

Report Item No: 1

APPLICATION No:	EPF/2613/11
SITE ADDRESS:	Greenacres Farm Bournebridge Lane Stapleford Abbots Romford Essex RM4 1LT
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	G Keeling, P Keelling, C Tolfree and Gemma Keeling-Cove
DESCRIPTION OF PROPOSAL:	Demolition of existing bungalow, domestic outbuildings, B1 office building, B1/B8 workshop/storage buildings, and cessation of open storage use, and the erection of two, two storey detached houses.
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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533994

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B, C, and E shall be undertaken to the two new dwellings hereby approved, or to the existing main dwelling to be retained on the site, without the prior written permission of the Local Planning Authority.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out

only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting and planting on the west boundary of the site), and implementation programme (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Details of the sustainable drainage system to be used on this site shall be submitted to and approved by the local planning authority before any works commence on site, and once approved these details shall be implemented in full on site.
- 8 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.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning

Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 14 The area of the site annotated on plan number 2472-3A as 'restored to open Green Belt' shall remain in use as agricultural land and shall not be used for any other purpose, including use as domestic gardens.
- 15 The two dwellings hereby approved shall not be occupied before the buildings shown to be removed in this application are demolished and the land made good. Similarly all outside storage, including containers, shall be removed from the site and the land made good before the dwellings hereby approved are occupied.

This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A.(a))

Description of Site

The site is situated in a recessed position off Bournebridge Lane, and is hidden from view from that road. It comprises a detached house with sizeable garden but also a bungalow and series of smaller buildings mainly located in the north east of the site. The site also includes a field or paddock lying to the south of the garden. The site lies in the Green Belt but close to the large linear settlement of Stapleford Abbots. The property is not listed nor does it lie in a conservation area. However, trees close to the north east boundary of the site are protected by a blanket tree preservation order. Long views are available on to the site from a lightly used public footpath to the south.

Description of Proposal

Demolition of existing bungalow, domestic outbuildings, B1 office building, B1/B8 workshop/storage buildings, and cessation of open storage use, and the erection of two, two-storey detached houses.

Relevant History

There are a number of planning decisions related to this site – the most relevant of which are:-

EPF/CLD/1421/02 – certified that the following uses, in the north east of the site, were lawful – use of building A as a dwelling, use of building B as a B1 office, use of buildings D and E for leisure use incidental to the dwelling at Greenacres, use of buildings C and F as B1/B8 workshop and storage uses, and use of area G as an open storage area.

EPF/CLD/1057/08 – a proposed gym and games room storage outbuilding to the main dwelling on the site was certified as lawful.

EPF/CLD/184/09 – a part two and part one storey front extension to the main dwelling was certified as lawful.

Policies Applied

CP2 Protecting the Quality of the Rural and Built Environment
CP6 Achieving Sustainable Urban Development Patterns
GB2A Development in the Green Belt
GB15A Replacement Dwellings
DBE1 Design of New Buildings
DBE2 Effect on Neighbouring Properties
DBE4 Design in the Green Belt
LL10 Adequacy of Provision for Landscape Retention

Summary of Representations

STAPLEFORD PARISH COUNCIL_ – No objections to the application subject to a section 106 agreement on the remainder of the land, and the planting of a sufficient tree line along the outer perimeter to hide the new development from Bournebridge Lane.

NEIGHBOURS – 4 properties consulted, and a site notice erected, and no replies received.

EFDC TREES and LANDSCAPE SECTION – (Following negotiations and amendment) we have no objection to this application subject to conditions SC66 Tree Protection and SC59 Hard and Soft Landscaping being applied.

EFDC CONTAMINATED LAND OFFICER – Due to its horticultural nursery and industrial uses, and the presence of made ground, this site is potentially a contaminated one. Conditions 87, 87A, 87B, 87C, 87D should be added to any decision.

EFDC LAND DRAINAGE – No objections – but applicant is proposing to dispose of surface water by means of a sustainable drainage system – please add a condition requiring approval of this SUD before work commences.

Issues and Considerations:

Green Belt

Two new dwellings are proposed in the eastern and western parts of the site. These new dwellings, by definition, represent inappropriate development in the Green Belt and can be seen therefore as harmful to the open character of the locality. However, the easterly dwelling will replace a small prefabricated bungalow dwelling. In addition 4 other large outbuildings in the north east corner of the site, two of which have commercial use rights, will be removed, along with other containers and an outside and lawful commercial storage area. In floorspace and volume terms, the erection of the two new dwellings can be justified by the amount of buildings being removed, and the openness of the Green Belt will be improved. In addition the removal of commercial uses, plus outside storage area, will improve residential and visual amenity in this Green Belt location. Finally, the size of the garden area to the south of the main existing dwelling on the site will be reduced in extent so as to increase the 'agricultural' land area within the site. All of these factors, taken together, provide very special circumstances to justify that in this case inappropriate development, that is the erection of two new dwellings, can be allowed.

Unilateral Undertakings

The Certificate of Lawful Development application, CLD/0953/09, certified that a very large 24m long two story front extension to the main house on the site was lawful. It was lawful because, although the front of the house is the principal elevation, it does not ALSO front a highway. This front extension has not been built. In pre-application discussions it was put to the agent that planning permission would be unlikely to be granted for two new houses in the Green Belt if this 'error' or 'loophole' in the regulations could be exploited by such a large front extension being built to the existing main dwelling on the site. As a result the applicant has agreed, via a unilateral undertaking that has been signed, not to build this CLD/0953/09 'approval'. The undertaking also removes permitted development rights for any other front extension to the main house.

Another CLD application (EPF/CLD/1057/08) certified that a large outbuilding (12.5m by 16m) in the rear garden of the main dwelling on the site was also lawful. This outbuilding was assessed against the permitted development regulations that were in force prior to August 2008, and the same building, which would have a roof with more than 2 pitches, would not be lawful today. Consequently, having regard to the need to safeguard openness on the site, it is also expedient to enter a second unilateral undertaking to prevent the construction of this outbuilding, and the applicant is agreeable to this.

Trees and Landscaping

A line of trees are protected along part of the north east boundary of the site. An access road to the north east of the site lies close to these trees, and possibly causes compaction to root systems. With the removal of the commercial outbuildings in the north east part of the site there is no need for this access road to remain, and the applicant has agreed, as annotated on revised plans, to dig this access road up by hand so as to protect tree roots both in the short and long term. This line of trees will act as a backcloth to the larger of the two new dwellings at plot 1 - when viewed from the lightly used public footpath which runs along the southern boundary of the field or paddock contained within this site. There are other trees that help screen the site but additional planting will be carried out along the southern and western boundary of the site – as indicated on the plans and in accordance with further details of size and specie to be submitted via a condition.

Design and Appearance

The two proposed houses have an appropriate design for a semi rural area, with some accommodation at first floor contained in steeply sloping roofs with small gabled dormers, and with other first floor accommodation contained in projecting two storey bays with gabled roofs over. Each plot has a generous amenity space around the houses, with 2 car spaces plus large drives providing ample space to park.

Sustainability

The site lies just to the south and east of the boundary of the urban settlement of Stapleford Abbots - so this is not an isolated location for two new houses. In addition the commercial units on this site are not only sited in a semi rural area but they are served by a long access road, and potentially business uses here could generate a lot of commercial traffic in a quiet Green Belt location. The proposed development is therefore acceptable in sustainability terms.

Employment

Although buildings on the site do have authorised use for commercial purposes at present these buildings are not occupied by businesses or firms. The proposals therefore will not result in actual job losses but only a loss of potential employment. Moreover, as mentioned above, the site is not well suited to commercial use in the long term.

Conclusion

Having regard to the above issues the proposed development of two houses on this site is acceptable, and conditional planning permission is recommended. However, If the second unilateral undertaking has not been agreed and signed before the date of the Committee then it is also recommended that any conditional planning permission is only issued once this undertaking has been signed.

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:

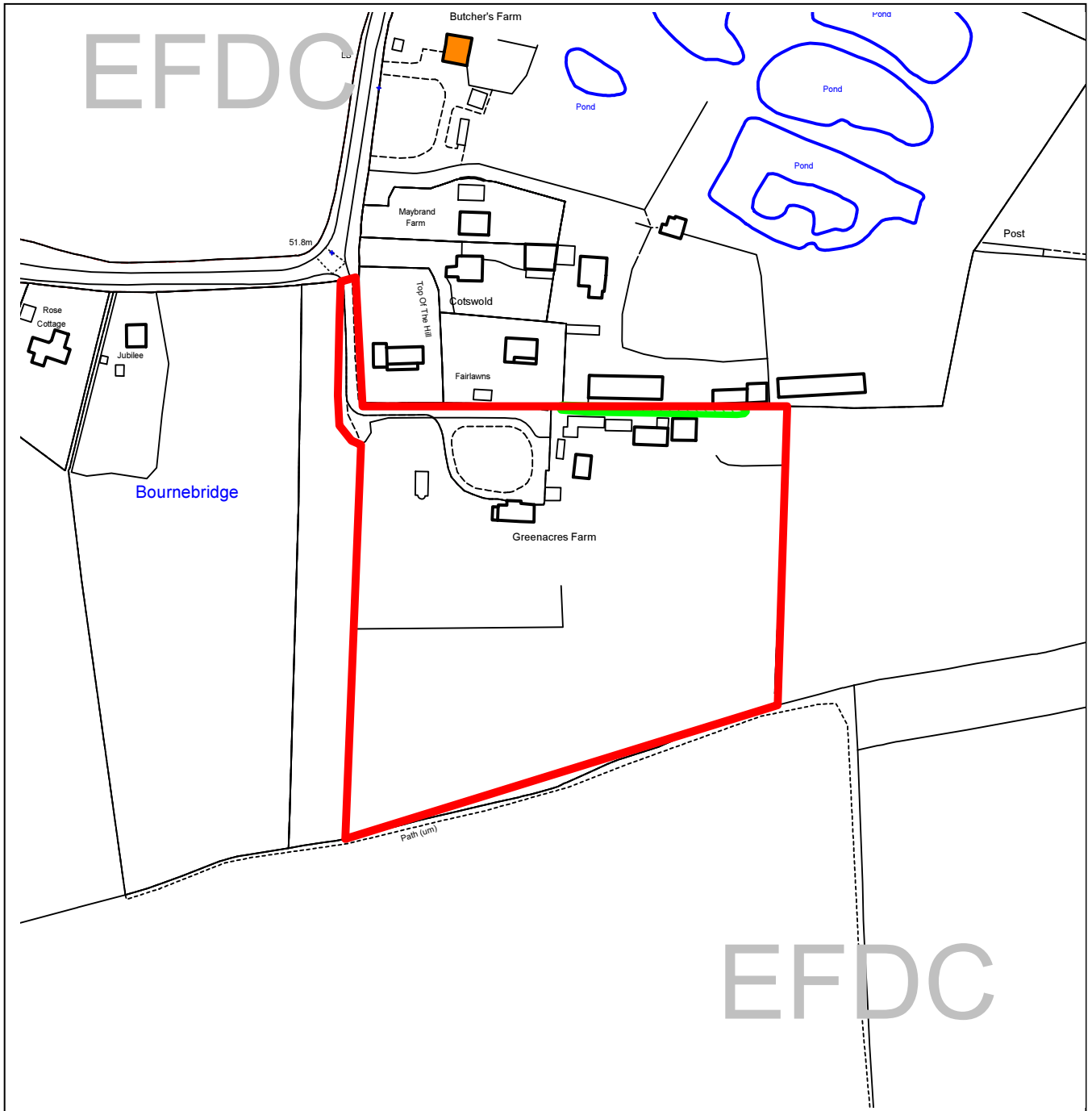
***Planning application case officer: David Baker
Direct Line Telephone Number: 01992 564514***

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/2613/11
Site Name:	Greenacres Farm, Bournebridge Lane Stapleford Abbots, RM4 1LT
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/0165/12
SITE ADDRESS:	Ashlyns Organic Farm Shop Epping Road North Weald Epping Essex CM16 6RZ
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Terry Mason
DESCRIPTION OF PROPOSAL:	Change of use from agricultural site to mixed usage of agricultural land and farm and wildlife park including fishing lake, play barn and farm trail.
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=534666

CONDITIONS

- 1 Within 3 months of the date of this approval full scale drawings of landscaping in connection with the car parking areas including a timescale for implementation shall be submitted to the Local Planning Authority for approval in writing. The landscaping shall then be completed in accordance with the approved scheme and thereafter maintained.
- 2 There shall be no use of the lake for fishing outside the hours of 06:00 and 18:00 on any day unless otherwise agreed in writing by the Local Planning Authority.
- 3 With the exception of the fishing use, the uses hereby approved shall be open to visitors only between the hours of 09.00 and 18:00.
- 4 Notwithstanding the rights set out within the General Permitted Development Order no further works including buildings, hard surfaces, play equipment, signage, external lighting, external storage, (including storage containers, portable buildings and field shelters) shall be undertaken in connection with the uses hereby permitted without the prior written consent of the Local Planning Authority.

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 red lined application site is an area of land that was previously part of the larger land holding of Ashlyns Farm but was sold off about a year ago. The site area is approximately 122 Hectares and includes the existing authorised organic farm shop and restaurant located close to the front of the site and an associated external children's play area, a barn that has consent for use as a wine warehouse and a large agricultural barn. In addition, to the rear of the site is an irrigation lake.

Access is from the A414 and is shared with the large Composting site which lies to the north west. At the time of the officer's site visit, improvements were being undertaken at this access in accordance with details approved by County in connection with the composting use. There is an existing car parking area in connection with the shop and restaurant and education uses at the front of the site.

At the time of the officer's site visit the wine wholesalers building had been split into three units comprising wine wholesale, and small gift shop at ground floor with a beauty salon above.

The agricultural barn was in use as a children's play facility/playbarn including hireable party room at first floor. This building also acts as entrance to the farm park. The area of land close to the playbarn and shop/café has been set out with fencing and pens holding a variety of animals, but mainly pigs, sheep, goats and chickens. Pathways have been laid out and surfaced with road plainings. Hand washing facilities are also provided.

4 field shelters are located within the site, but these are moveable, being on skids, and do not require planning permission in connection with any authorised use of the land.

Description of Proposal:

This is a retrospective application which seeks to encompass various changes of use and physical works that have been carried out at the site over the last year without planning permission. These are

1. Change of use of barn to children's soft play barn
2. Change of use of wine wholesalers to mixed use as wine wholesale, A1 retail and beauty salon
3. Use of land for mixed use of agriculture and publically accessible farm park with associated access improvements, pathways, farm trail, toilets and hand washing facilities.
4. Use of existing lake as a fishing lake for use of up to a maximum of 10 Anglers at any one time and creation of a small parking area in connection with that use.
5. Creation and use of an overflow parking area

The agricultural use of most of the land remains, with some in arable use and some used for grazing, but other animals have also been introduced or are planned to be introduced, some of which will be for food production, but others such as wallabies, rheas and emu are intended to be a visitor attraction.

Overall the proposals appear to be part of an effort to support the farming use and already authorised educational use, farm trails, and organic shop and restaurant by the creation of a mixed use visitor destination, based around the farm use but with additional facilities for families.

The application was submitted following investigation by Planning Enforcement officers and has been amended and additional information has been submitted through the course of the application as changes are still taking place at the site. Most of the recent changes have been as a result of intervention by the Council's Environmental Health team and Animal Warden to ensure that visitor facilities met required standards and that the animal housing and fencing was adequate for the animals being kept.

The applicant has not employed a planning agent and has no clear overall plan for the site, but it was considered that adequate information was available and could be seen on site given the retrospective nature of the proposals, to enable consideration of the scheme.

Relevant History:

The site has a long and complicated planning history, as the previous owner developed a range of activities, loosely connected with the wider use of the surrounding land as an organic farm. The overall site has an extensive history, most relevant is;

AGR/EPF/1639/99 – Agricultural determination for farm shop – Permission not required
EPF/0304/04 – Construction of two agricultural buildings – Approved
EPF/1312/05 – Continued use as farm shop for sale of produce – Approved
EPF/1320/05 – Retrospective application for the enclosure and change of use of a cart lodge building for use as an educational building/school excursion and meeting room - Approved
EPF/1164/06 – Traditional style extensions to provide additional shop floor space and storage (revised application) – Approved
EPF/2582/10 – Retrospective application for change of use of land to the rear of the farm shop to a children's play area with play equipment, change of use of fenced area to ancillary storage for farm shop and single storey side extension, and change of use of agricultural building to the rear to mixed agricultural storage and educational use. – Approved 14/02/11
EPF/1910/10 – Retrospective application for rear extension, patio and decking area and change of use from A1 to mixed A3/A1 use – Approved
EPF/0682/11 Change of use of building to a mixed educational use and wine warehouse as an ancillary part of the farm shop and erection of external fire escape. Approved 02/08/11
EPF/0724/11 County Matters application for retrospective permission for composting facility. Approved.

In summary then the site history indicates that the shop was erected in 2002 under permitted development rights for the sale of produce grown on Ashlyns Farm. In 2004 the Council became aware that the shop was selling produce not grown on the farm and imported from elsewhere. In 2005 an application was approved permitting the shop to sell more generic organic produce. At this time an ancillary café was occupying part of the building. In 2006 an extension was approved primarily on the basis of the need for greater sales area for chilled meats. A larger extension was provided with a first floor incorporated and is used solely for cafe/restaurant use. This was authorised retrospectively. The then owner continued to seek retrospective consent for a variety of unlawful structures and uses onsite and gained permission

Following the approvals in 2011 the site was sold and although the business retains reference to Ashlyns Farm it is, as far as officers are aware, a separate business (Ashlyns Farmshop) unrelated to the original Ashlyns Farm although it does retain a reasonable area of farmland.

Policies Applied:

The National Planning Policy Framework (NPPF) was published in March 2012 and provides the national planning policies.

Local Plan and Local Plan Alterations

It is considered that the following Local Plan policies are applicable and as they are in general conformity with the NPPF they continue to carry weight.

CP2 – Protecting the Quality of the Rural and Built Environment
ST1 - Location of development
ST4 - Road Safety

DBE2 - Effect on neighbouring properties
DBE9 – Loss of Amenity
GB2A - Development in the Green Belt
GB8A – Adaptation and change of use of farm buildings
RST1 – Recreational sporting and tourist facilities.
LL1 - Rural Landscape
LL10 - Protection of landscaping
LL11 - Landscaping schemes

Summary of Representations.

PARISH COUNCIL – Objection: Further clarification is needed by what is meant by wildlife
There is a general lack of clarity as to what this application is really for. There appears to be a play barn already in existence since July 2011 and the Parish Council is concerned whether EFDC are aware of the fact that the facility is already in operation. The application may need retrospective planning application as this is not a new project. The Parish Council is concerned that this is a commercial use and not agricultural.

4 neighbouring properties were consulted and a site notice was erected. One response was received:

SPINNEY LODGE, EPPING ROAD- Object. The continuous development and granting consent at Ashlyns over the past couple of years has resulted in commercial enterprise on farmland that has failed to consider the impact on local residents. The area has become unsightly and health and safety issues have not been considered in terms of the composting site or the dangers of turning off or onto the A414. Will the fishing lake be open 24 hours a day? Has the impact of public access to it down the track that is used by composting lorries been considered? Despite numerous protests the site has undergone continuous development, at what stage will further commercial development of this piece of land be refused?

Issues and Considerations:

The site is within the Metropolitan Green Belt and the main concerns are the impact on the Green Belt, the potential traffic generation of the use and the impact on parking together with the impact of the development on the character and amenity of the area.

Green Belt

No new buildings are proposed, the application includes only change of use of existing buildings and land and the creation of some additional hard surfacing, pathways and car parking. As such the physical impact on the openness of the Green Belt is small. The overflow parking area proposed at the front of the site has potentially the greatest impact.

However there is a need to assess whether the changes of use proposed are appropriate in the Green Belt.

The shop/wine wholesaler/beauty salon use: Consent already exists for use of this barn as a wine wholesaler at ground floor with educational use at first floor level in connection with the farm. The wholesaler is still there but the education use on the upper floor has been replaced by a small beauty salon, specialising in “organic treatments”, and part of the ground floor is now selling fancy goods. Re-use of existing buildings for business purposes can be acceptable in the Green Belt subject to the use not resulting in a greater impact on the green belt than the present use, or result in harmful traffic movements in the rural area or have an adverse impact on the vitality or viability of town centres or local centres or village shops.

It is not considered that the uses here would cause harm to the Green Belt. The site already attracts traffic and parking, and given the small scale of the uses, it is not considered that they have a harmful impact.

The Play barn: This building was approved as an agricultural barn some years ago and was used as such but has been converted by the new owner into a children's soft play facility. Whilst this use is likely to generate additional traffic movements and parking, potentially unrelated to the farm use of the wider land, again given the nature of the uses that have already been allowed and the fact that the car park facility already exists it is not considered that there has been an adverse impact on the openness or character of the Green Belt. Sustainability and traffic/parking issues are covered in more detail below.

The farm park use: It was difficult to determine how to describe the change of use that has taken place here. Ashlyns farm previously did have animals that could be viewed by members of the public visiting the farm shop, and this did not amount to a change of use requiring consent. The new owners have gradually expanded this use which was popular among visitors to the farm shop and more recently introduced species that are not traditionally farmed and introduced charging and visitor facilities. The charging element and the introduction of some animals which are not kept for food means that a change of use has occurred, although the majority of the land is still farmed. The use is a mixed use of farm and visitor attraction. Although the description used refers to "Wildlife Park" the animals kept perhaps do not really fall into the category of Wildlife, nor does the scale and nature of the development fit the description of a Zoo. There are a few large open fields with farm animals and some non-native animals (all herbivores) and a few smaller pens with traditional farm animals and rare breeds. In Green Belt terms this element of the proposal is an open use, with small scale facilities and can be regarded as an outdoor recreational use. As such, at its current level of development, it is considered appropriate and not harmful to the purposes of including land in the Green Belt. Once again the only potentially harmful element is the parking connected with the use, which will be covered below.

The Fishing Lake: The use of the existing reservoir for fishing is a small scale open recreational use. The intention is that only up to 10 anglers can use the lake at any one time and no buildings are proposed in connection with this use. A small car park is included, but this is not prominent within the landscape.

Traffic and Parking

All the proposed uses taken together have the potential to result in significant additional traffic movements, although it is likely that there will be many shared trips, as those visiting the farm shop may also visit the playbarn, and park farm. No traffic information has been provided with the application although the applicant has estimated numbers of visitors to be between 50 and 100 a day. This is likely to increase as the facility becomes better known and it is likely that in the summer months the combined uses could attract significantly more. The site is well located for easy access from the main road network, with direct access off the A414. Traffic is not being pulled through narrow rural roads, and in that sense the location is good. The access is in the process of being improved in connection with the Composting use that was approved by County last year. The County Highways officer has however objected to the proposal on the following grounds:

1. The proposal would intensify the use of an access onto a Strategic Route where the main function is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety.

2. The applicant has not demonstrated to the satisfaction of the Highway Authority that the highway access arrangements, traffic generated by the proposed development, impact on the highway network and the level of car parking provision are acceptable in terms of highway safety, capacity and accessibility.

This proposal would therefore be contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan.

With regard to the parking issue, the site has an existing car park with parking for about 45 cars. The applicant has suggested that an overflow area could be provided for a further 35 cars if needed and that should demand exceed this then they will apply for further parking facilities in consultation with the Planning Department. There is no evidence that at the present level of use the parking facilities are inadequate to meet demand, but if the development proves successful it is very possible that additional parking space will be needed

Impact on amenity

There is only one residential property in proximity to the site. This is Spinney Lodge which lies to the west of the site surrounded by tree screening. It is considered that this property is sufficiently separated from the main areas of activity that there would not be a direct impact on amenity from the use. Concern has been raised regarding the operation of the fishing lake, but the applicant has indicated that this will only be day fishing, operating from 6am to 6pm. It is not considered that the amount of traffic involved would cause excessive harm to residential amenity at these times, and this can be controlled by condition.

It is not considered that the current level of use or the animals currently kept at the site are likely to result in undue noise or disturbance.

Sustainability

The shop, beauty salon and playbarn uses proposed are uses that would normally be expected to be provided within more built-up or town centre locations with good accessibility to a large population without the need to use the car. Therefore in that sense this is not the best location for such uses. However the proposals are making use of existing buildings, and possible shared trips as people visiting the farm shop may well also utilise these new uses. In addition, although the site is not within an urban area, it is not remote in comparison to some parts of the District. The wildlife park use is clearly a use that one would expect to be within the rural area rather than a town and again, although not easily accessible by public transport it is not remote and is well located in relation to the main road network. It is not considered that the scheme is so unsustainable as to warrant refusal on those grounds.

Employment and the rural economy

According to the applicant the mixed uses at the site currently provide at least 17 full time equivalent jobs, although some of these are in the already approved shop and restaurant the new uses clearly do provide local employment opportunities. Both the Local Plan and the NPPF seek to maintain employment and the NPPF at Para 28 requires that Local Plans seek to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Landscape and ecology

Although the development of the wildlife park element of the proposal has resulted in additional fencing over and above that you would normally expect on open agricultural land this is mainly in the area closest to the buildings on the site and is not intrusive or particularly harmful to the landscape character of the site.

It is not considered that the use has any greater impact on the ecology of the area than an intensive agricultural use and indeed the introduction of the "farm walk" encourages the maintenance of the ecological interest and landscape character of the site. It is clear that there has been significant tree planting at the site and the applicant states that it is the intention that this will continue to enhance the site.

Further details of the car parking areas both existing and proposed are required together with landscaping to ensure that these do not become excessively intrusive.

Other issues

The animal welfare officer was consulted on this application and has raised a number of concerns. He states "... currently the Farmshop has and is planning to obtain non-indigenous wild animals for exhibit. This requires a Zoo licence from the local authority (as does the proposal for a wildlife park. No such application or formal intention to apply for a licence has been received. The current housing for meerkats appears unsuitable for this species which could mean a licence or dispensation is refused. Enclosures for any wild animals may have to be more permanent structures to meet the welfare needs and security. Planning should consider this as it could extend current housing inside barns to the outside.

A zoo licence application may not be considered until any planning issues have been decided. Planning approval has to be sought before a licence can be issued.

Consideration should be given to the local impact on residents of increased visitor numbers traffic movements in and around the site, boundary activity and the security of and noise of animals."

The applicant, by developing the site without first seeking consent is therefore not only contravening planning legislation but also zoo licensing restrictions. He cannot however apply for a zoo licence unless planning permission is granted.

Planning controls are not intended to cover matters that are covered by other legislation and therefore officer's consideration of this application is restricted to whether it complies with planning policies. If planning consent is granted for the use, then the applicant can apply for zoo licence. Issues of animal welfare and health and safety etc will be addressed via that route.

If, in order to meet the requirements of a zoo licence additional new buildings are required these would need to be the subject of a planning application and would be considered on their merits and in the light of Green Belt policy.

Future Plans

It is clear from the applicant's submission that the development if approved is likely to result in the need for further buildings. They state that additional cattle barn and straw and machinery storage buildings will be required. These however do not form part of the current application and would have to be considered on their merits as and when they are applied for.

Conclusion

This is a difficult application to consider as there are limited details submitted and there are clearly concerns that should consent be granted there will inevitably be further growth and intensification of the use which could cause harm. However at present the "wildlife" use is very low key and fits well with the existing organic farm and farm shop use, its impact is minimal. The policies of the Local Plan seek to allow farm diversification and also support tourist and recreational facilities where these are in the best interests of the local community and unlikely to result in the character of the surrounding area being adversely affected. The current facility according to the applicant is forging links with schools and other organisations and continuing the education element started by the previous owner. The site does provide a mixture of uses that add to the recreational opportunities in the locality.

The site is not isolated or remote and has easy access from the main road network. It is close to an existing motel facility. The farm shop and restaurant already exist so the need for new buildings is less than would otherwise be the case.

Whilst the Highways officer has raised concern, this is an existing access which already has significant traffic movements and has recently been upgraded.

The use maintains a significant farming element and the proposals provide additional income that enables the continuation of this use and the stewardship of the land, on which a large number of trees have already been planted.

On balance therefore, it is considered that the existing level of use is not harmful to the character or amenity of the area or to the openness of the Green Belt and is in broad accordance with the intentions of the NPPF and the policies of the Local Plan. Further growth of the "zoo" element of the use does present possible concerns and it must be made clear that approval of the existing level of use does not mean that further development will necessarily be acceptable, nor does planning permission mean that a Zoo licence will be granted.

It is therefore recommended that planning permission be granted for all elements of the proposal as it currently exists on site subject to strict 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:

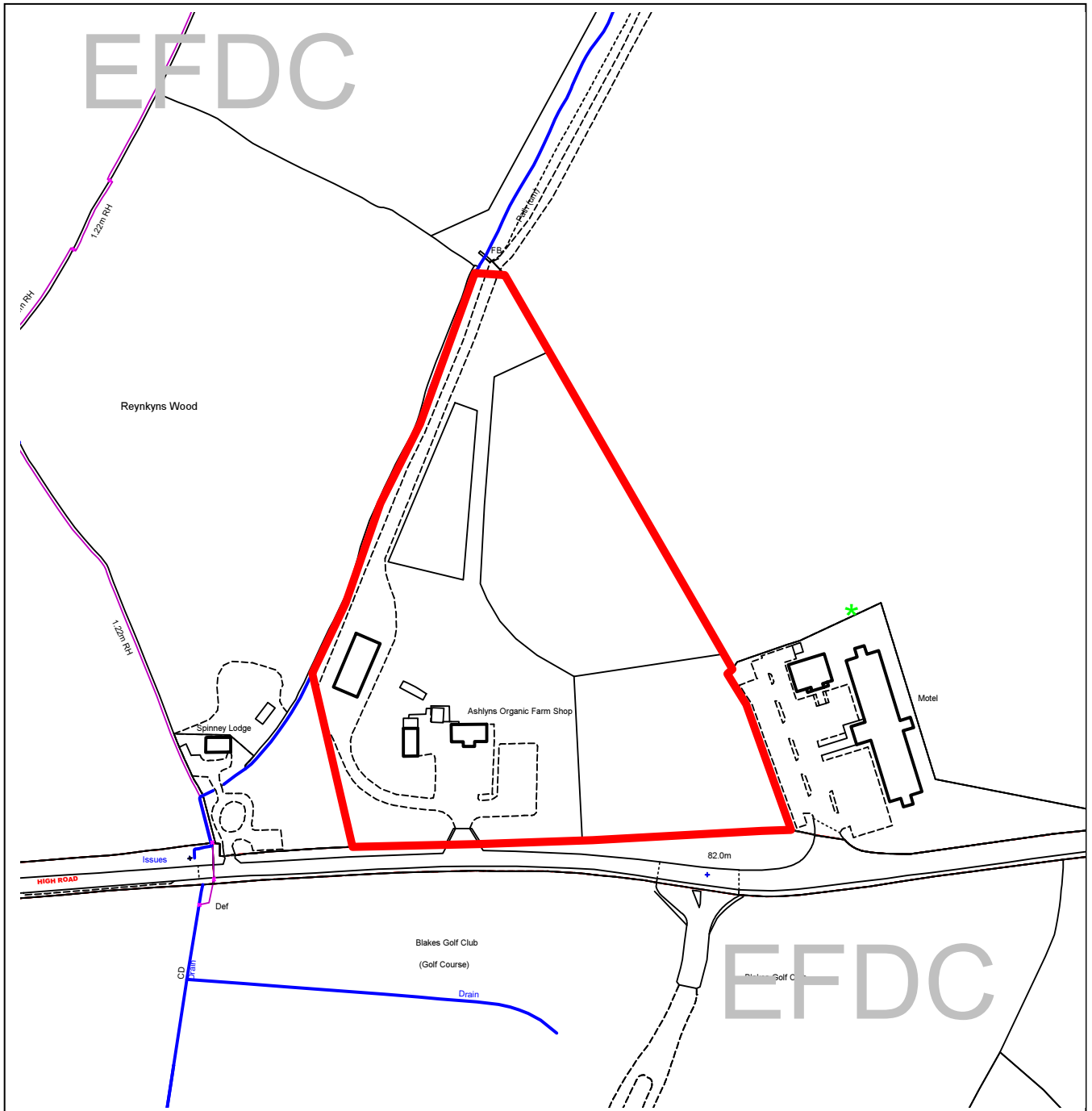
***Planning application case officer: Jill Shingler
Direct Line Telephone Number: 01992 564106***

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:	2
Application Number:	EPF/0165/12
Site Name:	Ashlyns Organic Farm Shop, Epping Road, North Weald, CM16 6RZ
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/0208/12
SITE ADDRESS:	Searles Hall Farm Mount Road Theydon Garnon Essex CM16 7PH
PARISH:	Theydon Garnon
WARD:	Passingford
APPLICANT:	Gaynes Park Estate
DESCRIPTION OF PROPOSAL:	Change of use to residential of a Listed barn at Searles Hall Farm.
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=534790

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A to E inclusive shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any

replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 6 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 7 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 8 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 9 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 10 A schedule of repairs for the buildings shall be submitted to and approved by the Local Planning Authority, which shall include details of the historic finishes and fixtures to be retained, prior to the commencement of works.
- 11 Notwithstanding the details shown on the submitted plans, additional drawings that show details of the proposed new windows, doors, eaves, fascias, cills insulation, new finishes and gates by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted and approved by the Local Planning Authority prior to the commencement of works.
- 12 No conversion/demolition or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with written scheme of investigation which has been submitted by the application and approved by the Local Planning Authority
- 13 The development hereby approved shall be carried out in accordance with the Ecological Assessment prepared by 'Carter Jonas' of July 2011.

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

Description of Site:

The subject site is located on the southern side of Mount Road approximately 500 metres east of the M11 Motorway on the outskirts of the small village known as Theydon Garnon.

The barn which is subject to this planning application is part of a group of farm buildings that are set around the farm house known as Searles Hall. The barn, along with the other farm buildings, was once used in association with the agricultural use of the site and Searles Hall. The barn is now under separate ownership from Searles Hall.

Both the barn and Searles Hall are Grade Two Listed. The site and the surrounding area are located within the Metropolitan Green Belt. Apart from the surrounding farm buildings and Searles Hall, the closest adjoining buildings are located approximately 180 metres to the north on the opposite side of Mount Road.

Description of Proposal:

The applicant seeks planning permission for the change of use of an existing barn that was once used for agriculture to residential.

The proposal provides residential accommodation (5 bedrooms) over three stories within the main barn and the single storey structures.

The conversion would consist of a number of internal and external alterations to the building. The main alterations consist of:

- The removal of the lean-to along the northern flank elevation of the barn.
- Enclose the front elevation of the open bay cart lodge.
- Construct an extension to the southern elevation of the barn in order to provide space for a double car space garage.
- Add, remove and replace window and door openings.

It should also be noted that a small outbuilding that is detached from the main barn would also be converted into a home office/study area.

Relevant History:

EPF/1032/91 - General purpose agricultural building. (approved)

Policies Applied:

CP1 Achieving Sustainable Development Objectives
CP2 Protecting the Quality of the Rural and Built Environment
GB2A Development in the Green Belt
GB8A Change of Use of Adaption of Buildings
GB9A Residential Conversion
HC10 Works to Listed Buildings
HC12 Development within the setting of Listed Buildings
HC13 Change of use to Listed Building
DBE1 Design of New Buildings
DBE2 Effect on Neighbouring Properties
DBE6 Car parking within New Development
DBE8 Private Amenity Space
DBE9 Loss of amenity
LL1 Rural Landscapes
LL10 Adequacy of Provision for Landscape Retention
LL11 Landscape Schemes
ST1 Location of Development
ST4 Road Safety
ST6 Vehicle Parking

National Planning Policy Framework

Summary of Representations

THEYDON GARNON PARISH COUNCIL:

Objects for the following reasons:

- The buildings which are proposed for development are currently in use as accommodation for livestock (sheep and dogs) and also contains secure storage for the farm. These need to be near the farmhouse for security purposes. It should be noted that the pedigree sheep housed there cannot be mixed with non-pedigree sheep housed in different areas of the farm.
- The development would be in the curtilage of the existing Grade II Listed farmhouse
- The development would cause difficulty in access for the farm machinery to the distal parts of the farm.
- There would be substantial noise for the occupants of the proposed development, due to the fact that the site is on a working farm.
- The proposed building would overlook the existing farmhouse and vice versa.

NEIGHBOURS:

Five letters were sent to adjoining property occupiers and a site noticed placed on site. No representations were received at the time of writing this report.

Issues and Considerations

The main issues to be addressed are:

- Green Belt
- Design and appearance
- Neighbouring amenities
- Other issues

Green Belt

Policy GB8A states that Council may grant planning permission for the change of use of a building in the Green Belt provided the building is permanent and of substantial construction, capable of conversion without major changes and that the use would not have a greater impact than the present use. In addition the "conversion for residential use must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically or adversely affected. This includes features such as new curtilages, boundary treatment (including walls and fences), windows, door openings and chimneys." Furthermore under paragraph 5.44a in the pre-text to the policy it is argued that, "Residential conversions can have an adverse effect upon the countryside and by changes to the appearance of buildings and the associated paraphernalia of modern living accommodation.

A structural survey was prepared by Croydon Building Surveyors that accompanied the planning application. The report concludes that despite recent neglect, the majority of the barn was of good quality construction and that it could be converted to a beneficial use without major loss of the original building fabric.

It is considered that the existing barn would not require major works or result in a complete reconstruction to achieve the desired outcome. It is noted that there would be minor internal and external works to the building and a new extension to accommodate double car space garage to the southern part of the barn.

Pre-application discussions were held with the applicant on whether there was a need for the construction of the extension and why the undercover vehicle parking couldn't be located within the existing cart lodge area of the barn or within the small outbuilding in which the home office is to be located.

In response the applicant stated that the small detached outbuilding was too small and the conversion of it into a garage would require further extensions. In addition, it has historical features and any conversion of this outbuilding into a garage would result in the loss of these features. Converting the small outbuilding to a home office would therefore retain the features and the fabric of the building. This was the advice given by the County Council's historical buildings officer before the application was submitted.

It is also reinforced by the applicant that the building footprint of the new extension would be 41sqm which would be less than the existing lean-to that is proposed to be removed, 48sqm.

Although the construction of the new extension is not ideal, on balance given that the applicant has explored other options including taking the advice from the County Council's historical buildings advisor and has offset the new building footprint by removing the lean-to, the proposed extension as part of the conversion is considered to be appropriate. There would be no loss of openness.

The proposed conversion would not result in a development that would be unsympathetic or adversely affect the external appearance, character and fabric of the building and setting of the countryside.

Policy GB9A states that residential conversions of rural buildings worthy of retention will not be permitted unless the criteria in policy GB8A is met and that it has been clearly proven by the applicant that a business use is unsuitable or that it is for the purpose of agriculture, horticulture or forestry.

The only information in relation to this policy provided by the applicant was outlined within the Design and Access statement supporting the application. The applicant has stated that the building would not be suitable for alternative uses such as community, retail use and tourist accommodation due to its rural location and therefore would not be sustainable.

In relation to whether the building would be suitable for a business use, the applicant has stated that an employment-generating use would not be desirable or appropriate in this location as it would not respect the setting of the rural landscape, it would generate more vehicle movements and such uses should be located within principal centres as indicated within the town centre hierarchy policy.

The applicant also states that they have carried out marketing campaigns to secure business uses for other redundant agricultural buildings in other Essex authorities for similar proposals to Searles Hall Barn just before the application was submitted. However none of the examples created any direct enquiries, viewings or demand. So although no direct marketing has taken place in advertising the Searles Hall Barn, the applicant believes that there would not be a demand for commercial use based on other recent similar examples.

The argument made by the applicant does not conclusively demonstrate that the building could not be used for any business or community use as required by GB9A but the weight to be given to GB9A has reduced following the publication of the National Planning Policy Framework in which there is no specific requirement for alternative uses to be considered before residential use.

Taking all things into consideration, on balance, the proposed conversion of the barn into a residential dwelling would not result in a harmful impact to the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

Design and appearance:

Policies DBE1, DBE2 and DBE4 of the Epping Forest District Local Plan seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

The proposal entails alterations to the existing building which includes a ground floor extension, incorporating additional features such as new openings, removing the existing lean-to and enclosing the frontage of the existing cart lodge as well as converting the small outbuilding.

Building materials are a key factor in determining the local character. It is important that the detailing of the building is of a high standard to replicate the surrounding area in terms of detailing. Existing materials consist of feather edge weather boarding stained black, and clay tiles/panties for the roof. Any neglected or run down sections of the barn would be replaced and the new extension would consist of the same materials as the existing barn.

In terms of the design and appearance, the proposed conversion of the barn into a dwelling is of suitable design. The dwelling would still appear part of the overall farm complex, incorporate traditional rural features and would respect the appearance and setting of the rural landscape. Its size, scale and siting are all appropriate in that the development would be in accordance with the design policies contained within the Adopted Local Plan and Alterations.

It should be noted that a separate application for Listed Building consent was submitted at the same time as this application ref: EPF/0210/12 which is also on this agenda. Issues regarding the works to the listed buildings are dealt with under separate legislation and would be assessed under the above application reference.

However issues that could potentially affect the setting of the Searles Hall Farmhouse must be addressed under the planning merits of this application.

It is considered that the proposed conversion would not result in a detrimental impact to the architectural and historical importance of the adjoining farmhouse or to its setting as the development has been sensitively designed to take this into consideration. Extensive pre-application advice was sought before and during the course of the application from the County Council's historical buildings advisor who raised no objections in relation to the proposal, subject to conditions.

Neighbouring amenities:

Apart from the surrounding farm buildings and Searles Hall Farmhouse, the closest adjoining buildings are located approximately 180 metres to the north on the opposite side of Mount Road.

It is considered that there would not be a detrimental harm caused to adjoining property occupiers, particularly those of the existing farmhouse, in relation to loss of privacy, loss of light or visual blight as a result of the proposed conversion.

Other issues:

The proposal to accommodate a residential use in this location is not particularly very sustainable due to its remoteness in a rural locality. The site is not in close proximity to public transport links or

local facilities and as a result future residents would have to rely heavily on private vehicles. Similarly however, uses for other purposes would be equally unsustainable.

The adaption or conversion of the barn in order to restore and prevent it from further neglect is considered to be more sustainable than creating a new building from scratch.

An Ecological Assessment was carried out on behalf of Carter Jonas in July 2011 and was submitted as part of the application. Council's Countryside officer states that the methodology and conclusion of the assessment are sound in that if the development is carried out in accordance with the assessment, there would be no reason to suggest that any ecological habitats or protected species would be adversely affected.

The Highways Authority has no objections to this proposal as it is not contrary to the Highway Authorities Development Management Policies and policies ST4 and ST6 of the Adopted Local Plan. Adequate vehicle parking will be provided for the new development and it would not lead to harmful impact to highway safety or result in traffic congestion.

Given that farm uses could be a potential source for contamination the risks involved need to be investigated. Hence the Council's contaminated land officer has recommended that conditions be placed on any planning permission requiring investigation works to be carried out.

Essex County Council's historical environmental officer has requested a condition be placed on any granted permission that a full archaeological survey be conducted prior to any works taking place due to the architectural and historical importance of the barn.

Turning to the Parish Council's concerns in relation to noise and disturbance as a result of the dwelling being situated within a farming complex, it should be noted that this would more or less be 'buyer beware' and not a planning consideration.

A concern raised by Parish Council was that the existing barn was being used for lambing and that it was in fact not vacant. The applicant responded that the barn was only used for lambing for a couple months of the year during lambing season and stated that there are other outbuildings within the site that can accommodate the need during lambing season as a result of the barn being converted to residential. As such there would not be a need to construct further outbuildings on the site to accommodate this use.

Other concerns raised by the Parish Council have been addressed throughout this report.

Conclusion:

In conclusion, it is considered that the proposal to convert the existing barn into a dwelling house is appropriate. Its design and appearance is appropriate, and although the site has not been marketed for alternative uses, on balance it is considered that it would not result in a harmful impact to the openness of the Green Belt. It would not result in a detrimental impact to the amenities of adjoining occupiers. The development is in accordance with the policies found within the Adopted Local Plan and Alterations and therefore it is recommended that the application be approved subject to conditions.

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

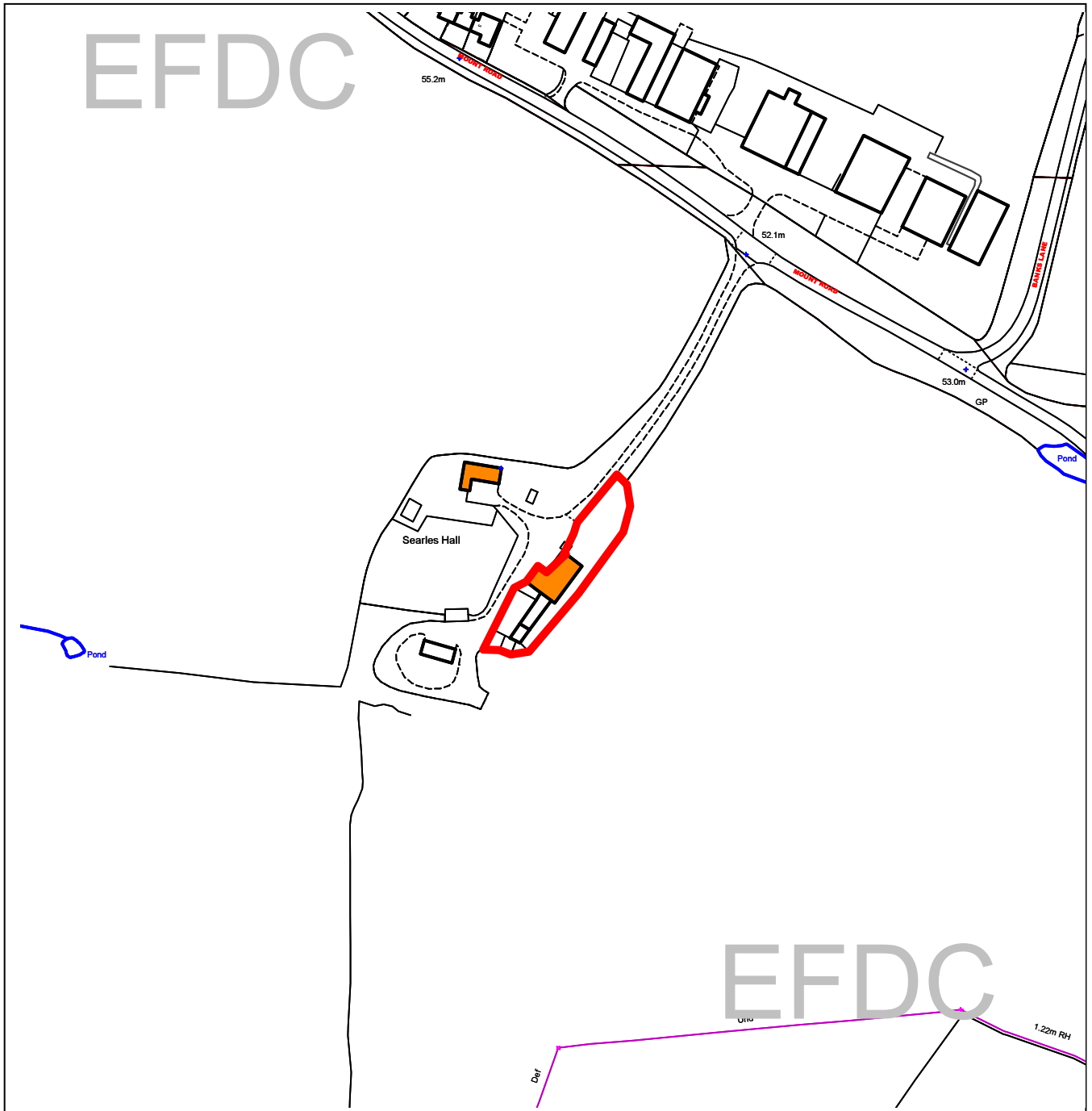
**Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337**

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3 & 4
Application Number:	EPF/0208/12 & EPF/210/12
Site Name:	Searles Hall Farm, Mount Road Theydon Garnon, CM16 7PH
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0210/12
SITE ADDRESS:	Searles Hall Farm Mount Road Theydon Garnon Essex CM16 7PH
PARISH:	Theydon Garnon
WARD:	Passingford
APPLICANT:	Gaynes Park Estate
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the change of use to residential of a Listed barn at Searles Hall Farm.
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=534808

- 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 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 A schedule of repairs for the buildings shall be submitted to and approved by the Local Planning Authority, which shall include details of the historic finishes and fixtures to be retained, prior to the commencement of works.
- 4 Notwithstanding the details shown on the submitted plans, additional drawings that show details of the proposed new windows, doors, eaves, fascias, cills insulation, new finishes and gates by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted and approved by the Local Planning Authority prior to the commencement of works.
- 5 No conversion/demolition or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with written scheme of investigation which has been submitted by the application and approved by the Local Planning Authority

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

Description of Site:

The subject site is located on the southern side of Mount Road approximately 500 metres east of the M11 Motorway on the outskirts of the small village known as Theydon Garnon.

The barn which is subject to this planning application is part of a group of farm buildings that are set around the farm house known as Searles Hall. The barn along with the other farm buildings were once used in association with the agricultural use of the site and Searles Hall. The barn is now under separate ownership from Searles Hall.

Both the barn and the Searles Hall are Grade II Listed. The site and the surrounding area are located within the Metropolitan Green Belt. Apart from the surrounding farm buildings and Searles Hall, the closest adjoining buildings are located approximately 180 metres to the north on the opposite side of Mount Road.

Description of Proposal:

The applicant seeks Grade II Listed Building consent for the change of use of an existing barn that was once used for agriculture to residential.

The proposal provides residential accommodation (5 bedrooms) over three stories within the main barn and the single storey structures.

The conversion would consist of a number of internal and external alterations to the building. The main alterations consist of:

- The removal of the lean-to along the northern flank elevation of the barn.
- Enclose the front elevation of the open bay cart lodge.
- Construct an extension to the southern elevation of the barn in order to provide space for a double car space garage.
- Add, remove and replace window and door openings.

It should also be noted that a small outbuilding that is detached from the main barn would also be converted into a home office/study area.

Relevant History:

EPF/1032/91 - General purpose agricultural building. (approved)

Policies Applied:

National Planning Policy Framework
HC10 Works to Listed Buildings
HC13 Change of use to a Listed Building

Summary of Representations

THEYDON GARNON PARISH COUNCIL: Objects for the following reasons:

- The buildings which are proposed for development are currently in use as accommodation for livestock (sheep and dogs) and also contains secure storage for the farm. These need to be near the farmhouse for security purposes. It should be noted that the pedigree sheep

housed there cannot be mixed with non-pedigree sheep housed in different areas of the farm.

- The development would be in the curtilage of the existing Grade II Listed farmhouse
- The development would cause difficulty in access for the farm machinery to the distal parts of the farm.
- There would be substantial noise for the occupants of the proposed development, due to the fact that the site is on a working farm.
- The proposed building would overlook the existing farmhouse and vice versa.

NEIGHBOURS:

Five letters were set to adjoining property occupiers and a site noticed placed on site. No representations were received at the time of writing this report.

Issues and Considerations

The main issue to be addressed is whether the proposed conversion of the barn into a dwelling house would have a detrimental impact to the building's architectural or historical significance and upon its setting.

The Historic Environment Records shows that the barn proposed for conversion forms part of Searles Hall Farm and is a nationally important farm building dating from the 16th or 17th century. The Listed Building description for the barn reads:

Barn C16/17.4 bays. Timber framed and weather boarded. Side purlin, queen post roof construction. Framed straight braces to walls. Jowled storey posts. Arched braced to tie beams.

It should be noted that extensive discussions were held with County Council's historical buildings advisor before the application was submitted and during the assessment of the application.

The historical buildings advisor concluded that although they had some concerns regarding whether enough information was submitted to demonstrate if the barn could be used for any other alternative use, e.g. business, they did in fact raise no objections to the proposed works relating to the conversion of the building subject to conditions placed on the granted permission.

It is considered that the proposed development would not result in a detrimental impact to the historical and architectural significance of the building or upon its setting. The proposal is in accordance with policy HC10 of the Adopted Local Plan and Alterations.

Conclusion:

In conclusion, it is recommended that Listed Building consent be granted permission subject to conditions as the proposal is in accordance with the policies contained within the National Planning Policy Framework and the Adopted Local Plan and Alterations. Specifically, the proposal to convert the barn would not result in a harmful impact to the historical and architectural significance of the building or its setting.

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

Report Item No: 5

APPLICATION No:	EPF/0250/12
SITE ADDRESS:	Blunts Farm Buildings Coopersale Lane Theydon Bois Essex CM16 7NT
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Mark Swan
DESCRIPTION OF PROPOSAL:	The demolition of existing buildings comprising a dwelling house and agricultural / commercial buildings and the partial demolition of other agricultural / commercial buildings, removal of areas of hard standing and the erection of 4 dwelling houses, access works, associated landscaping, drainage, infrastructure and ancillary developments (Revised application to EPF/1577/11)
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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=534901

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: EVK 01 rev G; EVK 02; EVK H1_01; EVK H1 02; EVK H1_03 (black and white); EVK H1_03 (colour); EVK H1_04 (black and white); EVK H1_04 (colour); EVK H1_05; EVK H2_01; EVK H2_02; EVK H2_03; EVK H2_04; EVK H4_05; EVK H2_03; EVK H2_04; BF002; ALS5426/100/02; ALS5426/100/03; ALS5426/100/04; ALS5426/100/05; ALS5426/100/06; ALS5426/200/01; ALS5426/200/02; ALS5426/200/03; ALS5426/200/04; ALS5426/200/05; and ALS5426/200/06.
- 4 Prior to the commencement of the development hereby approved, the existing dwelling and all other buildings within the site shall be demolished with all resultant debris removed from the site.

- 5 Prior to the commencement of the development hereby approved, revised plans shall be submitted for the Local Planning Authority's approval in writing detailing the access arrangements including visibility splay (indicated on the submitted plan 1124/11). This plan shall also include details of the impact of the proposed access arrangements on existing trees and other planting within its vicinity. The development shall proceed in accordance with the approved details, which shall be implemented prior to the first occupation of any dwelling hereby approved.
- 6 Prior to the first occupation of the development, the proposed private drive shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back edge of the carriageway.
- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 8 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 14 No development shall take place until details of the landscaping of the site, including retention of trees and other natural features and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.
- 15 Notwithstanding the detail provided, no development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure (both within and around the site boundaries); car parking layouts. 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. The details of proposed landscape shall include proposals for the remediation of the site of the existing dwelling, proposed to be demolished.

- 16 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.
- 17 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 18 Prior to the commencement of the development hereby approved, details of refuse storage and collection arrangements shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and any necessary facilities shall be available for use prior to the first occupation of any dwelling hereby approved.
- 19 No external lighting shall be installed within the development, unless agreed in writing by the Local Planning Authority.
- 20 The development shall proceed in accordance with the methodology and recommendations for ecological enhancements set out in the submitted PJC Ecology Extended Phase 1 Habitat Survey (January 2012).
- 21 Unless the development hereby approved is commenced prior to 31st May 2013, a revised Phase 1 Habitat Survey shall be submitted to the Local Planning Authority for approval in writing. The development shall then proceed in accordance with the recommendations of that updated survey.
- 22 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 or outbuildings generally permitted by virtue of Schedule 2, Part 1, Classes A and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 23 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

- 24 Notwithstanding the detail provided on submitted plans, prior to the commencement of the development hereby approved, details of the extent and location of individual residential curtilages within the development shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.
- 25 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.
- 26 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

And subject to the completion within 12 months of a legal agreement under section 106 to provide an appropriate contribution towards the provision of affordable housing in the District.

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

Description of Site:

Existing disused farm buildings which have been converted to 24 separate units for B1/B8 use. Part of this complex is in other ownership (to the east of the site). There is a farmhouse to the south, which is set back to the north from Coopersale Lane by about 110m. This house is not included in this application. The land to the north and west of the site was previously granted permission for a Golf Course but this permission has now lapsed and the site has been subject to extensive enforcement action regarding unauthorised uses on the site which are still ongoing. The whole site is within the Green Belt and the site commands panoramic views over the valley to the north. Parts of Coopersale Lane in this location are a protected lane.

Description of Proposal:

This application seeks planning permission for a residential development comprising four detached, 4 bed dwellings and the demolition of an existing dwelling within the application site.

Relevant History:

EPF/0484/90	Change of use to golf course	approved
EPF/0765/99	Change of use to golf course	approved
EPF/1283/99	Change of use to golf course	approved
EPF/0770/01	CoU to B1 and B8 use	refused
Appealed – appeal dismissed 2002		

Reasons for Refusal:

1. *The development does not accord with policy GB8 of the adopted Local Plan which requires that planning permission will only be granted for the change of use of buildings in the Green Belt provided that they are of permanent and substantial construction, and would not result in traffic generation which is detrimental to the character and amenities of the countryside.*
2. *The proposals entail excessive traffic movements in Coopersale Lane to the detriment and character of this protected lane contrary to the requirements of policies T17 and HC4 of the adopted Local Plan.*
3. *The use of the site for commercial purposes results in disturbance detracting from the amenities of neighbouring residential properties contrary to the requirements of policy DBE9 of the adopted Local Plan.*

EPF/0831/06	Use of Barn as B1/B8	refused
EPF/0832/06	Use of Building for B8 and ancillary office (adjacent site)	refused
Appealed – appeal allowed 2007		

EPF/1772/09 Change of use of existing buildings to B1 (Light Industrial) and B8 (Storage) uses and alterations to provide flat roofs to open storage area refused

Reasons for Refusal:

1. *The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, the policies of the Adopted Local Plan and alterations and the East of England Plan. The latter state that within the Metropolitan Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. In the view of the Local Planning Authority the application does not comply with these policies as the proposed use will have a material and adverse impact on the openness, character and appearance of the Metropolitan Green Belt due to its scale, appearance, external parking, external storage, and traffic generation. In addition the siting of the scheme will be visible within the Metropolitan Green Belt and highly conspicuous,*

thereby detrimental to its visual amenity. Thus the scheme is contrary to PPG2, SS7 of the East of England Plan, and policies GB2A, GB7A and GB8A of the Adopted Local Plan and Alterations.

2. *The proposed scheme, which has already been partially implemented, is of a urban, industrial and utilitarian design which is out of keeping with this rural area, contrary to policies DBE1 and 4 of the Adopted Local Plan and Alterations.*
3. *The proposed scheme is in an rural area which is not served by public transport. The scheme would see a considerable increase in vehicle movements and this site is not in a sustainable location, contrary to policies CP1, CP2, CP3 and 9 of the Adopted Local Plan and Alterations.*
4. *The proposed scheme, due to its proximity to Blunts Farm House, Blunts Chase and dwellings at Parsonage Farm would cause unacceptable noise and disturbance contrary to policies RP5A and DBE9 of the Adopted Local Plan and Alterations.*
5. *The proposed use of an existing "haul" road connecting the site to Abridge Road would be harmful to the character and landscape of this rural area, contrary to policies LL1 & 2 of the Adopted Local Plan and Alterations.*
6. *The proposed scheme would lead to the creation of a permanent access on a stretch of secondary distributor highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict, being detrimental to highway safety, contrary to policy ST4 of the Adopted Local Plan and Alterations.*

Policies Applied:

National planning policies are contained within the National Planning Policy Framework (NPPF)

Local Plan Policies

Core Policies

CP1 – Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
CP9 - Sustainable Transport

Design and the Built Environment

DBE1 – Design of New Buildings
DBE2 – Detrimental Effect of Existing Surrounding Properties
DBE4 – Development in the Green Belt
DBE6 - Car Parking
DBE8 – Private Amenity Space
DBE9 – Excessive Loss of Amenity for Neighbouring Properties

Housing

H2A - Previously Developed Land
H3A - Housing Density Mix
H4A - Dwelling Mix

H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing

Landscape and Landscaping

LL1 – Character, Appearance and Use
LL7 – Promotes the Planting, Protection and Care of Trees
LL10 – Adequacy of provision for Retention
LL11 – Landscaping Schemes

Sustainable Transport

ST4 – Road Safety
ST6 – Vehicle Parking

Green Belt

GB1 – Green Belt Boundary
GB2A – Development in the Green Belt
GB7A - Conspicuous Development

Implementation

I1A - Planning Obligations

Recycling and Pollution

RP4 - Development of Contaminated Land

Summary of Representations:

Notification of this planning application has been sent to Theydon Bois Parish Council and to 11 neighbouring residents. The following representations have been received:

THEYDON BOIS PARISH COUNCIL. Very strong objection.

The first matter we wish to address is the incorrect statement which is repeated throughout the Applicant's Supporting Planning Statement whereby the present planning use of the some of the buildings are referred to as commercial. There is no such authorised planning use. The present planning use is agricultural.

We would particularly refer to the Applicant's 'Comments on Original Application' within the Supporting Planning Statement. The statement is made that 'the continued commercial use of the existing buildings on the site the subject of the Statement would be of greater detriment to highway safety along the lane than would the proposed development.' This is misleading and wholly incorrect as there is no present authorised commercial use on the site. Indeed previous attempts to re-designate the agricultural buildings as commercial have been wholly unsuccessful. We would remind you of the following unsuccessful applications:

EPF/0770/01 Change of Use of existing buildings to B1 (Light Industrial) and B8 (Storage and Distribution)

The application was refused by Epping Forest District Council and then dismissed on appeal to the Planning Inspectorate.

EPF/1772/09 Change of Use of existing buildings to B1 (Light Industrial) and B8 (Storage)

The site was assessed for change of use of existing buildings to industrial use as recently as October 2009 and the application was refused on various grounds including the following 'The proposed scheme is in a rural area which is not served by public transport. The scheme would see

a considerable increase in vehicle movements and this site is not in a sustainable location, contrary to policies CP1, CP2, CP3 and 9 of the Adopted Local Plan and Alterations.'

Our fundamental objection is that this site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. No special circumstances have been shown to apply. Specifically, the proposed for new dwellings are at odds with Government Advice Planning Policy Guidance Note 2 and policies GB2A (Development in the Green Belt), GB 4 (Extensions of Residential Curtilage), 7A (Conspicuous Development), 8A (Change of Use or Adaptation of Buildings) and 15A (Replacement Dwellings) of the adopted Local Plan and Alterations. Taking each of these in turn our comments are as follows:

GB2A/15A - none of the exemptions apply and in particular the requirements of GB 8A and GB15A have not been met. What is proposed is not a 'change of use or adaptation of buildings' capable of conversion without major or complete reconstruction – what is proposed is complete demolition of the existing agricultural buildings. The state of repair of the present buildings is entirely irrelevant when assessing the matter of impact on the Green Belt. What is relevant is that the proposed use would also have a materially greater impact than the present use on the Green Belt and the use and associated traffic generation would have a significant detrimental impact on the character and amenities of the countryside. It is noted that the application provides for the demolition of the existing half constructed dwelling for which planning permission was granted under Application EPF/0386/08. Work has commenced under this application and thus we would assume that the relevant planning permission remains extant. Should permission be granted for the current development and work recommence to complete the replacement dwelling, taken together, there would in fact be a very significant intensification of user of the site.

When considering the potential impact, one has to also take into account the increase in residential curtilage with associated 'garden paraphernalia' which would potentially result from the creation of four additional dwellings. The impact of increased curtilages with the intrusion of associated 'garden paraphernalia' was recently recognised in the refusal of EPF/1473/11 and EPF/2030/05 (dismissed appeal APP/J1535/A/06/2012811/12). We refer specifically to Policies GB4 (LL1 and LL2). The proposal involves the creation of a new wider area of residential curtilage which exceeds the size of the present residential curtilage thus intruding into the openness of the Green Belt, harmfully altering its landscape, character and appearance. This principle has been recognised in recent decisions issued by Epping Forest District Council (e.g. EPF/1473/11). On the subject of effect upon 'Openness of the Greenbelt', there is also the issue of the impact of boundary fencing and walls which will be part of this development. The Application Form (Boundary Treatments) makes reference to 'various fencing block/brick wall fencing t.b.a' but we note that the plans specifically provide for a 'new 1800mm high yellow stock brick wall between retained buildings'. The latter together with the other individual boundaries separating the new dwellings would undoubtedly harm the openness of the Green Belt in this rural location.

There is also the matter of additional light pollution which would undoubtedly emanate from the increased residential use. Theydon Bois has an intrinsically 'dark' landscape and the long established 'Dark Skies Policy' is extremely important to residents. This was most recently confirmed in the Village Design Statement, a very well received document which the Forward Planning Team have confirmed has been added to the evidence base for the Local Plan. This document (as evidenced by Surveys) refers to the importance placed by residents upon the protection of the rural landscape, the Dark Skies Policy and the rigorous defense of the Green Belt surrounding the village.

Another fundamental and key objection is the unsuitability of the access arrangements and transport facilities which renders this site a clearly unsustainable location. The access from the site is onto Coopersale Lane, a narrow, rural 'Protected Lane' with several treacherous blind bends in the vicinity of the site. There is no existing public footpath (and no possibility of a public footpath owing to the number of roadside protected trees and narrow width of the lane itself).

Pedestrians would be severely endangered and at risk of injury should they wish to access public transport or the village facilities on foot. For this reason the train station and village centre are not in fact reasonably accessible on foot and the bus stop (with infrequent and limited services) is situated in Abridge Road (B172), a very fast and extremely busy thoroughfare, again inaccessible on foot and without any safe crossing points for pedestrians. Thus residential development in this location would effectively render its residents 'car bound and car dependent'. We would repeat that this is not a sustainable location and nor does it meet Government Policy to discourage car use (CP1, 2, 3 and ST 1, 2 and 4).

Letters of objection have been received from 32 residential properties (45, 65, 86, 56 Forest Drive; 17, 51 Morgan Crescent; 8, 17, 52, 6 Dukes Avenue; 1, 16 Hareward Hill; 77 Woburn Avenue; Berberis, Coppice Row; 2 Hill Road; 27 Elizabeth Drive; 7, 22 Woodland Way; 52, 7 Purlieu Way; 38 Orchard Drive; 17, 44 Blackacre Road; 62, 85A, 37, 32 Theydon Park Road; 22 Piercing Hill; 1A The Green, 3 Thrifts Hall Farm Mews, 23 Graylands and one without an address). The representations made are summarised as:

- The site does not have safe pedestrian or cycle access;
- Traffic associated with the development will harm the ambience of Coopersale Lane – a protected lane;
- Existing buildings within the site are not commercial – all structures are agricultural. Commercial use has been dismissed at appeal in the past.
- When operating as a farm the site never produced the number of vehicle movements claimed;
- The development encroaches onto Green Belt land – this impact could be worsened by future permitted development extensions. The development is inappropriate in the Green Belt and would appear conspicuous, harmful to openness, visual amenity and rural character of the Green Belt. No special circumstances exist;
- The site is prominent from Public Right of Way no.5 and therefore harmful to openness and the ambience of the landscape;
- Lights would be intrusive to the Theydon Bois Dark Skies Policy and visible from public rights of way and the eastern side of the village;
- The development would overload local services within the community.

THEYDON BOIS & ABRIDGE ACTION GROUP. Objection. Site is located in the Metropolitan Green Belt where the development would be inappropriate and conspicuous. The site is in an unsustainable location. The road is dangerous. The proposed houses are not replacement dwellings. The existing buildings are not commercial. The development would increase residential curtilages. Light from the development would compromise the Theydon Bois Dark Skies Policy.

THEYDON BOIS & DISTRICT RURAL PRESERVATION SOCIETY. Objection. The site has always been agricultural – not commercial. Provision is to be made for 4 parking spaces per dwelling – traffic will harm Coopersale Lane – a rural 'protected lane'. Pedestrian access to public transport will be hazardous, if not impossible. Refer to PINS appeal decision on EPF/0423/10 which recognises similar highway/traffic issues. Proposed dwellings would have a greater impact on the Metropolitan Green Belt than the existing buildings which they will replace. Planning permission for the reconstruction of Blunts Farmhouse remains extant and could be revisited at a later date. Lighting at night from windows and car headlights would cause light pollution. Harm to the integrity and landscape character of Coopersale Lane.

CITY OF LONDON (EPPING FOREST CONSERVATORS). No Objection. The nearest City of London land is a considerable distance away from the site.

Issues and Considerations:

The main issues in this case are the principle of the proposed development, acceptability of the development in the Green Belt, in accordance with policy GB2A of the Local Plan; the impact of the proposed use on neighbouring amenity, the design of the development, the impacts on the surrounding highway infrastructure trees and landscaping matters and sustainability. This appraisal will have regard to all material considerations, including the planning history of the site and the comments received from third parties.

Acceptability within the Green Belt

The site is located entirely within the Metropolitan Green Belt. Within the Green Belt, Policy GB2A of the Local Plan identifies types of development which are appropriate. Redevelopment for the purposes of residential use is not identified and is, therefore inappropriate within the Green Belt, by definition. Small affordable residential developments may be acceptable in the Green Belt, subject to a number of criteria including that the development has the support of the local parish council (which this scheme does not). However, as the development is for open market housing, that policy exception is not relevant.

The NPPF introduces additional types of development which may not be inappropriate within the Green Belt. These include the redevelopment of previously developed land where it would not have a greater impact on the openness of the Green Belt or the purpose of including land within the Green Belt than the existing development. However, despite the industrial character of the buildings proposed for demolition, the lawful planning use of the site remains unchanged from that for the purposes of agriculture and accordingly the site cannot be considered as previously developed land, as defined within the Framework.

One of the proposed houses may be considered as a replacement for the existing house within the site as it would not be materially different in size. As such, this part of the development may be considered appropriate within the Green Belt. However, the additional three dwellings would clearly constitute inappropriate development.

In accordance with advice given at paragraph 87 of the NPPF, inappropriate development should not be approved except on very special circumstances. The Applicant claims that very special circumstances (i.e. the removal of the industrial, buildings from the site) exist which outweigh the harm caused by inappropriateness. It should be noted that despite the appearance of the existing buildings within the site, they have no lawful use other than for the purposes of agriculture.

Aside from the issue of appropriateness within the Green Belt, the impact of the development on openness and the matter of how conspicuous the development would appear must also be considered.

In terms of the impact on openness, the proposed development would result in significant reductions in both footprint (only 42% of the footprint would be replaced) and volume (75% of the existing volume would be replaced within the development). The proposed development would also consolidate buildings within the site, by bringing the existing dwelling into the area occupied by the other buildings. Accordingly, even taking into consideration associated residential paraphernalia (such as garden fences etc) it is considered that the development would result in an overall improvement in openness.

In terms of conspicuousness, due to the location of the development at a lower ground level than the existing dwelling, views from Coopersale Lane are not so sensitive as those across the wider, more open, landscape to the west (i.e. from Theydon Bois village) and from public rights of way to the west/north of the site.

The proposed dwellings would be taller to their ridges than the existing buildings within the site, and as a result would appear more prominent within the landscape. It is also anticipated that they would be secured by boundary fencing, which does not presently exist on the site (although this could be added without a need for planning permission).

On balance, it is considered that the improvements to openness arising from the proposed development would outweigh additional prominence caused by the increased height of the proposed dwellings in relation to existing buildings within the site.

The conspicuousness of the new development may be reduced (although not wholly mitigated) by sympathetic and comprehensive mature landscaping to the front and rear boundaries of the site – in particular by the screening of hard boundaries (such as close boarded timber fences) with softer features such as a hedgerow and tree planting).

Principle for Residential Development

Policy H3A of the Local Plan seeks a net density across new residential developments of at least 30-50 dwellings per hectare. Whilst the proposed development would be of low density, the character of surrounding residential development is at an even lower density and it is not considered that this site would be suitable for development at the density level suggested within the Local Plan. Furthermore, whilst Policy H4A of the Local Plan seeks a mix of dwelling sizes, the proposed 4 bed dwellings would complement surrounding properties and is considered appropriate within this rural settlement.

Policy H5A of the Local Plan seeks the provision of affordable housing on suitable development sites and the thresholds are set in Policy H6A. This site, due to its size and the number of dwellings, should be providing affordable housing and in accordance with Policy H7A, 50% of the units should be affordable. Whilst it is accepted that the site is poorly provided for in terms of supporting infrastructure (for example local shops and services, public transport links) and as a result may not be suitable for the on-site provision of affordable housing, there is an acute demand for affordable housing within the District.

Accordingly, it is considered necessary that if planning permission is granted, a financial contribution towards the provision of off-site affordable housing is provided in lieu of the onsite provision of affordable dwellings (although it must be considered that only three of the dwellings would be 'new' as one would replace the existing dwelling within the site). This may be secured by a legal agreement between the Applicant and the Council, if planning permission is granted.

Neighbouring Amenity

The location of the proposed dwellings would be such that there would be no material reduction in amenity experienced by the occupiers of nearby neighbouring property. The future occupiers of the proposed development would be located in close proximity to the retained parts of existing buildings, which fall outside the applicant's ownership. However, subject to suitable screening of these buildings, the orientation of the proposed dwellings would be such that the occupiers would experience an adequate level of amenity.

The parts of the buildings which are to be retained benefit from a planning permission granted in 2005 (EPF/0452/05) which gave consent for the stabling of horses (kept by the applicant – Mr Axon of Blunts Farm) for personal use and also in relation to the larger building for the storage of agricultural machinery.

The proximity of these retained buildings does give rise for potential harm caused by disturbance arising from activities within the buildings. However, whilst the proposed aesthetic treatments to elevations of the buildings within the site would soften their appearance, such works would not

disguise the scale of the building nor the potential for activities which may cause disturbance to occur within or around them. It is, therefore considered that prospective purchasers of the proposed dwellings may make an informed decision regarding whether or not reasonable disturbance is acceptable to them at the time of purchase.

Some level of disruption to neighbouring residents is likely during construction, due to the scale of the development proposed. However this would not justify the withholding of planning permission. Due to the close proximity to some neighbouring residential properties, it is considered necessary to impose a condition which would allow the Council to approve details to minimise harm, for example to include hours of construction, the provision of wheel washing facilities and dust controls. This should ensure that disruption to nearby neighbouring residents is kept to a minimum, if planning permission is granted.

Design and Appearance

The design of the proposed dwellings would be such that they would be appropriate within this rural location, subject to the considerations discussed above in terms of their impact on openness and their conspicuousness within the Metropolitan Green Belt.

Highways Matters

Officers from Highways at Essex County Council have been consulted on the planning application. They have advised that the proposed development would utilise an existing access and would not generate any more traffic than the lawful use of the site could. On this basis they do not consider that the development will cause any safety or efficiency issues at the locality. They note that the proposal includes improvements to the existing access which will benefit all users of the highway.

Accordingly, Highway officers raise no objection to the application, subject to the imposition of a number of planning considerations which cover matters including visibility, road width and surface, gates, and the prevention of the discharge of surface water onto the highway.

Trees and Landscaping

The application is accompanied by a tree survey and a landscaping proposal. However, further information is required in addition to the submitted detail, particularly in terms of retained trees, works to trees/hedges to achieve the required highway visibility at the site entrance and also in terms of the standard of new landscaping – particularly in terms of the planting of new trees and the remediation of the site of the existing dwelling, to be demolished.

It is considered that these matters are capable of being dealt with by the imposition of planning conditions, if permission is granted, bearing in mind the comments made by the Highway officer in respect of the use of the existing access for reduced vehicle movements.

Ecology

The Council's Countryside Manager has been consulted on the planning application and has provided comment in respect of ecological issues. The submitted survey proposes ecological enhancements which are accepted by the Countryside Manager. These include:

- The installation of bird boxes.
- Additional planting of native tree species along the hedgerow.
- Use of wildflower mixes sown into borders in place of non-native ornamental species.
- Installation of bat boxes

The Countryside Manager also agrees with the Applicant's consultant's recommendation for no work to commence during breeding bird season (March – September). However, in addition, there will be a need to refresh the survey work already undertaken if the development does not commence by May 2013. It is considered both reasonable and necessary to secure this by the imposition of a planning condition. Although this limits the period for the commencement of the development to the period between September 2012 and May 2013, this should be achievable.

Sustainability

The site is not well located with regard to access to public transport, shops and facilities and as a result is not a particularly sustainable location for residential development. It is sited approximately 1.2km from the centre of Theydon Bois, the proposal therefore conflicts with the principles of policy CP6 of the Local Plan, which encourages sustainable development and gives preference to housing sited within urban locations. Furthermore, the development cannot benefit from the presumption in favour of sustainable development contained within para. 14 of the NPPF.

Notwithstanding this, the re-use of this site for business purposes has previously been explored and been found to be unacceptable. This current proposal for a small number of residential properties would result in fewer traffic movements than either the lawful use of the site, or re-use for business purposes. To that extent, if the site were brought back into use, the current proposal would appear to be the most sustainable development option.

Paragraph 55 of the Framework advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as '...where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'. Whilst this proposal seeks replacement rather than reuse of buildings, it is considered that it would comply with its intent.

Other Matters

Contamination – the site has been identified by the Applicant as potentially being contaminated. Further investigations are necessary and possibly a need for mitigation will be identified through that process. These matters are capable of being controlled by the imposition of planning conditions, if permission is granted.

Land Drainage – the Council's Land Drainage Officers have been consulted on the proposed development. They agree with the findings contained in the submitted Flood Risk Assessment and do not raise any objection to the planning application.

Summary

In summary, this is a balanced report which has identified planning policies and considerations which both support and conflict with the proposal. The determination whether or not to support the development therefore requires carefully weighting of those matters.

In favour of granting planning permission, the proposed development would deliver additional housing within the District and make a contribution (albeit in a financial capacity) towards affordable housing. It would also make a positive contribution by improving the openness of the Green Belt within the vicinity of the site and would also considerably enhance the appearance of the site, both through the demolition of unattractive buildings and landscaping enhancements to soften the visual impact of those retained within the neighbouring site.

Notwithstanding the above, conflict arises in that three out of the four proposed houses would constitute inappropriate development within the Green Belt, defined as harmful by both local and

national planning policies. Furthermore, the site is poorly located in respect of local services and public transport connections and redevelopment may set a dangerous precedent.

Conclusion:

In light of the above appraisal, it is, however, considered, on balance, that the improvements to the openness of the Green Belt and other visual improvements are sufficient to outweigh the harm caused by the inappropriateness of the proposed development and any other harm. Furthermore, the planning history indicates that alternate uses for the site have previously been explored and found to be unacceptable. This proposal would therefore provide a viable alternate use that would reduce the built form within the site, remove unsightly buildings and complement nearby residential uses. In the absence of any clear agricultural need for these buildings, whilst it may be argued that it would be more appropriate to allow the existing buildings to fall into disrepair and eventually restore the site to natural conditions, the buildings within the site are of substantial construction and it is unlikely that this process would occur during the foreseeable future.

Whilst the location is not highly sustainable, the use itself would likely generate fewer vehicle movements than existing and alternate uses.

It is, therefore recommended that planning permission be granted, subject to the conditions discussed within this report and subject to a Section 106 agreement to secure a contribution towards the provision of off-site affordable housing.

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

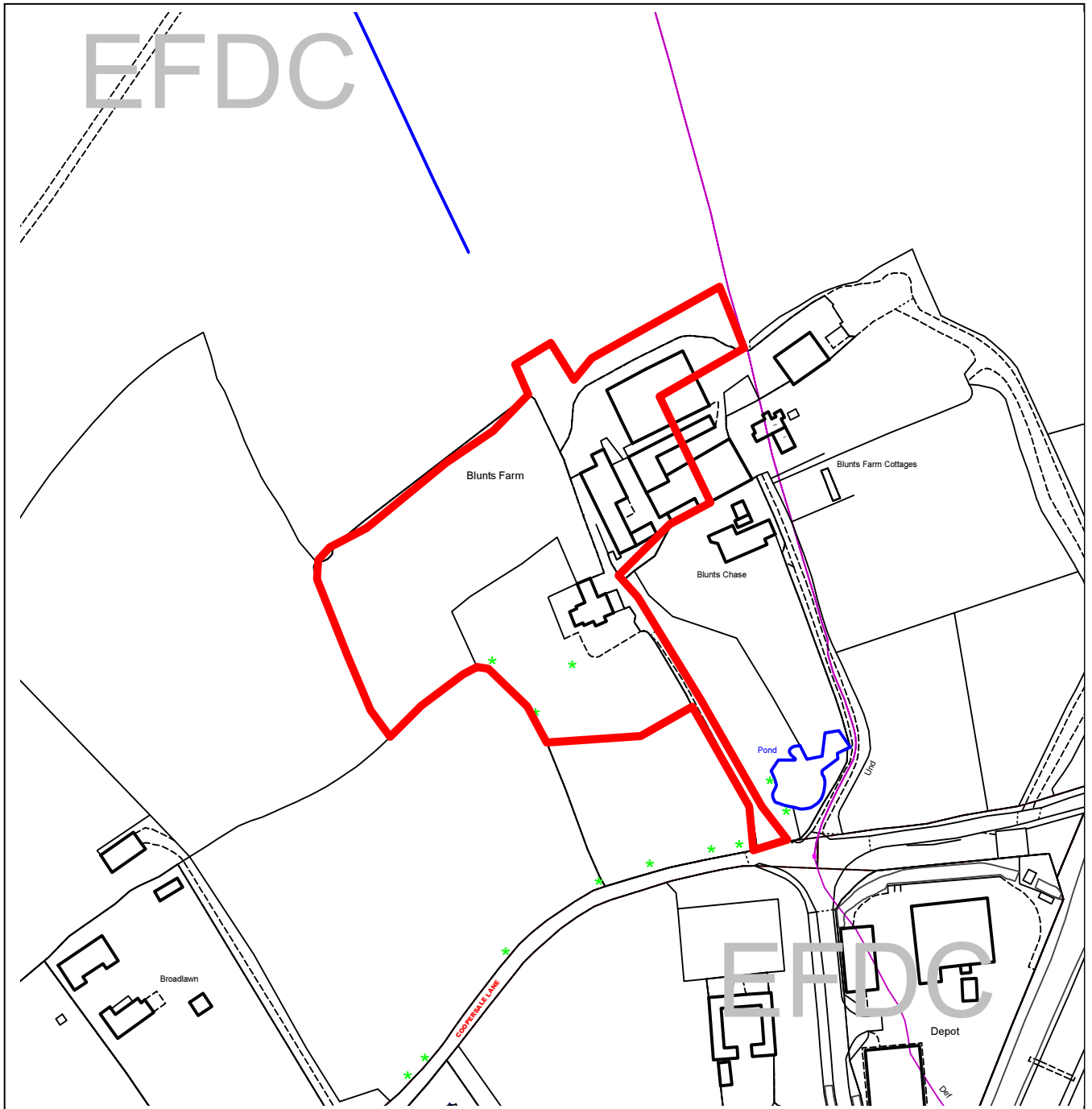
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564109***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/0250/12
Site Name:	Blunts Farm Buildings, Coopersale Lane, Theydon Bois, CM16 7NT
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/0375/12
SITE ADDRESS:	Rothwell 28A Piercing Hill Theydon Bois Epping Essex CM16 7JW
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr K McLeish
DESCRIPTION OF PROPOSAL:	Demolish side conservatory and replace with two storey extension, demolish kitchen and utility shed and replace with single storey extension. (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=535423

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 4 No window or door openings, other than those shown on drawing nos. 1A and 2B, shall be formed in the east facing elevation of the existing house or the single-storey extension hereby approved. The window and door openings shown in the east elevation of the house on drawing nos. 1A and 2B shall be fitted with obscure glass only and permanently maintained in that condition. The window opening shall have a fixed frame and be non-openable up to a height of 1.7m above the floor level of the room it serves. The window opening shall be permanently maintained in that condition.

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

Description of Site:

28a Piercing Hill comprises a part single, part two-storey house with L shaped footprint forming part of an enclave of residential development within Metropolitan Green Belt. It includes a long narrow garage on the northern site boundary beyond which, at higher level is a loose surfaced private access road.

The house is at a lower level than the garage and the second floor is contained within a mansard roof. There are 3 dormers on the north and south facing elevations and a first floor window in the western gable. A conservatory is situated on the western flank. Other than an obscure glazed toilet window in the eastern elevation, there are no other east facing openings. A single-storey projection with a shallow pitched gabled roof and a low flat roofed timber utility building abutting its southern flank enclose the eastern site boundary.

To the east, at lower level, is a large detached house, 29 Piercing Hill. The house is locally listed. Its rear garden is at lower level and is approximately 1m below the level of the application site. The depth of the garden, some 25m, separates the house from the site boundary.

To the south is a very large secondary rear garden of 28 Piercing Hill which wraps around the western end of the application site. Robust planting screens the site from that garden. Low broken hedging exists on the site boundary with 29 but is of limited value as a screen.

To the north of the access road to the site, at higher level, is a substantial recently completed block of flats, Coopers Court. In a more secluded location west of the flats is a detached house, Milan House. The parking areas for both the flats and Milan house are directly opposite the house and garage of the application site.

On-site parking provision for the application site is between the house and the access road where 3 cars can be accommodated. The garage cannot be accessed by cars when that parking area is used. Rear of the garage are two small outbuildings under a pergola. Hedging on the northern flank of the garage together with the rise in land levels north of it serve as a partial screen to views from the north.

The application site is not within or adjacent to a conservation area.

Description of Proposal:

This proposal is a revision to a previous proposal to erect single and two-storey additions that included an enlargement to the detached garage. The original proposal was refused on the basis of the harm to the Green Belt and to the amenities of 29 Piercing Hill. The present proposal follows post decision advice from the case officer and subsequent work to clarify the impact of the proposal on the root systems of adjacent trees. It is presented to this Sub-Committee for decision since Officers have taken an objection by the freeholder of a neighbouring block of 14 flats as potentially being from the occupants of the block of flats since the occupants may not have responded to the consultation exercise on the basis that the freeholder was responding.

The proposal includes two elements, a two-storey extension to the west elevation of the house that would replace the existing conservatory and a single-storey addition to the southern elevation adjacent to the rear garden of 29 Piercing Hill that would replace the existing side addition and utility building. The proposal is a revision to that considered under application EPF/2493/11. As

well as including significant revisions to the proposed single-storey extension, the proposal omits a previously proposed enlargement of the garage to the north to provide a studio.

The main component of the proposed development is the two-storey addition to the western flank. It would take up the footprint of the existing conservatory essentially extending the form of the existing house 4.6m to the west. It would include a gable to the southern elevation containing a single first-floor window. The western elevation would only have one opening, a window at ground floor.

The single storey addition to the house would replace the existing single-storey projection and adjacent utility building. It would be a wider building taking up a greater area to the west. The addition would have a simple form with a half hipped roof that drops the eaves adjacent to the boundary with 29 Piercing Hill to 1.8m, some 0.9m less than that of the existing projection. The ridge level would be some 0.2m higher than the existing projection, 0.5m lower than that of the refused proposal. It would move the ridge some 0.5m away from the boundary with 29 Piercing Hill and reposition the central dormer in the southern elevation of the main roof to the east side of the ridge.

Relevant History:

EPF/0820/83	Conversion to dwellinghouse and garage. Approved
EPF/2493/11	Demolish side conservatory and replace with two storey extension, demolish kitchen and utility and replace with single storey extension, demolish sheds and extend garage to form studio and convert rear part of garage to studio. Refused on the basis of harm to the green belt and to the amenities of 29 Piercing Hill.

Policies Applied:

National Planning Policy Framework	
GB2A	Development within the Green Belt
GB7A	Conspicuous Development
DBE9	Loss of Amenity
DBE10	Residential Extensions
LL10	Adequacy of Provision for Landscape Retention

Consultation Carried Out and Summary of Representations Received

- Number of neighbours consulted. 17
- Site notice posted. No, not required for proposal and extended consultation compared with that carried out for application EPF/2493/11 was considered to be a more effective approach.
- Summary of responses received:

29 PIERCING HILL: OBJECTION. Neither of the reasons for refusal of application EPF/2493/11 have been adequately addressed. The development will cause harm to the amenities enjoyed by our property, appearing as a bulky mass dominating the westerly view from three bedrooms, our main sitting room, our kitchen and garden. It is still a disproportionate enlargement of the existing house.

There may be a hidden agenda to create additional floor space within the roof void shown as a rather oversized single-storey kitchen volume.

COOPERS COURT AND MILAN HOUSE: OBJECTION. Apcar Smith Planning was employed to express objections raised by the freehold owners of Coopers Court and the owner/occupier of

Milan House at 30A Piercing Hill. The objection by the freehold owner of Coopers Court has been taken as potentially from the occupants of the block of flats since the occupants may not have responded to the consultation exercise on the basis that the freeholder was responding. The objections raised are in respect of the following matters summarised below:

Green Belt:

- The proposals would amount to a disproportionate enlargement of an existing dwelling in the Green Belt adding considerably to the scale and bulk of the existing dwelling.
- The proposals would cause harm to the openness of the Green Belt. The amendments to the proposal do not overcome the harm the previous proposal would have caused to the Green Belt.
- Attention is drawn to the decision to dismiss an appeal against the refusal of permission to erect a house to replace a former caretakers house at Wansfell College and the subsequent decision to grant planning permission for the erection of a smaller proposal, application refs. EPF/1162/07, EPF/0862/08 and EPF/1931/08. The approved house has been constructed and is Milan House. The planning agent makes the point that the decision on this application should be consistent with the decisions made in relation to Milan House.
- Attention is also drawn to the earlier grant of planning permission for the erection of 14 flats adjacent to Milan House and the application site, ref EPF/2464/06. The approved flats have been constructed and comprise Coopers Court.

Design:

- The proposal is poorly designed with no windows at first floor in the north facing elevation of the two-storey extension. The absence of such fenestration gives the extension an unbroken monotonous appearance, detrimental to the overall appearance of the existing modest dwelling.
- Concern is expressed about the resulting length of the enlarged garage building in relation to Coopers Court.

Parking:

- Attention is drawn to the fact that Milan House, Coopers Court and 28A Piercing Hill share the same private access. The proposal will result in a reduction in on-site parking provision while increasing the demand for such parking with the result that there would be an increase in demand for off-site parking. Concern is also raised about the possibility of parking partially on the access way causing obstruction.

Disruption during construction:

- Access to the site is too constrained to accommodate the movement of vehicles to the site required in connection with the construction of the development without causing considerable inconvenience. A construction management plan could not overcome the difficulties arising from the constrained access.

Main Issues and Considerations:

The main issues raised by the proposals are the consequences for the Green Belt, appropriateness of the proposal's design, especially in relation to the adjacent locally listed building, consequences for adjacent trees and the degree of impact on the living conditions of the occupants of neighbouring properties. Other matters that will be considered in this report are the

appropriateness of on-site parking provision and consequences of construction activity for neighbours. Comments on representations received will be made under these headings.

Green Belt

Planning policy at national and local level both allow for extensions to dwellinghouses in the Green Belt provided they do not result in a disproportionate enlargement of the original house. Adopted Local Plan policy also seeks to ensure such extensions in any event do not have an excessive adverse impact on the openness, rural character or visual amenities of the Green Belt.

Council records indicate the building was originally a coach house within the curtilage of 28 Piercing Hill, and that it was first used as a dwellinghouse following the implementation of planning permission EPF/0820/83. The plans accompanying planning permission EPF/0820/83 are not available therefore it is not clear what the original house comprised. The Ordnance Survey base for a Land Registry title plan submitted with the application is dated 1978 and shows the footprint of the house did not include the conservatory and utility building. A large outbuilding is shown beyond the building but the garage is not shown. An aerial photograph taken in July 2000 shows all the presently existing structures existed at that time.

The conservatory is undoubtedly an addition to the original house therefore it is not included in calculations of the volume of the existing house. Similarly the utility building is unlikely to be an original structure, although it appears to be of considerable age. On that basis the approximate volume of the original house is approximately 470m³. The proposed enlargement includes the replacement of the conservatory and utility building and would result in the original house being enlarged by some 300m³, of which some 200m³ is made up of the two-storey addition and the remaining volume of the single-storey addition. The proposed enlargement as a whole would therefore increase the volume of the original house by approximately 63%.

Although, the two-storey addition would erode the openness of the Green Belt, of itself this extension would not amount to a disproportionate enlargement of the original house. It would increase the volume of the original house by just over 42%. It is clear that while this addition to the house would have a significant visual impact, that impact would be mitigated by the reduced land level of the house in relation to land to the north and robust screening around the site boundary to the south and west. Views of it from the north would be further obscured by the existing garage building. Moreover, the extension would be seen within the context of a built up enclave within the Green Belt that includes houses and flats to the north and east. In the circumstances, the degree of visual harm Apcar Smith Planning asserts would be caused by the two-storey extension is not likely since any harm would be mitigated to a significant degree.

The proposed single storey addition would increase the volume of the original house by just over 21% and would also not, of itself, amount to a disproportionate enlargement of the house. Its bulk would be apparent when seen from 29 Piercing Hill, however it has been sensitively designed to minimise its bulk in comparison with that of the existing single storey projection together with adjacent utility room. As a consequence the single-storey addition would not be perceived as eroding the openness of the Green Belt. It would have consequences for the visual amenities of the occupants of 29 Piercing Hill but that is a separate matter and is discussed below.

Taken as a whole, the cumulative impact of the two elements of the proposal would not result in a disproportionate enlargement of the house. Its impact on the openness of the Green Belt is limited and mitigated by its particular context. Revisions to the design of the previously refused proposal have reduced the scale of the single-storey addition and significantly softened its impact on the openness of the Green Belt as perceived from 29 Piercing Hill. The revised proposal is therefore found to be appropriate development that would not have any excessive adverse impact on the openness of the Green Belt.

Design and Appearance

The proposal is sympathetically designed and would respect the design and appearance of the main house. The absence of fenestration in the first floor of the north facing elevation of the two-storey addition would not appear out of keeping with the main house as contended by Aparc Smith Planning. Since the site is not seen from Piercing Hill the proposed extensions, which are proportionate to the scale of the original house, would have no impact on the street scene.

The proposed two-storey addition would not be seen within the context of the adjacent locally listed building, 29 Piercing Hill and consequently would not impact on its setting. As with the existing single-storey addition and adjoining utility building, the proposed single storey addition would be visible from the rear of 29 Piercing Hill. It would not take the house any nearer 29 Piercing Hill and would clearly be a subordinate addition to the house that would also be in keeping with its appearance. In the circumstances the single-storey addition would also not harm the setting of 29 Piercing Hill.

Impact on adjacent trees

The proposal would be situated within the vicinity of trees at neighbouring properties, particularly those at 28 Piercing Hill which abut the southern site boundary. Although there are no preserved trees within the vicinity of the proposed extensions the likely impact of the development on the trees has been given close consideration by the Council's tree and landscape officer. As a consequence the applicant has produced evidence, with which the tree and landscape officer agrees, that demonstrates the proposals would not cause harm to the adjacent trees subject to compliance with appropriate tree protection measures specified within a submitted Arboricultural Report. This can be secured by the imposition of a suitable condition on any planning permission given. The proposal can therefore be implemented without causing harm to the adjacent trees, which will contribute to safeguarding the visual amenities of the locality as well as the setting of 29 Piercing Hill.

Impact on Living Conditions

As a consequence of their size and siting in relation to neighbouring residential properties the proposed two-storey addition would not cause any harm to the living conditions of neighbours.

The proposed single storey addition has been significantly revised following officers objection to that of the previously refused proposal on the basis that it would be harmful to the amenities of the occupants of 29 Piercing Hill due to its size, design and siting. The revised extension has been sensitively designed to minimise its bulk in comparison with that of the existing single storey projection together with adjacent utility room. The eaves height would be significantly lower than that of the existing side addition while the ridge height would only be marginally higher with the position of the ridge moved further away from the boundary with 29 Piercing Hill

Due to its siting above the level of the rear garden of 29 Piercing Hill the proposed extension would have a significant visual impact when seen from no. 29, however, that scale is now closer to that of the existing addition and utility room and consequently the visual impact is much reduced. It would clearly be a larger structure than that which presently exists but it would not cause the same degree of visual harm as the refused extension. Indeed, the eaves height of the extension would be very similar to that of a fence that could be erected on the site boundary as permitted development.

The degree of harm on the amenities enjoyed by 29 Piercing Hill is further limited by the extent of its rear garden, which is generous. A distance of some 30m separates the proposed single-storey extension from the rear elevation of 29 Piercing Hill and the house at 29 is situated at a raised level in relation to its garden, such that it is closer in level to that of the proposed extension.

In the circumstances, while the proposed single-storey extension would be visible from windows in the rear of the house, its impact on outlook would not amount to excessive harm. Furthermore, the impact on views from the lower level garden would not be such that the extension would appear excessively overbearing. Overall, the impact of the revised proposal on the amenities of the occupants of 29 Piercing Hill would be acceptable.

Although it does not require planning permission, the application shows it is proposed to provide a door to a utility room and a window to a toilet at ground floor in the east facing elevation of the original house. The door and window openings have the potential to give rise to overlooking of the garden of 29 Piercing Hill but since they are shown on the submitted plans it is reasonable and necessary to safeguard the privacy of 29 by imposing a condition on any permission given requiring them to be fitted with obscure glass.

Other Relevant Matters

Usable on-site car parking provision would be for 3 cars. That is more than adequate for a four bedroom house and in accordance with adopted parking standards that require a minimum provision of 2 parking spaces. The concern about possible parking on a private access way expressed by Apcar Smith Planning is understood but, in the circumstances, not shared in relation to this proposal.

Similarly, the difficulty of access for construction vehicles is appreciated but as a one-off activity of limited duration it is not a matter of such importance that it warrants a reason for refusal.

Conclusion:

The revised proposal successfully overcomes the reasons for refusing the previous proposal. The proposal is appropriate development in the Green Belt that safeguards its openness, the setting of an adjacent locally listed building and the amenities enjoyed by the occupants of neighbouring properties. The development can be carried out without causing harm to adjacent trees and would not give rise to any additional demand for off-street car parking. Overall, the revised proposal is a well designed response to the objections to a previously refused proposal. It complies with adopted Local Plan policy and National Planning Policy Framework and it is therefore recommended that planning permission be granted.

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

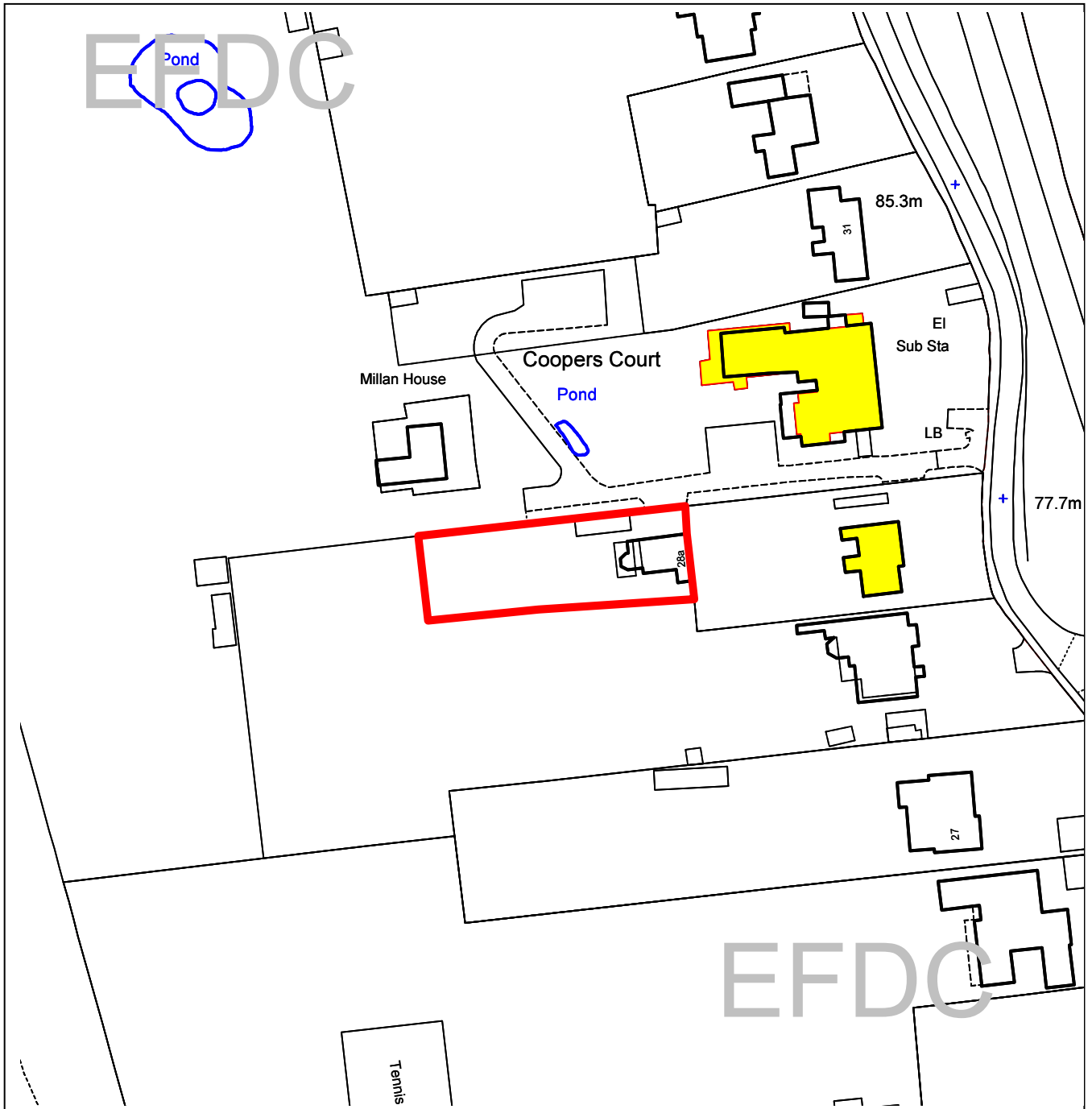
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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/0375/12
Site Name:	Rothwell, 28A Piercing Hill Theydon Bois. CM16 7JW
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0692/12
SITE ADDRESS:	10 Coopersale Street Epping Essex CM16 7QJ
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mrs Diane Haynes
DESCRIPTION OF PROPOSAL:	Alterations and part conversion of existing detached garage to provide ancillary habitable accommodation.
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=536583

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 proposed window openings in the north west flank elevation facing "Yeoman's" shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the elevated floor of the gym/office and shall be permanently retained in that condition.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class E shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 The proposed velux windows shall be "conservation" style unless otherwise agreed by the Local Planning Authority.
- 5 The building as altered shall be used only for purposes ancillary or incidental to the main use of the dwelling known as No. 10 Coopersale Street.
- 6 All material excavated from the site shall be removed from the site prior to first use of the altered building.

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

Description of Site:

The application site contains a semi detached dwelling currently in the process of being extended. The site is within the local Conservation Area. The immediate neighbouring building to the north west is a listed building and is set further into its site than the application building. A weatherboarded structure, currently used for the garaging of vehicles, is located to the rear of the site along the north-west common boundary.

Description of Proposal:

The applicant seeks consent to convert the garage building to form an office/gym. The works include lowering the internal floor level within most of the building to create sufficient headroom to insert a mezzanine floor. Internal steps would lead to the inserted floor. Two rooflights would be inserted in each roof slope. The above ground dimensions of the building would not be changed.

Relevant History:

EPF/0412/93 - First floor rear extension. Grant Permission – 27/07/93.

EPF/2392/10 - Two storey side extension and alterations to existing vehicular access. Refuse Permission – 10/01/11.

EPF/0197/11 - Two storey side extension. (Revised application). Grant Permission (With Conditions) – 01/04/11.

EPF/2209/11 - Alterations and part conversion of existing detached garage to provide habitable accommodation. Alterations include raising roof pitch and dormer window. Withdrawn by the applicant.

Policies Applied:

National Planning Policy Framework

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation Areas

HC12 – Development affecting the Setting of a Listed Building

SUMMARY OF REPRESENTATIONS:

(7 properties consulted and site notice displayed – 0 replies received).

PARISH COUNCIL: Objection. Concern about this piecemeal development in the Green Belt and overlooking of the adjacent neighbours' private amenity space.

Issues and Considerations:

The main issues to consider are impact on the Green Belt, Conservation Area, neighbour amenity and the design of the proposed development.

Green Belt

The reuse of an existing building within the curtilage of a dwellinghouse for a use ancillary to the dwelling is in most cases permitted development having regard to Section 55 (2) (d) of the 1990 Town and Country Planning Act. However in this case the changes to the internal layout of the building effectively create a first floor which would require consent under Class E of the General Permitted Development Order (as amended in 2008) hence the need for the application. The proposed conversion would have no impact on openness as this is an existing building and no extensions are proposed. However the reuse of this building could result in future pressure for other outbuildings for parking and ancillary storage. Given that the house has already been extended, it is considered that this is something that should fall under the control of the Local Planning Authority if the conversion is approved, and it is therefore deemed reasonable and necessary to remove permitted development rights for Class E (outbuildings) at the property to prevent further erosion of openness.

Design/Conservation Area

The proposed development is within the Conservation Area and is adjacent to a listed building. However the only external change to the building is the insertion of rooflights which would not normally need consent and this would have no material impact change on the character of the Conservation Area or setting of the building.

Amenity

The applicant proposes to insert two rooflights in each slope of the building. The two rooflights on the north-west side would be adjacent to the common boundary with the listed building, Yeoman's. Although the rear garden area would remain sufficiently private this dwelling does have a window at ground floor on the side elevation. There is a concern that this could be overlooked by the proposed rooflights therefore an obscure glazing condition would be reasonable in this instance and would address the concern. The windows on the south east elevation would not give rise to excessive overlooking.

Conclusion:

The proposed development is considered acceptable having regard to relevant local plan policies and all material planning considerations. It is therefore recommended that the application is approved with conditions.

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

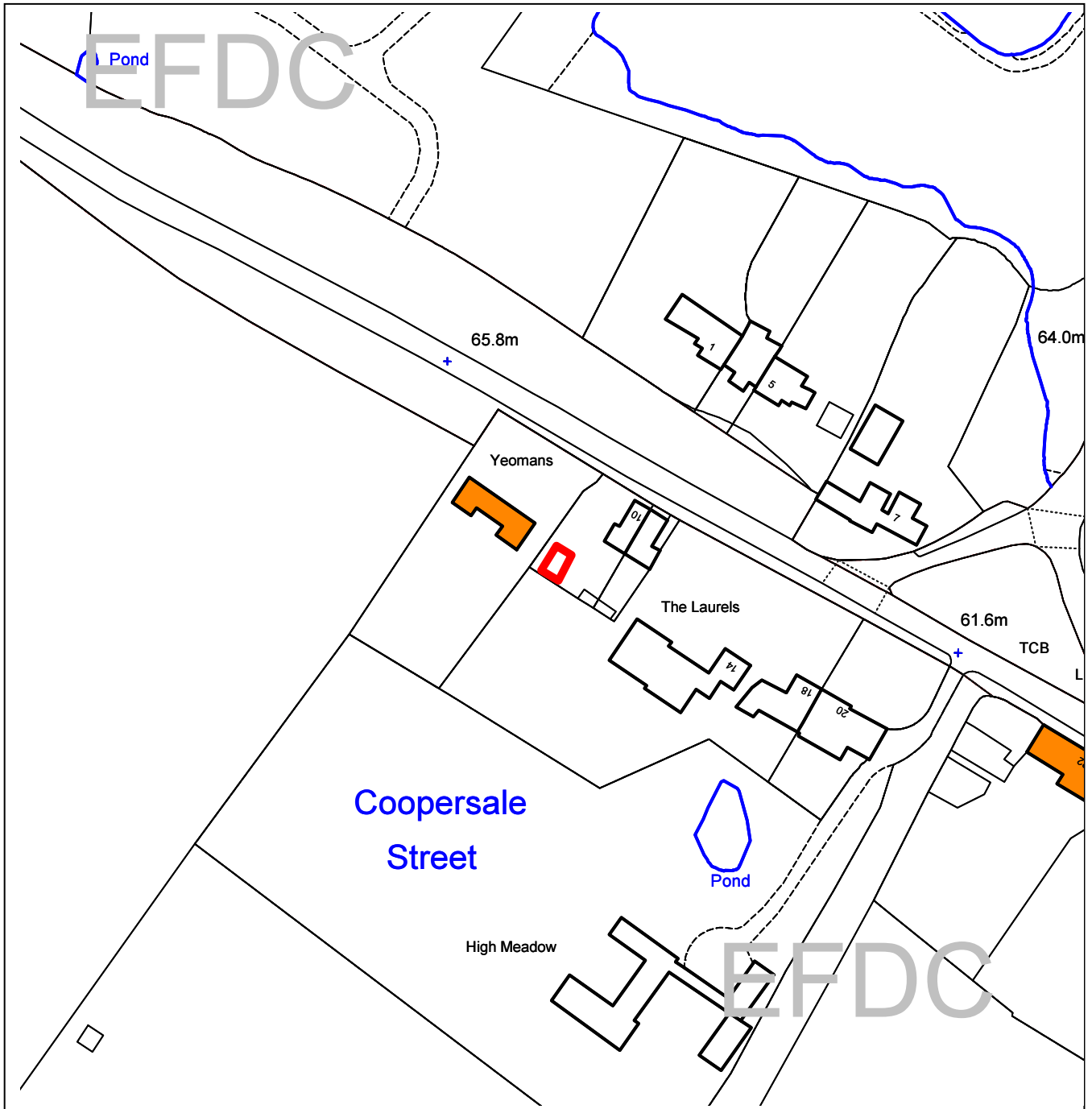
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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:	7
Application Number:	EPF/0692/12
Site Name:	10 Coopersale Street, Epping CM16 7QJ
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0695/12
SITE ADDRESS:	Cloverleaf Farm Pig Meadow King Street High Ongar Essex CM5 9QZ
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr J Roberts
DESCRIPTION OF PROPOSAL:	Variation of condition 10 'On-site dispersal of excavated materials' of planning permission EPF/2603/11. (Construction of nine fish ponds and extension of existing building.)
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=536619

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of the originally approved scheme on 07/03/12.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 4 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.
- 5 Within three months of the substantial completion of the extension hereby approved the three steel storage containers shall be removed from the site and the site shall remain clear of outdoor storage facilities. No outdoor storage facilities shall be erected on the site without the written approval of the Local Planning Authority.

- 6 No development shall take place on site until a scheme for the provision of and management of compensatory habitat creation, by the locating of three bird boxes within the site, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved.
- 7 Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for an upgrade of the bellmouth access into the site to include minimum kerb radii of 8m, no unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. The approved details shall be implemented within three months of the completion of the development hereby approved.
- 8 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 9 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety and shall be retained at all times.
- 10 No development shall take place until a detailed scheme for the on-site dispersal of excavated material from the construction of the ponds has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 11 The building hereby approved shall only be used for purposes ancillary or incidental to the use of the wider site for fish production and for the storage and assembly of aquatic filtration systems and shall not be sold or let for any separate business or storage use.
- 12 No retailing shall take place from the site at any time without the prior written approval of the Local Planning Authority.
- 13 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.

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

Description of Site:

The site is located within the boundaries of the Metropolitan Green Belt and the immediate area is characterised by sparse development and arable farmland. The site, which is bound to the north by the A414 and to the west by King Street, covers approximately 5 hectares. The site contains a

large prefabricated structure and thirteen fish ponds are located along the northern section of the site. There is also a lake located in the southern section of the site. A number of trees are within, and along the boundary of the property. Access to the highway is gained from an existing access, which leads to a hardstanding parking area in front of the prefabricated building.

Description of Proposal:

The proposal is to vary condition 10 on a recently approved scheme at the site (EPF/2603/11). This proposal was for the;

“Construction of nine fish ponds and extension to existing building”

Condition 10 stated;

“The material excavated from the below ground works shall be removed from site unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of visual amenity and in order to protect the open character of the Green Belt”.

The applicant has suggested that the condition could be varied as follows;

“No development shall take place until a detailed scheme for the on-site dispersal of excavated material from the construction of the ponds has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.”

Relevant History

AGR/EPF/0893/02 - Agricultural determination formation of 9 fish ponds. Permission Required and Granted - 18/11/2002.

AGR/EPF/2121/03 - Agricultural determination for erection of fish hatchery. Permission Required and Granted – 02/02/04.

EPF/0939/07 - Agricultural determination for erection of fish hatchery. Withdrawn Decision - 29/06/2007.

EPF/1017/10 - Extension to existing steel farm building. Refuse Permission – 31/01/11.

EPF/0139/11 - Erection of agriculturally tied farmhouse for accommodation of a key worker at Cloverleaf Fish Farm. Refuse Permission – 15/03/11.

EPF/1157/11 - Extension to existing steel framed fish farm building. (Revised application). Refuse Permission – 01/08/11.

EPF/2603/11 - Construction of nine fish ponds and extension to existing building. Grant Permission (with conditions) – 09/03/12.

Enforcement

ENF/0015/10 - Fish equipment business being run from agricultural barn and hardstanding areas have been created – 06/01/10.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB11 – Agricultural Buildings

DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE9 – Loss of Amenity
ST4 – Road Safety
LL10 – Adequacy of Provision for Landscaping
NC4 – Protection of Established Habitats

SUMMARY OF REPRESENTATIONS:

10 neighbours consulted – No replies received.

HIGH ONGAR PARISH COUNCIL: Objection. Concern about disturbance to the existing lake and the plans do not show how the material would be dispersed.

Issues and Considerations:

The main issue regarding this proposal is whether the variation of this condition would have any adverse impacts.

The condition was attached to the originally approved scheme with the intention of ensuring that earth mounds were not formed at the site which could potentially have a detrimental impact on the open character of the Green Belt. The amount of excavation could have had this effect if not managed correctly. The applicant wishes to proceed with the development but is concerned that the requirement to remove all material is excessive and would result in considerable lorry movements and expense. When the original ponds were constructed, the soil was spread evenly over the surface of the adjoining field to a very shallow depth and he would like this to be considered, or alternatively, suitably designed landscaped bunding could be created to help screen the car park. It is therefore considered that the variation of condition is reasonable. The means of dispersal within the site can be controlled by condition to ensure a satisfactory appearance. Full details of how it is to be done will need to be submitted and agreed in consultation with our Landscape Officer. The Parish Council has concern that the variation could impact on the existing lake and that no details of dispersal have been provided. The details of dispersal, as stated, can be agreed by condition as has been proposed by the applicant and it is not considered that the proposed development would impact on the lake. It is however, considered in the light of this change that a full landscaping condition is also required to ensure that suitable planting takes place following dispersal.

The variation to this condition would have no material impact on the original decision having regard to all material considerations. The original conditions, with the new variation to condition 10, can be copied to this decision.

Conclusion:

The proposed variation of condition would have no material impact on the original decision and it is therefore recommended that the application is approved with the revised 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:

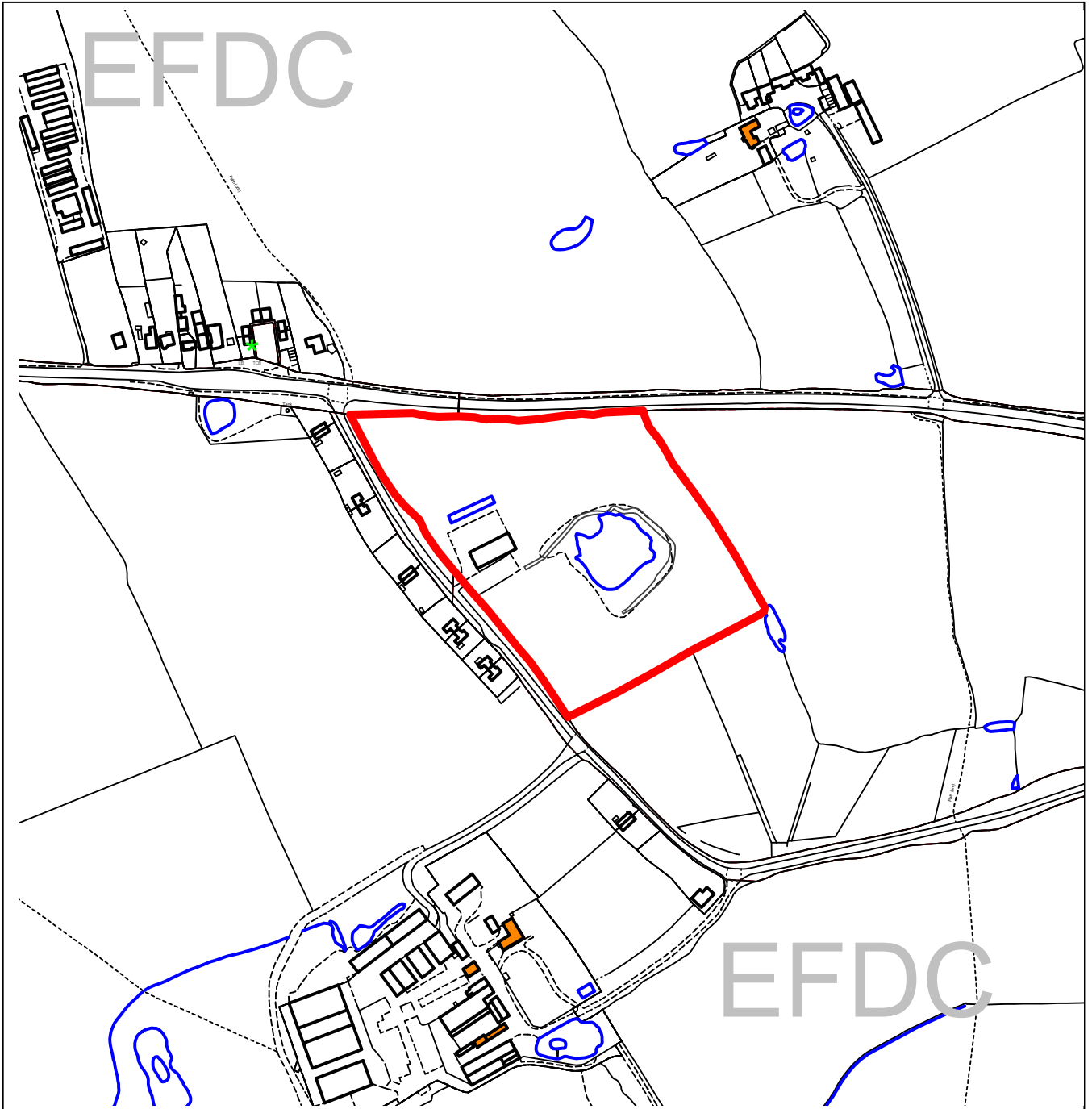
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Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/0695/12
Site Name:	Cloverleaf Farm, Pig Meadow King Street, High Ongar, CM5 9QZ
Scale of Plot:	1/5000

Report Item No: 9

APPLICATION No:	EPF/0832/12
SITE ADDRESS:	14 Harrison Drive North Weald Essex CM16 6JD
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr D Hunt
DESCRIPTION OF PROPOSAL:	Erection of a single dwelling adjacent to 14 Harrison Drive.
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=537157

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: BRD/10/076/01, BRD/10/076/02, BRD/10/076/03 Rev: A, BRD/10/076/04 Rev: B, BRD/10/076/06, OS312-11.1 Rev: A, OS312-11.2
- 3 Materials to be used for the external finishes of the proposed development shall match those of No. 14 Harrison Drive, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 6 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 7 Prior to occupation of the dwelling hereby approved, the section of rear garden shown outlined in green on Plan Ref: BRD/10/076/06 shall be provided for use by the residents of No. 14 Harrison Drive.
- 8 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 08.00 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.
- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions) and as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).

Description of Site:

The application site is located on the north western end of Harrison Drive, which in this section contains two pairs of semi-detached dwellings. To the north of the site are the rear elevations and back gardens of Wheelers Farm Gardens, which are two-storey maisonette buildings situated around a central courtyard. The existing property sits within a larger plot than neighbouring houses and contains a large front garden/parking area and a single storey attached garage, which would be removed as part of this proposal. The site is located within the built up area of North Weald and within a Flood Risk Assessment zone.

Description of Proposal:

Further revised application for the erection of a single dwelling attached to No. 14 Harrison Drive. The proposed dwelling would be 5.9m wide and 8.3m deep and would match the ridge height of No. 14 at an overall height of 8.3m as previously proposed and refused at committee. The development would involve the subdivision of the front and rear garden to provide parking and amenity space to serve each individual property, and proposes the removal of some of the side boundary vegetation.

The revision on this scheme over that previously refused is that the proposed amenity space provides a 'dog-legged' garden to the parent property of No. 14 that extends partially along the rear of the garden to serve the new dwelling (referred to as No. 14A). The plans propose a shed to be erected in this part of No.14's garden, and would provide 80 sq. m. of private amenity space to No. 14 Harrison Drive, and 106 sq. m. to the new dwelling (No. 14A). No other alterations have been made.

Relevant History:

EPF/0606/11 - Erection of a single dwelling attached to no. 14 Harrison Drive – refused 01/06/11 on the following grounds:

- 1. The proposed new dwelling fails to provide sufficient functional, usable and private amenity space for the donor and new dwelling, contrary to the aims and objectives of policy DBE8 of the Adopted Local Plan and Alterations.*
- 2. The proposed new dwelling would by reason of its bulk and scale in close proximity to the boundaries of the site, have an unacceptable adverse impact on neighbouring outlook and amenities, contrary to policy DBE2 of the Adopted Local Plan and Alterations.*
- 3. The proposed new dwelling, by reason of its scale and design would appear at odds with the attached buildings and wider cul-de-sac, contrary to the aims and objectives of policy DBE1 of the Adopted Local Plan and Alterations.*

EPF/1508/11 - Erection of a single dwelling attached to 14 Harrison Drive (revised Application) – refused 15/09/11 on the following grounds:

- 1. The proposed new dwelling fails to provide sufficient functional, usable and private amenity space for the donor dwelling, contrary to the aims and objectives of policy DBE8 of the Adopted Local Plan and Alterations.*
- 2. The proposed new dwelling would by reason of its bulk and scale in close proximity to the boundaries of the site, have an unacceptable adverse impact on neighbouring outlook and amenities, contrary to policy DBE2 of the Adopted Local Plan and Alterations.*
- 3. The proposed new dwelling resulting in a terrace of 3 properties would appear at odds with the character of the wider cul-de-sac, contrary to the aims and objectives of policy DBE1 of the adopted Local Plan and Alterations.*

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood Risk Assessment zones

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

25 neighbours were consulted on this application.

PARISH COUNCIL – Object as the proposal would create a terracing effect and is overdevelopment, it would be visually intrusive to neighbouring properties, concern is also raised at flooding issues with the nearby brook, and this constitutes garden grabbing.

3 HARRISON DRIVE – Object as this is garden grabbing, due to insufficient parking provision, potential flood risk and due to loss of privacy to Wheelers Farm Gardens residents.

8 HARRISON DRIVE – Object as there is insufficient amenity space provided, will remove and cut back existing trees, the creation of a terrace would be out of keeping with the area, and as this would result in highway safety and parking problems. Revised application does not address previous reasons for refusal.

9 HARRISON DRIVE – Object as this would create a terrace of 3 houses which would be out of character with the semi-detached properties in Harrison Drive, due to the impact on parking, as it would reduce light to residents of Wheelers Farm Gardens, and as this constitutes garden grabbing.

10 HARRISON DRIVE – Object. Whilst this revised application addresses some of the previous concerns, this would still be out of character and ruin the appearance of the street scene and due to insufficient parking provision.

11 HARRISON DRIVE – Object as a row of terrace properties would be out of keeping with the area, as this would set a precedent which would create an enormous strain on the cul-de-sac, as it would exacerbate existing parking problems, and concerned about drainage issues and potential flood risk.

12 HARRISON DRIVE – Object due to the creation of a terrace out of keeping with the surrounding properties, as it will result in further traffic congestion and parking problems, and due to the impact on Wheelers Farm Gardens residents.

13 HARRISON DRIVE – Object. Whilst this has attempted to overcome the issue regarding amenity space it would still have an impact on the character of the area, impact on existing trees, it would result in further traffic and parking problems, and concerned about drainage issues.

5 WHEELERS FARM GARDENS – Object due to the potential loss of trees and vegetation, due to drainage concerns, this would be a cramped development, and due to the impact on neighbours.

PETITION SIGNED BY: 1, 2, 5, 6, 9, 11, 12, 13, 15, 16, 18, 20, and 24 WHEELERS FARM GARDENS – Object to loss of privacy if any trees are removed, impact on neighbouring residents, potential flood risk, there is no shortage of accommodation so no need for the development, and may lead to a loss of animal habitat.

PETITION SIGNED BY: 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13 HARRISON DRIVE – Object to the impact on the street scene and overdevelopment of the site, parking and highway safety issues, and as this constitutes garden grabbing.

Issues and Considerations:

The key issues in this consideration are those highlighted within the previous reasons for refusal. These consist of:

- The level of proposed amenity space for both the proposed development and the donor property;
- The impact on neighbouring residents (particularly those in Wheelers Farm Gardens);
- The visual impact on the street scene and surrounding area.

Proposed amenity space:

This revised application has only sought to address the first reason for refusal. The amenity space of the parent dwelling has been extended by 'dog-legging' behind the amenity space for the new dwelling. This results in an 80 sq. m. area of private amenity space for No. 14, and 106 sq. m. of private amenity space for No. 14A. The size of the application site has been physically measured by Planning Officers on site and is correctly shown on the submitted plans, and all calculations provided by the applicant have been checked by Planning Officers and are correct.

The supporting text of DBE8 expects rear gardens to have a minimum area of 20 sq. m. per habitable room, which will usually:

- (i) Be at the rear of dwellings or flats;*
- (ii) Be directly adjacent to and easily accessible from the relevant buildings;*
- (iii) Be of a size, shape and nature which enables reasonable use;*
- (iv) Have an aspect which ensures that reasonable parts receive sunlight throughout the year;*
- (v) Not have an excessive slope in its finished form; and*
- (vi) Achieve privacy on a continuing basis.*

Therefore, both properties which have 4 habitable rooms would be expected to have 80 sq. m. of private amenity space. Given the alteration to the rear gardens of this revised application, both properties would now be adequately served by at least 80 sq. m. of private amenity space, and therefore now meet the requirements of DBE8. Although the proposed 'dog-leg' is an unusual and less than ideal solution, it would ensure that the level of amenity space is met and would not be considered detrimental to either the existing or future residents of the site. This form of rear amenity space is not uncommon in urban areas, and a similar 'dog-leg' rear garden was recently approved at No. 1 High Road, North Weald, in August 2011.

It should also be noted that the application site has already been sold off and is separated from No. 14 (at the rear) by a large close boarded fence. As such the existing situation for the occupiers of No. 14, who chose to sell off this area of land, provides a smaller area of amenity space than would be achieved should this development be approved. The new dwelling would significantly exceed the 80 sq. m. of private amenity space required and although it is accepted that some of this space will be significantly overshadowed for part of the day it is considered to meet the intentions of the policy. As such it is considered that the revised application has sufficiently overcome the previous reason for refusal regarding inadequate private amenity space.

Permitted development rights for extensions and outbuildings to the new dwelling can be removed to ensure that the amenity space is retained and no buildings can be erected that would undermine the retention of the screening vegetation.

Impact on neighbours:

The revised application has not addressed the reason for refusal with regards to the impact on neighbouring residents. Whilst the previous refusals are a material consideration, both were considered by Planning Officers to not be unduly detrimental to neighbours amenities and

therefore would comply with the relevant Local Plan policies. Although Councillors came to a different conclusion, the recommendation of Officers to approve the application still stands, as it is not considered that the development would have an excessively detrimental impact on the amenities of neighbouring residents.

At present the site is screened along the northern boundary by heavy vegetation, primarily consisting of Hawthorn trees and laurel hedging, which acts as an effective screen against loss of privacy, particularly as Wheelers Farm Gardens have very narrow rear gardens. The existing trees and hedges on site can be safely retained during construction, and can be controlled/protected by condition, and the new dwelling would be set back a sufficient distance from the shared boundary. As such, with the retention of this screening and additional planting to supplement the existing vegetation, it is not considered that there would be any excessive detrimental loss of amenity to the existing neighbours or to future occupiers of the site.

Design/impact on street scene:

This revised application has not attempted to address the previous reason for refusal with regards to the creation of a terrace and impact on the character of the surrounding area. However, as stated above with regards to the impact on neighbours' amenities, Planning Officers did not formerly, nor still, consider that the development would be unduly detrimental to the character and appearance of the street scene. Whilst it is appreciated that this development would create a row of three terrace properties in a road of semi-detached houses, it is nonetheless considered that, given the site's location at the end of this small cul-de-sac, such a development would not be considered unduly harmful to the appearance of the street scene. Furthermore, the wider surrounding area consists of a mix of semi-detached, detached, terrace houses and maisonettes and therefore, whilst Harrison Drive consists solely of semi-detached dwellings, the proposed development would not be at odds with the **wider** character or appearance of this area. As such, it is once again considered by Planning Officers that the development would comply with Local Plan policy DBE1 and is acceptable.

Other issues:

The previous planning applications were only refused for the above three reasons, and all other considerations were therefore considered acceptable. However concerns have again been raised by neighbours and the parish council with regards to parking provision/highway safety, loss of existing trees, and drainage/flooding issues. As such these are addressed below.

Highways/parking

The proposed development would provide two off-street parking spaces for the new dwelling and two spaces for No. 14 Harrison Drive. Furthermore, given the large area of hardstanding in front of the dwellings, there would be adequate room for visitor parking when required. As such this proposal complies with the requirements of the Essex County Council Vehicle Parking Standards. Whilst neighbour objections have been received stating that this would exacerbate existing parking problems, there is no justification to require more parking provision than that proposed. As such the proposed development complies with policy ST6.

Landscaping

It has been suitably demonstrated that the existing trees and hedges on site can be safely retained through construction and thereafter, which can be controlled by condition. Further to the retention of the existing trees and hedges, additional landscaping could be sought to supplement the existing vegetation, which can also be secured by condition.

Flood risk

The application site lies within a Flood Risk Assessment zone and concern has been raised by neighbours and the parish council with regards to potential flood risk resulting from the development. The proposed development in itself would only cause a negligible increase in surface water runoff and, as such, this proposal does not require any form of flood risk assessment. However there have been recent investigations by Land Drainage with regards to the watercourse running along the northern boundary of the site (and beyond). Should development commence on this site then Land Drainage Consent would be required for any works around this watercourse, however that would be dealt with by separate legislation.

Conclusion:

The increase in size to the amenity space for No. 14 Harrison Drive, whilst not ideally situated, would sufficiently overcome the previous reason for refusal regarding this. Although the other two reasons for refusal have not been addressed and the previous refusals are material considerations, it is still considered by Planning Officers that the development would not be excessively harmful to the amenities of neighbours, nor would the creation of an end of terrace dwelling be unduly detrimental to the character and appearance of the surrounding area. As such the application is considered to comply with the relevant National Planning Policy Framework and the adopted Local Plan policies and is once again 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:

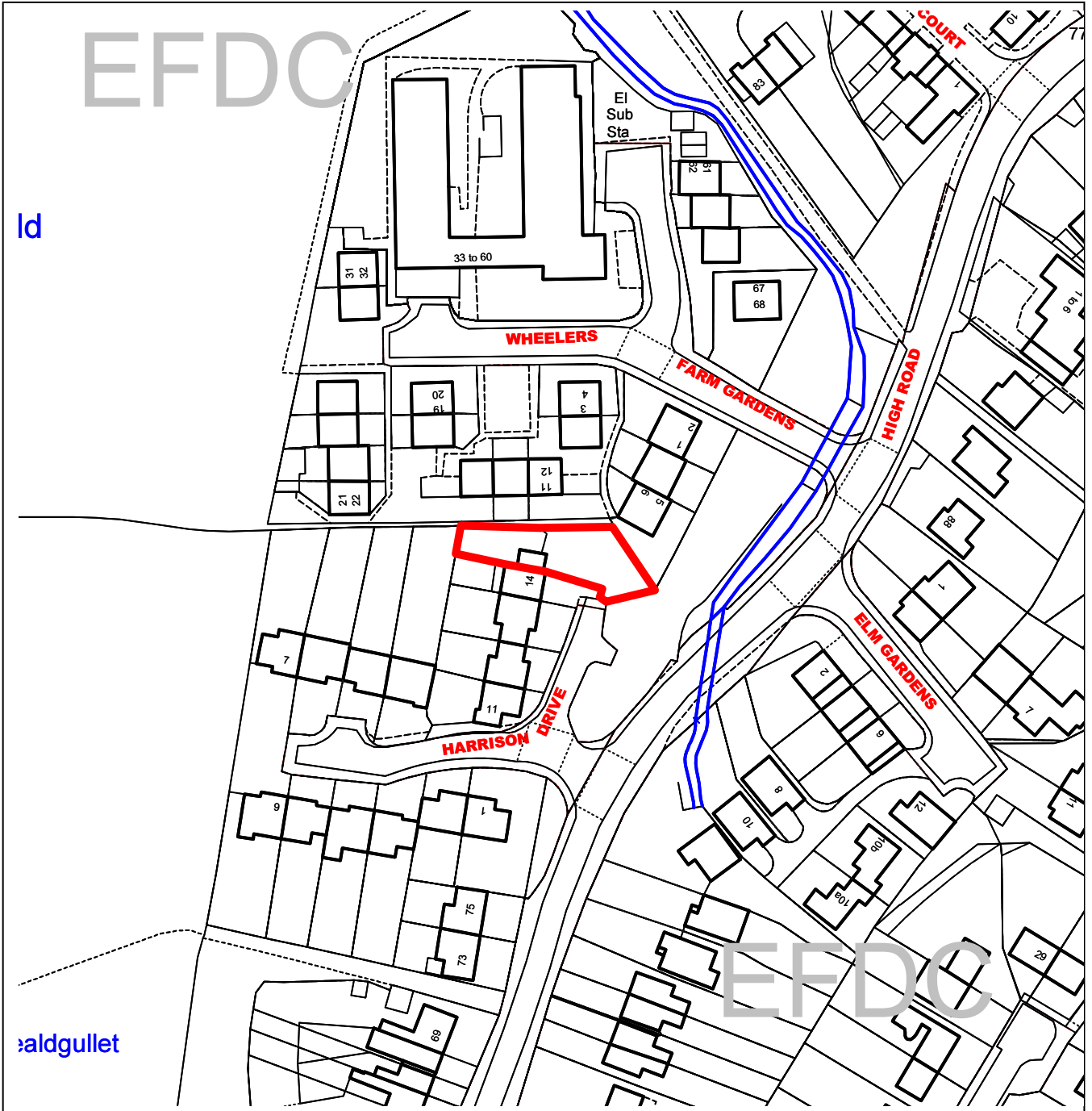
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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:	9
Application Number:	EPF/0832/12
Site Name:	14 Harrison Drive, North Weald CM16 6JD
Scale of Plot:	1/1250

Report Item No: 10

APPLICATION No:	EPF/0836/12
SITE ADDRESS:	Forest Gate Bell Common Epping Essex CM16 4DZ
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Robin Stokes
DESCRIPTION OF PROPOSAL:	Conversion and extension of existing function room and outbuildings into a restaurant area including basement and front extension and increase parking area. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537176

REASON FOR REFUSAL

- 1 The proposed development, by reason of its design, and overall scale detracts from the character and appearance of the existing building, the conservation area and streetscene contrary to policies CP2, HC6, HC7, DBE4 and HC13A of the Adopted Local Plan and Alterations and national guidance contained in the NPPF at Paragraphs 17, 58, 126, 131 and 137.

This application is before this Committee since it would otherwise have been refused under delegated powers by the Director of Planning and Economic Development, but there is support from the relevant local Parish/Town Council and no other overriding planning consideration necessitates refusal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(l)) and since it has been ‘called in’ by Councillor Whitbread (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of Site:

The Forest Gate Inn is a detached Public House set within spacious grounds with the outbuilding the subject of this application located in the north east corner of the site forming an ‘L’ shaped building on the boundary of the site to the side of 105 and 103 Bell Common and clearly visible from the road. Part of the outbuilding is occasionally used for functions with the remainder being used for storage purposes. The Public House and the outbuilding are locally listed buildings and both buildings are within the Bell Common Conservation Area. The application site is also within the Metropolitan Green Belt.

Description of Proposal:

The proposal is a revised application following the refusal of consent for a similar scheme (EPF/0019/12). The previous application was for the "*Conversion and extension of existing function room and outbuildings into a restaurant use including basement and front extension and increase in parking area. The extension measures 6m deep and 5m wide with the basement area located under the extension. The parking area is to be extended to the rear of the site*". This application differs in that hedging is proposed to screen the parking area along its north east and south east boundaries. The existing outbuilding is both within the curtilage of the site and the Licence for the site and therefore can currently be used for functions/events. The proposal is to be used in association with the existing Public House and not as a separate enterprise.

Relevant History:

Various applications the most relevant of which:

EPF/1557/09 – Retention of re-constructed storage area of outbuilding and construction of a new cellar – Approved with conditions – 08/10/09.

EPF/0485/10 – Part ground/part first floor side extension – Approved with conditions – 28/05/10.

EPF/0019/12 - Conversion and extension of existing function room and outbuildings into a restaurant area including basement and front extension and increase parking area. Refuse Permission – 15/03/12.

Policies Applied:

CP1 – Achieving Sustainable Development Objectives

CP2 - Quality of Rural and Built Environment

DBE2 – Neighbouring Amenity

DBE4 – Design in the Green Belt

GB2A – Development within the Green Belt

GB7A – Conspicuous Development in the Green Belt

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation Areas

HC13A – Local List of Buildings

ST4 – Road Safety

ST6 – Vehicle Parking

LL1 – Rural Landscape

LL10 – Adequacy for Provision of Landscape Retention

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

SUMMARY OF REPRESENTATIONS:

(16 properties consulted and site notice displayed – 3 replies.

93 BELL COMMON: Objection. Concern about noise and fumes from the development, which abuts my property, and hope that a condition can be attached prohibiting further windows and air vents on the boundary wall and that adequate soundproofing is installed. Concern about the amount of parking adjacent to my boundary and feel this could be reduced. I feel the parking area

could be hard surfaced to reduce noise and request that adequate visual screening is used. I feel that lighting is unnecessary within a conservation area.

69 HEMNALL STREET: Support. We do not feel this proposal would cause offence to the Green Belt or local traffic levels. We believe it will enhance the town and provide a service which ensures the long term viability of the pub.

34-40 SOMERSET GROVE, LONDON: Support. I do not feel this proposal would cause offence to the Green Belt or local traffic levels. A well run restaurant will enhance this part of the town in and would be in contrast to the many chain restaurants on the high street. Judging by how the public house is managed this would be a well run operation.

EPPING TOWN COUNCIL: Support. The proposal would be an improvement of the site without causing unreasonable harm and the parking is commensurate with the use.

Issues and Considerations:

The main issues with this proposal relate to the appropriateness within the Green Belt, design in relation to the Locally Listed Building and Conservation Area, impact on neighbouring amenity and highway safety and parking. The planning history and recently refused scheme is another material consideration. The NPPF has been adopted as national policy since March 2012 and is also relevant to any planning decision.

Green Belt

The application was previously refused consent because of the size of the extension and the incremental impact this, and previous additions, would have on the open character of the Green Belt. Policy GB2A restricts new development in the Green Belt to development considered 'appropriate' within the Green Belt. Extensions to public houses do not fall within an appropriate use within the Green Belt when tested against GB2A. However, the NPPF at Paragraph 89 permits extensions to existing buildings in the Green Belt as long as it does not result in disproportionate additions over and above the size of the original building (Paragraph 89). This extension, coupled with a small extension at the southern end of the building, would result in an approximately 30% increase to the building. This would be even less if additional built form to the outbuilding and public house was considered. It is therefore considered that the proposed extension is now in line with recently adopted national policy and this should take precedence. The proposed extension is therefore now acceptable from a Green Belt perspective whereas before it was not.

This application provides a screen along the north east and south east boundaries of the proposed parking area as part of this proposal. The openness of the parking area and its erosive impact on the character and appearance of the open countryside formed another reason to withhold consent. In this instance it is considered that the planting of a native species hedge would have the desired effect of screening the parking area. Therefore the amended scheme has appropriately overcome this concern and planting can be agreed by condition.

Design, Conservation Area and Locally Listed Building

There are no proposed changes to the original design with this proposal. The Conservation Officer has no objection to the conversion of the building to a restaurant use as it will bring the currently underused building back into use and secure its future maintenance.

However, as previously stated, the Officer was concerned that *"the extension will damage the architectural integrity of the outbuilding which currently forms an 'L' shaped range. The outbuilding makes a positive contribution to the Conservation Area and was designated as 'Locally Listed' in*

its own right due to this. The increase in size is considered to obscure the buildings original layout and function which is considered to be to the detriment of the building and the character and appearance of the Conservation Area. The building has already been extended (albeit replacing a modern garage addition) and this coupled with the proposal is considered to have a cumulative adverse impact, eroding the character of the building.

Notwithstanding the above objection to the principle of an extension, the design of the proposal is also not considered acceptable when taken in isolation. The span of the roof is 6.5m wide, the Essex Design Guide suggests spans should ideally be 5m – due to the large span proposed, the extension appears squat and the roof pitch too slack to complement the existing building and roofslopes”. No attempt has been made to address this concern and it is therefore deemed an inappropriate design contrary to Policies CP2, HC6, HC7, DBE4 and HC13A of the adopted Local Plan and national planning guidance contained at Paragraphs 17, 58, 126, 131 and 137 of the NPPF.

Impact on Amenity

The proposal is not considered to have a significant impact on amenity. Comments have been raised with regards to fumes and noise but it is considered that the proposal could be successfully conditioned to ensure any disturbance to neighbours is kept to a minimum.

Highway Safety and Parking

The proposal provides sufficient parking for the proposed use and Essex County Council Highways has no objection to the proposal.

Conclusion:

The inclusion of the screening hedge has overcome one of the previous reasons for refusal and the change in National Green Belt Policy now makes the development appropriate in Green Belt terms, but the design of the scheme has not been amended and the previous concern in this regard remains. It is therefore considered that the proposal does not complement the existing building to the detriment of the character and appearance of the Locally Listed building and the Conservation Area. The proposal is therefore contrary to the adopted policies of the Local Plan and it is therefore recommended that the application is refused.

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

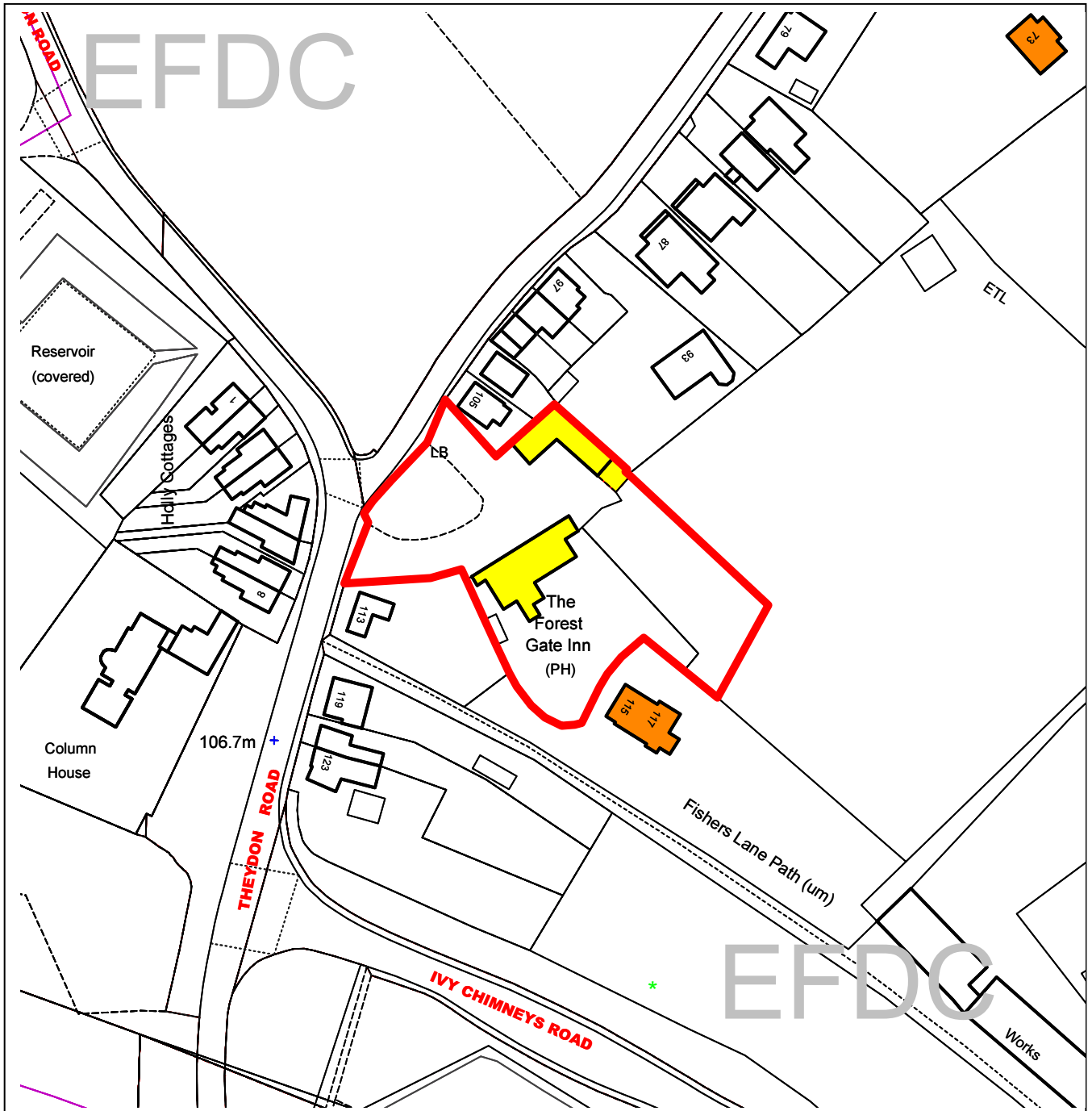
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	10
Application Number:	EPF/0836/12
Site Name:	Forest Gate, Bell Common Epping, CM16 4DZ
Scale of Plot:	1/1250

Report Item No: 11

APPLICATION No:	EPF/0843/12
SITE ADDRESS:	Electron House 17A Hemnall Street Epping Essex CM16 4LS
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Ian A Croxted
DESCRIPTION OF PROPOSAL:	Extensions, alterations and change of use of commercial premises to four flats, including ancillary works. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537203

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Location Plan with serial number: 001017493, 2873a, 2873b, 2873/1, 2873/2A
- 3 Prior to first occupation of the development hereby approved, the proposed window opening in the south western first floor flank elevation of the rear section of building shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application forms, unless otherwise agreed in writing by the Local Planning Authority.
- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 6 The proposed site has been identified as being potentially contaminated. As such, should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the

adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

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

Description of Site:

The application site is a part two storey/part single storey commercial building that fills almost the entire site. The front single storey element has a ridge height of 5.6m and the two storey flat roofed rear element reaches a height of 5.9m. The building sits between two residential properties, with further dwellings to the rear. The neighbour to the northeast is a single storey bungalow with a front wall roughly in line with the front of the application building. The neighbour to the southwest is a two storey dwelling set considerably further back into their site, being some 17m set back from the road (as opposed to the 5.5m set back of the application building). Two storey dwellings back on to the site at the rear (the southeast), and opposite to the northwest is the Hemnall Social Club and Citizens Advice Bureau. The application site is bordered to the northwest and southwest by the Epping Conservation Area and to the northwest by the designated Epping Town Centre, however the site does not itself lie within either of these designated areas. The previous use of the site was for B1 offices, however this use ceased in June 2010 and the site has been vacant since this time.

Description of Proposal:

Consent is being sought for extensions, alterations and change of use of the commercial premises into four flats, including ancillary works. This application is a revised scheme to a previously withdrawn application.

The proposed extension consists of the erection of a first floor pitched roofed addition to the single storey front section of the existing premises. This would result in a full two storey building with a pitched roof to an eaves height of 5m and ridge height of 6.9m.

The proposed alterations would involve the removal of the roof over the central section of the building (creating a single storey link), removal of a 2m section of first floor to the rear of the existing building, removal of a single storey side projection, the creation of a single storey pitched roof to replace this first floor area, and alterations to doors and windows.

The proposed development would result in 4 no. two-bed flats served by three parking spaces to the front of the site. Whilst there is a small amount of land surrounding the building this would not constitute useable amenity space.

Relevant History:

EPU/0005/51 – Continuation of use of building as motor body repair and sheet metal workshop – approved/conditions 27/03/51

EPU/0021/52 – Use of premises as milk store and retail vehicle garage – refused 11/06/52
EPU/0001/56 – Change of use to repair shop – refused 21/02/56
EPU/0107/56 – Use of premises for storage of thermal insulation materials – approved/conditions 18/09/56
EPU/0044/58 – Change of use to scout headquarters – approved/conditions 18/06/58
EPU/0052/58 – Adaption and use as offices and stores – approved/conditions 18/06/58
EPU/0052A/58 – Conversion of old fire station for use as offices and stores – approved/conditions 19/08/58
EPF/0347/81 – Alterations to existing front elevation – approved 10/04/81
EPF/0370/84 – Side extension – approved 26/04/84
EPF/0020/86 – Pitched roof to two storey extension of existing building – approved/conditions 17/02/86
EPF/0406/12 – Extensions, alterations and change of use of commercial premises to four flats, including ancillary works – withdrawn 24/04/12

Consultation Carried Out and Summary of Representations Received:

16 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – Object as this is considered to be overdevelopment of the site and with a design which is not sympathetic to the street scene. Also consider provision for parking to be inadequate, although there is no objection in principle to the change of use.

19 HEMNALL STREET – Object due to overlooking from the new flank windows, increase in noise pollution, impact on the conservation area, and insufficient off-street parking provision.

14 NICHOLL ROAD – Object due to the impact this would have on the sewer system.

Policies Applied:

National Planning Policy Framework
CP2 – Protecting the quality of the Rural and Built Environment
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
E4A – Protection of Employment Sites
E4B – Alternative uses for Employment sites
HC6 – Character, appearance and setting of conservation areas
ST1 – Location of Development
ST6 – Vehicle Parking

Issues and Considerations:

The main issues that arise with this application are:

- Principle of the development
- Loss of the employment use
- Design and impact on the surrounding area
- Impact to neighbouring amenity
- Parking

Principle of development, loss of employment and community use:

The application site consists of a former office building located outside of the designated town centre of Epping. The site has been used for a variety of commercial activities since before the 1950's, however became vacant in June 2010. At this time the site was marketed for commercial purposes by Lloyd Williams Chartered Surveyors and Estate Agents, however no conforming users showed any interest during this marketing period. In January 2012 (after approximately 18 months of marketing), the site was purchased by the current applicant.

The application site sits in close proximity to the designated Epping Town Centre, opposite a Social Club and CAB building, and is currently a B1 use, which is by definition suitable within residential areas. The site has been marketed for a suitable period as a B1 unit with no interest and, as such, the loss of the employment use is considered acceptable. Once the loss of employment is accepted, the use of an employment site for community purposes must be considered. Although the location of the site close to the town centre would be beneficial to any proposed community use, there is no overriding need for such a use within this area. There is an existing social club and CAB building opposite the site, and other community facilities located within Epping. Furthermore, the need for such a community use would generally be highlighted by the Town Council, however Epping Town Council have stated that they "*have no objection to the change of use*". Therefore it is considered that the principal of residential use on this site is acceptable.

Design and impact on the surrounding area:

The application site is located between a single storey bungalow and a two storey dwelling and borders Epping Conservation Area (although is itself not located within the conservation area). Notwithstanding this, Local Plan policy HC6 states that:

*Within **or adjacent to** a conservation area, the Council will not grant planning permission for any development... which could be detrimental to the character, appearance or setting of the conservation area (my emphasis).*

The existing building fills almost the entire site and consists of a part single storey building (with a pitched roof) and part flat roofed two storey building that is considered to have a negative impact on the appearance of the adjacent conservation area, and the street scene in general. Although the Town Council does not consider the proposed development to be sympathetic to the street scene, and the adjacent neighbour objects to the impact on the conservation area, the Council's Conservation Officer considers that the proposed development will enhance the appearance of the site and surrounding area and will improve the setting of the adjacent conservation area. As such, it is considered that the proposed alterations (particularly the first floor extension to the front section of the building which will largely hide the flat roof element to the rear) would benefit the surrounding area in visual terms.

Impact to neighbouring amenity:

The existing building is partially (to the rear) two storeys with three first floor flank windows on the south western elevation, four first floor windows on the north eastern elevation, and five first floor windows on the south eastern (rear) elevation. Whilst some of these windows serve toilets and are therefore obscure glazed, the large majority are clear glazed (and the obscure glazed windows to the rear are not subject to any form of restriction, so could be replaced with clear glazing). The flank windows are located just 800mm from the shared boundaries with the neighbouring residents and overlook the rear amenity spaces of the neighbouring dwellings, and the rear windows are located 1.1m from the rear boundary, which overlooks the rear garden of 14 Nicholl Road (and No. 12 to a lesser degree), although this elevation is fairly well screened by high level vegetation located within the rear garden of No. 14 Nicholl Road.

The proposed development would remove the three first floor windows in the south western elevation and replace them with a single obscure glazed window (which could be conditioned to remain as such), would remove the four first floor windows in the north eastern elevation and replace them with a single high level window, and would replace the five first floor rear windows with three new windows. Although the new windows would be clear glazed, they would be set in an additional 2m from the shared boundary with No. 14 Nicholl Road, and would continue to be screened by the neighbour's high level vegetation. Although the use of the site for residential purposes would introduce activity at more sensitive times (such as evenings and weekends), it is still considered that the proposed scheme would generally improve the privacy of neighbours over the existing offices on site. Furthermore, the removal of the rear section of the first floor would reduce the bulk of the existing building, which would be an improvement on the visual impact and overbearing nature of the building when viewed from the neighbours' gardens.

The resident of No. 19 Hemnall Street has raised an objection to the loss of privacy and overlooking that would result from the three new first floor windows within the south western elevation at the front of the site (within the newly created first floor). Although these windows would be clear glazed and therefore would introduce an element of overlooking of the neighbouring site, given the extreme set back position of the neighbouring dwelling these windows would simply overlook the front garden area and front windows of this neighbouring property. As these elements can all be viewed from public viewpoints (such as the public highway and possibly the social club opposite) little weight is afforded to the loss of privacy of these areas.

Given the site's location within a built-up, predominantly residential area, and its close proximity to Epping Town Centre, it is not considered that the use of the site for four flats would have any significant impact on neighbours with regards to noise nuisance, particularly given the lack of any outdoor amenity space.

Parking:

The proposals would retain the 3 off-street parking spaces currently at the front of the site. The Essex County Council Vehicle Parking Standards requires 8 spaces for the future residents and 1 visitor space, however it does state in the Vehicle Parking Standards that "*reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good sustainable transport*". Given that this site lies just outside the designated town centre of Epping, and there are good public transport links in the area, a reduction in parking provision is considered acceptable here. Furthermore, the level of parking required for four flats on this site would be identical to the parking requirement required for the existing B1 offices so there is no worsening of the current situation.

Other matters:

Given that the existing building fills almost the entire application site there is no useable amenity space proposed for the flats. Whilst Local Plan policy DBE8 suggests the need for 25 sq. m. of communal amenity space for each flat (and therefore would in this instance require 100 sq. m.), it has long been accepted that flats in town centre locations do not require as much, if any, associated amenity space. A recent example of such a scheme was on the Old Blacksmiths, adjacent to 12A Hemnall Street, whereby a new build development containing 6 residential flats was approved, despite it not including any private or communal amenity space. As such, the lack of any such amenity space in this instance is not considered sufficient reason for refusal.

The application site, due to its former use as a Fire Station, Vehicle Repair Garage and Engineering Works, is potentially contaminated. However, as the development simply proposes to change the use of the existing building and would not be creating any outdoor amenity space, it is not considered that a full contaminated land investigation would be required in this instance.

Therefore the applicants should be informed of the site's potential for contamination (by way of an informative), and a condition can be added to require investigations should any unexpected contaminants be found during the construction of the development.

Comments on Representations Received:

A neighbouring resident has objected to the scheme due to the potential impact this would have on the sewerage system, however this issue would be dealt with at Building Regulations stage and therefore is not considered material to this decision. However, Land Drainage Officers have been consulted on the application with regards to surface water drainage and raise no objection as they consider that there will be “no increase in surface water runoff” and that there are “no foul or surface water drainage requirements”.

Conclusion:

The proposed change of use to residential in this location is considered acceptable, and the proposed development would result in a benefit to the character and appearance of the street scene and conservation area and to the privacy and visual amenities of neighbouring residents. Whilst there would be some overlooking of the neighbouring property introduced by the front flank windows, this would be to areas already visible from public viewpoint and therefore is not considered unduly detrimental. Whilst the development would have a low number of off-street parking spaces and no amenity space, it is considered that this is acceptable within this built-up location adjacent to the town centre. As such the proposed development is considered to comply with the relevant Local Plan policies and the National Planning Policy Framework and is therefore recommended for approval.

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

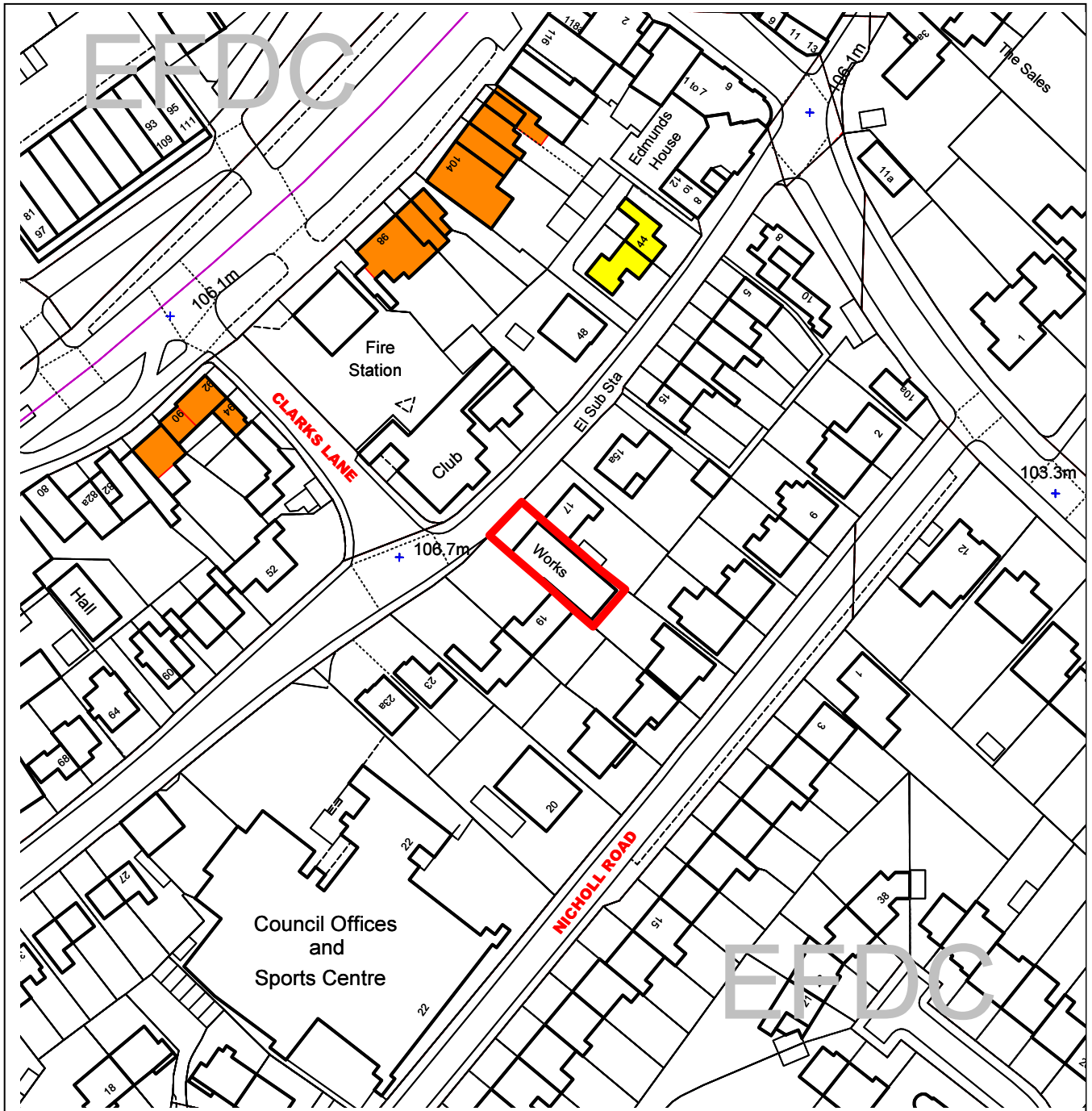
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	11
Application Number:	EPF/0843/12
Site Name:	Electron House, 17A Hemnall Street Epping, CM16 4LS
Scale of Plot:	1/1250

Report Item No: 12

APPLICATION No:	EPF/0905/12
SITE ADDRESS:	Darlingtons Coppice Row Theydon Bois Essex CM16 7ES
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Neil Cottrell
DESCRIPTION OF PROPOSAL:	Minor material amendment to approved plans referred to in condition 2 of planning permission EPF/1423/11. (Demolition of existing garage and construction of two storey block to provide seven, two bed and one, one bed apartment(s) with ground floor patios area and first floor balconies. Associated works involve closure of existing vehicular access, formation of new vehicular access with sliding electronic gates and new pedestrian access. Provision of 13 car parking spaces, turning area, drying area, bin store, bike store, communal open space and landscaping)
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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537407

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years of 24 November 2011, being the date of planning permission reference EPF/1423/11.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 010736/PL.102, 010736/PL.103, 010736/PL.104, 010736/PL.105, 010736/PL.106 and 010736/PL.107
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 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.

- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 7 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 8 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 9 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 11 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.
- 12 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and access ways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 13 Prior to first occupation of the proposed development, the applicant shall submit a Travel Information and Marketing Scheme for sustainable transport for approval in writing by the Local Planning Authority. The details as approved shall be implemented prior to occupation.
- 14 Prior to commencement, details shall be submitted to and approved in writing by the Local Planning Authority securing works to the adjacent highway to include the provision of two dropped kerb crossing points with tactile paving in Orchard Drive at

its junction with Coppice Row. The approved details shall then be implemented, prior to first occupation of the development.

- 15 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority for the provision of raised kerbs to current Essex County Council specification for the east (Stop ID: THYBOIS2) and west (Stop ID: 21003007) bound bus stops on Coppice Row to the west of the site.
- 16 Prior to first occupation of the development the redundant existing vehicular crossovers on Orchard Drive and Coppice Row shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge/footway and kerbing.
- 17 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- 18 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 19 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 20 Prior to first occupation of the development hereby approved, details of the boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved before first occupation.
- 21 No occupation shall take place until details of external lighting have been submitted and approved in writing by the Local Planning Authority and implemented as approved.

Subject to the completion, within 3 months of this decision, a deed of variation to ensure the S106 Agreement completed in connection with planning permission EPF/1423/11 also relates to this application and the planning permission arising from it.

This application is before this Committee as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions), because the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions) and since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

Description of Site:

The application site is a former motor vehicle dealers that is now vacant and enclosed by hoardings following the grant of planning permission to redevelop the site for flats. The approved development is for 8 flats in a two-storey building with a T-shaped footprint that would have a pitched roof that is 8m high at the ridge and 5.2m at the eaves with two 8.3m high bays with hipped roofs on the Coppice Row elevation. The mix of flats in the approved development is 1 x one bedroom flat and 7 x two-bedroom flats. An existing 9m high flat roofed building that would be demolished presently dominates the site.

The site is situated within a residential area on the east side of the junction of Orchard Drive and Coppice Row and is highly visible from the south across Theydon Green. It is a level site although land in the locality rises to the west and falls to the east. To the north and west are a mix of bungalows and two-storey houses. Properties abutting the site to the north and east comprise two-storey houses with the second floor largely contained within the roof, that fronting Coppice Row being the more substantial building. Further to the east beyond the neighbouring house fronting Coppice Row are substantial two-storey houses.

Description of Proposal:

Planning permission is sought for minor material amendments to the approved flat development. The main changes proposed to the approved development are raising the ridge height of the main building by 1m, a revised internal arrangement that would result in 3 of the flats being provided in the roof space, the removal of one ground floor flat from the rear projection and the enlargement of the internal floor area of the flats by varying amounts. The two 2-bedroom flats at first floor would each gain an additional room that would have an area of some 6.5m² and is shown as a study in the submitted drawings. The detailed amendments are as follows:

- Rationalising the elevational treatment of the building such that the front Coppice Row elevation would be simplified by giving focus to two 10m high bays set against the backdrop of a building that would be 9m high at the ridge with an eaves height of 5.4m. The bays would be set further apart to give the elevation greater symmetry and redesigned to have a grander appearance, although their width would remain the same. The changes would result in the proportion of roof to wall height increasing while the wall would be further broken up by a canopy and balcony feature between ground and first floor. Gable features to front elevation of the approved building would be deleted.
- Introducing three feature chimneys to the main part of the building fronting Coppice Row and inserting two small dormers between the gables of the two bays. Three similar dormers would be provided in the rear roof slope overlooking the parking areas.
- The projection of the building rear of the main structure fronting Coppice Row would continue to be 8m high but the eaves would be lowered 1m to 4.4m thereby increasing the proportion of roof to wall height with the consequence that first floor windows would take the form of half-dormers.
- Internal alterations are proposed to facilitate the provision of 3 of the in the roof space, the removal of one ground floor flat from the rear projection and the enlargement of the internal floor area of the flats by varying amounts including the addition of a study to the two first-floor flats. Further internal alterations include re-siting internal bin and cycle storage, repositioning of the entrance to the building, repositioning of an internal stairs and the provision of an internal lift.
- Two additional off-street parking spaces would be provided in an undercroft adjacent to cycle

storage raising the total number of spaces to 15.

Relevant History:

EPF/1423/11 Demolition of existing garage and construction of two storey block to provide seven, two bed and one, one bed apartment(s) with ground floor patios area and first floor balconies. Associated works involve closure of existing vehicular access, formation of new vehicular access with sliding electronic gates and new pedestrian access. Provision of 13 car parking spaces, turning area, drying area, bin store, bike store, communal open space and landscaping. Approved following the completion of a S106 agreement in respect of a contribution of £70,000 for community facilities.

Policies Applied:

National Planning Policy Framework	
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE5	Design and layout of new development
DBE6	Car parking in new developments
DBE8	Private amenity space
DBE9	Loss of amenity
LL11	Landscaping schemes
ST6	Vehicle parking
I1A	Planning obligations

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 16

Responses received: The occupants of 5 neighbouring properties have written to object to the proposals. The objections are from:

1A THE GREEN, THEYDON BOIS
CORNERWAYS, THE GREEN, THEYDON BOIS
7 ORCHARD DRIVE, THEYDON BOIS
8 ORCHARD DRIVE, THEYDON BOIS
7 WOODLAND WAY, THEYDON BOIS

The grounds of objection are summarised as follows:

1. The proposal would make the new block significantly taller than the approved plans, would bring the highest point of the building to the front, and include purely cosmetic chimneys. The resulting building would appear completely different, have a more imposing appearance and include an additional floor. The changes are more than minor, would completely change the character of the building and make it much more imposing over Coppice Row and the Green.
2. The new design is wider and higher making it altogether more imposing in appearance which I consider to be overbearing and undesirable in this location. It would appear as an unmistakable block of flats.
3. There is a lot of bulk of this building in the roof, with an increased gable height and steep angle of pitch making it overbearing and unattractive.
4. This revision has now squeezed in a third storey and this is considered unacceptable. True localism would see bungalows built here where the local residents can identify a need. The

current developer should be required to adhere to the compromise reached with the Parish Council and keep this development to two storeys.

5. If the developer is trying to 'match' the houses further along, this is considered undesirable. While the original Edwardian houses are attractive, they are true to their period and so this new development should be contemporary and true to its time, not a mock fake of something else. The proposed development gives the impression of false grandeur which is entirely inappropriate in this important and sensitive setting.
6. Special care should be taken to ensure the building will not stand out from the other buildings along the Coppice Row street scene.
7. The minor material amendment application amounts to a manipulation of the planning system.
8. The windows in the rear elevation will give rise to excessive overlooking of the gardens of 7 and 8 Orchard Drive.
9. The raised roof will cause a loss of light to 7 Orchard Drive.

THEYDON BOIS PARISH COUNCIL: - OBJECTION

"Firstly, we would like to comment favourably upon the positive manner in which the Applicants have conducted themselves and to acknowledge that the design has evolved and matured as a result of the various revisions which have been made over recent months.

That said this is a highly visible and important site within the village street scene and it is situated immediately opposite to the Village Green. Concerns have been expressed, particularly by residents in close proximity to the site regarding the adverse impact on the street scene and the potentially overbearing impact of the development.

A particularly contentious issue are the gable features to the front elevation. It has been acknowledged by the Applicant that the most recent revision involves a slightly higher roof line. The acute angle and height of the prominent front gables accentuates this additional height and bulk. We would comment that the height of the gables should not exceed the height of the ridge line of the roof. Similarly, the 'mock chimney' features, whilst they may be an attractive feature in the eyes of some, they have the effect of exacerbating the additional height. Given also the lack of functionality we would suggest that the chimney features be removed.

Given the concerns which have been raised we would also suggest the removal of all 'permitted development rights' to enable any future development of the site to be specifically controlled."

Main Issues and Considerations:

What may constitute a minor material amendment to approved plans is defined broadly as any change whose nature and scale results in a development that is not substantially different to the development which has been approved. This proposal does not include any change to the number or mix of flats approved but does propose a number of material changes to their size, the fenestration and the height of the main part of the building fronting Coppice Row as detailed in the section of this report describing the proposal. For the avoidance of doubt, Members are advised the width of the building fronting Coppice Row would not change. Although the resulting building would have a marked difference in appearance to the approved building, the proposals are consistent with the nature and scale of the approved building. There is no doubt that the proposals can properly be dealt with under an application for approval of minor material amendments to the originally approved plans.

The main matters to consider when assessing the merits of the proposal are design and consequences for the living conditions of neighbouring houses.

Impact on living conditions

The amendments would not result in any change in the relationship of the physical bulk of the building or the site layout to neighbouring houses. Neither the approved nor the amended development would appear excessively overbearing or cause any loss of light to neighbouring houses.

The occupants of 7 and 8 Orchard Drive are concerned about the potential for the amendments to result in excessive overlooking of their properties. The approved development would allow some limited overlooking of garden areas from east and north facing windows at first floor level, the east facing windows looking to the rear of rear gardens and the north facing windows looking to the entire garden from a distance of 17m. The proposed amendments would not result in any material change in the approved relationship to neighbouring properties. A single modest dormer window in the north facing roof slope that would serve a bedroom is in the rear elevation and is the only additional window that would look towards the gardens of 7 and 8 Orchard Drive. The view from that window would be similar to that available to a first floor window below. Since only one additional window with a similar view on one nearby is proposed the development as amended by the proposal would not give rise to any material increase in overlooking of neighbours. In any event, the degree of overlooking from the development is not of an order that would be excessive.

The proposed minor material amendments would not cause any harm to the living conditions of neighbouring houses.

Design

The case officer's opinion is that the originally approved design lacks interest and while it would certainly enhance the appearance of the existing site, it would not make the most of its relatively prominent situation fronting Theydon Green.

The proposed rationalisation of the proposal would remove mundane repetition of gable features, achieve a more symmetrical frontage and include detailed design features that would significantly enhance the appearance of the building. As a consequence the street scene and the setting to Theydon Green would be significantly enhanced. The increase in the proportion of roof to wall height together with the use of contrasting materials for the ground and first floor and the increased separation of 2 prominent bays are the main elements that achieve the enhanced interest of the amended design. The increase in the proportion of roof to wall height is only achievable on the main part of the building by raising the ridge to the same height as that of the existing building on site. Dropping the eaves would be harmful to the fenestration of the front elevation which, as with the approved design, depends on deep windows that do not break the eaves. The provision of three of the approved flats within the resulting roof space is an appropriate use of the space that creates the opportunity to enhance on-site parking provision.

As with the original design, the main bays to the front elevation serve an important function in design terms by breaking up the width of the building. The amended proposal achieves this with much improved symmetry and, as a consequence of the change in roof form to a gabled design, much more effectively. The addition of carefully placed feature chimneys together with a pair of small centrally positioned dormers contributes to breaking up what was previously a monotonous design in a sympathetic manner.

The appearance of quality is enhanced by fine detailing of windows, a central balcony and canopies to the outside flanks of the bays. That continues to the more subordinate rear part of the building which, although unchanged in height, would have a softer appearance. That would be

achieved by lowering the eaves and having first floor windows as half-dormers. Fine detailing to the eaves, which are more pronounced than those of the approved building, is a theme repeated to positive effect in the main building fronting Theydon Green.

The revised proposal is separated from houses to the north by the width of Orchard Drive. The building would also be separated by some 3.5m from the flank of the house to the east. The additional height of the proposal is of no consequence for the relationship to neighbouring buildings in design terms and, as with the approved building, it would contribute to a harmonious pattern of building heights east of Orchard Drive and along Orchard Drive. The significant improvements in detailed design would enable the development to achieve far better relationship with Theydon Green that makes the most of this prominent corner site.

Other matters

The increase in the floor area of the flats is varied but, with the exception of the two first floor flats in the main part of the building, is not significant. The two first floor flats would each gain an additional room that is some 6.5m² in area. Although very small, they could conceivably be used as a third bedroom. Should that be the case there is no consequence for the requirement of amenity space provision for the development. There is also no change in terms of off-street parking requirement for the development arising from the proposed amendments, however the amendments to the proposal do include the provision of an additional 2 off-street parking spaces. Such provision ensures adequate off-street parking provision would be provided for the flats. Moreover, it has been achieved in a way that complements the design of the proposal within an undercroft.

In the event of planning permission being granted a new planning permission for the development as a whole would arise. It would therefore be necessary to include all conditions imposed on the original planning permission on the new consent and ensure the planning obligation completed would relate to the new permission. The latter point can be achieved by a deed of variation. The Parish Council have requested that Permitted Development rights are removed, but as flats do not have PD rights, this is not necessary.

Conclusion:

The proposal is properly put forward as a minor material amendment. It would safeguard the living conditions of neighbouring houses and have a much improved appearance that would amount to a significant enhancement of the originally approved design. The proposal complies with adopted planning policy and it is recommended that conditional planning permission be given subject to the completion of a deed of variation to secure the planning benefits achieved through the original permission.

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:

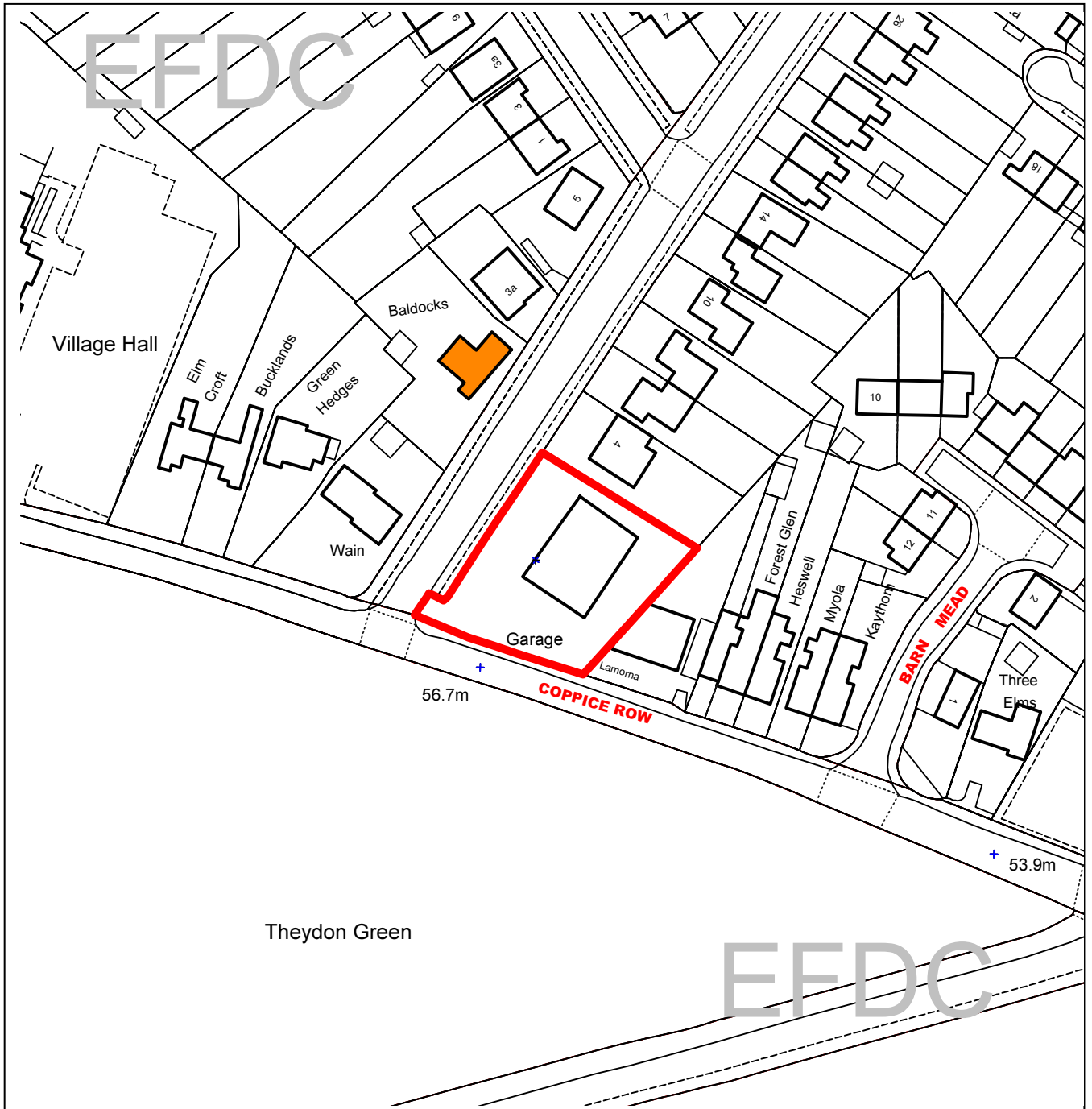
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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:	12
Application Number:	EPF/0905/12
Site Name:	Darlingtons, Coppice Row Theydon Bois, CM16 7ES
Scale of Plot:	1/1250

Report Item No: 13

APPLICATION No:	EPF/0982/12
SITE ADDRESS:	Grass Verge on East side of Slade End 9m from Junction with Station Approach Theydon Bois Epping Essex
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Vodafone Limited
DESCRIPTION OF PROPOSAL:	Prior approval determination for a telecommunications installation comprising the erection of a 12.5m high wood effect monopole with antennae, to be used by both O2 and Vodafone, together with a ground level cabinet.
RECOMMENDED DECISION:	Prior Approval Required and Granted

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=537705

CONDITIONS

- 1 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

This application is before this Committee since a decision on this prior approval application needs to be arrived at in 55 days - and the recommendation may differ from the views of the local council (pursuant to section P4, Schedule A (g) of the Council's delegated functions) and b) it is an application for commercial development and the recommendation differs from more than two expressions of objection (pursuant to section P4, Schedule A (g) of the council's delegated functions).

Description of Proposal:

Prior approval determination for a telecommunications installation comprising the erection of a 12.5m high wood effect monopole with antennae, to be used by both Vodafone and O2, together with the provision of ground level cabinet.

Description of Site:

The site is part of a green verge on the east side of Slade End close to its junction with Station Approach. A group of trees lie in this verge, or just within the grounds of a neighbouring restaurant.

These trees, mainly conifers, are tall in height up to a maximum of 15m. There is no pavement on this east side of Slade End. On the opposite side of the road lies the flank wall of number 11 Station Approach, a 3 storey town house at the end of a terrace of 4 similar houses. Some 20m away from the site some more town houses are located on the east side of Slade End, and these face the road. On the opposite side of Station approach lies the vacant Railway Arms public house

Policies Applied:

National Planning Policy Framework - paragraphs s 42 to 46.
U5 - masts and aerials under 15m.

Summary of Representations:

THEYDON BOIS PARISH COUNCIL – comments not yet received. However their response to pre application consultation by the applicants were – *Object strongly - the location is totally inappropriate and if allowed would create a highly intrusive eyesore in the centre of the village. The Council has a consistent long standing policy not to allow telecommunications masts of any kind to be positioned within the central area of the village and have recommended that they are located on the outskirts of the village. This policy has been respected by other mobile phone operators and the applicants should follow suit.*

NEIGHBOURS 16 properties notified and 9 objections received, two from one property:-

1, SLADE END – Object – do not wish to look out of my first floor lounge window and see a mast with an array of antennae. It will be a visual intrusion in the village, and is too close to houses.

3, SLADE END – Object – this large installation would be ugly and overbearing. The character of the village would be compromised by such an installation- street lighting would have a similar effect and this has been vigorously resisted by residents of the village.

11, STATION APPROACH – object on grounds of visual intrusion and health and safety.

47, ALGERS ROAD< LOUGHTON – I am the owner of 9, Station Approach and object on grounds of visual intrusion of a 12.5m pole, setting a precedent, and negative effect on house prices.

21, STATION APPROACH - object on same grounds as owner of no.9 Station Approach above.

23, STATION APPROACH – is there not a better place to site this pole? It seems tall and close to houses in Slade End.

9, STATION APPROACH - 2 letters received objecting on grounds of proximity to housing, and it would be an eyesore in a village that strives to retain its rural character.

1A, THE GREEN – object - this is a highly prominent site viewed not just by residents but also users of the station. It would be a most unwelcome piece of street furniture that would detract from the ambience of the village. The proposal would be contrary to the Theydon Bois village design statement.

ESSEX CC HIGHWAYS – no highway issues are raised.

Issues and Considerations:

Background

The proposed installation falls within the scope of permitted development since it is less than 15m in height. However, mobile phone companies have to apply for a 'prior approval determination' before they can exercise this permitted development right, and a council can approve or refuse to grant prior approval. However, if a decision is not made within 55 days, the mobile phone company can erect the installation on the 56th day on the basis that consent has been deemed to be granted. The 55th day on this application is the 10th July.

Amenity issues

Paragraph 43 of the National Planning Policy Framework states that where new sites are required equipment should be sympathetically designed and camouflaged where appropriate. The proposed pole has a similar profile and colour to a telegraph pole, although it is higher. Antennae are enclosed within the pole and are not attached in an array on it. The pole would be sited just within 2m of a cluster of tall evergreen trees, and these trees would act as a suitable background that would reduce the impact of the pole in the street scene. The nearest house to the site is no. 11 Station Approach which lies 10m away on the other side of Slade End. However, the flank wall of this house faces the site, and hence its main front and rear windows do not overlook the site. The nearest house that faces Slade End is at number 1. This house lies 20m away and any oblique views of the pole would not cause an undue loss of amenity. Although the amenity concerns of neighbours are acknowledged the site is a relatively good one, and strikes a balance between the Government's support for the expansion of communications networks without there being a significant impact on visual amenity in the street scene, or on the amenity and outlook of residents.

Other appeal decisions

A similar installation was refused prior approval on Loughton High Road opposite housing and the junction with Spring Grove, and adjoining the boundary with Oaklands School. However, the planning inspector disagreed with the Council's views and granted approval (on 9/3/12) stating *'similarly, the street pole would be seen against the mature trees within the grounds of the school as viewed from residential properties opposite and drivers emerging from Spring Grove into the High Road. Given these features, and in particular, the mature trees which act as a suitable backdrop, I find on the first issue that the impact of the street pole and cabinets would not be such as to have an unacceptable effect upon the character and appearance of the surrounding area, as required by 'saved' policy U5 of the Local Plan.* Also in June 2008 another telecom pole was allowed on appeal at Borders Lane outside Oakview School and opposite the flank of a terraced house. In this case the inspector again gave considerable weight to a backdrop of trees. While these other appeal decisions do not dictate that this current proposal should be allowed they nevertheless serve as a material consideration in assessment of other proposals, and they highlight the government's desire to support the growth of communications networks.

Further comments on representations received

The desire of the parish council and residents to preserve the character of the village is acknowledged and supported. However these structures are now designed to appear similar to telegraph poles nearby, and they have far less impact than some of the first generation of larger lattice type masts. In addition, paragraph 44 of the NPPF states that *local planning authorities should not impose a ban on new telecommunications development in certain areas...*, - and hence it is not plausible to dictate that installations cannot be located in Theydon Bois.

Need and relationship with other sites

The NPPF also states that local planning authorities should not question the need for the telecommunication system. However, the Council last year did grant approval to a telecom pole at Thrifts Hall farm to the east of the tube railway line. This installation would not lie far from this proposal in Slade End, and the applicants were asked why this Slade End site was therefore additionally required. They replied that *the current application has been submitted because the site at Thrifts Hall has a different coverage requirement (namely the M11 motorway and railway line) and not the village itself. In fact this (Thrifts Hall) site would provide limited coverage to the eastern side of the village, and it would not provide the required level of coverage to the whole village. In an ideal world we would have found a suitable site more centrally in the village, however this was not possible.*

Conclusions:

Like a lot of street furniture, the proposed pole and cabinet will not improve visual amenity in the street scene. However, because of the points mentioned above, it will not cause a significant loss

of amenity in the street scene or to nearby residents. Prior approval is therefore recommended subject to a suitable condition requiring details of tree protection to be submitted.

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:

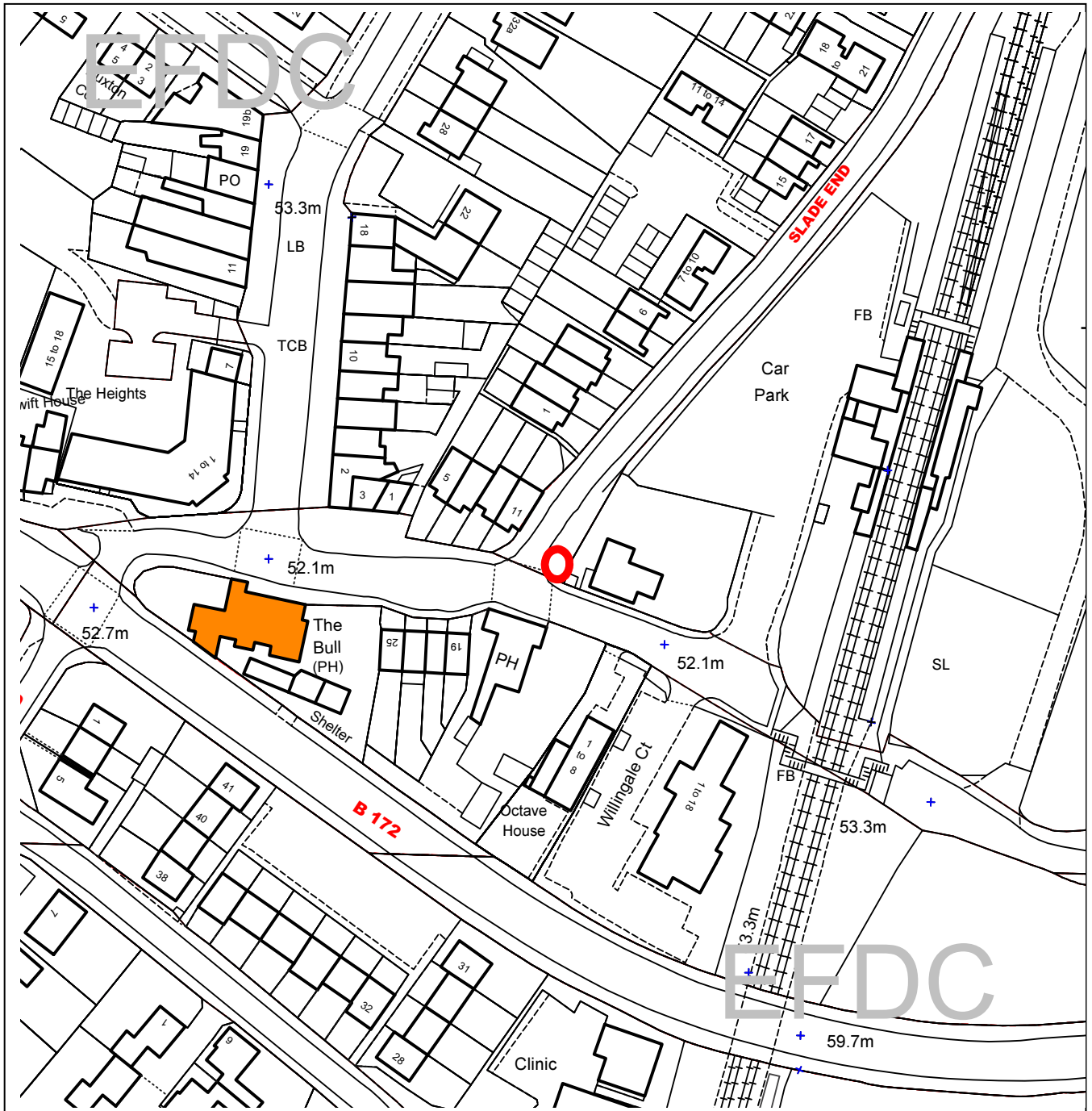
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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:	13
Application Number:	EPF/0982/12
Site Name:	Grass Verge on East side of Slade End, 9m from Junction with Station Approach, Theydon Bois,
Scale of Plot:	1/1250