

Report Item No: 1

APPLICATION No:	EPF/2295/11
SITE ADDRESS:	St Johns C of E Secondary School Tower Road Epping Essex CM16 5EN
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Higgins Construction
DESCRIPTION OF PROPOSAL:	Variation of condition 1 of planning permission EPF/1225/11 (Non material amendment to EPF/0585/09, reserved matters application for demolition of school and erection of new secondary school and residential development of 149 dwellings including 38 affordable dwellings) to enable minor material amendments to the approved housing scheme, including small alterations to layout and house types.
RECOMMENDED DECISION:	Grant Permission (With Conditions) Subject to Legal Agreement

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=532669

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-P004, 1331-P005, 1331-P006, 1331-P007A, 1331-P009, 1331-P010, 1331-P014, 1331-P015, 1331-P016, 1331-P017A, 1331-P019, 1331-P020, 1331-P024, 1331-P025, 1331-P026, 1331-P027, 1331-P028, 1331-P029, 1331-P031, 1331-P032, 1331-P033, 1331-P034, 1331-P035, 1331-P036, 1331P101-B
- 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.
- 32 All rear facing first and second floor windows in Apartment blocks A7 Plot numbers 2-6, 21-25 and 26-30 shall be obscured glazed and fixed shut to a height of 1.7 metres above internal floor height and thereafter retained as such.

And subject to the completion within 12 months of the date of any resolution to grant permission, of a deed of variation to the existing Unilateral and legal agreements under section 106 in relation to epf/1400/04 to ensure that they apply to the new consent.

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))

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.

Description of Proposal

This is an application for minor material amendments to the previously approved school and housing development. The changes here relate only to the part of the approval that relates to the housing element of the scheme. The overall layout has not changed significantly but the plans have evolved and changed and alternative house types are proposed. Some of the changes are very minor and possibly could have been dealt with under officer's delegated powers as non material amendments, but other elements include changes to parking arrangements, swapping houses for flats and creating flats within the roofspace of an approved apartment block and raising the height of some elements. There is however no change in the overall number of units or in the overall number of car parking spaces, the changes are largely a result of trying to remove parking areas from the entrance to the site to improve the visual amenity of that part of the site.

A list of the main changes is set out below:

Plot 1 House type change

Plots 2-14 two houses substituted for new under parker type apartment block and apartment Block amended to incorporate two one bed apartments within roof.

Plots 21-25 Change to apartment block, Car parking, sub station and outbuildings removed from entrance area to create openness, new landscaping in entrance area.

Plots 45 and 48 Double garage removed and replaced with single garage

Plots 49 to 52 Terrace split

Plots 64-65 Apartment block removed and replaced with new house type

Plot 72 Change of house type

Plot 73 Change in house type

Plots 84-88 Apartment Block changed for new house type

Plots 93-98 Rear parking arrangement amended, sub station added and visitor space removed.

Plots 127-128 Semi detached removed, replaced with 2 detached

Plot 129 House type changed

Plots 136 to 140 terraced properties split into two and moved slightly southwards

Plots 141-145 Terraced properties split into two and moved slightly northwards

Plot 146 Change in house type

Plot 147 Change in house type

Plot 149 Change in house type

All the revisions also include suitable adjustments to private amenity area, parking spaces and fences as required.

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 Agreed subject to deed of variation.

EPF/1604/11 variation of Condition 1 of Planning approval EPF/1225/11 to enable minor material amendments to the approved secondary school. Agreed subject to deed of variation.

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

H2A Previously Developed Land

H3A Housing Density

H4A Dwelling Mix

H5A Provision of Affordable Housing

H6A Site thresholds for Affordable Housing

H7A Levels of Affordable Housing

H8A Availability of Affordable Housing in Perpetuity

H9A Lifetime Homes

LL3 Edge of Settlement

LL7 Planning protection and care of trees

LL10 Adequacy of provision for landscape retention

LL11 Landscaping Schemes

Summary of Representations

202 neighbouring residents were consulted, a site notice was erected and the application was advertised in the Local Press, the following representations were received:

TOWN COUNCIL - No objection provided the total number of dwellings and parking spaces remains the same.

2 LOWER SWAINES – Object Plots 2-6 change of house type from pair of two storey semi detached properties to a block of five 3 storey flats is contrary to policy DBE1 as it is out of character with the existing two storey properties nearby. Also contrary to DBE9 Loss of amenity I have been overlooked by 1 two storey property only the new house type will result in excessive loss of amenity, from visual intrusion, loss of sunlight/daylight and loss of privacy. The housing density will impact on the amenity of my property and impair my long distance views.

45 HIGHFIELD GREEN – Comment - I can't see the point when the school is half built.

Issues and Considerations

The principle of redevelopment of this part of the site for housing was approved back in 2006 by the Secretary of State and detailed reserved matters plans for the school and housing

development were approved at Committee in 2009. The school plans were recently amended (as a minor material amendment application) and the development is well underway. The housing element cannot commence until the school is complete. This application follows discussions and relates only to the housing element of the scheme.

There is no change to the number of units or to the number of parking spaces proposed. The main considerations therefore are whether the proposed amendments are appropriate in terms of design, impact on street scene and impact on neighbouring amenity.

The changes have been brought about largely as a result of the developers wishing to improve the visual amenity at the entrance to the site from Tower Road. The approved plan had a rather unsatisfactory arrangement of parking spaces on either side of the access way. In order to remove this element and provide a better landscaped entrance to the site the scheme has been amended to provide parking at ground floor level in lieu of a ground floor flat in some of the flat blocks, compensating for this with additional flats within the roof space of some of the blocks. In addition there has been some rearrangement of the proposed parking courts and some slight repositioning of some of the housing. The general layout and feel of the development and house types is unchanged and it is not considered that the proposed amendments will have an adverse impact on the character and visual amenity of the area.

We have received one objection to the scheme from the occupants of Number 2 Lower Swaines. This is a two storey semi detached property adjacent to the existing access to the school and the access to an existing garage court. The proposed revised scheme includes a three storey flat block containing 5 flats, the rear elevation of which will face the side elevation of this property at a distance of about 17 Metres. The approved scheme had a 2 storey pair of semi detached properties in this position and the concern is that the change would be out of character, overbearing and result in loss of light and unacceptable overlooking.

The proposed three storey flat block has been designed to be single aspect. The rear facing windows serve non habitable rooms and can be obscured glazed and fixed shut to a height of 1.7 metres above internal floor height to prevent overlooking.

Number 2 Lower Swains has no side facing windows and given the distance of the proposed development from the property it is not considered that there would be an appreciable loss of light or that the development would be overbearing such that there would be an excessive loss of amenity. Whilst the impact may be greater than that of the original scheme it is not considered to be so great as to warrant refusal. The approved scheme included 3 storey buildings in close proximity to this and it is not considered that the change can be regarded as out of character.

There are similar apartment blocks proposed which face the rear of residential properties in Tower Road and again in order to protect the privacy of the occupants of those properties a condition requiring obscured glazing of upper floor windows is proposed.

It is not considered that the other changes will cause any harm to the amenity of existing residents or to the character and visual amenity of the area or to highway safety.

Conclusion

The changes proposed are considered minor in nature given the overall scale of the scheme and do not result in harm to the character of the area or excessive harm to the amenity of adjacent residents, In addition they result in a more visually appealing entrance to the site which is less dominated by parking, whilst still providing the same overall number of parking spaces. The proposal is considered to be in accordance with the adopted Local Plan and Alterations and with the National Planning Policy Framework and is recommended for approval.

The existing outline approval is subject to legal agreements relating to inter alia the provision of affordable housing, contributions towards leisure provision and completion of highway works. This application cannot be approved until a deed of variation has been completed that will ensure that the legal agreements are tied to the consent.

As the approval of 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 (reworded as necessary where details have already been agreed) 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:

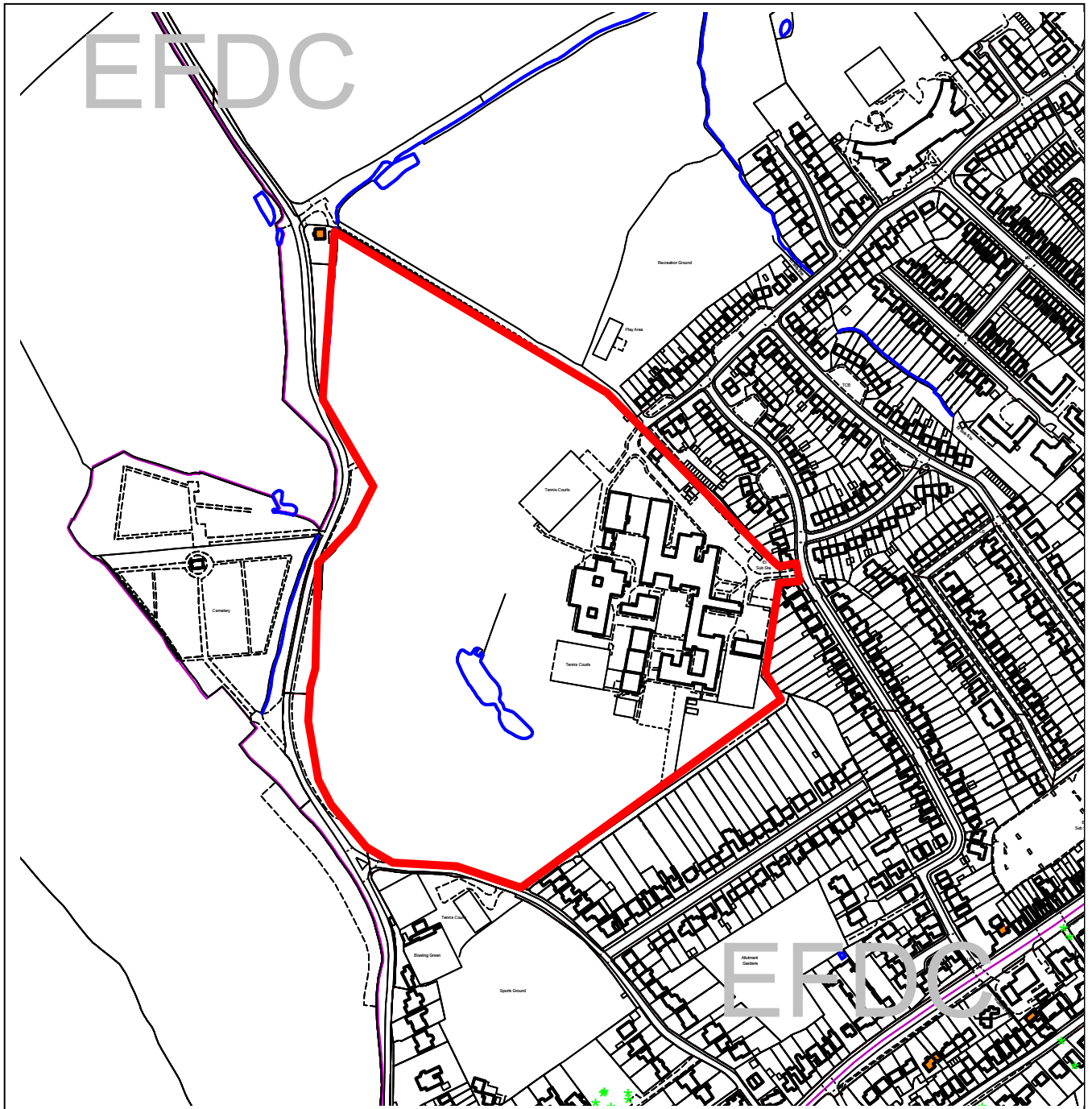
***Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992 564106***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/2295/11
Site Name:	St Johns C of E Secondary School Tower Road, Epping, CM16 5EN
Scale of Plot:	1/5000

Report Item No: 2

APPLICATION No:	EPF/2345/11
SITE ADDRESS:	Woodlands Greensted Green Ongar Essex CM5 9LF
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Stewart Spencer
DESCRIPTION OF PROPOSAL:	Change of use of Meadow land to private wildlife garden and construction of lakes.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=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 lakes, 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 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 lakes 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 lakes 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 lakes 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.05.001 unless otherwise agreed in writing by the Local Planning Authority.
- 17 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.

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).

Planning Summary:

This application was deferred from the Area Plan Sub-Committee East which was held on the 8th February 2012 in order for Members to conduct a site visit and to gain a better understanding of the site and surrounding locality. The site visit was held on Friday 24th February 2012.

Since the site inspection, the applicant has amended the application in order to try and overcome some of the concerns that were raised by adjoining neighbours and members. The main change to the application is that the applicant has split the lake into two separate lakes with the larger of the two known as the Upper Lake being located towards the top of the field close to the northern boundary of the site. This lake would measure 98m x 35m and have a maximum depth of 2.5m. The smaller lake, which is known as the Harvest Lake, would be located towards the south eastern corner of the field and would be a lower collection pond or an overflow area. This lake would measure 49m x 14m and have a maximum depth of 2m.

Reconsultation took place on these revised details with all adjoining property occupiers and those who had made previous representations. No objections were received. One letter of support was received from 5 Greensted Road (Paul Kendrick) who had previously made an objection and spoke against the development at the Area Plans Sub-Committee meeting on the 8th February. Within his letter of support, he advised that all his previous concerns had been resolved by the amendments made by the applicant and that the meadow and wildlife should benefit from the works.

The scheme now includes details of drainage from the upper lake to the lower lake and a pump to harvest water from the lower lake to maintain water levels in the upper lake. In addition, details of surface water discharge to the existing drainage ditch to the south have been included. It must be remembered that the works also require land drainage consent to ensure that the existing drainage system will not be compromised.

The main concerns of neighbours with regard to the visual impact of the lake from the raised bank level close to Greensted Road have been mitigated, as has the fear of flooding. The originally proposed top of embankment walkway, which raised fears of overlooking, has been removed.

Ongar Town Council were unable to fully consider the proposed revisions within the set timescale and as such they declared that their original comments still stand but state their intention to be present at Committee.

As with the previous proposal which was for one large lake, it is once again considered the proposed use and the construction of the proposed lakes are appropriate. The 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 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 for approval subject to conditions.

The original report is reproduced in full below for reference.

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:

Letters were sent to adjoining occupiers by post and a site notice was placed on site. A total of 9 representations (6 objecting & 3 supporting) were received from the following occupiers:

1 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 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 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 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 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 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.

1. 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

2. 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

3. 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 with 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 2250m³ 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

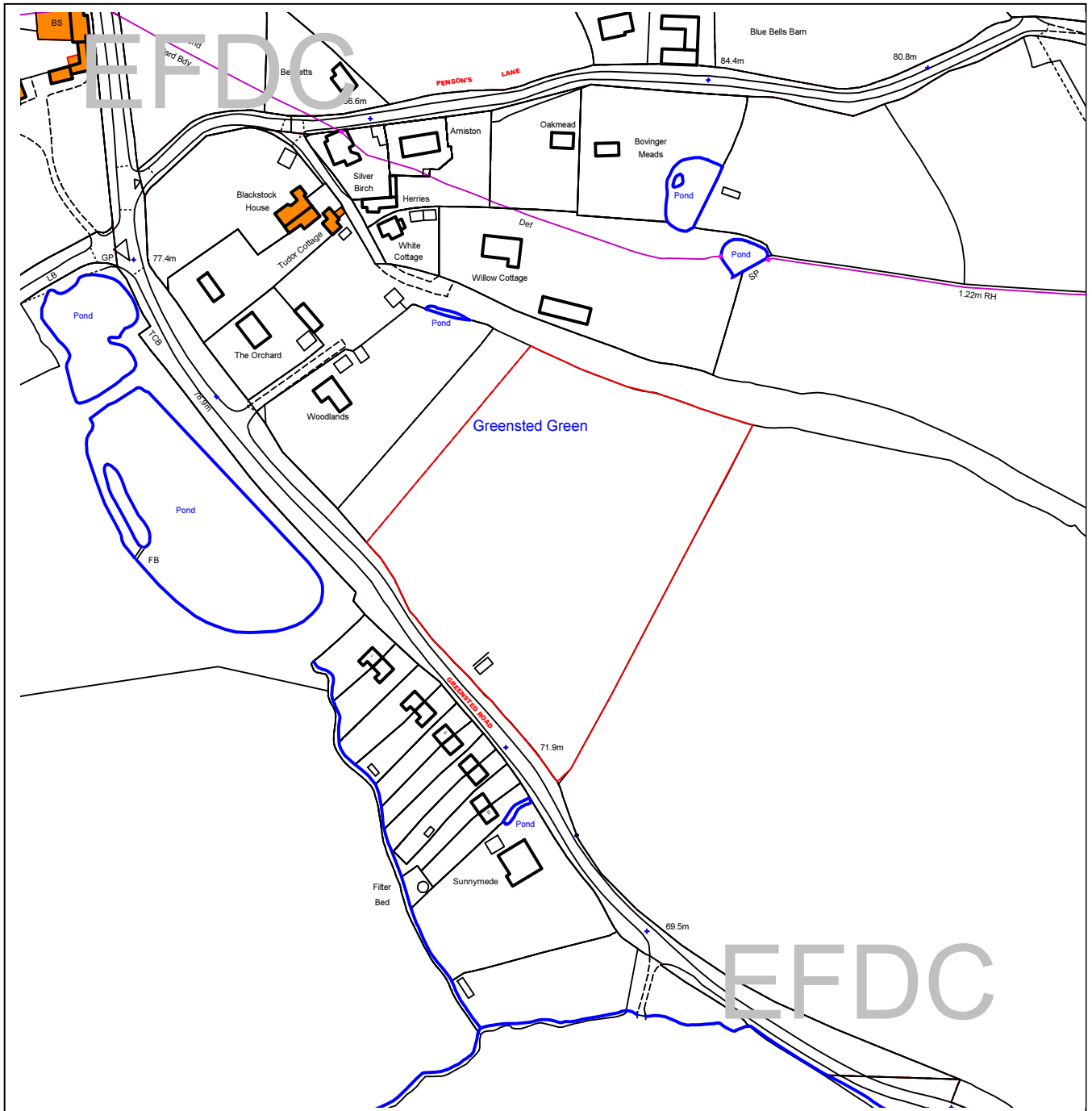
Direct Line Telephone Number: 01992 564 337

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/2345/11
Site Name:	Woodlands, Greensted Green Ongar, CM5 9LF
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/0268/12
SITE ADDRESS:	121 Theydon Park Road Theydon Bois Epping Essex
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr John Pearce
DESCRIPTION OF PROPOSAL:	Demolition of recreation chalet and erection of single storey extension to bungalow.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=534969

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 extension hereby approved shall not be commenced until the recreational chalet at St Leonards and shown to be removed on the approved plans has been completely demolished above ground level.
- 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 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 extensions, roof enlargements and outbuildings generally permitted by virtue of Class E of Part 1 of Schedule 2 to the Order shall be undertaken to the house at 121 Theydon Park Road or within its curtilage as outlined in red and blue in the approved plans without the prior written permission of the Local Planning Authority.

Subject to the completion, within 6 months of a resolution to grant planning permission, of an agreement under Section 106 requiring land registered under titles for 121 Theydon Park Road and St Leonards, Theydon Park Road to not be sold separately and prohibiting the construction of buildings on land registered under the title for St Leonards.

This application is before this Committee since it is an application contrary to the provisions of the approved Development Plan, and is recommended for approval (Pursuant to Section CL56, Schedule A (a) of the Council's Delegated Functions). It is also before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Site:

The application site comprises a bungalow and its curtilage. That curtilage has been extended to the south to include the site of St Leonards, a former recreational chalet. The chalet is used for purposes ancillary to the bungalow however St Leonards is not shown to be part of the application site in the submitted plans. It is shown only as adjacent land in the applicant's ownership. Beyond the southern site boundary of St Leonards is a bungalow known as Auchinleck. To the north is a vacant plot.

The site is part of a ribbon of development within the Green Belt on the west side of a high embankment of the Central Line that is accessed by a rough surfaced private road, west of which are open fields. The ribbon of development the site is part of was originally developed solely for leisure chalets but over many years has become a mix of original chalets, plots with caravans, and a significant number of bungalows and two-storey detached houses towards the northern end of Theydon Park Road. Towards the southern end are a number of redundant plots.

Description of Proposal:

It is proposed to demolish the former recreation chalet and erect a single storey extension to the bungalow. The proposed addition would enlarge the bungalow 3.8m to the south and follow the roof line of the existing building with a ridge height of 4.4 metres.

Relevant History:

EPF/0459/88	Single storey side extension. Approved but not implemented. Permission subsequently revoked in connection with approving application EPF/0689/89
EPF/0689/89	Single storey side extension. Approved
EPF/0363/00	Erection of front porch Approved
EPF/0119/08	Replacement of hutment with single storey eco house. Refused on the basis of harm to the Green Belt. Subsequent appeal dismissed.

Policies Applied:

CP2	Quality of Rural and Built Environment
GB2A	Development in the Green Belt
DBE9	Loss of Amenity
DBE10	Residential Extensions

Policy RST11 (Theydon Park Road and Curtis Mill Lane Chalet Estates) is not relevant in this case since the policy relates only to proposals to erect or extend leisure chalets or continue the use of a building as a leisure chalet whereas this application proposes the extension of a dwellinghouse and demolition of a chalet.

Policy RST12 (Leisure Plots) is also not relevant in this case since the policy only relates to development on or for leisure plots whereas this application only relates to land that is used as a residential garden within the curtilage of a dwellinghouse.

Consultation Carried Out and Summary of Representations Received

Three neighbours were consulted on the application and a site notice was displayed. No response was received from neighbours.

THEYDON BOIS PARISH COUNCIL: - OBJECTION

“This site lies within the Metropolitan Green Belt and therefore permission will not be granted for the construction of new buildings or for the change of use or extension to existing buildings unless very special circumstances exist. The applicant appears to be justifying the significant proposed extension to the existing chalet bungalow by utilising the ‘capacity’ of the neighbouring chalet ‘hutment’ which it is planned to demolish.

An application was received in March 2008 to demolish the above mentioned hutment and replace with a single storey eco house (EPF/0119/08). This application was refused by EFDC stating that ‘the current use of the building is for recreational purposes and as existing; the building cannot be used as a permanent dwelling for any purpose’. An appeal against this decision was also dismissed by the Planning Inspector. It therefore follows that the capacity of this building cannot in any way be used to justify the extension to the neighbouring bungalow.

Furthermore, the site is located in a sensitive area where the Green Belt prevents the unification of Theydon Bois with Debden/Loughton. Due to this, specific policies (RST11 and RST12) exist in the Local Plan which apply to properties within the Theydon Park Road Chalet Estate. The latter policy makes it clear that within the ‘leisure plots identified on the Proposals Map at Theydon Park Road, the Council will refuse any proposals to extend an existing chalet.’”

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY: -

Although no objection is raised to the demolition of the chalet, the proposed extension would be harmful to the openness of the green belt and the Society objects for that reason.

Main Issues and Considerations:

The proposal would complement the design of the existing house and cause no harm to the living conditions of neighbouring properties. This proposal is very similar to that approved under planning permission EPF/0458/88 which was subsequently revoked when consent was given for a similar size addition to the northern flank, ref EPF/0689/89. The main issue raised by this proposal is its impact on the openness of the Green Belt.

The original house had an approximate volume of 217m³. Existing additions have an approximate volume of 114m³ and the proposed addition would have a volume of 105m³. The house has therefore already been enlarged by 52% of its original volume and the proposal would result in the house being enlarged by approximately 100% of its original volume. It would therefore result in a disproportionate enlargement of the original house and is inappropriate development in the Green Belt. Such development is only acceptable in policy terms where very special circumstances exist that outweigh its harmful impact.

In this case the applicant also proposes to demolish an enlarged former holiday chalet within the curtilage of the house. The chalet was originally part of a separate planning unit known as St Leonards, but aerial photographs demonstrate that land has been used as part of the curtilage of 121 Theydon Park Road for over 10 years. The approximate volume of the enlarged chalet is 95m³. Its removal would therefore compensate for the additional volume of the proposed extension to the house. It would also result in a smaller spread of built development across the site as a whole.

The extension would primarily be visible from Theydon Park Road. It would not be seen from the north, views from Auchinleck are restricted and it would not be easily appreciated by passengers on Central Line trains passing along the embankment east of the site. Hedgerow and trees on the west side of Theydon Park Road together with a slight drop in levels on site would obscure views from fields west of the road. The proposal would have very limited impact on the open appearance of the Green Belt beyond the site and St Leonards.

Regard must also be had to the fallback position available to the applicant in the event of the refusal of planning permission. The proposed addition would be entirely off an original side wall and would extend the house to the side just under half the width of the original dwellinghouse. Such additions are permitted development provided they are more than 2m from the edge of the curtilage of a dwellinghouse and not higher than 4m. In this case the addition would be more than 2m from the curtilage of 121 Theydon Park Road as enlarged by the inclusion of St Leonards, but as the extension would match the profile of the existing house it would be more than 4m high. Planning permission is therefore only required due to the height of the addition. In the event of a refusal of planning permission the applicant has a fallback position of building the same addition with a reduced height. The fallback position is easily capable of being implemented therefore it must be given weight.

Since its height and profile could not match that of the existing house a permitted development side addition would appear odd and would not complement the appearance of the house. The proposal is therefore a much better development in design terms than that which would be permitted development and is less than 500mm higher so its impact is not significantly greater.

Should permission be granted, it would be reasonable and necessary for the Council to put in place mechanisms to ensure no further harm to the openness of the Green Belt could take place at the site and at St Leonards. That should include the removal of permitted development rights for the erection of outbuildings within the enlarged curtilage of 121 Theydon Park Road. It should also include a requirement that the chalet is demolished before work on the extension is commenced. These matters can be secured by a planning condition.

As stated in the site description section of this report St Leonards, the chalet is excluded from the application site but shown in the ownership of the applicant. Land Registry searches show 121 Theydon Park Road and St Leonards are registered under separate titles and they are both in the sole ownership of the applicant. In order to safeguard the openness of the Green Belt it is also reasonable and necessary to ensure the land registered under separate titles is not sold separately and that no building is erected on land registered as St Leonards. These matters can only be secured through the completion of a planning obligation.

The opportunity to remove permitted development rights and prevent the land as a whole being subdivided only exists in connection with this application as does the opportunity to secure an addition of a more sensitive design than that which could be erected as permitted development. That together with the additional volume added to the house being compensated for by the removal of the chalet and the limited impact on the openness of the Green Belt arising from the proposal as a whole amount to material considerations of very substantial weight. They would outweigh the harm caused by the inappropriateness of the proposed extension and consequently amount to very special circumstances.

Conclusion:

The proposal is inappropriate development in the Green Belt, however, very special circumstances have been found to exist in this case that clearly outweighs the harm the proposal would cause to the Green Belt. On that basis it is recommended that planning permission be granted subject to suitable conditions and the completion of a planning obligation to secure the openness of the Green Belt.

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

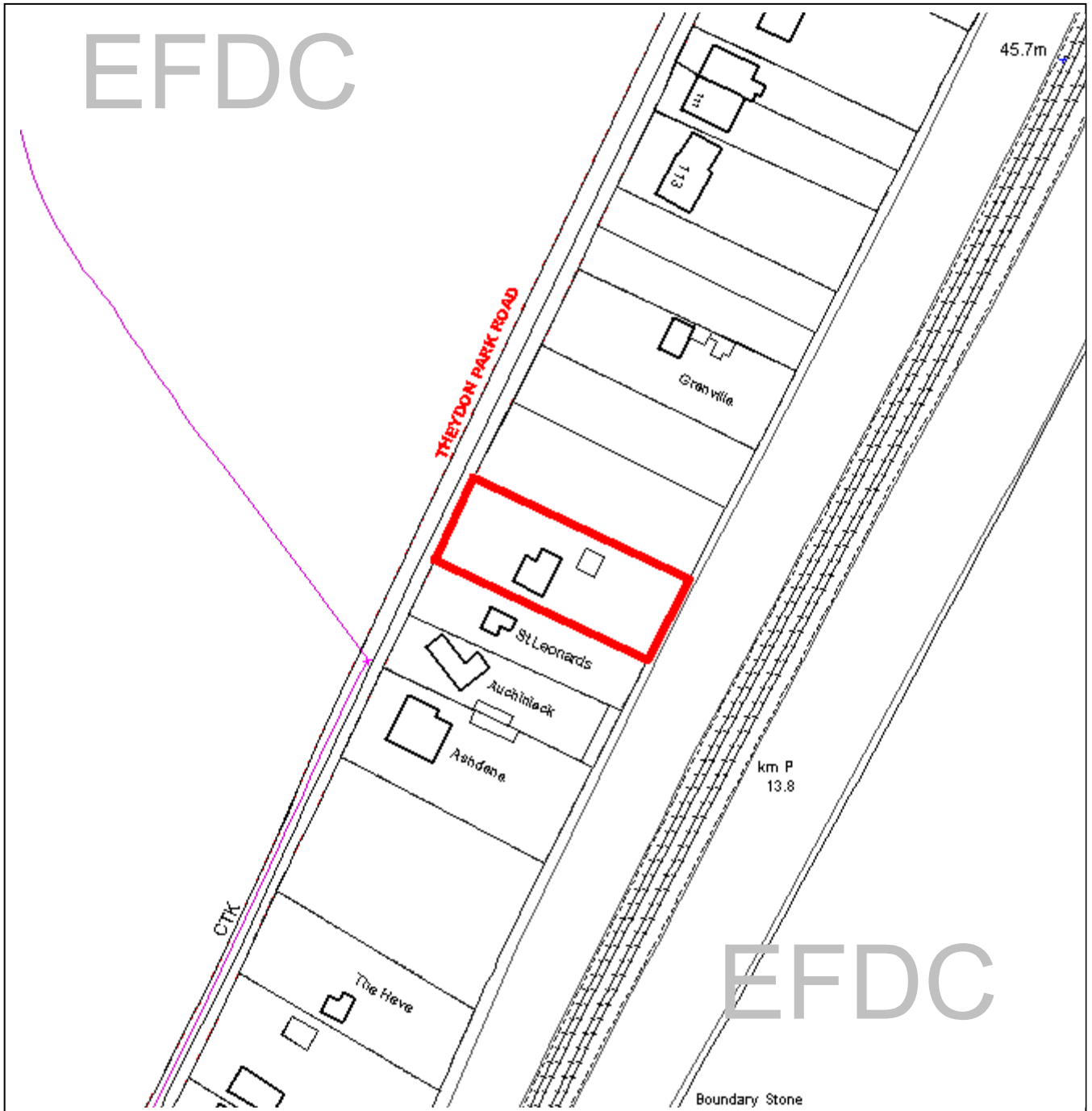
**Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018**

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0268/12
Site Name:	121 Theydon Park Road, Theydon Bois
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0295/12
SITE ADDRESS:	107 High Street Ongar Essex CM5 9DX
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr P Rainbird CBE DL
DESCRIPTION OF PROPOSAL:	Change of use of ground floor to a mixed use comprising purposes within Use Classes A3/A5 (restaurant/cafe and Hot food takeaway) with external extract duct through rear roof and conversion of rear area to a one bedroom self contained flat.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535076

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 use of the shop premises as a restaurant and take away hereby permitted shall not be open to customers outside the hours of 09:00 to 23:00 on Monday to Saturday and 10:00 to 22:00 on Sundays and Bank/Public Holidays.
- 3 Notwithstanding the details previously submitted, the use as a restaurant and take away hereby permitted shall not commence until full details of equipment to control and disperse cooking odours together with details of their arrangement and means of fixing to and installation within the building have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to the commencement of the use and thereafter permanently retained and maintained in accordance with manufacturer's specifications unless otherwise agreed in writing by the Local Planning Authority. The equipment shall be operated whenever cooking is carried out in the shop premises.
- 4 All external ducting approved pursuant to condition 3 of this planning permission shall be painted black and permanently maintained as such.
- 5 The use as a restaurant and take away hereby permitted shall not be commenced until details of the means to limit noise being transmitted from the use to the flat hereby approved and to flats above the shop premises have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the commencement of the restaurant and take away use and

thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.

- 6 The rating level of noise (as defined by BS4142:1997) emitted from mechanical plant within the shop premises or fixed to its exterior shall not exceed 5dB(A) above the prevailing background noise level as measured in accordance with BS4142:1997.

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

Description of Site:

107 High Street, Ongar is part of a grade II listed building comprising 107 and 109 High Street situated on the west side of the street with narrow access roads either side of the building leading to separate parking areas serving both the site and neighbouring buildings rear of those fronting the street. The building is of 16th century origin, with ranges to the rear mostly dating from the 19th century. The access north of the site is not included within the redline application area but the plans accompanying it show it leads to a poorly surfaced parking area serving the site and includes a possible refuse storage area.

The ground floor front of the building is in lawful retail use, served by more modern single-storey front projections. 109 is in use as a post office but 107 is vacant. It was last used as a bakery.

The first floor of the main building and attached range to the rear is in use as flats. A single-storey range beyond, together with a detached building in the parking area are used by a single wood working business employing one person. There are no restrictions on the operation of the commercial use which utilises machine tools.

There is a single storey lean-to addition immediately rear of the main part of 107, beyond which are ranges in business use accessed via the southern access road.

A small lightwell, rear of the centre of the main building, is enclosed by the rear ranges.

The rear of the building and the ranges are generally in poor condition and include various unauthorised works including air conditioning condensers, piping and wiring.

Description of Proposal:

It is proposed to change the use of the ground floor shop at 107 to a mixed use comprising purposes within use classes A3 and A5. No tenant is identified so the precise use proposed is unknown. No alterations to the shop floor plan are proposed.

It is also proposed to convert the ground floor of the rear part of the range immediately behind 109 to a one bedroom self-contained flat. Its lawful use is for purposes ancillary to the shop at 107. The flat would be accessed from the northern access road via an existing opening. Existing window openings would be made good and utilised as windows for the flat. Internally two partition walls would be formed together with a more substantial internal wall separating the flat from the shop and attached workshop building to the rear.

This report deals with the planning application for the changes of use and a corresponding application for listed building consent in respect of the works necessary to facilitate the changes of use.

Relevant History:

EPO/0682/64	Alts & extn to shop & conv of 1st floor to furniture showrm (107/109) Approved
EPF/0645/73	Change of use of retail furniture showroom, offices and warehousing to office use (107/109) Approved
EPF/0698/74	Demolition of shopfront and rear part of building. Refurbishing of existing front part of building and rebuilding of rear wing on 3 storeys. Approved
LB/EPF/0024/81	Internal alterations to convert shop into two units. Approved
EPF/1229/89	Change of use from shop to restaurant (ground floor only) (109). Refused on the basis of harm to amenities of neighbouring residential properties and that required extract ducting would be harmful to the special character of the listed building.
EPF/1836/04	Conversion of first floor office space to 2 no. residential units. No 107/109. Approved
LB/EPF/1837/04	LB application for works in connection with EPF/1836/04. Approved
LB/EPF/1066/10	Grade II listed building consent to reinstate and repair following fire damage. Approved
EPF/2402/11	Change of Use of ground floor to a mixed use comprising purposes within use classes A3 and A5 and conversion of rear area to a one bedroom self-contained flat. Refused on the basis that the likely mechanism required to control odours would depend on works likely to affect the special interest of the listed building, insufficient information had been submitted to gauge the impact and since the building is an important heritage asset it is not appropriate to deal with that matter by condition.
EPF/2404/11	Application for listed building consent in respect of works associated with proposals the subject of planning application EPF/2402/11. Refused for the same reason the planning application was refused.

Policies Applied:

CP2	Quality of Rural and Built Environment
HC10	Works to Listed Buildings
HC13	Change of Use of Listed Buildings
TC3	Town Centre Function
RP5A	Adverse Environmental Impacts
DBE9	Loss of Amenity

Consultation Carried Out and Summary of Representations Received

The occupants of 19 neighbouring properties and a site notice displayed. A response from one neighbour was received:

106 HIGH STREET, ONGAR "I object to this on the same basis as I objected to the last one. This part of the High St is classed as residential and the road is not very wide with a bottleneck just past this part. This old shop is directly opposite my house and so any change to A3/A5 would directly affect me in terms of noise/ litter and parking. A change would mean the premises being open at night when parking is allowed in the High St so it would affect my quality of life and house value. There is no need for yet another restuarant/take away in Ongar and especially at this end which is predominately private houses. Over the last 30 odd years there have been other applications of this kind which have always failed because of parking in this part of the High St so I

see no reason to now approve one when nothing has materially changed. My views are supported by Ongar Parish council.”

ONGAR TOWN COUNCIL: OBJECTION in respect of the proposed use as a restaurant/takeaway. “The proposed change to accommodate restaurant/take away use with extended opening hours is unacceptable and would be likely to cause noise and nuisance problems for neighbours in an area that is primarily residential. There is no convenient parking provision and there have been difficulties with on-street parking in this area. To have a restaurant/take away facility would lead to increased parking difficulties and traffic attendant difficulties at times when the High Street is busy.”

Main Issues and Considerations:

Impact on Vitality and Viability

The site is in one of the District’s identified smaller town centres. It is in a peripheral location and not within the key frontage. Adjacent shops are in retail use. Within this context the proposed use for purposes within Use Classes A3 and A5 would not harm the vitality and viability of the town centre and is in accordance with policy TC3.

The proposed loss of floorspace at the rear of the shop to form a flat would not reduce the floorspace available in the shop to a point where its viability would be threatened.

Residential Amenity

The living conditions of upper floor flats to the front of 107 and 109 High Street are potentially affected by the proposals. That is in terms of odours arising from the use of the kitchen and noise from activity, equipment and any amplified music. It is clear from the application drawings that the discharge point for ducting designed to take away odours from the kitchen would be close to windows of flats above 107 and 109 High Street.

Advice of Environmental Health Officers is that the information submitted would appear to confirm an undertaking to meet the requirements of DEFRA guidance in respect of the control of odours from commercial kitchens. Notwithstanding the reason for refusing to approve a previous similar proposal, EHO’s also advise that without fuller information it is not possible to comment on the suitability and likely effectiveness of the kitchen and exhaust system with regard to odour and noise. EHO’s recommend the imposition of conditions on any consent given to deal with those matters.

If the matter of impact on living conditions were the only issue to deal with, appropriate means of odour control and associated extract ducting together with works to limit the transmission of noise could be secured by condition. That was previously found to be an inappropriate approach in the case of a listed building since an arrangement that would clearly safeguard living conditions may not preserve the special character of the building. That issue is examined further below in the design section of this report.

There is clearly no potential for the transmission of any noise within the proposed restaurant/take away to buildings on the opposite side of the road, including 106 High Street. There may be potential for noise from customers using the footway, but the likely levels of noise are unlikely to be of an order that could impact on the living conditions of neighbours subject to limitations on the times of such activity. That can be indirectly controlled by a condition limiting the hours the premises is open to customers. Such a condition would clearly limit the potential for transmission of noise within the building to times when occupants of flats above the premises are less likely to be disturbed by any noise from the premises.

Design and Appearance and Consequence for Listed Building

The internal works proposed have been assessed by an Historic Buildings Adviser at Essex County Council and found to be acceptable. The case officer has discussed the potential for the external ducting required as part of a system to control odours with the Historic Buildings Adviser and was verbally advised that should it be necessary to increase the height of the ducting in order to adequately control odours, the increased height would be acceptable in principle. On that basis the Historic Buildings Adviser has no objection to resolving the matter of odour control by condition.

Details of sound insulation between the shop and flat above and new flat can be secured by condition as can any sound insulation between the proposed restaurant/take away and flat above. Improvements to the exterior of the building affected by the proposals can also be secured by condition in the interests of preserving its special character.

Other Relevant Matters

The lack of off-street parking for customers has been raised as an objection by a neighbour. While that is a material consideration, the absence of customer parking within a town centre location is not unusual. Any obstruction caused by on-street parking is a matter for the police. The arrangements proposed, which make no provision for customers but do allow for staff and residents parking is adequate in this location therefore the objection raised is not of sufficient weight to warrant a reason for refusal. It was clearly not a reason for rejecting the previous proposal.

Concern is also expressed about late night opening and disturbance arising. Since those matters can be properly controlled by condition they cannot amount to grounds for refusing permission.

Conclusion:

There is no planning policy objection to the principle of the development, which would secure an additional dwelling and not be harmful to the vitality and viability of Ongar Town Centre. The proposed use for purposes within Use Classes A3 and A5 may require extensive external ducting beyond that indicated on the submitted drawings as part of a means of controlling odours generated by cooking food. Having regard to the advice of the Historic Buildings Adviser, that would not necessarily be unacceptable so such a condition could be complied with. The matter of potential noise disturbance can also be properly resolved by appropriate conditions. The parking matters raised are not good grounds for resisting this proposal. The proposal therefore accords with relevant planning policy and it is recommended that planning permission and listed building consent be given.

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

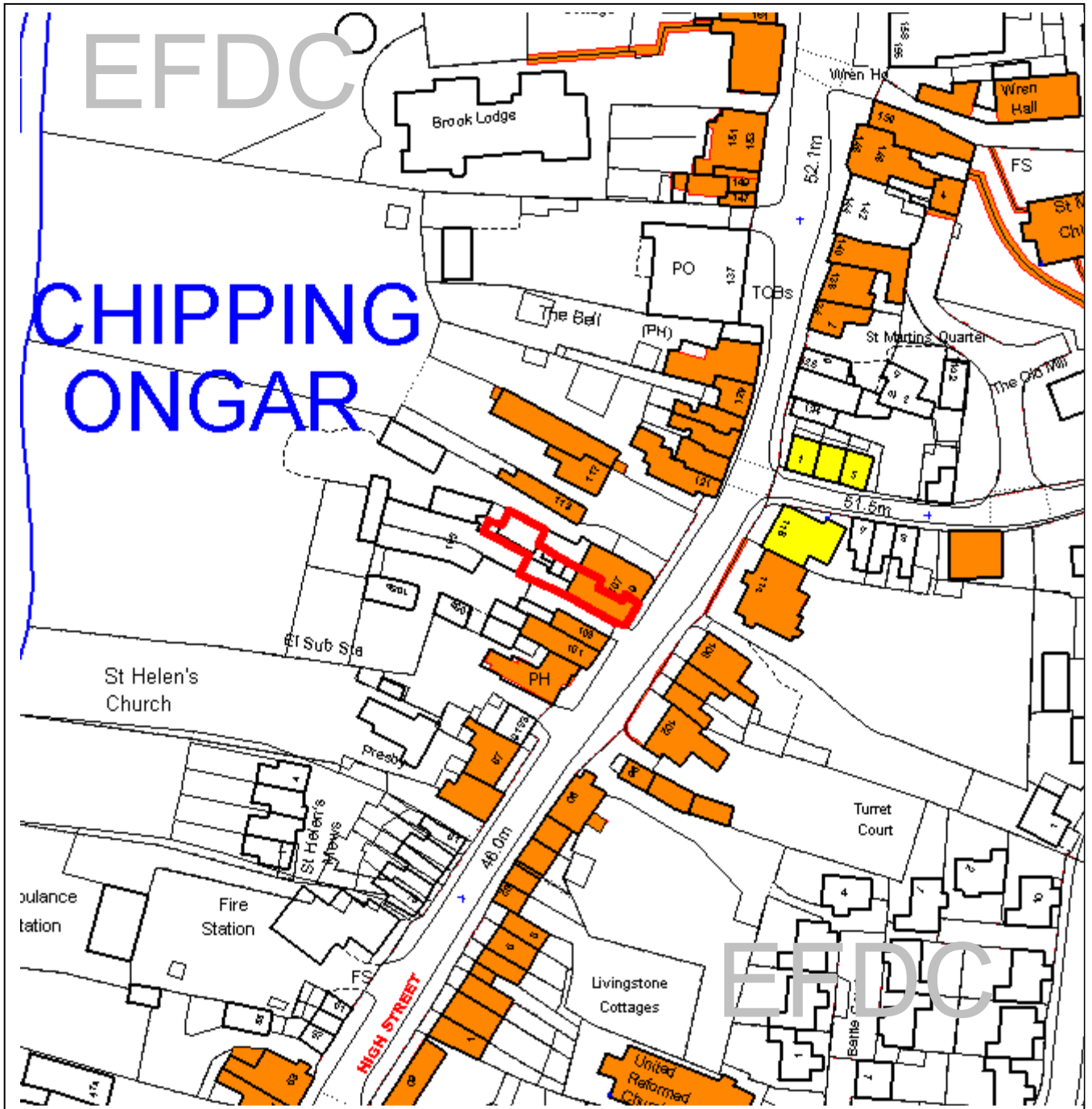
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4 & 5
Application Number:	EPF/0295/12 & EPF/0316/12
Site Name:	107 High Street, Ongar CM5 9DX
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/0316/12
SITE ADDRESS:	107 High Street Ongar Essex CM5 9DX
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr P Rainbird CBE DL
DESCRIPTION OF PROPOSAL:	Grade II listed building application for change of use of ground floor to A3/A5 with external extract duct through rear roof and conversion of rear area to a one bedroom self contained flat
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535159

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 Notwithstanding the details previously submitted, the works hereby permitted to facilitate the use as a restaurant and take away shall not commence until full details of the arrangement and means of fixing to and within the building of equipment to control and disperse cooking odours have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 3 All external ducting approved pursuant to condition 2 of this listed building consent shall be painted black and permanently maintained as such.
- 4 The works hereby permitted to facilitate the use as a restaurant and take away shall not be commenced until details of works to limit noise being transmitted from the use to the flat hereby approved and to flats above the shop premises have been submitted to and approved in writing by the Local Planning Authority. The works to limit the transmission of noise shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 6

APPLICATION No:	EPF/0496/12
SITE ADDRESS:	Braemar Theydon Park Road Theydon Bois Epping Essex
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Henry John Bartley
DESCRIPTION OF PROPOSAL:	Variation of planning condition 3 of EPF/0298/09 (Renewal of planning permission EPF/0137/06 for the retention of mobile home)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535840

CONDITIONS

- 1 Not more than one caravan or mobile home shall be stationed at the site at any one time.
- 2 The caravan/mobile home shall only be used for human habitation between 1 April and 31 October each year. During the months of November through to March, the caravan/mobile home shall only be used for the storage of household effects.

This application is before this Committee since it is an application contrary to the provisions of the approved Development Plan, and is recommended for approval (Pursuant to Section CL56, Schedule A (a) of the Council's Delegated Functions). It is also before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Site:

The application site is a plot within a ribbon of development within the Green Belt on the west side of a high embankment of the Central Line that is accessed by a rough surfaced private road, west of which are open fields. The ribbon of development the site is part of was originally developed solely for leisure chalets but over many years has become a mix of original chalets, plots with caravans, and a significant number of bungalows and two-storey detached houses towards the northern end of Theydon Park Road. Towards the southern end are a number of redundant plots.

The application site is largely covered with trees. Towards the eastern end of the site is a large touring caravan/small mobile home that has been on the land with the benefit of various planning

permissions for over 30 years. Although designed to be a temporary structure it remains in a reasonable state of repair. Due to the vegetation on site it cannot be seen beyond the site boundaries.

To the north of the site are a number of large detached houses. To the south is a similar leisure plot with heavy tree cover that accommodates a small mobile home.

Description of Proposal:

It is proposed to remove condition 3 of planning permission EPF/0298/09, which renewed planning permission EPF/0137/06 for the retention of mobile home.

Condition 3 limits the life of the planning permission to 3 years from the date it was issued, i.e. until 15 April 2012. The removal of the condition would result in a permanent planning consent being given. This application was received before the expiry of planning permission EPF/0298/09 therefore the fact it has now expired does not prevent consideration of the application.

The stated reason for condition 3 is:

“The development is an exception to the policies of the adopted Local Plan, which are to not normally grant planning permission for non-permanent dwellings, particularly in the Metropolitan Green Belt.”

Relevant History:

EPF/0161/76	Retention of a caravan	Temporary consent given
EPF/0268/78	Retention of a caravan	Temporary consent given
EPF/0250/80	Retention of a caravan	Temporary consent given
EPF/0130/82	Retention of a caravan	Temporary consent given
EPF/0336/84	Retention of a caravan	Temporary consent given
EPF/0560/87	Retention of a caravan	Temporary consent given
EPF/0624/90	Retention of a caravan	Temporary consent given
EPF/0718/93	Retention of a mobile home	Temporary consent given
EPF/1156/96	Retention of a mobile home	Temporary consent given
EPF/1613/99	Retention of a mobile home	Temporary consent given
EPF/2317/02	Retention of a mobile home	Temporary consent given
EPF/0136/06	Retention of a mobile home	Temporary consent given
EPF/0298/09	Retention of a mobile home	Temporary consent given

Policies Applied:

GB2A	Development in the Green Belt
RST11	Theydon Park Road and Curtis Mill Lane Chalet Estates

Consultation Carried Out and Summary of Representations Received

Two neighbours were consulted on the application. No response was received from neighbours.

THEYDON BOIS PARISH COUNCIL: - OBJECTION

“Due to the temporary nature of the structure in question we feel temporary planning permission is again appropriate in this situation as has been the case in the past. Permanent consent is likely to lead to a more permanent structure being built which would be inappropriate in this sensitive location in the Green Belt.”

Main Issues and Considerations:

Should condition 3 be removed from planning permission EPF/0298/09, the first two conditions of that permission would remain. They are:

1. The number of caravans at the site at any one time shall not exceed one.
2. The caravan shall only be used for human habitation between 1 April and 31 October each year. During the months of November through to March, the caravan shall only be used for the storage of household effects.

The stated reason for those conditions is the same as the reason for condition 3: that the development is allowed as an exception to policy which prohibits non-permanent dwellings. While that is an explanation, it does not clearly set out a planning purpose, such as that set out in the supporting text of policy RST11.

Policy RST11 relating to the leisure plots at Theydon Park Road allows for the continued use of chalets on those plots for periods of up to 3 years subject to their condition being acceptable and limitations on the period of occupancy during any year. In renewing the permission to retain the caravan/mobile home policy RST11 has been interpreted as also being applicable to caravans/mobile homes on leisure plots. The policy requirement to limit the use of chalets to 3 years is, however, at odds with the guidance given in circular 11/95 regarding the use of conditions. The circular makes clear that repeated temporary consents are not appropriate and following the grant of an initial temporary consent a Local Planning Authority should decide whether or not permanent planning permission should be given. That tension between Local Plan policy and national procedural guidance creates uncertainty and does not assist in dealing with this proposal.

The key fact of this case is the caravan/mobile home has benefitted from repeated temporary planning permissions given over a period of over 30 years. Indeed a consent for stationing a caravan for leisure purposes was given in 1950, although having regard to the design and appearance of the structure presently on site that consent clearly related to a different caravan. The repeated grant of temporary planning permissions for over 30 years is equivalent to the grant of a permanent planning permission.

Notwithstanding the tension between policy and procedural guidance, having regard to the extreme length of time over which planning permissions have been given to retain the same structure it is most appropriate to assess whether there are grounds for allowing the site to be used permanently for the purpose of stationing a caravan/mobile home for the purposes of leisure.

In this case the site is situated within a locality developed for recreational purposes. The site is secluded and views into it are greatly restricted such that the caravan/mobile home within it has no material impact on the openness of the Green Belt. Although the stationing of a caravan/mobile home of itself is inappropriate development in the Green Belt, these circumstances together with the fact of repeated planning permissions being given to retain the caravan/mobile home for leisure purposes amount to material considerations of very great weight. They are of an order that amounts to very special circumstances therefore it is appropriate to allow the proposal and effectively permit the application site to be used for stationing a single caravan/mobile home for restricted leisure purposes on a permanent basis.

The potential for the proposal to pave the way for a planning permission to be given for a permanent structure on the land is raised by the Parish Council. Careful consideration has been given to the risk posed. Any proposal for a permanent building would be inappropriate development that is explicitly prohibited by policy RST11. This proposal would not undermine the policy position. The particular facts surrounding it are sufficiently unique to be very special

circumstances for a very specific type of development – the use of land – which would in any event continue to be limited by conditions 1 and 2 of planning permission EPF/0298/09. They are in no way a justification for any permanent building on the land and allowing this proposal would not result in creating circumstances that could justify such development.

Conclusion:

The proposal is inappropriate development in the Green Belt, however, very special circumstances have been found to exist in this case that clearly outweighs the harm the proposal would cause to the Green Belt. On that basis it is recommended that consent be given to remove condition 3 of planning permission EPF/0298/09.

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

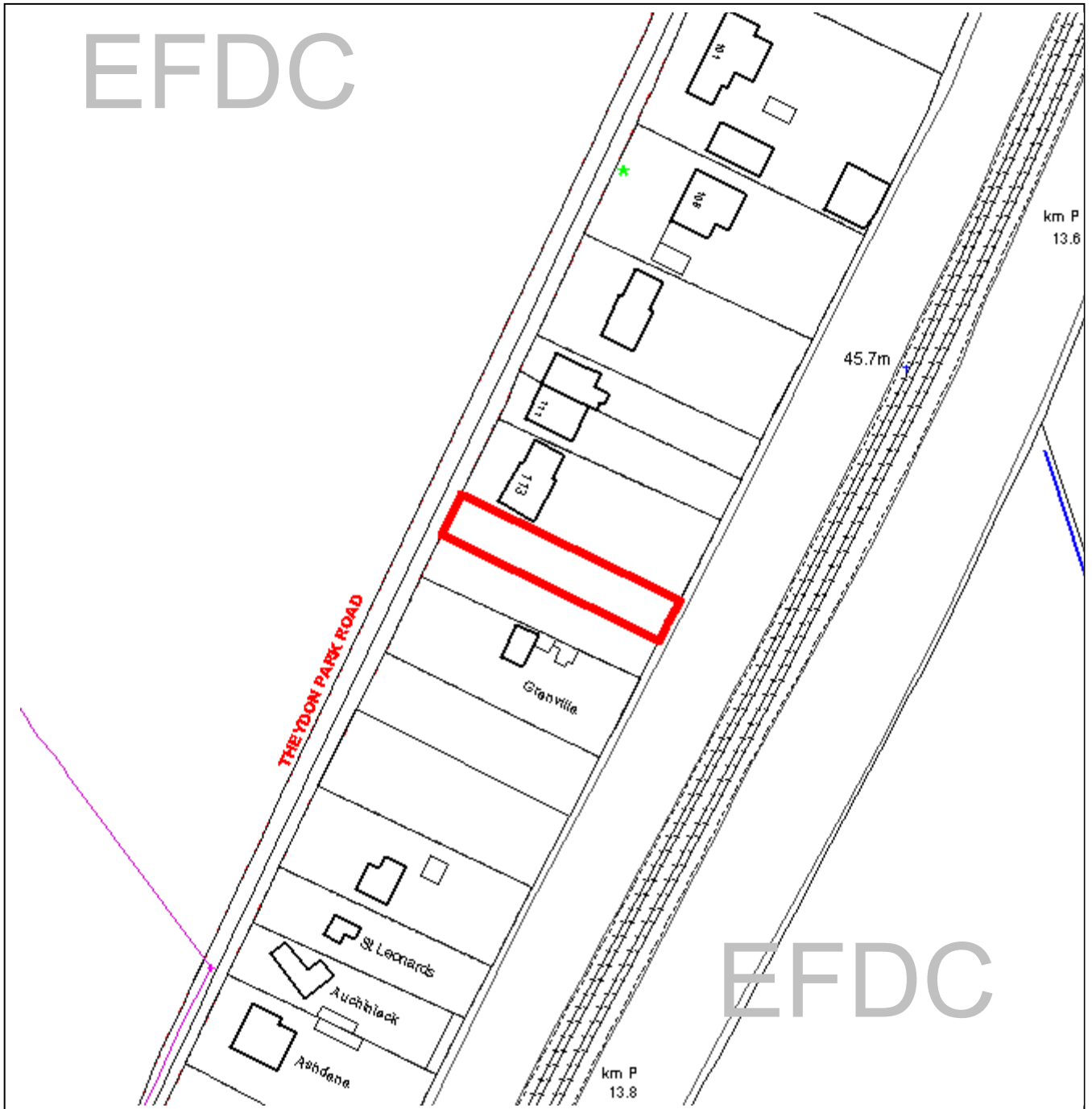
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/0496/12
Site Name:	Braemar, Theydon Park Road Theydon Bois,
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0666/12
SITE ADDRESS:	11 Griffins Wood Cottages High Road Epping Essex CM16 4DH
PARISH:	Epping
WARD:	Broadley Common, Epping Upland and Nazeing Epping Lindsey and Thornwood Common
APPLICANT:	Mr George Myford
DESCRIPTION OF PROPOSAL:	Two storey rear extension and part single storey/part two storey side extension and internal alterations. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536461

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 take 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 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.

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:

Two storey semi-detached dwelling located on the northern side of the High Road, Epping. To the rear are two detached outbuildings (one attached to the neighbouring outbuilding) and the site contains several trees and other landscaping (with three Pine trees to the rear being covered by individual Tree Preservation Orders – although all other trees are protected due to the conservation area designation). The site is located within the Bell Common Conservation Area, the Metropolitan Green Belt, and an Epping Forest District Council Flood Risk Assessment zone.

Description of Proposal:

Revised application for a two storey rear extension and a part single storey/part two storey side extension. The proposed additions would extend 4.5m beyond the existing rear wall (4m beyond the two storey rear protrusion) and stretch a total width of 7.5m. The additions would extend 2.7m beyond the flank wall and would be set back 2m from the front most wall. The first floor side extension element would extend just 700mm beyond the existing flank wall. The proposed rear extension would have a ridged roof reaching a maximum height of 7.3m (to match the existing roof), with the side extension having a pitched roof to a height of 4.6m.

Relevant History:

TPX/EPF/1333/10 - (T2-T11) 10 x Leylandii: Remove; (T21) Chestnut: Remove – granted 26/07/10

TPX/EPF/0034/11 - (T12-T16): Fell; (T17) Cherry: Fell; (T18) Pine: Fell – granted 09/02/11

CLD/EPF/0508/11 - Certificate of lawful development for a proposed front porch – lawful 05/05/11

EPF/0369/11 - Removal of outbuilding in back garden and construction of single garage in back garden with external stair – approved/conditions 06/06/11

EPF/1299/11 - Two storey rear extension and part single storey/part two storey side extension and internal alterations – refused 16/08/11

Policies Applied:

GB2A – Development in the Green Belt

DBE4 – Design in the Green Belt

DBE9 – Loss of amenity

DBE10 – Residential extensions

HC6 – Character, appearance and setting of Conservation Areas

HC7 – Development within Conservation Area

U2B – Flood Risk Assessment zones

LL10 – Adequacy of provision for landscape retention

Summary of Representations:

2 neighbouring properties were consulted and a Site Notice displayed on 20/04/12.

TOWN COUNCIL – Object. Note the revisions, however the previous objections remain valid. Specifically because the property is in the Green Belt. The development would double the size of the property and set a precedent for overdevelopment of all the similar plots on this road which would be harmful to the openness and character of the Green Belt.

Issues and Considerations:

The previous application was refused for the following reasons:

The proposed extensions constitute inappropriate development that is harmful to the openness and character of the Metropolitan Green Belt. No very special circumstances exist that clearly outweigh this harm and as such the development fails to comply with PPG2 and policy GB2A of the adopted Local Plan and Alterations.

The proposed extensions, due to their size, design and location, would be detrimental to the overall character and appearance of the dwelling and the conservation area, contrary to policies DBE4, DBE10, HC6 and HC7 of the adopted Local Plan and Alterations.

The previous application would have resulted in a total additional floor area of 80 sq. m., which was 89% over and above the original property (which has a floor area of just 89.4 sq. m.). The revised application has reduced the overall size of the proposed extensions to 67 sq. m., which equates to 74% over and above the original dwelling. Whilst this is still over what would usually be considered a 'limited extension' it is considered that, given the location of the site within a built up linear enclave on the edge of Epping, this increased figure would not be unduly detrimental to the openness of the Green Belt. Furthermore, the size of the revised scheme matches that approved at No. 9 Griffin Wood Cottage in 2010.

This site is located in the Bell Common Conservation Area and the row of cottages known as Griffins Wood Cottages are present on historic maps dating back to 1904. The conservation area is classed as a Heritage Asset. Whilst the previous application was considered too large and visually harmful to the conservation area, this revised application has been reduced in size and the second floor side extension has been removed. This therefore is more in line with other extensions allowed within this row of historic cottages, and is particularly similar to that at No. 9. Therefore, subject to acceptable materials being used, the development would not be unduly harmful to the historic character and appearance of the conservation area, the street scene, or the existing dwelling.

The proposed rear extension would be 4.5m deep and would be set back from the shared boundary by 2.5m. Given this distance, and given the elevational details of the neighbour's rear wall, there would not be any undue loss of amenity to the neighbouring residents.

Whilst the application site lies within a Flood Risk Assessment zone the proposed development would only be minor causing a negligible increase in surface water runoff. As such no Flood Risk Assessment would be required for this proposal.

Conclusion:

The proposed development would not cause significant harm to the openness of the Green Belt and is similar in size and design to that allowed and built at No. 9 in 2010. The extensions would not be detrimental to neighbouring amenities or the character and appearance of the conservation area, and as such the proposal complies with the relevant Local Plan policies and is therefore recommended for approval.

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

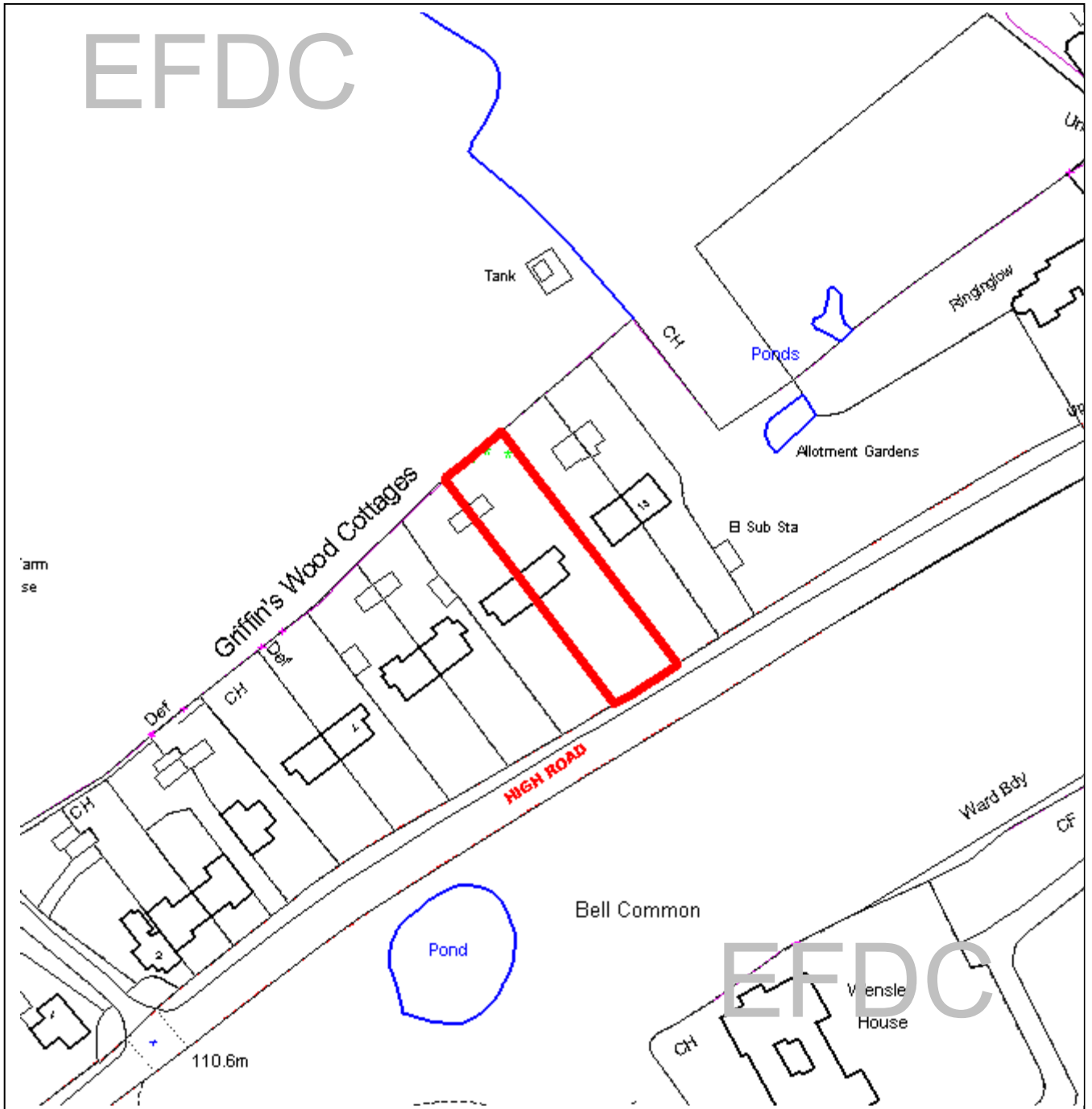
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



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Agenda Item Number:	7
Application Number:	EPF/0666/12
Site Name:	11 Griffins Wood Cottages, High Road Epping, CM16 4DH
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0718/12
SITE ADDRESS:	Rose Cottage Matching Green Matching Harlow Essex CM17 0QA
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mrs Carol Foulser
DESCRIPTION OF PROPOSAL:	Removal of dilapidated outbuildings and erection of new curtilage outbuilding and ancillary works. (Amended application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=536707

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 take 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 The proposed development shall only be used for purposes incidental to the enjoyment of the existing dwellinghouse and shall not be used for sleeping accommodation or occupied as a unit separately from the dwelling known as Rose Cottage, Matching Green. The car port element shall be retained for the parking of vehicles and shall not be converted to other use.
- 4 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.

- 5 No development shall take place until details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation (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. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives its written consent to any variation.
- 6 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.
- 7 Prior to commencement of development, details of materials for surfacing of the proposed driveway and parking area shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with the agreed 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)) and since it has been 'called in' by Councillor Morgan (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of Site:

The dwelling is a detached Grade II listed building with some existing derelict outbuildings within the south eastern corner of the site. These include a former garage with vehicle access from Little Laver Road. The site is located within the Metropolitan Green Belt and a conservation area and contains several trees.

Description of Proposal:

Amended application for the removal of the existing outbuildings and erection of a new outbuilding with ancillary works. The proposed new building would be T shaped and would reach a maximum width of 9.4m and maximum depth of 10.5m with a ridged roof to a maximum height of 4.3m. The proposed outbuilding would contain a double garage, a garden studio with WC and a small store. Access to the proposed garage would be via the existing vehicle access serving the existing garage to be demolished.

Relevant History:

EPF/0841/06 - Replacement and repairs to structure, timbers, windows, replacement staircase and conservatory extension – approved/conditions 20/06/06
EPF/1690/06 - Replacement and repairs to structure timbers and windows, replacement staircase, new vehicle access and side extension – approved/conditions 13/10/06

EPF/2588/11 - Removal of dilapidated outbuildings and erection of new curtilage outbuilding and ancillary works – approved/conditions 13/02/12

Policies Applied:

GB2A – Development in the Green Belt
DBE1 – Design of new buildings
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
HC6 – Character, appearance and setting of conservation areas
HC7 – Development within conservation areas
HC12 – Development affecting the setting of listed buildings
LL10 – Adequacy of provision for landscape retention

Consultation Carried Out and Summary of Representations Received:

7 neighbours were consulted and a Site Notice displayed on 24/04/12.

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – No objection.

MATCHING PARISH COUNCIL – Object to the application on the grounds of safety of access on a very dangerous bend and over-development of the site proceeding towards the creation of a separate dwelling. The road is particularly busy at school times and a blind entrance and exist to the new driveway (sic).

EDMUND HOUSE, MATCHING GREEN – Object as the outbuilding would be too large, it would impact on the neighbouring property, as it could be used for accommodation purposes, and due to the impact on the listed building.

TUSCAN HOUSE, LITTLE LAVER ROAD – Object as this will harm the Green Belt, conservation area, and due to highway concerns.

Issues and Considerations:

Planning permission has recently been granted for a new detached outbuilding on this site to replace the existing, somewhat dilapidated, existing buildings. The previous application was submitted with a desktop arboricultural survey and was specifically designed to minimise damage to tree roots (given the presence of several established trees, which are protected due to the conservation area designation). Of particular concern were the large Horse Chestnut tree to the front (east) of the proposed building, and the two Yew trees to the rear (west). A condition was added to this grant of approval for this outbuilding requiring the submission of a full Arboricultural Method Statement and Tree Protection Plan, to ensure these trees were retained. Unfortunately the site investigations and full Arboricultural Method Statement revealed that the large Horse Chestnut Tree was unsafe and, with agreement from the Council's Tree and Landscape Officers, this tree required immediate removal. Due to this tree no longer forming an eastern 'barrier' to the location of the outbuilding, the proposed development is now able to be sited closer to the road, which increases the distance from the protected Yew trees and provides better levels of natural light to the outbuilding. This change in location, along with the alteration from an L shaped building to a T shaped building (which has reduced the floor area of the proposal by 7%) is why a new planning permission is required. However, it should be noted that EPF/2588/11 is still extant and therefore can be carried out.

Due to the above, the principle of a large outbuilding within the garden of this listed building has been approved, and therefore the only considerations in this amended application is with regards to the re-siting and other changes to the building.

Green Belt:

The proposed outbuilding is a sizeable structure located within this Green Belt site, however this amended application is 7% smaller than that previously approved (78 sq. m. as opposed to 84 sq. m.). The outbuilding is an identical height and similar overall design to that previously granted consent, and as such it is considered that this would have no further impact on the Green Belt than EPF/2588/11.

The proposed use of the building would be for ancillary purposes incidental to the enjoyment of the dwellinghouse. Given the size and location of the outbuilding there are concerns that this could later be separated off as a separate dwelling, however a suitable condition can be (and was previously) added to ensure that the use remains ancillary and is not used for residential purposes. Matching Parish Council's objection that this 'proceeds towards the creation of a separate dwelling' is not a valid reason for refusal, as any future change of use to a separate property would require consent, and the change of use without planning permission can be suitably controlled by condition.

Conservation:

The proposed development would remove existing outbuildings, which do not contribute to the character or setting of the listed building or conservation area. The scale and traditional form of the proposed outbuilding is sympathetic to the setting of the listed building and would preserve the character of the cottage, and the amended scheme would be located further from the listed building than that previously approved, which would be more beneficial than the current extant consent.

Landscaping:

Whilst the previous large Horse Chestnut Tree was a benefit to the visual amenities of the area, an on-site tree survey revealed that the tree was unsafe and unfortunately required immediate removal. This was assessed by the Council's Tree & Landscape Officers and it was agreed that, given the size and proximity to the public highway, the tree did pose a health risk and required removal. However, the removal of this tree allows for the proposed outbuilding to be re-sited closer to the road, which consequently takes it further from the two Yew trees to the rear of the development. This would therefore improve the relationship between the new build and the Yew trees over that previously approved.

Tree protection measures will be required to ensure that the remaining trees on site are retained and not damaged during construction works, and a replacement tree will be sought to compensate for the loss of the Horse Chestnut. Therefore, subject to conditions regarding this, the application would be acceptable with regards to landscaping.

Neighbours amenities:

The proposed outbuilding would be located to the north of the adjacent neighbour at Edmund House, and would not extend beyond the rear wall of the existing outbuildings on site. It would be located 800mm from the shared boundary and would have a relatively low pitched roof. Whilst the building would be located closer to the road than that previously approved (and therefore would extend further beyond the front of the neighbours dwelling), it is not considered that this would have an undue impact on the amenities of this neighbour.

Comments on Representations Received:

The application site is located within an area recently subject to a boundary change, and as such this dwelling now falls under Matching Parish Council, whereas it was previously covered by Moreton, Bobbingworth & The Lavers Parish Council. Whilst the application was submitted prior to this boundary change, and as such MB&L Parish Council is the correct determining Local Council on this (who have raised no objection), Matching Parish Council has nonetheless objected to this amended application. Their objections are with regards to highway safety concerns, over-development, and the likely creation of a separate dwelling. Whilst the residents of Edmund House previously raised no objection to EPF/ 2588/11, but only sought to ensure that the approval was suitably conditioned to restrict residential use of the outbuilding, they have now objected to the size of the amended scheme, the impact on their property, the potential for it to be used for residential accommodation, and the impact on the listed building. The residents of Tuscan House, on the opposite side of Little Laver Road, have objected to the harm on the Green Belt, conservation area, and due to the impact on highway safety.

With regards to highway safety concerns, the proposed outbuilding would use an existing access onto the road known as 'Matching Green'/Little Laver Road. The width of the existing opening is the same as that proposed, however due to the position of the Horse Chestnut tree only the southern half of the access was previously utilised. The loss of this tree now allows for the entire entrance to be utilised for access to the site, which would be an improvement over the previous narrow access road. The utilisation of the entire opening would allow for better positioning of cars leaving the site (away from the 2m high boundary fence of Edmund House), and would allow for cars to simultaneously enter and leave the site without conflict. As such, it is considered that the full utilisation of this existing opening would improve highway safety and the free flow of traffic to this site.

The proposed outbuilding would be set 5.5m/6m back from the edge of the highway, which would allow cars to enter the site without overhanging the highway. No gates can be erected on the site without consent, as the dwelling is a listed building, and as such the LPA has control over the erection of gates at this entrance. Despite the fact that the opening exists on site, and therefore there is no enlargement to the vehicle crossover, planning permission would not have been required for a crossover onto either Matching Green or Little Laver Road. Therefore, even if this application were to include an alteration/enlargement of the vehicle access, there would be no planning grounds to refuse this.

In response to the objections to the size of the outbuilding and the impact on the Green Belt, conservation area and listed building, the proposed amended application is smaller than that previously granted consent. As such it is not considered that this amended scheme, which is 7% smaller and reaches the same height as the extant permission, will be any more harmful to the Green Belt or surrounding area than that previously approved. The Council Conservation Officer has assessed the proposal and considered that the re-siting of the building further away from the listed building would be more beneficial to the historic setting and character of the main house and the wider conservation area. Although slightly closer to the road and therefore potentially more visually prominent in the street scene, given its height and sympathetic design, this is not considered harmful to the character of the area.

Concern has been raised about the likelihood of the outbuilding being used as a separate dwelling. Whilst this is a sizeable structure that could easily be split off from the main house, planning conditions can be imposed to ensure that the building is not used separately from the main dwelling or used for residential accommodation. Any future proposed change of use would require planning consent and would be assessed at that time and would be likely to be considered an unacceptable fragmentation of the curtilage of the listed building.

Conclusion:

Due to the above, the amended outbuilding would not be detrimental to the openness and character of the Green Belt or be detrimental to the appearance or setting of the listed building or conservation area, the existing trees, or the amenities of neighbouring residents. The proposal would have a smaller footprint than that previously granted consent, and would not involve the creation of any new vehicle crossover (although planning consent for such is nonetheless not required). The application therefore still complies with the relevant Local Plan policies and is recommended for approval.

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

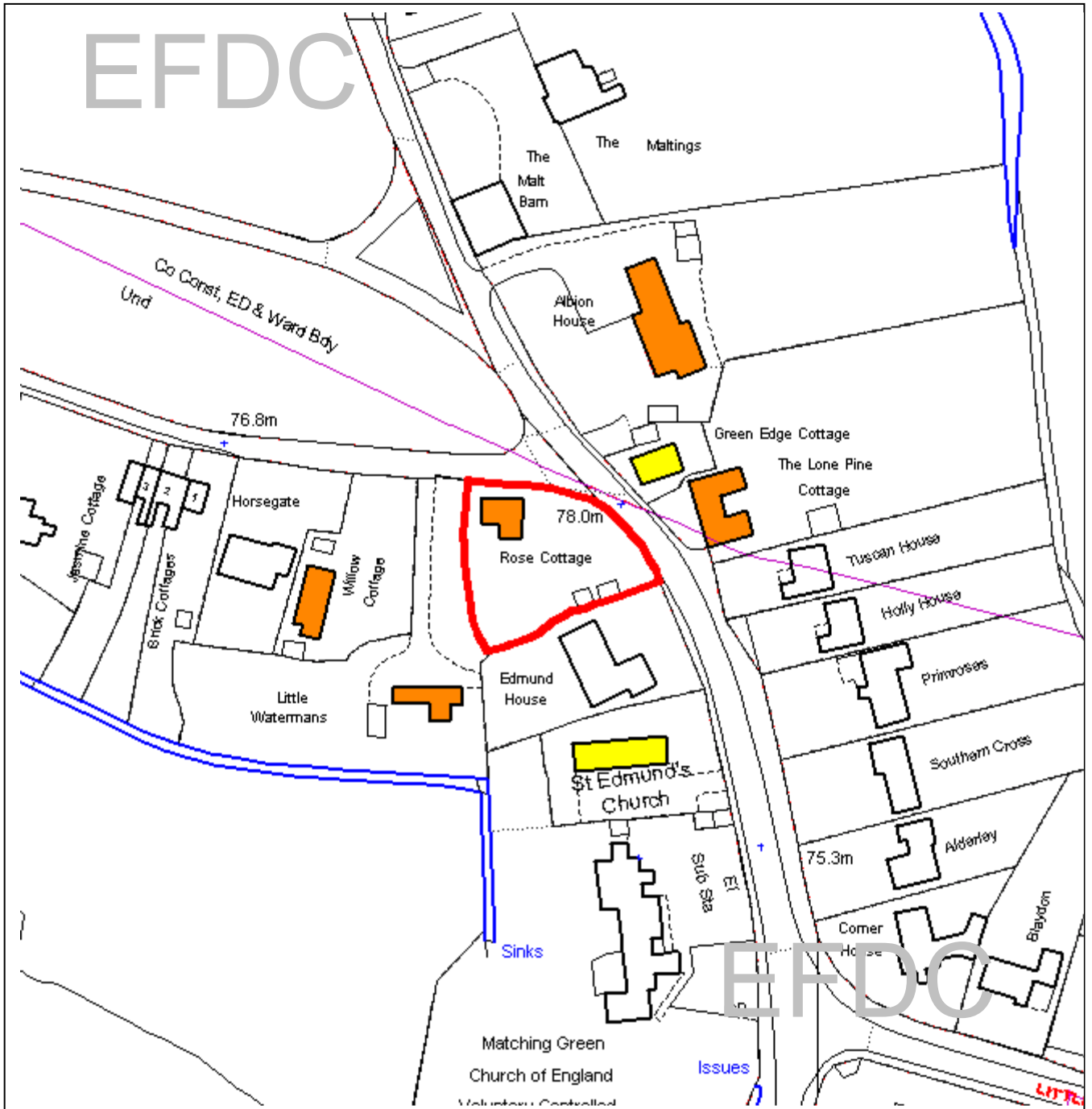
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/0718/12
Site Name:	Rose Cottage, Matching Green Matching, CM17 0QA
Scale of Plot:	1/1250