposal is contrary to the aims of Policies HC6 and HC12 of the LP.

***The effects of the proposal on the vitality and viability of the retail centre***

10. The appeal relates to this 3 storey frontage building, and lower buildings behind, which is within the key frontage of the Epping Town Centre. The ground floor commercial use is divided into 2 units; both are in use as retail shops.
11. The Epping Forest District Local Plan (LP) defines the key frontage as “the minimum amount of frontage that the local planning authority considers needs to be maintained to ensure that the town centre retains its position in the hierarchy” (original emphasis). Policy TC4 goes on to state that proposals in the key frontage will be acceptable if non retail uses do not exceed 30% and no more than 2 adjacent non-retail uses would arise. The LP does recognise that other uses, including those within use class A3, are appropriate to centres and that they can complement and enhance the functioning of a centre, but adds that such uses can undermine the retail function of a centre by reducing the amount of retail floorspace, attracting fewer people than shops and attracting people for one purpose.
12. The most recently available figures (February 2011) records the non-retail element of the key frontage as 32.5%. The proposal would result in an increase of this to 33.7% (33.6% according to the appellant). This would be a breach of the criterion of Policy TC4.
13. The appellant states that the retail premises have been partly vacant (although occupied at the time of the Hearing) for some time and that the proposed restaurant use would add vitality to the centre. I noted that the premises were occupied at the time of the Hearing but the appellant has stated that this is on a temporary basis. In such situations the effects of a long term vacancy on the vitality of a centre needs to be taken into account.
14. The appellant states that the premises have been marketed for retail use since 2007 and that no retailer has successfully been attracted. The appellant has submitted 2 statements in relation to the marketing of the property which show that considerable efforts have been made but sets out the unsuccessful conclusion of negotiations. It is notable that the Council accept that a robust marketing exercise has been undertaken and they have not sought to challenge the appellant’s view that the redevelopment of the site for the consented retail scheme would not be viable.
15. In the light of these matters the likelihood of achieving a successful retail use of the site seems to be low. In the absence of a redevelopment, the existing building is likely to become vacant and remain difficult to let except perhaps on a short-term basis, as at present. The consented redevelopment of the site would also be unlikely to attract a retail use, as the appellant’s efforts over the last 4 years have shown. Whilst I acknowledge that there would be conflict

with the criterion of Policy TC4, I consider that this is outweighed by the likely benefits to the vitality of the centre of having an occupier within the proposed building. Therefore, in relation to this issue I conclude that on the basis of the evidence presented for this individual case, there would be a likely benefit to the vitality of the centre. Notwithstanding my conclusion on this issue, this is insufficient to outweigh the harm that would result in relation to the conservation area and the adjacent listed building.

#### **Other Matters**

16. The Council confirmed that there is no overriding intrinsic merit in the existing building which would mean that its loss should be resisted. Their opposition to its demolition relates to the qualities of the replacement scheme. On the basis of the evidence submitted, I agree with this view and taking account of my findings in relation to the proposed replacement scheme, conclude that it would not be acceptable to agree to the demolition of the existing building.
17. Although not raised by the Council, others have concerns in relation to traffic and parking. It is notable that the proposal before me is similar in this respect to that which has permission. The proposal contains car parking spaces at the rear which are acceptable in their number and disposition. I would not expect that the proposed use would give rise to any greater vehicle movements than the consented retail scheme and I envisage no unacceptable impact in this respect. In relation to possible anti-social behaviour, it is not envisaged that a restaurant would give rise to overriding concerns in this respect.
18. Concerns in relation to the bin stores and the fume extraction could adequately be addressed by conditions if planning permission were to be granted. In addition, the neighbouring resident agreed that concerns in relation to overlooking could be satisfied by the construction of a boundary wall, which could be the subject of a condition.

#### **Conclusion**

19. Careful account has been taken of all other matters raised, including the benefits of providing additional residential units in this accessible location. However, for the reasons set out above, the proposal would have an unacceptable effect on the conservation area and setting of the adjacent listed building and these matters are not outweighed by any other considerations. Therefore, the appeals are dismissed.

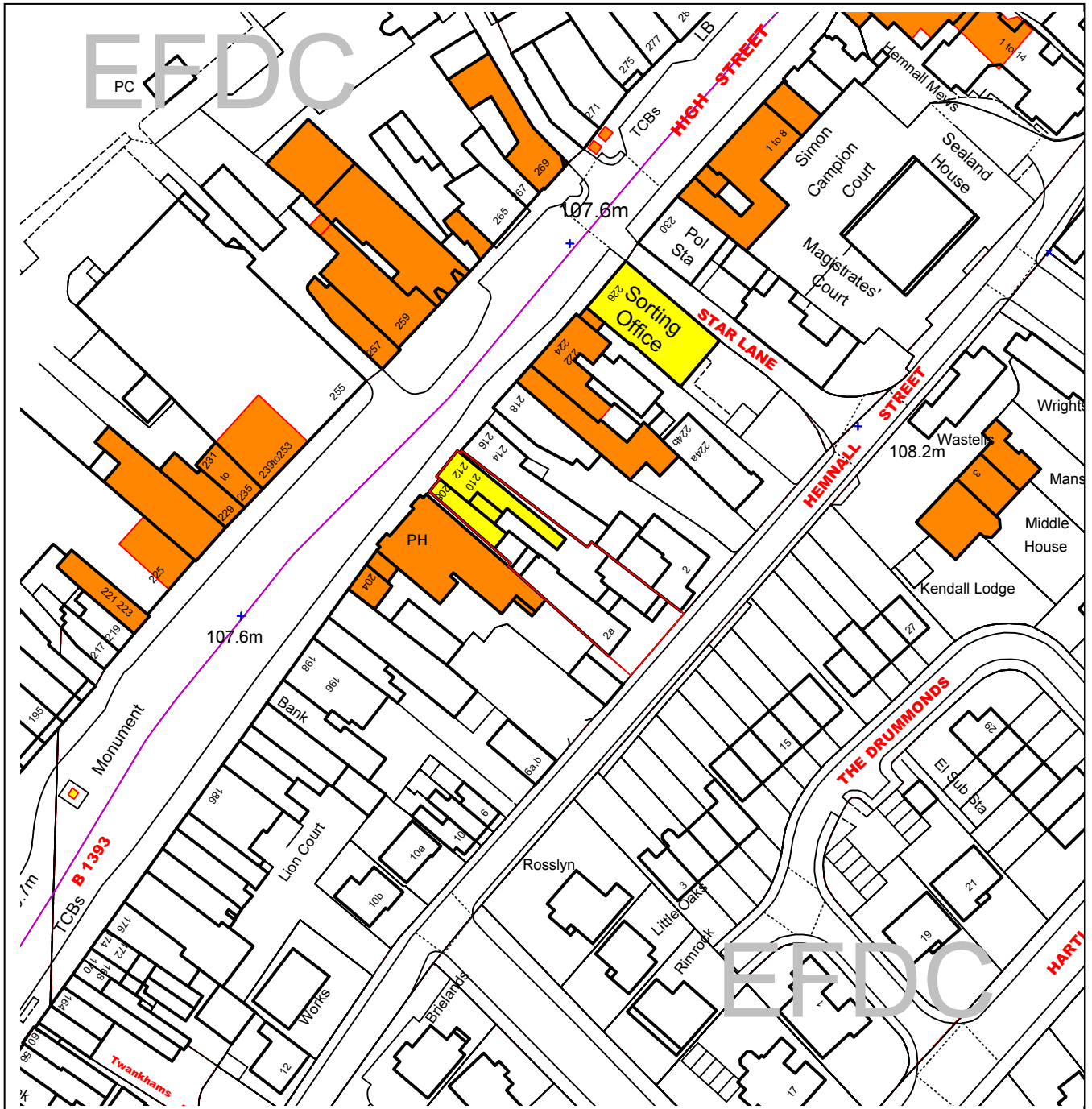
*S T Wood*

INSPECTOR



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>10 &amp; 11</b>
Application Number:	EPF/2538/11 & EPF/2539/11
Site Name:	208 - 212 High Street, Epping CM16 4AQ
Scale of Plot:	1/1250



## Report Item No: 11

<b>APPLICATION No:</b>	EPF/2539/11
<b>SITE ADDRESS:</b>	208 - 212 High Street Epping Essex CM16 4AQ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Edgewest (Epping) Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Conservation area consent for the demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurants and 8 residential units. (Revised application)
<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=533634](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533634)

### CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 Prior to commencement of demolition, a schedule and timetable for the redevelopment of the site in accordance with EPF/2538/11, has been submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with the agreed timetable 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 Site:**

The application site is approximately 750m<sup>2</sup>, comprising a three storey building at the front facing onto the High Street. This building contains elements of the original 17<sup>th</sup> Century timber framed building, although it has been remodelled in the 19<sup>th</sup> Century and 20<sup>th</sup> Centuries. It is an example of an evolved urban building and is on the Council's Local List of buildings of local architectural or historic interest. The neighbouring property is a listed public house.

To the rear there are more modern single and 2 storey buildings fronting Hemnall Street in a dilapidated state. The site is located in the centre of Epping Conservation Area within the key shopping frontage of the town centre. The main front building is currently split into two shop units,

both of which are currently trading (the larger unit was empty for some time due to fire damage). The site is not within the Metropolitan Green Belt.

### **Description of Proposal:**

Conservation Area Consent for the demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurant and 8 residential units (revised application). The proposal will result in a large restaurant area with services to the rear and the 8 flats above, with parking and bin stores to the rear with access from Hemnall Street.

### **Relevant History:**

Extensive planning history the most recent of which:

EPF/2538/11 – Demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurant use and 8 residential units – Concurrent application

EPF/1020/11 – Demolition of buildings and redevelopment of site to provide a mixed use development comprising A3 restaurant and 8 residential units – Refused and dismissed at Appeal

EPF/1071/11 – Conservation area consent for the demolition of buildings and redevelopment of site to provide a mixed use of development comprising A3 restaurant and 8 residential units – Refused and dismissed at Appeal

EPF/0150/10 – Extension of time limit on EPF/0060/06 for conservation area consent for the demolition of buildings and redevelopment of the site to provide a mixed use development comprising A1 retail and 8 residential units – App/Con

EPF/0149/10 – Extension of time limit on EPF/0039/06 for the demolition of buildings and redevelopment of the site to provide a mixed use development comprising A1 retail and 8 residential units – App/Con

EPF/0039/06 – Demolition of buildings and redevelopment of site to provide a mixed use development comprising A1 retail and 8 residential units – Approved

EPF/0060/06 – Conservation Area Consent for demolition of 208-212 High Street and buildings to rear - Approved

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

HC9 – Demolition in Conservation Areas

HC13A – Local list of buildings

### **Summary of Representations:**

EPPING TOWN COUNCIL – Committee object to this application. Whilst it is appreciated that the current application is a small improvement over previous proposals, the so called heritage type shop front proposed bears very little resemblance to the shop front as it exists currently. There appears to be no valid reason why a new shop front cannot be created that respects the local vernacular style of the existing shop front. Such an approach would clearly honour the purposes of making Epping a conservation area.

#### NEIGHBOURS

Site notice erected

74 MADELLS – Objection to any form of demolition of these buildings, frontage should be kept totally intact, too many restaurants already in Epping.

### **Issues and Considerations:**

The main issue that arises with this application is whether or not the Council is satisfied that the demolition of the buildings and the subsequent re-building as per the associated proposed scheme is acceptable within the Epping Conservation Area.

The principle of the loss of this Locally Listed Building within the Conservation Area has been agreed with the previous applications and in particular the extant permission for the extension of time limit (EPF/0150/10). This previous permission was specifically for the redevelopment of the site to include A1 retail at ground floor.

Conservation Area Consent assessment is two fold, a) if the Council feel that the loss of the building is acceptable and b) if a replacement is required is the scheme acceptable.

The loss of the building as stated above has been accepted and therefore the proposal is considered to comply with point a) above. The previous Conservation Area Consent (EPF/1071/11) was refused as the proposed replacement scheme was not considered acceptable due to the height of the ridgeline and the proposed ground floor use and therefore if conservation area consent were given there would be no suitable replacement building and therefore an unacceptable void within the High Street. However, since this decision, the previously refused planning application and conservation area consent have been heard at appeal. Given that the Planning Inspector felt an A3 use would be appropriate and the ridgeline of the proposal has been reduced, then the proposed demolition is considered acceptable as an associated acceptable scheme will replace this building.

### **Conclusion:**

The principal of the demolition of this building has previously been accepted and the planning application associated with this conservation area consent is considered a well designed replacement building. Although the ground floor use is contrary to current policy this has been tested at appeal and therefore is an acceptable replacement. Approval with conditions 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)***