

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2252/10
<b>SITE ADDRESS:</b>	Badgers Fyfield Road Moreton Ongar Essex CM5 0HN
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>APPLICANT:</b>	Mr Glen Turner
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of existing steel framed barn to offices B1(a) with associated external alterations and revocation of associated S52 Legal Agreement restricting use.
<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=522643](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=522643)

**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 development shall have taken place until 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 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.
- 4 Prior to first occupation of the units hereby approved, all temporary portacabin structures shall be removed from site.

- 5 Subsequent to first occupation, there shall be no external storage on site at any time whatsoever.
- 6 The development shall be carried out in accordance with the approved plans and particulars, in particular retaining the steel frame as indicated, unless otherwise agreed in writing by the Local Planning Authority.
- 7 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 41, Classes A or B shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The premises shall be used solely for B1(a) Office use. and for no other purpose (including any other purpose in Class B 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.
- 9 The development shall be carried out in strict accordance with the recommendations set out in the Phase 1 Habitat Survey carried out by Southern Ecological Solutions and issued on 23rd December 2010 unless otherwise agreed in writing by the Local Planning Authority.
- 10 Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to first occupation and retained in accordance with the approved details.
- 11 The office use hereby permitted shall not operate outside the hours of 07.30 to 19.00 on Monday to Friday and 08.00 to 17.00 on Saturdays. With no working on Sundays and Bank/Public Holidays.
- 12 Prior to the first use of the premises for office use, the alterations to the fronting dwelling (Badgers) shown on drawing number 469.01/WD07 received 29/02/2012 shall be carried out in full and retained for so long as the office use remains unless otherwise agreed in writing by the Local planning Authority.

*This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to Section CL56, Schedule A (i) of the Council's Delegated Functions).*

The applicant seeks consent to change the use of an existing steel framed barn to offices with associated alterations. The unit is tied by a S52 agreement restricting use to livestock rearing and agricultural storage only, therefore the applicant seeks the removal of this agreement also.

The proposal is that the building be altered into 4 office units with the retention of the existing hard surface to serve as parking and turning.

This application was previously considered by members in April 2011 at which meeting Members resolved to approve the application and to remove the S52 agreement, subject to the provision of a new S106 that restricted the occupation of the dwelling to the front to a person that owns/manages the proposed new business units to the rear or a worker employed within these

units. This was considered necessary to minimise any adverse impacts from the office units on the occupants of that dwelling. The dwelling would share an access with the office units immediately adjacent the dwelling and the use would take place in close proximity causing potential for noise, disturbance and loss of privacy to the occupant of the fronting dwelling. It was considered that this relationship was therefore only acceptable if the occupant of the dwelling either owned or worked in the units.

The application was subsequently brought back before committee in October 2011 asking members to reconsider the need for the legal agreement. The applicant argued at that time that he had difficulty arranging the Legal Agreement as his existing Lender was unwilling to enter into the agreement. The applicant is tied into a fixed mortgage for another 12 months and early release would incur significant expense which would detract from the viability of the conversion. The applicant had sought further financing advice and been informed funding is unlikely with the S106 in place. Therefore the applicant sought permission to proceed without the legal agreement and if appropriate, conditions in lieu.

Members determined at that time that the 106 agreement was necessary and declined to grant consent without it.

The applicant has now asked that the matter be presented again with some amendments which it is considered would mitigate the harm to residential amenity from the development and therefore remove the need for the Legal agreement, which he has been unable to enter into due to banks being unwilling to lend with a legal agreement in place.

The changes to the original scheme are changes to the fronting house (Badgers) itself. 1. To remove the side entrance door of the house which opens out onto the access drive, replacing it with a double glazed window and introduce a "front door" in the front elevation of the property. 2. Provision of frosted film to the windows of the side window of the rear conservatory to preserve privacy and 3. Provision of additional planters and hedging to the side and front of the house to help maintain privacy. In addition the applicant is happy to accept an hours of operation condition so that the office facility cannot operate at antisocial hours.

Officers have considered these amendments and are of the view that the changes are sufficient to overcome the main concerns regarding impact on the amenity of the occupants of the fronting dwelling from the use of the building to the rear as offices and on this basis subject to conditions the application is now put before members with a recommendation for approval without the need for the previously requested legal agreement.

The original report is reproduced below.

### **Description of Development**

The applicant seeks consent to change the use of an existing steel framed barn to offices with associated alterations. The unit is tied by a S52 agreement restricting use to livestock rearing and agricultural storage only, therefore the applicant seeks the removal of this agreement also.

The proposal is that the building be altered into 4 office units with the retention of the existing hard surface to serve as parking and turning.

### **Description of site**

Badgers is a detached residential property formerly known as Fairview, fronting Fyfield Road isolated from neighbouring properties in a rural location with the barn within the plot to the rear. The site is accessed alongside the residence to the front (also owned by the applicant), The site is within the Green Belt.

The site presently has two temporary office cabins located to the rear.

### **Relevant History**

EPF/0350/72 – Outline app for Garage/workshop – Refused (allowed at Appeal)  
EPF/0350A/72 – Details of Garage/Workshop – Approved  
EPF/0326/82 – Retention of garage and workshop for further period – Approved  
EPF/0922/83 – Retention of garage and workshop for a further period – Refused  
EPF/1097/85 – Retention of building for agricultural storage and livestock rearing – Approved subject to section 52 agreement

### **Policies Applied**

CP2 – Protecting the Quality of the Rural and Built Environment  
GB2A – Development in the Green Belt  
GB8A – Change of use or adaptation of buildings  
DBE4 – Design in the Green Belt  
DBE9 – Loss of amenity  
ST1 – Location of development  
ST2 – Accessibility of development  
ST6 – Vehicle parking

### **Representations Received**

1 neighbouring property was consulted and a site notice erected with a single response as follows:

BUNDISH HALL, FYFIELD ROAD: Object to the application, note no site notice in place and concerns regarding the present sewage system and outflow which contaminates a ditch and absence of reassurance that this is being addressed.

ONGAR TOWN COUNCIL:

3<sup>rd</sup> February 2010: Resolved not to object

28<sup>th</sup> March 2010: (following amended description to include revocation of associated S52 agreement) Resolved to make no comment

### **Issues and Considerations**

The main issues for Members to consider are the principle of the proposed change of use in the Green Belt, impacts to employment generation, sustainability matters and issues in relation to the original S52 tie. The proposals should also be considered in terms of design and appearance, neighbouring amenity, highway safety and ecological matters.

#### **Green Belt and Employment**

Policy GB8A sets out that the change of use or adaptation of a building in the Green Belt is acceptable subject to the following surmised criteria:

- i) The building is capable of conversion without major or complete reconstruction and is in keeping with the surroundings
- ii) The use would not have a materially greater impact on the Green Belt than the present use
- iii) The use and associated traffic would not have a significant detrimental impact on the character or amenities of the Countryside
- iv) Works within the last 10 years have not been carried out with a view to enabling any alternate use

- v) The use will not have a significant adverse impact on the vitality or viability of an economic centre.

The policy goes on to suggest employment generating uses will be preferred (such as recreation, tourism, small workshops and storage) and that proposals involving a significant amount of parking and commuting will be refused.

With regard to the above criteria:

- i) The application is accompanied by a letter of confirmation from a Structural Engineer that the steel frame from which the building is constructed is in adequate and sound condition for the lightweight covering and cladding proposed and that the frame is adequate for the proposed changes without imposing any additional permanent or variable loading. On this basis the proposals satisfy criteria i) above and the appearance is not dissimilar to that which presently exists.
- ii) The proposed use for offices would have a greater impact on the locality than that which is presently permitted. The lawful use of the building is for agricultural storage and livestock rearing, however it would appear that this has not been the use of the building for some time. Agricultural storage and livestock uses are not uncommon in the Green Belt and are uses which permit necessary agricultural development. The proposed office use would result in a less functional more aesthetically pleasing appearance, albeit more contrasting with the Green Belt and would result in an intensification of use beyond that previously permitted. In the past the unit has been used as a garage/workshop, however this use was historically seen as inappropriate and the retention of the structure for these purposes was denied. Members should therefore consider that whilst the proposed Office units would visually improve the façade of the building, the use is at a greater intensity than previously permitted with each office unit able to accommodate at least 6 employees plus visitors with ease.
- iii) The use and associated traffic would impact on the character of the amenities in this locality to a greater extent than the former agricultural/livestock use. There will therefore likely be an increase in traffic but as the proposed use is specifically office B1(a) and not business or industrial, most such traffic will be cars. As such officers consider that this will not be significantly harmful.
- iv) The history relating to this site is older than 10 years and the applicant is a new owner of the property, therefore this criteria is satisfied.
- v) The application site is well separated from local and town centres and would have very little bearing on the economic viability of town centres. The applicant has indicated that they will occupy two of the four units, Members may wish to secure this by legal agreement.

Generally Officers consider that the proposals meet the broad objectives of policy GB8A and that whilst not a suggested suitable alternate use in policy GB8A, small office units would retain the building in an alternate function. The proposed use, intensity of activity and scale is relatively low key and could be regarded as appropriate. Conditions can be added to prevent external storage that would be harmful to the character of the area.

#### Sustainability

With regard to sustainability matters, policies seek to ensure that new development is provided in accessible locations and reduces reliance on private car transport whilst promoting the reuse of land and buildings. The site location is such that public transport and local amenities are restricted, but the reuse of an existing structure may be argued as sustainable, however it is noted that only the frame and slab would be reused.

#### Design and appearance

The scale of the proposal is determined by the existing structure, however the applicant proposes to break up the existing façade by including openings on all elevations, with detailing on the front and rear designed in a floor to ceiling manner to mimic barn style openings. No objections are raised regarding the design of the building on an otherwise isolated plot, aside from the owner's accommodation on the front.

#### Neighbouring amenity

The application site is largely isolated in a rural location with no immediate neighbours aside from the applicant's own property adjacent the access to the site. The access and egress of vehicles relating to the proposed offices at the rear would undoubtedly result in some noise and disturbance to the dwelling known as Badgers, which whilst occupied in association with the office units raises minimal concern, however, should this arrangement cease, any potential future occupier would experience noise and disturbance from traffic to an unacceptable degree. The provision of high level openings overlooking the rear garden would also raise concern, albeit this can be mitigated to some extent by a landscaping condition. For this reason, Officers suggest Members may wish to impose a tie between the Office units and the dwelling to restrict occupation. Alternately Members may wish to impose an hours of use condition to reduce noise and disturbance outside of normal office hours.

#### Highway matters

The proposal would use the existing access alongside the dwelling known as Badgers (formerly Fairview) to reach the building to the rear where 16 parking spaces would be provided (4 spaces per unit).

Highways have responded to our consultation and would not wish to raise an objection subject to a condition requiring details of a provision for cycle parking facilities. They have noted that traffic generation would be comparable to movements possible in connection with the lawful use of the site and would reduce movements associated with large slow moving agricultural machinery. They note the parking bays appear below the size required by current standards and that the applicant intends to occupy two of the four units, further reducing journeys. Finally Highways note that users of the site would be largely reliant on access by private vehicle.

Parking standards require 1 space per 20sqm for staff, with visitor parking not required under 200sqm. The proposed units provide between 86-89sqm each therefore 4 spaces per unit accords with this standard. Visitor parking would be desirable as the development as a whole provides 350sqm of office space, but none is provided.

Officers note the existing temporary office units would need to be removed in full to provide the parking as indicated and this can be required by condition.

#### Ecology

The application has been accompanied by a Phase 1 Habitat Survey as required by legislation to provide details of whether the proposed reuse of the existing buildings or surfacing would disturb any protected flora or fauna. The report identifies that the buildings and hard surfacing on site do not provide habitats for any protected species and that any adverse impacts from the proposed works would be indirect only. Accordingly suggestion is made that any scrub clearance should be carried out after nesting season (March-August) or after an ecologist has confirmed no active nests are present, and that bat sensitive lighting should be used pre- and post- construction as a precaution. The report also recommends that sensitive construction be employed to ensure trenches are covered overnight, including materials such as freshly laid concrete and that all materials stored should be off the ground to prevent becoming hibernacula or within 'amphibian proof' structures.

#### **Conclusion**

The applicants have submitted information to demonstrate how the existing building may be converted whilst retaining the main underpinning structure. The works would visually enhance the external appearance albeit in a commercial manner and the proposals would provide additional office accommodation which may be viewed as employment generating, with two units already identified for use by the applicants. Highways have raised no objections to the location of the development, access or turning and conditions or legal agreement can be imposed to overcome any concerns regarding amenity of future occupants, potential ecological impacts and other matters.

Mindful of the above, on balance approval is recommended subject to the removal of the S52 agreement (restricting use of the building to livestock rearing and storage of agricultural machinery only) and provision of a S106 (restricting occupancy of the property known as Badgers to persons owning or employed in the onsite office uses and potentially restricting occupation of two of the units to the owners of Badgers as set out in the application) and conditions as 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:**

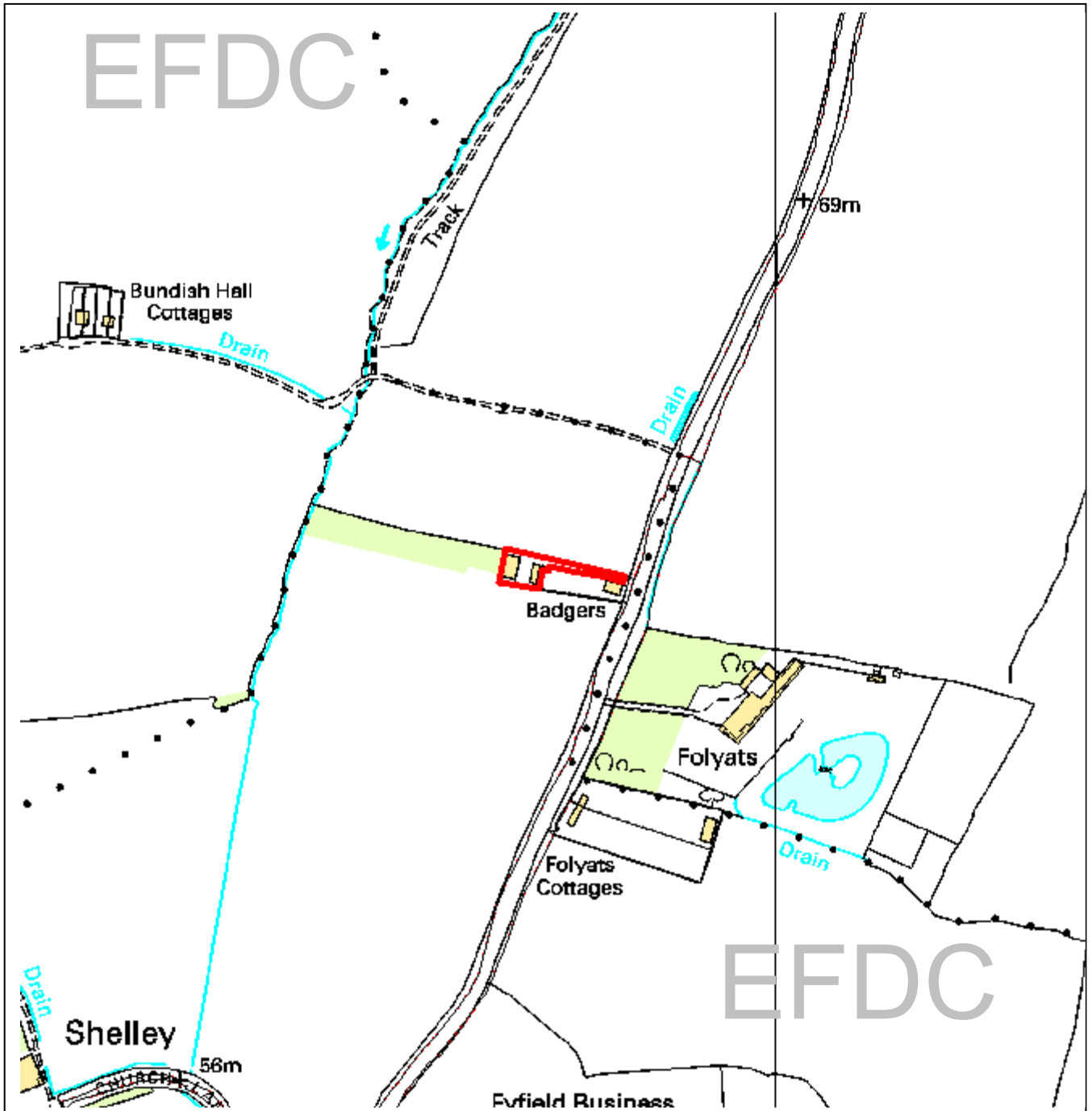
**Planning Application Case Officer: Jill Shingler  
Direct Line Telephone Number: 01992 574106**

**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



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

EFDC licence No.100018534

<b>Agenda Item Number:</b>	1
Application Number:	EPF/2252/10
Site Name:	Badgers, Fyfield Road, Moreton CM5 0HN
Scale of Plot:	1/5000



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2547/11
<b>SITE ADDRESS:</b>	Land adj Horseshoe Farm London Road North Weald Essex CM17 9LH
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mr Ian Padfield
<b>DESCRIPTION OF PROPOSAL:</b>	Extension to existing grain storage facilities.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=533676](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533676)

**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: 208239DWG020 Rev B, 208239DWG021 Rev B and 208239DWG022 Rev B
- 3 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 5 Prior to first occupation of the development the vehicular turning facility as shown on drawing no.208239DWG022 Rev B, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- 6 The premises approved shall be used solely for storage and operations in association with agriculture and not for any other use whatsoever at any time.

- 7 On the cessation of the agricultural use of the buildings hereby approved cease, the buildings shall be demolished and all resulting materials removed from the land.
- 8 The approved hard-surface shall not be used for open storage at any time, with the surface intended solely for use for vehicles turning and waiting, loading and unloading.

**This application was deferred at the last Plans East Committee to enable Members to visit the site before a decision is made.**

**The original report is reproduced below.**

*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 major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c))*

*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).)*

### **Description of Site:**

The application site is located on the eastern side of Thornwood High Road, known as the B1393 which is a main route connecting Epping to the M11, Harlow and beyond. The application site is restricted to the area of the proposed structure and turning area only, although the accompanying statement with the application states that Horseshoes forms part of a 507 hectare holding. The site is adjacent to Horse Shoe Farm and backs and sides onto open fields.

There is an existing grain store on the site which has a footprint of some 440m<sup>2</sup>. This is a typical modern agricultural building type structure, metal profiled sheeting, with a breeze block base and two large roller shutter doors. The maximum height of this existing unit is 9m.

The site is above the level of the roadside and screened partly from view by unmanaged vegetation along the roadside. Access to the site is shared with Horse Shoe Farm from the B1393 and the site is located within the Metropolitan Green Belt.

The existing grain store building on the site was built on the assumption that it was agricultural permitted development. It has subsequently been established that due to its proximity to North Weald Airfield, it was not in fact permitted development. However, as it has been built more than 4 years, it is lawful.

### **Description of Proposal:**

The applicant seeks consent to extend the existing grain store which will quadruple the size of the existing building. The proposal will result in a building with a footprint of some 1770m<sup>2</sup> and will follow the same height and design as the existing building.

### **Relevant History:**

EPF/0713/07 – Erection of agricultural storage building – Prior approval required and approved.  
EPF/0111/09 – New grain store incorporating extension to existing grain store at Horseshoe Farm – Refused and dismissed at appeal  
EPF/1201/09 – Agricultural grain storage building - Withdrawn by Applicant  
EPF/0718/10 – Agricultural determination for a grain store – Withdrawn by Council  
EPF/1313/10 – Extension to existing agricultural building - Refused

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment  
GB2A – Development in the Green Belt  
GB11 – Agricultural Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
LL1 – Rural Landscape  
LL4 – Agricultural/Forestry related development  
ST4 – Road Safety

### **Summary of Representations:**

NORTH WEALD PARISH COUNCIL: Objects to this application on the following grounds:  
It has not been proven that this application complies with the following policies under GB11 of the local plan:

- (i) Are demonstrably necessary for the purposes of agriculture with that UNIT.
- (ii) be detrimental to the character or appearance of the locality or to the amenities of nearby residents
- (iii) have an unacceptable adverse effect on Highway Safety

#### NEIGHBOURS

15 neighbours were consulted and a site notice erected

HERB FARM HOUSE, LONDON ROAD – Concerned with increase in commercial vehicles and design of buildings will be to the further detriment of the local environment.

HORSESHOE HOUSE, LONDON ROAD – Increase in pests with a larger store

HORSESHOE FARM, LONDON ROAD – Strong objection – concerned with future use of the site, farm machinery being stored outside, existing building is an eyesore, highway problems due to slow moving vehicles, contrary to green belt policy

HORSE SHOE FARM, LONDON ROAD – Objection – Development in the Green Belt, requirement under GB11 (i) has not been proven, not intended for long term grain storage, other alternatives available, highway safety issues, not central to farm holdings, increase in vermin, industrialisation of countryside. (25 page comments received)

## **Issues and Considerations:**

The main issues that arise with this application for consideration are the application history and the following issues which were assessed as part of the previous applications:

- Application History
- Principle of development and Green Belt/Landscape issues
- Impact on neighbouring amenity
- Highways and transportation matters

### **Application History**

Historically a similar application EPF/0111/09 (for the same building but excluding the proposed bunding) was refused by Committee as it failed part ii) of policy GB11 and this has been upheld at appeal. A second application EPF/1313/10 was refused under delegated powers for similar reasons along with concerns regarding the traffic movements at the site and the impact on neighbouring amenity and highway safety.

At the 2009 application appeal the inspector upheld the appeal but with an emphasis on the criteria of policy GB11, namely parts i) and ii).

Policy GB11 sets out the following requirements:

- i) That the proposals are demonstrably necessary for the purposes of agriculture within that unit.
- ii) Would not be detrimental to the character or appearance of the locality or to the amenities of nearby residents
- iii) Would not have an unacceptable adverse effect on highway safety, or with regard to water quality and a supply, any watercourse in the vicinity of the site.
- iv) Would not significantly threaten any sites of importance for nature conservation.

This current application has been accompanied by a supporting statement which seeks to overcome the initial issues raised by the Inspector along with the issues relating to traffic movements. The Inspector raised the following points regarding the demonstration of need in their assessment of the 2009 proposal:

A clear demonstration of need was highlighted as being required as opposed to an assertion of need and the Inspector concluded that no firm case had been made. The following details were identified as being required:

- Details of potential cereal crops and storage potentially required.
- Details of the land previously used as set-aside
- Details of increase in production
- Explanation of why the existing building can not provide segregated storage
- Details of chemicals to be stored and space required should there be no other buildings available for this purpose and why this is.
- Clarification is required with regard to the applicants land holdings and buildings available within.

The current application includes additional information in an attempt to address the Inspector's views as follows:

### **Potential cereal crops and storage potentially required:**

The applicant has identified 5 different types of wheat, along with winter rape and winter beans which are the main crop. 4,176 tons of crops are produced annually with the main wheat crop (harvested in July/August) resulting in 3,364 tons. With current storage (at this site and at Weald

Hall) providing for 1,600 tons there is therefore a current shortfall of 2,576 tons of storage space. The crops can be stored for varying lengths of time as it is stored until the 'price is right' rather than straight from the combine which is not a cost effective option given the varying crop prices.

#### Details of the land previously used as set aside

The abolition of fixed set aside has resulted in a further increase in arable land and has resulted in an increase of storage of up to 15% more tonnage. The set aside scheme was replaced to a degree by the Stewardship Scheme but in this holding's case the Stewardship Scheme only affects small areas of land in field corners, edges and margins and this land has not been included as part of the total arable land in production.

#### Details of increase in production

The supporting statement has provided information regarding the increase in production with the arable business expanding in 2000 due to the ceasing of the dairy herd at the holding. The inclusion of the land 'set aside' as outlined above has also increased production in recent years. The applicant has also suggested that technical advancements are also continually increasing production on the holding.

The existing grain store was erected in 2007 and the applicant has used 'Camgrain', an agricultural storage firm based in Cambridge to provide for the shortfall in storage space within the holding. However, as outlined within the supporting statement the cost of outsourcing the storage is high and figures have been provided for the 2011 harvest. Due to fluctuating wheat and oil seed rape prices, crops can be stored to achieve the best price as often it is not viable to sell the crops directly from the combine. Furthermore, the supporting statement continues that if a wet harvest, grain has to be stored to be dried before it can be sold as buyers will reject crops with too high a moisture content.

#### Explanation of why the existing building cannot provide segregated storage

The existing buildings cannot support the required amount of storage required whether separate or not. The proposed building is open plan in two sections but if further separation is required portable concrete partitions can be put in place and moved within the building and removed as and when necessary providing greater flexibility for crop yields.

#### Details of chemicals to be stored and space required

The Inspector was concerned that chemicals or fertilisers were to be stored in the proposal therefore taking away storage space for grain. However, the Agent has confirmed that there is no intention to store chemicals within the building and therefore no specific storage space is required.

#### Clarification of applicant's land holdings and buildings available within

The supporting statement provides details of the size of the arable land holding, which includes the land at Horeshoes, along with Weald Hall, Hayleys Manor and Esgors. This figure has been confirmed by the applicant as being only for land currently in arable production and not for any areas of buildings/non-farming uses or areas within the Stewardship Scheme. Detailed information has been provided by the applicant with regards to why other buildings within the holding are not suitable for the grain storage.

A large amount of buildings are not suitable due to their age, particularly those at Hayleys Manor which were built in the 1950's and 1960's and do not accommodate the large modern machinery.

At Esgors and the remaining buildings at Weald Hall problems occur with the access and conflict with other commercial uses at the site. Many tenants at the sites are in long term leases and even if the buildings were available, due to the buildings physically adjoining each other the risk of cross contamination would be high. The commercial uses of the sites were established prior to the cessation of the dairy farming on the holding and therefore the need for additional storage exists.

Although it is clearly unfortunate that the existing buildings within the applicant's ownership are either unsuitable or in other uses it is considered that a strong justification as to why the existing buildings remain unsuitable has been put forward by the applicant.

#### Principle of development and Green Belt/Landscape issues

Agricultural development may in principle be acceptable in the Green Belt provided any proposal meets the requirements of policy GB11. The Inspector at the 2009 appeal agreed that the harm to the character and appearance of the area would be limited but not non-existent and the Council agrees with this view. The proposal is for a very large addition to an existing building within the Green Belt, however it is for an agricultural use and therefore buildings of this style (albeit perhaps not of this size) are common features within the more rural agricultural landscape.

Concern has been raised by neighbours with regards to the future use of the proposed building. It is considered that this concern is valid given that other buildings within the applicant's ownership have changed in use from agricultural to commercial over the years and it is appreciated that a commercial use may be far more intensive than the proposed agricultural storage use.

Council Officers suggested to the Agent that the applicant enters into a legal agreement to remove the grain store should the agricultural use and need cease, however, the applicant is unwilling to enter into such an agreement due to the additional costs involved. However, the applicants have agreed to a condition to ensure that in the event the proposal is no longer required for agricultural purposes it is removed from the site and therefore only the existing building would remain and after consultation with the Council's legal team it is accepted that such a condition would be enforceable and therefore sufficient in this case. This is considered to overcome any concerns over the long term future use of the site and to be a reasonable condition.

This application has included 3.4m high bunding along the north and east sides of the building, with planting which is considered to help to screen the proposal and existing building, particularly from the M11. There is some screening along the B1393, although it is not the densest planting, it too affords some screening when the site is viewed from the B1393. The Council's Tree and Landscape Officer has no objection to the proposal subject to a condition ensuring a landscape scheme is submitted and carried out.

#### Neighbouring Amenity

The proposal is some 100m from the nearest residential property and therefore, it is not considered that there is any significant impact on residential amenity in the surrounding area. It is adjacent to a haulage yard and commercial units and it is not considered that such a use, in this location will result in such a rise in impact on amenity to justify a refusal.

#### Highways and transportation matters

This application has been accompanied by information regarding transport movements at the site and the application includes a turning circle to the front of the proposal. 133 movements over the harvest period have been suggested, which over the two month harvest period (July and August) would equate to approximately 2 vehicle movements a day. Along with these peak movements it is also anticipated by the applicants that a further 67 movements per year will also be required equating to approximately just over 1 movement per week.

The Highway Authority has raised no objection to the proposal as the increase in vehicle movements equates to 2 lorries a day in the harvest period with an insignificant amount throughout the rest of the year. All movements will be through an existing access that affords the appropriate visibility splays for the speed of the road and the appropriate geometry for HGV's. Accident records for the last 3 years have been interrogated and there have been no recorded accidents associated with this access within this time period. Consequently the proposed development will not have any detrimental impact on safety, capacity or efficiency of the highway network at this

location. The Highway Authority has requested a condition ensuring the turning area is constructed prior to first use and maintained free from obstruction at all times thereafter.

*Comments on Representations Received*

Other than the issues raised within the points above comments from neighbours have included the existing problems caused by vermin at the site. However, the refusal of this application would not prevent this problem and as the 2009 Planning Inspector suggests, this is a 'non-planning' issue where an alternative solution needs to be sought.

Concerns have also been raised with regards to vehicles using the site straying from the right of way, however this is a private, civil matter and not one that planning can be involved in.

A further issue has been raised by a neighbour as the applicant has suggested that farm machinery will also be stored within the grain store and therefore the neighbour is concerned that the proposal will become a multipurpose building. The applicant's agent has clarified that the proposal's main function is to be a grain store and not a multi-purpose building. However, the Agent has pointed out that at times when the building is not at full capacity, the applicant has the option to store farm machinery within the building should the need arise. This is considered acceptable provided as stated it is for agricultural purposes and this could be conditioned as such.

**Conclusion:**

Notwithstanding neighbour and Parish Council objections the application has been supported by detailed information regarding the need for the additional storage within the holding. The application includes sufficient turning space for vehicles and bunding has been proposed with planting to aid the screening of the building from the wider area. Notwithstanding the above, it is unfortunate that other buildings within the applicant's ownership are unsuitable due to being let on long commercial leases, with poor access or not suitable for modern farming methods and that the area was once an open field. However, on balance the Council has no evidence to dispute the amount of storage required for the size of holding or that the location, well related to existing buildings with good road access is logical and more appropriate than other sites within the applicant's ownership. Therefore it is considered that the proposal complies with policy GB11A and has therefore overcome the previous reasons for refusal and 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:***

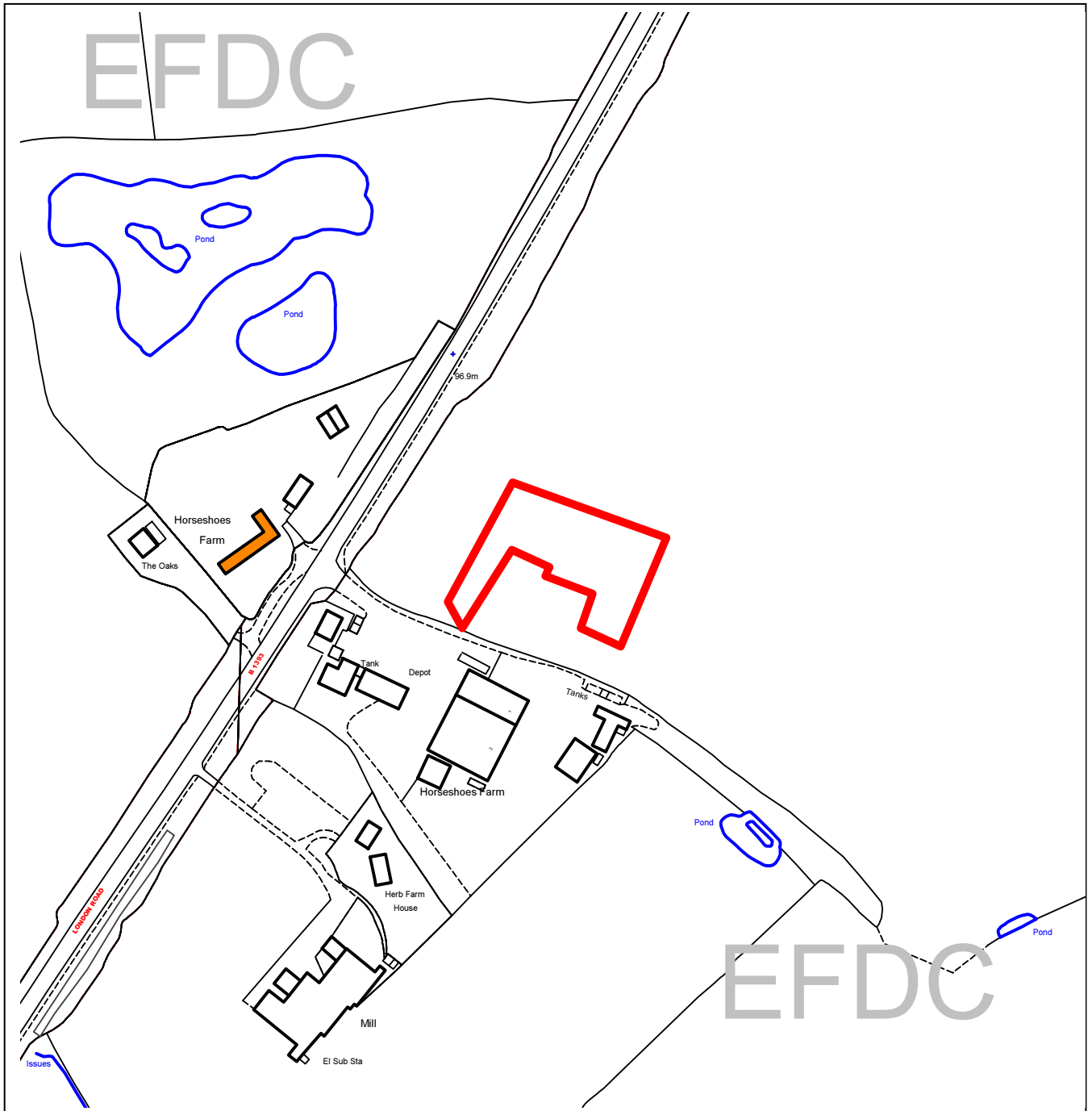
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/2547/11
Site Name:	Land adj Horseshoe Farm, London Road, North Weald, CM17 9LH
Scale of Plot:	1/2500



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0162/12
<b>SITE ADDRESS:</b>	86 The Orchards Epping Essex CM16 7AT
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mrs Susan Wastell
<b>DESCRIPTION OF PROPOSAL:</b>	Ground floor side extension.
<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=534646](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534646)

**CONDITIONS**

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

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

**Description of Site:**

The dwelling is a detached house with a deeply gabled roof. The immediate area is laid out in an open plan manner and provides a relatively pleasant environ. The site is bordered to the east by a similar style dwelling, which faces the side elevation of the application dwelling, and which has a garage and entryway beside the common boundary. The boundary treatment is a 1.8m close boarded fence.

**Description of Proposal:**

The proposal is to extend the dwelling on the side elevation, 4.2m in length x 1.0m in width. The roof above would be gabled to tie into the existing structure and two velux windows would be inserted in each slope.

### **Relevant History:**

No Relevant History.

### **Policies Applied:**

Policy CP2 – Protecting the Quality of the Rural and Built Environment.

Policy DBE9 – Loss of Amenity.

Policy DBE10 – Design of Residential Extensions.

### **SUMMARY OF REPRESENTATIONS:**

4 neighbours consulted – 1 reply received.

84 THE ORCHARDS: Objection. The plans show an existing fence which does not exist. The proposed layout will be more dominant from our property. Any window inserted in the eastern elevation should have a minimum cill height of 1.7m and be sash style windows as not to obstruct our driveway.

EPPING TOWN COUNCIL: Objection. Concern about overlooking of neighbours and the pitched roof would suggest more than a single storey extension.

### **Issues and Considerations:**

The main issues to consider are potential impacts on amenity and design considerations.

#### **Amenity**

The neighbour to the east, No84, has expressed concern about loss of amenity. Given the distance to the front elevation of this dwelling, 10m approximately, such a minor addition to the subject house, could not be construed as overbearing. The extension would be largely unseen from within this house, being obscured by an existing hedge and fence. The neighbour expresses concern about a future window in the eastern flank of the extension. At present no such window is proposed and can generally be constructed under permitted development. It is not considered such a window would give rise to overlooking and there are already a number of side facing windows. Concern about a future window obstructing the driveway are generally unfounded and not a material planning consideration. Epping Town Council has concerns that this proposal will lead to overlooking. However the two velux windows proposed are in a vaulted ceiling and would not give rise to overlooking. They are also facing to the front and rear of the site and this is generally acceptable.

#### **Design**

The proposed addition is fairly minor and would respect the existing dwelling and would not appear out of character within the streetscene. The Town Council has concern that the proposed roof suggests more than a single storey extension. However the roof has been pitched in order to ensure a more appropriate design and this proposal should be considered a single storey addition. It is of insufficient height to provide habitable first floor accommodation.

### **Conclusion:**

The proposed development would have no serious impact on amenity and is an acceptable design. It is therefore recommended for approval with conditions.

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

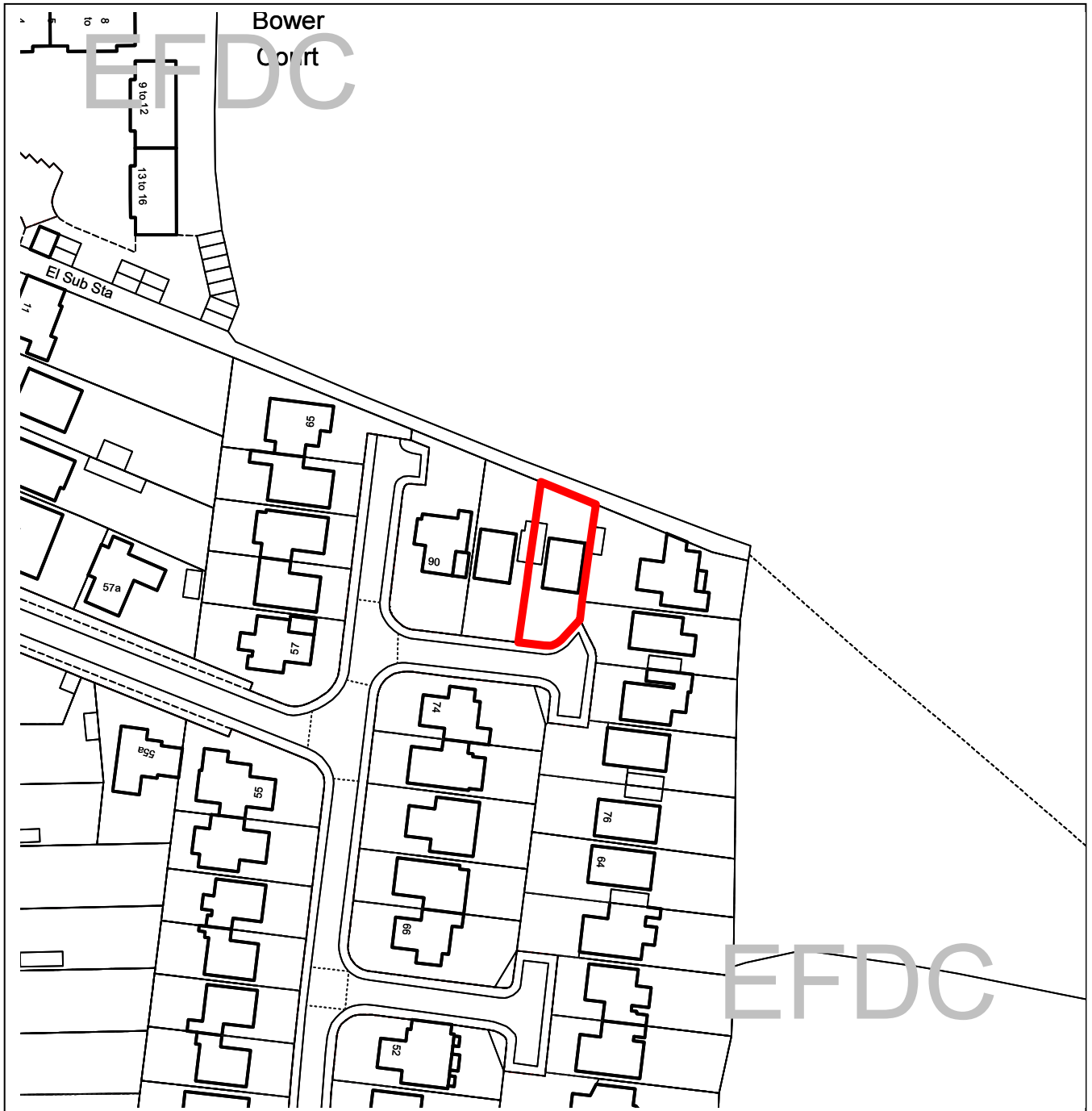
**Planning Application Case Officer: Dominic Duffin  
Direct Line Telephone Number: 01992 56433**

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0162/12
Site Name:	86 The Orchards, Epping CM16 7AT
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0163/12
<b>SITE ADDRESS:</b>	92 Queens Road North Weald Bassett Essex CM16 6JG
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Chris Hazel
<b>DESCRIPTION OF PROPOSAL:</b>	Double/single storey rear extension.
<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=534647](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534647)

**CONDITIONS**

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

*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:**

92 Queens Road is a two storey end of terrace property located on the west side of a cul-de-sac within the built up area of North Weald. The property is not within the Green Belt or a Conservation Area.

**Description of Proposal:**

The proposal seeks consent for a part two storey, part single storey rear extension. The single storey element is adjacent to the attached neighbour and measures 3m in depth and 3.2m wide.

The single storey element is to have a mono-pitched roof with an eaves height of 2.5m extending to 4m at the highest point. The two storey element is to extend 3.3m in depth and the rest of the width of the property. The two storey element will result in a gable to the rear. The proposal also includes a new side facing first floor window in the existing wall.

**Relevant History:**

No previous history

**Policies Applied:**

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

**Summary of Representations:**

NORTH WEALD PARISH COUNCIL – This council OBJECTS to this application due to its visual intrusion on to the street scene, it being built right up to the boundary by reason of its bulk and mass.

NEIGHBOURS

4 neighbours were consulted and the following response was received:

90 QUEENS ROAD – Objection – Continued noise and mess during construction, issue with access for build, loss of light from sloping roof, loss of light from two storey extension, concern over damage to property, party wall act.

**Issues and Considerations:**

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

- Design Issues
- Impact on Neighbouring Amenity

*Design Issues*

The proposal is considered to be of a standard design complementing the existing property. The slope of the single storey roof is steep, however this is not considered such to justify a refusal.

The Parish Council have objected to the scheme on the grounds of the visual intrusion on to the streetscene. The proposal is to the rear of the property and therefore not easily visible from the streetscene and it is not considered that the proposal disrupts the appearance of the streetscene in this location.

*Amenity*

Due to the angled boundary with the unattached neighbour it is not considered that the proposal has any detrimental impact on light, outlook or privacy to this neighbour. Although a side window is proposed this is for an en-suite and is marked as obscured glazed; this could be conditioned as such to avoid any overlooking issues.

With regards to the attached neighbour at No. 90, it is not considered that the two storey element will cause any undue impact on the amenity of the occupiers of No. 90 due to the distance the two storey element is from the shared boundary.

The single storey element however, is located on the shared boundary and therefore it will have some impact on amenity. It is 3m in depth which is not considered excessive; however the roof extends to 4m in height. Although a relatively high roof for a single storey extension, given that the depth is not excessive it is not considered that the proposal will have such a significant impact on amenity to justify a refusal.

It is noted that the single storey element falls within the scope of permitted development as it does not exceed 3m in depth, the eaves height is not greater than 3m and the overall height is not greater than 4m. As stated above it is considered that the proposal will have some impact on amenity but not so significant to justify a refusal, particularly as the Applicant has a strong fall back position in terms of a permitted development option.

*Comments on Representations Received*

The neighbour at No. 90 has concerns with regards to any damage to their property and the Party Wall Act. This is outside of the control of planning legislation and is a civil matter between neighbours.

**Conclusion:**

The proposal is considered an acceptable design and although there may be some loss of amenity to the neighbouring property, on balance given the above this is considered acceptable and therefore approval is recommended.

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

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

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



# Epping Forest District Council

## Area Planning Sub-Committee East

EFDC



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

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0163/12
Site Name:	92 Queens Road, North Weald Bassett CM16 6JG
Scale of Plot:	1/1250



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0207/12
<b>SITE ADDRESS:</b>	Radio House Lindsey Street Epping Essex CM16 6RD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	East Seven Properties Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing building and construction of two residential dwellings. (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=534789](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534789)

**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: EVZ\_100 Rev A, EVZ\_101 Rev C, EVZ-102 Rev A, EVZ-201 Rev D and EVZ-202 Rev D
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above

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

- 6 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 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 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.
- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, C and D shall be undertaken without the prior written permission of the Local Planning Authority.
- 14 Prior to first occupation of the development hereby approved, the proposed window openings in the side facing dormers 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.
- 15 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.
- 16 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

*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 located on the north east side of Lindsey Street, a mainly residential street within the built up area of Epping. The application site is a wide fronted site, with an existing single storey building with rooms within the roof set back some 15m from the pavement. The site is currently fenced off and overgrown since a previous employment use at the site ceased. The application site has a right of way over the access for No. 30 Lindsey Street. The site is not within the Green Belt or a Conservation Area.

### **Description of Proposal:**

The application seeks consent for 2 no. semi-detached two and a half storey dwellings with integral garages and parking to the front. The proposal measures 8m in height, 16.2m wide (both properties together) with a maximum depth of 10.1m. The roof slope will have gable features to the front, with a hipped roof to the rear. The proposal also includes front dormers and side dormers to enable accommodation within the roof slope. The houses will be set some 9.8m into the site with 15m deep rear gardens.

### **Relevant History:**

EPF/2180/11 - 2 no. semi-detached two and a half storey dwellings with integral garages and parking to the front - Withdrawn

EPF/1023/08 – Demolition of existing building and erection of a three storey office building with associated parking at lower ground level – Refused  
Several withdrawn applications for dwellings and office developments

### **Policies Applied :**

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

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
H2A – Previously developed land  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
E4A – Protection of Employment Sites  
E4B – Alternative uses for Employment Sites

### **Summary of Representations:**

EPPING TOWN COUNCIL – Committee object to this application. In view of the representation from number 30 Lindsey Street the proposed development does appear to be three storeys, out of

keeping with neighbouring properties and will cause loss of privacy if current plans are approved. Committee also noted concern regarding sewerage and would expect conditions be imposed to ensure any permitted development improves rather than impairs drainage.

13 Neighbours consulted and 2 responses received

30 LINDSEY STREET – Concern with regards to right of way and drainage arrangements. Objection to the side elevation dormer window with regards to perception of an unacceptable overlooking and loss of privacy. Otherwise generally support the application.

1 BARNFIELD – Concern with regards to overlooking, loss of light and sunlight, too high

### **Issues and Considerations:**

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

- Loss of employment use
- Location of the development
- Design
- Amenity considerations
- Highway and Parking considerations

#### Loss of Employment Use

The site was previously an office use; although it is currently vacant the use of the site is still considered to be an employment use. Policy E4A permits housing on redundant employment land provided an independent appraisal shows that:

- i) The site is poorly located in relation to housing or access by sustainable means
- ii) There are material conflicts with adjoining land uses
- iii) Existing premises are unsuitable in relation to the operation requirements of a modern business
- iv) There is a demonstrable lack of market demand for the employment use over a long period that is likely to continue.

The proposal is clearly in a poor location for a commercial use given that it is surrounded by residential development and therefore it is considered that the principle of the change of use to residential will not result in any material conflicts with adjoining land uses.

The application has been accompanied by a statement from the Agent providing information about the possibilities of retaining the site for employment: The site has been vacant for approximately 5 years with efforts to let the building through that time unsuccessful. The building itself is in a poor condition and unlikely to be let for this reason. Applications for redevelopment of the site for an employment use have been unsuccessful in part due to the high number of parking spaces necessary and the increased intensity of such a use which would have a negative impact on amenity. The site is within a predominantly residential area and an employment use may conflict with the surrounding amenity of neighbours.

Although it is appreciated that the Agent's supporting statement is not an independent appraisal, given the history of the site known by the Council there is no reason to dispute the information given and it is considered that there is no longer a viable employment use available from this site and residential use may therefore be appropriate in this location.

#### Location

Policy H2A encourages the use of previously developed land for residential development and policies CP3 and ST1 also encourage developments situated in sustainable locations. The site

itself is within a mainly residential area, close to the town centre of Epping, with fairly good access to transport links and services.

The proposal allows for off street parking and amenity space within the limits of the site and generally the principle of a residential development in this location is one that is considered acceptable.

### Design

The design is for a two and a half storey property with accommodation within the roof facilitated by dormer windows and a window within the front gable ends. The surrounding properties are all two storey and this application has been revised to bring the height down to level with that at No. 30a Lindsey Street. The overall design has been altered since the previous submission creating a slacker roof pitch, and reducing the size of the side dormers. These are considered as welcome improvements as, although still a two and a half storey property, the proposal is considered to be generally in keeping with the surrounding streetscene. The hipped roof to the side and rear also removes unnecessary bulk from the development and the proposal is considered a suitably acceptable design.

### Amenity considerations

The rear of the proposed dwellings is 21.5m from the rear of the properties in Barnfield. The Essex Design Guide suggests a minimum of 25m between the backs of house to maintain a good level of privacy. It is considered that a degree of flexibility can be applied, particularly as the Design Guide suggests where properties are parallel to each other the rear of a new house may not encroach any closer than 15m to an existing rear boundary. In this case the proposed dwellings are 15m from the rear boundary of properties within Barnfield and it is not considered that there will be such a significant loss of amenity to these properties to result in a refusal.

The design of the proposal has been altered since the previous submission and there are now no windows in the roof to the rear, which is considered to reduce any perception of overlooking to the properties in Barnfield. Furthermore the rear roof has been hipped which is considered to reduce the bulk of the proposal and therefore any overbearing impact.

The neighbour at No. 30 has objected to the side dormers due to overlooking and loss of privacy, however as the dormers will serve a landing and bathroom it is considered acceptable to condition the side facing windows to be obscured glazed and only top opening to avoid any actual or perceived overlooking or loss of privacy.

Given the size of the proposed dwellings, the properties would require 120m<sup>2</sup> of private amenity space to meet the requirements of DBE8. This proposal provides approximately 130m<sup>2</sup> to the rear for each property which is more than sufficient to comply with current policy.

### Highways and Parking

The proposal provides one parking space and one garage for each of the proposed dwellings. This meets the requirements as set out in the Essex County Council Parking Standards and is considered acceptable, particularly as a residential use of the site will be less intensive than the current use of the site. A condition can be added to any permission granted ensuring the garage is retained for the parking of cars to avoid any additional pressure on the surrounding roads.

### Comments on Representations received

The Parish Council have concerns that the proposal is for three storey properties. Although the proposal has three levels, the third floor is clearly contained within the roof slope, and therefore as stated above the proposal is not higher than the neighbouring property and not considered to be out of keeping with the surrounding streetscene. The Parish Council and neighbour have also raised concerns with regards to sewerage. The Council's Land Drainage team have not requested

any foul or surface water drainage requirements and the application form states that foul sewage will be disposed of through the main sewer.

**Conclusion:**

The proposal is considered an acceptable design, with no significant impact on neighbouring amenity, and ample parking provided; furthermore the application has demonstrated the acceptable loss of employment use at the site. Approval is therefore recommended.

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

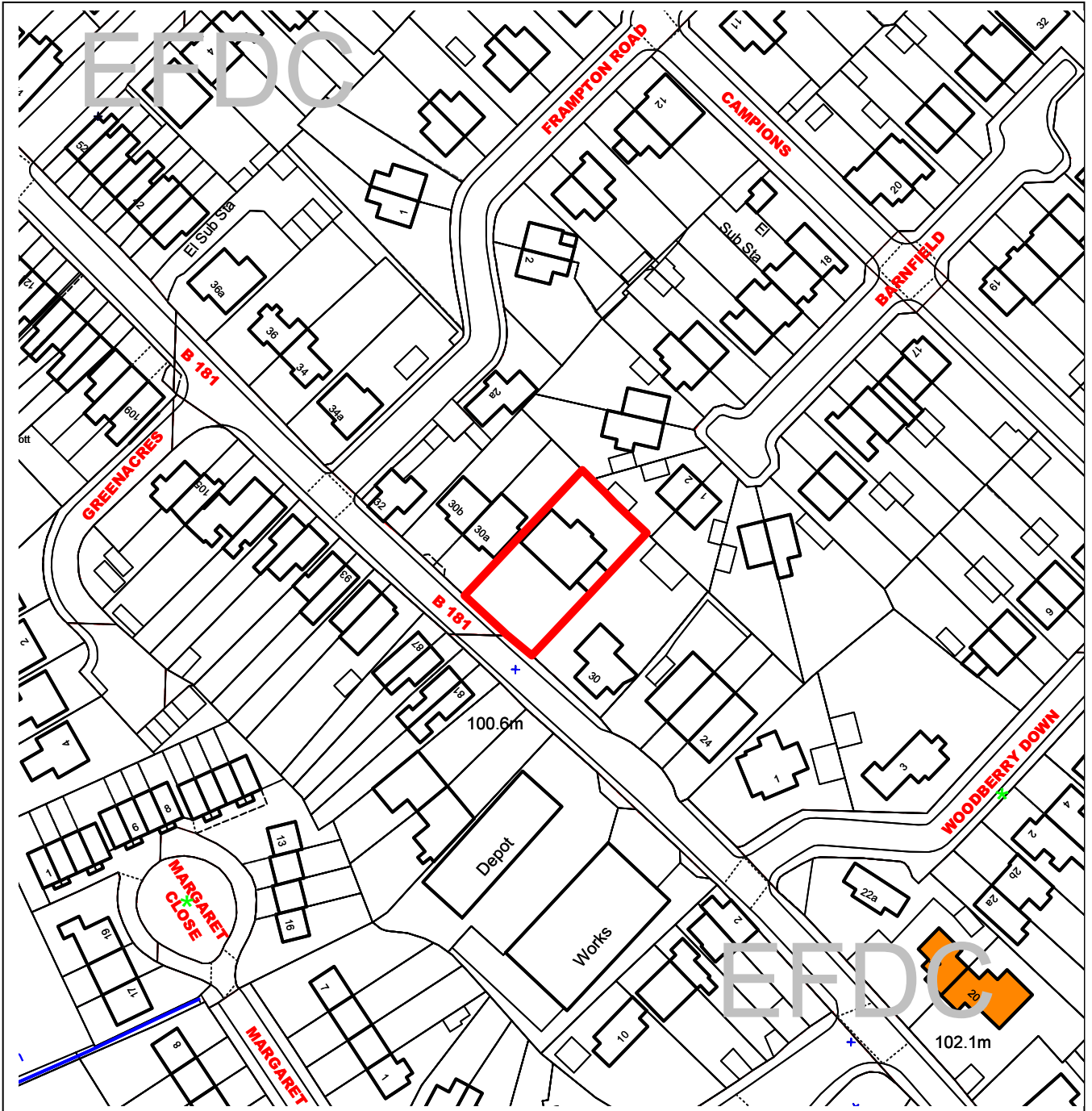
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDCC licence No.100018534

<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/0207/12
Site Name:	Radio House, Lindsey Street Epping, CM16 6RD
Scale of Plot:	1/1250



**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0225/12
<b>SITE ADDRESS:</b>	Land adjacent to 5 Bluemans North Weald Epping Essex CM16 6EU
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr D Kelly
<b>DESCRIPTION OF PROPOSAL:</b>	New dwelling (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=534848](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534848)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 01, 02 Rev: A, 03 Rev: A, 04 Rev: A, 05, 06 Rev: A
- 3 Materials to be used for the external finishes of the proposed development shall match those of the attached dwelling, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 6 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, Classes A and B shall be undertaken without the prior written permission of the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (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).)*

**Description of Site:**

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

**Description of Proposal:**

Revised application for the erection of a single dwelling attached to No. 5 Bluemans. The proposed dwelling would be 6.3m wide and a maximum of 7.4m deep and would continue the ridged roof on No. 5 at an overall height of 7.7m with a hip ended roof. The development would involve the subdivision of the front and rear garden to provide parking and amenity space to serve each individual property, and proposes the erection of new boundary fencing.

**Relevant History:**

EPF/2339/11 - New dwelling – refused 03/01/12

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking

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

13 neighbours were consulted on this application. No Site Notice was required.

PARISH COUNCIL – Object as the application is detrimental to the amenities of adjacent residents, it would be a visual intrusion in to the area and goes against the openness of the whole of the Bluemans Estate. It represents garden grabbing, by the use of the garden to build a new house. Whilst it is acknowledged that there is some relaxing of government guidelines on garden grabbing, the proposal will create a terracing effect on the other properties, which are currently semi detached. Whilst the dwelling has been reduced in size it is still considered overdevelopment. There is concern at the loss of the mature cherry trees, concern at the additional strain that an additional house would put on the water and sewerage services in the area, and concern at insufficient parking.

7 BLUEMANS – Object as this would create a terrace of three properties not in keeping with the surrounding semi-detached houses, would impact on the street scene, provides inadequate parking, would result in a loss of privacy and light to neighbours, would set a precedent, and may impact on the water supply and sewer system.

2 ST. ANDREWS CLOSE – Object as this will intrude into St. Andrews Close and would result in overlooking.

3 ST. ANDREWS CLOSE – Object as this would be out of keeping with the surrounding houses and visually detrimental to neighbours.

5 ST. ANDREWS CLOSE – Object as this does not overcome the previous reasons for refusal, due to the terracing effect, the ‘garden grabbing’, as it would be visually intrusive, would look out of place with surrounding properties, would provide insufficient off-street parking, and due to the loss of the rear access to No. 5 Bluemans.

6 ST. ANDREWS CLOSE – Object as this would intrude into St. Andrews Close, would block sunlight and daylight from neighbouring properties, and would result in overlooking. Also concerned about parking provision.

## **Issues and Considerations:**

The key issues in this consideration are the location of the development, the overall design and impact on the street scene, with regards to amenity considerations, highways and parking considerations, and with regards to the impact on landscaping. The previous application was refused for the following reasons:

*The proposed dwelling, due to its height, depth and proximity to the junction with St. Andrews Close, would result in an overbearing and dominant form of development detrimental to the character and appearance of the street scene, contrary to policies CP2 and DBE1 of the adopted Local Plan and Alterations.*

*The proposed dwelling, due to the extent of the two storey rear projection beyond the first floor rear wall of the attached neighbour, would result in a loss of light and visual amenity to neighbouring residents, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.*

## **Revisions:**

The previously refused application proposed a new dwelling with a depth of 10.5m, which extended some 4m beyond the two storey rear wall of the attached (parent) dwelling. The revised

application has reduced this depth so that the main rear wall of the proposed new house would run off that of the attached neighbour (resulting in a swelling 6.4m in depth), with a 1m rear protrusion to the southern side that would incorporate a stepped down, hip ended roof.

### Location

Policies CP3 and ST1 encourage developments in sustainable locations that are well served by local amenities and promote the reduction in private car use. Furthermore PPS3 states that “*using land efficiently is a key consideration in planning for housing*”. Whilst residential curtilage no longer constitutes ‘Previously Developed Land’ as designated within PPS3, this does not preclude all residential curtilage from further development, provided it complies with all other Local Development policies.

North Weald is a relatively built up area containing local shops and services and benefits from, albeit limited, public transport. As such, in principle, it is considered the intensification of use of this site is acceptable due to its existing urban location.

### Design

The proposed dwelling would create a row of three terrace properties out of the existing pair of semi-detached houses. Whilst the parent property is one of several semi-detached dwellings within Bluemans, and as such the introduction of an additional dwelling would be somewhat out of keeping with the other, similar, properties in the locality, there are terrace houses within this road. Due to the presence of terrace properties within the immediate area, it is not considered that the introduction of an additional house on this site would be contrary to the overall character of the area. Although such a development could set a precedent for similar proposals (particularly at No’s. 3 and 27 Bluemans), the principle of these sites being further developed is also not considered unacceptable.

With regards to the specific design of the proposed dwelling, this would be 6.3m wide, compared to the 7.6m width of the parent dwelling, and would be 6.4m deep, with a further 1m rear projection. The slightly smaller width of the proposed new dwelling is considered acceptable (as this allows for the 1m step in from the side boundary), and the main bulk of the dwelling now matches that of the attached house (and the surrounding properties). The additional two storey rear projection would be an acceptable depth of 1m and would have a stepped down, hip ended roof, which would add some visual interest to the prominent flank wall without being over dominant. As such it is considered that the proposed revision would overcome the previous concerns regarding the design and impact on the street scene.

### Amenity considerations

The proposed dwelling would no longer extend beyond the attached neighbour’s first floor rear wall, which benefits from a relatively deep single storey rear extension. Due to this there would no longer be any loss of amenity to these neighbouring residents.

Although surrounding residents, including those within St. Andrews Close, have objected due to a loss of light and privacy, the proposed dwelling is sufficient distance from all other neighbours to ensure that there would be no detrimental impact due to loss of light, privacy or visual amenities.

In terms of private amenity space, both the existing and proposed dwellings would benefit from some 100 sq. m. of private amenity space. The requirement for each property would be 100 sq. m. as laid out within the Essex Design Guide and the supporting text to DBE8, which is therefore met by this application.

### Highways/parking

The proposed development would provide two off-street parking spaces for the new dwelling, one to the front and one to the rear, and two spaces for No. 5 Bluemans within the front garden. As such this proposal complies with the requirements of the Essex County Council Vehicle Parking Standards.

The development would require an additional dropped kerb to be installed on Bluemans to serve both the new and existing dwelling. Bluemans is an unclassified road so this vehicle crossover would not require planning permission.

### Landscaping

Although the Parish Council raised concerns about the loss of the cherry trees on site, the Council's Tree and Landscape Officer does not consider that there are any trees on site worthy of retention. Additional landscaping should be sought to help soften any impact from the proposed development, which can be controlled by condition.

### Comments on Representations Received

The majority of issues raised by neighbours have been addressed above. Concern has been expressed with regards to the potential impact on the water supply and sewage system, however these issues can be given little weight in this application for just 1 additional dwelling.

### **Conclusion:**

The reduction in depth to the proposed property has sufficiently overcome the previous reasons for refusal. As such, the proposed development would provide an additional dwelling within a sustainable built up area, would not be unduly detrimental to neighbours amenities or the overall character and appearance of the street scene, and provides adequate levels of off-street parking provision and private amenity space. As such, the proposal would comply with the relevant Local Plan policies and is therefore recommended for approval.

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

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

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDC licence No.100018534

<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/0225/12
Site Name:	Land adjacent to 5 Bluemans North Weald, CM16 6EU
Scale of Plot:	1/1250